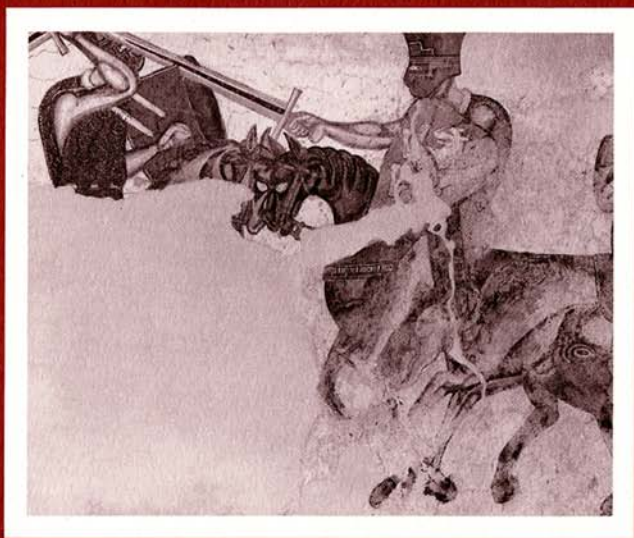


# *Noble Bondsmen*



MINISTERIAL MARRIAGES  
IN THE ARCHDIOCESE OF  
SALZBURG, 1100–1343

*John B. Freed*

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TO SUSAN AND JENNY



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## PREFACE

This book had its remote beginnings one day in the spring of 1972, when I was writing my book about the German Dominicans and Franciscans. I had discovered that many of the prominent friars, like Saint Albertus Magnus, were *ministeriales*, and I thought that a quick trip to Firestone Library at Princeton University would provide a ready explanation for this phenomenon. I soon learned that there was no modern work of synthesis about the *Dienstmänner* in German and virtually nothing about them in English. Benjamin Arnold has now happily remedied the latter deficiency, and I eventually coined the word *ministerial* because I found it awkward and pedantic to resort to a Latin word in almost every sentence.

After I had finished a historiographical article about the so-called *Ministerialenfrage*, or ministerial question, I decided to concentrate on the ministerials of a particular prince. I chose the ecclesiastical principality because Illinois State University had just started an international studies program in Salzburg, and serving as the resident faculty member gave me a chance to get there at university expense. It proved a fortuitous choice. By medieval German standards the documentation about Salzburg is abundant, little research had been done about the archiepiscopal ministerials, and Heinz Dopsch had just begun his own work on the province.

My original intention was to write a regional monograph about Salzburg comparable to Georges Duby's classic study of the Mâconnais so that scholars could compare long-term changes in the social structures of French- and German-speaking areas. A book about the ministerials was merely the first step toward that goal, but before I could do even this, I felt I needed to reconstruct the genealogies, property holdings, and histories of the individual lineages. I planned to

publish these first so as not to burden the reader of the more general work with genealogical reconstructions. While working on this material, I discovered the case of Diemut of Högl, whose name appears frequently in the following pages, and realized that it was also possible to deal with the intersection of family and social history. In the meantime, I published a series of articles about Salzburg.

Then William Chester Jordan asked me to deliver a paper at Princeton in February 1989 on the general theme of authority and marginality. I used the occasion to discuss the ministerials' marriages. I intended at first to turn the paper into yet another article, but my colleague and friend Roy A. Austensen, who is now the provost at Valparaiso University, persuaded me that I had enough material for a book. I have thus published my conclusions before making public the genealogical and prosopographical studies they are based on, but I hope eventually to make this material available to scholars in some form. As for the regional monograph, in which I give the nobles, peasants, and burghers their due, it remains a distant dream.

I have relied over the years on the help of many institutions and people, and I am grateful for this opportunity to thank them for their kindness. I apologize if I have inadvertently omitted a name or two. Illinois State University not only paid for two lengthy visits to Salzburg, where I was able to work at the Institut für Geschichte of the University of Salzburg and the Salzburger Landesarchiv, but also provided me with several research grants to pursue my work back home. I was able to write most of the first draft of this book while I was a member of the School of Historical Studies at the Institute for Advanced Study in Princeton in 1990–91. Had it not been for this fellowship, the book's gestation period would have been even longer.

I have relied greatly on interlibrary loan for finding obscure articles and books. I owe a special thanks in this regard to Helga Whitcomb, the now retired librarian at Milner Library at ISU, and to Faridah Kassim at the Institute. Amy Berridge, Mark Darby, and Marcia Tucker, librarians at the Institute, were also extremely helpful. Dr. Martin Bitschnau, head librarian of the Tiroler Landesmuseum Ferdinandeum in Innsbruck, not only supplied me with an obscure document but graciously answered my inquiries about Rodenegg and the Rodanks. Helmut Stampfer of the Landesdenkmalamt für Südtirol provided the photographs of the Rodenegg frescoes, which were taken by Hubert Walder; and I thank Dr. Stampfer and the Landesdenkmalamt for permission to reproduce them. Jill Freund Thomas, cartographer at ISU, and her assistant, William Walters, spent many hours drawing the maps. Sarah Lewin, who served as my part-time secretary at the Institute, helped with the preparation of the original manuscript. Alice Bennett, manuscript editor for Cornell University Press, read the final draft, and I am grateful for the care with which she did so; she found far too many slips.

Several people heard or read portions of the manuscript in various stages of its preparation. I presented a paper about the Rodenegg frescoes to a seminar at

the Institute, and I deeply appreciated the comments of the participants—especially John Baldwin of Johns Hopkins and Elizabeth Beatson—in refining my thinking. In addition, I was able to discuss the frescoes with several medieval art historians: Virginia Roehrig Kaufmann, who provided me with color slides, Horst Bredekamp of the University of Hamburg, and Elizabeth McLachlan of Rutgers. Michael Curschmann of the Princeton German Department, who first called my attention to the frescoes, read an earlier version of chapter 6, and I have profited greatly from his suggestions. Giles Constable of the Institute, Patrick Geary, who is now the director of the Center for Medieval and Renaissance Studies at the University of California, Los Angeles, and Benjamin Arnold of the University of Reading in England read the first draft of the entire manuscript and helped to clarify my thinking. The anonymous readers of the manuscript for Cornell University Press gave invaluable advice on how to make a detailed local study more accessible to a wider audience. My retired colleague Lawrence D. Walker, who has been my mentor for many years, read the final draft.

I will always be indebted to Heinz Dopsch, professor of comparative *Landesgeschichte* at the University of Salzburg and the world's foremost authority on the history of the province. Professor Dopsch provided me with an office at the Institut where I could work, took me on tours of the countryside and historical sites, answered countless questions over the years, corrected my German, and supplied numerous articles and books that I could not readily obtain in the United States.

Finally, I thank my wife, Susan Anderson-Freed, chair of the Computer Science Department at Illinois Wesleyan University and my resident expert, who programmed the genealogies that appear in this book. Somehow she and our daughter, Jenny, managed to live with me while I, like Ulrich of Liechtenstein, was gallivanting around my imaginary world.

JOHN B. FREED

*Normal, Illinois*



## ABBREVIATIONS

AHR	<i>American Historical Review</i>
AÖG	<i>Archiv für österreichische Geschichte</i>
Au	<i>Codex traditionum Augiensem</i>
Berchtesgaden	<i>Schenkungsbuch der ehemaligen gefürsteten Probstei Berchtesgaden</i>
Brixner Urkunden	<i>Die Urkunden der Brixner Hochstifts-Archive, 845–1295</i>
BUB	<i>Urkundenbuch zur Geschichte der Babenberger in Österreich</i>
Carinthia I.	<i>Carinthia I. Zeitschrift für geschichtliche Landeskunde von Kärnten</i>
CF	<i>Codex Falkensteinensis: Die Rechtsaufzeichnungen der Grafen von Falkenstein</i>
FRA	Fontes rerum Austriacarum
GAG	Göppinger Arbeiten zur Germanistik
Gars	<i>Die Traditionen, Urkunden und Urbare des Stiftes Gars</i>
JbflKNÖ	<i>Jahrbuch für Landeskunde von Niederösterreich</i>
JMH	<i>Journal of Medieval History</i>
Mansi	Giovanni Domenico Mansi, <i>Sacrorum conciliorum nova et amplissima collectio</i>
MB	<i>Monumenta Boica</i>
MC	<i>Monumenta historica ducatus Carinthiae</i>
MGH	Monumenta Germaniae historica
MGH Schriften	Schriften der Monumenta Germaniae historica
MGH SS	Monumenta Germaniae historica, Scriptores



MGSL	<i>Mitteilungen der Gesellschaft für Salzburger Landeskunde</i>
MIÖG	<i>Mitteilungen des Instituts für österreichische Geschichtsforschung</i>
Necrologia Germaniae	MGH: <i>Necrologia Germaniae</i>
OÖUB	<i>Urkundenbuch des Landes ob der Enns</i>
QE	<i>Quellen und Erörterungen zur bayerischen Geschichte</i>
Raitenhaslach	<i>Die Traditionsnotizen des Klosters Raitenhaslach</i>
Regesten	<i>Die Regesten der Erzbischöfe und des Domkapitels von Salzburg, 1247–1343</i>
Regesten Steiermark	<i>Regesten des Herzogtums Steiermark</i>
Das Salzfass	<i>Das Salzfass: Heimatkundliche Zeitschrift des historischen Vereins Rupertiwinkel</i>
SUB	<i>Salzburger Urkundenbuch</i>
Traditionsbücher Brixen	<i>Die Traditionsbücher des Hochstifts Brixen vom 10. bis in das 14. Jahrhundert</i>
Traditionsbuch Neustift	<i>Das Traditionsbuch des Augustiner-Chorherrenstiftes Neustift bei Brixen</i>
TUB	<i>Tiroler Urkundenbuch</i>
UB Raitenhaslach	<i>Die Urkunden des Klosters Raitenhaslach, 1034–1350</i>
UB Steiermark	<i>Urkundenbuch des Herzogthums Steiermark</i>
Urkunden Neustift	<i>Die Urkunden des Augustiner-Chorherrenstiftes Neustift bei Brixen</i>
VF	<i>Vorträge und Forschungen, herausgegeben vom Konstanzer Arbeitskreis für mittelalterliche Geschichte</i>
VMPiG	<i>Veröffentlichungen des Max-Planck-Instituts für Geschichte</i>
WF	<i>Wege der Forschung</i>
ZsblG	<i>Zeitschrift für bayerische Landesgeschichte</i>
ZsHVStm	<i>Zeitschrift des historischen Vereins für Steiermark</i>
Z(S)RG, GA, KA, RA	<i>Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Germanistische, kanonistische und romanistische Abteilung</i>

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## Introduction

In July 1213 Archbishop Eberhard II of Salzburg (1200–1246) and Bishop Manegold of Passau (1206–15) asked King Frederick II at the imperial court held at Eger (today Cheb in the Czech Republic) to confirm the marriage contract that Gerhoch II of Bergheim-Radeck, an archiepiscopal ministerial, had made with Bertha of Lonsdorf, a Passau ministerial. The couple had agreed, presumably with their lords' consent, that their first two children were to belong to Salzburg and the third to Passau, and that any remaining children would be divided equally between the two churches. Gerhoch and Bertha could confer their alods on each other, and their children would share their paternal and maternal inheritances equally.<sup>1</sup> Gerhoch and Bertha's son Ulrich II of Radeck subsequently served the archbishop, and his brother Henry III, co-owner of the castle of Radeck, belonged to the retinue of the bishops of Passau.<sup>2</sup> That the two bishops bothered the young king with such a matter at the imperial court that abrogated the Concordat of Worms and confirmed the papal recuperations in central Italy suggests that Gerhoch and Bertha were hardly ordinary serfs. In reality their brothers, Rüdiger of

1. SUB 3:171, no. 666. On the Bergheim-Radecks, see Heinz Dopsch, *Geschichte Salzburgs: Stadt und Land*, vol. 1, *Vorgeschichte, Altertum, Mittelalter*, 3 pts. (Salzburg, 1981–84), 1/1:375–79; John B. Freed, "Diemut von Högl: Eine Salzburger Erbtöchter und die erzbischöfliche Ministerialität im Hochmittelalter," *MGSL* 120–21 (1980–81): 618–20, 638–40; and Franz Valentin Zillner, "Salzburgische Geschlechterstudien: II. Izling-Fischach-Bergheim-Radeck," *MGSL* 19 (1879): 1–64.

2. Ulrich was identified in 1254 as Gerhoch's son and as an archiepiscopal ministerial (Regesten 1:29, no. 204). He was never mentioned in a document issued in Passau. Ulrich's brother Henry, who was mentioned for the first time in a Salzburg document only in 1270, when the brothers mortgaged Radeck (SUB 4:484–86, no. 417), appeared regularly after 1256 in documents that concerned Passau (OÖUB 3:230 ff., nos. 239, 244, 245, 265, 274, 331, 337, 379, 381, 389, 421, 425, 523, 593). Henry was identified as a Passau ministerial in MB 29/2:443–45, no. 67.

Bergheim and Otto of Lonsdorf, later became prince-bishops of Passau (1233–50 and 1254–65, respectively).<sup>3</sup>

This strange agreement highlights one of the oddities of the medieval German constitution: the existence of an estate of men and women who were legally unfree, as can be seen in the restrictions on their right to marry, but who by the thirteenth century formed the de facto nobility of the country. Archbishop Frederick II (1270–84), who was himself a ministerial by birth, even requested that Count Albert II of Görz (1258–1304) divide with him “the children of nobles.”<sup>4</sup> The ministerials’ peculiar position in German society was succinctly stated in a Carinthian manorial register (*Urbar*) of 1267 that listed various prominent ducal ministerials under the rubric “homines proprii nobiles”—noble bondsmen.<sup>5</sup>

Servile knights (*milites*) were hardly unique to medieval Germany. Although Georges Duby demonstrated that the knights of the twelfth-century Mâconnais were the descendants of men who had earlier been styled as nobles and who had already been influential landowners in the second half of the tenth century, many of the knights in post-Conquest England were serfs who owed their lords labor services and servile dues for their land.<sup>6</sup> What made Germany different from its western neighbors was that until the fourteenth century the taint of servitude continued to be attached to men and women like Gerhoch and Bertha, who would have been classified without question as nobles in France or England. For example, as late as 1311 Archbishop Conrad IV (1291–1312) permitted his ministerial Frederick of Goldegg to marry one of the legitimate daughters of the Styrian ministerial Rudolph of Liechtenstein, whose grandfather had already in 1250 been able to field a force of one hundred knights, on condition that any children of this marriage were to be divided equally between the church and the duke.<sup>7</sup> In contrast, English knights were generally assumed to be free by the reign of Henry II.<sup>8</sup>

Marc Bloch popularized the thesis that the church’s crusading ideology and the threat posed by the growing wealth and aspirations of the burghers caused warriors of diverse social origins to coalesce into a single order of knights who became in turn the nobility of twelfth-century Europe. He conceded, however, that such servile knights were accepted as nobles more slowly in Germany than in France because there were simply too many ministerials for them to be absorbed

3. Josef Breinbauer, *Otto von Lonsdorf: Bischof von Passau, 1254–1265*, Passauer historische Forschungen 6 (Cologne, 1992), pp. 5–11, 445, identified Bertha as Bishop Otto’s aunt; but Otto referred in 1259 to Adelaide, the daughter of Gerhoch II of Radeck, as his niece (*neptis*) (Breinbauer, p. 400, no. 13).

4. MC 5:6–7, no. 9.

5. MC 4/2:657–60, no. 2921/47.

6. Georges Duby, “Lineage, Nobility, and Knighthood: The Mâconnais in the Twelfth Century—a Revision,” in Duby, *The Chivalrous Society*, trans. Cynthia Postan (Berkeley and Los Angeles, 1977), pp. 59–80; and Jean Scammell, “The Formation of the English Social Structure: Freedom, Knights, and Gentry, 1066–1300,” *Speculum* 68 (1993): 599.

7. UB Steiermark 3:131–33, no. 70; Regesten 2:118, no. 1023.

8. Scammell, “Formation,” pp. 604–9.

imperceptibly into the ranks of the nobility.<sup>9</sup> More recently, Benjamin Arnold has argued that “the Latin word *ministerialis* was a scribal experiment . . . which prevailed early in the twelfth [century] as the label for ‘unfree knight’ everywhere in Germany” to differentiate such servile knights from the free knights who in the eleventh century had already been styled as *milites*. The need for such a technical term arose in Germany because German lords maintained far larger military retinues than their French and English peers. The word *ministerialis* stressed the knight’s hereditary legal status rather than his military function and could thus be applied to women, children, and clerics as well. Nevertheless, the ministerials were accepted personally as nobles by the twelfth century, and a hundred years later *miles* replaced *ministerialis* as the standard designation for a member of the lower German nobility because the few remaining free knights had been absorbed into their ranks. It is Arnold’s view of the ministerials as merely a German variant of the European institution of knighthood that caused him to call his book about them *German Knighthood, 1050–1300*.<sup>10</sup>

Although Arnold’s application of Bloch’s model of knighthood to Germany does seem to explain reasonably well developments in the Low Countries, the Rhine valley, and east of the Elbe, it is less successful in other areas, most notably the Austro-Bavarian region, whose ministerials were among the most prestigious in the empire.<sup>11</sup> As Otto von Zallinger pointed out as early as 1878, in the twelfth and thirteenth centuries scribes in southeastern Germany distinguished carefully between the ministerials, who were almost never identified as knights, and the ministerials’ own servile warriors, whom the scribes called knights.<sup>12</sup> Although the ministerials and knights did finally merge into a single knightly estate about 1300 in the principality of Salzburg, the late medieval nobility in the duchies of Austria and Styria was divided into two estates: the lords, who were the descendants of the most prominent ministerials, and the knights, who were the lords’ vassals.<sup>13</sup>

9. Marc Bloch, *Feudal Society*, trans. L. A. Manyon (Chicago, 1964), pp. 283–331, 344.

10. Benjamin Arnold, *German Knighthood, 1050–1300* (Oxford, 1985), pp. 17–29, 69, esp. p. 20.

11. See the literature cited in John B. Freed, “Nobles, Ministerials, and Knights in the Archdiocese of Salzburg,” *Speculum* 62 (1987): 577–78, n. 8.

12. Otto von Zallinger, *Ministeriales und Milites: Untersuchungen ueber die ritterlichen Unfreien zunaechst in baeirischen Rechtsquellen des XII. und XIII. Jahrhunderts* (Innsbruck, 1878). Arnold, *German Knighthood*, p. 33, n. 52, was aware of Zallinger’s work but dismissed it in a footnote. The best introduction to German knighthood is Joachim Bumke’s *The Concept of Knighthood in the Middle Ages*, trans. W. T. H. Jackson and Erika Jackson, AMS Studies in the Middle Ages 2 (New York, 1982).

13. On the estate structure in Salzburg and the neighboring principalities, see Dopsch, *Geschichte Salzburgs* 1/1: 361–403; idem, “Ministerialität und Herrenstand in der Steiermark und in Salzburg,” *ZsHvStm* 62 (1971): 3–31; and idem, “Probleme ständischer Wandlung beim Adel Österreichs, der Steiermark und Salzburg vornehmlich im 13. Jahrhundert,” in *Herrschaft und Stand: Untersuchungen zur Sozialgeschichte im 13. Jahrhundert*, ed. Josef Fleckenstein, VMPIG 51 (Göttingen, 1977), pp. 207–53; Peter Feldbauer, *Der Herrenstand in Oberösterreich: Ursprünge, Anfänge, Frühformen, Sozial- und wirtschaftshistorische Studien* (Munich, 1972); and idem, *Herrschaftsstruktur und Ständebildung: Beiträge zur Typologie der österreichischen Länder aus ihren mittelalterlichen Grundlagen*, vol. 1, *Herren und Ritter*, Sozial- und wirtschaftshistorische Studien (Munich, 1973); and Freed,

To translate *ministerialis* as servile knight, as Arnold does, makes it impossible to distinguish between the ministerials and their own men (unless one retains the cumbersome Latin term), and wrongly suggests that knighthood bridged the gap between the nobles and the ministerials in southeastern Germany. If anything, knighthood encouraged the union in Salzburg between the ministerials and their own servile vassals. I will therefore employ *ministerial* and *ministerialage* to refer to the ministerials and will use the word *knight* only when the person was actually called a *miles* or *Ritter*, because it is essential to know who was called a noble, ministerial, or knight by whom, when, and in what context.<sup>14</sup>

Whereas previous studies of the ministerials, like Arnold's own excellent work on Eichstätt, have generally examined them from a political and juridical perspective—that is, as a major instrument in the Hohenstaufen revival of imperial authority and in the formation of the German principalities—I will, without ignoring the political and legal dimensions, approach the archiepiscopal ministerials from the vantage point of social and family history. Little work has been done on the ministerials' own family strategies. Specifically, I will concentrate on marriage, the most fundamental of human institutions, because the restrictions on their right to marry, along with certain limitations on their freedom to alienate property, were the most visible reminders of their servile origins. The archbishops' ability to control their ministerials' marriages, I will argue, was a major factor in the assertion of territorial supremacy (*Landeshoheit*). At the same time the archiepiscopal ministerials, like the nobles, used marriage as a tool to enlarge their patrimony, enhance their prestige, forge dynastic ties to other families, both noble and ministerial, and assert their independence from the archbishop. Marriage can thus serve as a lens for examining the conflict between the ministerials' legal condition and their real position as the de facto nobility of high medieval southeastern Ger-

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"Nobles," pp. 575–611. For a theoretical discussion of an "'estate' as the public aspect of individual property," see Howard Kaminsky, "Estate, Nobility, and the Exhibition of Estate in the Later Middle Ages," *Speculum* 68 (1993): 684–709.

14. Benjamin Arnold, "German Bishops and Their Military Retinues in the Medieval Empire," *German History* 7 (1989): 172, n. 61, criticized me for employing the "interesting neologism 'ministerialage.'" Arnold added that "J. F. Niermeyer, *Mediae Latinitatis Lexicon minus* (Leiden, 1954–76), 681 prefers 'aggregate vassals,' 'knighthood.'" The word *ministerialatus*, I should point out, was employed in the Middle Ages. It appears, for example, in a 1293 Eichstätt document: "Who . . . belonged to us *ministerialatus iure et titulo*." See Benjamin Arnold, *Count and Bishop in Medieval Germany: A Study of Regional Power, 1100–1350* (Philadelphia, 1991), p. 121. I see no reason *ministerialatus* cannot be translated, where appropriate, as ministerialage. Besides, *Ministerialität* and *Dienstmannschaft* are standard German scholarly terms. Karl Bosl's classic work on the imperial ministerialage bears, for example, the title *Die Reichsministerialität der Salier und Staufer: Ein Beitrag zur Geschichte des hochmittelalterlichen deutschen Volkes, Staates und Reiches*, MGH Schriften 10 (Stuttgart, 1950–51). Certainly, it would inhibit scholarship if we could employ only terms that medieval scribes themselves used. *Feudalism* itself would disappear from scholarly parlance, though some scholars might not regret the loss.

many—the curious situation that Karl Bosl described as “noble servitude” and that is revealed by Gerhoch and Bertha’s marriage contract.<sup>15</sup>

### The Archbishopric and Principality of Salzburg

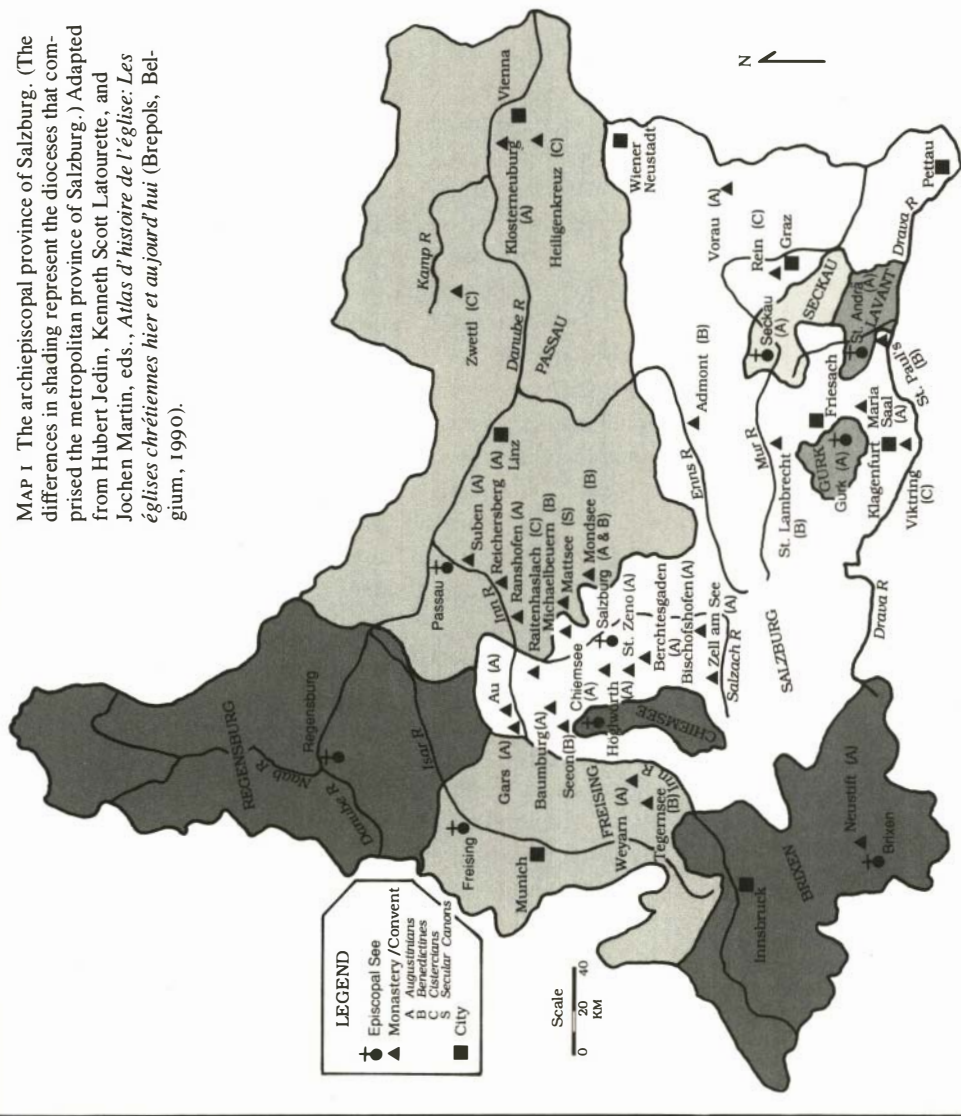
The archbishops of Salzburg exercised both spiritual and temporal authority. They were the primates of Bavaria, the ordinaries of a vast diocese in the eastern Alps, and the earthly rulers of the largest and richest ecclesiastical principality in southern Germany. As map 1 shows, the archdiocese of Salzburg stretched from the Inn River and its tributary the Isen in southeastern Bavaria, across the modern Austrian provinces of Salzburg, Carinthia, and Styria, as far south as the Drava, which formed the boundary between the archbishopric and the patriarchate of Aquileia, in what is now Slovenia. Those parts of the duchies of Carinthia and Styria that were south of the Drava were under the patriarch’s spiritual jurisdiction. In addition, the southeastern portion of the modern province of Lower Austria, the Pitten district and the area around Wiener Neustadt, belonged to the archdiocese (this region was part of the medieval duchy of Styria). It is approximately 350 kilometers in a straight line from Mühldorf on the Inn in Upper Bavaria in the northwestern corner of the archdiocese to Pettau (today Ptuj, Slovenia) on the Drava in the southeast, but there is a far greater distance to travel over the rugged terrain of the eastern Alps.

As both Pope Alexander II and King Henry IV pointed out, “the excessive extent of the archdiocese and the difficulty of the roads” made it impossible for Archbishop Gebhard (1060–88) to govern his “bishopric situated in the mountains” by himself; and they granted him permission in 1070 and 1072, respectively, to establish and endow a new diocese within the archbishopric. The king added that Gebhard could employ for this purpose the Benedictine convent in Gurk that had been founded by Saint Hemma thirty years earlier. Since Salzburg was not to suffer any loss on account of Gebhard’s concern for the spiritual welfare of his flock, the pope and king granted Gebhard and his successors the unprecedented right to name and invest the bishops of Gurk (Alexander also authorized the archbishop to consecrate the bishops).<sup>16</sup> Gebhard, who intended the new bishop to

15. Bosl employed the oxymoron “adelige Unfreiheit,” for example, in *Europa im Aufbruch: Herrschaft, Gesellschaft, Kultur vom 10. bis zum 14. Jahrhundert* (Munich, 1980), p. 205; and *Die Grundlagen der modernen Gesellschaft im Mittelalter: Eine deutsche Gesellschaftsgeschichte des Mittelalters*, 2 vols. Monographien zur Geschichte des Mittelalters 4 (Stuttgart, 1972), I:190.

16. SUB 2:169–71, no. 102; 171–72, no. 103. On Saint Hemma and her cult, see Heinz Dopsch, “Die Stifterfamilie des Klosters Gurk und ihre Verwandtschaft,” *Carinthia I.* 161/1 (1971): 95–123; and *Hemma von Gurk: Katalog: Ausstellung auf Schloss Strassburg/Kärnten: 14. Mai bis 26. Oktober 1988* (Klagenfurt, 1988).

MAP 1 The archiepiscopal province of Salzburg. (The differences in shading represent the dioceses that comprised the metropolitan province of Salzburg.) Adapted from Hubert Jedin, Kenneth Scott Latourette, and Jochen Martin, eds., *Atlas d'histoire de l'église: Les églises chrétiennes hier et aujourd'hui* (Brepols, Belgium, 1990).



function simply as his vicar throughout the archdiocese, neither delineated Gurk's boundaries nor assigned any tithes to it. Although in 1075 Gregory VII rebuked Gebhard for his greed, the pope was too dependent on his support during the Investiture Conflict to pursue the issue; and it was only Archbishop Conrad I (1106–47) who finally provided Gurk with a cathedral chapter (1123), a modest diocese (1131), and tithes (1144).<sup>17</sup>

During the twelfth and early thirteenth centuries the bishop and chapter of Gurk sought to emancipate themselves from Salzburg's tutelage and to obtain a legal status comparable to that of Salzburg's other suffragans (Brixen, Freising, Passau, and Regensburg). The dispute was finally resolved in 1232. Henceforth the archbishop was to present the chapter with three nominees, none of whom had to be a Gurk cathedral canon; the man the canons elected was then to be consecrated and invested by the archbishop and to swear a specified oath of fealty to him.<sup>18</sup>

Gurk's capitulation in 1232 was the result of Eberhard II's success in ending its unique status and in thwarting the Babenbergs' plans to establish bishoprics under ducal control in their own domains. Eberhard had in fact created three additional proprietary bishoprics: Chiemsee in Upper Bavaria (1215), Seckau in Styria (1218), and Lavant in Carinthia (1226). The archbishop possessed the right to nominate, consecrate, and invest these bishops. The new dioceses were minuscule, and Chiemsee and Seckau, like Gurk, were enclaves within the archdiocese (see map 1). The bishop of Chiemsee, whose episcopal see was on an island in a lake in the foothills of the Alps, inhabited only by the canons of Herrenchiemsee, soon took up residence in the city of Salzburg, where for six centuries he functioned as an auxiliary bishop. Lavant, which consisted of only four parishes,<sup>19</sup> was derided for its tiny size as the *Zwetschkenbistum* (it was hardly considered a plum in the idiomatic English sense). The archbishop's rights in regard to his four proprietary bishoprics were unprecedented in Christendom, and in 1870 Pope Pius IX greeted Cardinal-Archbishop Maximilian Josef von Tarnóczy of Salzburg (1850–76) at Vatican I with the words, "See the half-pope, who can himself make bishops!"<sup>20</sup>

The principality of Salzburg embraced only a comparatively small portion of the archdiocese (see maps 2 and 3). It consisted of the modern Austrian province of Salzburg, which has an area of 7,154 square kilometers (2,762 square miles), the Ziller valley and the lordship of Windisch-Matrei, which were assigned to the Tyrol in 1810, and the Rupertiwinkel, which was ceded to Bavaria in 1816. The

17. MC 1:87, no. 49; 90–92, no. 54; SUB 2:177–78, no. 109; 223–25, no. 147; 319–20, no. 219.

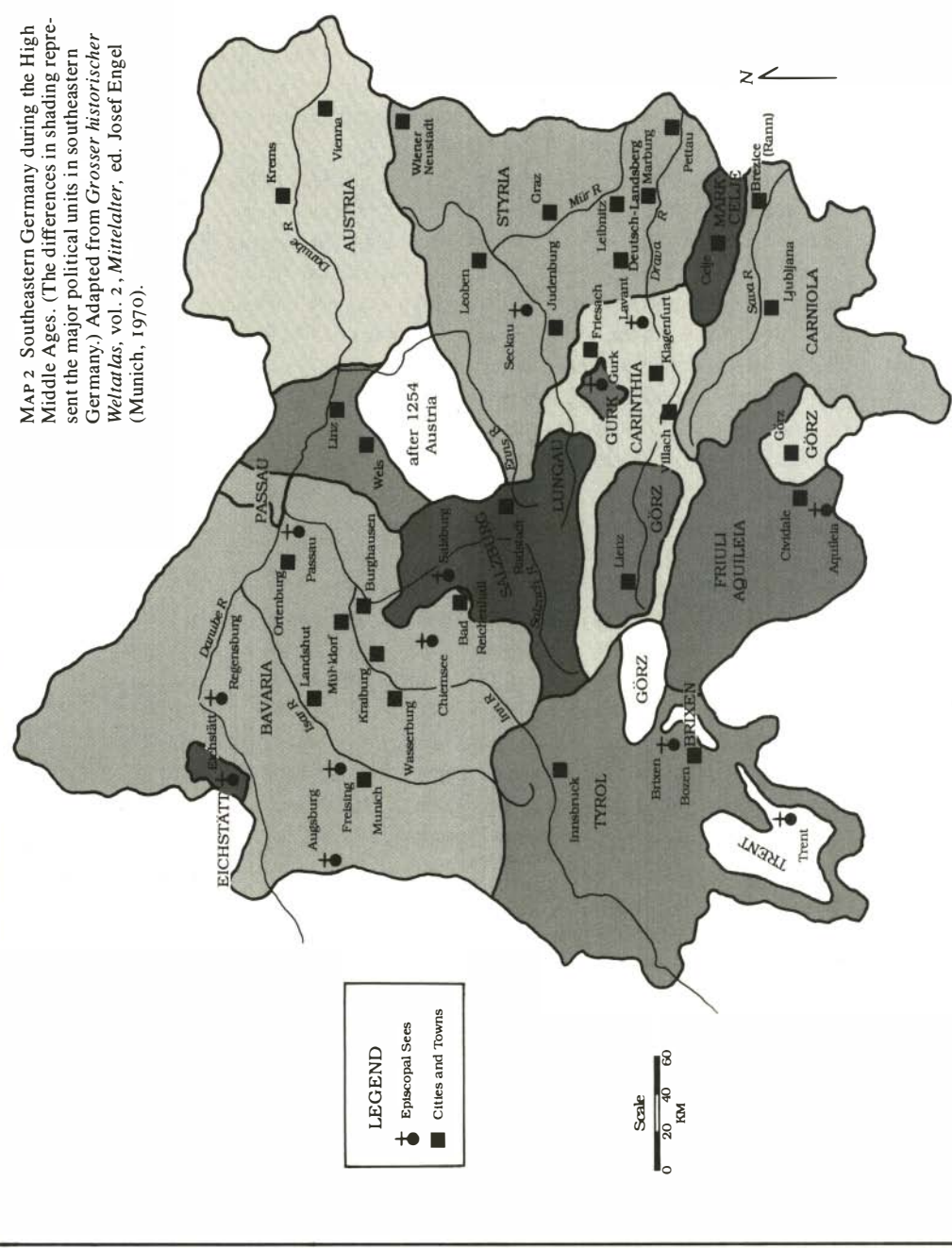
18. SUB 3:434–37, no. 886.

19. SUB 3:589–90, no. 1041.

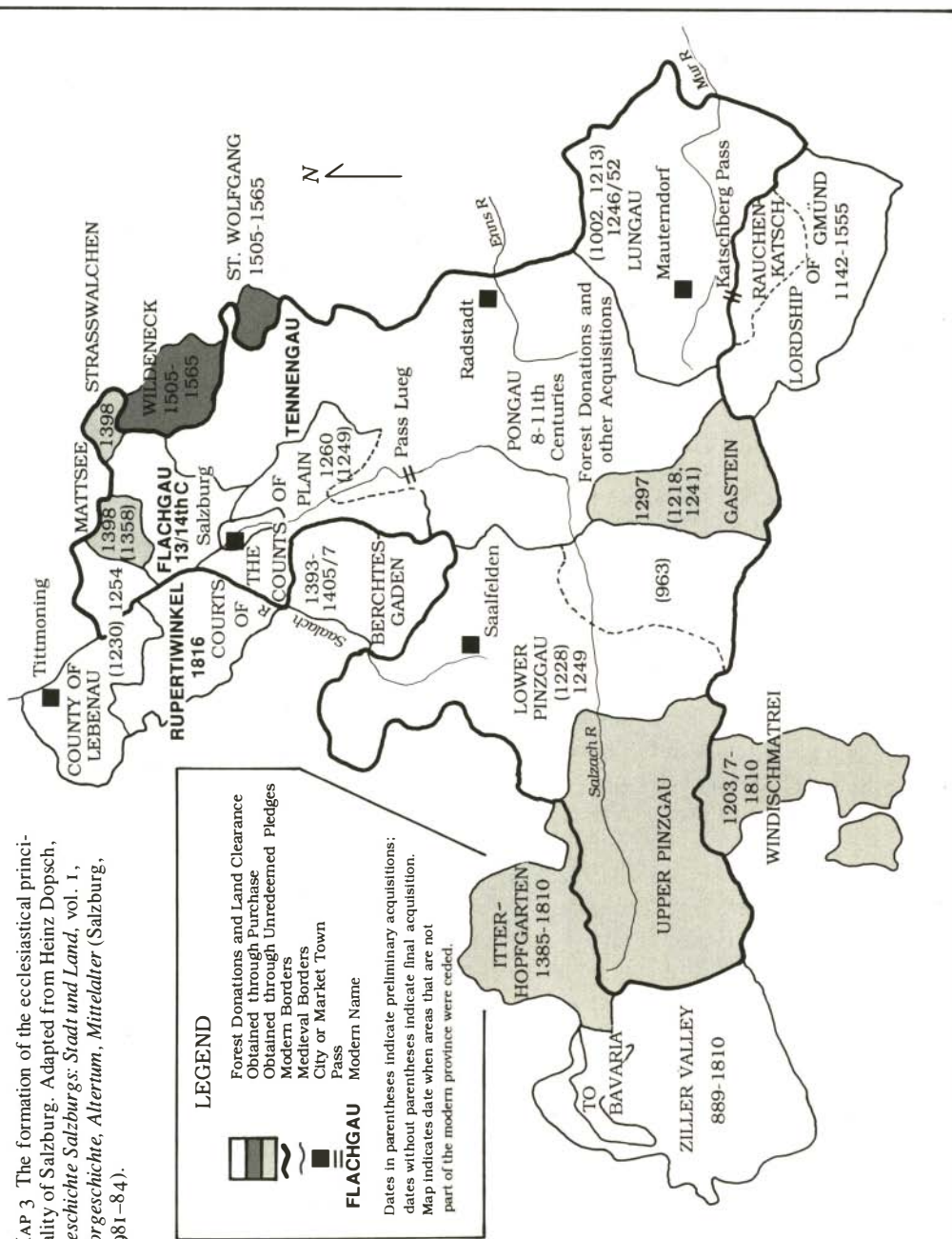
20. "Ecco il mezzo papa che può far dei vescovi!" Cited by Johannes Graf von Moÿ, "Die Hintergründe der Fürstungen im Salzburger Domkapitel: Ein Beitrag zur Verfassungsgeschichte des Erzstiftes im 18. Jahrhundert," MGSL 119 (1979): 256. For further information about Salzburg's proprietary bishoprics, see Dopsch, *Geschichte Salzburgs* 1/1:236–38, 298–99, 321–27, 2:994–98.



MAP 2. Southeastern Germany during the High Middle Ages. (The differences in shading represent the major political units in southeastern Germany.) Adapted from *Grosser historischer Weltatlas*, vol. 2, *Mittelalter*, ed. Josef Engel (Munich, 1970).



MAP 3 The formation of the ecclesiastical principality of Salzburg. Adapted from Heinz Dopsch, *Geschichte Salzburgs: Stadt und Land*, vol. 1, *Vorgeschichte, Altertum, Mittelalter* (Salzburg, 1981-84).



Rupertwinkel (the name came into use only about 1900), agriculturally the most productive section of the medieval principality, was a strip of territory on the west bank of the Salzach, approximately thirty kilometers long, north of the city of Salzburg and the confluence of the Salzach and its tributary the Saalach, and between the mouth of the Saalach and the town of Tittmoning to the north. The archbishops thus created a principality in the Salzach valley centered on their metropolitan see, which is at the point where the Salzach breaks out of the Alps.

Unlike other bishops who received comital rights from the crown during the Saxon-Salian period, the archbishops were compelled to build their territory piece by piece. Their point of departure was the city of Salzburg, where they alone exercised jurisdiction. The territory to the east and south of the city, the modern Tennengau, was heavily forested, and the archbishops established their lordship through land clearance on the east bank of the Salzach and in the Pongau, the stretch of the Salzach valley between Pass Lueg and the Gastein valley. To legitimize their acquisitions, they forged a charter in the name of King Arnulf and another charter in which Otto II allegedly confirmed the *Arnulfinum* in 977. All this action was duly confirmed by Henry III in 1051.<sup>21</sup> The archbishops had no rivals to challenge them in this region.

The archbishops subsequently added to the *Arnulfinum*, probably during the Investiture Conflict, a delineation of the boundaries of the territory that their church had acquired during the eighth and ninth centuries. This clumsy falsification was intended to secure Salzburg's rights in the Radstadt basin—that is, the upper Enns valley, west of the Mandling (the stream that still forms the border between Salzburg and Styria in the Enns valley)—whose colonization the archbishops were also promoting; but it was such a patent addition that the archbishops never dared to have the revised *Arnulfinum* confirmed. It was not until 1297 that Duke Albrecht of Austria, anxious to obtain the support of Archbishop Conrad IV in his bid for the crown, recognized Salzburg's rights in the Radstadt area.<sup>22</sup>

It was Eberhard II, creator of the ecclesiastical principality, who procured the key comital rights. In 1207 he purchased from the Swabian count Henry of Lechsgemünd the lordship of Windisch-Matrei and the count's alodial holdings in the Upper Pinzgau (the Pinzgau is the uppermost stretch of the Salzach valley).<sup>23</sup> The comital rights in the Pinzgau had been divided between the Lechsgemünds, who had died out by the 1220s, in the Upper Pinzgau and the counts of Plain in the Lower Pinzgau (the area around Saalfelden). In 1228 Eberhard obtained from Duke Louis I of Bavaria (1183–1231) the feudal overlordship of the two counties

21. SUB 2:56–64, no. 34; 103–6, no. 57; 148–51, no. 87. See Heinrich Koller, "König Arnolfs grosses Privileg für Salzburg," *MGS* 109 (1969): 65–75; and Eduard Richter, "Immunität, Landeshoheit und Waldschenkungen," *AÖG* 94 (1906): 41–62.

22. Heinz Dopsch, "Zur Entstehung der erzbischöflichen Herrschaft und der Landeshoheit im Gerichtsbezirk Radstadt," in *Die alte Stadt im Gebirge: 700 Jahre Radstadt*, ed. Friederike Zaisberger and Fritz Koller (Radstadt, 1989), pp. 29–45.

23. SUB 3:94–99, nos. 605–8; 319–20, no. 791.

and was duly enfeoffed by King Henry (VII). The Plains held the Lower Pinzgau in fief from the archbishop until the extinction of the main line of this comital dynasty in 1248.<sup>24</sup> Archbishop Conrad IV purchased the district court (*Landgericht*) in the Gastein valley in 1297 from the dukes of Lower Bavaria.<sup>25</sup>

King Henry II's donation of a property in the Lungau, the later Mauterndorf, to the cathedral canons in 1002 was the beginning of Salzburg's position in the Lungau, the section of the principality south of the Radstädter Tauern (that is, on the southern side of the continental divide), which belonged to the duchy of Carinthia rather than to Bavaria. In 1213 King Frederick II conferred on Archbishop Eberhard II all the possessions that the empire possessed in the Lungau.<sup>26</sup> The comital rights in the Lungau, which the Lower Austrian lords of Lengenbach had held in fief from the counts of Sulzbach, were acquired by Archbishop-Elect Philip between 1246 and 1252.<sup>27</sup>

The comital rights in the immediate vicinity of Salzburg, in the Rupertiwinkel, and in the Flachgau, the modern name for the area northeast of the city, were highly fragmented; the archbishops had to obtain the district courts, into which the counties had been divided, from the comital dynasties as they died out or from their own ministerials who had been subenfeoffed with the courts (see map 4). There is no need to describe this process in detail, but some highlights can be mentioned. The counts of Lebenau, a cadet branch of the Spanheimer, who were the dukes of Carinthia, died out in 1229. Their county was situated on both banks of the Salzach in the area around Tittmoning; it was finally assigned to Salzburg in 1254 by the First Treaty of Erharting, which Archbishop-Elect Philip made with Dukes Louis II (1253–94) and Henry XIII (1253–90) of Bavaria.<sup>28</sup> After the extinction of the cadet line of the Plains in 1260, their county to the west and south of the city of Salzburg escheated to the archbishop. However, Archbishop Conrad IV obtained direct control of key portions of this county from his own ministerials only several decades later: the Kuchltal, the portion of the Salzach valley between the city and Pass Lueg to the south, which the Gutrats held in fief from the archbishop until their extinction in the male line in 1304; and Staufeneck, northeast of Bad Reichenhall, which the impoverished Staufenecks, a family of former Plain ministerials who had entered the archbishop's service, were forced to sell in 1305 and 1306.<sup>29</sup> Other courts to the north and east of the city were obtained in the late thirteenth and fourteenth centuries in similar circumstances from the following lineages of archiepiscopal ministerials: the Tettelhams, Oberndorfs,

24. SUB 3:362–65, nos. 830, 831; 4:11–13, no. 12.

25. SUB 4:230–34, nos. 193–96.

26. SUB 2:117–18, no. 64; 3:160–61, no. 655.

27. Ernst Klebel, *Der Lungau: Historisch-politische Untersuchung* (Salzburg, 1960), pp. 12–40.

28. SUB 4:26–27, no. 29. On the Lebenaus, see Heinz Dopsch, "Die Grafen von Lebenau," *Das Salzfass*, n.s., 4 (1970): 33–59.

29. On the Gutrats, see SUB 4:246–48, nos. 206–8; 271–72, no. 231; on the Staufenecks, see *Regesten* 2:89, no. 762; 90–91, no. 775.



Eichhams, Bergheims, Radecks, Kalhams, and Tanns.<sup>30</sup> The archbishops' territorial supremacy in the Salzach valley was thus based on a combination of royal grants, purchases, land clearance, and forgeries.

In addition, the church of Salzburg not only had extensive landholdings throughout the archdiocese—for example, in the Chiemgau and the Isengau in Upper Bavaria<sup>31</sup>—but also exercised temporal jurisdiction until the end of the Middle Ages or even longer in a number of enclaves within the domains of rival princes, both within and outside the archdiocese. As map 5 shows, the archiepiscopal ministerials resided throughout the archdiocese, particularly in the Bavarian portion where the church had already been richly endowed in the eighth century. There were relatively few ministerials in the principality itself, especially in the mountainous Pongau, Pinzgau, and Lungau.

I shall mention only the most important of these external enclaves. Mühldorf on the Inn River, which had belonged to the church of Salzburg since 798, was part of the ecclesiastical territory, and the city was eventually represented at the meeting of the estates of Salzburg.<sup>32</sup>

In 1142 Bishop Altmann of Trent (1124–49) bequeathed to Salzburg his possessions on the southern slopes of the Tauern in Upper Carinthia (see maps 2 and 3). This bequest was the basis of Salzburg's extensive possessions in the Möll, upper Drava, and Lieser valleys, which gave the archbishops the potential opportunity to control the northern and southern approaches to the passes over the Tauern—that is, to create a principality comparable to Tyrol, the Swiss Confederation, or Savoy-Piedmont. The archbishops' attempt to obtain high justice in this region, except in the lordships of Gmünd and Rauchenkatsch, which controlled access via the Lieser valley and the Katschberg Pass to the Lungau, was blocked, however, by the counts of Görz. The principality thus never achieved its full strategic potential.<sup>33</sup>

30. The best general account of the formation and structure of the ecclesiastical principality is Dopsch, *Geschichte Salzburgs* 1/1:337–46, 1/2:909–26. For additional information, see Eduard Richter, *Untersuchungen zur historischen Geographie des ehemaligen Hochstifts Salzburg und seiner Nachbargebiete* (Innsbruck, 1885); Helga Reindel-Schedl, *Laufen an der Salzach: Die alt-salzburgischen Pfliegergerichte Laufen, Staufeneck, Teisendorf, Tittmoning und Waging*, *Historischer Atlas von Bayern: Teil Altbayern* 55 (Munich, 1989), pp. 395–565; and Otto Stolz, "Das Wesen der Grafenschaft im Raume Oberbayern-Tirol-Salzburg," *ZsblG* 15 (1949): 68–109. Reindel-Schedl's monumental book supersedes her frequently cited 1956 Munich dissertation, which she wrote under her maiden name.

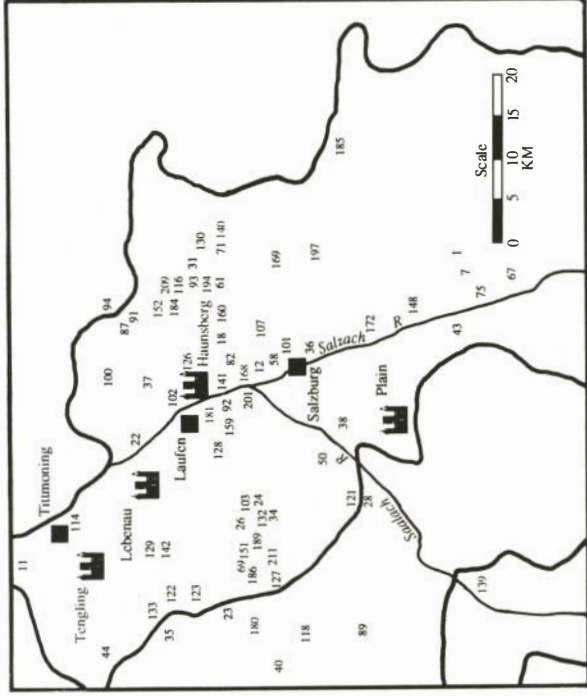
31. Dopsch, *Geschichte Salzburgs* 1/2:951–81. On Salzburg's rights in the Isengau, see Franz Tyroller, "Die Grafschaften des Isengaues," *Oberbayerisches Archiv für vaterländische Geschichte* 80 (1955): 45–102. On Salzburg's holdings in Lower Austria, see Heinz Dopsch, "Von der Slawenmission zur Grundherrschaft: Zur Rolle des Erzbistums Salzburg und der Salzburger Klöster in Niederösterreich," in *Die bayerischen Hochstifte und Klöster in der Geschichte Niederösterreichs*, ed. Helmuth Feigl, *Studien und Forschungen aus dem niederösterreichischen Institut für Landeskunde* 11 (Vienna, 1989), pp. 6–13.

32. Dopsch, *Geschichte Salzburgs* 1/1:346.

33. SUB 2:303–5, nos. 207a, 207b; Dopsch, *Geschichte Salzburgs* 1/2:956–58; and Herbert Klein, "Salzburg, ein unvollendeter Pass-Staat," in *Die Alpen in der europäischen Geschichte des Mittelalters, Reichenau-Vorträge, 1961–1962*, VF 10 (Sigmaringen, 1965), pp. 275–91.







- 1 Adnet
- 2 Ampfing
- 3 Glas
- 4 Atzging
- 5 Aust
- 6 Bachham
- 7 Baumhofen
- 8 Bemobfgen
- 9 Berg (northwest of Au)
- 10 Berg (northwest of Schmatisee)
- 11 Bergham
- 12 Berghelm
- 13 Bischofshofen
- 14 Buchberg
- 15 Deinsberg
- 16 Deutenherm
- 17 Deutsch-Landsberg
- 18 Diebering
- 19 Dietfurt
- 20 Dirnberg
- 21 Eberharting
- 22 Eching
- 23 Egerdach
- 24 Erichham
- 25 Elbrechting
- 26 Englhalm
- 27 Engolding
- 28 Fager
- 29 Felben
- 30 Feldsberg
- 31 Fenning
- 32 Forsting
- 33 Fraham
- 34 Freidling
- 35 Froschham
- 36 Glas
- 37 Gmning
- 38 Gols
- 39 Goldegg
- 40 Grabensattl
- 41 Griesstatt
- 42 Gurkfeld
- 43 Gutrat
- 44 Harpfesham
- 45 Harskirchen
- 46 Haunertsholzen
- 47 Helpfau
- 48 Herding or H6ring
- 49 Hochstatt
- 50 H6gel
- 51 H6rberg
- 52 Hofisen
- 53 Hohenburg
- 54 Hohenstein
- 55 Holleneegg
- 56 Hornburg
- 57 Huttensberg
- 58 Itzling
- 59 Jaun or Jauntal
- 60 Jettenbach
- 61 Kalham
- 62 Kappel
- 63 Kappeln
- 64 Kaprun
- 65 Katsch
- 66 Katzbach
- 67 Kellau
- 68 Kendl

**Other surnames employed by the lineages**

- 153 Drau or Drauhofen
- 154 Fischach
- 155 Forchtenstein
- 156 Gersdorf
- 157 Gobrechtsham
- 158 Grafendorf
- 159 Haberland
- 160 Hallwang
- 161 Hieburg
- 162 H6henberg
- 163 Krems
- 164 Liechtenberg
- 165 Litzkirchen
- 166 Mannsburg
- 167 Mehrn or Mehrstein
- 168 Muntigl
- 169 Nockstein
- 170 Ramsau
- 171 Reichenstein
- 172 Sankt Jakob am Thurm
- 173 Sankt Michael im Lungau
- 174 Sankt Ulrich
- 175 Schmatisee
- 176 Senftenberg
- 177 Sranach
- 178 Sulza
- 179 Tettenmoos
- 180 Traunsdorf
- 181 Triebenbach
- 182 Voitsch
- 183 Walding
- 184 Waldprechting

**Surnames employed by a single individual**

- 185 Wartenfels
- 186 Weibhausen
- 187 Weingarten
- 188 Zankwam
- 189 Altofing
- 190 Babensham
- 191 Brunn
- 192 Dosedorf
- 193 Engelsdorf
- 194 Eugendorf
- 195 Grobming
- 196 Gunzkofen
- 197 Hallbach
- 198 Hirschhorn
- 199 Holzhausen
- 200 Irpint
- 201 Lohen
- 202 Mehrbach
- 203 Mettenheim
- 204 Perchau
- 205 Pirka
- 206 Pruggern
- 207 Rametscham
- 208 Rettsch
- 209 Seewalchen
- 210 Sulb
- 211 Thal
- 212 Weisham
- 213 Westertshausen
- 214 Winklhalm
- 215 W6rgl

- 69 Kirchhalling
- 70 Klaus
- 71 Knutzing
- 72 K6fering
- 73 K6nigsberg
- 74 K6ppach
- 75 Kuehl
- 76 Kulm
- 77 Kumburg
- 78 Ladau
- 79 Lassnitz
- 80 Leberskirchen
- 81 Leibnitz
- 82 Lengfelden
- 83 Leomoth
- 84 Luckenrott
- 85 Mariapfarr
- 86 Matrei
- 87 Matsee
- 88 Michaelerberg
- 89 Miesenbach
- 90 Moosham
- 91 Morpeunt
- 92 Muckham
- 93 M6hlberg
- 94 Mundenham
- 95 Munding
- 96 Montpreis
- 97 Nassau
- 98 Neudeck or Neudeck
- 99 Neukirchen
- 100 Nopping
- 101 Nussdorf am Haunsberg
- 102 Oberndorf
- 103 Offenwang
- 104 Praffing
- 105 Piber
- 106 Pullach
- 107 Radeck
- 108 Rampoltsheim
- 109 Reichenberg
- 110 Saalfelden
- 111 Sachsenburg
- 112 Schelmburg
- 113 Schernberg
- 114 Schmerbach
- 115 Sch6nstein
- 116 Seekirchen
- 117 Sicking
- 118 Siegsdorf
- 119 Sims
- 120 Sonham
- 121 Staufenek
- 122 Stiefing
- 123 Stenbr6nning
- 124 Steinkirchen
- 125 St6ttham
- 126 Sulzberg
- 127 Surberg
- 128 Surheim
- 129 Taching
- 130 Tann
- 131 Tegernbach
- 132 Teisendorf
- 133 Tettelham
- 134 Thambach
- 135 T6lmoos
- 136 T6rning
- 137 Truchtlaching
- 138 Umrathshausen
- 139 Unken
- 140 Unzing
- 141 Voggenberg
- 142 Waging
- 143 Waichen
- 144 Wald
- 145 Walkersaich
- 146 Weilkirchen
- 147 Weissenegg
- 148 Wiesbach
- 149 Wieting
- 150 Weng
- 151 Wonneberg
- 152 Zaisberg



Friesach, the most important city in Carinthia until the end of the thirteenth century, was on the main trade route between Venice and Vienna. The Friesach penny circulated widely in the eastern Alps, Hungary, and the Balkans. The church of Gurk had obtained as part of its endowment Saint Hemma's market in Friesach. This market was on the left bank of the Metnitz, southeast of the present city. Count Engelbert II of Spanheim, who later became the duke of Carinthia (1124–35), acquired the market during the Investiture Conflict and was dislodged by Bishop Hiltebold of Gurk (1106–31) only in 1124 after Engelbert was besieged in the market and threatened with excommunication. Archbishop Conrad I persuaded Hiltebold to demolish his market and transfer it to the right bank, where Salzburg had its own less important market beneath its castle on the Petersberg. The two churches shared jurisdiction in Friesach—both Salzburg and Gurk had their own judges until the thirteenth century, but Gurk was soon overshadowed by its feudal suzerain and in the fourteenth century renounced its last rights in Friesach.<sup>34</sup>

The archbishops possessed two lordships in Central Styria (*Mittelsteiermark*): Deutsch-Landsberg and Leibnitz, which were between the Lassnitz and Sulm Rivers, tributaries of the Mur. Archbishop Conrad I built castles in both places. The archbishop exercised jurisdiction in capital cases in Deutsch-Landsberg but not in Leibnitz.<sup>35</sup> The archbishops established themselves in Pettau on the Drava, the former Roman city of Poetovio, at the end of the ninth century and obtained sole jurisdiction in the city after Emperor Otto II confirmed in 982 the forged charter in which King Arnulf had allegedly granted to Salzburg the city of Pettau with its court, toll, and bridge. Conrad I secured Pettau against Hungarian attack by building a new castle in place of a ruined older fortification.<sup>36</sup> Pettau was the most important commercial center in Styria in the eleventh and twelfth centuries and remained until the sixteenth century, in Othmar Pickl's words, "a place

34. Dopsch, *Geschichte Salzburgs* 1/1:265, 2:960. For additional information, see Egon Baumgartner, "Beiträge zur Geldgeschichte der Friesacher Pfennige," *Carinthia* I. 150/1 (1960): 84–117; Arnold Luschin-Ebengreuth, "Friesacher Pfennige: Beiträge zu ihrer Münzgeschichte und zur Kenntnis ihrer Gepräge," *Numismatische Zeitschrift*, n.s., 15 (o.s., 55) (1922): 89–118, n.s., 16 (o.s., 56) (1923): 33–144; Alfred Ogris, *Die Bürgerschaft in den mittelalterlichen Städten Kärntens bis zum Jahre 1335*, Das Kärntner Landesarchiv 4 (Klagenfurt, 1974), pp. 28–37, 153–64; idem, "Der Kampf des Bistums Gurk um Friesach bis zum Beginn des 14. Jahrhunderts," *Carinthia* I. 161/1 (1971): 163–74; and Günther Probszt, "Salzburg in der Münz- und Geldgeschichte vergangener Jahrhunderte," *MGSL* 106 (1966): 27–50.

35. Dopsch, *Geschichte Salzburgs* 1/2:970–74. For additional information about Leibnitz, see Erich Marx, "Das Salzburger Vizedomamt Leibnitz," *MGSL* 119 (1979): 1–142. For information about archiepiscopal castle building, see Heinz Dopsch, "Burgenbau und Burgenpolitik des Erzstiftes Salzburg im Mittelalter," in *Die Burgen im deutschen Sprachraum: Ihre rechts- und verfassungsgeschichtliche Bedeutung*, ed. Hans Patze, 2 vols., VF 19 (Sigmaringen, 1976), 2:387–417.

36. SUB 2:56–64, no. 34; 106–8, no. 58; and Dopsch, *Geschichte Salzburgs* 1/2:975–76. For further information, see Hans Pirchegger, *Die Untersteiermark in der Geschichte ihrer Herrschaften und Gülden, Städte und Märkte*, Buchreihe der südostdeutschen historischen Kommission 10 (Munich, 1962), pp. 57–68.

of the first rank.”<sup>37</sup> Finally, Salzburg possessed in what was until 1918 Lower or Southern Styria (today Slovenia) a territory of approximately three hundred square kilometers on the left bank of the Sava, near the Croatian border. This territory, which included the town of Rann (today Brežice), was more than four hundred kilometers from the archiepiscopal see and was under the spiritual jurisdiction of the patriarch of Aquileia. Salzburg owed its position on the Sava to Saint Hemma, who in 1043 gave Reichenburg (today Rajhenburg-Brestanica) to Archbishop Baldwin (1041–60). The lordship on the Sava was divided into five district courts.<sup>38</sup> This, then, was the complex tangle of spiritual and temporal rights that the primate of Bavaria held in his dual role as prince-archbishop of Salzburg.

### Sources and Terminal Dates

Since the location of archival depositories and the contents of published source editions are determined largely by modern rather than medieval political boundaries, one must use several documentary collections to study the archiepiscopal ministerials. The most important collection for the purposes of this book is the *Salzburger Urkundenbuch* (1910–33). The editors, Willibald Hauthaler and Franz Martin, published nearly all the documents, written before the death of Archbishop Eberhard II in 1246, that pertain to the archbishops and the area that constitutes the modern Austrian province of Salzburg. The first volume contains two late eighth-century summaries of Salzburg’s rights and holdings; the *Traditionsbücher* of five archbishops who presided over the church between 923 and 1060; the complete codices of traditions of the cathedral chapter and the Benedictine houses of Saint Peter’s and Michaelbeuern, both of which still flourish as monastic communities in the modern province;<sup>39</sup> nineteen notices, written between 860 and 1263, that have been reconstructed from the lost *Traditionsbuch* of the Benedictine abbey and collegiate church of Mattsee; and twenty-seven entries, relevant to the

37. Othmar Pickl, “Handel und Verkehr in der Steiermark zur Zeit der Traungauer,” in *Das Werden der Steiermark: Die Zeit der Traungauer. Festschrift zur 800. Wiederkehr der Erhebung zum Herzogtum*, ed. Gerhard Pferschy, Veröffentlichungen des Steiermärkischen Landesarchives 10 (Graz, 1980), p. 329.

38. Dopsch, *Geschichte Salzburgs* 1/2:978. For additional information, see Pirchegger, *Die Untersteiermark*, pp. 251–58; and idem, “Der Besitz des Erzstiftes Salzburg an der Sawe und Enns,” *ZsHVStm* 36 (1943): 59–69.

39. For information on Saint Peter’s and Michaelbeuern, see *Das älteste Kloster im deutschen Sprachraum: St. Peter in Salzburg: 3. Landesausstellung 15. Mai–26. Oktober 1982: Schätze europäischer Kunst und Kultur* (Salzburg, 1982); *Benediktinerabtei Michaelbeuern: Eine Dokumentation anlässlich der Eröffnung und Weihe der neu adaptierten Räume für Internat, Schule und Bildungsarbeit* (Michaelbeuern, 1985); and *Festschrift St. Peter zu Salzburg, 582–1982, Studien und Mitteilungen zur Geschichte des Benediktiner-Ordens und seiner Zweige* 93 (Salzburg, 1982).

modern province, made between the eighth and twelfth centuries in the codex of traditions of the Benedictine monastery of Mondsee in the diocese of Passau.<sup>40</sup>

The *Traditionsbücher*, in which various ecclesiastical foundations in the metropolitan province of Salzburg recorded conveyances of land and people, are the single most important source for studying the social structure of the Austro-Bavarian area between the eighth and thirteenth centuries. Some of the entries in the codices are summaries of charters, most of which are now lost, that were made either when the charter itself was written or at some later date; in that sense the *Traditionsbücher* can be compared to a cartulary. In a few cases an account of a transaction was recorded on a separate scrap of parchment and subsequently included in the collection. Most of the entries were made directly in the codex, however, either at the time of the conveyance or at some later date. The notices were a device to record the facts of a particular transaction and the identity of the individuals who could be summoned as witnesses if the proceedings were ever challenged. The names of thousands of people, their property holdings, and their family affiliations have been preserved in this fashion.

The *Traditionsbücher* themselves, at least initially, had no legal standing. The oral character of these collections is revealed by the phrase that introduced the witness lists in some of the entries in the archiepiscopal *Traditionsbücher* of the tenth and eleventh centuries: “Isti sunt testes per aures attracti”—a box on the ear had replaced, figuratively speaking at least, a charter as legal proof.<sup>41</sup> Eventually, however, the ecclesiastical and secular authorities accepted the codices themselves as documentary proof. For example, in 1182 Brigid, the widow of Louis of the Porta, challenged a donation that her father-in-law had made to Neustift, a house of Augustinian canons outside Brixen. The bishops of Bamberg and Brixen and the margrave of Istria, who was the advocate of the house, ruled against her after they heard the testimony of witnesses and examined the relevant entry in the *Liber testamentorum*, that is, in Neustift’s *Traditionsbuch*.<sup>42</sup> Since the *Traditionsbücher* also served a memorial function by preserving the names of the founders and benefactors of a church, most houses continued to make entries in their codices even after the sealed charter came into use as a form of proof. Indeed, the twelfth century was the high point in the use of the *Traditionsbücher*. Most churches stopped making such entries in the course of the thirteenth century. For example, the *Traditionsbuch* of the cathedral chapter, which was started about

40. The two eighth-century lists of Salzburg’s holdings are now available in a better edition. See Fritz Lošek, “Notitia Arnonis und Breves Notitiae: Die Salzburger Güterverzeichnisse aus der Zeit um 800: Sprachlich-historische Einleitung, Text und Übersetzung,” *MGSL* 130 (1990): 5–192. The oldest *Traditionsbuch* of Mondsee has also recently appeared in a new critical edition (it covers the period from the mid-eighth century until 854). See *Das älteste Traditionsbuch des Klosters Mondsee*, ed. Gebhard Rath and Erich Reiter, *Forschungen zur Geschichte Oberösterreichs* 16 (Linz, 1989).

41. See, for example, SUB 1:66–74, nos. 1, 2, 4, 6, and 7.

42. *Urkunden Neustift*, pp. 43–46, no. 10. The *Traditionsbuch* of Neustift was identified as the *Liber testamentorum* in *Traditionsbuch Neustift*, pp. 29–31, no. 1.

1122, contains 373 notices; only 78 of these deal with the period from 1196 to 1264.<sup>43</sup> Consequently less information has survived from the thirteenth than the twelfth century about women and younger sons, whose names were more likely to be recorded in a *Traditionsbuch* than in a sealed charter that was itself accepted as legal proof.

Most of the entries in the *Traditionsbücher*, it should be pointed out, can be dated only by the episcopate or abbacy of the bishop or abbot who presided over the particular church when the notice was recorded. This explains the appearance in this book of such dates as 1125/47 or 1147/67; these particular dates refer to Abbots Balderich (1125–47) and Henry I (1147–67) of Saint Peter's. Needless to say, such imprecision in dating enormously complicates the task of reconstructing the genealogies of the ministerials.

The growing reliance on written rather than oral proof is reflected in the chronological distribution of the charters in the second and third volumes of the *Salzburger Urkundenbuch*. These volumes contain approximately a thousand charters from 790 to 1246 (plus some relevant entries from the *Traditionsbücher* of foundations like Berchtesgaden that were outside the modern province of Salzburg); half of this material (volume 3) is from the archiepiscopate of Eberhard II (1200–1246). The ministerials themselves began to issue and preserve charters in their own family archives during the first half of the thirteenth century; regrettably few of these documents have survived. For example, by 1230 Karl of Gutrat had his own personal notary, and in 1307 the brothers Adalbero III and Ortlieb of Walchen were required to surrender the now lost letters that their grandfather had received from Eberhard II.<sup>44</sup> Indeed, it is worth noting that the oldest extant original charter in the archives of the counts of Törring, the only family of former archiepiscopal ministerials that survives today, dates from 1257.<sup>45</sup>

The use of written instruments aided the development of the German territorial principalities, which in turn started to preserve such records in their own archives.<sup>46</sup> Not even the most diligent modern Austrian and German scholars have thus been able to publish in their entirety all the extant late medieval documents that have survived from the various principalities. For example, Franz Martin

43. For additional information on the *Traditionsbücher*, see Heinrich Fichtenau, *Das Urkundenwesen in Österreich vom 8. bis zum frühen 13. Jahrhundert*, MIOG, suppl. vol. 23 (Vienna, 1971), pp. 73–87, 100–106, 174–79; Peter Johaneck, "Zur rechtlichen Funktion von Traditionsnotiz, Traditionsbuch und früher Siegelurkunde," in *Recht und Schrift im Mittelalter*, ed. Peter Classen, VF 23 (Sigmaringen, 1977), pp. 131–62; and Heinrich Wanderwitz, "Traditionsbücher bayerischer Klöster und Stifte," *Archiv für Diplomatik: Schriftgeschichte, Siegel- und Wappenkunde* 24 (1978): 359–80.

44. Wilhelm Bielsky, "Die ältesten Urkunden des Kanonikatstiftes Sanct Georgen in Unterösterreich: Von 1112 bis 1244," *Archiv für Kunde österreichischer Geschichts-Quellen* 9 (1853): 288–89, no. 33; and Regesten 2:95–96, no. 818. Other examples are SUB 3:566–68, no. 1016; 640–42, no. 1096; 4:42–43, no. 42; 262–63, no. 221.

45. Reindel-Schedl, *Laufen*, p. 293, n. 56.

46. On the role of written records in the formation of the territorial state, see Hans Patze, "Neue Typen des Geschäftsschriftgutes im 14. Jahrhundert," in *Der deutsche Territorialstaat im 14. Jahrhundert*, ed. Hans Patze, 2 vols., VF 13, 14 (Sigmaringen, 1970–71; reprint, 1986), 1:9–64.

selected 390 important or representative documents from the period 1247–1343, that is, from the accession of Archbishop-Elect Philip to the death of Archbishop Henry (1338–43), for inclusion in the fourth volume of the *Salzburger Urkundenbuch*. In addition, Martin summarized approximately 4,000 other pertinent documents in *Die Regesten der Erzbischöfe und des Domkapitels von Salzburg, 1247–1343* (1926–34). The documents contained in these two collections form the documentary base for this book.

Since most of the ministerials lived outside the modern province of Salzburg (see map 5), it is also necessary to use collections of Carinthian, Styrian, and Bavarian sources. The most complete is the *Monumenta historica ducatus Carinthiae* (1896–1972). August von Jaksch published the first four volumes between 1896 and 1906. The first two contain 688 documents from the diocese of Gurk that were drafted before 1269. Volumes 3 and 4 include more than 3,000 documents issued between 811 and the end of Spanheimer rule in 1269. Publication of the Carinthian documents resumed only in 1956 under the leadership of Hermann Wiessner, the provincial archivist. Volumes 5–9 cover the period from 1269 until the accession of the Habsburgs in Carinthia in 1335 and contain approximately 3,300 documents, though most are only summarized. The last two volumes include summaries of 1,900 selected documents from the period 1335–1500. In effect, the later volumes of this collection are a register of post-1269 Carinthian documents.

The Styrian documents are still being published. Joseph von Zahn edited the first three volumes of the *Urkundenbuch des Herzogthums Steiermark* (1875–1903), which contain material from 798 to the end of Hungarian rule in 1260 (a new edition is being prepared). The fourth volume (1960–75), edited by the Styrian archivist Gerhard Pferschy, covers the sixteen-year period 1260–76 when King Ottokar II of Bohemia ruled the duchy. Once again the geometric increase in the production and survival of documents led to the decision to summarize rather than to publish in their entirety documents written after the murder of King Albrecht I in 1308. The first volume in this undertaking, *Regesten des Herzogthums Steiermark* (1976–85), covers the period 1308–19. The documents dealing with the establishment of the Habsburgs in Styria (1276–1308) have yet to be published in any form.

The Bavarian portion of the archdiocese poses the greatest difficulties. The eighteenth-century editions in the *Monumenta Boica* of the *Traditionsbücher* and charters of Baumburg and Herrenchiemsee, houses of regular Augustinian canons, are unreliable (see map 1). The same is also true of the nineteenth-century editions of the *Traditionsbücher* of two other collegiate churches, Au and Berchtesgaden.<sup>47</sup>

47. The *Schenkungsbuch der ehemaligen gefürsteten Probstei Berchtesgaden*, edited by Karl August Muffat, appeared in the *Quellen und Erörterungen zur bayerischen und deutschen Geschichte* 1 (Munich, 1856), pp. 225–364. For further information on Berchtesgaden, see Walter Brugger, Heinz Dopsch, and Peter F. Kramml, eds., *Geschichte von Berchtesgaden: Stift—Markt—Land*, vol. 1, Zwi-

There are modern scholarly editions in the *Quellen und Erörterungen zur bayerischen Geschichte* of the following items: the *Traditionsbuch* and charters of the Cistercian monastery of Raitenhaslach; the twelfth-century *Codex Falkensteinensis* of the counts of Falkenstein, which contains the only *Traditionsbuch* and the oldest manorial register from a secular German lordship; and the codex of traditions, charters, and manorial register of Gars, an archiepiscopal proprietary church of regular canons.<sup>48</sup> The traditions of two other archiepiscopal proprietary houses of Augustinian canons, Reichersberg and Suben, which were in the diocese of Passau, were published in the first volume of the Upper Austrian collection, the *Urkundenbuch des Landes ob der Enns* (1852).<sup>49</sup>

Most of the material in these Carinthian, Styrian, and Bavarian collections that pertains directly to the archbishops or the modern Austrian province of Salzburg was incorporated into the *Salzburger Urkundenbuch* and *Die Regesten der Erzbischöfe und des Domkapitels von Salzburg*. I will normally cite these editions, unless a better text can be found in a more modern edition such as the fourth volume of the Styrian *Urkundenbuch*. The amount of documentary evidence that is available to study the archiepiscopal ministerials is thus by medieval German standards enormous.

Although an elite group formed among the archiepiscopal serfs during the tenth and eleventh centuries—the precursors and ancestors of the later ministerials—it is possible to assign ministerials to lineages only about 1100 when scribes began to associate individual ministerials with specific places: for example, Kröpfel (1090/95), Högl (1090/1104), Seekirchen (1110), Itzling (1104/16), Siegsdorf (1116/25), Surberg (1116/25), Haberland (1125/30), and Wonneberg (1125/47).<sup>50</sup> Some

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*schen Salzburg und Bayern (bis 1594)* (Berchtesgaden, 1991). The places mentioned in the *Schenkungs-* *buch* and the dates of the individual entries can now be more accurately ascertained by consulting the appendix to Heinz Dopsch's article in this collection: "Von der Existenzkrise zur Landesbildung—Berchtesgaden im Hochmittelalter," pp. 371–86. The *Codex traditionum Augiensium*, edited by Johann Mayerhofer, was published in *Drei bayerische Traditionsbücher aus dem XII. Jahrhundert: Festschrift zum 700 jährigen Jubiläum der Wittelsbacher Thronbesteigung* (Munich, 1880), pp. 87–152.

48. *Die Traditionsnotizen des Klosters Raitenhaslach*, ed. Karlheinz Dumrath, QE, n.s., 7 (Munich, 1938); and *Die Urkunden des Klosters Raitenhaslach, 1034–1350*, ed. Edgar Krausen, 2 vols., QE, n.s., 17 (Munich, 1959–60). For information about Raitenhaslach, see Edgar Krausen, *Das Erzbistum Salzburg*, vol. 1, *Die Zisterzienserabtei Raitenhaslach*, *Germania Sacra*, n.s., 11, *Die Bistümer der Kirchenprovinz Salzburg* (New York, 1977). *Codex Falkensteinensis: Die Rechtsaufzeichnungen der Grafen von Falkenstein*, ed. Elisabeth Noichl, QE, n.s., 29 (Munich, 1978). On the Falkensteins, see John B. Freed, *The Counts of Falkenstein: Noble Self-Consciousness in Twelfth-Century Germany*, *Transactions of the American Philosophical Society* 74/6 (Philadelphia, 1984). See also *Die Traditionen, Urkunden und Urbare des Stiftes Gars*, ed. Heiner Hofmann, QE, n.s., 31 (Munich, 1983).

49. For information on Reichersberg, see *900 Jahre Stift Reichersberg: Augustiner Chorherren zwischen Passau und Salzburg: Ausstellung des Landes Oberösterreich 26. April bis 28. Oktober 1984 im Stift Reichersberg am Inn* (Linz, 1984). For additional information on all of these houses of Augustinian canons (Au, Baumburg, Berchtesgaden, Gars, Herrenchiemsee, Reichersberg, and Suben), see Stefan Weinfurter, *Salzburger Bistumsreform und Bischofspolitik im 12. Jahrhundert: Der Erzbischof Konrad I. von Salzburg (1106–1147) und die Regularkanoniker*, *Kölner historische Abhandlungen* 24 (Cologne, 1975).

50. Freed, "Diemut von Högl," pp. 636–37.

of these places were later the sites of castles (for instance, Högl was identified in 1170 as a *municio*, and in 1193 Surberg was called a *castrum*),<sup>51</sup> but it is not known when these castles were built. In contrast, Wonneberg was still only a manor house in the 1180s, when its last lord conferred it on the cathedral chapter.<sup>52</sup> In any case, the first terminal date of this study is 1100, when *ministerialis* became the preferred designation for a person who belonged to the servile elite and when the ministerials began to be identified in the sources by toponymic surnames.

The other terminal date, 1343, was chosen in part because it is the closing date of *Die Regesten der Erzbischöfe und des Domkapitels von Salzburg*. More important, the late medieval archbishops, starting in 1270 with Frederick II, systematically broke the power of the great ministerial lineages, many of which either died out in the male line or found themselves in increasing financial difficulty, and acquired their lordships. In fact, only nine lineages of major ministerials still survived within the principality in 1343, and most of these disappeared in the next few decades (the date in parentheses is the time of their extinction in the male line): Bergheim (second half of the fourteenth century), Eichham (1403), Felben (senior line 1369, cadet line 1419), Goldegg (1400), Radeck (second half of the fourteenth century), Tann (1398), Tettelham (after 1349), Törring (still flourishing), and Walchen (1410).<sup>53</sup> In short, this book traces the history of the ministerials from their first appearance in the sources until the mid-fourteenth century when the archbishops were able to dispense with the services of their erstwhile helpers, who had been transformed in the interim from serfs into nobles.

### Methodology

This work is based on my reconstruction of the genealogies and family histories of 169 lineages of archiepiscopal ministerials (for a list of the lineages, see appendix 2).<sup>54</sup> I created a separate file for each toponymic surname and a subfile for each individual who bore that name and recorded every reference to the place or person. As anyone knows who has ever attempted to reconstruct the genealogies of medieval families, this is easier said than done.

Beyond the fact that the ministerials' own knights and serfs often bore the same toponymic surnames as their lords, the ministerials themselves could change their names with bewildering frequency; or to put it more accurately, scribes might associate a man or a lineage with more than one place. The family of Gerhoch II of Bergheim-Radeck is an extreme example. The Bergheims (a name they adopted

51. SUB 1:724–25, no. 292b; 2:546–48, no. 397.

52. SUB 1:709–10, no. 265: “Curtem unam villicalem in Wagenaerberge, ubi ipse [William] domum habebat.” On the Wonnebergs, see Freed, “Diemut von Högl,” p. 616.

53. Dopsch, *Geschichte Salzburgs* 1/1:370–99.

54. Some of the genealogies appear in this book or in my articles. I hope someday to publish a revised version of all the genealogies and family histories or to make this material accessible to scholars in some other form.

only at the end of the twelfth century) used six surnames during the twelfth century: Bergheim, Forchtenstein, Gersdorf, Itzling, Kröpfel, and Traunsdorf (see genealogy 3.5). Moreover, they and another prominent lineage, the Haberland-Siegsdorfs, were the descendants in the male line of a common ancestor Etzo who lived in the mid-eleventh century.<sup>55</sup>

Such changes in names could occur for a variety of reasons: the division of the lineage's paternal patrimony (the senior line of the Bergheims retained the name Traunsdorf); the acquisition of a maternal inheritance (Itzling); appointment to an archiepiscopal office (Markwart I became the burgrave of Forchtenstein); or the construction of a new castle (Gerhoch II of Bergheim became Gerhoch of Radeck in 1247, presumably because he had built a new castle four kilometers east of Bergheim, which the descendants of his older brother kept). In some cases a scribe seems simply to have assigned a person a name that made sense to the scribe in that particular context, though not necessarily to us. For example, in 1158 an archiepiscopal ministerial, Sigiboto of Hohenberc, witnessed a charter of Archbishop Eberhard I (1147–64). This is the only reference to such an individual, but in 1184/93 the prominent archiepiscopal ministerial Sigiboto I of Surberg, who appeared in dozens of documents, conferred on Herrenchiemsee all of his considerable possessions in Hohenperch (presumably Höhenberg, ten kilometers southwest of Herrenchiemsee).<sup>56</sup> Sigiboto of Hohenberc was almost certainly the same person as Sigiboto I of Surberg, but why the scribe who drafted the 1158 charter for the Nonnberg (a convent of Benedictine nuns in Salzburg) chose to link Sigiboto with Höhenberg on this occasion is beyond my comprehension. (Could the scribe have been a canon of Herrenchiemsee?) In any case, as these examples show, it took a long time for such toponymic surnames to become fixed—that is, for a specific lineage to perceive itself and to be seen exclusively by others as, say, the Bergheims, Radecks, or Surbergs.

Any modern attempt to determine which group of individuals constituted a lineage and to assign specific individuals to such a grouping must therefore be based on subjective judgments. Dominik Müller, in an unpublished and apparently lost doctoral dissertation, identified 222 lineages of archiepiscopal ministerials. Hans Widmann, who summarized Müller's findings, listed the names of 126 lineages of archiepiscopal ministerials who lived within the boundaries of the medieval principality but excluded a few insignificant families that he could not place precisely. Widmann included among his 126 lineages the following names: Bergheim, Haberland, Kröpfel (Chröpfel), Siegsdorf, and Traunsdorf. As I have just pointed out, the same lineage employed the names Bergheim, Kröpfel, and Traunsdorf in the twelfth century, and they and the Haberland-Siegsdorfs descended from a

55. Freed, "Diemut von Högl," pp. 604, 638–41; idem, "The Formation of the Salzburg Ministerialage in the Tenth and Eleventh Centuries: An Example of Upward Social Mobility in the Early Middle Ages," *Viator* 9 (1978): 96–98.

56. MB 2:350, no. 205; SUB 2:467–68, no. 335; 712–13, no. 524.



common ancestor. Widmann also noted that the Bergheims were related to the Fischachs, Itzlings, Radecks, Forchtensteins, and Zaisbergs and for that reason, presumably, listed only the Zaisbergs among his 126 lineages.<sup>57</sup> In fact the Itzling-Fischach-Zaisbergs belonged to a separate lineage, the family of Gerhoch II's paternal grandmother, Adelaide of Itzling (see genealogy 3.4).<sup>58</sup>

I have established the following guidelines to deal with the problem of defining lineages. Minimally, to be classified as a lineage at least two individuals other than a couple—that is, a parent and child or two siblings—preferably archiepiscopal ministerials (a noble and his son who became a ministerial, for example, can also constitute a lineage), had to employ the same surname, unless it can be demonstrated that the two individuals are better known by another name. According to this minimalist definition, Hiltibrant of Baumhofen, who became in 1131/47 a monk in Saint Peter's, and his mother Tuta, who served as his proctor, belonged to a separate lineage.<sup>59</sup> I would not have listed Höhenberg as the residence of another family, however, even had I not surmised that Sigiboto of Höhenberg was the same person as Sigiboto I of Surberg, because only one individual was identified in this fashion. Second, if brothers employed different surnames, I have classified a cadet line as a separate lineage only if the cadet line persisted and employed its new name for at least two generations. Thus the Radecks have been classified as a separate lineage, but Forchtenstein and Gersdorf have not been listed as the homes of separate lineages because these names were used only sporadically by Gerhoch II's paternal uncles. Finally, if a lineage adopted the name of its maternal ancestors, I have classified the family of the maternal ancestors as a separate lineage if they had been archiepiscopal ministerials; that is, Itzling refers in this context not to the Bergheims, even though they used this name at one point, but to the family of Gerhoch II's paternal grandmother and her brothers. I have obtained in this fashion the names of 169 "lineages" of archiepiscopal ministerials, 43 alternative names like Höhenberg or Forchtenstein, and 44 surnames that were assigned to only a single individual.

It should be stressed that other scholars could disagree with some justification about my inclusion or exclusion of certain lineages among the archiepiscopal ministerials. For example, Alois Lang classified the Silberbergs, nobles who became ministerials of the dukes of Carinthia, as archiepiscopal ministerials, apparently because Henry of Silberberg was listed in 1247 in a charter of Archbishop-Elect Philip (1247–57) among a group of witnesses who were identified as ministerials but not specifically as archiepiscopal ministerials. Since Henry was not listed later

57. Hans Widmann, *Geschichte Salzburgs*, 3 vols., Deutsche Landesgeschichten 9 (Gotha, 1907–14), 1:374–81. During a stay in Salzburg in 1980 I was unable to find in Salzburg, Innsbruck, or Vienna a copy of Müller's unpublished dissertation, "Die Ministerialen des 12. und 13. Jahrhunderts in Salzburg und Gurk" (University of Innsbruck, 1904).

58. Freed, "Diemut von Högl," pp. 618–20, 638–41.

59. SUB 1:343–44, no. 179.

that year among the archiepiscopal ministerials in a charter of Philip's father, Duke Bernhard (1202–56), I do not believe there is sufficient evidence for classifying him as a Salzburg retainer (Henry could have accompanied Philip simply because the latter was the duke's son).<sup>60</sup>

It should also be pointed out that all 169 lineages were never simultaneously in the archbishop's service. The number of lineages was constantly being reduced through family extinctions and increased by the entrance of nobles or the ministerials of other lords into the archiepiscopal ministerialage and the establishment of cadet lines as separate lineages. It is thus impossible to say precisely how many lineages, let alone individual ministerials, served the archbishop at any given moment, but the overall number declined sharply between 1100 and 1343. The most powerful and successful families, like the Bergheim-Radecks—lineages that survived for several generations, that accumulated the most property and attained high secular and ecclesiastical offices, and that were more likely to be mentioned in the sources as donors or witnesses, are thus overrepresented in this book. It should not be assumed that such lineages were representative of the great mass of the ministerials like the Baumhofens, who have left barely a trace in the extant documentation. The very survival of lineages like the Bergheim-Radecks made them atypical.

There are other difficulties as well in reconstructing the histories of the individual lineages. Many families employed the same first names repeatedly, sometimes bestowing the same name on two or even three sons; there were, for example, nine Fredericks of Pettau and fourteen Eckarts of Tann. I have assigned a separate number to each man (for instance, Gerhoch II of Bergheim-Radeck), but it is often impossible to tell whether the Eckart of Tann who appeared in a particular document was the father, son, brother, or cousin who bore the same name. Scribes also employed kinship terms with considerable latitude. For example, *nepos* could mean both nephew and grandson, *avunculus*, maternal uncle or cousin; words like *consanguineus* (blood relative) or *Freund* (friend) could encompass an even wider range of kinsmen. Women and younger sons are underrepresented because they could not serve as witnesses or were less likely to do so. It is fairly rare to know both a woman's natal and married families, and clerics were generally identified by their ecclesiastical position rather than by toponymic surnames. Considerable uncertainty therefore surrounds every genealogical reconstruction, and I have refused to draw statistical conclusions from such evidence.

To be absolutely honest, I should have qualified many more statements in the text with such weasel words as “probably,” “may have been,” “appears,”

60. Alois Lang and Gustaf Adolf von Metnitz, *Die Salzburger Lehen in Kärnten bis 1520*, FRA 2/79 (Vienna, 1971), pp. 245–47, no. 264. On the Karlsberg-Silberbergs, see MC 4/1:17–19, no. 1556; 115–16, no. 1816; 319–20, no. 2292; 345–46, no. 2343; 347–48, no. 2345; 354–55, no. 2362; 359–60, no. 2373; SUB 3:63–64, no. 583.

“seems,” “almost certainly,” but all the equivocations would have made the book less readable. Although I have presented the evidence in the text with more certitude than is sometimes warranted by the problematic evidence, in the genealogies I have indicated my doubts with question marks and broken lines wherever I am not absolutely sure about an identification or affiliation (for example, that Sigiboto of Höhenberg and Sigiboto of Surberg were the same person). I have included in the genealogies the date or dates when a man held a particular office (the first line if two lines of dates are shown under a person’s name) and when a person appears in the sources. Dates of birth are unknown, and the last date under a person’s name should not be interpreted as the date of death unless so noted (*d.* means died, *d. by* means dead by); however, one can probably assume that a prominent individual died shortly after disappearing from the sources. In some instances I have included a person, usually a prominent cleric who bore the toponymic surname of the lineage, in the genealogy without indicating his precise affiliation because I am reasonably certain that an individual who held that rank in society belonged to the lineage whose name he bore even if I cannot place him. I have tried to document every genealogical statement I make in the text; the same is not true of the genealogies.

If there is any justification for such an approach, it is that ultimately this is not a book about specific individuals but a prosopographical study of a group. Although there was no single strategy all families adhered to and though the history of each person and lineage was shaped by unique circumstances, it is the overall patterns of behavior that are significant. Admittedly it is the exceptions, the violations of the rules, and the conflicts that were more likely to be recorded and remembered; but it is the very exceptionality of such events that often reveals the norms. I am convinced that though some document I have overlooked may prove that X was the cousin rather than the uncle of Y, it is unlikely to invalidate my general conclusions about family behavior.

USING the genealogies and family histories I have reconstructed in this manner, I will focus on marriage to explore the disjunction between the ministerials’ legal condition and their social status. Chapter 1 is a history of the archiepiscopal ministerialage and largely constitutes a synthesis of research I have presented in my articles. In it I trace the history of the ministerials from the second half of the tenth century, when an elite group began to form among the archiepiscopal serfs, until the mid-fourteenth century, when the ministerials had become the nobility of the principality but were on the verge of extinction. It is important to remember that the nobility of medieval Salzburg comprised three distinct but overlapping strata: the old free nobility, which by 1200 had largely died out or entered the archiepiscopal ministerialage or that of another prince in a medieval form of mediatization; the ministerials, who composed the de facto nobility of the principality and the archdiocese during the High Middle Ages; and the knights,

who were in large measure the descendants of the ministerials' own servile vassals and who coalesced with the few surviving ministerial lineages to form the estate of knights (*Ritterstand*), the only noble estate in late medieval Salzburg. This book concentrates on the ministerials, but they can be understood only in reference to the other two groups.

Chapter 2 situates the ministerials within the servile world and looks at the external restraints on their freedom to marry: seigneurial customs that required them to marry fellow ministerials of their own lord and canon law, which stipulated that all Christians had to contract exogamous marriages. Since the ministerials had increasing difficulties in finding marriage partners among their peers to whom they were not related within the prohibited degrees, the only alternative was cross-marriages like that of Gerhoch and Bertha, that is, marriages between the ministerials of different princes. Such unions raised troublesome questions, however, about the ministerials' loyalty and the fate of their progeny and property. The traditional servile custom of maternal ascription, which assigned children to their mother's lord, was at variance with patrilocality and with the inheritance of property in the male line. The princes dealt with such conflicting norms in a variety of ways; the 1213 agreement was one of many solutions. The ministerials' choice of marriage partners may have posed a special dilemma for the archbishops, who as earthly rulers were eager to prevent the alienation of their ministerials and their property to other lords but were also required as churchmen to enforce the church's teachings. As for the ministerials, an extrinsic marriage was a token of their emancipation from servitude.

Chapter 3 explores the ministerials' own family strategies. Like the nobles, the ministerials sought to ensure their lineage's continuity without fragmenting its patrimony among too many heirs. Once again, one goal could easily be at odds with the other. Many families, especially in the second half of the twelfth century, severely curtailed their children's reproductive freedom. The heir—usually the eldest son, who bore the lineage's distinctive first name—was favored at the expense of his sisters and younger brothers, many of whom were placed in one of the ecclesiastical foundations that proliferated in the archdiocese during the twelfth century. Younger sons who remained laymen were assigned a share of the family patrimony but married only if their older brother died, if their mother or wife was an heiress, or if they were able to establish a new lordship on the eastern or alpine frontier. This strategy contributed to the extinction of numerous lineages, and in the thirteenth century many families consequently adopted the new policy of allowing two sons to marry. This change in family strategy was made possible by several factors: an awareness that many families had died out, the accumulation of property among the surviving lineages, the creation of the ecclesiastical principality that provided the ministerials with new opportunities for enrichment, and a change in the system of marriage payments that for the first time required the bride's family to make a significant contribution to the establishment of the house-

hold. It should be stressed, however, that there was no single pattern of conduct to which all families adhered.

Chapter 4 investigates the change in the system of dotal payments that occurred in the thirteenth century. As long as lineages permitted only one son to marry, families were not overly concerned with providing for a couple, because the designated heir inherited most of the family patrimony. The chief need was to care for a widow who was often many years younger than her late husband. This was the main purpose of the *Leibgedingssystem*, which granted a widow the lifelong use (*Leibgedinge*) of a substantial portion of her late husband's estate. Once families allowed two sons to marry, they were confronted with the problem of supplying two couples and potential widows in each generation with an income commensurate with their estate. Consequently the bride's family was required for the first time to make a substantial contribution to the establishment of the new household, in the form of the dowry. Unlike other parts of Europe, however, where the widow's dower is alleged to have declined to insignificance in comparison with the dowry, the dowry in the archdiocese never surpassed the dower and actually decreased relative to it in the later Middle Ages. The archdiocese may have been spared a dowry inflation because the real purpose of this system of marriage payments was not to transfer wealth from one lineage to another but to forge alliances among families who belonged to the same estate.

Chapter 5 examines how the archbishops manipulated the ministerials' marriages to create the ecclesiastical principality of Salzburg and then to consolidate their power. There is no documentary evidence that the archbishops in the twelfth century actively promoted marriages between their ministerials and noblemen or noblewomen or with the ministerials of other lords, but it is hard to imagine that unions that increased the size and wealth of the archiepiscopal retinue occurred without the archbishop's blessing. Eberhard II turned the ministerials' marriages into a major instrument of archiepiscopal policy. In addition to regulating the marriages of specific ministerials like Gerhoch and Bertha, Eberhard probably persuaded the remaining noblemen within the principality to marry archiepiscopal *Dienstweiber*, subsidized the marriages of the ministerials of other lords whom he sought to bind to the archbishopric, and turned the requirement that a ministerial marry within the archiepiscopal familia or household into a type of loyalty oath to the prince. Such a promise, with its implicit acknowledgment of the ministerial's servile status, took the place of an oath of fealty in the principality. Eberhard's successors continued his policies and rewarded faithful retainers by making substantial contributions to their marriages or their children's. In effect, such payments turned the recipients into archiepiscopal pensioners and created a new form of dependence at the very moment when the traditional servile bonds were atrophying. At the beginning of the fourteenth century, the archbishops stopped dividing the children of their ministerials' cross-marriages but required women who married outside the archiepiscopal familia to renounce their inheritance. Women thus paid

the price for the disappearance of one of the last vestiges of the ministerials' servile status. The new territorial state with its quasi-bureaucratic institutions had been superimposed upon an existing network of personal bonds.

Finally and most speculatively, chapter 6 probes how the ministerials may have perceived and responded to the ambiguities in their position. In the absence of any direct personal evidence such as letters, I will analyze two unique artistic sources. The first is the recently discovered Rodenegg frescoes, painted about 1220, which depict eleven scenes from the first cycle of Hartmann von Aue's *Iwein*. The paintings tell the story from the perspective of the grieving Laudine, who is the central figure in the cycle, rather than of the hero. I will argue that the lady of the castle, the noblewoman Mathilda of Hohenburg, may have commissioned the frescoes to remind her husband, Arnold III of Rodank, the most powerful ministerial in the diocese of Brixen and the cousin of the bishop, of her sacrifice in marrying him and of the deference he owed her. Arnold may have read the frescoes, in turn, as a celebration of his marriage to a noblewoman. The second source is the *Frauentienst* or *Service of Ladies*, the so-called autobiography of the Styrian ministerial Ulrich I of Liechtenstein, which he probably wrote in 1255. His fanciful tale is, I will contend, a humorous way to call into question a social order that separated the nobles from powerful ministerials like the Liechtensteins who were their equals in everything but birth.

Ultimately, this is a book about conflicting societal norms. The most obvious one is the tension between the ministerials' servile legal condition and their de facto status as nobles, but many other such conflicts shaped the ministerials' lives: seignorial customs that imposed endogamy upon them and canonical stipulations that fostered exogamy; maternal ascription that assigned a serf's children to the mother's lord and patrilocality and inheritance customs that favored the father's master; the desire to promote a lineage's continuity and the need to prevent the fragmentation of its patrimony among too many heirs; the obligation to care for a widow in a suitable fashion and the interests of the husband's kinsmen and her own children; and the duty of a man to provide for his own eternal salvation without impoverishing his kinsmen. Both the Rodenegg frescoes and the *Frauentienst* deal with such conflicts. The paintings relate Hartmann's romance from the viewpoint of the victims of Iwein's adventures, while much of the humor of Ulrich's "autobiography" is derived from its role and gender reversals. How the noble bondsmen dealt with these conflicts is the theme of this book.

## CHAPTER ONE

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# The Archiepiscopal Ministerialage

Medieval Germans were themselves puzzled by the ministerials' peculiar status. An Alsatian monk, writing about 1160, pointed out that the familia of the bishop of Strasbourg was divided into three distinct strata: the ministerials or knightly stratum ("militaris directa"), who were so noble and warlike that they could be compared to the estate of the freeborn; the *censuales* or altar dependents, who paid dues; and those who owed both labor services and renders. Another passage supplied the ministerials with a Roman pedigree. After Julius Caesar had defeated the Gauls, he rewarded the Germans who had assisted him by granting their princes the rank of senators and by giving the lesser knights ("minores . . . milites") Roman citizenship. Before leaving for Rome, Caesar assembled the Germans and assigned the knights to the princes, but he urged them "to treat the knights not as slaves and servants but rather to receive their services as the knights' lords and defenders. Hence it is," the chronicler explained, "that German knights, unlike their counterparts in other nations, are called servants of the royal fisc and princely ministerials."<sup>1</sup> These passages, which were an attempt to explain not only the rise of the ministerials out of the familia but also the formation of the estate of princes (*Reichsfürstenstand*), reveal both the ministerials' pretensions to noble status and their anxiety about their marginal place in German society.<sup>2</sup>

1. *Chronicon Ebersheimense*, ed. Ludwig Weiland, MGH SS 23 (Hanover, 1874), pp. 432–33.

2. Many scholars have commented on these passages. See most recently Arnold, *German Knighthood*, pp. 47, 101. On the Alsatian ministerials, see Henri Dubled, "Noblesse et féodalité en Alsace du XIe au XIIIe siècle," *Tijdschrift voor Rechtsgeschiedenis (Revue d'histoire du droit)* 28 (1960): 129–80. On the alleged Roman origins of medieval German institutions, see Heinz Thomas, "Julius Caesar und die Deutschen: Zu Ursprung und Gehalt eines deutschen Geschichtsbewusstseins in der Zeit Gregors VII. und Heinrichs IV.," in *Die Salier und das Reich*, ed. Stefan Weinfurter, 3 vols. (Sigmaringen, 1991), 3:245–77; and Timothy Reuter, "Past, Present and No Future in the Twelfth-

Modern German scholars found it very difficult to believe that many of the most distinguished aristocratic families (for example, the only surviving lineage of former archiepiscopal ministerials, the Törrings, who had been counts since 1630) were of servile ancestry;<sup>3</sup> and until the 1920s there were numerous and not very convincing attempts to prove the contrary.<sup>4</sup> Although it is generally accepted today that the ministerials rose out of the ranks of the dependent population, many nobles did become ministerials in the twelfth century, and marriages between ministerials and nobles, particularly noblewomen, were common. This “improvement” in the ministerials’ bloodlines was a major factor in their eventual ennoblement. Aristocratic pride was not the sole reason for the scholarly reluctance to accept the ministerials’ servile origins, however. There is very little documentary evidence about the ministerials before their sudden appearance in the sources about 1100 as a fully formed institution, and scholars were thus able to let their imaginations run wild. Thanks to the survival of the *Traditionsbücher*, the Austro-Bavarian area is one of the few regions where it is possible to study, even dimly, the ministerials’ obscure beginnings.<sup>5</sup> This chapter will therefore trace in broad terms the history of the Salzburg ministerials from serfdom in the tenth century to nobility and oblivion in the fourteenth.

The medieval nobility of Salzburg was composed of three distinct, successive, but connected layers. The old free nobles—that is, individuals who were styled in the twelfth century as counts, nobles, or freemen—were the descendants of the Bavarian tribal nobility and the Carolingian imperial aristocracy who had settled in the area.<sup>6</sup> By 1200 they had largely died out in the male line or had become ministerials themselves. The ancestors of the ministerials or at least their functional precursors, identified as *servi*, can first be detected in the second half of the tenth century and by 1050 formed an elevated group within the archiepiscopal familia. The Investiture Conflict was the decisive moment in the rise of the *ministeriales*, the term that became the standard designation for them in this period. By 1200 the

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Century Regnum Teutonicum,” in *The Perception of the Past in Twelfth-Century Europe*, ed. Paul Magdalino (London, 1992), pp. 15–36.

3. Jolanda Englbrecht, *Drei Rosen für Bayern: Die Grafen zu Toerring von den Anfängen bis heute* (Pfaffenhofen, 1985), esp. pp. 16–17. For additional information on the Törrings, see Reindel-Schedl, *Laufen*, pp. 283–350.

4. On the whole debate, see John B. Freed, “The Origins of the European Nobility: The Problem of the Ministerials,” *Viator* 7 (1976): 217–22.

5. Günther Flohrschütz utilized the Freising *Traditionsbücher*, the most extensive collection of such sources, to study the ministerialage of the bishops of Freising. See his “Die Freisinger Dienstmannen im 10. und 11. Jahrhundert,” *Beiträge zur altbayerischen Kirchengeschichte* 25 (1967): 9–79; and idem, “Die Freisinger Dienstmannen im 12. Jahrhundert,” *Oberbayerisches Archiv* 97 (1973): 32–339. The most recent general account of the origins of the ministerials is Thomas Zotz, “Die Formierung der Ministerialität,” in Weinfurter, *Die Salier und das Reich* 3: 3–50.

6. On the old nobility, see Dopsch, *Geschichte Salzburgs* 1/1: 361–67; Michael Mitterauer, *Karolingische Markgrafen im Südosten: Fränkische Reichsaristokratie und der bayerische Stammesadel im österreichischen Raum*, AÖG 123 (Vienna, 1963); and Wilhelm Störmer, *Früher Adel: Studien zur politischen Führungsschicht im fränkisch-deutschen Reich vom 8. bis 11. Jahrhundert*, Monographien zur Geschichte des Mittelalters 6 (Stuttgart, 1973).



archiepiscopal ministerials had become the secular leaders of Salzburg society. Nothing illustrates their position better than their right, along with the cathedral canons, to elect the archbishop. The sources began to distinguish about 1180 between the greater or better ministerials, who had their own servile vassals or knights, and the lesser ministerials, who did not. By 1300 these lesser ministerials and the knightly retainers had formed a separate estate of knights (*Ritterstand*). Since by the fourteenth century there were too few lineages of greater ministerials to maintain their exclusive status, they coalesced with the knights, just as the surviving free nobles had become ministerials a century or two earlier. Although the designation of the Alsatian ministerials as knights reflected their rise out of the ranks of the servile population and their gradual ennoblement, the application of the words *miles* or *Ritter* to the ministerials in Salzburg signified that they could no longer maintain their superior position vis-à-vis their own men. This chapter concentrates on the ministerials, but it must inevitably also deal with the changing relationship between the nobles, ministerials, and knights.

### Before the Investiture Conflict

It is possible to follow in the archiepiscopal codices of traditions that span the years 923 to 1060 the emergence of an elite group within the archiepiscopal familia, that is, among those individuals who were subject to the archbishop's household lordship on account of their servile birth.<sup>7</sup> These men, who were identified by terms that began to deemphasize their servile condition, gradually replaced the nobles as transactors and as the archbishops' advisers.

The first signs of this process appear during the archiepiscopate of Frederick I (958–91). The consent clauses in four of the twenty-four transactions recorded in his collection state that Frederick had consulted with members of his household. For example, one notice declared that he had acted “with the advice of the entire clergy, the free vassals [*miliciae*], and all of his household [*familiaequae omnis*].”<sup>8</sup> Two entries offer a clue to the identity of the household members Frederick consulted. About 963 Diotrih, who was called a “servus” of Saints Peter and Rupert, exchanged his alod (*proprietas*) of three hides and twenty yokes with the archbishop for an equal amount of land that he and his posterity were to possess

7. The word *familia* could sometimes be employed in the tenth and eleventh centuries for anyone who was subject to the lord's authority, including the vassals and the clergy, but it referred more commonly to the nonfree, as the consent clause cited above indicates. On this point, see Philippe Dollinger, *L'évolution des classes rurales en Bavière depuis la fin de l'époque carolingienne jusqu'au milieu du XIIIe siècle*, Publications de la Faculté des lettres de l'Université de Strasbourg 112 (Paris, 1949), pp. 243–44.

8. SUB 1:180–81, no. 15. See also SUB 1:168–70, no. 2; 173–74, no. 8; 177–78, no. 13. On the meaning of *miles* and *militia* in this period in Salzburg, see Freed, “Nobles,” pp. 581–84.

in perpetuity.<sup>9</sup> On 1 August 976, a “quidam familiae servus” named Wolfpreht and his wife gave the archbishop a hide and forty yokes and received in perpetuity whatever lands his father had previously held in benefice at an unidentifiable Saxinga, which Wolfpreht could dispose of freely.<sup>10</sup>

There are three striking aspects of these transactions. The first is that Archbishop Frederick even bothered to consult, let alone exchanged property, with a man labeled a serf. There is no evidence that Archbishop Odalbert (923–35), whose *Traditionsbuch* also survives, did; there *mancipia*, serfs without their own tenures, were merely objects to be traded. Second, these *servi* owned alods, and Wolfpreht held a benefice that had previously belonged to his father; that is, he already occupied a quasi-hereditary position. Finally, it is noteworthy that Wolfpreht exchanged property with Frederick in Regensburg on 1 August 976, just after Otto II had successfully besieged Duke Henry the Wrangler of Bavaria. This suggests that Wolfpreht may have been a warrior.

The members of the familia continued to advance during the archiepiscopates of Frederick’s successors: Hartwig (991–1023), Thietmar (1025–41), and Baldwin (1041–60). First of all, there was a sharp decline in the number of nobles who exchanged property with the archbishops and a concomitant rise during the first half of the eleventh century in the number of transactors drawn from the familia. For example, forty-two noblemen, eleven noble clerics, twenty noblewomen, and two freemen, but no members of the household, engaged in the 102 transactions recorded in Archbishop Odalbert’s codex of traditions. In contrast, only two noblemen, one noble cleric, and one free man, but twenty-one lay members of the familia, seven clerical members of the household, and one female member of the familia appeared as transactors in the thirty-six entries in Thietmar’s collection. It is possible that for some unknown reason the scribes ceased to record the archbishops’ dealings with the nobility, but that seems unlikely. Second, members of the familia replaced the nobles and free vassals as the archbishops’ advisers and as witnesses in the eleventh-century collections, even when the transactor was a noble.

The growing importance of the lay members of the archiepiscopal household was reflected in designations that placed less emphasis on their servile status than *servus* did. Although *servus* itself and equivalent expressions like *quidam servilis conditionis* remained by far the most common terms, *quidam de familia* or *ex familia sancti Ruodberti* came into use under Archbishop Hartwig and *quidam vir*

9. SUB 1:173–74, no. 8. The Latin word *mansus* and the German word *Hube*, which was Latinized as *huba* or *hoba* and which I have translated as *hide*, were usually employed interchangeably in Bavaria. It was considered to be the amount of land necessary to support a peasant family. The arable portion of the hide was divided into yokes (*jugera*), in theory the amount of land that could be plowed by a team of oxen. See Dollinger, *L’évolution*, pp. 105–11.

10. SUB 1:183–84, no. 19. For further information, see Freed, “Formation,” pp. 80–84.

*de familia, minister, and serviens* under Baldwin. *Servitor sancti Ruodberti* was used before 1025 in the *Traditionsbuch* of Saint Peter's for the archbishop's men but never in the archiepiscopal codices.<sup>11</sup>

The archbishops turned to the familia for assistance for several reasons. The first was military. The Magyars posed a major threat during the first half of the tenth century. Although the threat subsided after Otto I defeated the Hungarians on the Lechfeld in 955, there were occasional Hungarian forays until the end of the century; and the archbishops, like other German bishops, were required to supply the crown with soldiers.<sup>12</sup> Otto II's famous list of military contributions, the *Indiculus loricatorum* of 981, states that the archbishop's customary assessment was seventy cavalymen with mailcoats (*loricati*), one of the largest contingents.<sup>13</sup> The archbishops had originally relied on the nobility of the archdiocese, many of whom were their kinsmen, to satisfy their military needs, but there was a noticeable decline in the size of the archbishops' noble entourage as the large noble kindreds gradually divided into patrilineages.<sup>14</sup> Although this restructuring of the nobility was occurring throughout Germany during the tenth and eleventh centuries, it posed a particular problem for the archbishops. Bavaria was in effect the royal domain in the eleventh century—for fifty-three years between 995 and 1096 the duke was either the king himself, his wife, or one of his children.<sup>15</sup> Whereas the archbishops of the tenth century had been members of the Bavarian high nobility, the kings deliberately selected non-Bavarians as archbishops in the eleventh century.<sup>16</sup> Such outsiders posed less of a threat to the king's control of Bavaria, but their lack of family ties within the duchy made them even more dependent on their servile retainers. On the eve of the Investiture Conflict the archbishops were thus surrounded by a group of trusted serfs on whom they relied for advice, military assistance, and other unspecified services and whom they had endowed with alods and benefices.

11. *Ibid.*, pp. 84–90.

12. Max Spindler, ed., *Handbuch der bayerischen Geschichte*, vol. 1, *Das alte Bayern: Das Stammesherzogtum bis zum Ausgang des 12. Jahrhunderts* (Munich, 1967), pp. 203–34.

13. "Epistolae Bambergenses," in *Monumenta Bambergensia*, ed. Philipp Jaffé, *Bibliotheca rerum Germanicarum* 5 (Berlin, 1869), pp. 471–72, no. 1. For a discussion of the *Indiculus*, see Karl Ferdinand Werner, "Heeresorganisation und Kriegführung im deutschen Königreich des 10. und 11. Jahrhunderts," in *Structures politiques du monde franc (VIe–XIIe siècles): Etudes sur les origines de la France et de l'Allemagne* (London, 1979), pp. 791–843, esp. p. 825.

14. Freed, "Formation," pp. 73–77, 80–81. Karl Schmid in particular has studied the formation of the patrilineage. See his collected articles published in *Gebetsgedenken und adliges Selbstverständnis im Mittelalter: Ausgewählte Beiträge. Festgabe zu seinem sechzigsten Geburtstag* (Sigmaringen, 1983), pp. 183–466; and John B. Freed, "Reflections on the Medieval German Nobility," *AHR* 91 (1986): 560–66. The whole concept of a shift from cognatically related groupings to agnatic lineages has come into increasing question. See most recently Donald C. Jackman, *The Konradiner: A Study in Genealogical Methodology*, *Ius commune*, suppl. vol. 47 (Frankfurt, 1990), pp. 268–71.

15. Spindler, *Handbuch* 1:227.

16. Heinz Dopsch, "Der bayerische Adel und die Besetzung des Erzbistums Salzburg im 10. und 11. Jahrhundert," *MGSL* 110–11 (1970–71): 125–51; and Freed, "Formation," pp. 98–102.

## The Investiture Conflict

The Investiture Conflict, when the ministerials' military talents were in great demand, was the decisive moment in the formation of the new estate, a hereditary rank in society whose members possessed special rights recognized by law or custom, with concomitant obligations. *Ministerialis*, which stressed the ministerials' right to hold an office (*ministerium*) or, more broadly conceived, to perform honorable services, replaced *servus* as the standard designation for an individual who belonged to the new order. Unfortunately it is difficult to study this crucial period because Archbishops Gebhard (1060–88), Thiemo (1090–98, died in Anatolia in 1101), and Conrad I (1106–47), who were staunch supporters of the papacy, spent most of the years between 1077 and 1121 in exile.<sup>17</sup> Consequently there is little documentary evidence for this period, though the custom of identifying ministerials with toponymic surnames, which began about 1100 and demonstrates that they were being perceived as property owners, makes it possible to start assigning individuals to distinct lineages.<sup>18</sup> By using onomastic evidence and the history of individual properties, it can be shown that at least some of the ministerials were the descendants of the *servi* who had been mentioned earlier in the codices of traditions.

*Ministerialis*, which in late antiquity had referred to the imperial household slaves, was employed under the Carolingians for a great variety of state, court, and domestic officials regardless of their legal status.<sup>19</sup> The men who were identified as ministerials during Odalbert's archiepiscopate were nobles, but about 1000 Raban, an official of servile condition, was styled a "ministerialis vir."<sup>20</sup> In the mid-eleventh century the word still referred to an official rather than to a member of a particular estate. Thus Odalbert was called "quidam de familia sancti Ruodberti . . . ministerialis fratrum canonicorum," that is, a member of the archiepiscopal household and an official of the cathedral canons.<sup>21</sup> The first certain use of the word *ministerialis* for members of a distinct estate occurred in 1110, and in 1125 Count Manegold gave a serf (*ancilla*) to the cathedral canons on condition that "she enjoy the right and law of the ministerial dignity."<sup>22</sup> A cathedral canon was specifically identified in 1146 as belonging to the *ordo ministerialium*, that is, a member by birth of the estate of the ministerials.<sup>23</sup> *Ministerialis* thus became in

17. Dopsch, *Geschichte Salzburgs* 1/1:232–61.

18. See above, introduction at note 50.

19. Karl Bosl, "Vorstufen der deutschen Königsdienstmannschaft (Begriffsgeschichtlich-prosopographische Studien zur frühmittelalterlichen Sozial- und Verfassungsgeschichte)," in *Frühformen der Gesellschaft im mittelalterlichen Europa: Ausgewählte Beiträge zu einer Strukturanalyse der mittelalterlichen Welt* (Munich, 1964), pp. 232–38, 250–55.

20. SUB 1:207–8, no. 36. On Raban's servile status, see SUB 1:213–14, no. 4; 262, no. 19. On the use of the term in the *Codex Odalberti*, see Freed, "Formation," pp. 78–79.

21. SUB 1:227–28, no. 36.

22. SUB 2:184–85, no. 117; 1:591–92, no. 12.

23. SUB 1:609, no. 51a.

the first decades of the twelfth century the standard appellation for the men who belonged to the elite stratum within the archiepiscopal familia and reflected their new standing in society.

The scribes' rewriting of the life of Archbishop Gebhard during the twelfth century shows that they equated the earlier *servitores* with the ministerials and illustrates the change in terminology. A passage in the older *Vita Gebhardi*, written sometime after 1088, described Archbishop Gebhard's return to Salzburg in 1086 after an absence of nine years: "After this in the ninth year of his exile he was returned to his episcopal see by Count Engelbert, by certain other vassals [*militibus*] of his church, and also by many of his servile retainers [*servitoribus*]." <sup>24</sup> The author of the *Annales Admuntenses*, who incorporated this passage into his own work sometime about 1140, made some significant changes. He wrote: "In the ninth year of his exile he was returned to his see by Count Engelbert, by his other vassals [*fidelibus*], and by the ministerials [*ministerialibus*] of the church." <sup>25</sup> In the second author's view *milites* were *fideles*, and the *servitores* were the *ministeriales*.

It is far more difficult to prove that specific ministerials were the descendants of men who had been mentioned in the archiepiscopal *Traditionsbücher* before the Investiture Conflict, but the repetition of distinctive leading names (*Leitnamen*)—characteristic names associated with a particular lineage—and continuity in property holding suggest that they were. <sup>26</sup> The example of the families who lived around the Wallersee also demonstrates how patrilineages, identified by surnames, formed among the archbishop's servile retainers.

About 1077 Wezil (Wezil II), who was identified as a "servitor sancti Ruodberti," arranged for Saint Peter's to receive, after the death of his wife, whatever property and serfs he possessed at Geiselprechtung, Upper Bavaria, as well as his mill at Tiefenbach on the Fischach, northeast of Salzburg (see map 6). <sup>27</sup> He then gave the abbey under similar conditions his alods at Fenning, Gasbach, and Farmach, all in the general vicinity of the Wallersee, and at Grödigg, south of Salzburg. <sup>28</sup> This abbatial benefactor was almost certainly the Wezil who was listed among Archbishop Gebhard's "ministeriales" in the *Traditionsbuch* of Admont

24. *Vita Gebhardi archiepiscopi Salisburgensis*, ed. Wilhelm Wattenbach, MGH SS 11 (Hanover, 1854), p. 26. On the date of composition, see Alphons Lhotsky, *Quellenkunde zur mittelalterlichen Geschichte Österreichs*, MIÖG, suppl. vol. 19 (Graz, 1963), pp. 214–15.

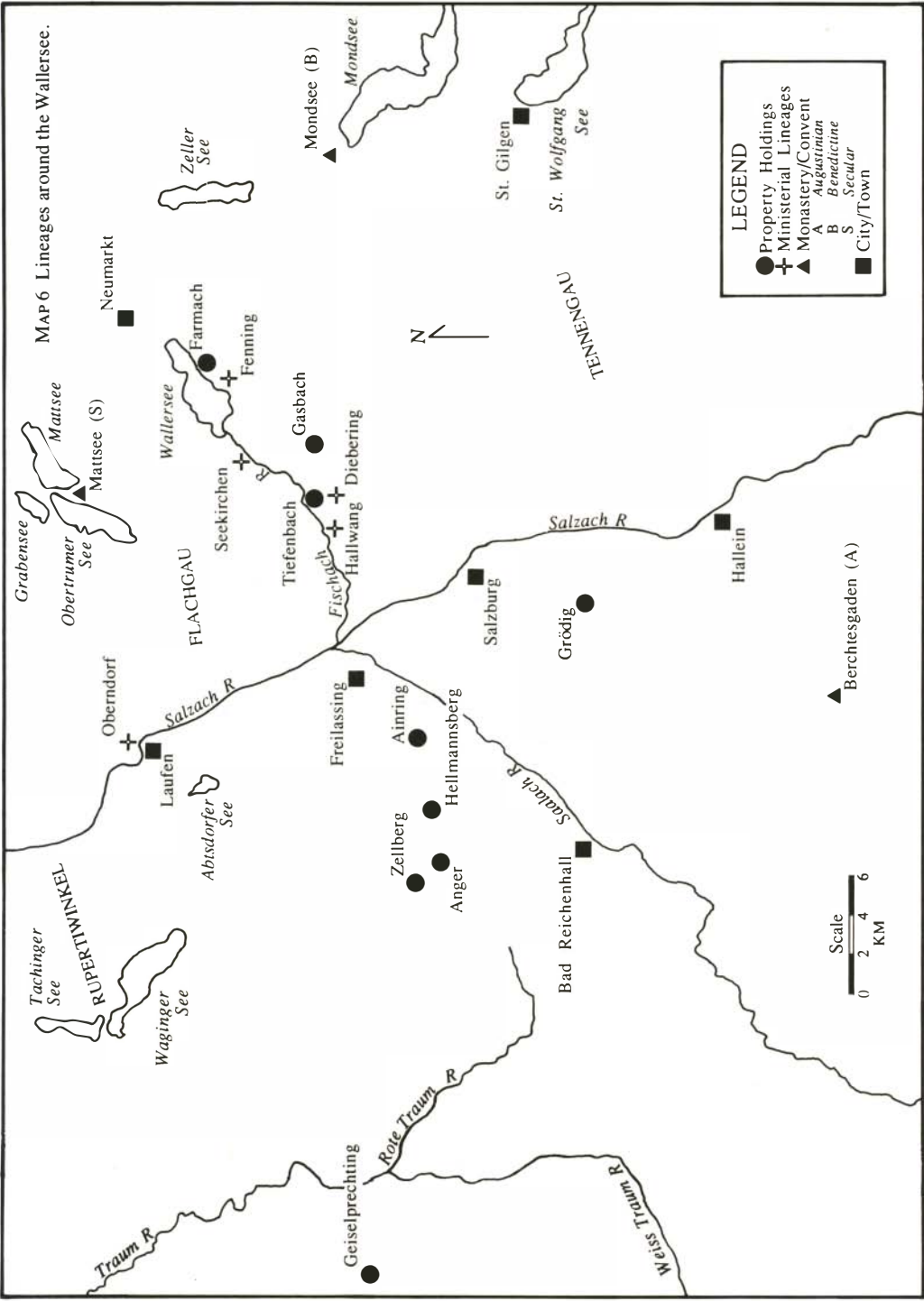
25. *Annales Admuntenses*, ed. Wilhelm Wattenbach, MGH SS 9 (Hanover, 1851), p. 576. On the date, see Lhotsky, *Quellenkunde*, p. 195. For a more detailed discussion, see Freed, "Nobles," pp. 584–87.

26. There are considerable difficulties in using onomastic evidence and the inheritance of property to prove genealogical affiliations, but that this case concerns a restricted group of individuals and that the name Wezil was common only among the ministerials who lived around the Wallersee makes the identifications probable. On the problems of using such evidence, see Jackman, *Konradiner*, pp. 129–35:

27. SUB I:284–85, no. 66.

28. SUB I:287–88, nos. 71 and 72.

MAP 6 Lineages around the Wallersee.



**LEGEND**

- Property Holdings
- ⊕ Ministerial Lineages
- ▲ Monastery/Convent
- A Augustinian
- B Benedictine
- S Secular
- City/Town



(the usage is anachronistic).<sup>29</sup> He may very well have been the son or kinsman of the Wezil (Wezil I) who had been identified earlier as a member of the archiepiscopal familia and who had exchanged in 1025/41 properties in the vicinity of Anger, Upper Bavaria, with Archbishop Thietmar.<sup>30</sup>

Three lineages of archiepiscopal ministerials who lived around the Wallersee employed the name Wezil in the first decades of the twelfth century. The first were the Fennings, who lived in one of the places where Wezil II had given property to Saint Peter's. When he took the habit in 1125/47, Wezil of Fenning gave Saint Peter's his property in Fenning. The first witness was his brother Liutpolt, who granted the abbey his property in Fenning if he should die without an heir.<sup>31</sup>

The second lineage that employed the name Wezil was the Hallwangs, who lived along the Fischach. Archbishop Conrad I confirmed in 1130 that Adalbert of Hallwang, surnamed Prenno, who had joined Saint Peter's, and his brother Gottschalk had given the abbey their benefices in the following places: Ainring, Upper Bavaria, six kilometers east of Anger, where Wezil I had exchanged property with Archbishop Thietmar a century earlier; Hallwang; Tiefenbach, where Wezil II had given the abbey a mill; and Kühham, twelve kilometers west of Mühlendorf.<sup>32</sup> There is a single reference to Wezil of Hallwang who followed five known archiepiscopal ministerials as a witness in 1144.<sup>33</sup>

The Dieberings, who lived just east of Hallwang, were the most important lineage to employ the name Wezil. Adalbero of Diebering served as the castellan of Hohenwerfen, the archbishop's chief castle in the Pongau, from 1139 until he was mentioned for the last time in 1146.<sup>34</sup> His son During held the castellany from 1147 until he was killed in 1163.<sup>35</sup> There are only two certain references to a Wezil of Diebering, one in 1125/30, when he attested a document with Adalbero, and the other before 1139, when he was identified as an archiepiscopal ministerial; but the brothers Adalbero and Wezil who witnessed notices in 1090/95 and again in 1125 were almost certainly Adalbero and Wezil of Diebering.<sup>36</sup>

29. SUB 2:174–75, no. 105a; 207–13, no. 140. The entries in the *Traditionsbuch* of Admont were edited in the twelfth century and may thus reflect later usage.

30. SUB 1:224–25, no. 30.

31. SUB 1:358–59, no. 202; 404, no. 284. Another pair of brothers, Isinbern and Manegold, who were also archiepiscopal ministerials, gave the abbey their property in Fenning. SUB 1:409–10, nos. 290a, 290b. It is not known how the two sets of brothers were related to one another.

32. SUB 1:298–99, no. 322a; 448–49, no. 363a; 664–65, no. 170; 2:190–91, no. 121; 475–76, no. 340; 519–20, no. 372; 520–22, no. 373.

33. SUB 2:317, no. 217.

34. SUB 1:609–10, no. 51b; 2:277 ff., nos. 193, 215, 227, 244a.

35. SUB 1:427, no. 322a; 448–49, no. 363a; 664–65, no. 170; 2:190–91, no. 121; 475–76, no. 340; 519–20, no. 372; 520–22, no. 373.

36. SUB 1:309, no. 123; 591–92, no. 12; 2:308–9, no. 210a; 272–73, no. 187. Franz Valentin Zillner, "Salzburgische Geschlechterstudien: III, Die Werfener Burggrafen," *MGSL* 21 (1881): 30, argued that Wezil of Diebering and Wezil of Hallwang were the same person because of the proximity of Hallwang to Diebering and because only the Dieberings could have held the *Schranrensitz* in Hallwang. I accepted Zillner's argument in "Formation," pp. 95–96, and this conclusion found its way into Dopsch's *Geschichte Salzburgs* 1/1:372. I am less certain now because I can find no evidence that

It is not known how the Fennings, Hallwangs, and Dieberings were related to one another and to Wezil I and Wezil II, but it is hard to believe that neighboring lineages who employed the same leading name that was unique to them were not connected in some way to one another and to the individuals who had borne the same name and owned property in the same places. It is easy to lose one's path in such genealogical thickets, but the basic point is that the ministerial lineages of the twelfth century were not only the functional successors but also the descendants of the *servi* who had appeared in the archiepiscopal *Traditionsbücher* before the Investiture Conflict.

### The High Middle Ages (1122–1246)

The ministerials and their clerical brothers were the archbishops' chief instruments in reasserting their authority after the Investiture Conflict and in creating their ecclesiastical principality. The best illustration of the ministerials' power is their almost unprecedented right to elect the archbishop. The ministerials prospered in the archbishops' service, but the restrictions on the ministerials' right to alienate their alods as well as their fiefs, like the requirement that they marry within the archiepiscopal familia, were a perpetual reminder of their servile status. The number of ministerial lineages was augmented by noble dynasties who entered the archiepiscopal ministerialage through marriage or other inducements and by the retainers of extinguished noble houses whose lordships the archbishops acquired. The ministerials' growing prestige is reflected by the honorifics, hitherto bestowed on nobles, with which the greater or better ministerials were graced unofficially after 1150; but the archbishops were considerably slower in honoring their retainers in this fashion. At the same time as the ministerials were filling the political and social vacuum created by the extinction of the free nobility, the lesser ministerials and the ministerials' own servile vassals, who were most commonly called knights, were forming a separate estate subordinate to the ministerials.

Archbishop Conrad's program for restoring order within the archdiocese after the Investiture Conflict had three components: construction of castles, promotion of the Augustinian canons, and reliance on the ministerials.<sup>37</sup> He finished the castles of Hohensalzburg, Hohenwerfen, and Friesach, which Gebhard had begun before his exile in 1077, and built or acquired several others.<sup>38</sup> Conrad reformed or founded eleven collegiate churches within the archdiocese, includ-

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Hallwang was the site of a court in the twelfth century and because other ministerials, Adalbert and Gottschalk, were also associated with Hallwang.

37. Dopsch, *Geschichte Salzburgs* 1/1:254–73.

38. *Vita Gebehardi et successorum eius*, ed. Wilhelm Wattenbach, MGH SS 11 (Hanover, 1854), p. 39; *Vita Chunradi archiepiscopi Salisburgensis*, ed. Wilhelm Wattenbach, MGH SS 11 (Hanover, 1854), pp. 74–75. For further information, see Dopsch, "Burgenbau," pp. 390–94.



ing the cathedral chapter, introduced the Augustinian rule in three archiepiscopal proprietary houses outside the archdiocese (Reichersberg, Weyarn, and Suben), and associated the exempt foundations of Berchtesgaden and Baumburg with his reform group.<sup>39</sup>

The ministerials formed the personal connecting link between the two other components of Archbishop Conrad's program. They replaced nobles as the burgraves of the new castles. For example, in the 1130s Henry of Seekirchen became the first ministerial castellan of Hohensalzburg, an office previously held by noblemen.<sup>40</sup> Although the castellany of Hohensalzburg remained an appointive office, the Pettaus served as the burgraves of Pettau from the 1130s until their extinction in the male line in 1438, when they were the second most powerful noble family in Styria.<sup>41</sup> It is difficult to determine the social origins of the Augustinian canons in the twelfth century—renunciation of the world included anonymity, but seventeen of the thirty-eight twelfth-century canons it is possible to identify were archiepiscopal ministerials (the sources are skewed in favor of the nobility).<sup>42</sup> The family ties between the canons and the ministerials are illustrated by the following example. Bishop Roman I of Gurk (1131–67), who served as Conrad's coadjutor and whom the archbishop had designated as his successor, was the brother of Engelschalk, the burgrave of Friesach for most of the time between 1117 and 1147. The archbishop's chief representatives in Carinthia were thus brothers.<sup>43</sup> At the end of his archiepiscopate Conrad announced that an exchange of property he had made with the Benedictines of Formbach was void because he had failed to obtain the consent of the cathedral canons and ministerials.<sup>44</sup> The ministerials and the canons were the foundation on which archiepiscopal authority rested during the High Middle Ages.

The best example of this situation is the cathedral canons' and ministerials' joint right to elect the archbishop. Starting with Conrad's successor Eberhard I (1147–64), the clergy and ministerials elected all the archbishops, except Conrad III (1177–83), between 1147 and 1256.<sup>45</sup> Even ardent reformers like Gerhoch of Reichersberg (1132–69) accepted the ministerials' right to play a prominent part

39. Weinfurter, *Salzburger Bistumsreform*, pp. 26–74.

40. Freed, "Diemut von Högl," pp. 593–94.

41. On the Pettaus, see John B. Freed, "German Source Collections: The Archdiocese of Salzburg as a Case Study," in *Medieval Women and the Sources of Medieval History*, ed. Joel T. Rosenthal (Athens, Ga., 1990), pp. 87–111; and Hans Pirchegger, "Die Herren von Pettau," *ZsHvStm* 42 (1951): 3–36.

42. John B. Freed, "The Ministerials and the Church in Twelfth-Century Salzburg," *Medieval Prosopography* 3/2 (1982): 6. On the connection between the ministerials and the reformed canons in general, see Thomas Zotz, "Milites Christi: Ministerialität als Träger der Kanonikerreform," *Quellen und Abhandlungen zur mittelhochdeutschen Kirchengeschichte* 68 (1992): 301–28.

43. Freed, "Ministerials and the Church," pp. 11–12.

44. SUB 2:357–59, no. 248. See Weinfurter, *Salzburger Bistumsreform*, pp. 220–22.

45. Freed, "Diemut von Högl," pp. 589–90. I overlooked the reference in the *Annales Sancti Rudberti Salisburgenses*, ed. Wilhelm Wattenbach, MGH SS 9 (1851), p. 793, which described the ministerials' participation in the election of Archbishop Ulrich in 1256.

in the election of the archbishop. For example, when Frederick Barbarossa accused Conrad II (1164–68), his uncle and a supporter of Pope Alexander III, of having taken possession of the archbishopric illegally, Duke Henry the Lion replied on Conrad's behalf at the imperial diet on 14 February 1166, that Conrad "had acquired his diocese not by robbery but by the lawful and canonical election of the clergy, ministerials, and the entire people." The electors had, in fact, made Conrad's adherence to Alexander a condition of his election.<sup>46</sup> There is no indication that Gerhoch, who recorded the duke's alleged words, disapproved of the ministerials' participation in Conrad's election.

The translation of Conrad III from Mainz to Salzburg is the proverbial exception that proves the rule. Alexander III informed the cathedral canons, prelates, and ministerials that the bishops of Gurk and Passau and the other prelates of the church of Salzburg who had been present at the peace negotiations in Venice in 1177 had elected Archbishop Conrad of Mainz as the successor of Adalbert II, who had voluntarily resigned the archbishopric. The addressees were not to take it ill that those who had been present had proceeded to Conrad's election without the clergy's and ministerials' advice, because the prelates had acted at the pope's command.<sup>47</sup> Alexander III thus tacitly recognized the ministerials' electoral rights. At least by the thirteenth century, such participation by ministerials in an episcopal election would have been considered highly irregular in most of Germany.<sup>48</sup>

The career of Megingod II of Surberg exemplifies the position a ministerial could attain in the archbishop's service during the second half of the twelfth century. Megingod was the son of Megingod I, who had served as the archiepiscopal butler at Henry V's coronation in Rome in 1111, and was the second husband of Salzburg's wealthiest ministerial heiress, Diemut of Högl. He first came to prominence in 1166/67 when, according to Gerhoch of Reichersberg, he was, probably as the burgrave of Hohensalzburg, the leader of the archbishop's knights who bravely and courageously, though unsuccessfully, defended Salzburg after Frederick Barbarossa had outlawed Archbishop Conrad II and the clergy of Salzburg

46. *Annales Reicherspergensis a. 921–1167*, ed. Wilhelm Wattenbach, MGH SS 17 (Hanover, 1861), pp. 471–73.

47. Mansi 22:191–92. On Conrad III, see Siglinde Oehring, *Erzbischof Konrad I. von Mainz im Spiegel seiner Urkunden und Briefe (1161–1200)*, Quellen und Forschungen zur hessischen Geschichte 25 (Darmstadt, 1973).

48. Irene Crusius, "Bischof Konrad II. von Hildesheim: Wahl und Herkunft," in *Institutionen, Kultur und Gesellschaft im Mittelalter: Festschrift für Josef Fleckenstein zu seinem 65. Geburtstag*, ed. Lutz Fenske, Werner Rösener, and Thomas Zotz (Sigmaringen, 1984), pp. 464–65; and Lawrence C. Duggan, *Bishop and Chapter: The Governance of the Bishopric of Speyer to 1552* (New Brunswick, N.J., 1978), pp. 16–19. Any such lay participation in an episcopal election would have been considered highly irregular in northern France. For example, the last time the people are known to have played any role in the election of a bishop in Auxerre is 1136. See Constance Brittain Bouchard, *Spirituality and Administration: The Role of the Bishop in Twelfth-Century Auxerre*, Speculum Anniversary Monographs 5 (Cambridge, Mass., 1979), p. 53.

for adhering to Alexander III.<sup>49</sup> Megingod held the castellany until his death in 1193. Twenty-eight men were specifically identified as knightly vassals (*milites*) of Megingod, his older brother Sigiboto I, or Diemut; and another twenty-one men, who employed the same surnames as known Surberg retainers and appeared in the Surbergs' entourage, should probably also be included among their knights. While Archbishop Adalbert attended the Council of Verona in 1184, Megingod, along with his brother and the cathedral provost, administered the archdiocese.<sup>50</sup> Megingod built himself a residence in the city of Salzburg on land that he leased for his lifetime from the cathedral canons in 1170. Megingod and Diemut must have maintained a substantial household, because there are references to their chamberlain and after Megingod's death to Diemut's private chaplain and senechal. A man like Megingod, who was the lord of two castles (Surberg and Högl), was the burgrave of a major fortress, and could field a force of approximately fifty knights, would have been viewed as a nobleman in France.<sup>51</sup>

It is not surprising, therefore, that scribes began to apply to ministerials honorifics hitherto bestowed upon the nobles. At first such terms generally appeared in unofficial documents such as *Traditionsbuch* entries to honor benefactors rather than in archiepiscopal charters; they were more likely to be employed for women than for men and for the dead rather than the living. Thus Diemut of Kirchhalling, who gave whatever she possessed in Kirchhalling to the cathedral canons, was called in 1122/47 "one of the nobler ministerials of Saint Rupert."<sup>52</sup> (Note that *noble* was employed here as a comparative indicating Diemut's standing among the ministerials rather than as an indicator of her legal status.) Groups of prominent ministerial witnesses were described in the 1130s in two *Traditionsbuch* notices as honorable or illustrious ministerials.<sup>53</sup> About 1160 Archbishop Eberhard I referred to Henry of Seekirchen as a "vir illustris," more than twenty years after the burgrave's death.<sup>54</sup> Archbishop Adalbert II styled Megingod II of Surberg an honorable ministerial in 1170 and called his brother an illustrious ministerial in 1188 when Sigiboto founded the hospital of Saint John the Evangelist in the Ziller valley.<sup>55</sup> The title *dominus* or lord was first granted to ministerials in the mid-twelfth century.<sup>56</sup> Scribes were slower to apply *nobilis* to male ministerials.

49. *Annales Reicherspergenses*, p. 473. See Dopsch, *Geschichte Salzburgs* 1/1:284–96.

50. Mansi 22:489–91.

51. Freed, "Diemut von Högl," pp. 606–15. It should be noted that men like Megingod were functionally, if not legally, the equals, for example, of the Burgundian castellans. Constance Britain Bouchard, *Holy Entrepreneurs: Cistercians, Knights, and Economic Exchange in Twelfth-Century Burgundy* (Ithaca N.Y., 1991), pp. 166–67, defined the castellans, the new nobility of the eleventh century, as men who owned a castle and "a good deal of land and authority and who had other men holding in fief from them."

52. SUB 1:620–21, no. 77.

53. SUB 2:229–30, no. 153; 236–37, no. 159.

54. SUB 2:436–37, no. 312. The entry is dated about 1155, but the reference to Diemut of Högl's deceased first husband places it between 1159/60 and 1164. Henry of Seekirchen died in 1139.

55. SUB 2:546–48, no. 397; 624–25, no. 460.

56. Freed, "Diemut von Högl," pp. 644–45.

Once again, it was a deceased ministerial who was first honored in this fashion about 1180.<sup>57</sup> Sigiboto I was the first living male ministerial to be called a “nobilis . . . ministerialis,” significantly enough in the entry in the *Traditionsbuch* that recorded his gift of the castle of Surberg to the cathedral chapter.<sup>58</sup> It was not until 1218 that a ministerial, Burgrave Conrad of Hohensalzburg, was identified in this manner in an archiepiscopal charter.<sup>59</sup> But it was only during the archiepiscopate of Frederick II of Walchen (1270–84), the first archbishop who was definitely himself a ministerial, that ministerials were styled simply as nobles. Not surprisingly, perhaps, the first ministerials to be honored in this way were his cousins the Goldeggs.<sup>60</sup>

The gradual ennoblement of the ministerials filled the social vacuum that had been created by 1200 by the disappearance of the free nobility, the descendants of the Frankish imperial aristocracy and the Bavarian tribal nobility who had been identified as nobles in the witness lists of the twelfth century. The following example shows what happened to the nobility. In 1074 fifteen men who were identified as counts or nobles and eleven ministerials witnessed Archbishop Gebhard’s endowment of the monastery of Admont, but in 1195 Archbishop Adalbert II confirmed Admont’s possessions in the presence of twenty-six archiepiscopal ministerials but only two noblemen.<sup>61</sup> By 1200 the ministerials had become the secular elite of the archdiocese.

The noble families either became ministerials themselves, usually because the last free scion married a ministerial woman, or died out in the male line. In the latter case, as will become clear later, their property could pass through an heiress to a ministerial lineage;<sup>62</sup> or the archbishop himself could acquire their lordships and retainers, who in turn became archiepiscopal ministerials or knights. Interestingly enough, no documentary evidence describing the entrance of a noble family into the archiepiscopal ministerialage has survived (in contrast, documents about free men and women who became *censuales* or altar dependents are common). As a result, we can infer the mediatizations of such noble houses only from genealogical reconstructions.<sup>63</sup>

57. Raitenhaslach, pp. 26–27, no. 29.

58. SUB 1:724–25, no. 292.

59. SUB 3:246–47, no. 728.

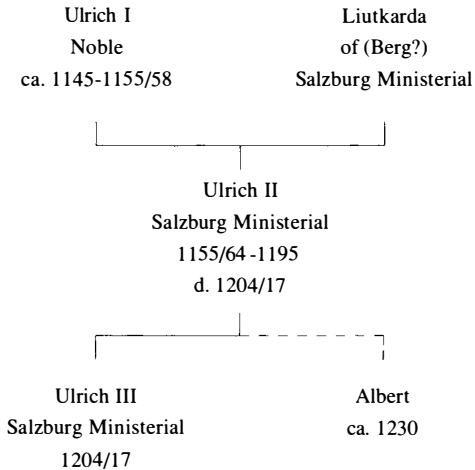
60. MC 5:55–56, no. 79. See Freed, “Nobles,” p. 604. Eberhard II referred to the Gurkfelds as nobles in 1246, at the very end of his archiepiscopate, when he granted them the status of archiepiscopal ministerials (SUB 3:639–40, no. 1095).

61. SUB 2:207–13, no. 140; 670–75, no. 497. No. 140 is a panchart drafted in the 1130s.

62. See chapter 3 at note 27 and chapter 5 at note 18.

63. I suspect that the letters Adalbero I of Walchen, the last freeborn Walchen, received from Archbishop Eberhard II, which Adalbero’s grandsons were forced to surrender to the archbishop in 1307 (Regesten 2:95–96, no. 818), may have contained the terms of Adalbero’s entrance into the archiepiscopal ministerialage. The only document I have ever read that sounds like an attempted mediatization of a noble is a 1225 charter from Brixen in which the nobleman Hugo IV of Taufers surrendered his castles to the bishop of Brixen and received them back in fief. In return the bishop promised to defend and protect Hugo as if he were an episcopal ministerial (“Plane nos fide data promissimus quod

## GENEALOGY I.1 Sims



The Sims are an example of a noble family who became archiepiscopal ministerials through marriage in the twelfth century (see genealogy I.1). Whereas Ulrich I of Sims was identified in the mid-twelfth century as a nobleman,<sup>64</sup> his son Ulrich II was an archiepiscopal ministerial.<sup>65</sup> Since the archiepiscopal ministerial Adalbero I of Berg was the only one of Ulrich II's kinsmen (*parentes*) who was identified by name after the latter's death,<sup>66</sup> the best explanation for how the Simses became archiepiscopal ministerials is that Ulrich II's mother Liutkarda had been a Berg and he had received her legal status. Unlike their Styrian neighbors, the archbishops seem to have had little success in the twelfth century in obtaining the services of nobles in this way—the Simses were an insignificant family; but as will be discussed later, the two most important noble lineages in the Pinzgau, the Felbens and Walchens, became archiepiscopal ministerials through marriage in the first half of the thirteenth century.<sup>67</sup>

When a noble house died out without issue, the archbishop tried to obtain its lordship and retainers. For example, in 1223 Archbishop Eberhard II purchased the castle of Dornberg, northeast of Mühldorf, from Count Eberhard, the

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sepedictum Hvg[onem] in ivre suo tamquam ministerialem nostrum contra quemlibet defensabimus et manutenebimus"). Brixner Urkunden 2/1:661–63, no. 598. Hugo and his son, however, continued to be classified after 1225 as nobles rather than as episcopal ministerials. See, for example, Brixner Urkunden 1:82–83, no. 75; 126–27, no. 126; 136–38, no. 130; 2/1:667–70, no. 603; Traditionsbücher Brixen, pp. 208–9, no. 573.

64. MB 2:308, no. 85; CF, pp. 77–78, no. 114.

65. MB 2:329, no. 149. The editors dated the entry about 1150, but Ulrich I lived until at least 1155/58. Ulrich I and his son Ulrich II served as witnesses in 1155/64 (Traditionsbuch Neustift, pp. 59–60, no. 54; 72–73, no. 81). See also MB 2:345, no. 192.

66. MB 2:364–65, no. 241. On Provost Conrad's dates, see SUB 3:34–35, no. 560; 213–14, no. 700.

67. Dopsch, *Geschichte Salzburgs* 1/1:393–96. See below, chapter 5 at note 27.

last representative of his dynasty, and stipulated that all members of the comital familia who belonged to knightly lineages would enjoy the status and privileges of archiepiscopal ministerials.<sup>68</sup> Some of the count's men were subsequently in the archbishop's service and accompanied Eberhard II to Slovenia and Carinthia in the 1240s.<sup>69</sup> The very last noble house in the principality itself, the counts of Plain, died out in 1260, and their fiefs escheated to the archbishop.<sup>70</sup> The mediation or extinction of the old nobility thus not only eliminated a major obstacle to the imposition of the archbishop's territorial supremacy (*Landeshoheit*) but increased the size of the archiepiscopal retinue, a major instrument for enforcing the archbishop's temporal authority.<sup>71</sup>

Most families of former comital retainers who entered the archiepiscopal ministerialage in this manner remained insignificant and became a major component of the knightly estate that formed in the thirteenth century. The most notable exception is the Staufenecks, who had served as the burgraves of the main castle of the counts of Plain. The Staufenecks' own castle, which was first mentioned in 1248, controlled a bridge over the Saalach across which salt from Bad Reichenhall was transported to the west. The Staufenecks refused to submit to the archbishop after the extinction of the Plains but were finally forced to acknowledge his authority, as will be explained later, by marrying within the archiepiscopal familia.<sup>72</sup> Surely it is not a mere coincidence that the first certain reference to an archiepiscopal ministerial as a noble in an archiepiscopal charter occurred eleven years after the death of the last Plain.<sup>73</sup>

Still, the extent to which the ministerials replaced the nobles should not be overstated. After all, the reason the ministerials proved to be such a useful archi-

68. SUB 3:310–12, no. 783. See Franz Tyroller, *Genealogie des altbayerischen Adels im Hochmittelalter*, Genealogische Tafeln zur mitteleuropäischen Geschichte 4 (Göttingen, 1962), pp. 283–87; and idem, "Grafschaften," pp. 73–74, 77–83. For a similar agreement in 1211 with the last of the Haunsbergs, see SUB 3:146–50, nos. 645a, 645b, 646; and Dopsch, *Geschichte Salzburgs* 1/1:366.

69. Among the individuals who witnessed the sale of Dornberg were Eberhard of Weng (near Dornberg?); Gottschalk *Swalwe*, who had been identified in Count Eberhard's lifetime as Gottschalk *swalve* of Dornberg (Au, p. 132, no. 204); and Engelbert I of Sicking (northeast of Mühlendorf). Ulrich I and Wernhard II of Sicking witnessed an archiepiscopal charter in Rann in 1241 (SUB 3:515–16, no. 966); and Wernhard of Sicking, Henry of Dornberg (Gottschalk *swalve* had a son named Henry [Au, p. 132, no. 204]), and Eberhard of Weng were in Friesach in 1245 (SUB 3:624–26, no. 1079).

70. Dopsch, *Geschichte Salzburgs* 1/1:364; and Tyroller, *Genealogie*, pp. 115–28.

71. The importance of such retinues in the formation of princely territorial supremacy is a major theme of Benjamin Arnold's work. See his *Count and Bishop*, pp. 64–88, 121–28; "German Bishops," pp. 161–83; *German Knighthood*, pp. 124–29; and *Princes and Territories*, passim. Timothy Reuter, "Episcopi cum sua militia: The Prelate as Warrior in the Early Staufer Era," in *Warriors and Churchmen in the High Middle Ages: Essays Presented to Karl Leyser*, ed. Timothy Reuter (London, 1992), pp. 79–94, questioned the traditional view of the militancy of the German bishops.

72. Dopsch, *Geschichte Salzburgs* 1/1:385–86; John B. Freed, "The Crisis of the Salzburg Ministerialage, 1270–1343," *Studies in Medieval and Renaissance History*, n.s., 11 (1989): 138–39; Reindel-Schedl, *Laufen*, pp. 234–39; and below, chapter 5 at note 84. Another important lineage that entered the archbishop's service after the extinction of the Plains was the Oberndorfs. See Dopsch, *Geschichte Salzburgs* 1/1:385, and Reindel-Schedl, *Laufen*, pp. 239–44.

73. MC 5:55–56, no. 79.

episcopal tool during the High Middle Ages was precisely that they were not free. The most obvious restriction on their liberty was the requirement to marry within the archiepiscopal familia, but both the kinds of property the ministerials possessed and their restricted right to alienate even alods are additional signs of their subordinate position.

To begin with, there is no indication that any lineage of archiepiscopal ministerials, except for the Gutrats, exercised any public jurisdiction or profited like the nobility from the administration of justice in the twelfth century.<sup>74</sup> They relied instead on the income their property produced. A list of the holdings of Wolfram of Offenwang, who had been identified in the 1130s as one of the illustrious archiepiscopal ministerials and had conferred his entire estate on Saint Peter's, offers a rare glimpse into the resources at the disposal of a relatively prominent ministerial in the mid-twelfth century.<sup>75</sup> His estate consisted of many widely dispersed alods and benefices ("cum multis prediis et beneficiis") in Upper Bavaria (see map 7): specifically, whatever Wolfram possessed in Offenwang itself (there is no evidence that he owned a castle), three manors ("curtis"), six hides, an alod, and tithes in one place. He held half a hide in fief from the count of Bad Reichenhall; he had been enfeoffed with the other benefices by the archbishop and had subenfeoffed some of the outlying properties, in one instance to the knight of a nobleman.<sup>76</sup> These properties provided Wolfram with the means to fulfill the military and other obligations he owed the archbishop, but he was certainly not rich.<sup>77</sup>

Admittedly, the material situation of the most powerful ministerial lineages improved considerably in the thirteenth century when they too acquired courts and advocacies. For example, the Gutrats, the wealthiest ministerial family in the principality in the thirteenth century, had been enfeoffed as early as 1163 by the archbishop with the district court (*Landgericht*) in the Pongau along with the

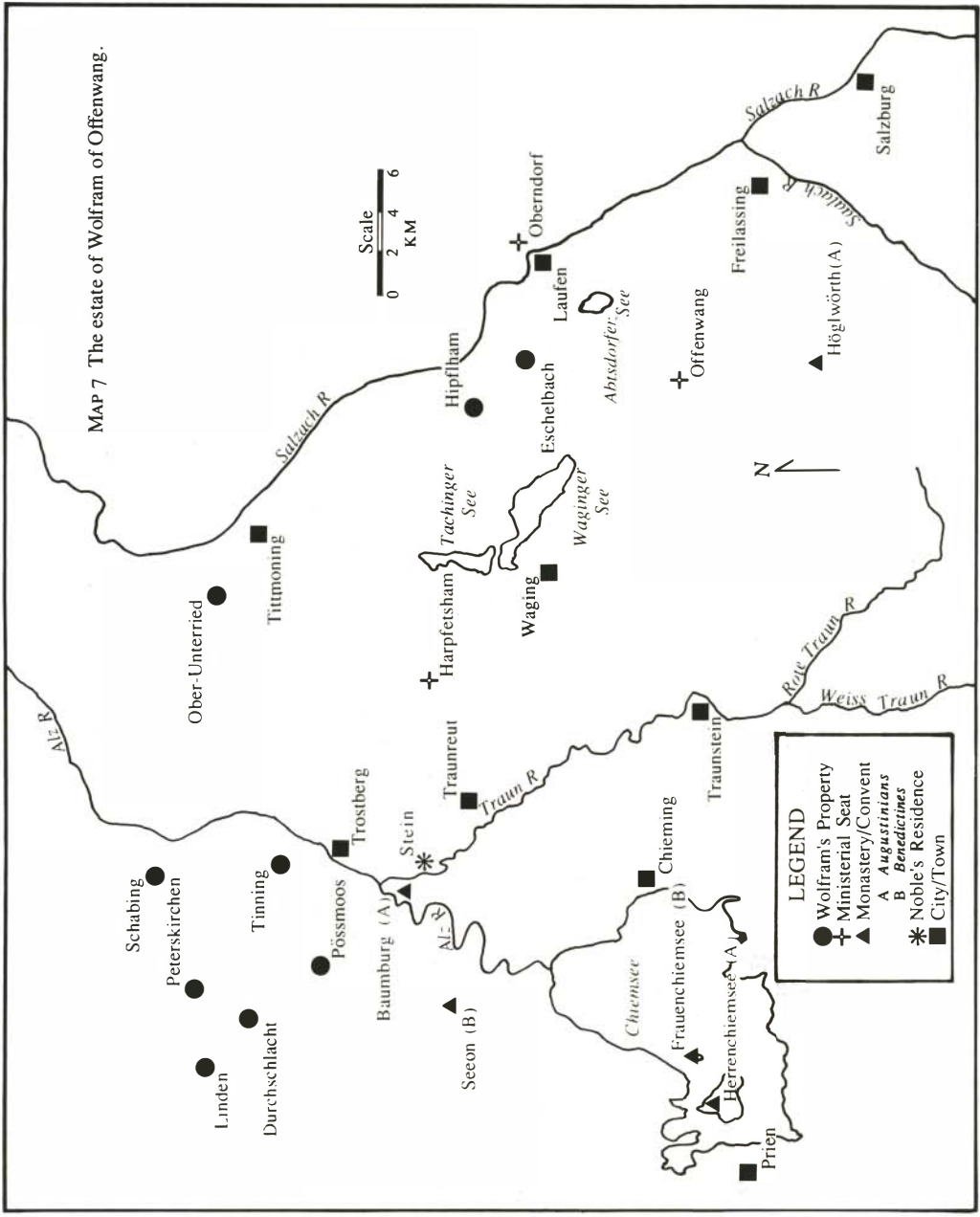
74. Herwig Ebner, *Das Freie Eigen: Ein Beitrag zur Verfassungsgeschichte des Mittelalters*, Aus Forschung und Kunst 2 (Klagenfurt, 1969), pp. 182–85, argued that in the Austro-Bavarian area ministerials generally acquired the right to exercise high or low justice on their alods without princely enfeoffment only after 1200. A word of caution is in order here because it is not known precisely when and how most ministerials obtained the district courts that were in their possession by the thirteenth century.

75. On his status, see SUB 2:236–37, no. 159. For additional information about the Offenwangs, see Reindel-Schedl, *Laufen*, pp. 377–78.

76. SUB 1:357–58, no. 201; 460–61, no. 380a. The list (no. 201) was compiled only after Conrad I's death, but Conrad I referred to the donation in 1143 (SUB 2:315–16, no. 215). The translation of the word *predium* poses problems. Its general meaning was property, but it could clearly also mean alod, as it did in this instance when it was juxtaposed with *beneficium*. Indeed, the list itself used the word *proprietas*. Other examples are SUB 1:339–40, no. 171; 347–48, nos. 186a, 186b. Ebner, *Das Freie Eigen*, pp. 235–36, even asserted that in the twelfth century *predium* was the technical term for a ministerial's alod; but since Ebner's evidence comes from Cologne, I have decided to err on the conservative side and to translate *predium* as property unless the context indicates that alod is meant. For similar reasons, I have translated *beneficium* as benefice rather than as fief. *Curtis* or *Hof*, which I have translated as manor, referred specifically to the manor house, farm buildings, etc. in contrast to the demesne (*terra salica*, *Sel*). See Dollinger, *L'évolution*, pp. 115–18.

77. Wolfram had at least one knight of his own (SUB 1:439–40, no. 346).

MAP 7 The estate of Wolfram of Offenwang.



**LEGEND**

- Wolfram's Property
- ⊕ Ministerial Seat
- ▲ Monastery/Convent
- ▲ A Augustinians
- ▲ B Benedictines
- \* Noble's Residence
- City/Town



castellany of Hohenwerfen. After the valuable salt deposits in the Hallein area were rediscovered at the end of the century, the Plains subenfeoffed the Gutrats with the district courts in the Kuchltal, the stretch of the Salzach valley between the city of Salzburg and Pass Lueg thirty kilometers to the south (see map 4). They were the only laymen to own one of the nine salt pans in Hallein. In addition, the Gutrats also possessed a lordship in Lower Austria whose appurtenances included two castles, two market towns, three villages, and the patronage of six churches. A conservative estimate of the Gutrats' annual income in 1304 at their extinction in the male line is £810 per annum.<sup>78</sup>

The Gutrats' material condition was probably closer to that of the Plains than to Wolfram of Offenwang's or even the Surbergs' a century earlier, yet legally the Gutrats' position was completely different from the Plains'. In what was the first step in the acquisition of the Gutrat inheritance by Archbishop Conrad IV (1291–1312), Otto II of Gutrat was compelled to acknowledge in 1296 that all of his alods in the archbishopric—people and property, towers and castles—were intrinsic alods (“inwertsaigen”), that is, alods that could be alienated freely only within the archiepiscopal familia or to an archiepiscopal proprietary foundation.<sup>79</sup> Archbishop Eberhard II (1200–1246) had put it this way in 1241: “Alods [*predia*] or fiefs [*feuda*] of the church of Salzburg can never by ancient right be alienated to alien hands, but only to members of the familia of the church of Salzburg or to a monastery subject to Salzburg.”<sup>80</sup>

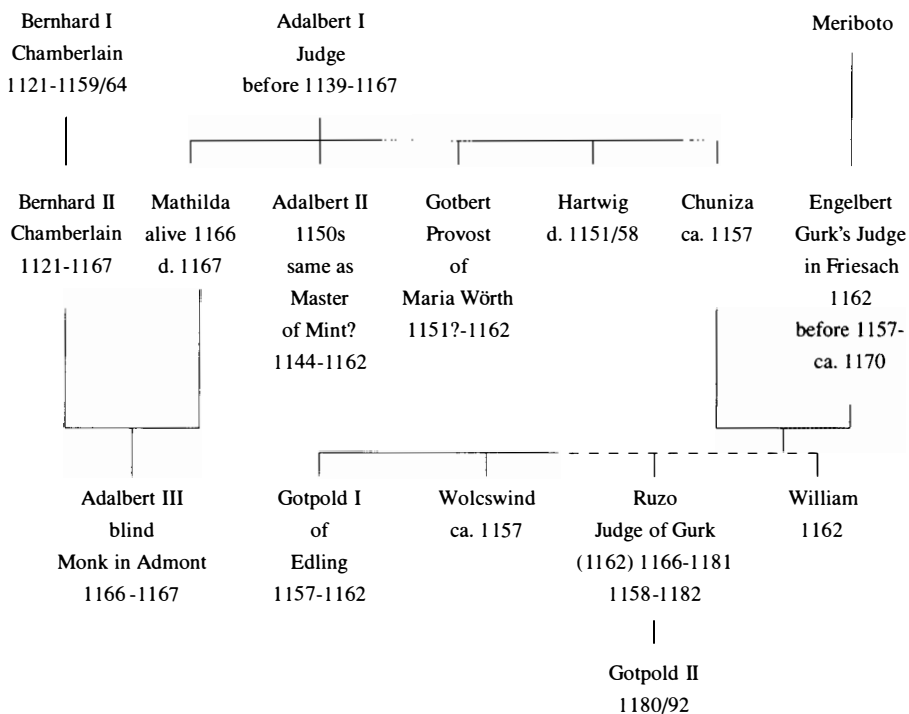
Such restrictions on the ministerials' right to alienate their property, along with the requirement that they marry within the archiepiscopal familia, were the most visible reminders of their servile status. The most spectacular instance when an archbishop enforced such a custom occurred in 1167. Mathilda, daughter of the archiepiscopal judge in Friesach and wife of the archiepiscopal chamberlain, had conferred on Admont, where her blind son had become a monk, nineteen hides and a house in Friesach. Archbishop Conrad II assembled his vassals, clerical and lay, and asked for a ruling on the following question: “If any serf [*mancipium*] of our church, who held an archiepiscopal office, purchased a property [*predium*] from the proceeds of the same office, whether that same serf was able to give or to bequeath the property so obtained without our hand or authority.” They ruled that “such persons were not permitted to bequeath, sell, or give properties of this type without . . . [the archbishop's] consent.” Since Conrad II then conferred the

78. Freed, “Crisis,” pp. 118–24.

79. SUB 4:223–24, no. 183. Arnold, *German Knighthood*, pp. 142–46, translated *Inwärtseigen* as intrinsic alod in his general discussion of the phenomenon. This usage is justified because a scribe Latinized the term in 1251 as “proprietatem intrinsecus” (*sic*) (OÖUB 3:180–81, no. 188). For further information, see Paul Puntchart, “Das ‘Inwärts-Eigen’ im österreichischen Dienstrecht des Mittelalters: Ein Beitrag zur Eigentums-Theorie,” Z(S)RG, GA 43 (1922), 66–93.

80. SUB 3:516–17, no. 967.

GENEALOGY I.2 The judges and chamberlains of Friesach



properties on Admont himself, it is clear that he was not objecting to the donation itself.<sup>81</sup>

A closer examination of the “serfs” involved in this case reveals the real reason Conrad II may have invoked the principle that such properties could not be alienated externally without the archbishop’s permission (see genealogy I.2). Mathilda’s husband Bernhard II had succeeded his father as the chamberlain, the functional precursor, I believe, of the vidame of Friesach, the official who was charged after the 1180s with the administration of the archbishop’s financial affairs in Carinthia.<sup>82</sup> Her father, Adalbert I, served as the archiepiscopal judge of

81. MC 3:409, no. 1092; SUB 2:531–33, no. 384. The use of the word *mancipium*, which referred to the very lowest category of serfs—those who did not have their own tenures but were completely at their lords’ disposal (*Hofknechte*)—was particularly derogatory. Several people have asked me whether as serfs the ministerials had to be manumitted before taking holy orders. I have found no evidence that this was the case in Salzburg.

82. SUB 2:197–98, no. 129; 284–89, no. 196; MC 3:374–75, no. 986. On the vidame of Friesach, see SUB 2:598–600, nos. 437, 438, and Dopsch, *Geschichte Salzburgs* 1/2:946–47.

Friesach from at least 1139 until 1167, and her brother Adalbert II may have been master of the archiepiscopal mint in Friesach.<sup>83</sup> A second brother, Gotbert (d. by 1162), was in 1158 the provost of the secular canons of Maria Wörth.<sup>84</sup> Her sister Chuniza was the wife of the judge Engelbert of Friesach, Gurk's chief representative in the city.<sup>85</sup> Their son Ruzo served in turn as the judge between 1166 and 1181.<sup>86</sup> In short, Mathilda was the central figure among the group of individuals who held all the key administrative positions in Friesach, except the castellany, between the 1120s and 1160s. Her unauthorized donation thus provided Conrad II with a convenient pretext to reassert archiepiscopal authority in Friesach, which was threatened by the grip that a few interrelated ministerials had acquired on most of the key offices in the city.

Such constraints on the ministerials' right to alienate their property, which were derived from their personal servitude, were an effective means of controlling them and a constant reminder that even the richest noble bondsmen like the Gutrats were not the equals of the old nobility. These restrictions gradually atrophied as the princes granted the ministerials the privilege to dispose of their property freely, in particular to churches that were under the protection of the prince as the suzerain of the principality, and as the process of territorialization transformed all the inhabitants of a specific territory into the subjects of a particular prince.<sup>87</sup>

Even as the ministerials were replacing the nobles as the secular elite of the nascent principality, their servile retainers, called *milites* or knights in Salzburg, were beginning their own rise in a process that would in a curious fashion repeat the ministerials' advance. The knights coalesced in the thirteenth century with the less important ministerial lineages and the retinues of the extinguished comital and noble dynasties to form the *Ritterstand*. About 1300 the remaining great ministerial lineages were themselves subsumed into the estate of knights, just as the last surviving noble families had entered the archiepiscopal ministerialage.

By the second half of the twelfth century a distinct hierarchy was emerging among the ministerials. Although there are several references to the greater

83. On Adalbert I, see SUB 2:271, no. 184; 531–33, no. 384. On Adalbert II, see MC 3:303, no. 767; 336–37, no. 862; 374–75, no. 986; SUB 1:675, no. 194a; SUB 2:320–21, no. 220; 508–9, no. 362.

84. MC 1:162–65, no. 201; SUB 2:508–9, no. 362; 537–38, no. 388.

85. Mathilda's father Adalbert I gave Viktring, where his son Hartwig was buried, four hides in Haidkirchen, southwest of Althofen (MC 3:303, no. 767). Hartwig in turn had given his alod in Edling, three kilometers south of Althofen, to his sister Chuniza, the wife of Engelbert of Friesach, and her children Gotpold I and Wolcswind (SUB 1:675–76, no. 194). In 1162 the judge Engelbert and his son Gotpold witnessed Adalbert I's donation on behalf of his deceased son, Provost Gotbert of Maria Saal (SUB 2:508–9, no. 362). Since Adalbert and Engelbert served as judges simultaneously, I have identified Engelbert as Gurk's judge.

86. MC 3:409, no. 1092; 483, no. 1284. Ruzo was identified as the "nepos" or grandson of the judge Adalbert I (MC 1:162–65, no. 201) and as the "nepos" and "sororius," that is, a sister's son, of Adalbert II, master of the mint (SUB 2:508–9, no. 362; MC 1:160, no. 198). Ruzo, whose son was also named Gotpold (Gotpold II) (UB Steiermark 1:657, no. 681), and Ruzo's brother William (SUB 2:531–33, no. 384) were thus two other sons of Adalbert I's daughter Chuniza and of Engelbert.

87. Puntschart, "Inwärts-Eigen," pp. 89–93.

(*maiores*) or better (*meliores*) ministerials, other ministerials were perceived as being in some sense inferior.<sup>88</sup> For example, upon his return from Rome in 1111 Archbishop Conrad I allegedly uncovered a conspiracy led by Albwin, one of the less noble ministerials—that is, a ministerial of inferior rank.<sup>89</sup> This report, written in the 1170s, may be anachronistic in its terminology and deliberately derogatory, but the Gömings, the only lineage of archiepiscopal ministerials who regularly employed the name Albwin in the twelfth century, were in fact classified by the thirteenth century as lesser ministerials and knights.<sup>90</sup> The crucial distinction between the *ministeriales maiores* and their fellows, according to Heinz Dopsch, was that greater ministerials, like the Surbergs, had their own vassals or *militēs* whereas the lesser ministerials, like the Gömings—who could be vassals of their former peers and were beginning by 1200 to be styled as *militēs* themselves—did not. He estimated that there were never more than twenty lineages of greater archiepiscopal ministerials. This number was simply too small for them to maintain a separate existence, and it is one reason why they, unlike their peers in the duchies of Austria and Styria, failed to form a separate *Herrenstand* or estate of lords.<sup>91</sup>

Although the basic meaning of *miles* as warrior remained the same from the tenth century to the fourteenth, the secondary connotations of the word changed as it was applied in succession to different groups: free vassals, the servile armed retainers of untitled noblemen and ministerials, and finally the greater ministerials themselves. As a result, a word that by the twelfth century had acquired a certain opprobrium because of its association with men who were legally serfs became synonymous with a noble in the principality by the fourteenth century.<sup>92</sup>

On the rare occasions when it was used in the eleventh century *miles* referred to the free vassals, as can be seen in the juxtaposition of *militia* with *familia* in the consent clauses of the archiepiscopal *Traditionsbücher* or in the account of Archbishop Gebhard's return to Salzburg in 1086 in the older *vita*.<sup>93</sup> When Gebhard's life was rewritten sometime after 1181, the chronicler could no longer conceive of *militēs* as free vassals or even as the superiors of ministerials. He therefore wrote: "In the ninth year of his exile our said lord Gebhard was returned to his episcopal see by Count Engelbert, by certain other ministerials of the church, and by many knights [*militibus*]." <sup>94</sup> The Admont monk turned the *servitores* of the older *vita*

88. SUB 1:693–94, no. 226; 2:690–91, no. 512; 706–7, no. 520.

89. *Vita Chunradi*, pp. 62, 69.

90. Dopsch, *Geschichte Salzburgs* 1/1:401; and John B. Freed, "Devotion to St James and Family Identity: The Thurns of Salzburg," *JMH* 13 (1987): 208–10. The term lesser ministerials and knights was employed in the sources. The Wiesbachs were identified in 1262 in the *Annales Sancti Rudberti*, p. 796, as "quibusdam ministerialibus et militaribus minoribus dictis de Wispah."

91. Dopsch, "Probleme," pp. 227–28, 239–40.

92. For a more detailed discussion, see Freed, "Nobles," pp. 575–611.

93. See above at note 24.

94. *Vita Gebhardi et successorum eius*, p. 39. On the date of composition, see Lhotsky, *Quellenkunde*, p. 215. Although nobles and archiepiscopal ministerials were not identified in the twelfth

into *ministeriales*, but since by the late twelfth century *miles* was the standard designation for the ministerials' own men, the hagiographer reversed the sequence of the free vassals (*milites*, *fideles*) and ministerials (*servitores*, *ministeriales*) he found in his older sources to accord with the social hierarchy of his own day.

Twelfth-century scribes, like the Admont monk, associated *milites* with serfdom, albeit, like the ministerials before them, the elite group within the servile population. When, for example, Megingod II of Surberg and his wife Diemut in 1170 conditionally conferred on the cathedral chapter her ancestral castle of Högl with all its appurtenances, including all the serfs (*proprii homines*), they exempted the *milites* from the donation.<sup>95</sup> The exemption shows that such knights were already considered different from their fellow serfs. Among Megingod's men who were identified a year later "as knights and serfs" was Henry of Muckham, whose father Eckart had earlier been called an archiepiscopal ministerial.<sup>96</sup> As Henry's case indicates, lesser ministerials began to be styled as *milites* in the last decades of the twelfth century, presumably because like Henry of Muckham they had become vassals of the greater ministerials. The lesser ministerials and the armed servile retainers of the greater ministerials were thus gradually beginning to be united by their common position at the bottom of the *Heerschildordnung*, or military order of precedence, as vassals (*milites*) who did not have their own retainers.<sup>97</sup>

The sources continued to stress the servile status of the knights well into the thirteenth century. For example, in 1230 Henry of Schnaitsee was called a servile knight ("miles proprius") of the archiepiscopal ministerial Kuno III of Gutrat.<sup>98</sup> The ranks of the knights were further augmented by the archbishop's acquisition of the lands and men of extinct noble lineages, whose armed retainers were usually classified as knights rather than as ministerials. For instance, in 1211 Eberhard II obtained not only the castle of Haunsberg but also all of Gottschalk of Haunsberg's "servile persons of military rank of either sex [*hominibus suis propriis militaribus sexus videlicet utriusque*]." <sup>99</sup>

Some of these knights were decidedly poor, and their way of life must have been barely distinguishable from that of their peasant neighbors. The abbatial serf and knight Ulrich of Breitbrunn conferred on Saint Peter's about 1250 his alod

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century as knights in charters originating in the archdiocese itself, chroniclers could use the term to describe the ministerials' military exploits. Thus Gerhoch of Reichersberg singled out Megingod of Surberg as the leader of the archiepiscopal knights who had unsuccessfully defended Salzburg in 1166/67 (see above at note 49). The emphasis here was on Megingod's military role rather than on his legal or social status.

95. SUB 2:546–48, no. 397.

96. Berchtesgaden, pp. 326–27, no. 150; SUB 1:388, no. 260; 542, no. 571.

97. The *Heerschildordnung* was a theoretical legal construct that prohibited a man from being enfeoffed by an inferior. For additional information, see Julius Ficker, *Vom Heerschild: Ein Beitrag zur deutschen Reichs- und Rechtsgeschichte* (Innsbruck, 1862).

98. SUB 1:509, no. 473a.

99. SUB 3:149–50, no. 646.

of half a hide in Breitbrunn. His seven sons then gave Saint Peter's the other half and received it back in fief.<sup>100</sup> Half a hide divided among seven men, if that is all Ulrich possessed, hardly amounted to much. Other knights were men of more substance. The *miles* Werner of Lengfelden, a minor archiepiscopal ministerial and the master of the archiepiscopal kitchen, had built a church, Sankt Jakob am Turm, near his tower and had endowed it with a property he had purchased in the Tyrol. He gave both to Saint Peter's in 1238.<sup>101</sup> Urban *milites* were especially wealthy. For example, the knight Ortolof of Kai (a district in the city of Salzburg), who belonged to the archiepiscopal familia, owned vineyards and an orchard in Lower Austria and a house in Salzburg.<sup>102</sup> Ortolof may very well have been a wine merchant.

The knights were thus a diverse group consisting of lesser ministerials, the vassals of the greater ministerials, and the armed retinues of extinct noble dynasties who had entered the archbishop's service. An archiepiscopal charter of 1225 that referred to "the many other knights and burghers from the city and country" who had been present captured the diversified nature of the group and shows that the knights were beginning to be perceived as a distinct element in society.<sup>103</sup> By the middle of the thirteenth century individuals could be identified as members of the knightly estate. Thus Conrad I of Kuchl was called in 1250 "Lord Conrad, the knight of Kuchl," and another charter referred to "the knight Henry, whose surname is Zahn [Tooth]." <sup>104</sup>

I know of only one prominent archiepiscopal ministerial, Eckart IV of Tann, who was identified as both an archiepiscopal ministerial and a knight in an archiepiscopal charter in the first half of the thirteenth century (1233) and who referred to himself as a knight (1243).<sup>105</sup> Interestingly enough, Eckart was the only archiepiscopal ministerial from north of the Tauern who participated, according to Ulrich of Liechtenstein, in the Friesach tournament of 1224.<sup>106</sup> Whether or not the tournament ever took place, Ulrich's comment suggests that Eckart was famous for his chivalric exploits and that, like Ulrich, he may have been formally knighted.<sup>107</sup> Eckart's proud assertion of his knighthood thus probably referred to

100. SUB 1:507–8, no. 470.

101. SUB 3:187–88, no. 680; 489, no. 936. On Werner, see Freed, "Devotion," pp. 210–16.

102. SUB 1:747–48, no. 336; 3:200–202, no. 692. Reindel-Schedl, *Laufen*, pp. 386–87, placed Ortolof in Kay, Upper Bavaria, rather than in the Kaigasse or the district with that name in the city of Salzburg. I have linked him to Salzburg because he owned a house in the city.

103. SUB 3:327–28, no. 799.

104. SUB 4:6–8, nos. 7, 8. On the Kuchls, see Dopsch, *Geschichte Salzburgs* 1/1:400; Walter Brugger, "Die Kuchler: Ein Salzburger Ministerialengeschlecht vom 12.–15. Jahrhundert," *Das Salzfass*, n.s., 2 (1967–68): 1–33; and Freed, "Crisis," pp. 124–37.

105. SUB 3:438–39, no. 888; 556, no. 1004a.

106. *Ulrich's von Liechtenstein Frauendienst*, ed. Reinhold Bechstein, 2 vols., *Deutsche Dichtungen des Mittelalters* 6, 7 (Leipzig, 1888), 1:76–77, stanza 196.

107. *Ibid.*, 1:15, stanza 39. Joachim Bumke, *Courtly Culture: Literature and Society in the High Middle Ages*, trans. Thomas Dunlap (Berkeley and Los Angeles, 1991), p. 245, said that Ulrich was the first ministerial who is definitely known to have been girded with a sword.

his girding rather than his social rank, but the diffusion of chivalric culture in the archdiocese undoubtedly hastened the archiepiscopal ministerials' eventual acceptance of the designation *miles*, hitherto a scorned term associated with their own servile warriors, as an acceptable appellation for themselves.

To summarize, the old free nobility either died out in the male line during the High Middle Ages or entered the archiepiscopal ministerialage. This was a necessary precondition for the creation of the ecclesiastical principality because it enabled Archbishop Eberhard II to obtain the nobility's comital jurisdictions, lordships, and retinues. As the chief instrument in the archbishop's assertion of his territorial supremacy, the ministerials prospered, as can be seen in the amount of wealth Wolfram of Offenwang possessed about 1150 and the Gutrats' position at their extinction in 1304. At the same time the ministerials' personal servitude, evinced in the restrictions on their right to alienate property outside the archiepiscopal familia, was an effective instrument to control them. In the long run, however, the greater ministerials' growing power posed a threat to the archbishop's temporal authority, and the late medieval archbishops met this challenge by, among other things, taking advantage of the ministerials' personal servitude—Conrad IV's acquisition of the Gutrat inheritance is a case in point—and by relying on the knights.

### The Salzburg Interregnum and the Later Middle Ages (1247–1343)

Archiepiscopal authority weakened considerably in the quarter century after the death of Eberhard II in 1246 as the archdiocese became embroiled in the fight over the vacant Babenberg duchies of Austria and Styria. The ministerials utilized the situation to assert their independence. Archbishop Frederick II (1270–84) and his successors regained control by manipulating the ministerials' political miscalculations and financial and familial misfortunes to their own advantage. Although some lineages died out in the male line and others were ruined politically and economically, other ministerials prospered in the archbishops' service. In addition, the archbishops promoted the rise of knightly lineages. Unlike their counterparts in Austria and Styria, the greater ministerial lineages, considerably reduced in number and often in financial difficulty by 1300, were unable to maintain their separate position and gradually merged with their erstwhile servile vassals to form the *Ritterstand*, the only noble estate in the late medieval principality. In the end the knights too proved no match for the archbishops, and by 1500 Salzburg was a principality without a native nobility.

The extinction of the Babenbergs in 1246 and the collapse of the Hohenstaufen empire plunged southeastern Germany into chaos. The fate of the vacant duchies of Austria and Styria was a major issue confronting Germany during the interreg-

num, because King Ottokar II of Bohemia (1253–78), the most powerful prince in the empire, had seized the duchies. The issue was of particular interest in Salzburg, not only because Styria was under the archbishop's spiritual jurisdiction but also because Archbishop-Elect Philip (1247–57) refused ordination in the hopes of succeeding his childless older brother Ulrich III (1256–69) as duke of Carinthia. Pope Alexander IV deposed Philip in 1257 and recognized Bishop Ulrich of Seckau (1244–68), whom the cathedral canons and ministerials had elected as archbishop the previous year. Philip, supported by his brother and his cousin Ottokar, refused to accept his deposition, while Ottokar's opponents, most notably Duke Henry XIII of Lower Bavaria (1253–90), backed Ulrich. In the end Philip managed to lose both the archbishopric and the duchy, and Ulrich, hopelessly in debt, resigned in 1265. His successor Ladislaus (1265–70) did restore order temporarily, but he returned to his native Silesia in 1268 to act as regent for his nephew. The fate of central Europe was finally settled with Ottokar's defeat by Rudolph of Habsburg in 1278 and the formal enfeoffment of Rudolph's son Albrecht with Austria and Styria in 1282.

Frederick of Walchen, who as cathedral provost had already administered the archdiocese in Ladislaus's absence, was one of Rudolph's most ardent supporters. Frederick's successors, Archbishops Rudolph (1284–90) and Conrad IV (1291–1312), quarreled with Duke Albrecht over their respective rights in the Enns valley, but after the restoration of peace in 1297 the principality was almost always in the Habsburg camp. The establishment of the Habsburgs in Austria and Styria, and subsequently in Carinthia (1335) and Tyrol (1363), left Salzburg as a buffer state between the Habsburgs and the Wittelsbachs in Bavaria. Their power and rivalry limited further territorial expansion by the archbishops but also ensured the principality's survival until the nineteenth century.<sup>108</sup>

Frederick II's accession was a turning point in the archbishopric's affairs in other ways as well. Until 1270 all the archbishops, with the probable exception of the hapless Ulrich, had been nobles, and five archbishops between 1164 and 1270 had been the scions of princely dynasties.<sup>109</sup> Frederick was the first

108. Doppsch, *Geschichte Salzburgs* 1/1:437–86; and idem, "Přemysl Ottokar II. und das Erzstift Salzburg," *JbflKNÖ* 44–45 (1978–79): 470–508.

109. Ulrich is the only post-Investiture Conflict archbishop whose social origin is unknown. I suspect that Ulrich was in fact a Babenberg ministerial from Austria. Ulrich, who owed his appointment in 1244 as bishop of Seckau to Duke Frederick II of Austria (BUB 2:277–78, no. 425), began his career as the parish priest of Kirchberg (BUB 2:177–78, no. 336; 186–89, no. 344), which the editors of the second volume of the *Urkundenbuch zur Geschichte der Babenberger in Österreich* were able to place only in Lower Austria (BUB 2:383). They overlooked a possible clue to its location, however. In 1200 Duke Leopold VI confirmed for Zwettl the gift of five hides situated in Warnungs that the Cistercians had received from his ministerial Ulrich of Kirchberg (BUB 1:151–53, no. 116). Warnungs is twelve kilometers north of Zwettl and, more important, five kilometers east of Kirchberg am Walde, which was presumably the home of Duke Leopold's ministerial. I have not been able to find any additional references to the earlier Ulrich or to establish the connection between him and the later archbishop, but I suspect that the latter was related in some way to the Babenberg ministerial.



archbishop who definitely was of ministerial ancestry and the only native Salzburger who occupied the see of Saint Rupert during the Middle Ages. Most of his successors belonged to ministerial or knightly lineages who lived in the Austro-Bavarian area.<sup>110</sup>

The late medieval archbishops, like their colleagues elsewhere in Germany, thus had a more parochial perspective than their noble predecessors with their supra-regional family connections.<sup>111</sup> Although the archbishops did become entangled in the Habsburg-Wittelsbach fight for the throne, from the vantage point of Salzburg this was a battle between neighbors. The outlook of Archbishop Conrad IV, the scion of two obscure Styrian knightly families,<sup>112</sup> was inevitably very different from that of his Babenberg predecessor Conrad II, who, like his more famous brother Otto of Freising, was a grandson, nephew, half-brother, and uncle of emperors.

Starting with Frederick of Walchen, the late medieval archbishops concentrated their attention and considerable resources—the Avignon papacy ranked the archbishops second in wealth among the bishops of Christendom<sup>113</sup>—on consolidating their authority within the principality. In particular the archbishops curbed the greater ministerials, who had grown increasingly independent during the interregnum by obtaining the alods and fiefs of lineages like the Gutrats that failed to produce a male heir, by buying the lands and rights of impoverished families, and by crushing insubordinate dynasties. Frederick's and his successors' treatment of the Kalhams is the most spectacular example.

The brothers Kuno, Conrad VI, and Henry III of Kalham can most aptly be described as *Raubritter* (see genealogy 1.3). During the interregnum they had built a new castle east of their ancestral home (Altenkalham) from which they had terrorized the countryside. In 1269 Frederick of Walchen, who was then the cathedral provost, and several prominent archiepiscopal ministerials provided a bond of £400 to procure the release of their “friends” Kuno and Conrad of Kalham, who had been imprisoned by Archbishop Ladislaus.<sup>114</sup> Once Frederick became

110. Dopsch, *Geschichte Salzburgs* 1/2:1145–50. A comparable shift in the social origins of the bishops—from the upper to the middle and lower ranks of the nobility—had already occurred in Burgundy at the end of the eleventh century. See Constance Brittain Bouchard, *Sword, Miter, and Cloister: Nobility and the Church in Burgundy, 980–1198* (Ithaca, N. Y., 1987), pp. 67–76.

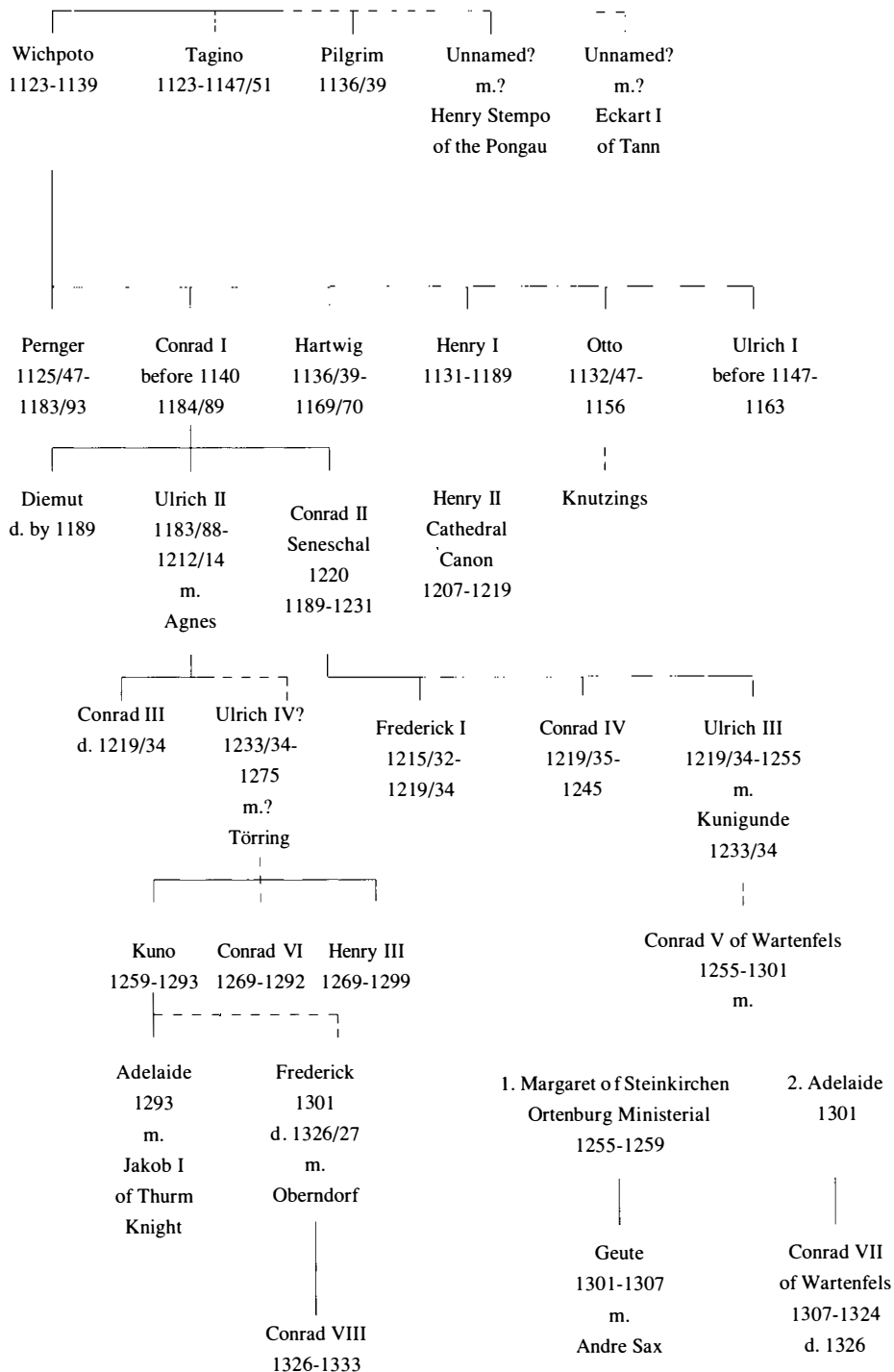
111. Alfred Wendehorst, “Bischöfe und Bischofskirchen von Würzburg, Eichstätt und Bamberg,” in Weinfurter, *Die Salier und das Reich* 2:238.

112. John B. Freed, “The Prosopography of Ecclesiastical Elites: Some Methodological Considerations from Salzburg,” *Medieval Prosopography* 9/1 (1988): 45–48.

113. Dopsch, *Geschichte Salzburgs* 1/1:465.

114. SUB 4:63–64, no. 65. For a more detailed account, see Heinz Dopsch, “Zur Geschichte der Burg Kalham,” *MGS* 112–13 (1972–73): 265–76. Genealogy 1.3 is very tentative and should be used with caution. It is difficult to distinguish between the different Kalhams who employed the names Ulrich and Conrad simultaneously, and the kinship designations in the sources tend to confuse rather than to clarify the family relationships. On the identification of friends as kinsmen, see Otto Brunner, *Land and Lordship: Structures of Governance in Medieval Austria*, trans. Howard Kaminsky and James Van Horn Melton (Philadelphia, 1992), pp. 15–18. Brunner, p. 72, cited the case of the Kalhams.

GENEALOGY I.3 Kalham-Wartenfels



archbishop, he was far less tolerant of his kinsmen's misconduct. In a response to Ottokar II's complaint that several archiepiscopal ministerials, including the Kalhams, had caused the king's lands great injuries, Frederick pointed out that his own domains had suffered even greater losses but that he had been powerless to act because the evildoers had enjoyed the protection of Duke Henry XIII of Lower Bavaria. The archbishop-elect therefore proposed a joint operation against the troublemakers.<sup>115</sup> The Kalhams' actions, whatever their original motives may have been, had thus been linked to the larger dispute over the vacant Babenberg duchies. The archbishop succeeded in 1272 in separating the Kalhams from their most powerful ally, their maternal uncle Frederick I of Törring.<sup>116</sup> The final blow came at the end of July and the beginning of August 1275, when Frederick besieged and destroyed the Kalhams' new castle.<sup>117</sup> Afterward the archbishop explained in a letter to his new ally, Rudolph of Habsburg, that after observing the correct legal procedures he had been forced to proceed against Conrad and Henry of Kalham, who had appealed to Ottokar for help, on account of their crimes, which had included pillaging, highway robbery, assaults, and rape.<sup>118</sup> The Kalhams had managed once again to ally themselves with what soon proved to be the losing side in the struggle for Austria and Styria.

No document survives about the terms of the Kalhams' submission to Frederick II. Some sort of formal reconciliation must have occurred, because in 1279 Conrad attended the archbishop in Vienna.<sup>119</sup> The subsequent history of the family was one of steady decline. In the 1280s Conrad and Kuno pledged their shares of the land (*Burgstall*) where the castle of Altenkalham stood to their cousin Conrad V of Kalham-Wartenfels for what appear to be nominal amounts.<sup>120</sup> This may have been an attempt to place the castle in the hands of the one member of the lineage who still enjoyed the archbishop's favor. The third brother, Henry, when he was paroled in 1296 after imprisonment for some unspecified offense, likewise pledged various properties to his cousin and in 1299 surrendered to Archbishop Conrad IV his share of castle of Altenkalham and its *Burgstall*, the court at Kalham, and whatever else he possessed, alods or fiefs, from the church of Salzburg.<sup>121</sup>

The Kalhams emerged from obscurity for the last time in 1326, when Conrad VIII laid claim to the fiefs that had belonged to his distant cousin Conrad VII of Kalham-Wartenfels and escheated to the church after the latter's death. Arbiters awarded Conrad VIII—more by grace, they said, than by right—the disputed

115. Dopsch, "Zur Geschichte der Burg Kalham," pp. 273–74, no. 1.

116. Regesten 1:82, nos. 626, 628.

117. *Annales Sancti Rudberti*, p. 801; and *Ottokars Österreichische Reimchronik*, ed. Joseph Seemüller, 2 vols. MGH, Deutsche Chroniken 5 (Hanover, 1890–93; reprint Dublin, 1974), 1:154–55, lines 11,662–731, esp. 11,712–22.

118. Dopsch, "Zur Geschichte der Burg Kalham," pp. 275–76, no. 4.

119. Regesten 1:116, no. 898.

120. SUB 4:144–45, no. 124; 177–78, no. 148.

121. Regesten 2:38, no. 306; SUB 4:229, no. 191; 248–49, no. 209.

courts at Eugendorf and Kalham. Twenty months later he surrendered the court at Eugendorf, and in 1333, professing great financial need, he sold to Archbishop Frederick III (1315–38) for £150 the court at Kalham and the land his castle stood on.<sup>122</sup> This is the last reference to the Kalhams in Salzburg, though a branch of the family may have survived in Upper Austria.<sup>123</sup> Politically, if not perhaps biologically, a once prominent lineage of archiepiscopal ministerials had been eliminated from the principality.

The downfall of the Kalhams, whose ancestry can be traced to the 1120s,<sup>124</sup> was particularly dramatic and abrupt; but by 1300 at least five other lineages of greater archiepiscopal ministerials (Felbens, Goldeggs, Oberndorfs, Radecks, and Staufenecks) were in varying degrees of financial difficulty.<sup>125</sup> Since the archbishops took advantage of the ministerials' problems to obtain their castles, courts, and so on, the question is why these families were in so much trouble at the beginning of the fourteenth century. The most obvious explanation for the Kalhams' financial difficulties after 1275 was their political miscalculations: they had allied with the archbishop's opponents and lost.

Conversely, the archbishops were generous to those ministerials like the Kalhams' cousin Conrad of Wartenfels, who were faithful retainers. He represented the archbishops, for example, on various boards of arbitration, including the commission that on 18 July 1275 (just before the archbishop began the siege of the Kalhams' castle) fixed for centuries the border between Bavaria and Salzburg.<sup>126</sup> Conrad was identified as a member of the council that governed Salzburg after the death of Archbishop Rudolph in 1290, the first time that institution was specifically mentioned;<sup>127</sup> but the numerous documents Conrad witnessed in the 1270s and 1280s suggest that he had belonged all along to the archbishops' inner circle of advisers. Conrad served in the 1290s as the *Hofmeister*, the official who presided at the archiepiscopal court that had jurisdiction over fiefs.<sup>128</sup> He was suitably rewarded for his services. Archbishop Ulrich had granted Conrad permission in 1259 to build a new castle, and by 1267 he had adopted the name of his new residence, Wartenfels.<sup>129</sup> Thus, although Archbishop Frederick destroyed the Kalhams' adulterine castle, their cousin was permitted to build a new one. The connection between loyalty to the archbishop and the rise and fall of individual ministerials and specific lineages is plain.

Still, political mistakes were not the sole reason so many lineages of prominent

122. Regesten 2:66–67, no. 544; 3:64, no. 637; SUB 4:360–62, no. 317; 402, no. 342.

123. Dopsch, "Zur Geschichte der Burg Kalham," p. 272.

124. SUB 1:596–97, no. 25; 2:194–95, no. 127; 278–80, no. 194; 308–9, no. 210a.

125. Freed, "Crisis," pp. 137–44; and below, chapter 5 at note 88.

126. SUB 4:87–91, no. 84. See also Regesten 1:94–95, no. 730; SUB 4:75–79, no. 76; 157–59, no. 132.

127. SUB 4:189–90, no. 157; Dopsch, *Geschichte Salzburgs* 1/2:940.

128. Regesten 2:12–13, no. 106; SUB 4:225–26, no. 186. On the office of the *Hofmeister*, see Dopsch, *Geschichte Salzburgs* 1/2:947–48.

129. SUB 4:42–43, no. 42; 57–59, no. 58.

archiepiscopal ministerials were suddenly in such financial difficulty after 1270. The question arises whether ministerials like the Kalhams allied with the archbishop's enemies and resorted to highway robbery precisely because they were already in financial trouble.

Several factors besides insubordination may have been at work. One may have been a consequence of a change in family strategy. In the thirteenth century many lineages that had previously restricted the number of sons they permitted to marry adopted the new policy of allowing more than one son to wed.<sup>130</sup> The drawback to this strategy was that the family's patrimony was divided among too many heirs. The Kalhams may be a case in point. The generation of Conrad I in the mid-twelfth century had consisted of six brothers; yet as far as is known he was the only Kalham in his generation who had any surviving children.<sup>131</sup> In contrast, two of his sons married and were the ancestors of separate lines. Kuno and his brothers may have taken to robbery precisely because they were forced to share the Kalham inheritance with their cousin Conrad of Wartenfels.

Second, the increasingly extravagant lifestyle that befitted their hard-won status as nobles may have ruined many ministerials. There is a bit of circumstantial evidence suggesting that by 1300 the nobles of southeastern Germany were living considerably beyond their means. The account books of the sons of Duke Meinhard I of Carinthia (1286–95) present a picture of ruinous extravagance. The brothers' agents brought back from Venice on one of many shopping sprees, for instance, 42 bolts of baldachin, 10 gilded necklaces set with precious stones, 13 expensive belts, 141 pieces of cloth of different colors, 143 pieces of silk, furs, 123 pairs of gilded spurs, 120 swords, and an equal number of gilded bridles and reins.<sup>132</sup> Similarly, after Archbishop Rudolph died in 1290, the archiepiscopal council was forced to pledge the tolls in the city of Salzburg for a year to pay a bill for 111 marks of silver that he owed a tailor.<sup>133</sup> Princes who lived like this were presumably not surrounded by noble courtiers dressed in homespun loden.

Third, the incessant warfare that plagued the Austro-Bavarian area after the extinction of the Babenbergs may have contributed to the ministerials' financial distress. The *Annales Sancti Rudberti Salisburgenses* is full of reports about the destructive effects of warfare. For example, in 1257 Archbishop-Elect Philip devastated the lands of the ministerials who had elected Ulrich to replace him; and Ottokar II seized and destroyed the possessions of the church of Salzburg in 1275 and allegedly caused an estimated 40,000 marks in damage.<sup>134</sup> Georges Duby

130. See below, chapter 3 at note 140.

131. SUB I: 705–6, no. 256; 708, no. 262; 735–36, no. 314; 2:631–33, no. 465a.

132. Josef Riedmann, "Adelige Sachkultur Tirols in der Zeit von 1290 bis 1330," in *Adelige Sachkultur des Spätmittelalters: Internationaler Kongress Krems an der Donau 22. bis 25. September 1980*, Veröffentlichungen des Instituts für mittelalterliche Realienkunde Österreichs 5, Österreichische Akademie der Wissenschaften: Philosophisch-historische Klasse 400 (Vienna, 1982), esp. pp. 113–14.

133. Regesten 2:6, nos. 49, 50.

134. *Annales Sancti Rudberti*, pp. 794, 801. See also pp. 793, 796, 797, 809.

thought that the burning and pillaging of manor houses and their appurtenances was a major cause for the decline of the late medieval manorial economy.<sup>135</sup> The ministerials' estates may have been a particularly tempting target for the forces of a rival prince.

Finally, long-term climatic changes may have adversely affected agriculture within the principality, especially in the more mountainous sections, and thus undermined the economies of landowning ministerials. As anyone who has ever lived in Salzburg knows, it rains frequently under the best of conditions. The year 1281 stood out, however. According to the chronicler, there was unusually severe weather at Christmas 1280 and a massive amount of snow. Worse followed. To everyone's astonishment, it snowed on 17 July in an area extending from Freising to the Lungau. It rained so much that summer that not even old people, the chronicler added, could remember such intemperate weather. The result was an unparalleled crop failure, and even prelates found oat bread dear.<sup>136</sup> Like the rest of Europe, the principality suffered greatly from the famine that began as early as 1309 in southern Germany. The chronicler reported that more than 2,300 people were buried in one cemetery in Tittmoning between 11 November 1310 and 2 February 1311 because of a famine caused by the severe cold and the destructive effects of warfare. There was such a shortage of food in 1313 that a peck of wheat sold for 3 shillings and 2 pennies.<sup>137</sup>

The question is whether the events of 1281 and the second decade of the fourteenth century were isolated occurrences or symptoms of a long-term deterioration in the climate. Emmanuel Le Roy Ladurie pointed out that the first half of the fourteenth century, except for the second decade, was not especially wet. Grain production, which suffers most in northern Europe from too much moisture during the summers, would thus not have been adversely affected. The alpine glaciers advanced between 1215 and 1350, however, as a result of both longer winters and cooler summers that retarded glacial ablation. The somewhat colder weather may have had little effect on cereal yield in northern France, but harsher winters and cooler summers may have had more of an impact, Le Roy Ladurie argued, on alpine regions with shorter growing seasons.<sup>138</sup> As an alpine principality, Salzburg and its landowners may have been especially hard hit.

It is difficult to determine which factor or combination of factors contributed to the downfall of a particular individual or late medieval lineage, but the fact

135. Georges Duby, *Rural Economy and Country Life in the Medieval West*, trans. Cynthia Postan (Columbia, S. C., 1968), p. 297. See also Brunner, *Land and Lordship*, pp. 67–81.

136. *Annales Sancti Rudberti*, pp. 806–7.

137. *Continuatio canonicorum Sancti Rudberti Salisburgensis*, ed. Wilhelm Wattenbach, MGH SS 9 (Hanover, 1851), p. 821. On the famine, see Henry S. Lucas, "The Great European Famine of 1315, 1316 and 1317," *Speculum* 5 (1930): 341–77.

138. Emmanuel Le Roy Ladurie, *Times of Feast, Times of Famine: A History of Climate since the Year 1000*, trans. Barbara Bray (New York, 1971), pp. 12–13, 42–47, 243, 248–54, 281–93, 299–301.

remains that after 1270 one prominent lineage after another was ruined politically, financially, or both.<sup>139</sup> The elimination of the greater ministerials left the archbishops as the undisputed masters of the principality.

The knights, the group composed of the descendants of the lesser ministerials, the retainers of the extinguished comital and noble dynasties, and the greater ministerials' own servile vassals took the ministerials' place; but as archiepiscopal officials they were far more dependent on their lords' grace than the ministerials had been. The Kuchls provide the most spectacular example of such upward social mobility. Conrad II of Kuchl, whose origins are obscure, was for forty years the trusted financial adviser of four archbishops. He was a member of the archiepiscopal council for at least twenty-five years; the vidame of Salzburg during the archbishops' war with Duke Albrecht; the judge of the city of Salzburg in 1287, when Archbishop Rudolph granted the city its first municipal charter, and again from 1306 to 1312; and the captain of Salzburg, essentially the governor, during Archbishop-Elect Weichart's absence in 1312. In the process Conrad amassed a fortune, and the Kuchls became the wealthiest family in the principality in the fourteenth century.<sup>140</sup>

Although Archbishop Frederick III still distinguished in 1327 between "our church's [*gottshaus*] ministerials, knights, and squires,"<sup>141</sup> no estate of lords or *Herrenstand*, composed of the greater ministerial lineages, formed in late medieval Salzburg as it did in Austria and Styria. Instead the principality had only a single rather weak estate of nobles, the *Ritterstand* or estate of knights.<sup>142</sup> The ministerials' union with their former vassals was due in part to the spread of chivalric culture in the archdiocese, which in the late thirteenth century finally made *miles* or *Ritter* a socially acceptable designation for a prominent ministerial.<sup>143</sup> For example, although Conrad V of Wartenfels was generally called a ministerial, he was also styled a noble, a noble ministerial, and a knight.<sup>144</sup> Such terminological confusion is indicative of the breakdown after 1270 in the traditional divisions between nobles, ministerials, and knights. More important, by the middle of the

139. For a more detailed discussion of the problem, see Freed, "Crisis," pp. 137–52, and Roger Sablonier, "Zur wirtschaftlichen Situation des Adels im Spätmittelalter," in *Adelige Sachkultur* (see above, n. 132), pp. 9–34.

140. Freed, "Crisis," pp. 127–33. For the similar example of the Lengfelden-Thurn, see idem, "Devotion," pp. 210–18.

141. SUB 4:368–69, no. 322.

142. On the estates in Salzburg, see Herbert Klein, "Salzburg und seine Landstände von den Anfängen bis 1861," in *Beiträge zur Siedlungs-, Verfassungs- und Wirtschaftsgeschichte von Salzburg: Gesammelte Aufsätze von Herbert Klein: Festschrift zum 65. Geburtstag von Herbert Klein*, MGSL, suppl. vol. 5 (Salzburg, 1965), pp. 115–36.

143. On the diffusion of chivalric culture in the archdiocese, see Freed, "Nobles," pp. 608–9, and below, chapter 6 at note 7.

144. Ministerial, SUB 4:66–67, no. 68; 168–70, no. 141; noble, Regesten 1:157–58, no. 1231; SUB 4:153–55, no. 130; noble ministerial, Regesten 1:150, no. 1168; and knight, Regesten 1:130, no. 1016. By 1338 the archiepiscopal ministerial Nicholas of Tann was referring to his own men as noble squires ("erber edel lewt") (SUB 4:441–42, no. 370).

fourteenth century there were simply too few ministerial lineages left in the principality to form a separate estate (only nine still survived in 1343, and by 1419 that number had been reduced to one).<sup>145</sup> The archbishops had taken advantage of the ministerials' familial and financial difficulties and political mistakes to eliminate their erstwhile helpers, the last serious obstacle to the assertion of the archbishop's territorial supremacy. Knightly families like the Kuchls eventually met a similar fate, and by 1500 Salzburg was a principality without a native nobility.

This chapter has provided an overview of the history of the archiepiscopal ministerialage from the first appearance of an elite group among the serfs during the archbishopate of Frederick I in the second half of the tenth century until the political downfall, financial ruin, or biological extinction of most of their noble descendants by the middle of the fourteenth century. The Investiture Conflict, during which the ministerials' military skills had proved crucial, was the decisive period in the formation of the estate; and their participation in the election of every archbishop between 1147 and 1256 except Conrad III showed their new status. The extinction of the free nobility or the nobles' own entrance into the archiepiscopal ministerialage left the ministerials by 1200 as the secular elite of the principality. Paradoxically, the 1270 election of the archiepiscopal ministerial Frederick of Walchen, who first styled the ministerials as nobles, started them on the road to oblivion. Frederick and his successors utilized the ministerials' familial, financial, and political problems to eliminate the greater ministerials as a threat to archiepiscopal authority. In the end the ministerials met the same fate as the free nobles, in part because their personal servitude provided the archbishops with a legal device to control them.

This tension between the ministerials' social position and legal status, however, was only one of many sets of conflicting norms that shaped their lives: their obligation as serfs to marry within the archiepiscopal familia and the church's prohibition of consanguineous unions; maternal ascription and patrilocality; the ministerials' desire to ensure their lineages' continuity and the need to preserve the families' patrimony from division among too many heirs; male dominance and hypergamy; the ministerials' concern for their salvation and the inheritance rights of their heirs; the establishment of patrilineages and the continuing importance of cognatic and affinal ties; and the ministerials' own family strategies and the archbishops' political calculations. Since marriage was central to many of these conflicts, in the chapters that follow I will examine the ministerials' marital choices in order better to understand their peculiar status as noble bondsmen.

145. See above, introduction at note 53.



## CHAPTER TWO

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# Seigneurial and Canonical Restrictions on the Ministerials' Freedom to Marry

Archbishop Eberhard II announced in 1239 that he had confiscated the possessions of Karl of Gutrat “in accordance with the approved and prescribed customs of our church” because he had married outside the familia without the archbishop’s permission.<sup>1</sup> These customs dealt in particular with the ministerials’ marriages and ownership of property, as Eberhard made explicit in 1246 when he granted the ministerials of the Carniolan lordship of Gurkfeld (Krško, Slovenia) “the same law, both in regard to marriages as well as fiefs and all other rights, that the ministerials of the church of Salzburg enjoy.”<sup>2</sup> In spite of such references to an archiepiscopal ministerial code (*ius ministerialium*, *Dienstrecht*), no written custumal, like those that have survived from some other lordships,<sup>3</sup> is extant today. It is therefore necessary to reconstruct the ministerials’ rights and obligations from specific cases—usually from instances where the rules were modified or violated in some way.

Since the requirement to marry within the archiepiscopal familia was the most visible manifestation of the ministerials’ personal servitude, the best place to begin is with a discussion of the customs that governed servile marriages in general in the archdiocese and then to examine how those rules were applied to the

1. SUB 3:496–97, no. 944. Bishop Otto of Passau stipulated in 1256 that the child of a ministerial who resided on the lands of the abbey of Niedernburg and had married without permission outside the episcopal familia would lose his fief unless the heir subsequently contracted an intrinsic marriage. Breinbauer, *Otto von Lonsdorf*, p. 143, n. 288, p. 185.

2. SUB 3:639–40, no. 1095. For other references to such a ministerial code, see SUB 1:591–92, no. 12; 628, no. 88; 631, no. 92; 2:303–4, no. 207a; 3:109–10, no. 617; 310–12, no. 783; 517–19, no. 968.

3. Arnold, *German Knighthood*, pp. 76–99.

archiepiscopal ministerials in particular—that is, to situate the ministerials in the servile world from which they were trying to emancipate themselves. Lords were confronted with two different, though related, issues: cross-marriages between the serfs of different lordships and marriages between men and women with different legal status, both within and outside a specific familia.

There is no evidence on how lords dealt with these problems in the Austro-Bavarian area before the mid-twelfth century, when the first extant general conventions were written, and much of this evidence concerns the ministerials rather than the lower strata of the familia. Philippe Dollinger thought that the lords had previously handled such marriages case by case and that the twelfth-century agreements codified older practices.<sup>4</sup> At any rate, even the oldest evidence is relatively late. There continued to be a great deal of uncertainty, even in the thirteenth century, in applying general rules to specific instances. For example, Duke Ulrich III of Carinthia confessed in 1265, when asked by the Cistercians of Viktring, that he did not know whether children whose mother was an altar dependent (*censualis*) who had married an abbatial serf obtained their mother's or their father's status. He had been forced to seek a ruling from the assembled witnesses, among whom were several prominent ministerials. They had unanimously opted for maternal ascription, and the scribe even cited the Roman legal maxim that the offspring follows the womb (“partus sequitur ventrem”).<sup>5</sup> This decision was at variance with another principle, however, that the children were to have the legal status of the parent of inferior rank, or as an imperial customary of 1282 put it, “The offspring ought always to follow after the more vile condition.”<sup>6</sup> No wonder the duke was confused and the lords were compelled to deal individually with such problematic marriages.

More was at stake, however, than simply reconciling conflicting laws. Although the generally preferred rule was that a child obtained its mother's legal status, if for no other reason than that a child's mother was more readily known, most families practiced patrilocality. That is, women left their families of origin to live with

4. Dollinger, *L'évolution*, pp. 253–61, esp. pp. 255–56.

5. MC 4/2:629, no. 2885. The first lay witness was the Styrian ministerial Siegfried of Mahrenberg (today Radlje, Slovenia). For information about him, see John B. Freed, “Rudolf of Habsburg, the Dominicans, and the Pettaus,” in *Zur Sozial- und Begriffsgeschichte des Mittelalters*, Tel Aviver Jahrbuch für deutsche Geschichte 22 (Gerlingen, 1993), pp. 87–103.

6. *Constitutiones et acta publica imperatorum et regum*, vol. 3, ed. Jakob Schwalm, MGH, Legum 4 (Hanover, 1904–6), p. 300, no. 306. Stephen D. White's study of land conveyances in western France, *Custom, Kinship, and Gifts to Saints: The “Laudatio Parentum” in Western France, 1050–1150* (Chapel Hill, N.C., 1988), although it deals with an earlier period, may offer some insight into the contradictory norms the duke and the witnesses wrestled with. White argued that since there were no binding laws (in our modern sense) that could be invoked in specific cases, but only different norms that could be quoted, disputes ultimately could be resolved only by feud or compromise. Although the scribe did cite the Roman legal maxim about the offspring following the womb, it was in the end only one more adage that could be applied in a particular situation and did not have binding force in comparable cases.

their husbands. More important, most property, whether it was a ministerial's castle or a peasant's hide (by the fourteenth century most peasants in the principality held their tenures by hereditary right),<sup>7</sup> was inherited in the male line. In this situation the rigid enforcement of maternal ascription meant that individuals whose bodies did not belong to the lord could live on his domains and that the property of a man who married outside the familia could pass into the hands of individuals who served another master. The preference for male inheritance thus favored paternal ascription, that is, granting a child the father's status. In practice the solution adopted in a specific case, usually either an exchange of serfs or a division of the children, depended on the lords and people involved.

It is no accident, I think, that it was precisely in the thirteenth century, when the ministerials had become the de facto nobility of the principality, that the archbishops were so insistent on enforcing the principle that the ministerials could not marry outside the familia without their lord's permission. It was the best way to prevent the alienation of powerful men and their castles, courts, and armed retinues to a rival prince. In a paradoxical way this reaffirmation of the ministerials' personal servitude was a tribute to their upward social mobility. Seigneurial custom thus favored endogamy, marriage to one's peers within the familia.

Like all Christians, the ministerials were subject to another external constraint on their freedom to marry, namely, canonical prohibitions against consanguineous unions that promoted exogamy. Although it is necessary to reconstruct seigneurial customs in the archdiocese from specific cases, in the twelfth century the church was formulating and refining its teachings on marriage. The problem in studying consanguineous marriages is ascertaining how well the church enforced its teachings. The divorces of Louis VII and Eleanor of Aquitaine and of Frederick Barbarossa and Adela of Vohburg are well known, but it is less clear how strictly such rules were applied in practice to people of less exalted rank. Regrettably, there is no hard evidence to answer this question for Salzburg. Still, the frequency with which the archiepiscopal ministerials contracted extrinsic marriages may mean that they obeyed the canonical rules, particularly after they were modified by the Fourth Lateran Council. Less attention may have been paid, however, to the extension of the canonical prohibitions to relatives by marriage and a person's spiritual kindred.

In theory, the archbishops were thus required to enforce two contradictory sets of behavioral norms: seigneurial customs that imposed endogamy on the ministerials and canon law that required exogamy. In practice things were not quite so simple. Unlike the free nobility for whom endogamy was a way to prevent the fragmentation of a lineage's possessions, an extrinsic marriage was an indication that

7. Herbert Klein, "Die bäuerlichen Eigenleute des Erzstifts Salzburg im späteren Mittelalter," in *Beiträge zur Siedlungs-, Verfassungs- und Wirtschaftsgeschichte von Salzburg*, MGSL, suppl. vol. 5 (Salzburg, 1965), p. 156.

a ministerial had partially freed himself from the constraints of the familia. Moreover, as will be discussed in chapter 5, it often served the archbishop's political interests to promote a ministerial's marriage to the retainer of a rival prince. This chapter will explore how the archbishops and other lords applied these conflicting seigneurial and canonical rules in practice.

### Seigneurial Constraints on Servile Marriages

Lords in the Austro-Bavarian region did not pay much attention to their serfs' marriages as long as they occurred within the familia. There is no evidence, for example, that women in southeastern Germany were required to pay a fine of several pennies (comparable to the French *maritagium* or the Saxon *bumede*) when they married.<sup>8</sup> Marriages between archiepiscopal serfs and the retainers of Salzburg's proprietary houses were considered to be an internal affair and thus legal. For example, when Archbishop Eberhard I in 1158 enfeoffed Count Sigiboto IV of Falkenstein with the advocacy of Herrenchiemsee, Eberhard granted Sigiboto the ban, as all other advocates exercised it, in cases involving disputes and illegal contracts but specifically excluded from Sigiboto's jurisdiction marriages between the canons' and the archbishop's serfs because such marriages were not illicit.<sup>9</sup> This conception of the proprietary foundations as part of the archiepiscopal familia explains why in the twelfth century archiepiscopal ministerials could intermarry freely with Gurk's men.<sup>10</sup> Nevertheless, serfs belonging to the archbishop and to Saint Peter's who intermarried were liable to a fine until 1278.<sup>11</sup>

Extrinsic marriages were another matter. There was some doubt about the legality of such marriages as late as the middle of the twelfth century. In a famous case that found its way into canon law, Archbishop Eberhard I sought the advice of Pope Hadrian IV on this subject. Hadrian ruled that since according to Gal. 3:28 no person could be denied the sacraments on account of his or her legal status, serfs could not be prohibited from marrying and their marriages could not be dissolved even if they had been contracted against the express will of the couple's lords. Both husband and wife were still required to perform their customary services for their own masters, however. The papal decision left several crucial questions unresolved: which lord would have jurisdiction over the couple's children, what rights each partner would have to the other's property, how the couple's property would be divided among their heirs, and above all, whether the

8. Dollinger, *L'évolution*, p. 253.

9. SUB 2:462–64, no. 333.

10. MC 1:76–78, no. 31. The charter purportedly was issued by Archbishop Gebhard in 1072 but is a forgery of the 1170s.

11. SUB 4:107, no. 100.

marital or servile duties would take precedence in a conflict—for example, if serfs could not fulfill their marital debt because they had been transferred to a distant estate.<sup>12</sup> It may be that the twelfth-century conventions that addressed some of these questions were a response to the pope's decision.

In spite of Hadrian's ruling, extrinsic servile marriages continued to be viewed as illegal and were prohibited even in the thirteenth century in Bavaria. Violators were lucky if, like Berchtesgaden's men in Niederheim (today Sankt Georgen in the Pinzgau), they only had to pay a fine.<sup>13</sup> Saint Peter's treated its men more roughly. Arbiters ruled in 1264 that if one of the abbey's men married a woman who belonged to the cathedral chapter, the abbot was no longer to imprison the husband but to give him a chance to be reconciled with Saint Peter's.<sup>14</sup> As late as 1302 Ulrich, provost of the archiepiscopal possessions in Traismauer, Lower Austria, acknowledged that he had lost the grace of Archbishop Conrad IV because, among other things, Ulrich had alienated his children from the church of Salzburg through marriage. He promised to arrange for his daughter-in-law Geysel to be given to Salzburg or, if this proved impossible, to procure the division of his grandchildren between Salzburg and Geysel's unnamed lord. Ulrich's remaining unmarried children were to marry only with the archbishop's advice.<sup>15</sup>

Conrad IV had been deprived of the services of Ulrich's grandchildren because Geysel's children, in accordance with the prevailing custom of maternal ascription, had been assigned to her lord. As noted above, this custom gained additional support from the diffusion of the Roman legal maxim "partus sequitur ventrem." The dictum was alluded to or cited on several occasions in the second half of the thirteenth century in instances where it was in fact being circumvented. For example, Duke Louis II of Upper Bavaria (1253–94) stated in 1283 that Sigiboto of Ebbs, an archiepiscopal serf and knight, had married a Bavarian and fathered a son and six daughters, all of whom had obtained their mother's status "in accordance with common law and territorial custom." Nevertheless, for the benefit of his soul Louis gave two of the children, Elizabeth and Christmann, to Archbishop Frederick II.<sup>16</sup>

The reason the children of serfs could no longer be automatically assigned to their mother's lord was that maternal ascription was in conflict with the formation of patrilocal peasant households and the inheritance of property in the male line. Examining the documents in which they were conferred on churches, Käthe Sonnleitner analyzed how the children of serfs, particularly *censuales* (serfs who

12. Mansi 22:411. On the subsequent interpretation of Hadrian IV's decretal, see Peter Landau, "Hadrians IV. Dekretale 'Dignum est' (X.4.9.1) und die Eheschliessung Unfreier in der Diskussion von Kanonisten und Theologen des 12. und 13. Jahrhunderts," *Studia Gratiana* 12 (1967): 511–53; and Christopher N. L. Brooke, *The Medieval Idea of Marriage* (Oxford, 1989), pp. 51–52, 138, 264–65.

13. Regesten 1:59–60, no. 449. See Dollinger, *L'évolution*, pp. 254–55.

14. Regesten 1:55, no. 414.

15. Regesten 2:72, no. 595.

16. Regesten 1:137, no. 1074. See also Regesten 2:21, no. 163; 36, no. 291.

owed their lord an annual nominal payment of a few pennies in recognition of his lordship), were identified in Salzburg, Styria, and Carinthia from the twelfth to the fourteenth century. During the twelfth century, most children appeared only with their mothers (225 with the mother, 52 with the father, 30 with both parents); by the fourteenth century, when such donations had become far less common, the father had become the standard reference person for children (5 with the mother, 38 with the father, 15 with both parents). Sonnleitner attributed the growing emphasis on identifying the child's father to the inheritance of peasant holdings in the male line.

She also thought that many of the children who were mentioned only with their mothers in the twelfth century were illegitimate, the offspring of a servile mother and a man of superior rank who conferred on or procured for his bastards and their mother the better condition of *censuales*.<sup>17</sup> This is certainly true in a number of cases. For example, about 1147 Heribold, a ministerial of Michaelbeuern, redeemed for two pounds the daughter borne him by a serf who belonged to a noblewoman and gave the girl to the abbey as a *censualis*.<sup>18</sup> But illegitimacy does not explain all such grants to churches of *censuales*, predominantly women and children. In some instances it clearly was a device to reunite families and to resolve the conflict between maternal ascription and the inheritance of property in the male line. For example, Eckart, a servant of Saint Peter's, had married Diemut, who belonged to the Benedictines of Tegernsee. Since Eckart feared that as nonmembers of Saint Peter's familia she and her children would not have a right to his fief, he persuaded Abbot Berthold of Tegernsee (1206–17) to allow Diemut to give herself to Saint Peter's as a *censualis*.<sup>19</sup> Sonnleitner's study suggests that patrilocal peasant households became the norm in Salzburg between the twelfth and fourteenth centuries as lords ceased to farm their own demenses and assigned to the peasants their own holdings, and that maternal ascription had to be adjusted to fit this new reality.<sup>20</sup>

Such gifts of *censuales* were especially appealing if the husband belonged to a church and the wife to a lay lord; in such cases the donor could earn eternal rewards for his gift. Shortly before his death about 1150, for example, the nobleman Meinhard of Ibm gave Saint Peter's fifteen serfs as *censuales*, including four mothers with their ten children.<sup>21</sup> Such donations also appealed to churchmen for

17. Käthe Sonnleitner, "Die Stellung der Kinder von Unfreien im Mittelalter in Salzburg, Steiermark und Kärnten," *MGSL* 123 (1983): 149–56. On the status of *censuales* in Bavaria, see Dollinger, *L'évolution*, pp. 332–82; and in general, Knut Schulz, "Zum Problem der Zensualität im Hochmittelalter," in *Beiträge zur Wirtschafts- und Sozialgeschichte des Mittelalters: Festschrift für Herbert Helbig zum 65. Geburtstag*, ed. Knut Schulz (Cologne, 1976), pp. 86–127, esp. p. 102.

18. SUB I: 799, no. 59. See also SUB I: 805, no. 74; 3: 139, no. 638.

19. SUB I: 563, no. 655.

20. Dollinger, *L'évolution*, pp. 122–36. Patrilocality is, in fact, characteristic of any patrilineal kinship system. See Robin Fox, *Kinship and Marriage: An Anthropological Perspective* (Cambridge, 1983), pp. 114–15.

21. SUB I: 530, no. 527.

the same reason. Elizabeth, the daughter of Henry Clener and Wendala, who were *cenuales* of the church of Salzburg, had married a serf who belonged to the Cistercians of Reun. At her request and with her parents' consent, Archbishop Eberhard II, wishing to help the monks, conveyed Elizabeth and her children to Reun in 1221 on the same terms on which she had served Salzburg.<sup>22</sup> Donations of this type, which also served to reunite families, may have been perceived as especially meritorious.

Reuniting families in this fashion may have been spiritually beneficial, but it entailed a material loss for the donor. Most lords expected to be compensated if their serfs contracted an extrinsic marriage. The easiest thing was simply to exchange individual serfs, usually the wives and their children. For example, Rachewin, who belonged to the familia of Herrenchiemsee, had married Pezala, a serf of the cathedral chapter. The two churches agreed in 1204/7 that Pezala and her offspring would belong to Herrenchiemsee. In return Mathilda Scherz, a *famula* of Herrenchiemsee who had married a burgher of Salzburg, and her children were to serve the cathedral canons.<sup>23</sup> It is worth observing that in these cases the women and children assumed their husbands' or fathers' legal status.

Such an exchange of female serfs formed the basis of the oldest extant general convention that survives from the Austro-Bavarian area, an agreement between Archbishop Conrad I and the Benedictines of Admont, "that all women who pertain to the church of Salzburg and who had married or would marry serfs of the monastery of Admont, or any other man who was subject to the abbey's jurisdiction, or who lived on the monastery's lands, were to be subject in perpetuity with their children to the law of Admont; in return, serfs of Admont were under similar circumstances to pass with their children under his jurisdiction."<sup>24</sup> Far from incorporating older customs, the agreement may have been written down because it replaced maternal with paternal ascription. When Eberhard II confirmed the accord in 1209, he explicitly linked paternal ascription with the inheritance of property in the male line and patrilocality: "If a serf subject to our law marries a woman of the church of Admont, or if a serf of the said church marries a woman of our church, whether they are *cenuales* who owe a payment of gold or men of whatsoever condition, by mutual agreement the woman will always follow the man in her person, properties, real or personal, and in the future of her progeny."<sup>25</sup> The breakup of the demesne and the grant of individual, increasingly

22. SUB 3:292-93, no. 763. See also SUB 2:684, no. 506; 3:187-88, no. 680.

23. SUB 3:50-51, no. 573. See also SUB 1:461-62, no. 382; 557-58, no. 634.

24. SUB 2:213-15, no. 141. On the agreement, see Dollinger, *L'évolution*, pp. 255-56, n. 175.

25. SUB 3:125-27, no. 626. See also SUB 3:7-8, no. 539. *Cenuales* generally made an annual payment of three or five pennies, but there are occasional references to altar dependents who owed a payment in gold. The usual payment was a pound of gold, or a *seiga* as it was known in the vernacular (SUB 1:355-56, no. 196), whose value was fixed at eight pennies in 1147/67 (SUB 1:418, no. 306), at ten pennies in 1199/1214 (SUB 1:497, no. 451), and at nine pennies in 1242/64 (SUB 1:764, no. 372). Eberhard's reference to such gold-paying *cenuales* was probably intended to mean that the agreement applied to even the most privileged members of the familia save the ministerials.

hereditary tenures to peasants were major factors in the shift from maternal to paternal ascription in the High Middle Ages.

The archbishops and Admont assumed that the number of archiepiscopal serfs who married men belonging to Admont would be approximately equal to the number of Admont's women marrying men who pertained to the archbishop—that is, that on balance neither side would profit unduly from such an arrangement. Fear that one side might gain from this type of agreement may have prompted the more common way of dealing with cross-marriages, namely, the division of the children. Such an arrangement may also have recommended itself to lords because it took into account the respective rights of both parties to each couple and their offspring and property.

Such divisions could take the form of an agreement about specific individuals. For example, Dietrich Hulzener, a serf who belonged to Gerhoch II of Bergheim-Radeck, had married Elizabeth, a serf of Saint Peter's. Gerhoch and the abbey agreed about 1230 that the couple's children, whether born before or after their parents' marriage (Dietrich and Elizabeth had engaged, it seems, in some premarital sex), were to be divided equally. If only one child survived, that one and his or her children were to belong jointly to Gerhoch and the abbey.<sup>26</sup> One wonders if Gerhoch, whose own children had been divided between Salzburg and Passau in 1213,<sup>27</sup> perceived the similarity between himself and Dietrich.

Joint ownership of serfs was a potential source of conflict, and lords often tried to make alternative arrangements if the couple had only one child or an uneven number of children. For example, two serfs of Saint Peter's had married women who belonged to the cathedral chapter. The canons agreed in 1278 that if one of the couples had only a single child, that one would belong to the abbey, but the second child would go to the chapter and so forth in alternating order; that is, slight preference was given to paternal ascription.<sup>28</sup> In 1309 Archbishop Conrad IV allowed his serf Christina, the daughter of Pfriller of Laufen, to marry Heinrich Gaglhamer, a retainer of the cathedral chapter, but stipulated that their children were to be divided equally. If the couple had an uneven number of children, the ownership of each child would be determined by its sex—a boy would belong to his father's lord, a girl to the mother's master.<sup>29</sup>

Lords could also make general agreements about the cross-marriages of their serfs, based on the understanding that the offspring were to be divided between the two lordships. For example, in 1268 Duke Ulrich III of Carinthia and his cousin Archbishop Ladislaus granted the members of their *familiae* permission to intermarry whenever they wished on condition that all the children were to be

26. SUB 3:380, no. 844. Later examples of lords' dividing the children of cross-marriages are SUB 3:597–98, no. 1050; Regesten 1:19, no. 136; 20, no. 144; 29, no. 210; 125–26, no. 979; 168, no. 1306; 2:59, no. 485; 3:19, no. 188; 21, no. 204.

27. See above, introduction at note 7.

28. Regesten 1:113, no. 874.

29. Regesten 2:105–6, no. 915.



divided equally between Carinthia and Salzburg. If there was only one child, he or she (they were careful to specify that this stipulation applied to both boys and girls) was to belong to the mother's lord—maternal ascription—but was required to marry a spouse who served the father's master.<sup>30</sup> Such general agreements show that cross-marriages between serfs of different lordships were fairly common by the thirteenth century, if not already in the twelfth, in spite of opposition to the practice and the problems it caused. It was inevitable that the serfs of different lords who lived in close proximity to one another would intermarry, especially if they wanted to avoid a consanguineous marriage.

Some lords were apprehensive that other lords might deliberately encourage their serfs to contract extrinsic marriages in order to enlarge their masters' manpower or obtain a claim to additional land. This fear was expressed in an agreement that Archbishop Frederick II and Saint Peter's reached in 1278. Frederick authorized his and the abbey's men, whether they were burghers (*cives*), peasants (*rustici*), or tenants (*coloni*), to intermarry without causing offense or incurring a fine, provided the children were divided equally and neither party promoted such marriages too zealously. Only knights and persons of knightly rank (*militēs et personae militares*) were excluded from this arrangement, presumably because the abbey did not have a sizable military force of its own.<sup>31</sup> Such fears were not totally unwarranted. The archiepiscopal ministerials, Otto of Walchen and his brother Adalbero II, acknowledged in 1254 that they had lost the grace of Archbishop-Elect Philip because among many other misdeeds they had brought his men and their property under their own control through extrinsic marriages.<sup>32</sup>

An extrinsic marriage could also be arranged deliberately to resolve a conflict. Abbot Richer of Saint Peter's (1242–59) announced in 1249 that the physician Henry and his wife Diemut, whose son Dietmar had killed an abbatial serf, wished to atone for their son's crime by arranging for another of their sons to marry one of the monastery's retainers and provide her with half a house as her widow's dower. Their own lords, the cathedral canons, consented to this method of atoning for a homicide.<sup>33</sup>

The problems caused by cross-marriages were further complicated if the partners did not share the same legal status. The general principle was, as has already been noted, that the children assumed the status of the parent of inferior rank. This custom determined the fate of the descendants of Engelbert of Siezenheim, a retainer of Saint Peter's, who had married the noblewoman Mathilda. Their children were legally abbatial serfs, but Abbot Henry II (1167–88) freed their daughter Adelaide and five grandchildren from all servile exactions except an an-

30. MC 4/2:693–94, no. 2979.

31. SUB 4:107, no. 100. On Saint Peter's ministerialage, see John B. Freed, "Die Dienstmannschaft von St. Peter," in *Festschrift St. Peter zu Salzburg, 582–1982*, Studien und Mitteilungen zur Geschichte des Benediktiner-Ordens und seiner Zweige 93 (Salzburg, 1982), pp. 56–78.

32. SUB 4:28, no. 30.

33. SUB 4:3–4, no. 4.

nual payment (*census*) of five pennies.<sup>34</sup> In this instance Engelbert's servile status took precedence over maternal ascription, though his descendants were eventually granted the preferred position of *censuales*.

In the Carinthian case of 1265 cited at the beginning of this chapter, however, maternal ascription took precedence over the father's inferior birth. There was a comparable case about 1160. Liutold, a serf who belonged to the cathedral chapter, wished to marry Bertha, a free *Barschalk*, but her father Wilher, a bailiff, objected out of fear that she might lose her special status. The canons finally agreed that the couple's children were to be *Barschalken*, and Liutold and Bertha were married at the public court that the cathedral provost held in the Chiemgau.<sup>35</sup> It is impossible to tell how exceptional the canons' decision was.

These were the complicated, often conflicting rules that governed servile marriages in Salzburg, at least after 1150. In theory maternal ascription was the norm, but in reality the inheritance of property in the male line and patrilocality may have placed greater weight on paternal ascription. It may be that the individual and general agreements that began to be made in the mid-twelfth century regulating such unions were a response both to the acceptance of the legality of extrinsic servile marriages and to the establishment of patrilocal peasant households farming their own quasi-hereditary tenures as lords ceased to farm their own demenses. Lords may have reaffirmed the principle of maternal ascription, buttressed with the authority of Roman law, in the second half of the thirteenth century precisely because the principle was so frequently ignored. Lords could deal with such extrinsic marriages individually or with general agreements that involved either an exchange of serfs, usually women, or more commonly a division of the children. Which solution was adopted may have depended on the specific circumstances; for instance, it may have been considered spiritually meritorious for a lay lord to give a serf, female or male, to a church. It remains to be seen how these rules were applied to the ministerials.

### Seignorial Constraints on Ministerial Marriages

There is only one explicit statement that describes how the archbishops treated their ministerials' extrinsic marriages in the twelfth century. When the Styrian ministerial Otakar I, the burgrave of Graz, conferred his son Ulrich III of Graz-

34. SUB 1:552, no. 612.

35. SUB 2:406-7, no. 290. It is not clear whether there was some sort of religious ceremony or whether Liutold and Bertha merely exchanged vows publicly. The *Barschalken* may have been the completely Germanized descendants of the Roman population that had survived in the eastern Alps until the Carolingian period. On them see Dollinger, *L'évolution*, pp. 316-31; Dopsch, *Geschichte Salzburgs* 1/1:217-18. Klein, "Die bäuerlichen Eigenleute," p. 173, n. 2, thought the evidence was too fragmentary to judge how frequently maternal ascription may have taken precedence over the father's inferior status. In contrast, Schulz, "Zum Problem," pp. 97-98, considered it the norm.

Liechtenberg on Salzburg in 1190, it was stipulated that if Ulrich married outside the familia without the archbishop's permission, he would forfeit both his paternal alods and the fief that Archbishop Adalbert II had assigned to him.<sup>36</sup> For the rest, it is necessary to infer from reconstructions of the ministerials' genealogies how the archbishops of the time dealt with such cases. The evidence for the thirteenth century is considerably more abundant. In general the ministerials' extrinsic marriages were handled in the same way as the serfs', except that such unions, like Gerhoch II of Bergheim-Radeck's with Bertha of Lonsdorf in 1213, were usually treated individually because of the importance of the persons involved.

The topic of marriages between ministerials and those of higher or lower social status than their own can be disposed of quickly. The ministerials themselves were concerned about marrying their inferiors. The archiepiscopal ministerial Tront, who was still identified as a "servitor" of Saint Rupert's, expressed this sentiment very clearly when he conferred an alod on Saint Peter's in 1104/16. The monks were to take actual possession of the property after the death of his wife if "their sons were no longer alive or had not been legally married, namely, to an equal or to a person of superior rank."<sup>37</sup> Tront's concern may reflect the fact that it was only in the late-Salian period that the ministerials came to be seen as the superiors of the *censuales*,<sup>38</sup> that is, that the ministerials' preeminence within the familia was established beyond question.

There seems never to have been any doubt that the child of a marriage between a noble and a ministerial was unfree. This was true if the father was a nobleman, as was the case with Ulrich II of Sims (see chapter 1), or if the mother was a noblewoman, as with Diemut of Högl, Salzburg's richest ministerial heiress, who was through her mother Euphemia of Moosen the niece, stepdaughter, and half-sister of counts.<sup>39</sup> The archbishops undoubtedly enforced this custom because it brought noble families and their possessions under the primates' direct control.<sup>40</sup>

As far as can be inferred from reconstructions of the ministerials' genealogies, maternal ascription predominated in the twelfth century, at least when the mother was an archiepiscopal ministerial. The enforcement of this principle explains how several families of comital ministerials entered the archbishop's service before

36. SUB 2:642-45, no. 475. See below, chapter 5 at note 19. In addition, the archiepiscopal ministerial Otto of Berg-Weingarten was permitted in the mid-twelfth century to confer a property he had redeemed from Herrenchiemsee on whomever he wished because his wife, the noblewoman Irmgart (MB 2:314, no. 103), was not a member of the archiepiscopal familia (SUB 2:529, no. 381).

37. SUB 1:320-21, no. 145.

38. The status of the *censuales* and ministerials was roughly comparable until the late Salian period. See Schulz, "Zum Problem," pp. 118-21; Zotz, "Formierung," pp. 24-25, 36-38.

39. Freed, "Diemut von Högl," pp. 595-97.

40. In the fourteenth century it still required a formal imperial act of manumission to sanitize the marriage of a nobleman to an imperial ministerial. See Aloys Schulte, *Der Adel und die deutsche Kirche im Mittelalter: Studien zur Sozial-, Rechts- und Kirchengeschichte*, reprint (Darmstadt, 1958), pp. 24-27, 325-30. I have discovered no evidence that this ever occurred in a marriage involving an archiepiscopal ministerial.

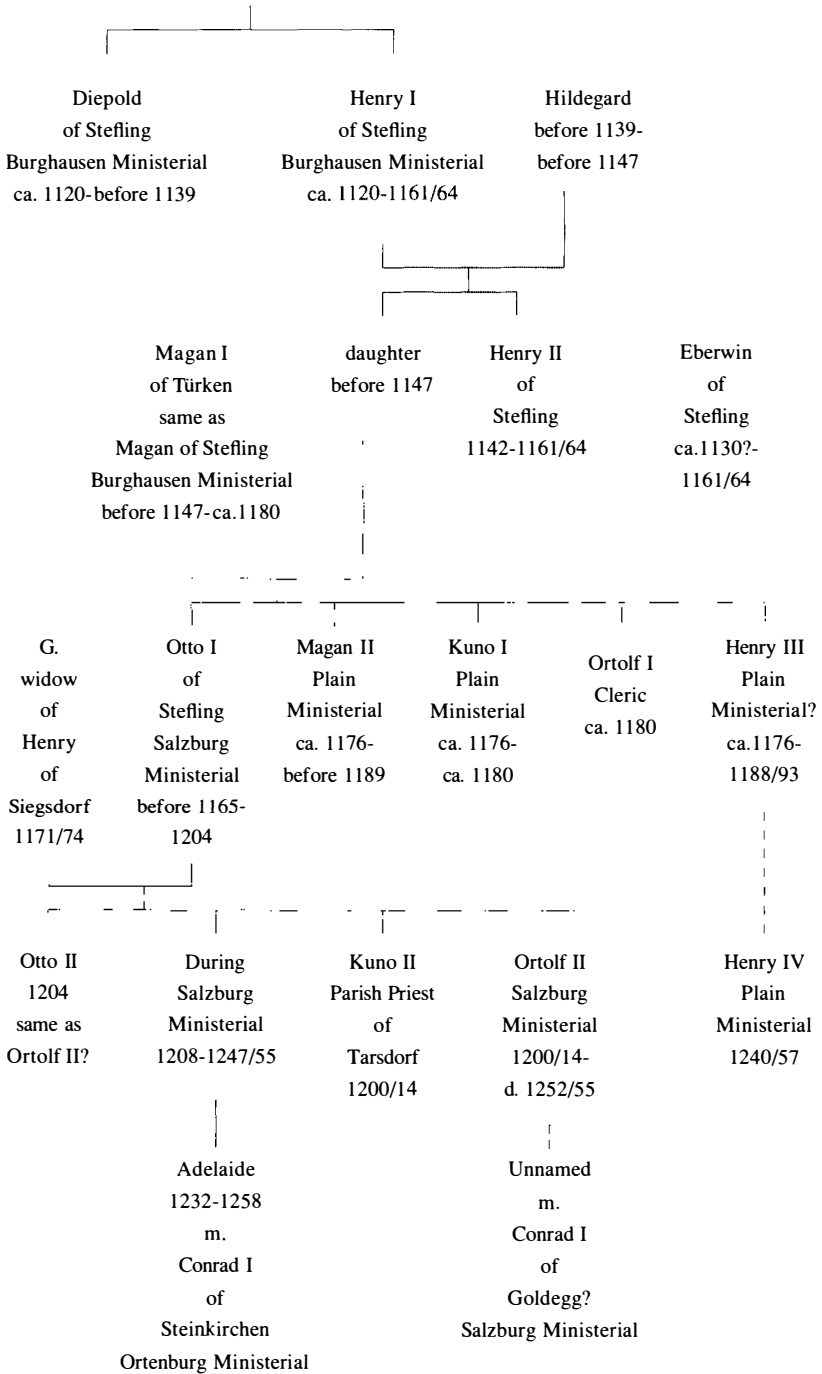
1200. The Steflings, who transferred their allegiance from the counts of Burghausen to their nephews, the counts of Plain, after the formers' extinction in 1168, are an excellent example of how maternal ascription worked to the archbishop's advantage (see genealogy 2.1). The Steflings were the descendants of Magan I of Türken, who had married the unnamed daughter of another Burghausen ministerial, Henry I of Stefling, and adopted his father-in-law's toponymic surname. Between 1171 and 1174 their son Otto I of Stefling married a certain G., widow of the archiepiscopal ministerial Henry of Siegsdorf. Otto I's and G.'s sons During and Ortolf II were, like their mother, archiepiscopal ministerials. But Henry IV of Stefling, who was probably a descendant of one of Otto I's brothers, was still in the Plains' service in the mid-thirteenth century.<sup>41</sup> In a similar fashion the archbishops procured the services of the Schnaitsee-Gutrats, who had been ministerials of Margrave Engelbert of Kraiburg (d. 1173),<sup>42</sup> and of Rüdiger of Saalfelden, whose father was a Plain ministerial.<sup>43</sup>

41. Reindel-Schedl, *Laufen*, pp. 219–21. Her reconstruction of the Stefling genealogy requires some modification. Otto I of Stefling's marriage to Henry of Siegsdorf's widow occurred not after 1168 but between 1171 and 1174 (Berchtesgaden, p. 329, no. 154 [on the date, see pp. 326–27, no. 150]; Raitenhaslach, pp. 4–5, no. 3). Although Otto I was often listed as a witness among the archiepiscopal ministerials, there is no specific evidence that he became, as she asserted, an archiepiscopal ministerial himself. Finally, Reindel-Schedl made During and Ortolf II the grandsons of Otto I because she identified Otto I's son Otto II, who was mentioned only in 1204, when he was called a youth (SUB 3:53–54, no. 576; 57–58, no. 579), as the father of During and Ortolf II. I suspect that Otto II may have been the same person as Ortolf II because Otto could be used as an alternative form of Ortolf (SUB 1:342, no. 177); besides, Otto II was too young to be the father of During and Ortolf II, who also appeared in documents in the first decade of the thirteenth century (SUB 1:734, no. 311; 3:117–21, no. 622). As for the knight Otto of Siegsdorf, who was named in 1242/64 (SUB 1:763, no. 370) and whom Reindel-Schedl identified as Otto II, I think that he was really one of the Steflings' men, because Ortolf conferred the manor in Siegsdorf he possessed by hereditary right on the cathedral canons in 1252 (Regesten 1:19, no. 134).

42. Kuno I of Schnaitsee, the progenitor of the later Gutrats, was identified on several occasions as a ministerial of Margrave Engelbert, a younger son of Duke Engelbert of Carinthia (1124–35), who had obtained the Spanheimers' Bavarian holdings (MB 2:293 ff., nos. 36, 41, 89, 101; see also CF, pp. 99–101, no. 133). By the 1140s Kuno was already in the archbishop's service, and he was listed with his son Kuno II among the archiepiscopal ministerials in 1160 (SUB 2:228–29, no. 151; 489–92, no. 350). This change of allegiance was a consequence of his marriage to the archiepiscopal ministerial Bertha of Berg (MB 2:295, no. 44; 308, no. 83; SUB 1:599, no. 29; 633–34, no. 99). For a discussion of the possible political background to Kuno I and Bertha's marriage, see chapter 5 at note 11.

43. The archiepiscopal ministerial Rüdiger of Saalfelden (1193/95–1234) was the son of the Plain ministerial Ortolf I and his second wife Adelaide, who was almost certainly the sister of the archiepiscopal ministerial Rüdiger I of Bergheim. John B. Freed and Heinz Dopsch, "Die Herren von Saalfelden," in *Chronik Saalfelden*, ed. Alois Eder, 2 vols. (Innsbruck, 1992), 1:91–96. That article must be amended, however. I had tentatively identified Grimold and Ortolf II, who were Plain ministerials, as the sons of Rüdiger's older half-brother Hermann. But Grimold and Ortolf were identified in 1220 and 1234, respectively, as Rüdiger's sons. Ortolf's widow Petrisa subsequently married another Plain ministerial, Otto I of Oberndorf. See Joseph Ernst Ritter von Koch-Sternfeld, *Salzburg und Berchtesgaden in historisch-statistisch-geographisch- und staatsökonomischen Beyträgen*, 2 vols. (Salzburg, 1810), 2:42–43, no. 22; and Ernest Geiss, "Geschichte des regulierten Augustiner-Chorherren-Stiftes Högelwerd," *Beyträge zur Geschichte, Topographie und Statistik des Erzbisthums München und Freysing* 4 (1852): 332–33, esp. nn. 12 and 13. I am perplexed, however, about how Ortolf's remarried widow could have given her consent to a transaction he witnessed. I do not know in

GENEALOGY 2.1 Stefling-Türken



It would be interesting to know what role, if any, the archbishops played in arranging marriages that proved to be so advantageous to Salzburg—an answer will be assayed in chapter 5—and to what extent the archbishops' success in increasing the size of their own retinues in this way contributed to the political decline and eventual disappearance of the comital houses. If the twelfth-century archbishops did take advantage of the custom of maternal ascription and, quite possibly, deliberately manipulated their ministerials' marriages for Salzburg's benefit, then the sudden appearance about 1200 of agreements regulating the ministerials' marriages may reflect more than the accidental survival of documents. Other princes, more formidable rivals than the Bavarian comital dynasties, may have forced the archbishops to accept a more equitable division of the children of a cross-marriage and, more important, their crucially significant rights and holdings. Such conventions, both general and individual ones, balanced maternal and paternal ascription in ways similar to the accords that lords made about more lowly members of the familia. The particular terms were probably determined by the overall political situation, though concessions to a church may still have been deemed a pious act. The political ramifications of the extrinsic marriage of a prominent ministerial explain why princes preferred to deal ad hoc with the marriages of powerful retainers.

The political context is most evident in two donations that King Ottokar II made to Salzburg on 3 June 1276. At the request of his vassal Eckart of Dobrenj (today Dobrenje, Slovenia), who belonged to the church but had married one of the king's Styrian subjects, Ottokar gave Salzburg three of Eckart's daughters.<sup>44</sup> The king also dealt on the same day with the case of Nicholas I of Stadau, who had lost the grace of his lord Archbishop Frederick II, because he had subjected himself to the king's authority by marrying a daughter of Conrad of Saurau, a Styrian knight. So that Nicholas could regain the archbishop's favor, Ottokar gave Nicholas's firstborn child to Salzburg; the couple's other children were to be split equally between Ottokar and Frederick.<sup>45</sup> In these two instances Ottokar II surrendered his rights as the lord of Eckart's and Nicholas's wives to their children—even Nicholas, like Otto I of Stefling in the twelfth century, had entered the king's service as a result of his marriage—because it was politically expedient to placate the archbishop on the eve of Rudolph of Habsburg's attack. The political background is less obvious in other agreements, but in many cases it undoubtedly influenced the relative weight attached to maternal versus paternal ascription.

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what circumstances the Saalfeldens renewed their allegiance to the Plains; perhaps Rüdiger had always been subject to some sort of shared lordship or had the understanding that he would marry a Plain ministerial and that his children would revert to the Plains' lordship.

44. UB Steiermark 4:351–52, no. 591. Pirchegger, *Untersteiermark*, pp. 31–32, called Eckart an archiepiscopal ministerial, but though he was listed among the ministerials, I can find no evidence that Eckart was specifically identified as one.

45. UB Steiermark 4:352, no. 592. Lang and Metnitz, *Salzburger Lehen*, p. 235, no. 249, called Nicholas an archiepiscopal ministerial, but I can find no definite evidence for such an identification.

A general convention between Bishop Ekkehard of Gurk (1196–1200) and Duke Berthold VI of Andechs-Meranien (1180–1204) placed greater weight on paternal than maternal ascription, doubtless to protect property rights inherited in the male line. The two parties agreed that if a Gurk ministerial married a ducal ministerial who lived in Carinthia or Carniola, the children were to be divided equally. If there were an unequal number the firstborn, that is, the chief heir if it was a boy, was to belong to the father's lord; the rest were to be divided equally. If only one child survived, he or she (the agreement was explicit on this point) would succeed the father in accordance with both feudal and patrimonial law; but that one's children, if there were any, would be divided equally between Gurk and Andechs-Meranien.<sup>46</sup> Since Gurk was an archiepiscopal proprietary bishopric, it is quite possible that the same rules applied to a marriage between the archbishop's and duke's ministerials.

In contrast, Duke Leopold VI of Austria (1198–1230) and Bishop Gebhard of Passau (1222–32) attached greater significance in 1223 to maternal ascription. They agreed that the children of any of their ministerials or any other members of their familiae who had intermarried or would do so in the future were to be divided equally between them. If only one child survived (or if there were an unequal number) that one was to belong to the mother's lord. The child would have the right to marry a member of either the ducal or the episcopal familia, but any offspring were to be divided equally between the two princes. The same was true if the son of such a union married a woman of free condition (Leopold and Gebhard appear to have considered it unlikely that a free man would marry a woman of servile condition).<sup>47</sup> Their successors, Duke Frederick II (1230–46) and Bishop Rüdiger, renewed the agreement in 1244 but were less specific. They simply agreed that their ministerials and "others of lesser condition" could intermarry freely, provided they and their inheritances were divided equally.<sup>48</sup> It would be fascinating to know how Bishop Rüdiger himself, whose own nephews and nieces (the Bergheim-Radecks) had been split in this fashion in 1213, felt about the practice and about the linkage of the ministerials with men of "lesser condition."

Only one such general convention involving the archiepiscopal ministerials survives. Count Meinhard III of Görz (d. 1258), who like Eberhard II was a Hohenstaufen partisan in the battle with the papacy, granted his vassals (*fideles*) permission in 1242 to marry members of the archiepiscopal familia whenever they wished. The couples' children were to be divided equally, and each child was entitled to an equal share of the paternal and maternal inheritance, both fiefs and

46. MC 1:271–73, no. 369. Bishop Otto of Passau and Duke Henry of Lower Bavaria agreed in 1262 that the children of their ministerials' cross-marriages would be divided equally but that the firstborn would belong to the father's lord. Breinbauer, *Otto von Lonsdorf*, p. 142.

47. BUB 2:74–75, no. 246.

48. BUB 2:276–77, no. 424.

alods.<sup>49</sup> In this instance the equal division of the children was linked to an equal partition of the inheritance among them.

The archbishops seemingly preferred to handle their ministerials' extrinsic marriages case by case. Almost always such settlements involved a division of the children, which Rudolph of Habsburg described in 1278 as the customary procedure required by common law.<sup>50</sup> In the oldest extant accord of this type from Salzburg, Eberhard II and Duke Leopold VI of Austria agreed in 1208 that the unnamed son (Reimbert III?) and an unnamed daughter of the Styrian ministerial Reimbert II of Mureck, who had married the archiepiscopal ministerial Elizabeth, were to belong to Salzburg "in accordance with certain and ancient law" (maternal ascription). The couple's other two daughters, Gertrude and Elizabeth, were assigned to the duke. If Reimbert and Elizabeth had a second son, he was to belong to Leopold, and any other children they might have were to be divided equally. Each child was entitled to an equal share of both parents' property. Another provision in the agreement reveals how much emphasis the archbishop and duke placed on maternal ascription. Not only was Reimbert's only son assigned to Salzburg, but Duke Leopold VI was obliged to give the church two other ministerials—the brothers Meinhard II and Godfrey II of Hornburg, who came from a less important family—to obtain even Gertrude and Elizabeth.<sup>51</sup> It may be that the archbishop and the duke reached this accord only after Reimbert and Elizabeth already had four children because Eberhard, whose predecessors had

49. SUB 3:532, no. 983. On the same day the count conferred the older daughter of his "beloved friend" Henry of Scharfenberg (today Svibno, Slovenia) on Salzburg (SUB 3:531, no. 982). Emperor Frederick II appointed Meinhard imperial governor of Styria and Carniola in 1248, and he succeeded his father-in-law in 1253 as the count of Tyrol.

50. Regesten 1:109, no. 850. On this occasion the king permitted an unnamed Saldenhofen (today Vuzenica, Slovenia) to marry the archiepiscopal ministerial Hartnid of Leibnitz. Rudolph described her as a royal ministerial because Styria had escheated to the crown, but the Saldenhofen were in reality Styrian ministerials. For a genealogy of the lineage, see MC 4/2, Stammtafel IX. The only late medieval case I could find where the children of a cross-marriage were not divided involved Otto II of Weissenegg, son of the Bamberg ministerial Otto I (MC 5:322–24, no. 508), who had entered the archbishop's service in the 1280s (*Ottokars Österreichische Reimchronik* 1:383, lines 29, 105–14). Otto II, who had married Catherine Ungnad, a Bamberg ministerial (MC 5:377–78, no. 589), swore to Archbishop Conrad IV in 1303 that all his children were to belong to Salzburg (MC 7:73–74, no. 184). The archbishop may have enforced strict paternal ascription in this case because his rights to Otto II were so dubious that the bishop of Bamberg was unwilling to agree to a division.

51. SUB 3:109–10, no. 617. Reimbert II's son Reimbert III appeared between 1224 and 1235 (UB Steiermark 2:305–7, no. 214; 425, no. 322) and was dead by 22 March 1242 (SUB 3:532–34, no. 984). Elizabeth's family of origin was not given, but I believe she may have been a Leibnitz. Three archiepiscopal ministerials witnessed the 1208 agreement. One of them was an otherwise obscure ministerial Godfrey Keltze of Leibnitz (SUB 3:639–40, no. 1095) who did not appear again until 1231, significantly enough in a document involving the Murecks (SUB 3:411–13, no. 868). He then witnessed a number of documents that dealt with the disposition of the Mureck patrimony after the death of Reimbert II, who had outlived his son (SUB 3:532–34, no. 984; 623–24, no. 1078; 631–32, no. 1086; 642–43, no. 1097). Godfrey's presence on such occasions suggests that he was Elizabeth's kinsman. The possible political background of this agreement will be discussed in chapter 5 at note 22.



profited from maternal ascription, was reluctant to concede to Leopold any rights to Reimbert II's children.

Yet five years later when Salzburg and Passau divided the children of Gerhoch II of Bergheim-Radeck and Bertha of Lonsdorf, the archbishop obtained the two oldest children even though Gerhoch was his ministerial. It may be that greater weight was placed on paternal ascription in this case because the couple had a say in the decision. That is, the agreement may reflect Gerhoch's own patrilineal self-consciousness, and King Frederick II may have been asked to confirm the accord because its marked preference for paternal ascription was deemed unusual.<sup>52</sup> In any case, the "certain and ancient law" was flexible enough to permit an emphasis on either maternal or paternal ascription if it suited the princes' purposes.<sup>53</sup>

As with the serfs, the princes sometimes worried about the fate of the only or odd-numbered child—in 1225 the patriarch of Aquileia and the bishop of Gurk defined the "odd" child as the eldest.<sup>54</sup> Duke Otto III of Lower Bavaria (1290–1312) and Archbishop Conrad IV agreed in 1291 that the children of the archiepiscopal ministerial Rüdiger of Eichham and his Bavarian wife, Hildegard of Inzing, were to be divided between them. If there were an unequal number, the "odd" child, if it was a boy, was to be assigned to his father's lord (Salzburg) or if it was a girl to its mother's lord (Bavaria).<sup>55</sup> In this case the assignment of the only or odd-numbered child was determined by sex, but the arrangement also ensured that if the child was a boy the archbishop would retain control of the Eichhams' lordship.

To summarize, the ministerials' marriages were subject to the same restrictions that governed the marriage of any member of the familia. Indeed, the agreements that Austria and Passau made in 1223 and 1244 stressed that the same rules applied to the ministerials and to individuals of "lesser condition." In theory, extrinsic marriages were prohibited; in fact, as the numerous extant agreements and genealogical reconstructions show, such unions were common. Failure to obtain the archbishop's consent to marry outside the familia could lead to the confiscation of the ministerial's possessions—a punishment that was enforced in at least one famous case, the marriage of Karl of Gutrat to the Austrian ministerial Margaret of Zöbing. Seigneurial customs dictated originally that all the children of a ministerial cross-marriage belonged to the mother's lord, and the archbishops took advantage of this right in the twelfth century to obtain the services of a number

52. SUB 3:171, no. 666. See above, introduction at note 1.

53. Other examples of such divisions involving archiepiscopal ministerials are 1232, Adelaide of Steffing and Conrad I of Steinkirchen, an Ortenburg ministerial (SUB 3:425–27, nos. 882a, 882b; UB Raitenhaslach 1:195, no. 238); 1272, Gebhard II of Felben and Adelaide of Freundsberg, a Bavarian ministerial (SUB 4:73, no. 73); 1280, the hypothetical marriage of the hoped-for heir, regardless of sex, of Otto of Walchen, brother of Archbishop Frederick II, to a Bavarian retainer (Regesten 1:121, no. 938); and 1311, Frederick of Goldegg and the Styrian ministerial Elizabeth of Liechtenstein (Regesten 2:118, no. 1023; 3:17, no. 170).

54. MC 1:384–85, no. 500.

55. Regesten 2:10, no. 82. For other examples, see SUB 3:563–64, no. 1013; 4:93–94, no. 87.

of important ministerial lineages. The inheritance of property in the male line meant, however, that greater consideration had to be given to the rights of the husband's lord, particularly if he was a rival prince. About 1200, therefore, it became customary to divide the children of the ministerials' extrinsic marriages, and this may explain the sudden proliferation of both general and individual agreements regulating such unions. The arrangements varied, determined in part by the specific political situation, but it is striking how often the firstborn child, especially if a boy, obtained the father's status, thus ensuring that the most important part of the lineage's inheritance would not be alienated to another lord through marriage. Ironically, it was at least in part the church's own prohibition of consanguineous marriages that forced the ministerials to contract extrinsic unions.

### Canonical Constraints on Ministerial Marriages

Like all Christians, the ministerials were subject to the church's prohibition of consanguineous marriages and the extension of these rules to affines—that is, relatives by marriage—and spiritual kindred. There has been considerable scholarly controversy in recent years about how well the church enforced its teachings, particularly the prohibition of marriages within the seventh degree of kinship, which remained in effect until the Fourth Lateran Council in 1215, but these arguments have concentrated on the high aristocracy and not on the lower strata of society.

Georges Duby argues that at the beginning of the twelfth century there were two antithetical models of marriage. The lay model emphasized endogamy, the possibility of divorce, and family control of the choice of marriage partners in order to prevent the fragmentation of a lineage's patrimony among too many heirs and to ensure the survival of the dynasty in the male line. The church, by contrast, stressed exogamy, the indissolubility of marriages, and the importance of the partners' personal consent in constituting a valid union. During the course of the twelfth century both sides were forced to compromise, in part because the laity utilized the church's prohibition of consanguineous marriages as a pretext to obtain divorces, most notably those of Louis VII and Frederick Barbarossa. In the new synthesis that lasted until this century, the laity accepted ecclesiastical control of marriage, including the church's strictures on divorce and remarriage; but in 1215 the church modified its opposition to endogamous marriages by limiting its prohibition to marriages within the fourth degree.<sup>56</sup>

56. Georges Duby, *Medieval Marriage: Two Models from Twelfth-Century France*, trans. Elborg Forster, Johns Hopkins Symposia in Comparative History 11 (Baltimore, 1978), esp. pp. 1–22. Duby expanded and modified his views somewhat in *The Knight, the Lady, and the Priest: The Making of Modern Marriage in Medieval France*, trans. Barbara Bray (New York, 1983), esp. pp. xviii–xx,

Constance Brittain Bouchard maintains in opposition to Duby that the French nobility was familiar with the teaching of the church and that French nobles in the tenth and eleventh centuries rarely married a relative closer than a fourth or fifth cousin.<sup>57</sup> Donald C. Jackman has in turn criticized Bouchard for looking only at intermarriages between lineages and not also tracing cognatic lines of ascent, a considerably more difficult task. His investigations of marriages among the high German aristocracy during the reign of Emperor Henry II (1002–24) indicate that marriages between second cousins (3:3 degree) were deemed unlawful, even though they occurred, but that annulments were not mandatory in the case of a 4:3 union (second cousins, once removed). The enforcement of these rules was a highly selective political decision.<sup>58</sup>

Investigations of how well the church's teachings were obeyed by the French and German high nobility, whose choice of suitable spouses was even more limited than the ministerials' and whose marriages often had enormous political and familial ramifications, have little bearing on the ministerials in the archdiocese of Salzburg in the twelfth and thirteenth centuries. Their own choices were complicated by the ambiguities in the archbishop's position: as a churchman he was expected to enforce rules that promoted exogamy, but as a seignior he encouraged endogamy by prohibiting extrinsic marriages. Even after 1215, the approximately twenty lineages of greater archiepiscopal ministerials could not normally marry their peers within the familia without violating the church's teachings, and the problem grew steadily worse as the number of eligible lineages dwindled. Regrettably, there are no hard data on how the ministerials handled their dilemma. Because the natal families of most women are unknown, it is not possible to trace the ascendants of any ministerial couple with sufficient accuracy to find possible violations. Nevertheless, there is circumstantial evidence—most notably the extrinsic marriages themselves—that the ministerials avoided consanguineous unions, if for no other reason than that extrinsic marriages were a sign of their liberation from the confines of the familia, but that the ministerials probably paid less attention to the extension of the rules to affines and their spiritual kindred.

There is one twelfth-century example from the archdiocese that fits Duby's model of an endogamous marriage designed to preserve the patrimony of a great noble clan: the marriage of Rudolph of Falkenstein (1099, d. after 1133) and Gertrude of Weyarn (d. by 1133), the parents of Count Sigiboto IV of Falkenstein (b. 1126). They were either second cousins (3:3 degree) or possibly even first cousins once removed (2:3 degree). That Sigiboto IV concealed this flagrantly

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23–53, 282–84. For a critical discussion of Duby's two models, see Brooke, *Medieval Idea*, pp. 119–72. For a discussion of the evolution of the church's teachings about consanguinity, see James A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago, 1987), pp. 191–95, 355–57, 373–74, and 434–35.

57. Constance B. Bouchard, "Consanguinity and Noble Marriages in the Tenth and Eleventh Centuries," *Speculum* 56 (1981): 268–87.

58. Jackman, *Konradiner*, pp. 139–48, esp. p. 139, n. 230.

consanguineous marriage in the genealogy he included in the *Codex Falkensteinensis*, even though it meant obscuring the source of his own name and was intended only for his and his sons' use, shows that his parents' marriage had become a source of considerable embarrassment to him.<sup>59</sup> The count's reticence suggests in turn that such consanguineous marriages were no longer tolerated by the second half of the twelfth century in the Austro-Bavarian area. The only known cases of persons with ties to the archdiocese who received papal dispensations for contracting such marriages occurred after 1290 and involved individuals who belonged to princely and comital houses and whose divorce would have had unwanted political consequences.<sup>60</sup> The laity in the archdiocese appears thus to have accepted the kind of compromise Duby describes.

The best evidence that the ministerials avoided marriages within the prohibited degrees, however, is the extrinsic marriages themselves. Everline Oberhammer, who examined the marriages of members of the Austrian and Styrian *Herrenstand* between 1200 and 1500, found that more than half the known marriages of the Styrian lords, almost all of whom were of ministerial rank, were with non-Styrians. Like the archiepiscopal ministerials, the Styrians had no other choice, because the number of dynasties of Styrian lords was reduced from twenty-five in 1300 to twenty by 1350, to ten by 1400, and to only four by 1500.<sup>61</sup> In addition, Oberhammer could find only a few cases where a couple was related within the fourth degree, and all these marriages occurred after 1350.<sup>62</sup> There is no way of knowing, however, whether her failure to find such marriages before 1350 is simply due to a lack of evidence or proves that such unions did not happen. Still, the Styrian magnates were more likely to find a suitable marriage partner whom they could marry legally among the approximately seventy lineages that belonged to the Austrian *Herrenstand* about 1300 than within their own smaller circle of peers,<sup>63</sup> particularly because such intermarriages had been completely legal in territorial law since the Georgenberg Compact of 1186.<sup>64</sup> Since most of Styria

59. Freed, *Counts*, pp. 14–30, 33–35.

60. The nobleman Frederick, advocate of *Mersch*, and Agnes, sister of Count Frederick I of Ortenburg (1233–1304), discovered after their marriage that they were related in the fourth and third degrees. They received a dispensation in 1290 at the request of Duke Albrecht of Austria, whose wife was Count Frederick's sister-in-law (MC 6:101–2, no. 151). Count Meinhard VI of Görz, who was related in the fourth degree to his wife Countess Catherine of Pfannberg, received a dispensation in 1341 to prevent a feud between their houses and because Meinhard was not a partisan of Louis the Bavarian (Regesten 3:123, no. 1241).

61. Heinz Dopsch, "Ministerialität und Herrenstand in der Steiermark und in Salzburg," *ZsHvStm* 62 (1971): 23; idem, "Probleme," p. 231.

62. Eveline Oberhammer, "Untersuchungen zum Konnubium der österreichischen und steirischen Landherren, 1200–1500" (Ph.D. diss. University of Vienna, 1973), pp. 7–15.

63. Dopsch, "Probleme," p. 253. For a list of the Austrian lords, see Peter Feldbauer, "Rangprobleme und Konnubium österreichischer Landherrenfamilien: Zur sozialen Mobilität einer spätmittelalterlichen Führungsgruppe," *ZsBLG* 35 (1972): 584–87.

64. BUB 1:85–90, no. 65, article 6. The Georgenberg Compact, the so-called Styrian Magna Carta, was issued in anticipation of the Babenberg acquisition of the duchy and confirmed the rights of the Styrian ministerials. See Heinz Dopsch, "Die Ministerialität des Herzogtums Steiermark zur Zeit der Georgenberger Handfeste: Ihre rechtliche, gesellschaftliche und politische Stellung," in *800*

was under the archbishop's spiritual jurisdiction, the extrinsic marriages of the Styrian lords offer additional indirect evidence for the observance of the canonical prohibitions in the archdiocese.

As for the archiepiscopal ministerials, they too contracted a significant number of extrinsic marriages. The Steflings, whose genealogy has already been discussed in this chapter, are one example. They entered into three marriages where the wife's identity or legal status is known: the marriage of Magan of Türken to the daughter of Henry I of Stefling within the Burghausen familia; the marriage of Otto I to the widow of Henry of Siegsdorf, which resulted in the transfer of the lineage's allegiance to Salzburg; and the marriage of the heiress Adelaide of Stefling to an Ortenburg ministerial. Two of the three known Stefling marriages were thus extrinsic ones (see genealogy 2.1). In addition, a daughter of During or Ortolf II of Stefling may have married a Goldegg, that is, a fellow archiepiscopal ministerial.<sup>65</sup> Other lineages present a similar picture. For example, the Pettaus, who may have been especially prone to extrinsic marriages because they lived in southern Styria, contracted nine external marriages (six men, three women) and only six internal ones (two men, four women) in the twelfth and thirteenth centuries (see genealogy 3.3).<sup>66</sup> The same pattern can be seen among the Schnaitsee-Gutrats, who lived within the principality: seven extrinsic unions (five men, two women) but only two intrinsic ones (one man, one woman) (see genealogy 3.6).<sup>67</sup>

Needless to say, this evidence must be used with caution. It is possible that extrinsic marriages were more likely to leave a trace because of the problems they caused, and an examination of cognatic lines of ascent, if the evidence permitted such an analysis, might reveal kinship even in these unions. In spite of these caveats, the ministerials' external marriages, generation after generation, are a

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*Jahre Georgenberger Handfeste: Lebensformen im Mittelalter: Ausstellung im Museum Lauriacum Enns 15. Mai bis 26. Oktober 1986*, Mitteilungen des Museumsvereins Lauriacum-Enns, n.s., 24 (1986): 29–44; and Karl Spreitzhofer, *Georgenberger Handfeste: Entstehung und Folgen der ersten Verfassungsurkunde der Steiermark*, Steiermärkisches Landesarchiv, n.s., 3 (Graz, 1986).

65. Archbishop Frederick II indicated in 1272 that his cousins Otto VI and Conrad II of Goldegg had obtained the bailiaw court (*Pfleggericht*) in Taxenbach in the Pinzgau after the extinction of the lords of Stefling (SUB 4:75–79, no. 76). In addition, Otto VI served as the archiepiscopal judge in Tittmoning in 1307 (UB Raitenhaslach 1:458–59, no. 543). This court had also been in During of Stefling's possession at his death (Regesten 1:133, no. 1036). Since the Goldeggs succeeded the Steflings in both Taxenbach and Tittmoning, there may have been a family link between the two lineages.

66. Freed, "German Source Collections," pp. 87–111. I have included among the extrinsic marriages Otto of Königsberg's marriage to the Styrian ministerial Richza of Rohitsch (today Rogatec, Slovenia), though I have not included it in the genealogy.

67. Freed, "Crisis," pp. 118–21; and above, n. 42. The marriages that are not documented in these two places are Kuno II and Ita of Diebering (SUB 1:448–49, no. 363a; 664–65, no. 170; 2:637, no. 468; 3:209–10, no. 698b); Kuno III and Gertrude of Mureck (SUB 1:739, no. 320; 3:517–19, no. 968); Kuno IV and a Tettelham (UB Raitenhaslach 1:159–61, nos. 188, 189; 175–76, no. 209); Ita of Gutrat and Henry II of Törring (SUB 1:500, no. 458; 509, no. 473a; 3:493–94, no. 941); and Otto II and Kunigunde of Liechtenstein (*Urkunden des Cistercienser-Stiftes Heiligenkreuz im Wiener Walde*, ed. Johann Nepomuk Weis, FRA 2/11 [Vienna, 1856], Anhang, pp. 309–11, no. 8).

powerful argument that they avoided consanguineous unions, while at the same time asserting their liberation from the familia by doing so. One other unanswerable question must at least be broached: To what extent did the enforcement of the church's teachings contribute to the political decline of the comital houses by forcing their handful of ministerials to find suitable spouses elsewhere, often to the archbishop's temporal advantage?

Oddly enough, there is more explicit evidence from the archdiocese about prohibited marriages to affines than about consanguineous unions, and this may mean the laity paid less attention to these rules in arranging marriages. The chief piece of evidence is the transcript of a divorce case on the grounds of affinity from the diocese of Gurk in 1266. The parties were Lord Henry, a knight who belonged to the garrison of Strassburg, the bishop's chief castle, and his wife Lady Mathilda. The case had originally been heard by the provost and archdeacon of Gurk (no record survives of this), but Mathilda had appealed to Bishop Dietrich II (1253–78). He had in turn delegated the appeal to the dean of Gurk, who had cited the parties to appear. Her appeal was rejected when she failed to come, and she was subsequently excommunicated for contumacy. At Henry's request Bishop Dietrich referred the case back to the provost for a final decision. The provost and two assessors he had appointed then heard the witnesses individually in private; their testimony was recorded by a notary, and the provost sealed the transcript. Mathilda was summoned to appear at a specified date to hear the witnesses and their depositions, but after she again failed to come, she was excommunicated once more for contumacy, and the notary's transcript was made public.

The first and most important witness was Engelram Putzo of Strassburg, a Gurk ministerial and the episcopal vidame.<sup>68</sup> He testified that Henry and Mathilda were related in the third and fourth degrees of affinity because her first husband Lord Eberhard and her second husband Henry had been blood relatives. When Engelram was questioned about how he knew this, he traced Eberhard's and Henry's lines of ascent back to their common ancestor. After further questioning, Engelram added that he belonged to the same lineage. Lord Dietrich Crezske, another knight in Strassburg,<sup>69</sup> said the same thing and stated that he had learned this from his servants. The judges heard identical testimony from five other witnesses, including Engelram's son Gebhard Putzo.<sup>70</sup> Pressed by Henry's advocate, the judges ruled that Henry and Mathilda were related in the fourth degree of affinity because of the consanguinity that existed between Mathilda's first and second husbands and therefore declared the marriage null and void.<sup>71</sup>

68. On Engelram's identity, see MC 2:127–28, no. 684. A Henry of Strassburg, who may have been Mathilda's second husband, was identified elsewhere as Engelram's nephew (MC 2:98–99, no. 649).

69. On Dietrich's identity, see MC 2:25–26, no. 559; 27–29, no. 562.

70. On Gebhard's identity, see MC 2:98–99, no. 649.

71. MC 2:117–20, no. 647.

Henry's willingness to incur, in his own words, great "expense and effort" to procure a dissolution of his marriage and the very fact that the elaborate proceedings not only were recorded in considerable and careful detail but also survive show that this was an unusual case. The preservation of the transcript is even more surprising because the parties were not great nobles or even members of powerful ministerial lineages like the Gutrats but individuals at the very fringes of thirteenth-century noble society—ministerials and knights of the bishop of Gurk. Unfortunately there is no way to know, without additional background information and comparable lawsuits, why Henry was so eager to end his marriage and whether the unusual feature of the case was that affines who were related in the fourth degree had married in the first place or that such a marriage was now annulled.

Nevertheless, three important conclusions can be drawn from the proceedings. First, Engelram Putzo and the other witnesses were remarkably well informed about their own and each other's ancestry—so well that they could in fact avoid a marriage within the prohibited degrees if they wished to do so. This raises the question whether there was collusion among the witnesses and possibly the judges as well. It was Henry who wanted the divorce, and it was his kinsmen and friends who testified on his behalf. If everyone in Strassburg knew that affinity was an impediment to Henry and Mathilda's marriage, why had they been permitted to marry in the first place? In other words, were Henry and his relatives, like Duby's twelfth-century French nobles, employing affinity as a legal pretext to dissolve an unwanted union? Second, the cathedral canons and parish priests who participated in each step of the proceedings were quite familiar, even in a backwater like Gurk, with the legal niceties of the church's teachings. This suggests that ministerials could readily have obtained this information from their clerical relatives. As it happens, the families of origin of two of the clerics involved in the lawsuit are known: Bishop Dietrich was a Marburg, one of the ministerial dynasties that belonged to the Styrian *Herrenstand*,<sup>72</sup> and Provost Frederick came from a family of minor Gurk ministerials, the Tannenbergs.<sup>73</sup> Third, if a marriage between affines who were related in the fourth degree was dissolved because it threatened, according to Henry's advocate, their eternal salvation, it is hard to imagine that consanguinous unions were tolerated in the archdiocese.<sup>74</sup>

72. MC 2:125–26, no. 682; Dopsch, "Probleme," p. 231.

73. Provost Frederick called himself Frederick of Tannenberg in 1258 (MC 2:78–79, no. 629). A Frederick of Tannenberg had been identified in 1195 in an episcopal charter as a Gurk ministerial (MC 1:267–68, no. 362). See also MC 2:7–9, no. 540.

74. There is one other case from the archdiocese before 1343 involving affines. Pope Benedict XII authorized Archbishop Henry in 1339, after he had investigated the case, to grant a dispensation to Henry called Lamp, a squire, who had married Elizabeth of Teising, presumably a member of the family of knights and burghers of Salzburg who bore that name. They had discovered after their marriage that Henry had been related in the fourth degree to Elizabeth's first husband (Regesten 3:113, no. 1123). On the Teisinges, see Dopsch, *Geschichte Salzburgs* 1/1:401, 405.

Finally, although marriages between spiritual kinsfolk were also prohibited, in actual practice little weight seems to have been attached to the bond between a godchild and a sponsor. I have found no example of a person's making a donation to a monastery in memory of his or her godparent. As was the case in the Carolingian period and as is true today in Latin America,<sup>75</sup> baptism was an opportunity to link the sponsor to the child's natural parents at the time of the sacrament rather than to forge a future personal bond with the godchild. The few references to the institution in the sources from the archdiocese stress the coparental aspect of the relationship.

Rapoto II of Ortenburg, count palatine of Bavaria (1208–31), stated that he had sponsored Otto V of Goldegg, son of Otto IV and Lady Kunigunde, and afterward had given two serfs to his cofather Otto.<sup>76</sup> According to his account book, in December 1292 Duke Otto of Carinthia (1295–1310), who along with his father was at war with the archbishop, spent eight pounds for copaternity (“conpaternitate”) in Windisch-Matrei in the East Tyrol, presumably to keep the allegiance of his supporters in this disputed region.<sup>77</sup> Most interesting of all, in September 1297 Archbishop Conrad IV sealed the peace that ended his long war with Albrecht of Austria by lifting the duke's unnamed daughter out of the baptismal font.<sup>78</sup>

Still, it is striking how unimportant godparenthood appears to have been in the archdiocese during the High Middle Ages. Otto IV of Goldegg may have asked the count palatine to sponsor his infant son, but he named his child Otto, not Rapoto, a name that would have been a reminder of the Goldeggs' ties to the Ortenburgs. The only other reference to godparenthood from the archdiocese underscores the institution's relative insignificance. In 1151/67 a Wolfram—perhaps Wolfram of Offenwang because his kinsman (*cognatus*), the archiepiscopal ministerial Wolfram I of Harphetsham, headed the list of witnesses—gave the cathedral canons a property he had obtained from his own godfather Altmann or from Eberhard, his son's godfather.<sup>79</sup> If Wolfram could not remember this fact because he was, presumably, not very close to either man, it suggests that the ministerials may inadvertently have married their spiritual kinsman or kinswoman because no one bothered to check affiliations that had little bearing on their lives.

75. Joseph H. Lynch, *Godparents and Kinship in Early Medieval Europe* (Princeton, 1986), pp. 192–201.

76. SUB 3:396, no. 856. The notice states that Rapoto gave the serfs to “eidem Ottoni conpatrino meo.” A *patrinus* is a godfather, but it is hard to see why anyone would refer to his godson as his cogodfather. My guess is that Rapoto was referring in fact to Otto IV and that the word in question should really be *conpatri*.

77. MC 6:119–23 (esp. p. 123), no. 190. On the political background, see Claudia Fräss-Ehrfeld, *Geschichte Kärntens*, vol. 1, *Das Mittelalter* (Klagenfurt, 1984), pp. 356–58.

78. *Otokars Österreichische Reimchronik*, 2:931–32, lines 70, 382–441. Lynch, *Godparents*, pp. 126, 169, noted that lifting a child from the font was seen as the decisive moment in creating a godparental relationship and that members of the secular clergy received children from the font until the thirteenth century. Archbishop Conrad's sponsorship of Albrecht's daughter is thus a very late example of this practice.

79. SUB 1:653–54, no. 143. On the two Wolframs, see SUB 1:397, no. 275a; 412–13, no. 295.



Of the contradictory external constraints on the ministerials' choice of marriage partners, the requirement that they marry within the archiepiscopal familia was derived from their legal status as serfs. But all Christians were subject to the second proscription: the prohibition of consanguineous unions and the extension of these strictures to affines and spiritual kinsfolk. The growing concern about extrinsic ministerial marriages and the increasing number of them in the twelfth and thirteenth centuries suggest that in a conflict between the two behavioral norms the latter carried more weight.

This preference for extrinsic marriages should not be attributed solely to piety, however. Whereas great nobles like the counts of Falkenstein—whose choice of suitable marriage partners was even more limited by the twelfth century than was the ministerials'—contracted endogamous marriages to stop the alienation of their patrimony to alien lineages, a marriage outside the familia was a token of the ministerials' rise out of servitude. At the same time, extrinsic marriages often served the archbishops' political purposes as well. In the twelfth century the archbishops may deliberately have enforced, for example, the canonical prohibitions on consanguineous unions and used the system of maternal ascription to weaken the Bavarian comital houses by obtaining the services of their men. In a paradoxical way the sudden proliferation about 1200 of both general conventions and specific agreements dividing the children of extrinsic ministerial marriages, the most visible reminder of the ministerials' personal servitude, may be a tribute both to the archbishops' success in enforcing the church's teachings and to the growing political and social importance of the ministerials, which made their marriages a matter of the utmost princely concern. The next chapter will examine the restrictions the ministerials imposed on themselves in their choice of marriage partners.

## CHAPTER THREE

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### Family Strategies

The ministerials' choice of marriage partners was limited not only by their obligation to marry within the familia and the church's prohibition of consanguineous marriages but by their own family strategies. This chapter will examine the strategies that lineages employed to ensure their continued existence. This required a decision in every generation on how many sons and daughters a family permitted to marry and on how to provide for their unmarried siblings. Allowing only one son to marry could result in the extinction of the lineage in the male line if the designated heir failed to sire a son; permitting too many sons to marry could lead to the lineage's rapid decline if the patrimony on which its position in society was based was divided among too many heirs. Lineages could deal with this dilemma in a variety of ways; for example, they could place their cadets in the church, or they could allow them to remain unmarried laymen. Some lineages were luckier than others in this demographic lottery and for several centuries produced a male heir to continue the line, but others made decisions that contributed to their decline and eventual demise.

Studying the ministerials' family strategies is at best a problematic undertaking. No head of a lineage of archiepiscopal ministerials articulated his plans in an extant document. Instead their strategies must be inferred from reconstructions of their genealogies. These are based, however, not on hard evidence such as the English Inquisitions Post Mortem, but on the seemingly random references to individuals and their family affiliations in the surviving records, most commonly in conveyances of land and in witness lists. Women, who could not serve as witnesses, are underrepresented, and there is no way of knowing how many children died before they could leave a trace in the documents. All conclusions drawn from such evidence are thus inherently tentative. To be completely honest,

such statements as “only one son married” or “the couple was childless” should nearly always be qualified with a disclaimer like “as far as we know.” But though it may make a difference biologically that a second son married and did in fact sire children, if they were never mentioned and did not succeed to even the smallest portion of the lineage’s position, their biological existence is irrelevant to the family’s social and dynastic history.

Until the middle of the thirteenth century and especially in the second half of the twelfth century, many lineages of archiepiscopal ministerials severely curtailed the number of sons they permitted to marry. Often only a single son married, and he usually waited until he became the head of the lineage at his father’s death. This policy had serious consequences for wives, daughters, and younger brothers. Wives were normally many years younger than their first husbands and, provided they survived childbirth, could outlive their spouses by many years. Widows were then faced with the task of raising fatherless sons. Daughters with brothers were a liability because their marriages or even their placement in a convent occurred at the expense of the lineage’s patrimony. It is worth noting in this regard that Count Sigiboto IV of Falkenstein never bothered to mention his daughters’ names and that they, unlike the count’s wife and two sons, were not depicted in the family portrait that he commissioned in 1166 before his departure for Italy.<sup>1</sup> Younger sons married only if their mothers or wives were heiresses, if they could establish a new lordship at a higher elevation in the Alps or on the southeastern frontier, or possibly if they settled in a town and ventured into commercial activities (this last opportunity was severely limited in an overwhelmingly rural and mountainous region). Some found a home in the church, but a good many others seem to have lived as unmarried laymen waiting for an opportunity that rarely came—say, the death of an older brother or the appearance of an attractive heiress—and the portion of the family’s patrimony that had been assigned to their upkeep eventually reverted to the main line.

In the course of the thirteenth century many families adopted the new strategy of allowing two sons in each generation to marry, perhaps because the surviving lineages had become aware of the connection between family extinction and a too rigorous curtailment of the younger sons’ right to marry. The contrast between the two strategies should not be overstated. Younger brothers had married in the twelfth century too, but there were more opportunities to do so in the thirteenth. The surviving lineages, like the Gutrats, who had profited from the extinction of the noble houses and their coministerials were, as I pointed out in chapter 1, considerably wealthier than their ancestors a century earlier and could better afford to establish a second son in his own household. Moreover, the creation of the ecclesiastical principality by Archbishop Eberhard II in the first half of the

1. The family portrait has been reproduced in Freed, *Counts*, p. 18; on the daughters, see pp. 45–46.

thirteenth century provided the ministerials with more permanent and lucrative employment. Whereas their ancestors had been rewarded by the archbishops with fiefs and alods, many more ministerials had a chance, particularly after the accession of Archbishop Frederick II in 1270, to serve their lord as a burgrave, vidame, judge, councilor, or such; and the archbishops could reward such loyal service by subsidizing the ministerials' marriages. The latter policy was connected with a change in the system of dotal payments that for the first time required the bride's family to make a sizable contribution to the establishment of a married couple's household. These topics will be explored in more detail in the next two chapters, but let me simply note here that the establishment of the archbishop's territorial supremacy, the diffusion of the marriage payments system (*Heiratsgabensystem*) in the archdiocese, and the tendency for two sons in each generation to marry were interrelated.

Unmarried sons continued to find a place in the church, but here too there was a change. Although ministerials had become canons and monks in the twelfth century and had even attained high ecclesiastical offices, for example, as bishops of Gurk,<sup>2</sup> some of their thirteenth-century successors seem to have been conscious careerists who used their positions to benefit their kinsmen, clerical or lay. Certainly the very highest position, the archbishopric itself, opened to ministerials and knights only in 1270.

This change in the ministerials' family strategies had its drawbacks too. If each line of a lineage continued to let more than one son marry, its patrimony was soon fragmented. As I suggested in chapter 1, this seems to have been one cause of the Kalhams' financial difficulties. Second, after 1270 the ministerials became increasingly dependent on the archbishop's favor for their survival. Though the servile bonds that tied them to the archbishop gradually atrophied, their reliance on his largesse deprived them of much of their newfound freedom.

## Conjugal Households

Throughout the 250 years that are under consideration in this book it was customary for a man to establish his own household when he married. A man normally could marry only after his father died or if the lineage had sufficient resources to provide him with a separate home. This meant that men generally postponed marriage until they were about thirty or even older, entailing the risk that the heir might die before he could father a son or at least before his son attained his majority.

There is no evidence that a married man continued to live with his parents or

2. On the bishops of Gurk, see Jakob Obersteiner, *Die Bischöfe von Gurk (1072–1822)*, Aus Forschung und Kunst 5 (Klagenfurt, 1969).

that two married brothers shared the same domicile. The two best examples are late ones. When Archbishop-Elect Philip arranged the betrothal of Kunigunde of Goldegg to the Styrian ministerial Ulrich II of Liechtenstein in 1250, the groom's father, the poet Ulrich I, promised to give his young son "the castle of Murau when he wished to separate himself from his paternal inheritance."<sup>3</sup> Similarly, the brothers Nicholas and Eckart X of Tann agreed in 1326 that they would possess jointly all their people, property, castles, courts, advocacies, manors, and vassals. Each brother was to have the same authority to issue commands in the other's house as if he were the head of the household or to take what he needed from the other's home. The arrangement proved unworkable, and they divided their property five years later, but the point is that Nicholas and Eckart always maintained separate households, at Lichtentann and Altentann, respectively, even when they owned and administered their property in common.<sup>4</sup>

The evidence is less explicit for the twelfth century, but brothers whom scribes associated with different locations presumably maintained separate residences: for example, Hiltigoz of Kirchhalling and his brother Berthold of Weibhausen, Megingod I of Surberg and Rudolph of Wonneberg, Frederick III of Pettau and Otto I of Königsberg, and Henry I of Neukirchen and Conrad I of Sonham.<sup>5</sup> Although Sigiboto I and Megingod II possessed Surberg jointly, Megingod had also acquired his wife's castle in Högl, and he built a house in Salzburg where he presumably lived during his lengthy tenure as burgrave of Hohensalzburg.<sup>6</sup> By the thirteenth century powerful ministerial lineages possessed several castles where, as in the case of the Tanns, married couples could live apart from their kinsfolk. For example, the brothers Kuno V and Otto II of Gutrat, both of whom were married, had inherited two castles from their mother in Lower Austria and owned two castles, two hundred meters apart, on the Gutratsberg.<sup>7</sup> There was only one dominant couple per household.

The husband's widowed mother and unmarried siblings may have lived with the couple, but this was not always the case. About 1190 the cathedral canons

3. UB Steiermark 3:135–36, no. 72. On the financial arrangements and political background of this marriage, see chapter 4 at note 91 and chapter 5 at note 52.

4. SUB 4:365–68, no. 321; 394–98, no. 337.

5. Kirchhalling-Weibhausen (SUB 1:341–42, no. 175; 599, no. 29); Surberg-Wonneberg (Au, p. 117, no. 145; MB 3:15, no. 36; SUB 1:366, no. 218; 374–75, no. 231); Pettau-Königsberg (SUB 3:8–10, no. 540); and Neukirchen-Sonham (SUB 2:654–56, no. 482).

6. SUB 1:722, no. 288; 724–25, no. 292b; 2:548–49, no. 398; 3:178–81, no. 674.

7. SUB 4:246–47, no. 206; Dopsch, *Geschichte Salzburgs* 1/1:390. The Gutrats were not the only ministerials with such arrangements. The Pettaus possessed upper and lower castles in Pettau (UB Steiermark 4:307, no. 509), and Frederick VI styled himself in 1286, when his father was still alive, "Frederick of Hollenburg the Younger of Pettau" (MC 6:20–21, no. 29), presumably because he lived in Hollenburg. In 1305–6 William IV of Staufeneck and his cousin Henry I, both of whom were married, sold their sections of the castle of Staufeneck to the archbishop. William referred to his section as the rear portion (Regesten 2:29, no. 227; 66–67, no. 544; 89, no. 762; 90–91, no. 775). Similar conditions also prevailed in late medieval Bohemia. See John Klassen, "Household Composition in Medieval Bohemia," *JMH* 16 (1990): 55–75. Although Klassen's evidence is predominantly urban, he argued that Bohemian barons who owned more than one castle could readily establish a married son or a younger brother in a separate castle.

conceded to Ita of Werfen, the widow of Kuno II of Schnaitsee, a lot next to the hospital of Saint John in the city of Salzburg, where she built a house and may have served the needy herself.<sup>8</sup> When Frederick IV of Pettau married in 1213 Herrad of Montpreis (today Planina, Slovenia), her father Ortolf conferred his other castle Hörberg (today Podsreda, Slovenia), with all its appurtenances and servile retainers, on his own wife Gerbirg.<sup>9</sup> Moreover, many a widow, like Jutta of Surberg, the mother of Sigiboto I and Megingod II, may have found one of the double houses of Augustinian canons or Benedictine monks more agreeable than her daughter-in-law's home.<sup>10</sup> In short, the typical ministerial household consisted of a married couple and their children and perhaps, depending on the couple's stage in the life cycle, his mother and unmarried siblings.

Such a system of conjugal households meant, however, that the eldest son or a younger brother could marry only if the lineage had sufficient resources—for example, multiple castles—to set him up in a separate home. It is not surprising, therefore, to find that many lineages, particularly in the second half of the twelfth century, severely curtailed the number of sons they allowed to marry. A good place to start is to look at the genealogies of the Kalhams and Steflings that were presented in the previous chapters (genealogies 1.3 and 2.1). The first known generation of the Kalhams consisted of two, possibly three, brothers, only one of whom had known descendants. Only one of the six brothers in the second generation is definitely known to have married, though Otto may have been the progenitor of the Knutzings, an obscure family of ministerials who died out in a generation.<sup>11</sup> It was only in the third generation, about 1200, that this family discipline broke down, leading in the fifth generation to the establishment of a cadet line at Wartenfels. As for the Steflings, only one of the five sons of Magan of Türken had known descendants, though the Plain ministerial Henry IV may have been the son or grandson of one of Otto I's brothers. During was the only one of Otto I's three or four sons who had a child. I have hypothesized the existence in the last generation of another Stefling heiress who married a Goldegg, but she could just as well have been During's daughter as Ortolf II's. In spite of the flaws in the evidence, these two genealogies do suggest that lineages were exercising considerable control over their sons' right to marry.

A far more striking example is provided by the Tanns, whose sense of family

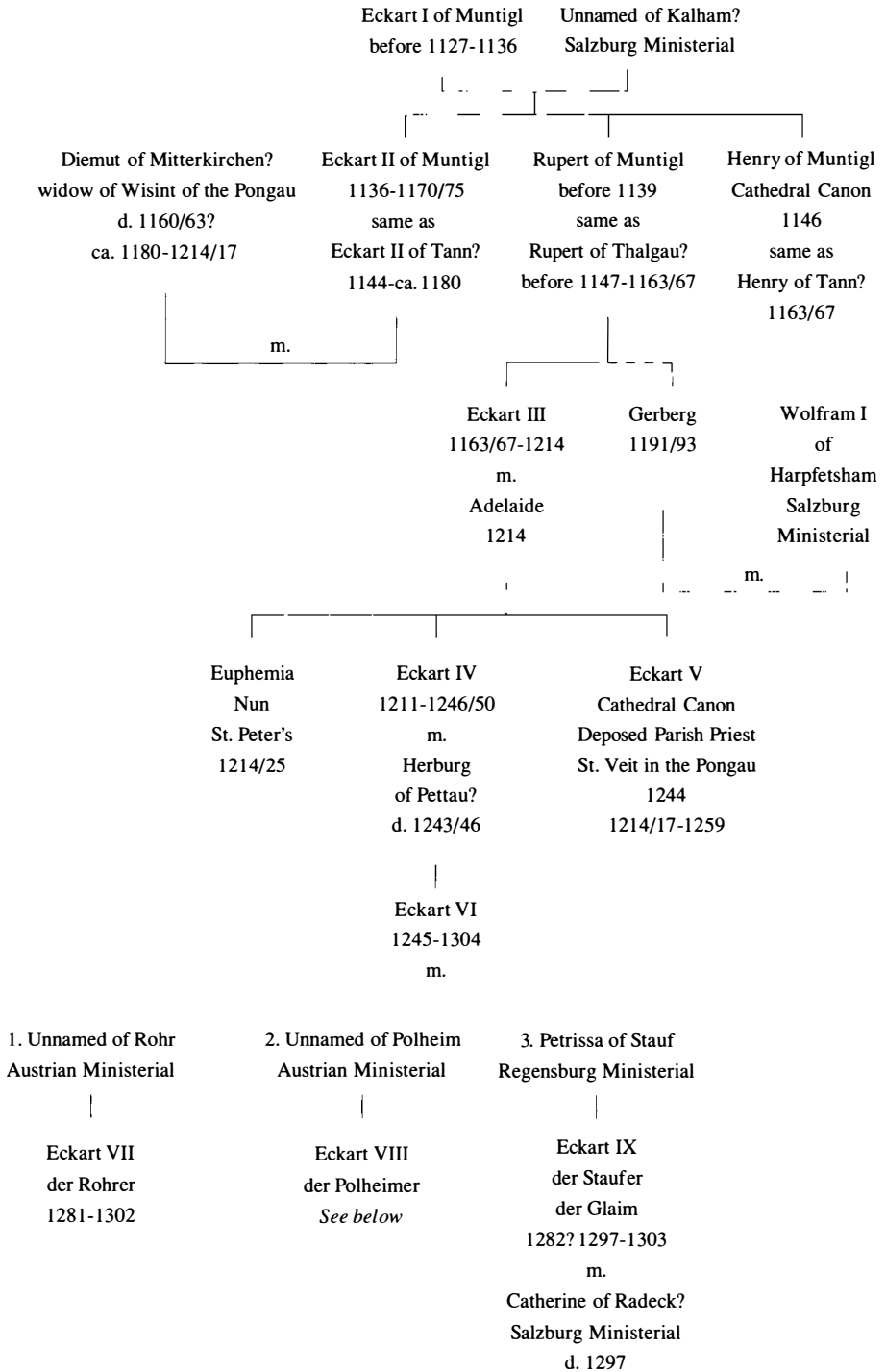
8. SUB 2:637, no. 468; 3:209–10, no. 698b; 4:8–9, no. 9.

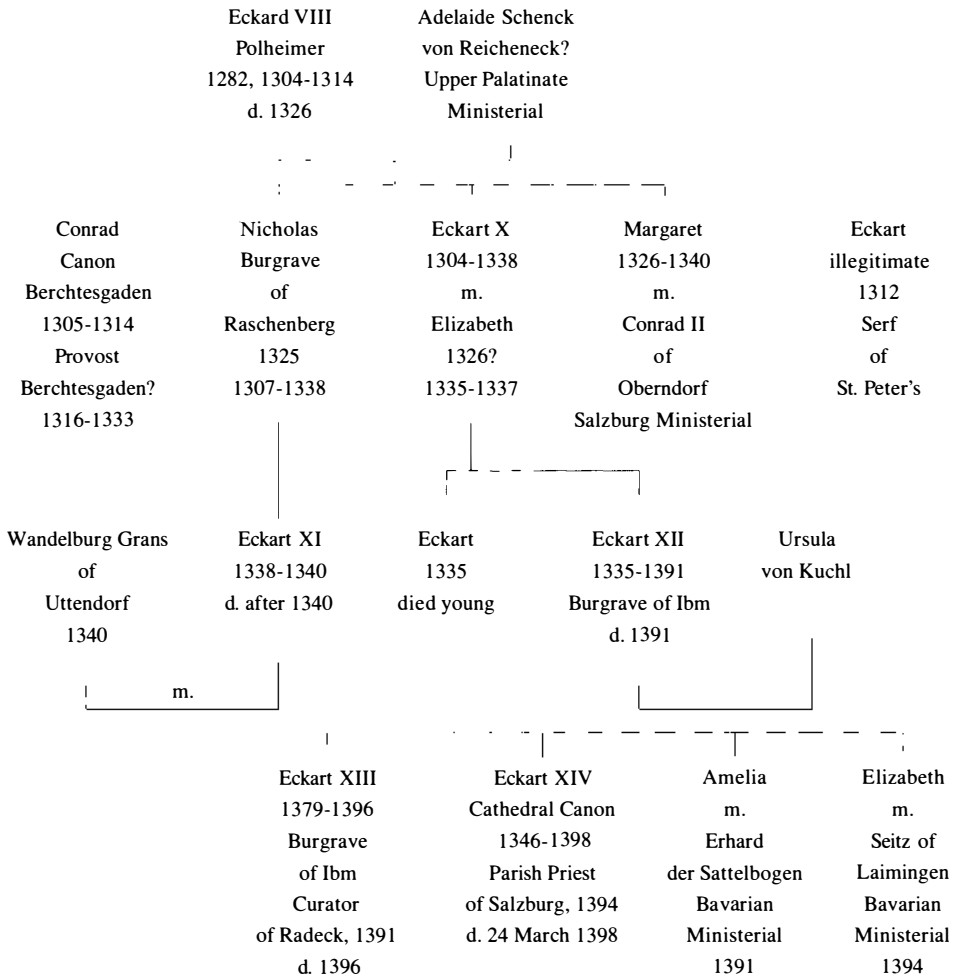
9. SUB 3:174–76, no. 669.

10. SUB 1:655, no. 147; 707, no. 261. Hauthaler had already tentatively identified the Jutta in no. 261 as Jutta of Surberg. This is highly probable, because the first two witnesses were Megingod II's knights Ulrich of Sillersdorf and Sigiboto of Adnet (SUB 2:552–53, no. 402).

11. Three brothers, who appeared in conjunction with the Kalhams, employed the name Knutzing: Markwart (1151/67 to ca. 1170) (SUB 1:663–64, no. 168; 674–75, no. 193); Eckart (ca. 1170 to 1212/14) (SUB 1:735–36, no. 314; 2:707–10, no. 521); and Otto (1183/96 to 1212) (SUB 1:705–6, no. 256; 3:159–60, no. 654). Since the manor at Knutzing formed in 1219/34 part of the patrimony of the young Conrad III of Kalham (SUB 1:751–52, no. 346), I have identified the Knutzings as a cadet branch of the Kalhams, the sons perhaps of Otto of Kalham, because one of the Knutzings bore that admittedly common name. Seemingly none of the Knutzings had descendants.

GENEALOGY 3.1 Tann







identity is revealed by the use of the name Eckart, which they employed in every generation, sometimes for two or even three sons, for nearly three hundred years (see genealogy 3.1). Only one pair of brothers in the first five generations married, and it is conceivable that Rupert of Muntigl-Thalgau, whose son Eckart III was the progenitor of the later Tanns, married only when it became clear that his brother Eckart II, the first Tann, would have no children.<sup>12</sup> What is particularly striking about the Tanns, besides the repetition of the leading name, is how little information there is about any children except the heir. Either the Tanns had very few children or the eldest son was favored at the expense of his sisters and younger brothers, who were excluded from virtually any portion of the family's patrimony.<sup>13</sup> The genealogy is a testimony to an extraordinary sense of family discipline.

Closely connected with this preference for the heir was the late age at which men married, presumably because they had to wait until their father died or a suitable wife, preferably an heiress, was found. Georges Duby has established that in the twelfth century there was a generational gap of approximately thirty years between a father and his eldest son in northwestern France. It was these unmarried heirs and their younger brothers, the so-called *juvenes*, who went on crusades, participated in tournaments, and were the chief troublemakers in medieval society.<sup>14</sup>

The same pattern of behavior can be detected among the archiepiscopal ministerials in the twelfth century. Although it is almost always impossible to determine with any precision when a man or woman was born, the year when the son of a prominent ministerial began to witness charters or notices in a *Traditionsbuch* provides a useful clue not only about the son's age but about the father's when he married. There is some evidence that boys, especially those whose fathers were dead, began to serve as witnesses when they were about ten. The son of Burgrave Conrad of Hohensalzburg, the orphaned Henry of Neuenfels, who was born between 1222 and 1225,<sup>15</sup> witnessed his first charter in 1234.<sup>16</sup> Henry must thus have been between nine and twelve. Similarly, Frederick III of Pettau and Ortoľ II of Katsch-Montpreis were called boys when they witnessed their first charter in

12. On the Tanns, see Heinz Dopsch and John B. Freed, "Henndorf im Mittelalter und an der Wende zur Neuzeit," in *Henndorf am Wallersee: Kultur und Geschichte einer Salzburger Gemeinde*, ed. Alfred Stefan Weiss, Karl Ehrenfellner, and Sabine Falk (Henndorf, 1992), pp. 42–97, 526–27.

13. The Falkensteins pursued a similar strategy. See Freed, *Counts*, p. 65. See also Duby, "Lineage," pp. 71–75.

14. Georges Duby, "Youth in Aristocratic Society: Northwestern France in the Twelfth Century," in *The Chivalrous Society*, p. 116; and idem, *Medieval Marriage*, pp. 11–12.

15. Henry's father Burgrave Conrad of Hohensalzburg was still childless in 1222 (SUB 3:298–300, no. 771) but was a father when he died in 1225. Henry was specifically described as a *heres parvulus* on this occasion (SUB 3:327–28, no. 799).

16. SUB 3:453–54, no. 905a. On the identity of Burgrave Henry, see Freed, "Diemut von Högl," p. 630, n. 274.

1180.<sup>17</sup> Since Isidore of Seville placed *pueritia* between seven and fourteen,<sup>18</sup> it is a safe guess that a boy was about ten when he was associated as a witness for the first time with his father, presumably because the lad was considered old enough to understand the proceedings.

If this insight is applied to the men in Diemut of Högl's well-documented life (see genealogy 3.2), the following results are obtained. Her father Henry of Högl, who witnessed his first charter in 1121, would have been about thirty-four when he married Euphemia of Moosen about 1145.<sup>19</sup> Diemut's first husband Meginhard of Siegsdorf was called in 1152 a *puer*, and his brother Henry witnessed his first charter only in 1158.<sup>20</sup> Their father Liutolt, who had first served as a witness in 1104/16,<sup>21</sup> would thus have been between thirty-six and forty-eight when Meginhard was born. Diemut's second father-in-law, Megingod I of Surberg, was wounded in 1110 when in youthful impatience ("iuvenili ardore") he violated Archbishop Conrad I's prohibition against fighting during Henry V's expedition to Rome.<sup>22</sup> Since the archbishop is not likely to have appointed a callow youth as his butler on so important an undertaking, Megingod is one more example of Duby's not so young youths. If we assume for argument's sake that Megingod was twenty-five in 1110, then he would have been approximately forty in 1126/27 when his older son Sigiboto I was born, because the latter witnessed his first charter in 1136/37.<sup>23</sup> Sigiboto I would have been in turn thirty-one when his son Sigiboto II was born.<sup>24</sup> As for Megingod II, who was mentioned first in 1144,<sup>25</sup> he would have been between twenty-seven and twenty-nine when he married Diemut between 1161 and 1163. These figures are hardly exact, and it is quite possible that many of these men had older daughters or sons who did not survive. But the ages calculated in this fashion do at least suggest that most men married late, if they married at all, and that a generational gap of thirty years between an archiepiscopal ministerial and his oldest surviving son was not unusual.

This strategy of severely limiting the number of sons who were permitted to marry and of men's postponing marriage had important ramifications not only for wives, younger sons, and daughters, but also for the heirs themselves. Some of the consequences will be examined in the following sections.

17. SUB 2:584–85, no. 424a.

18. *Isidori Hispalensis episcopi Etymologiarum; sive, Originum libri XX*, ed. W. M. Lindsay, 2 vols. (Oxford, 1911), 2. 11.2.2–3.

19. SUB 2:190–91, no. 121. He followed his Seekirchen uncles. On the date of the marriage, see Freed, "Diemut von Högl," p. 596, n. 76.

20. SUB 2:409–11, no. 294; 468–69, no. 336.

21. SUB 1:316–17, no. 137a. On the identification of this Liutolt as Liutolt of Haberland-Siegsdorf, see Freed, "Formation," pp. 96–98; and idem, "Diemut von Högl," pp. 603–5.

22. *Vita Chunradi*, p. 68.

23. SUB 2:247–48, no. 166.

24. Sigiboto II first served as a witness in 1167/68 (SUB 2:531, no. 383).

25. SUB 2:330–32, no. 230.

GENEALOGY 3.2 Seekirchen-Högl

Etzo  
of  
Seekirchen  
1104/16  
m.  
Richgardis  
1104/16

Liuzman  
of Seekirchen?  
1104/16  
m.  
Richgardis  
1104/16

Ulrich  
1110-1125/30

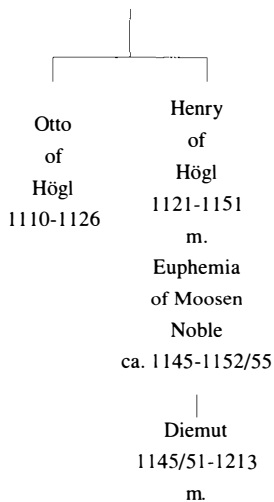
Henry I  
1104/16-1138/39  
m.  
Liutkarda of Schönberg  
Noble  
1138/39-1168, d. 1170

Henry II  
d. before father

Conrad I  
1130-1136  
d. by 1139  
m.  
Liutkarda  
ca. 1136

Reginbert  
1110-1136

Diemut  
1126-1138/39



1. Meinhard of Siegsdorf (d. 1159/60)
2. Megingod II of Surberg (d. 1193)
3. Unknown
4. Conrad of Truchtlaching (d. 1225)

## Heirs and Heiresses

It was absolutely essential that the heir marry well, preferably a noblewoman or an heiress who would raise the prestige of the lineage and increase its wealth. If he did so, the heir might be able to marry in his father's lifetime or procure the resources that would enable more than one of his own sons to marry. Either outcome would improve the lineage's chances for survival.

The most prestigious match for a twelfth-century ministerial was marriage to a noblewoman. Although the children of such a union were ministerials themselves, it was an indication that the lineage had arrived socially and was certainly a major factor in the gradual acceptance of the ministerials as nobles. Such marriages were relatively common. For example, Diemut of Högl's mother was the noblewoman Euphemia of Moosen, and her great-uncle Henry of Seekirchen, the first ministerial burgrave of Hohensalzburg, had married the noblewoman Liutkarda of "Schönberg."<sup>26</sup> Although there is no evidence that these two noble brides were richly endowed, others were. For instance, in 1125/47 the archiepiscopal ministerial Henry of Kappel and his wife, the noblewoman Liutkarda, daughter of Sigwin of Schlitters, gave Saint Peter's thirty-four serfs as *censuales* and some property near Kappel. Since Liutkarda was identified in the *Traditionsbuch* entry as Sigwin's daughter, I suspect that the serfs had been part of her inheritance.<sup>27</sup>

Frederick II of Pettau (d. 1167/74) made the best match. His wife Benedicta

26. SUB 1:364, no. 214; 2:422–23, no. 303; 436–37, no. 312; 546–48, no. 397. I had previously identified Liutkarda as a member of a family of Michaelbeuern ministerials who lived in Schönberg; about fifteen kilometers northwest of Seekirchen and dismissed the descriptions of her as a noblewoman as a courtesy granted to a benefactor (Freed, "Diemut von Högl," pp. 601, n. 104, 645). But since it was Archbishop Eberhard I rather than some scribe in a *Traditionsbuch* who called her a noble (nos. 303, 312), I now believe she really was a noblewoman. Moreover, *Schönberg* was not Liutkarda's ancestral home but that of her second husband Rafold of Schönberg, a ministerial of the duke of Bavaria (UB Raitenhaslach 1:25–26, no. 23; Raitenhaslach, pp. 106–12, no. 133, specifically p. 107). She was not identified as Liutkarda of "Schönberg" until 1170 (SUB 2:546–48, no. 397).

27. SUB 1:363–64, no. 213; 369, no. 223. The location of Henry's home is in dispute. Most recently, Reindel-Schedl, *Laufen*, p. 385, placed Henry in Kapell in Upper Bavaria. Since the property at Mettenham that Henry and Liutkarda gave Saint Peter's is seven kilometers north of Kössen, and since Schlitters is in the Ziller valley in Tyrol, I am inclined to place Henry's home in the Kappel that is near Kössen in Tyrol. Some other examples of ministerials who married noblewomen in the twelfth century are Witilo, a "servitor sancti Rodberti," who before 1116 had married Kunigunde, sister of the Upper Austrian nobleman Pero and Pilgrim of Weng-Puchheim (SUB 1:316–17, no. 137; 351–53, no. 193; 598, no. 28); Berthold of Weng, who was also known as Berthold of the Pinzgau and who joined Saint Peter's before 1139 with his wife Judith, a kinswoman of the nobleman Adalbert (SUB 1:347–48, no. 186; 350–51, no. 191); Bertha of Tegernbach, second wife of Hartnid II of Itzling-Fischach, burgrave of Hohensalzburg in the 1150s and 1160s (SUB 1:442, no. 351; 679, no. 201 [Hartnid was stepfather of the nobleman Ortolf of Tegernbach: Au, pp. 121–22, no. 161; SUB 1:658–59, no. 155; 2:519–20, no. 372]); Hiltigard, daughter of the nobleman Bernhard of Stübing and wife of the archiepiscopal ministerial Rudolph of Deinsberg (1121–68) (SUB 2:190–91, no. 121; 450–51, no. 325; 537–38, no. 388; and Hans Pirchegger, *Landesfürst und Adel in Steiermark während des Mittelalters*, 3 vols., Forschungen zur Verfassungs- und Verwaltungsgeschichte der Steiermark 12, 13, 16 [Graz, 1951–58], 1:125–29 and the genealogical table after p. 205); and Henry of Deutsch-Landsberg (d. 1205), son-in-law of the Carinthian nobleman Wichard I of Karlsberg (SUB 2:631–33, no. 465a; 3:63–64, no. 583).

was the sister of the nobleman Otto of Ehrnegg-Königsberg. The couple's oldest son Frederick III continued the main line of the lineage, and their second son Otto established a cadet line in Königsberg (today Kunšperk, Slovenia) that survived until the end of the fourteenth century.<sup>28</sup>

Such marriages to noblewomen ceased in the thirteenth century because most noble houses either had died out or had become ministerials themselves. The Pettaus are the major exception. The first wife of Frederick V (d. 1288), the most important member of the lineage, was Countess Sophia of Pfannberg, and his second wife was an unnamed countess.<sup>29</sup> His male descendants continued to marry countesses until their extinction in the male line in 1438, but it was not until the last generation of the lineage's existence that Pettau women finally married nobles. The brides were the two sisters and heirs of the last Pettau, Frederick IX, and one of them married a younger son at that (see genealogy 3.3).<sup>30</sup>

Noblemen were reluctant to marry ministerial women because, as I explained in the preceding chapter, the children obtained their mother's inferior legal status. Such a marriage was normally a last resort by a noble family that could no longer find a suitable partner among its peers and preferred a misalliance to extinction. There is little evidence from the twelfth century for such unions involving archiepiscopal ministerials. The marriage of the nobleman Ulrich I of Sims to Liutkarda of Berg was discussed in chapter 1. It is possible to infer in a few other cases that such a marriage might have taken place.

For example, Otto of Dietfurt conferred Dietfurt on Saint Peter's in 1151/67. Two versions of the donation were recorded in the abbatial *Traditionsbuch*. Otto was called a free man in one and an archiepiscopal ministerial in the other.<sup>31</sup> One possible explanation for this uncertainty about Otto's legal status was that he was the son of a mixed marriage. An Ascwin was identified in the second version of Otto's donation as his maternal uncle. A Walter of Dietfurt (the only reference to such an individual) had been the second witness in 1125/47 when the "fidelis homo" Ascwin had conferred on Saint Peter's his property in Tiefstadt, ten kilometers east of Dietfurt; and an Ascwin of Tiefenbach had joined Saint Peter's in 1147/51.<sup>32</sup> An Adala of Tiefenbach (the only reference to such a person) was

28. Freed, "German Source Collections," pp. 94–100; Pirchegger, *Untersteiermark*, pp. 241–42.

29. MC 2:111–12, no. 664; Regesten 1:164–65, no. 1276. Frederick's second wife was simply called a countess, but Pirchegger, "Herren von Pettau," p. 17 and genealogical table following p. 199, identified her as Agnes of Pfannberg. I cannot see how Frederick could have married another Pfannberg without violating the prohibition against affinitive marriages.

30. Harald Bilowitzky, "Die Heiratsgaben in der Steiermark während des späten Mittelalters unter stände- und wirtschaftsgeschichtlichem Aspekt" (Ph.D. diss., University of Graz, 1977), pp. 51–52. Fox, *Kinship*, p. 202, pointed out that as a general rule "wife-givers are usually superior to wife-takers."

31. SUB 1:434, no. 335; 443–44, no. 354.

32. SUB 1:391, no. 265; 526, no. 511. The latter entry is dated 1147/67, but the first witness Liutwin was almost certainly Burggrave Liutwin (he was the first witness in no. 509), who died in

listed among the archiepiscopal ministerials who witnessed Otto's first donation of Dietfurt to Saint Peter's. Otto may thus have been the son of Walter of Dietfurt, a free man, and the sister of Ascwin of Tiefenbach, an archiepiscopal ministerial. Since Otto gave Dietfurt to Saint Peter's, he was presumably the last representative of his family, and his entrance into the archiepiscopal ministerialage, like that of the Sims, was of little consequence for the archbishop.

There are, however, several examples of fairly important noblemen whose descendants became archiepiscopal ministerials as a result of their marriages to *Dienstweiber*. The one case in the twelfth century, that of the Katsches, will be discussed below in connection with the ministerials' settlement on the southeastern German frontier. The two examples in the thirteenth century, the Felbens and Walchens, the last two remaining noble families of noncomital rank in the principality itself, will be treated in chapter 5 because their marriages were almost certainly linked to Archbishop Eberhard II's acquisition of comital jurisdiction in the Pinzgau.

This imbalance in the number of marriages between noblemen and women of ministerial status versus marriages between ministerials and noblewomen casts some new light on a heated scholarly debate earlier this century about the degree to which the nobles and ministerials fused. Aloys Schulte contended that the distinction between noble families of free and unfree origin survived until the fifteenth century. He pointed out that if a nobleman married an imperial ministerial, the wife had to be manumitted as late as 1408 to prevent the children from obtaining their mother's inferior status. Otto Freiherr von Dungern, who relied heavily on Austrian evidence, argued that there was considerable intermarriage between the two orders before the fifteenth century.<sup>33</sup> Intermarriage was common, but it was in large measure a one-way street involving male ministerials and noblewomen, because the ministerials' personal servitude was not forgotten.

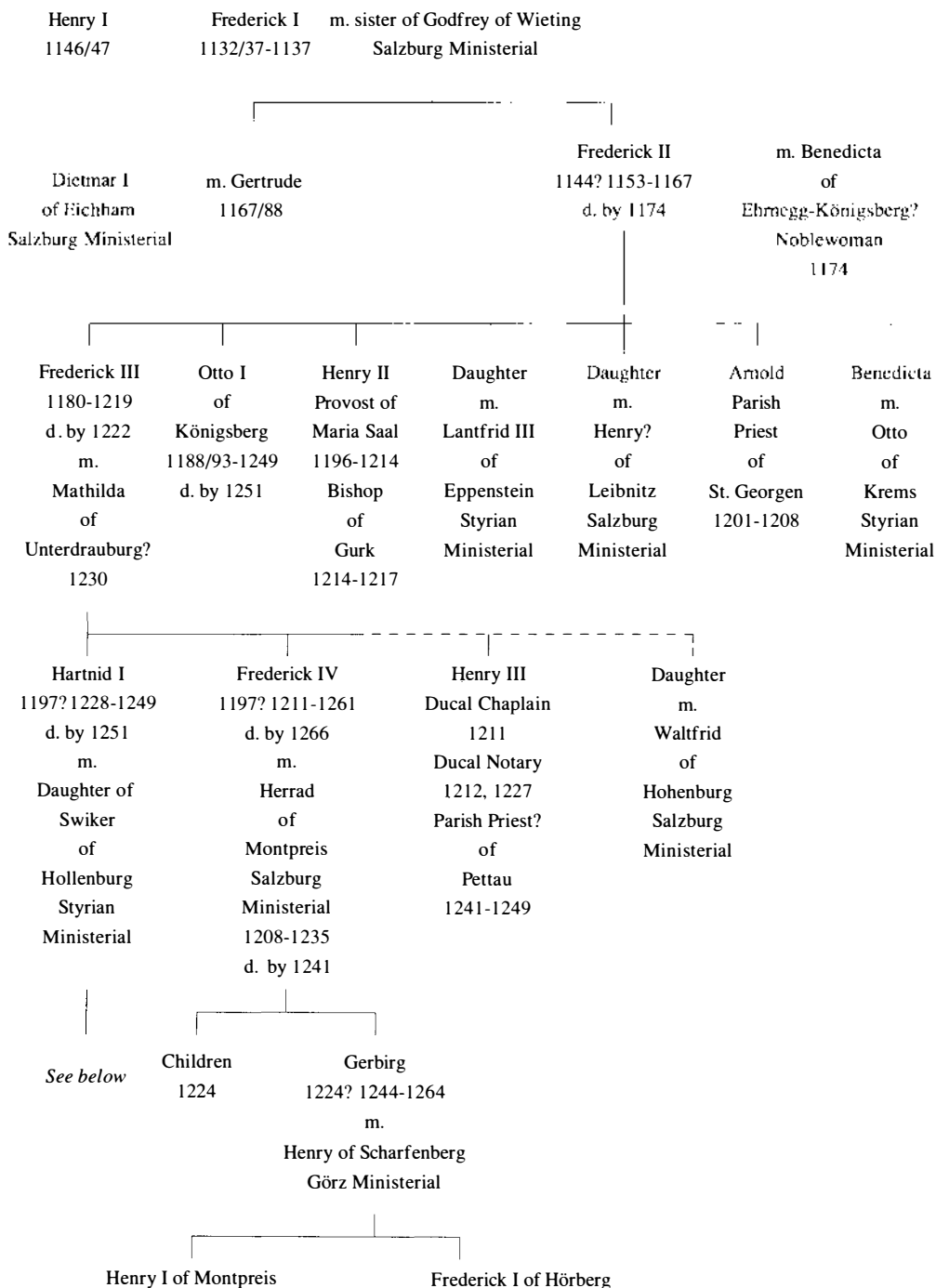
Most ministerials, even in the twelfth century, had to settle for wives who were their peers. The right choice could enable a son to marry in his father's lifetime and dramatically improve his family's fortunes. Diemut of Högl's first husband, Meginhard of Siegsdorf, who was still a boy in 1152, must have been at most in his late teens when he was killed in 1159/60 in unknown circumstances; his father

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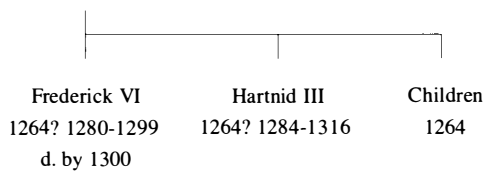
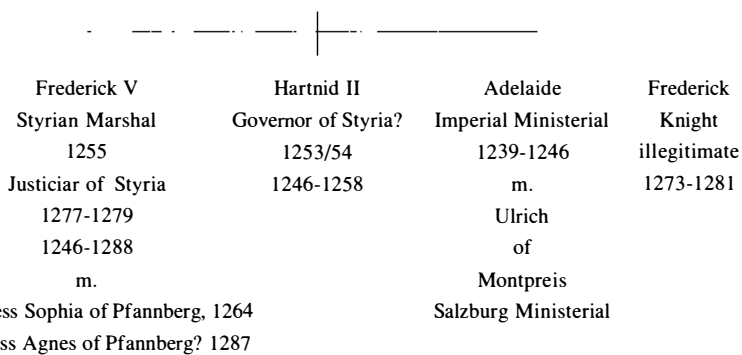
1151. There are other examples of obscure free men who married women who were archiepiscopal ministerials, but there is no evidence that they themselves or their children, if they had any, actually became ministerials. For instance, the archiepiscopal ministerial Nendinc and his wife, son, daughter, and son-in-law, the free man Rehwin, renounced the world in 1139/47 and gave their property to the cathedral chapter (SUB 1:608, no. 50). Similarly, in 1122/47 the free man Engelscag and his wife, Gepa of Winkham, an archiepiscopal ministerial, gave the canons their property (SUB 1:613, no. 57).

33. On the debate, see Freed, "Origins," pp. 229–30. On the manumission in 1273 of Adelaide of Münzenberg, an imperial ministerial who was herself the granddaughter of a count and had married the nobleman Reinhard of Hanau, see Fritz Trautz, "Noblesse allemande et noblesse anglaise: Quelques points de comparaison," in *Famille et parenté dans l'Occident médiéval*, ed. Georges Duby and Jacques Le Goff, Collection de l'École française de Rome 30 (Rome, 1977), pp. 64–72.

GENEALOGY 3.3 Pettau-Königsberg



Hartnid I m. Unnamed of Hollenburg





survived him.<sup>34</sup> The marriage of Frederick IV of Pettau to Herrad of Montpreis in 1213 provides an even more dramatic example of how marriage could alter a man's and a lineage's position. Frederick, whose own father had still been identified as a boy in 1180 and who lived until at least 1219, must still have been very young when he married, because he lived until the 1260s. Herrad's inheritance consisted of the castles of Montpreis and Hörberg, which were described in 1251 as two of the five principal fiefs of the church of Gurk. His uncle's castle of Königsberg was the third. Possession of the three castles made the Pettau-Königsbergs the most powerful family in what is now southeastern Slovenia (Otto of Königsberg's brother-in-law was lord of the fourth castle Rohitsch [Rogatec]). In the end the Pettaus were unable to maintain this position near the confluence of the Sava and Sotla because Frederick IV's only surviving child was a daughter, Gerbirg, and the castles of Montpreis and Hörberg passed through her to Henry of Scharfenberg (today Svibno, Slovenia), a ministerial of the count of Görz. In the second half of the thirteenth century Henry's sons were able in turn to establish separate lineages in Montpreis and Hörberg (see genealogy 3.3).<sup>35</sup> The accidents of birth and death had in this case transferred two important lordships to three different lineages in as many generations. The right choice of a spouse could thus profoundly influence a lineage's fortunes.

### Wives, Maternal Uncles, and Nephews

Besides heiresses, it was wives who were most affected by such family accidents. Since most wives were considerably younger than their first husbands, if only for biological reasons, there was a good chance that a woman who survived childbirth would outlive her first husband by many years and perhaps assume some of his responsibilities, particularly during her eldest son's minority. A widow often turned for help to her own brother, who was bound to her son by ties of blood and affection but could not profit personally from his nephew's death. A nephew's unfulfilled expectation that he would inherit his uncle's property, however, as well as a mother's remarriage, could lead to bitter family conflicts.

Women who survived their first husbands by many years might assume their place as the *de facto* head of the lineage. The childless Diemut of Högl outlived her first husband Meginhard of Siegsdorf (a rare example of a small age differential) by fifty-three years and her second husband Meginod II, to whom she was married for thirty years, by two decades. She may even have served as the burgravine of Hohensalzburg during the five years between Meginod's death in 1193 and the first reference to her last husband, Conrad of Truchtlaching, as the castellan.<sup>36</sup>

34. Freed, "Diemut von Högl," pp. 603-4.

35. Freed, "German Source Collections," pp. 101-2, 105-7.

36. Freed, "Diemut von Högl," pp. 624-26.

Her great-aunt Liutkarda of “Schönberg,” who died in 1168/70,<sup>37</sup> buried her first husband Henry of Seekirchen in 1138 or 1139; and Diemut’s mother-in-law Jutta of Surberg outlived Megingod I by thirty-five or forty years.<sup>38</sup> The only references to Benedicta of Ehrnegg-Königsberg occur during her widowhood (Frederick II of Pettau died in 1167/74 and her eldest son Frederick III was still called a boy in 1180), but they are highly revealing. She used five hides that her husband had allegedly seized from Admont to provide her unnamed daughter with a dowry, and she assisted a noble kinsman in abducting a girl whom he wished to marry in spite of her family’s objections.<sup>39</sup> The widowed Benedicta behaved like an imperious *grande dame*.

Remarriages were fairly common for both women and men. A childless heiress or noblewoman remained an especially valuable prize. Diemut of Högl with her four husbands held the record, but several of her other relatives also contracted two or more marriages: her great-aunt Liutkarda of “Schönberg” buried three husbands, and her mother Euphemia of Moosen married twice. In fact Diemut’s last husband Conrad of Truchtaching may well have been twenty-five years her junior, a rare instance of a man’s marrying an appreciably older woman. After her death Conrad married a woman who bore him a son.<sup>40</sup> Like Conrad, most widowers remarried. For example, Frederick V of Pettau married two times and Eckart VI of Tann three.<sup>41</sup> There must have been many more such remarriages that have left no trace in the extant documentation.

Since marriages to affines were also prohibited by canon law, multiple marriages were another factor that forced the ministerials to contract marriages outside the archiepiscopal familia. Two of Eckart VI’s wives, for example, were Austrian ministerials, and the third was a retainer of the bishop of Regensburg. Moreover, a second marriage could be a cause of conflict between the children of the two marriages or their stepparents. Diemut of Högl’s relations with her mother Euphemia and her half-siblings, the children of Euphemia’s second marriage to Count Wolfram of Dornberg, appear to have been strained. For instance, Diemut arranged for Herrenchiemsee to celebrate the anniversaries of the following people after the death in 1193 of her second husband Megingod II of Surberg: Megingod, his parents, his nephew Sigiboto II, who had not returned from the Third Crusade, and her father Henry of Högl.<sup>42</sup> The names of her mother (con-

37. UB Raitenhaslach 1:25–26, no. 23; SUB 2:546–48, no. 397.

38. The last certain reference to Megingod I is in 1146. (SUB 2:350–52, no. 244b). Jutta was still alive in the 1180s (see above, n. 10).

39. Freed, “German Source Collections,” pp. 92–93.

40. Freed, “Diemut von Högl,” pp. 615–31. Conrad was identified after Diemut’s death as her fourth and last husband (SUB 3:178–81, no. 674), but Diemut’s third husband has left no other trace in the documentation.

41. Dopsch and Freed, “Henndorf,” p. 59.

42. MB 2:353–54, no. 211. The entry does not indicate that Sigiboto II died on the Third Crusade, but on 8 July Secon remembered “Siboto peregrinus de Surberc” (*Necrologia Germaniae* 2:227). Moreover, Albno of Plossau, one of Megingod II’s knights, left for Jerusalem in 1189 (SUB 1:471,

ceivably Euphemia was still alive) and Diemut's half-brother Count Conrad, who had also perished on the Third Crusade, are conspicuous by their absence. In any case, Diemut's noble relatives played no role, except during her minority, in her long and well-documented life.

Although the difference between Diemut's and the Dornbergs' legal and social status may have been a factor in their estrangement, disputes about property were often at the heart of such bitter feelings. In 1160/63, for example, Archbishop Eberhard I settled a quarrel between two of his ministerials, Hartwig of Kuchl and his stepson Manegold, about a property in Kellau. Manegold proved that the property belonged to him and his mother, who had retained its lifelong use. Eberhard ruled that Manegold was to obtain the property within six weeks of his mother's death, but he was required to pay his stepfather a pound.<sup>43</sup> This particular dispute between two obscure men has remained part of the historical record because the cathedral chapter eventually obtained the property in Kellau, but such quarrels over a mother's or wife's lands, like Roland and Ganelon's, must have been common.

A widow often turned to her brothers for help. Unlike such paternal uncles as England's King John or Richard III, who profited from the deaths of their older brothers' sons, maternal uncles gained little from the premature demise of their sisters' sons. Indeed, whereas a father's younger brother could become the head of the lineage if his nephew died without an heir, a sister's son was often, like Otto of Pettau-Königsberg, the chief heir of his mother's childless brother. Since maternal uncles were likely to be closer in age to their nephews than the boys' fathers had been, a mother's brother could also serve as a role model. In fact affection between a maternal uncle and his nephews is characteristic of patrilineal descent systems in which authority is vested in the father and his kinsmen and where the mother's brother functions as a type of "male mother."<sup>44</sup> Charlemagne's and Roland's mutual devotion in *The Song of Roland* is the classic literary illustration of this bond, but there is evidence that the poem reflected family reality, albeit in a greatly exaggerated fashion.

The most explicit account of the role maternal uncles could play in the lives of their sisters' children is provided by the Leibnitzes, though the story concerns a widower rather than a widow. Rüdiger of Weilkirchen had married a fellow ministerial, a daughter of Burgrave Eberhard of Leibnitz and the sister of Sigmar and Rudolph of Leibnitz and Provost Roman of Gurk (1146/49–1174), who

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no. 400). Presumably Albno accompanied his lord's nephew. On Diemut's noble relatives, see Freed, "Diemut von Högl," pp. 595–97.

43. SUB 2:481, no. 345. The document is dated 1160/64, but since During of Diebering, who witnessed it, died in 1163, it can be dated no later than 1163.

44. Claude Lévi-Strauss, "Structural Analysis in Linguistics and in Anthropology," in *Structural Anthropology*, trans. Claire Jacobson and Brooke Grundfest Schoepf (Garden City, N. Y.: 1967), p. 39. See also Fox, *Kinship*, pp. 132–34, 230–35.

subsequently became Bishop Roman II of Gurk (1174–79). She died, and in 1160 Rüdiger, concerned about the welfare of his motherless children, discussed his situation with his brothers-in-law. In exchange for thirteen marks, Rüdiger returned the fourteen hides that had composed his wife's dowry, and Sigmar assumed custody of two of Rüdiger's small children, a boy and a girl, whom he promised to treat properly and eventually place in a monastery.<sup>45</sup> Although it may have been unusual for a widower to turn to his wife's brothers for help, there is a hint in the story that Rüdiger was in financial difficulty and that he had married a woman from a "better" family than his own.

Normally it was the widow who sought the assistance of her brothers, as can be seen from the fact that fatherless sons were associated with their maternal uncles in the witness lists. Although the identity of Diemut of Högl's paternal grandfather is unknown, her father Henry and his older brother Otto were listed repeatedly from 1110 onward as witnesses with their Seekirchen uncles.<sup>46</sup> Similarly, in 1144 Frederick II of Pettau, whose father had died in the 1130s, accompanied his uncle Godfrey of Wieting to Leibnitz.<sup>47</sup>

The expectations, including hopes for a substantial inheritance, that families sometimes attached to this cognatic bond can be seen in the names they gave their sons. Benedicta's son, Otto I of Pettau-Königsberg, presumably had been named for her brother, the nobleman Otto of Ehrnegg-Königsberg. Otto's name was in a sense a claim to his uncle's lordship. Two other examples, one clerical, the other lay, are even more interesting. Bishop Roman II of Gurk (1174–79), who had been provost of the church since the late 1140s, was identified as a blood relative of his predecessor Bishop Roman I (1131–67), who had presumably promoted his young kinsman's career.<sup>48</sup> The best guess is that Roman II's father, Burgrave Eberhard

45. SUB 2:409–11, no. 294; 483–84, no. 347.

46. SUB 1:325–27, no. 155; 340, no. 172; 350, no. 191a; 2:190–91, no. 121; 206–7, no. 138b; 217–19, no. 144a; 236–37, no. 159; 308–10, no. 210c. As the dispute over the Seekirchen inheritance dragged on, the scribes became increasingly confused about the precise relationship between the Högl's and Seekirchens. In 1159/64, approximately a decade after Henry of Högl's own death, Archbishop Eberhard I referred to Henry as the son of the paternal uncle ("filius patru") of Henry of Seekirchen (SUB 2:436–37, no. 312). This would have made the two Henrys first cousins, members of the same agnatic lineage who had adopted different surnames. See also SUB 1:456–57, no. 374a; 2:546–48, no. 397. Henry of Högl's father could have been the Rupert of Högl who served as a witness in 1090/1104 (SUB 1:304, no. 110).

47. SUB 2:326–28, no. 226. Godfrey of Wieting had two nephews named Frederick: Frederick II of Pettau and Frederick I of Deutsch-Landsberg (SUB 2:523–25, no. 375). For the reason for identifying the Frederick in question as Frederick II of Pettau, see Freed, "German Source Collections," pp. 90–91. Some other examples of such uncle-nephew relations are Wolfram of Offenwang and his nephews Adalbert of Offenwang and Wolfram I of Harpfetsham (SUB 1:359, no. 203; 365, no. 217b; 397, no. 275a; 412–13, no. 295); Wolfram I of Harpfetsham and the sons of his sister(s) (SUB 1:536, no. 546; 634–35, no. 101); and Eckart (Eckart III of Tann?) and the sons of his sister Gerbig, Wolfram II and Dietmar II of Harpfetsham (SUB 1:490, no. 438). On the Harpfetshams and Offenwangs, see Reindel-Schedl, *Laufen*, pp. 377–78.

48. *Chronicon Gurcense*, ed. Wilhelm Wattenbach, MGH SS 23 (Hanover, 1874), p. 9. See also Freed, "Ministerials and the Church," pp. 11–12.

of Leibnitz, had married a sister of Bishop Roman I and that since birth Roman II had been destined by both families, as his unusual name suggests (I have not discovered any other men named Roman), to follow in his illustrious predecessor's footsteps.

The lay example concerns the so-called Older Itzlings and the sons of their sister Adelaide, who had married Rudolph I of Traunsdorf (see genealogies 3.4 and 3.5). What makes this example so intriguing—almost perplexing—is that Adelaide's sons, the so-called Younger Itzlings, who were named after their maternal uncles and succeeded their uncles in various court offices, adopted Itzling as their own name, presumably because they had obtained a substantial portion of their uncles' property even though one of the uncles, the seneschal Markwart III, had sons of his own. The uncles were the chamberlain Hartnid II of Itzling-Fischach, who also served as burgrave of Hohensalzburg (1151–1165/66); the seneschal Markwart III; and Gerhoch I. Adelaide's sons were Rudolph II of Traunsdorf, who obtained his father's name and inheritance; Hartnid of Gersdorf-Itzling; the seneschal Markwart I of Gersdorf-Itzling; the chamberlain Gerhoch I of Gersdorf-Itzling; and Rüdiger I of Gersdorf-Bergheim, vidame of Salzburg and progenitor of the Bergheim-Radecks. Since Bergheim is only one kilometer from Fischach, the chief residence of Burgrave Hartnid II, Rüdiger must have obtained Hartnid's share of the Itzlings' patrimony. The odd thing is that the older Markwart had two sons of his own, Conrad and Henry, who were not given any of the first names traditionally associated with the Itzlings and who even adopted the new surname Zaisberg.<sup>49</sup> If the knight Henry of Itzling who sold a serf to Mondsee in 1271 was identical to Markwart III's grandson Henry who had been mentioned in 1231,<sup>50</sup> then the decline of the Older Itzlings, who had been one of the most influential lineages in the twelfth century, was precipitous. It looks almost as if Markwart's sons had been disinherited in favor of Adelaide's sons.

I will hazard a guess about how this may have happened. Since the last reference to the nephews' father, Rudolph I of Traunsdorf, occurs in 1139 and since in 1160 three of his sons—Rüdiger, Rudolph II, and Gerhoch—were still being called "pueri,"<sup>51</sup> the Younger Itzlings are one more example of boys who were raised by their maternal uncles, with whom they appeared frequently in the witness lists. The only one of the uncles who initially had a child was Burgrave Hartnid, but Bertha died before her father.<sup>52</sup> The lack of a male heir or any heir at all may have prompted the burgrave's brother Markwart III, who had already served as a witness in 1122, to marry; but his sons Conrad and Henry made their

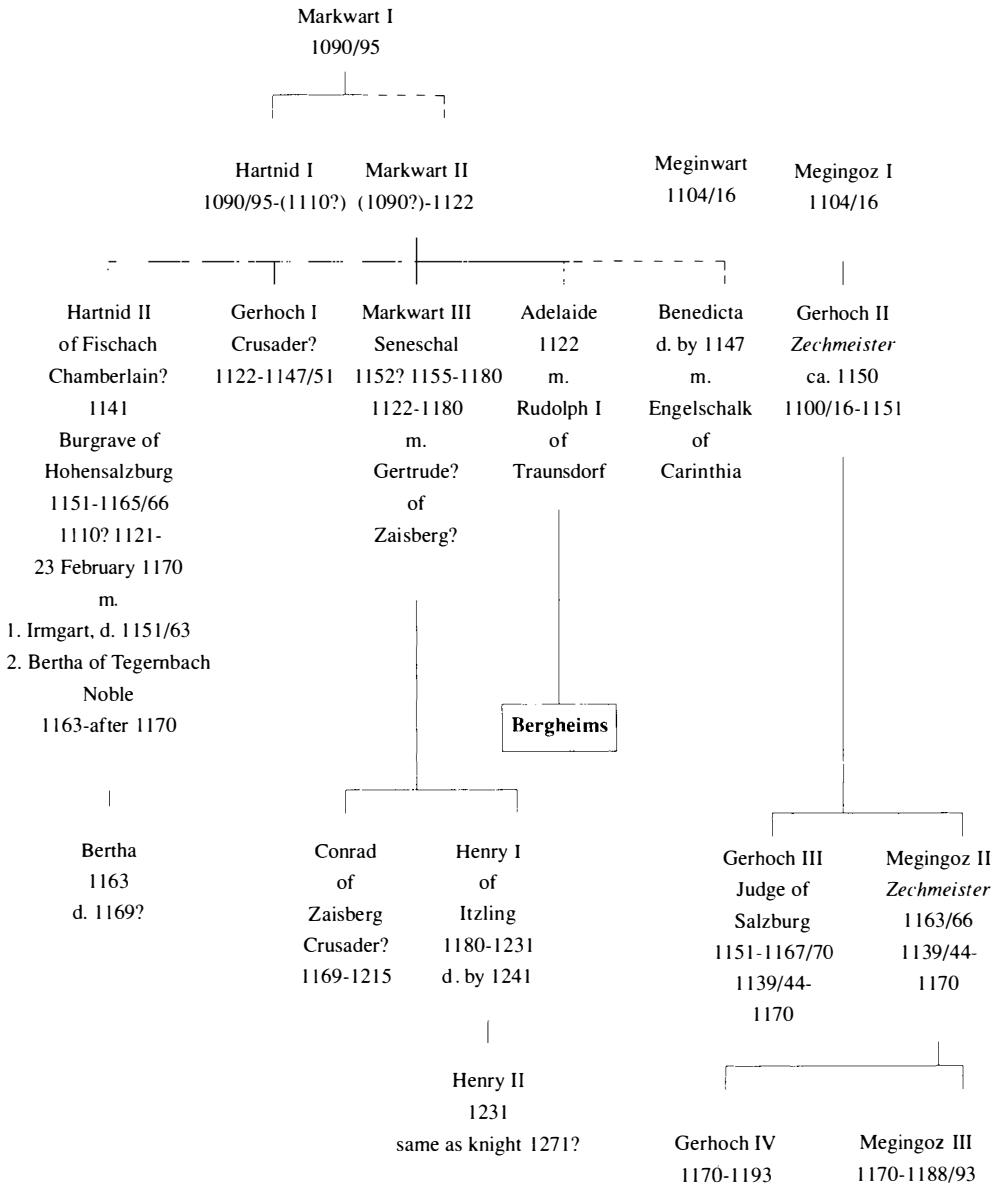
49. Freed, "Diemut von Högl," pp. 618–20, 638–40.

50. Regesten 1:78, no. 601; SUB 3:403–5, no. 862.

51. SUB 1:367, no. 221; 2:483–84, no. 347.

52. Hartnid had a daughter Bertha who was mentioned in 1163 when Archbishop Eberhard I agreed to the alodification of Hartnid's manor in Fischach (SUB 2:519–20, no. 372). Since she was not named in 1169 when Hartnid and his wife Bertha gave Fischach to the cathedral chapter (SUB 1:672–73, no. 189a; 679, no. 201a; 2:544–45, no. 395), she had probably died before her parents.

GENEALOGY 3.4 The Older Itzlings



GENEALOGY 3.5 The Younger Itzlings

Rudolph I  
of  
Traunsdorf  
ca. 1122-1139

Adelaide  
of  
Itzling  
1122

Rudolph II  
of  
Traunsdorf-  
Kröpfel-  
Itzling  
ca. 1151-1182  
d. 1188/93

Hartnid  
of  
Gersdorf-  
Itzling  
1147/52

Rüdiger I  
of  
Gersdorf-  
Bergheim  
Vidame of  
Salzburg  
1180s, 1190s  
ca. 1151-1202

Markwart I  
of  
Gersdorf-  
Itzling  
Burgrave of  
Forchtenstein  
1170-1202  
Seneschal, 1182  
1153-1202

Gerhoch I  
of  
Gersdorf-  
Itzling  
Chamberlain  
1182  
1158-1202

Adelaide  
1197  
m.  
Ortolf I  
of  
Saalfelden  
Plain  
Ministerial

Son  
1188/93

Daughter  
Nun in  
St. Peter's  
1188/93

Markwart II  
of  
Bergheim  
1193-  
1218/25  
m.  
Euphemia  
of  
(Truchtlaching?)  
1215-1218/25

Gerhoch II  
of  
Bergheim-Radeck  
Burgrave of  
Hohensalzburg  
1225? 1232. 1242  
1293-1255  
m.  
Bertha  
of  
Lonsdorf  
Passau Ministerial  
1213

Rüdiger II  
Bishop of Chiemsee  
1216-1233  
Bishop of Passau  
1233-1250  
1198-1256

Mathilda  
ca. 1244  
m.  
Dietmar II  
of  
Eichham  
1214-1244

**Bergheims**

**Radecks**

first appearances only in 1169 and about 1180, respectively.<sup>53</sup> By then a good deal of the Itzlings' property may already have been committed to Adelaide's sons. The Older Itzlings' family strategy had worked to the detriment of their agnate descendants and to the advantage of the younger sons of Rudolph I of Traunsdorf.

Yet nephews in the twelfth century were often bitterly disappointed by the arrangements their childless maternal uncles had made for the disposition of their fortunes. Diemut of Högl's life is so well documented precisely because she was the central figure in a dispute that resulted from such bequests and that dragged on for ninety-nine years. Her great-uncle Ulrich of Seekirchen had bequeathed on his deathbed all of his possessions, both alods and fiefs, to his brother Conrad (See genealogy 3.2). The latter had in turn left the lifelong use of all his possessions to his brother Henry, burgrave of Hohensalzburg, on condition that the cathedral chapter, Saint Peter's, and the Nonnberg obtain them after Henry's death. Since the burgrave's only son Henry II had died before his father, Henry I had assigned the lifelong use of the Seekirchen patrimony to his wife Liutkarda of "Schönberg." The three churches were to take actual possession of the lands after her death. Henry of Högl, whose mother was the burgrave's sister, claimed the Seekirchen inheritance after the death of Henry I (d. 1138/39); but his claims were countered by Liutkarda, and the cathedral provost and Archbishop Eberhard I rejected Henry's suit. As Henry was dying in 1151, Provost Henry (1147–51) and Abbot Henry I of Saint Peter's (1147–67)—greatly concerned, we are told, about Henry of Högl's eternal well-being—visited him and admonished him not to raise any additional claims. The indignant Henry refused to heed their advice and instead summoned his young daughter Diemut to his deathbed and conferred on her the disputed Seekirchen inheritance. Archbishop Eberhard I, who recounted this story sometime between 1159/60 and 1164, stressed that Henry's actions had been without legal foundation, because he had not inherited the properties, nor had they been bequeathed to him.

Diemut's husbands pursued her claims. Archbishop Eberhard paid little attention to the claims of her first husband, the young Meginhard of Siegsdorf (d. 1159/60), but Megingod II of Surberg was more persistent. He harassed Liutkarda of "Schönberg" until the archbishop ordered him to stop. Eberhard ruled that the three houses were to take possession of the Seekirchen inheritance after her death. In the meantime the three churches were under no legal obligation to respond to Megingod's suit, because no one was obliged to defend his right to property that he hoped to acquire but did not yet possess. Liutkarda's death in 1168/70 and the collapse of archiepiscopal authority during the Alexandrine Schism brought the conflict to a head. As burgrave of Hohensalzburg, Megingod II was the most powerful man in Salzburg, and the cathedral chapter, Saint Peter's, and the Nonnberg agreed in 1170 that Diemut and Megingod were to retain lifelong use of

53. SUB I:511, no. 476; 672–73, no. 189a; 700, no. 242.



her great-uncles' bequests. The three houses did not take actual possession of the entire Seekirchen inheritance, augmented in the interim by the possessions of the Högl and Surbergs, until the death in 1238 of Henry of Neuenfels, son of Diemut's last husband, Conrad of Truchtlaching, and his second wife.<sup>54</sup>

The Bergs, Schnaitsees, Deutsch-Landsbergs, and Pettaus raised similar claims to the bequests their maternal uncles (and aunt in the case of the Bergs and Schnaitsees) had made.<sup>55</sup> Archbishop Eberhard I and the monastic scribes who recounted these disputes stressed the illegality of the nephews' claims. Godfrey of Wieting's nephews, Frederick II of Pettau and Frederick I of Deutsch-Landsberg, had been incited by the devil, according to the archbishop, to reject all their uncle's offers of compensation and to burn and pillage his lands.<sup>56</sup> The Bergs and Schnaitsees desisted only after one of the Bergs, Conrad, who was near death, repented, dropped his claims, and miraculously recovered.<sup>57</sup> In all these disputes the nephews or their descendants in the end obtained either lifelong use of the disputed properties or a compensatory payment.

There are at least three plausible, not necessarily irreconcilable, explanations for why the seemingly affectionate relations between maternal uncles and their nephews so frequently ended in such bitter controversies. Barbara Rosenwein has argued that such disputes were in fact a device to renew a spiritually advantageous relationship between a monastery and the donor's heirs, whose patronage the house hoped to obtain.<sup>58</sup> The cathedral canons, for example, remembered Henry of Högl, Diemut, and Megingod II in their necrology.<sup>59</sup> Second, Stephen D. White, who studied land conveyances to five French monasteries between 1050 and 1150, concluded that there were no laws in the modern sense regulating the disposition of property but only conflicting norms that could be invoked as circumstances demanded. Kinsmen were obliged as faithful Christians to approve

54. Freed, "Diemut von Högl," pp. 600–631.

55. On the claims that the Bergs and Schnaitsees made to the donations of Hiltigoz and Diemut of Kirchhalling, see SUB 1:341–42, no. 175; 599, no. 29; 620–21, no. 77; 633–34, no. 99. On Kirchhalling, see Reindel-Schedl, *Laufen*, p. 387. On the claims that Godfrey of Wieting's nephews, Frederick II of Pettau and Frederick I of Deutsch-Landsberg, made to his donations to Saint Peter's and Admont, see SUB 1:399–400, no. 278; 2:336–37, no. 234; 377–78, no. 267; 378–80, no. 268a; 523–25, no. 375; 663–64, no. 489; 3:505–6, no. 955. Godfrey and his wife Adela hoped that Saint Peter's would found a new monastery on the land they gave the abbey in Wieting. The endowment proved insufficient for this purpose, and Saint Peter's established a priory there. For additional information, see Josef Höck, *Geschichte der Propstei Wieting im Görtschitztal, Kärnten (1147–1848)* (Salzburg, 1979), pp. 15–30.

56. SUB 2:523–25, no. 375.

57. SUB 1:633–34, no. 99. For Archbishop Eberhard I's account of the Seekirchen inheritance dispute, see SUB 2:436–37, no. 312. Hauthaler dated the document about 1155, but it must be placed after 1159/60 because it refers to the death of Diemut's first husband Meginhard of Siegsdorf, who died in 1159/60.

58. Barbara Rosenwein, *To Be the Neighbor of Saint Peter: The Social Meaning of Cluny's Property, 909–1049* (Ithaca, N. Y., 1989).

59. Henry of Högl, 18 March Necrologia Germaniae 2:116; Diemut, 3 October p. 173; and Meginod of Surberg, 3 February p. 102.

the measures a man took to aid the saints and their earthly representatives and to ensure his own salvation, but a donor was also expected to respect the inheritance rights of his heirs. If the heirs felt their rights had been violated, the resulting dispute could easily degenerate into a feud if a compromise settlement could not be reached. Such disputes became less common after 1200—this was true in Salzburg too—owing to changes in piety, the establishment of more effective secular authority, and the development of a legal system that defined more precisely the rights of the donor and his heirs.<sup>60</sup> Third, Claude Lévi-Strauss provided an anthropological perspective on the avunculate. Familiar or antagonistic relations between maternal uncles and nephews and the reverse relationship between fathers and sons correlate with another pair of opposites in kinship systems: tender or hostile relations between brothers and sisters are linked with distant or affectionate feelings between husbands and wives.<sup>61</sup> The numerous conflicts between maternal uncles and nephews in twelfth-century Salzburg may thus be an extension of the brothers' attempt to exclude their sisters from a share of the lineage's patrimony and the growing emphasis on the conjugal household.

## Sisters

The right of women to inherit property was accepted without question, as the numerous heiresses demonstrate, but it was usually considered subsidiary to a brother's claims. An heiress was by definition a woman without a surviving brother, but any property that was assigned to a sister was lost to her family of origin if she had children of her own (spouses did not inherit from each other). Lineages thus had an interest in limiting their daughters' inheritances, and they were increasingly supported in this by the archbishops, who, as I will explain in more detail in chapter 5, were concerned about the alienation of the patrimony of important lineages outside the archiepiscopal familia.

The inheritance rights of women were acknowledged on several occasions. When Count Hermann II of Ortenburg (d. 1256) in 1238 subenfeoffed the Gurk ministerial Ulrich of Liemberg with Liemberg, Bishop Ulrich I of Gurk (1221–53) announced that the husbands of Liemberg women could obtain the fief through their wives “because women received fiefs by the same right as men.”<sup>62</sup> Similarly, when Archbishop Eberhard II granted the brothers Berthold II and Giselbrecht I of Gurkfeld the rights of archiepiscopal ministerials in 1246, he enfeoffed them, their sons, daughters, and sons-in-law with all the fiefs they had previously held from the counts of Bogen. The terms of the Gurkfelds' enfeoffment are espe-

60. White, *Custom*. Bouchard, *Holy Entrepreneurs*, has extended Rosenwein's and White's analyses to relations between the Burgundian Cistercians and their patrons in the twelfth century.

61. Lévi-Strauss, “Structural Analysis,” p. 40.

62. MC 2:22–23, no. 556. The bishop and count were brothers (MC 2:27–29, no. 562).

cially significant because in the same charter Eberhard II granted the Gurkfelds the rights in regard to fiefs that all archiepiscopal ministerials enjoyed.<sup>63</sup>

I know of only two instances in the entire period under consideration where female archiepiscopal ministerials were excluded ipso facto on account of their gender from any claim to a specific portion of their paternal patrimony, but both were highly unusual. In the first case the priest Eberhard had given his stepson Dietmar I of Kendl a small assart in Schildlehen that had belonged to Saint Peter's, or so witnesses testified many years later; and Dietmar or his brother Adalbero had then expelled the abbey's men from the monks' remaining property in Schildlehen. After many years of controversy, Adalbero's son Conrad I of Kendl finally renounced his claims in 1238 and was then enfeoffed by the abbot of Saint Peter's with Schildlehen on condition that only Conrad's "progeny of the male sex" could inherit the fief. If the witnesses' testimony was at all accurate, then the Kendls' right to Schildlehen—property obtained from a married priest and by force—was highly dubious, and even Conrad's enfeoffment was a begrudging concession to keep the peace.<sup>64</sup> As it turned out, in 1288 Saint Peter's had to pay Conrad's widowed daughter-in-law, granddaughter, and the latter's husband £50 to renounce their claims.<sup>65</sup> Women could not be so easily excluded after all.

The other example involved the castellany of Pettau. After Frederick V of Pettau led a rebellion of the Styrian magnates against Hungarian rule in Styria, Archbishop Ulrich was forced in 1258 to save Pettau by pledging it for 3,000 marks to King Bela IV of Hungary, who was besieging the city.<sup>66</sup> Then in 1279 Rudolph of Habsburg, who considered himself the legal successor of Bela and King Ottokar II of Bohemia, pledged Pettau for 2,100 marks to Frederick V, who had been recognized by the king as an imperial ministerial.<sup>67</sup> To reassert archiepiscopal authority, in 1280 Archbishop Frederick II procured Frederick V's condemnation by a court of his peers and deprived Frederick of all his fiefs and rights. Among the terms of Frederick V's subsequent reconciliation with the archbishop was the stipulation that Frederick's direct descendants in the male line were to possess the

63. SUB 3:639–40, no. 1095.

64. SUB 3:428–32, no. 884; 487–89, no. 935. The 1238 settlement should be placed in its political context. Archbishop Eberhard II had utilized Emperor Frederick II's outlawing of Duke Frederick II to assert Salzburg's feudal suzerainty in the upper Enns valley where Schildlehen was situated. See Dopsch, "Přemysl Ottokar II.," pp. 473, 479. Since the Enns was the main invasion route into the principality from Styria, Eberhard, who settled the dispute, presumably did not want a disgruntled ministerial ensconced in such a strategic position. In other circumstances Conrad of Kendl might have been forced to surrender Schildlehen completely.

65. Regesten 1:169, no. 1314. Conrad's granddaughter Margaret and her husband Leopold of Neideck inherited the Kendls' other property (SUB 4:225–26, no. 186; Regesten 3:85, no. 482).

66. *Annales Sancti Rudberti*, p. 794; *Ottokars Österreichische Reimchronik* 1:74–81, lines 5589–6166; Dopsch, *Geschichte Salzburgs* 1/1:440–41; and Gerhard Pferschy, "Zur Beurteilung Siegfrieds von Mahrenberg," in *Festschrift Friedrich Hausmann*, ed. Herwig Ebner (Graz, 1977), pp. 372–74.

67. *Regesta Imperii*, vol. 6/1, *Die Regesten des Kaiserreichs unter Rudolf, Adolf, Albrecht, Heinrich VII., 1273–1313*, ed. Johann Friedrich Böhmer and Oswald Redlich (Innsbruck, 1898), p. 285, no. 1140. Frederick V was listed first among Rudolph's "ministeriales nostri" when in 1278 the king granted Vienna the status of an imperial city (*ibid.*, p. 242, no. 974).

undivided castellany.<sup>68</sup> Placed in this context, the exclusion of the Pettau women was a reminder that the castellany was an archiepiscopal office and not Pettau family property and that the Pettaus were archiepiscopal, not imperial, ministerials. At the same time the archbishop was recognizing that Frederick rather than Henry I of Montpreis or Frederick I of Hörberg, the sons of Frederick's cousin Gerbirg of Pettau (see genealogy 3.3), was the rightful lord of Pettau (the latter also had rights there).<sup>69</sup> Neither the case of the Kendls nor that of the Pettaus can thus be cited as evidence that women were automatically disinherited on account of their gender.

Some ministerial women, in fact, seem to have shared fairly equally with their brothers. For example, about 1160 Richgardis of Hessenbach sold her share of Hessenbach to Berchtesgaden for five pounds with the consent of her brothers Frederick and Werner; Werner then sold his portion for six pounds.<sup>70</sup> The daughters of Berthold II and Giselbrecht I of Gurkfeld, who seemingly were enfeoffed along with their brothers in 1246, may be another example, but it is also conceivable that one of the brothers had only daughters, who were heiresses in their own right.

But patrilineages, noble or ministerial, generally tried to limit their daughters' inheritance rights in favor of their sons, because any property the women inherited would be lost to their natal family if they married or took the veil. Count Sigiboto IV's directives to his sons are highly revealing in this regard. Although his niece had obtained a sizable portion of the Falkenstein inheritance, even though she had two brothers, Sigiboto instructed his sons to provide one of their sisters with a dowry but specifically excluded his daughters from any additional share of his domains.<sup>71</sup>

Women are underrepresented in the genealogies not only because they could not serve as witnesses but also because, except for heiresses, they did not have a great deal of inherited property at their own disposal. Only two Tann daughters can be identified in the first six generations of the lineage's existence: the widowed Gerbirg, who in 1188/93 gave Saint Peter's a hide and a serf in memory of her murdered son, Wolfram II of Harpfetsham; and Euphemia, who in 1214/25 became a nun in Saint Peter's (her brother Eckart IV gave the abbey half a hide on this occasion).<sup>72</sup> The Pettau daughters did not fare any better. In 1167/88 G., the wife of Dietmar I of Eichham, conveyed to Saint Peter's her property

68. Regesten 1:122–23, nos. 955, 957, 958.

69. Frederick of Hörberg had sold his share of the upper castle of Pettau to Frederick V in 1274 (UB Steiermark 4:307, no. 509). This shows that the brothers had obtained some rights in Pettau through their mother.

70. Berchtesgaden, pp. 315–16, nos. 133, 134.

71. CF, pp. 113–16, nos. 142, 143; pp. 135–36, no. 157; pp. 150–55, nos. 171–73. Fox, *Kinship*, pp. 114–20, pointed out that patrilineages generally are uninterested in their own women. In the most extreme instance they are dismissed as “‘rubbish’ because they cannot reproduce the group (114).”

72. SUB 1:490, no. 438; 498–99, no. 454.

in Kirchberg, which had been part of the Pettaus' Wieting inheritance; and the unnamed wife of the Styrian ministerial Lantfrid III of Eppenstein received as her dowry five hides that her father allegedly had seized from Admont.<sup>73</sup> It is quite possible, indeed probable, that these women received other properties as well as part of their marriage settlements or inheritances, but it was property that was only of marginal interest to the lineage; for example, land that had been acquired like Kirchberg from a mother or grandmother or whose title was dubious.

This disinheriting of women was formalized by the end of the thirteenth century when in exchange for their dowries or a subsequent payment women were increasingly required to renounce any further claims to their paternal inheritance, particularly if they contracted an extrinsic marriage. For example, in 1304 the two sisters of the last Gutrat, Kuno VI, who had married Habsburg and Wittelsbach ministerials, were required in return for 400 marks of silver to surrender their rights to the Gutrats' possessions and rights within the principality.<sup>74</sup> Although a daughter's subsidiary inheritance rights thus could not be totally ignored, sisters were probably most victimized by the establishment of patrilineages. The numerous conflicts between maternal uncles and nephews suggest that a sister's sons were also affected by this trend.

### Younger Brothers

The other big losers were younger brothers, but unlike their sisters they had options besides marriage and the convent. Their most likely fate was to remain unmarried laymen, endowed with a small portion of the lineage's patrimony that reverted to the senior line after their deaths; and they undoubtedly shouldered a goodly portion of the ministerials' military burden.<sup>75</sup> Younger brothers could hope, however, to succeed their older brother if he failed to sire a son, marry an heiress, establish a new lordship, pursue commercial ventures, or attain an ecclesiastical office. Families who failed to deal effectively with the problem of younger brothers risked impoverishment.

If he was lucky, a younger unmarried brother was able to maintain a separate household in a place where he could protect the family's interests in a secondary

73. Freed, "German Source Collections," pp. 92–93.

74. Regesten 2:82, no. 692. For a further discussion of the disinheriting of women, see below, at note 168 and chapter 5 at note 91. Duby, "Lineage," pp. 71–73, found that women were treated in a similar fashion in the Mâconnais.

75. Sixty men accompanied Archbishop Adalbert II to the peace negotiations in Venice in 1177, for example, considerably fewer than the 400 men who belonged to the entourage of the archbishop of Cologne; but in 1169 Adalbert II had been deprived of his temporal authority. Archbishop Conrad III and his brother Otto brought 125 and Sigiboto, the cathedral provost, 35. *Historia ducum Veneticorum*, ed. Henry Simonsfeld, MGH SS 14 (Hanover, 1883), pp. 84–87. On this passage, see Reuter, "Episcopi," pp. 82–85.

lordship. Two examples are instructive. William of Wonneberg, son of the paternal uncle of Megingod II of Surberg, conferred on the cathedral canons on his deathbed, probably on 23 March 1183, four manors, including the one at Wonneberg, where the scribe said that William maintained his home, on condition that his childless cousin Megingod retain lifelong use of the manors.<sup>76</sup> It should be noted that William lived in a manor house, while his cousins Sigiboto and Megingod owned a castle six kilometers to the south.

The other example concerns the transfer of the Schnaitsees from their original home in Upper Bavaria to the Pongau after Kuno I's appointment in 1163 as castellan of Hohenwerfen (see genealogy 3.6). Kuno's son Kuno II, who married the daughter of the previous burgrave, succeeded his father and father-in-law in that office and was often called Kuno of Werfen.<sup>77</sup> Kuno II's unmarried brother Etich of Schnaitsee adopted the name Jettenbach (a place twelve kilometers north of Schnaitsee) in the 1190s, probably after Kuno II's death when Etich divided the Schnaitsees' lands with his nephews Kuno III of Werfen-Gutrat (Gutrat is near Hallein, south of Salzburg) and Conrad I, who kept Schnaitsee itself.<sup>78</sup> After Etich's death Jettenbach reverted to the main line, and his great-nephew Kuno IV employed the name in 1244.<sup>79</sup> Interestingly enough, in 1255 Kuno IV and his son Albrecht bequeathed Jettenbach not to the sons of Kuno's brother Karl but to Frederick I of Törring, son of their sister Ita, and it became the seat of one line of

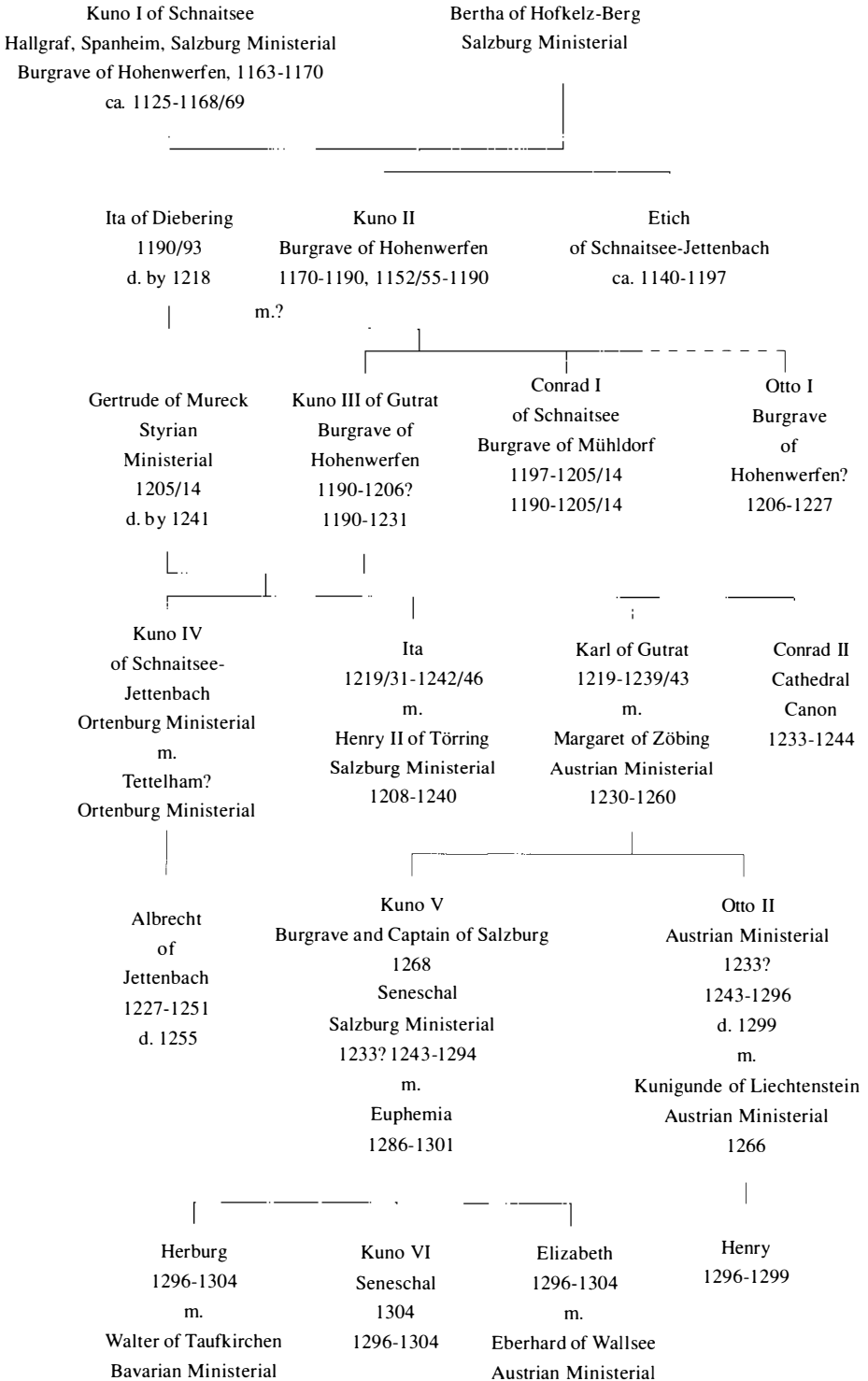
76. SUB 1:709–10, no. 265. The entry is dated 1183/96, but William, who usually appeared in his cousins' entourage, was mentioned for the last time on 17 May 1182 (SUB 1:693–94, no. 226). Since William's deathbed bequest to Au was witnessed by Sigiboto II (Au, p. 117, no. 145), who never returned from the Third Crusade, William must have died between 1183 and 1189. A likely guess is 23 March 1183, because the canons celebrated William's anniversary on that day (Necrologia Germaniae 2:117). On the family relationship, see Freed, "Diemut von Högl," p. 616. Three of the four manors, including the one in Wonneberg, were identified as "curtes villicales."

77. Kuno I was specifically identified in 1163 as "Chvuno senior de Weruen" (SUB 2:520–22, no. 373). Since both the widow of During of Diebering, the burgrave who was killed in 1163, and the mother of Kuno III and Conrad I of Schnaitsee-Gutrat were named Ita (SUB 1:448–49, no. 363a; 664–65, no. 170; 2:637, no. 468; 3:209–10, no. 698b), I have identified Kuno II's wife Ita as During's daughter. There is one other piece of evidence that corroborates this hypothesis. A Conrad of Diebering served as a witness in 1183/88 (Berchtesgaden, pp. 342–43, no. 177; on the date, see Dopsch, "Von der Existenzkrise," p. 380). If this Conrad was the same person as Kuno II's son Conrad, as Zillner, "Salzburgische Geschlechterstudien. III.," pp. 40–41, had already surmised, then this would be proof that Kuno II had married During's daughter.

78. Etich of Schnaitsee was identified as Kuno I's son or Kuno II's brother, or both, in Berchtesgaden, pp. 318–20, no. 140; MB 2:291, no. 30. He was identified as Etich of Jettenbach in Au, p. 123, no. 167; SUB 2:670–75, no. 497. The reason for assuming that Etich of Jettenbach was the same person as Etich of Schnaitsee, besides the rarity of the name, is that Etich of Jettenbach was listed immediately after Kuno II's sons, Kuno III and Conrad I, in no. 497. Conrad, who employed the surname Werfen only once after 1195 (SUB 3:40–42, no. 565), was known either as Conrad of Schnaitsee (Berchtesgaden, p. 352, no. 195; SUB 1:739, no. 320; 2:626–27, no. 462; 3:52 ff., nos. 575, 578, 586) or as the burgrave of Mühlendorf (MB 2:358, no. 224; SUB 2:690 ff., nos. 512, 521–24, 528, 529; 3:22–26, nos. 551a, 551b, 552). Kuno III, in contrast, employed the name Schnaitsee only once (SUB 3:37–38, no. 563) and by 1209 had adopted the lineage's new name of Gutrat (SUB 3:127–28, no. 627). Schnaitsee itself reverted to Kuno III after Conrad's death and was still in his descendants' possession at the Gutrats' extinction in 1304 (Regesten 2:82, nos. 692–94).

79. MB 2:135–36, no. 9.

GENEALOGY 3.6 Schnaitsee-Gutrat



the Törrings.<sup>80</sup> Perhaps Jettenbach had become marginal to the Gutrats' interests in the principality proper and in Lower Austria and could thus be used as part of a sister's marriage settlement. In any case, both William of Surberg-Wonneberg and Etich of Schnaitsee-Jettenbach were permitted to live semiautonomous lives without hurting their lineage's permanent interests.

Whereas William and Etich remained bachelors, other younger sons like Megingod II of Surberg married heiresses, sometimes considerably after their older brothers' marriages, and played a prominent role, thanks to their wives' inheritances, in the affairs of the archdiocese and principality. They or, more appropriately said, their sons could in effect take the place of their wife's or mother's lineage. This manifested itself in the sons' adoption of the mother's toponymic surname—just as Prince Charles of England is a Windsor and not a Mountbatten. As has already been pointed out, the sons of Henry of Scharfenberg, who married Gerbirg of Pettau (who had inherited the castles of Montpreis and Hörberg from her mother), became the Montpreises and Hörbergs. Even Megingod II of Surberg was identified on one occasion as Megingod of Högl.<sup>81</sup> If the younger brother who married an heiress became the progenitor of the main line of the lineage because his older brother failed to father a surviving son, the focus of the lineage's interests nevertheless shifted, as the next two examples illustrate, as a result of the younger son's marriage.

Karl of Gutrat, the younger brother of Kuno IV and the ancestor of the later Gutrats, married Margaret of Zöbing, heiress to a cadet branch of the Kuenringer, the most powerful lineage of Babenberg ministerials. Her inheritance in Lower Austria included two castles, two market towns, three villages, and the patronage of six churches.<sup>82</sup> Karl married many years after his brother, because though in 1227 Kuno's son Albrecht witnessed a charter with his father, in 1233 Karl was

80. Dopsch, *Geschichte Salzburgs* 1/1:383; Englbrecht, *Drei Rosen für Bayern*, pp. 32–33. For two centuries the counts of Auxerre pursued a similar family strategy of assigning to their unmarried younger brothers the counties of Nevers and Tonnerre, which reverted to the main line after their deaths. See Bouchard, *Spirituality*, pp. 20–21.

81. Berchtesgaden, p. 328, no. 152. The following evidence indicates that Megingod II was the younger brother. Whereas Sigiboto I first served as a witness in 1136/37 (SUB 2:247–48, no. 166), Megingod II made his first appearance only in 1144 (SUB 2:230–32, no. 230). Moreover, Sigiboto I was named first in the 1150s and 1160s when the two brothers served as witnesses; that is, Megingod II was identified as Sigiboto's brother (SUB 2:395 ff., nos. 280, 291, 292, 372). Even after Megingod II became burgrave of Hohensalzburg, Sigiboto I continued to be listed first in documents (SUB 2:563 ff., nos. 412, 416a, 426, 467, 482, 486).

82. OÖUB 3:10–11, no. 9; SUB 3:496–97, no. 944. Margaret's inheritance can be reconstructed from OÖUB 4:465–67, no. 502. On the Zöbing, see Karl Lechner, "Zur älteren Geschichte von Zöbing und seines Herrengeschlechtes," in *850 Jahre Zöbing am Kamp (700 Jahre Pfarre)* (Zöbing am Kamp, 1958), pp. 13–31. On the Kuenringer, see *Die Kuenringer: Das Werden des Landes Niederösterreich: Niederösterreichische Landesausstellung Stift Zwettl: 16. Mai–26. Okt. 1981*, Katalog des niederösterreichischen Landesmuseums, n.s., 110 (Vienna, 1981). Dopsch, *Geschichte Salzburgs* 1/1:391, identified Karl as the older brother; but Kuno IV, who bore the lineage's distinctive leading name, first appeared as a witness in 1211 (SUB 3:143, no. 641; 178–81, no. 674), whereas Karl made his first appearance only in 1219 (SUB 3:269–70, no. 744a).



the father of two children who were still too young to be mentioned by name in a sale that required their nominal consent.<sup>83</sup> Karl may have been prepared to incur Eberhard II's wrath by marrying outside the familia without the archbishop's permission because Karl's marriage to Margaret was the only way that he as a younger son could establish his own household. In any case the Gutrats' divided loyalty was a constant source of trouble for the rest of the lineage's existence.<sup>84</sup>

The other example concerns Hartnid I of Pettau, who was mentioned for the first time only in 1228, fifteen years after his older brother Frederick IV had married the heiress Herrad of Montpreis. Perhaps Hartnid married his wife, the unnamed daughter and heiress of the Styrian ministerial Swiker III of Hollenburg, when it became clear that his older brother would have no sons.<sup>85</sup> The acquisition of Swiker's lordships of Hollenburg in Carinthia and Wurmberg (today Vurberg, Slovenia), northwest of Pettau, was a partial compensation for the Pettaus' loss of Montpreis and Hörberg, which passed via Frederick's daughter to the Scharfenbergs, and focused the Pettaus' interests once again on the Drava rather than Sava valley. It is worth noting that both Karl of Gutrat and Hartnid I of Pettau gave their eldest sons, Kuno V of Gutrat and Frederick V of Pettau, the distinctive leading name borne by the heir of their respective dynasties.

Until 1200 a younger son or an ambitious heir could also hope to better his position in life by establishing a new lordship on the southeastern German frontier in Styria or at a higher elevation in the Alps. Frederick I of Pettau appears to have been a Bavarian who settled initially in the Lavant valley in Carinthia, where he married the sister of the prominent Carinthian archiepiscopal ministerial Godfrey of Wieting. Archbishop Conrad I subsequently appointed Frederick burgrave of the new castle of Pettau, which was designed to protect the Drava valley from Hungarian incursions.<sup>86</sup> Frederick's grandson Otto of Königsberg, thanks to his mother's inheritance, then moved to the farthest edge of German settlement, the area west of the confluence of the Sava and Sotla Rivers, near the modern Slovenian-Croatian border.

Another of Godfrey of Wieting's sisters married Frederick I of Deutsch-Landsberg, son of Pabo Hofekelz of Berg. Pabo was a Bavarian who had appeared

83. OÖUB 2:664–65, no. 458; 3:10–11, no. 9.

84. On the political ramifications of Karl's marriage, see chapter 5 at note 36.

85. Freed, "German Source Collections," p. 107. Hartnid's uncle Otto I of Pettau-Königsberg, who was mentioned for the first time in 1188/93, is another example of a younger brother who married late, even though he had been assigned his mother's inheritance, or at least was a man of some years when he became a father. Otto's children were still too young to be identified by name in 1237, and his sons were still being called boys in 1251, though Otto I would have been at least seventy-five when he made his last appearance in 1249 (*ibid.*, p. 96).

86. *Ibid.*, pp. 87–90. The best general introduction to medieval German colonization in east central Europe is Charles Higounet, *Les Allemands en Europe centrale et orientale au Moyen Age* (Paris, 1989), esp. pp. 157–68. For a detailed treatment of German settlement in what is now Slovenia, see Pirchegger, *Untersteiermark*.

with his son Frederick in Leibnitz in 1144 under the name Poppo of Sankt Ulrich.<sup>87</sup> The best guess is that Pabo/Poppo had moved from his native Chiemgau to Styria in the 1130s, when Archbishop Conrad I began building the castle of Leibnitz, twenty-five kilometers east of Deutsch-Landsberg. The archbishop's biographer explained that the castle of Leibnitz was unfinished in 1147 when Conrad I died and that its chief defense had been its garrison rather than its fortifications.<sup>88</sup> Poppo of Sankt Ulrich (there is an Ulrichskirche in Frauenthal, three kilometers east of Deutsch-Landsberg) was presumably one of those assigned to man the unfinished castle.

Whereas Pabo settled in Styria, his brother Starchant or his nephews Adalbero I and Starchant II of Berg moved from Berg in the Chiemgau up the Inn River to Mehrn, a kilometer south of Brixlegg in Tyrol, at the confluence of the Inn and Ziller Rivers. Mehrn or Mehrnstein subsequently replaced Berg as the lineage's name.<sup>89</sup> At least two of the seven sons of Henry Hofekelz I of Berg thus sought their fortunes outside the Chiemgau, and the lineage itself had disappeared from Bavaria by the end of the century.<sup>90</sup>

One other example of such a transfer of an archiepiscopal ministerial to the southeastern frontier is worth exploring on account of its political and strategic implications. Ortolf of Montpreis, whose daughter Herrad married Frederick IV of Pettau, was mentioned for the first time in 1190, along with his castle.<sup>91</sup> He was

87. Karl Bracher, "Lassnitz-Sulm: Zur mittelalterlichen Geschichte der Zwischenflusslandschaft," *ZsHvStm* 59 (1968): 135–48. On the identity of the Bergs with the Hofekelzes, see SUB 1:662, no. 165. Poppo of Sankt Ulrich and his son Frederick appeared in SUB 2:324–25, no. 224. Frederick of Deutsch-Landsberg was identified as the nephew of Godfrey of Wieting in SUB 2:523–25, no. 375.

88. *Vita Chunradi*, pp. 74–75.

89. On the identity of Starchant II of Berg and Starchant of Mehrn, see MB 2:311, no. 96. Hauthaler and Martin, the editors of the *Salzburger Urkundenbuch*, were uncertain about the location of Mehrn (SUB 1:1084; 3, R 190); but it should be sought in Tyrol because in 1183/96 the cathedral canons granted Starchant the lifelong use of their property in Voldöpp, which is two kilometers north-east of Brixlegg (SUB 1:718–20, no. 283), and because Starchant served as proctor of the parish priest of Kundl, which is eight kilometers downstream from Brixlegg (MB 2:352–53, no. 217). I can only speculate on what prompted Starchant's move to Mehrn, but Starchant and Gebhard of Berg followed a Berthold of Mehrn as a witness in an undated entry in the *Traditionsbuch* of Herrenchiemsee (MB 2:316–17, no. 111). If Berthold of Mehrn was identical with Starchant I's maternal uncle Berthold of Kirchhalling-Weibhausen (SUB 1:599, no. 29; 341–42, no. 175), then Starchant I may have inherited Mehrn from his maternal uncle. It is noteworthy that the cathedral canons gave Starchant II the property in Voldöpp in exchange for a manor in Otting, two kilometers north of Kirchhalling.

90. Henry Hofekelz I of Berg's sons were Conrad (Au, p. 90, no. 5; MB 2:286, no. 12; 291, no. 30; SUB 2:204–5, no. 135); Henry II (SUB 1:633–34, no. 99); Lapo (MB 2:295, no. 44); Megingod (SUB 1:334–35, no. 161); Otto (Au, p. 90, no. 5; MB 2:291, no. 30; SUB 1:328–30, no. 157; 334–35, no. 161; 335–36, no. 163; 2:204–5, no. 135; 217–21, no. 144f; 251, no. 169; 430–31, no. 308); Pabo (Au, p. 90, no. 5; SUB 1:328–30, no. 157; 2:217–21, no. 144f); and Starchant (Au, p. 90, no. 5; MB 2:291, no. 30; 292, no. 32; 305, no. 75; SUB 1:334–35, no. 161; 308–10, no. 210a; 2:228–29, no. 151; 272–73, no. 187). Besides Pabo, who settled in Styria, and Starchant, who moved to Tyrol, the only other one of Henry's sons who married was Otto, who was also known as Otto of Weingarten; but his marriage to the noblewoman Irmgart was childless (MB 2:314, no. 103; SUB 2:376, no. 265; 430–31, no. 308; 529, no. 381).

91. SUB 2:648–49, no. 478.

almost certainly the same person as the boy Ortolf II of Katsch, who had served as a witness in 1180 and was the scion of a noble family who had entered the archiepiscopal ministerialage in the mid-twelfth century. Ortolf's ancestral home, Rauchenkatsch, was on the southern approaches to the Katschberg Pass over the Tauern Mountains, which linked the Lungau with Carinthia.<sup>92</sup> Since ministerials of the bishops of Gurk were living by 1192 in Rauchenkatsch and by the thirteenth century in Moosham on the northern approach to the pass,<sup>93</sup> the best guess is that Bishop Dietrich I (1179–94) sought to gain control of this strategic crossing by enfeoffing Ortolf with some of Gurk's possessions in southern Styria, where he built Montpreis. In exchange, Ortolf had presumably surrendered Katsch to the bishop. At the same time Ortolf's new castle also strengthened Gurk's position north of the Sava, where Bishop Henry I of Gurk (1167–74) had already founded a Carthusian house at Geirach (today Jurklošter, Slovenia), which bordered on the lordship of Montpreis.<sup>94</sup> Episcopal territorial interests and family advantage thus complemented one another in Ortolf's resettlement.

Another way that younger sons or lineages could improve their position was to settle in towns or engage in commerce. This was quite common in the more urbanized areas of western Germany, where many prominent burgher families were the descendants of ministerials,<sup>95</sup> but the mountainous archdiocese was overwhelmingly rural. Still, there are some tantalizing hints that some prominent ministerials or their cadets may have settled in Salzburg or have profited from selling their surplus agricultural commodities and from the production and sale of salt.

92. Klebel, *Der Lungau*, pp. 89–92. The location of Katsch was long in dispute, but Gotbert Moro, "Zur Geschichte des Lieser- und Katschtales," *Carinthia I*. 136–38 (1948): 183–94, demonstrated that the Katsch in question was Rauchenkatsch in the Lieser valley rather than the village of Katsch in the Mur valley, northeast of Murau, Styria. Ortolf, his cousin Ulrich of Montpreis, and Ortolf's Pettau heirs retained rights, however, in the Lungau on the other side of the pass. See MC 1:310–12, no. 418; SUB 3:519–20, no. 969; 601, no. 1054. The boy Ortolf II of Katsch (SUB 2:584–85, no. 424) was in all probability the son of Ortolf I of Katsch, who was in turn identified in 1148 as the son of the nobleman Hartwig I of Katsch and his deceased wife Hemma (MC 1:145–46, no. 163). Both Ortolf I and his brother Henry were or became archiepiscopal ministerials, perhaps because their mother Hemma was one, but the circumstances are far from clear. See Klebel, *Der Lungau*, p. 92; Moro, "Zur Geschichte," p. 194; and Pirchegger, *Landesfürst*, 1:104, n. 10.

93. Eberhard of Katsch was present in 1192 when Bishop Dietrich I traded some property with the chapter of Gurk (MC 1:264, no. 354) and in 1199 when Archbishop Adalbert II confirmed the mining rights of the Gurk chapter (SUB 3:720–21, no. 531). Otto II of Katsch, who was mentioned between 1217 and 1245 (MC 1:354, no. 463; 2:33–34, no. 570) and who employed the surname Rauchenkatsch in 1241 (MC 2:27–29, no. 562), was specifically identified as a Gurk ministerial (MC 1:354, no. 463; 2:21, no. 554). Gebhard of Moosham was identified in 1246 as a Gurk ministerial (MC 2:38–39, no. 576).

94. About 1174 Pope Alexander III took the new foundation under papal protection (UB Steiermark 1:530–31, no. 558). See Herwig Ebner, "Die politische und verfassungsrechtliche Stellung der Traungauer in der ehemaligen Untersteiermark," in *Das Werden der Steiermark: Die Zeit der Traungauer. Festschrift zur 800. Wiederkehr der Erhebung zum Herzogtum*, ed. Gerhard Pferschy, Veröffentlichungen des steiermärkischen Landesarchives 10 (Graz, 1980), p. 290.

95. Freed, "Origins," pp. 233–37. A recent study in English of such an urbanized ministerial family is Joseph P. Huffman, "Prosopography and the Anglo-Imperial Connection: A Cologne Ministerialis Family and Its English Relations," *Medieval Prosopography* 11/2 (1990): 53–134.

The Older Itzlings provide the best example of such urbanized ministerials (see genealogy, 3.4). Burgrave Hartnid and his brothers behaved like their peers, but a cadet branch of the lineage had seemingly settled in the city of Salzburg. A Megingoz of Itzling and his son Gerhoch II and a Meginwart of Itzling were listed in 1104/16 as witnesses after a cobbler.<sup>96</sup> Gerhoch II, who was mentioned for the last time in 1151, was the *Zechmeister* or guildmaster of Salzburg and the father of Gerhoch III, judge of the city of Salzburg, and of Megingoz II, who succeeded his father as guildmaster.<sup>97</sup> A Megingoz, presumably Megingoz II, was identified on several occasions as a burgher (*civis* or *urbanus*) of Salzburg and in 1170 as the father of Gerhoch IV and Megingoz III.<sup>98</sup> The guild that Gerhoch II and Megingoz II headed was a prayer and charitable fraternity without any known political functions (it spent 100 marks about 1100 feeding the poor before Christmas). Its members, who paid fifteen pennies in dues each year and were divided into forty-seven congregations, were drawn from all strata of society in the archdiocese and its suffragan dioceses.<sup>99</sup> Gerhoch II and Megingoz II must thus have been men of considerable stature in the region, with some numerical skills, if they were chosen to be guildmasters. It should be stressed that there is no evidence how Megingoz I and his descendants were related to the other Itzlings, but the repetition of the leading name Gerhoch and the similar radicals in the names Markwart, Meginwart, and Megingoz suggest kinship.

The Gutrats may have shipped salt from Hallein (the Gutratsberg overlooks Hallein), the most important saltworks in the eastern Alps, down the Salzach, Inn, and Danube to the Vienna area and returned with wine from their Lower Austrian lands. All that is known for certain is that in 1299 they possessed “das Neue Sieden,” one of the nine *Sudhäuser*, facilities for boiling down the brine, in Hallein (the other eight belonged to the archbishop and various churches).<sup>100</sup> It is not known for certain how and when the Gutrats obtained this lucrative asset, but the Gutrats’ acquisition of the *Sudhaus* has most recently been dated 1243/46, that is, immediately after Kuno V and Otto II were restored to the archbishop’s favor after

96. SUB 1:320–21, no. 145.

97. On Gerhoch II, see SUB 1:357–58, no. 201; 530–31, no. 528; 670–71, no. 186; on Gerhoch III, see SUB 1:670–71, no. 186; 465–66, no. 390a (a Berthold was the judge by 1170 [SUB 1:457–58, no. 374c; 566–67, no. 662a]); on Megingoz II, see SUB 1:448–49, no. 363a; 536–37, no. 548; 663, no. 166; 664, no. 169.

98. On the burgher Megingoz, see, for instance, SUB 1:410 ff., nos. 291b, 332, 333, 422, 609; pp. 654 ff., nos. 145, 207; on Gerhoch IV and Megingoz III, see SUB 1:481–82, no. 422; 674–75, no. 193; 722, no. 288; 724–25, no. 292b; 2:548–49, no. 398.

99. The guild statutes are published in SUB 4:473–74, no. 404. On the guild, see Dopsch, *Geschichte Salzburgs* 1/2:699–703. Otto of Lohen is another example of an urbanized ministerial who may have become a merchant. He was preceded in 1125/47 in one witness list by Rüdiger of the Bridge (the bridge over the Salzach in Salzburg) and the merchant Timo and followed by Siegfried, son of Rapoto of Krems (in Lower Austria), and was listed in another entry between Timo and Ulrich, bailiff of Saint Peter’s (SUB 1:337, no. 166; 339, no. 170; 391, no. 266). Reindel-Schedl, *Laufen*, p. 388, could not identify the Lohen in question.

100. SUB 4:247–48, no. 208; and Herbert Klein, “Zur älteren Geschichte der Salinen Hallein und Reichenhall,” in Klein, *Beiträge*, p. 394.

their father's death.<sup>101</sup> Since it is known that the Cistercians of Raitenhaslach, who owned one of the other *Sudhäuser* in Hallein, sold or exchanged most of their salt for wine in Krems, the center of the Lower Austrian wine-producing area in the Wachau,<sup>102</sup> the question arises whether the Gutrats, whose castles and lordships of Senftenberg and Zöbing were only a few kilometers from Krems, did the same thing. There is no way to know for sure, but if they did, Kuno V and Otto II were shrewd businessmen who profited handsomely from their father's controversial marriage to Margaret of Zöbing. At least some archiepiscopal ministerials may thus have engaged in mercantile activities and perhaps have provided for younger sons in this fashion.

Placing younger sons and unmarried daughters in ecclesiastical foundations was a traditional way to provide for children who could not establish their own households, but it is not easy to document. The Benedictines and Augustinians of Salzburg, which was the citadel of the papal party in Germany from 1077 until 1177, were noted for their fervor and piety. In 1149, for example, King Conrad III praised the love and religious life he had experienced in Salzburg upon his return from the Holy Land.<sup>103</sup> Unfortunately from the perspective of the social historian, the canons and monks seem also to have perceived the use of surnames as incompatible with their renunciation of the world. In 1198 between sixteen and twenty-five cathedral canons witnessed five charters of Adalbert II, in which he granted various churches a share of the income from the newly found salt deposits on the Tuval (today the Gutratsberg); but the canons were identified only by their first names and dignities.<sup>104</sup>

101. Fritz Koller, "Hallein im frühen und hohen Mittelalter," *MGSL* 116 (1976): 55–57; and Dopsch, *Geschichte Salzburgs* 1/1: 390, 1/3: 1318, n. 408.

102. Otto Volk, *Salzproduktion und Salzhandel mittelalterlicher Zisterzienserklöster*, VF, Sonderband 30 (Sigmaringen, 1984), pp. 69–71. The Gutrats were not the only ministerials to engage in such trade. Henry I of Rohr (1190–1235), a Bavarian ministerial, obtained from Bishop Gebhard of Passau (1222–33) the unusual privilege of shipping down the Inn each year 36,000 kilograms of salt, free from the episcopal tolls at Obernberg and Passau, and returning with foods, in particular wine and grain, that were also to be free from such exactions. The salt appears to have come from "das Neue Sieden," because Henry I's grandson, Henry III of Rohr (1284–1310), surrendered to Archbishop Conrad IV his income of ten pounds from "das Neue Sieden" (SUB 4: 279–80, no. 238). See Helga Reindel-Schedl, "Die Herren von Rohr und ihr Gericht jenseits der Salzaci, jenseits der 'Comitie in Tittmaning,'" *ZsblG* 43 (1980): 347–50.

103. SUB 2: 390–91, no. 274. On the Augustinians, see Weinfurter, *Salzburger Bistumsreform: on Saint Peter's*, see *Festschrift St. Peter zu Salzburg, 582–1982*; on Admont, see Klaus Arnold, "Admont und die monastische Reform des 12. Jahrhunderts," *Z(S)RG, KA* 89 (1972): 350–69. Bouchard, *Sword*, pp. 59–64, has argued against the prevalent view expressed by such scholars as Duby, *Knight*, p. 105, that families placed children in churches for economic rather than religious reasons. She pointed out that it was not cheap to do so because, for example, cathedral canons, unlike monks, retained a claim to a share of the family inheritance; and many families with numerous children did not do so. The latter point is certainly valid, but it cost less by the thirteenth century to place a daughter in a convent than to provide her with a marriage settlement. As was pointed out, Eckart IV of Tann gave Saint Peter's only half a hide when his sister took the veil. See also below, chapter 4 at note 93. Moreover, in Salzburg even the cathedral chapter was a house of regular canons. Still, sincere religious conviction was probably the chief factor that impelled numerous men and women to take the habit, particularly in the twelfth century, when new foundations proliferated in the diocese.

104. SUB 2: 707–17, nos. 521, 523, 525, 526, 527.

Still, the *Traditionsbücher* of the cathedral chapter, Admont, and Saint Peter's provide some clues about the social composition of the houses in the twelfth century. The approximately three hundred twelfth-century entries in the canons' *Traditionsbuch* supply the names of seventeen canons (only a small percentage of the total membership), of whom six were nobles and eleven were archiepiscopal ministerials. Four, possibly five, women who belonged to the Salzburg ministerialage are known to have become canonesses there. The fifty-five monks of Admont who can be identified in this fashion included twenty nobles, eighteen archiepiscopal ministerials, and sixteen ministerials of other lords; the sixty-two nuns who joined the abbey included twenty nobles, fourteen archiepiscopal ministerials, and twenty-five retainers of other lords. For Saint Peter's the figures are monks, eight nobles, eighteen archiepiscopal ministerials, and one non-Salzburg ministerial; nuns, eight nobles, eight ministerials, and five non-Salzburg ministerials.<sup>105</sup> Since nobles and their families were probably more likely to be identified in such sources than ministerials, it is safe to conclude that ministerials predominated in these houses. The proliferation of Augustinian double houses in the archdiocese in the twelfth century, at the very moment when the ministerials were forming into distinct lineages, testifies to the importance of such houses in providing for children who could not be accommodated otherwise.

There is another way to get at the problem of unmarried sons and daughters entering the church—namely, to look at the genealogies of individual lineages. One must remember that it is usually an accident, a chance reference in a document, that reveals the existence of such clerical family members. The name of the cathedral canon, Eckart V of Tann, survives in the historical record because Archbishop Eberhard II removed Eckart as the parish priest of Sankt Veit in the Pongau on account of his unspecified “enormous excesses.”<sup>106</sup> The clerics include, for example: the Judges of Friesach (genealogy 1.2), Provost Gotbert of Maria Wörth (1151?–62) and Adalbert III, a blind monk in Admont (1166/67); Stefling (genealogy 2.1), the cleric Ortolf I (ca. 1180) and Kuno II, the parish priest of Tarsdorf (1200/1214); and Younger Itzlings (genealogy 3.5), Bishop Rüdiger of Passau (1233–50).

Fragmentary and impressionistic as this evidence may be, it does suggest that placing younger sons in the church was fairly routine between roughly 1100 and 1250. Appointment as a parish priest was probably more important and prestigious in the archdiocese than it may have been in other parts of Europe because there were relatively few parishes there. For example, there was only one parish church in the city of Salzburg, and by 1300 there were only thirty-five parishes in what is today the modern Austrian province of Salzburg, a number that then remained unchanged for centuries.<sup>107</sup> In any case, having a brother or son as the

105. Freed, “Ministerials and the Church,” p. 6.

106. SUB 3:587–88, no. 1039.

107. Dopsch, *Geschichte Salzburgs* 1/2:1000. Bouchard, *Sword*, p. 47, stated that “virtually no” Burgundian nobles became chaplains or parish priests.

local parish priest was undoubtedly useful for the lineage. For instance, Conrad II of Neukirchen served in 1205/14 as the parish priest of Burgkirchen, seven kilometers from his brothers' home.<sup>108</sup> The family gained even more if a brother or uncle, like Rüdiger of Bergheim, the bishop of Chiemsee and Passau, attained a high ecclesiastical office. There is no evidence, however, that other lineages, like the Older Itzlings, utilized the church in this fashion; but this may simply be a function of the extant documentation. Placing a son in the church was merely one of several ways a family could provide for its cadets.

On balance, the fate of a younger brother may not have been a particularly happy one. Except for ministerials like Pabo Hofekelz of Berg (Poppo of Sankt Ulrich), who founded new lordships on the Styrian or alpine frontiers, no family within the principality itself, except the Bergheim-Radecks, managed to establish a cadet line before 1250 that lasted for a generation beyond its founder's death; and the Radecks were the very first lineage of greater ministerials that was in financial difficulty. They were forced in 1270 to pledge for £200 the castle of Radeck, which they had built only about 1247.<sup>109</sup> Most younger sons, like Etich of Schnaitsee-Jettenbach, or their sons, like William of Wonneberg with his four manors, probably decided they simply did not possess the resources to maintain a way of life appropriate to their rank and remained single.<sup>110</sup> It was a game of Russian roulette in which there were more losers than winners.

Most younger sons may have remained unmarried, but not all of them stayed chaste. They and their older brothers and fathers, married or not, sired numerous children out of wedlock. Although no one in the archdiocese could match Count Baudouin I of Guines, whose twenty-three natural sons and daughters attended his funeral in 1206,<sup>111</sup> the names of a few bastards survive because their fathers or brothers for some reason acknowledged their existence in an extant document. It is interesting to observe that acknowledged bastards often obtained a rank one level below their father's in the military order of precedence (*clipeus militaris*, *Heerschildordnung*), which prohibited a man's being enfeoffed by his inferior.<sup>112</sup> For example, in 1282/83 Rudolph of Habsburg purchased the Swabian county of Löwenstein and enfeoffed his natural son Albrecht of Schenkenberg with it; this occurred at the same time the king enfeoffed his legitimate sons Albrecht and Rudolph with Austria, Styria, Carinthia, and Carniola.<sup>113</sup> Similarly, Count Sigiboto IV's unmarried paternal uncle, Wolfker, had two sons: Otto of Hernstein,

108. SUB I:735, no. 313.

109. Regesten I:4, no. 25; SUB 4:484–86, no. 417. See Freed, "Crisis," pp. 128, 143–44.

110. The Knutzings, who may have been a cadet branch of the Kalhams, are another example of this inability of a cadet line to survive. See above, n. 11. Duby, "Lineage," p. 75, found that only three out of thirty-four lineages in the eleventh-century Mâconnais were cadet lines.

111. Duby, *Knight*, p. 261; idem, *Medieval Marriage*, pp. 93–94.

112. On the *Heerschildordnung*, see Ficker, *Vom Heerschild*.

113. Gerhard Fritz, *Die Geschichte der Grafschaft Löwenstein und der Grafen von Löwenstein-Habsburg vom späten 13. bis zur Mitte des 15. Jahrhunderts*, Forschungen aus Württembergisch Franken 29 (Sigmaringen, 1986), pp. 19–26.

who was one of Sigiboto IV's retainers, and Lazarus of Falkenstein, a ministerial of the counts of Andechs-Wolfratshausen, who was usually called Lazarus of Wolfratshausen.<sup>114</sup> The illegitimate sons of archiepiscopal ministerials became knights: Dietrich, son of Liutolt of Haberland-Siegsdorf; Hermann of Salzburg, son of Megingod II of Surberg; and Frederick, son of Hartnid I of Pettau.<sup>115</sup> Ulrich, son of Megingod II's paternal uncle, Rudolph of Surberg-Wonneberg, however, pursued a clerical career and became dean and parish priest of Ampfing.<sup>116</sup> On a considerably lower rung of the social ladder than the Surbergs and Pettaus, the obscure archiepiscopal ministerial Merboto of Hart appears to have been the father of four serfs (*mancipia*), Walter, Rüdiger, Merboto, and Henry, who about 1190 were given to Herrenchiemsee as *censuales*.<sup>117</sup> The natural son of a king became a count; a noble's son, a ministerial; a ministerial's son, a knight; and the sons of a minor ministerial, altar dependents. The hierarchical order of society was thus maintained even among children born on the left side of the bed—and they were the lucky ones.

Two other points are worth noting about these illegitimate sons. First, they normally were mentioned in conjunction with family business. For example, Dietrich was present about 1160 when his father and half-brother, Liutolt and Henry of Haberland-Siegsdorf, conferred Haberland on Saint Peter's; and Frederick V of Pettau selected his half-brother Frederick to represent him in 1280 on a board of arbitration in a dispute with Archbishop Frederick II.<sup>118</sup> In short, acknowledged bastards were expected to protect the family's interests. Yet they were never considered full members of the lineage. Although Albrecht of Schenkenberg and the knight Frederick of Pettau bore the same names as their legitimate brothers, most bastards were given names that distinguished them from their legitimate kinsmen. The most extreme example is Lazarus of Falkenstein-Wolfratshausen (he is the

114. CF, pp. 3–4, no. 1. On Lazarus, see Freed, *Counts*, p. 30, n. 63. It is conceivable that Wolfker had been legally married to Otto's and/or Lazarus's mother(s), but because she or they were ministerials, Otto and/or Lazarus became disinherited.

115. On Dietrich, see SUB 1:445, no. 356b; 462–63, no. 384. A Hermann was identified as Sigiboto I of Surberg's "fratruelis," literally the son of a father's brother (SUB 2:662–63, no. 488), and as Sigiboto's "cognatus" (SUB 3:55–57, no. 578) in transactions that involved Sigiboto's sister-in-law Diemut. Hermann thus was obviously not her son. He was almost certainly the same person as the Hermann of Salzburg who followed Sigiboto as a witness about 1190 (SUB 2:638, no. 470) and as Hermann "filius burgravii," who served in 1183/96 as a witness (SUB 1:722–23, no. 289a). *Fratruelis* meant in this context not the son of a father's brother—that is, a cousin—but rather a brother's son or nephew. Hermann was thus Megingod II's illegitimate son. On Frederick, see MC 5:274–75, no. 428; Regesten Salzburg 1:123, no. 959; 126, no. 981; UB Steiermark 4:298, no. 494.

116. Gars, pp. 28–30, no. 30: "Consensu domini Sybotonis de Surberch, cui hereditarie illud cessisset, ut Ulrichs fratruelis suus, licet illegitimus esset, ad tempus vite sue possideret." It is conceivable that *fratruelis* referred in fact here to a brother's son, as it did in the case of Hermann of Salzburg (see above, n. 115), but in that case the entry cannot be dated 1159/60 to ca. 1173 because Megingod II, who was probably about thirty in 1163, could not have had a son who was a parish priest in the 1160s. I have therefore identified Ulrich as the son of Sigiboto's paternal uncle Rudolph.

117. MB 2:350–51, no. 206. Merboto was identified as an archiepiscopal ministerial in Berchtesgaden, pp. 331–32, no. 157.

118. SUB 1:444–45, no. 356; 462–63, no. 384; Regesten 1:119, no. 927; 123, no. 959.



only Lazarus I have ever encountered in the sources), but the name Hermann was equally alien to the Surbergs. A bastard's name could thus be a constant reminder of his illegitimate birth and inferior status.

A patrilineage's treatment of its daughters, younger sons, and bastards undoubtedly was often harsh, but the alternative—if the goal is defined as the survival of the lineage for another generation with its patrimony preserved and preferably enlarged—was worse. It is therefore instructive to look at a lineage, the Steinbrünnings, that seemingly refused to play the conventional game and chose instead to lay up for itself treasures in heaven. The result was its rapid impoverishment and social decline.

The first known generation of the Steinbrünnings consisted of six brothers: Tagino, Pilgrim, Ulrich, Egilolf, Folmar, and Gottschalk I (see genealogy 3.7). Tagino decided about 1145 to join Saint Peter's as a lay brother and gave the abbey his alods in Steinbrünning and Triebenbach (northeast of Steinbrünning), a salt spring in Bad Reichenhall, and ten serfs. His wife Irmingart retained lifelong use of the property. Tagino also gave the monastery his archiepiscopal fief, which consisted of seventy-two serfs.<sup>119</sup> On his deathbed about 1147 Pilgrim and his wife Wezala conferred on Saint Peter's their properties in the vicinity of Steinbrünning. They placed their children in the abbey as oblates.<sup>120</sup> Two of the brothers, Ulrich and Egilolf, left on the Second Crusade. Ulrich seemingly was unmarried, because his brother Pilgrim and sister-in-law Wezala executed his final bequest after his departure, but before he left Egilolf and his wife Mathilda, who wished to become a nun in Saint Peter's, gave the abbey their properties in the Steinbrünning area, half a hide in the Pinzgau, a salt spring in Bad Reichenhall, and some property on a mountain in the Enns valley (presumably near Radstadt, where Pilgrim also owned property).<sup>121</sup> The other two brothers, Folmar and Gottschalk I, were shadowy figures who were mentioned only in conjunction with their brothers.<sup>122</sup>

The Steinbrünnings thus had until the middle of the twelfth century extensive holdings, including a large number of serfs (Tagino alone had eighty-two), in Steinbrünning itself and in its immediate vicinity as well as scattered holdings in the Enns valley and in the Pinzgau. The salt spring or springs (a whole spring or parts of one or more springs?) constituted a particularly valuable asset. (For example, in 1152/55 Berchtesgaden paid the widow of Henry of Högl fifty pounds for renouncing her claims to a quarter of a salt spring in Bad Reichenhall that Henry had given to the canons before he married Euphemia.)<sup>123</sup> The family lost much of this property because at least three of the brothers (Tagino, Pilgrim,

119. SUB 1:407–9, nos. 289a, 289b: 2:329–30, no. 228.

120. SUB 1:430, no. 326. The entry is dated 1147/67, but Pilgrim died before he could execute the last wishes of his brother Ulrich, who had left on the Second Crusade (SUB 1:536, no. 547).

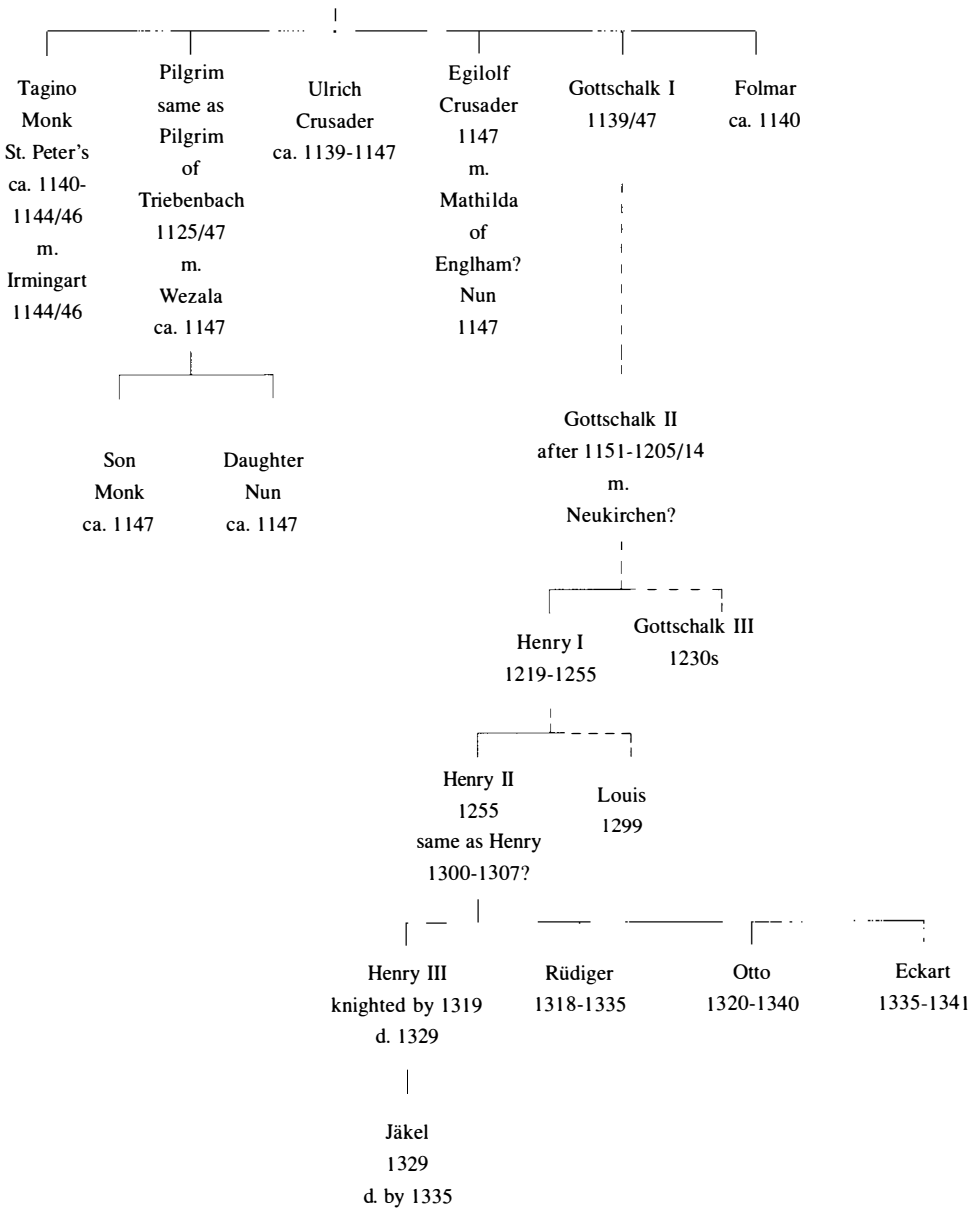
121. SUB 1:413–14, no. 296; 536, no. 547. On Pilgrim's holdings in Radstadt, see SUB 1:386–87, no. 257.

122. SUB 1:374, no. 230; 608, no. 50.

123. Berchtesgaden, pp. 318–20, no. 140.

GENEALOGY 3.7 Steinbrünning

Unknown m. Surheim



and Egilolf), and more likely four (Gottschalk, judging by his name, may have been the father of Gottschalk II), were married and because four of the brothers (Tagino, Pilgrim, Egilolf, and Ulrich) gave all or part of their share of the Steinbrünning patrimony to Saint Peter's, which became the largest landowner in the village in the second half of the twelfth century.<sup>124</sup>

The result was that the brothers' earthly heirs were impoverished. The Steinbrünnings' only known lay descendant, Gottschalk II, was still a boy when he made his first appearance sometime after 1151.<sup>125</sup> His son Henry I of Steinbrünning was identified as an archiepiscopal ministerial in 1225 but more frequently as a knight; that is, Henry I, whose grandfather and paternal great-uncles had been prominent ministerials, was one of the lesser ministerials who were increasingly being styled as knights in the first half of the thirteenth century.<sup>126</sup> It is not known whether the lineage died out with Henry I's son Henry II, who appeared with his father in 1255, or whether the knights who employed the name Steinbrünning in the first half of the fourteenth century and died out in turn shortly after 1341 were also Gottschalk II's descendants.<sup>127</sup> In any case, the division of the Steinbrünning patrimony among three or four married brothers in the first half of the twelfth century and their decision to confer their possessions on Saint Peter's rather than on Gottschalk II left him and his descendants impoverished.

### Family Extinction

At least the Steinbrünnings survived until the mid-thirteenth century, or possibly even a century longer. The ultimate failure of a patrilineage was the inability to produce a son who survived long enough to continue the family (the absence of known descendants, it should be stressed, does not necessarily mean that a particular couple was without issue). Many lineages died out in the male line as early as the twelfth or the early thirteenth century (the Högl's survived in the person of Diemut until 1213): Seekirchen (1138/39), Högl (1151), Siegsdorf (1171), Harpfetsham (1191), and Surberg (1204).<sup>128</sup> The rapid extinction of aristocratic families is hardly unusual. For example, 106 ministerial lineages have been identified in the area around Bamberg; of these, only 78 still survived in 1300, 42

124. See Saint Peter's manorial register (*Urbar*), which was compiled at the end of the twelfth century (SUB 1:513-18, nos. 479b, 479c, 480).

125. SUB 1:438, no. 343.

126. SUB 3:332-34, no. 805; UB Raitenhaslach 1:126-27, no. 141; Regesten 1:16, no. 105.

127. Heinz Dopsch, "Steinbrünning und seine Herrschaftsgeschichte," *Das Salzfass*, n.s., 7 (1973): 9-12. See also Reindel-Schedl, *Laufen*, pp. 378-79, 445-48.

128. Henry of Siegsdorf was mentioned for the last time in 1171 (Berchtesgaden, p. 329, no. 154). On the date, see Berchtesgaden, pp. 326-27, no. 150. He was dead by 1174 (Raitenhaslach, pp. 4-5, no. 3). Wolfram II of Harpfetsham was mentioned for the last time in 1190 (SUB 2:648-49, no. 478), but he may have been the archiepiscopal seneschal Wolfram who was named in 1191 (SUB 2:649-51, no. 479). In any case, he was dead by 1193 (SUB 1:490, no. 438).

in 1400, and a mere 32 by 1550.<sup>129</sup> The rise of the archiepiscopal ministerials was due in large measure to the elimination of the free nobility. Aloys Schulte, who attributed the extinction of the latter group to clerical celibacy, pointed to comparable examples in Sparta, Rome, and modern Sweden.<sup>130</sup>

The question is rather why a particular group of families died out during a specific period. Clerical celibacy hardly explains, for example, the decimation of the Roman patriciate or Protestant Swedish nobles. Scholars have offered a number of explanations besides clerical celibacy for the extinction of the medieval nobility, which can also be applied to some degree to the archiepiscopal ministerialage. Jack Goody pointed out that any system of “direct” inheritance has to deal with the biological fact that 20 percent of all couples are childless and that another 20 percent have only girls.<sup>131</sup> Thus there is always a good possibility that a particular couple will not have a son to bear the family name; but this biological fact became a threat to a patrilineage’s survival only if the husband’s brother or paternal uncle also failed to sire a son. But the archiepiscopal ministerials deliberately limited the number of sons they allowed to marry and the designated heirs married late, further reducing their chances to sire heirs before they died. Some of the cadets who might have continued the lineage were placed, as Schulte argued, in the church, while the bored heirs and younger sons who remained laymen—Duby’s not so young “youths”—risked and frequently lost their lives in feuds, tournaments, and crusades before they could father legitimate sons. Violence thus took a heavy toll.<sup>132</sup> The lineages’ quest to ensure their survival was made even more difficult in the twelfth century by the church’s discouragement or prohibition of adoption, lay concubinage, polygamy, and above all divorce and remarriage, devices that provided men in other societies and eras with alternative means to obtain an heir.<sup>133</sup>

These factors were at work in the extinction of the lineages named above. Only two of the four Seekirchen brothers seemingly married, but Conrad was childless and Henry I’s only son died before him. Henry of Högl’s older brother Otto died before him, unmarried and childless. Henry, who was in his thirties when he married, died a few years after his marriage, leaving only a young daughter as his

129. Gustav Voit, *Der Adel am Obermain: Genealogie edler und ministerialer Geschlechter vom 11. bis 14. Jahrhundert*, Die Plassenburg: Schriften für Heimatforschung und Kulturpflege in Ostfranken 28 (Kulmbach, 1969), p. 30.

130. Schulte, *Adel*, pp. 250–94.

131. Jack Goody, *The Development of the Family and Marriage in Europe* (Cambridge, 1983), p. 44.

132. Karl J. Leyser, *Rule and Conflict in an Early Medieval Society: Ottonian Saxony* (Bloomington, Ind., 1979), pp. 56–58; and Störmer, *Früher Adel*, pp. 86–87, have stressed the role of violence in the extinction of the free nobility.

133. Goody, *Development*, esp. pp. 34–47. Goody’s thesis that the church deliberately controlled marriage to enhance its economic power has not won general acceptance. Although the church discouraged lay concubinage, it was not formally prohibited. See Brundage, *Law*, pp. 606–7. See also David Herlihy, *Medieval Households* (Cambridge, Mass., 1985), pp. 11–13. Although adoption as a device to continue a lineage disappeared from the medieval West, it also was not formally prohibited.

heir. Diemut's first husband Meginhard of Siegsdorf was killed in unknown circumstances. Meginhard and Diemut were so young that their brief marriage may never have been consummated. His younger brother Henry married, but he too died violently before he could become a father. The Surbergs seemed more fortunate at first. Both Megingod I and Rudolph married, but Rudolph's son William never married, and Megingod II's marriage to Diemut remained childless. Since Megingod fathered at least one bastard, Hermann, it apparently was Diemut who was infertile. Megingod might have been tempted to repudiate her, but divorce was becoming increasingly difficult in the second half of the twelfth century and, besides, Diemut was Salzburg's richest heiress. That left Megingod II's nephew Sigiboto II as the only Surberg in the next generation, but as a bachelor in his thirties he left for the Holy Land in 1189 and never returned.<sup>134</sup> Dietmar I of Harpfetsham died violently, but not before he had fathered two sons and at least one daughter. Dietmar's grandson Wolfram II, the last Harpfetsham and a bachelor, was killed in unknown circumstances.<sup>135</sup> In short, we see a pattern of men postponing marriage, childless couples, unmarried laymen, and violent deaths.

Two other observations should be made about the extinction of these particular lineages. First, clerical celibacy does not seem to have been a major factor in their demise. None of their known sons were clerics, except for individuals like Otto of Högl who took the habit on their deathbeds.<sup>136</sup> This does not mean that unknown members of these lineages did not become canons, monks, or parish priests, but it is hard to see how, say, another Seekirchen brother would have made much of a difference in the lineage's fate, since the Seekirchens allowed only two of the four brothers who did remain laymen to marry. Second, there is no evidence that any of these twelfth-century families had lost the archbishop's favor or were in financial difficulty at their extinction. Their names and family circumstances have survived in the historical record precisely because they left fairly substantial bequests to various churches. They died out because they had succeeded too well in preventing the fragmentation of their patrimony among too many heirs.

In the twelfth and early thirteenth centuries the archiepiscopal ministerials were constantly juggling the propagation of the lineage against the need to preserve the family's patrimony. Generally the heir, normally like Sigiboto I of Surberg the eldest son, was favored at the expense of his sisters and younger brothers, who received at best only a small portion of the family's property; and even the heir waited until his father's death to find a wife. Frequently the heir's distinctive lead-

134. Freed, "Diemut von Högl," esp. pp. 649–56.

135. SUB 1:359, no. 203; 490, no. 438. On the date of Wolfram II's death, see above, n. 128. Dopsch, *Geschichte Salzburgs* 1/1:379 identified Dietmar I as the brother of Wolfram I of Harpfetsham, but I have made Wolfram Dietmar's son because Wolfram was in turn the father of Wolfram II and Dietmar II of Harpfetsham (MB 3:87–89, no. 230; SUB 2:640, no. 473).

136. SUB 1:340, no. 172; 342, no. 177. Bouchard, *Sword*, pp. 60–62, found similar cases in Burgundy of families who did not put their younger sons in the church, but I have not found examples, as she did, of families who committed "dynastic suicide" by doing so.

ing name—Kuno among the Schnaitsee-Gutrats, Eckart among the Tanns, and Frederick among the Pettaus—indicated his destiny. He was expected to marry well, preferably an heiress who would increase the family's wealth and enhance its standing. Noblewomen were a particular prize in the twelfth century. Younger sons could hope to marry only if their mothers or wives were heiresses or if they could establish a new lordship on the southeastern or alpine frontiers or, possibly, seek their fortunes in towns or in commerce. The frontier "closed" about 1200, however, and the archdiocese was an overwhelmingly rural area. Most younger sons thus either remained laymen who were granted a small portion of the lineage's patrimony that reverted to the senior line upon their deaths or pursued clerical careers. Individual lineages could adopt different solutions to their problem, depending on their precise family circumstances, spiritual inclinations, or martial ardor. As Joel T. Rosenthal has recently pointed out, there is no monolithic pattern of family conduct in any era.<sup>137</sup> The Steinbrünnings are proof of that.

On balance, before 1250 many families did a better job preserving their patrimony than ensuring the lineage's survival. The very strategies adopted to protect family holdings helped engender the endemic violence that so abruptly ended the hopes invested in a single son like Sigiboto II of Surberg. A growing realization of the dangers of curtailing a lineage's reproductive possibilities too severely, coupled with the surviving lineages' increased wealth, the financial rewards of serving the prince-archbishop, and the development of a new system of dotal payments, may account for the modifications in family strategy that become discernible in the mid-thirteenth century.

### A Change in Family Strategy

The most notable change in family strategy after the mid-thirteenth century is that lineages routinely began to permit two sons in each generation to marry. As I have already noted, this had happened in the twelfth century if the mother or wife of the younger son was an heiress or if the younger son was able, say, to establish a new lordship on the frontier. The difference was that lineages could allow this to occur regularly because the surviving families had benefited from the extinction of the old nobility and their peers and so had greater wealth at this disposal, found greater opportunities for employment in the archbishop's service, and adopted a new system of dotal payments that formalized the contributions that both the bride's and groom's families made to the establishment of the couple's household. These changes more than compensated for the closing of the medieval frontier.

If opportunities improved for younger sons in the thirteenth century, they de-

137. Joel T. Rosenthal, *Patriarchy and Families of Privilege in Fifteenth-Century England* (Philadelphia, 1991), pp. 1–7.

clined for daughters. Although the greater ministerial lineages like the Tanns continued to contract extrinsic marriages to their peers in other principalities, less fortunate ministerials and above all their sisters were increasingly forced to marry their social inferiors—namely, members of knightly families—in a process that paralleled the ministerials' own marriages with the free nobility in the twelfth century. Moreover, although dowries never exceeded the widow's dower as they did in other areas of Europe—in that sense the marriage market was favorable for women—there were no heiresses comparable to Diemut of Högl in the period after 1250. Men still failed to sire surviving sons, but there was a good chance that a brother had been luckier in the demographic lottery. In addition, heiresses like the two sisters of the last Gutrat were often forced to renounce their inheritance as part of their marriage settlement or to accept monetary compensation because the archbishops blocked the alienation of lordships within the principality to men who did not belong to the archiepiscopal familia. Finally, the church continued to be an asylum for children who did not marry, but there seems to have been a more careerist pattern to such placements, though it is hard to tell whether this was due to a decline in religious fervor or is simply an artifact of the documentation.

By the thirteenth century the surviving lineages of archiepiscopal ministerials may have perceived the perils of curtailing too severely a lineage's reproductive chances. Abbot Hermann of Niederalteich (1242–73, d. 1275) was conscious, at least, of the rapid decimation of the old nobility. He named forty-one important Bavarian noblemen, including the counts of Andechs-Meranien, Bogen, Falkenstein, Mödling, and Wasserburg, who had died without issue and whose domains had been acquired by Dukes Louis I (1183–1231) and Otto II (1231–53) of Bavaria.<sup>138</sup> It is hard to imagine that the archiepiscopal ministerials, who could have drawn up similar lists of their coministerials, did not see the connection between the rapid decline in the number of lineages and their own family strategies.

Duby detected a change in family strategy at the end of the twelfth century among the northern French nobility, who began to permit several sons to marry. For example, four of the six sons of Count Baudouin II of Guines married. The cadets received their own fortified houses and small estates on the periphery of the lordship of the senior branch of the lineage. Neighboring noble houses did the same thing, and cadet lines proliferated. Duby thought that by 1200 the nobles were in a better position to provide for their cadets because they had greater wealth at their disposal owing to the increase in the rural population, which brought more land under cultivation and made estates more profitable; the greater levies that landowners were able to impose on the peasantry; the growth of a money economy that supplied the nobles with more cash; and the greater generosity of the

<sup>138</sup> Hermann of Niederalteich, *Annales et historiae Altahenses*, ed. Philipp Jaffé, MGH SS 17 (Hanover, 1861), pp. 377–78.

princes, who gave the nobles gifts and stipends.<sup>139</sup> It may also be, if we accept Duby's argument, that by the end of the twelfth century the clergy and the laity had reached a compromise in which the church modified its opposition to consanguineous marriages and the nobility accepted the church's strictures on divorce. Thus nobles who could no longer so easily repudiate barren wives (or the wives they blamed for their own sterility) may have realized that if they wanted to ensure the survival of at least one branch of the lineage they would have to let more than one son marry. Moreover, the Fourth Lateran Council's reduction in the prohibited degrees of kinship increased the number of potential wives among a ministerial's peers and may thus have made it easier for a younger son to find a suitable partner.

The same change in family strategy has also been observed after 1200 in south-eastern Germany. Eveline Oberhammer examined the genealogies of twenty-one lineages of Styrian lords and seventeen Austrian ones between 1200 and 1500 (most of her evidence is late medieval). These families usually allowed only two sons to marry. Additional sons could marry only if their older brothers' marriages had been without issue. The lords tried in this way to ensure the survival of their lineage without fragmenting its possessions among too many heirs.<sup>140</sup>

The archiepiscopal ministerials adopted a similar policy, though there is not sufficient evidence to determine whether the age of marriage also declined in the thirteenth century. Like Duby's French nobles, the Kalhams began about 1200 to let two sons marry (see genealogy 1.3), but the Tanns with their highly developed sense of family identity followed only in the late thirteenth century, with the sons of Eckart VI (see genealogy 3.1). If only Eckart IX had married, the lineage would have died out a century earlier.

It is useful to look at one other example, the Goldeggs, whose history qua Goldeggs began in 1180 when Otto III of the Pongau adopted that surname (see genealogy 3.8).<sup>141</sup> It was not until the fifth generation, if one counts the Goldeggs' Pongau ancestors, that two brothers, Otto VI and Conrad II, finally married.<sup>142</sup> Significantly enough, Archbishop Frederick II announced six months after his election in 1270 that the powerful Styrian ministerial Wulfing V of Stubenberg

139. Duby, *Knight*, pp. 274–76.

140. Oberhammer, "Untersuchungen," pp. 20–29.

141. SUB 2:584–85, no. 424a. On the Pongau-Goldegg connection, see Dopsch, *Geschichte Salzburgs* 1/1:387–88.

142. Since in 1188/93 Otto III of the Pongau conferred half a hide on Saint Peter's for the benefit of his soul and the souls of his unnamed wife and all his debtors (SUB 1:486–87, no. 431), I have identified the Otto of Goldegg who served fairly regularly as a witness between 1195 and 1235 but who lived until 1250 as Otto IV (SUB 2:670–75, no. 497; 3:461–62, no. 911; 4:14, no. 14). Conrad I arranged in 1251 for various houses to perform the anniversaries of his father and two unnamed brothers (SUB 4:14–15, no. 15). Conrad I's dead brothers were, presumably, Otto V, the godson of the count palatine of Bavaria (SUB 3:396, no. 856), and Henry *puer* of Goldegg, whose anniversary the cathedral canons celebrated on 18 December (*Necrologia Germaniae* 2:194). Conrad I, who had been mentioned for the first time only in 1244 (SUB 3:594, no. 1046), must have married toward the end of Otto IV's long life, perhaps when it became clear that Conrad alone could continue the lineage, because his unnamed sons were identified in 1250 simply as boys (UB Steiermark 3:135–36, no. 72).



GENEALOGY 3.8 Goldegg

Otto III of the Pongau

1151/62-1188/93

same as

Otto of Goldegg?

1180

Otto IV

1195-1244

d. by 1251

Kunigunde

before 1231

Daughter  
m.  
Adalbero I  
of  
Walchen  
Noble

Conrad I  
1244-1258

m.  
Steffing?

Otto V  
same as Otto *puer*?  
born before  
19 March 1231  
d. by 1251

Son  
same as  
Henry *puer*?  
d. by 1251

Otto VI  
Council Member 1290/91  
Judge in Tittmoning  
1307  
1250-1307  
m.  
Elizabeth  
of Stubenberg  
Styrian Ministerial  
1270-1293

See below

Conrad II

1250-1299

d. by 1301

m.

Mechthild  
of Freundsberg  
Freising Ministerial  
1280-1308

John I  
1301-1319  
m.  
Anna  
of  
Weissenegg?  
Bamberg Ministerial  
1312/14  
remarried 1331

John II  
1308-1330

Gertrude

1297-1310

Frederick  
1311-1333

m.

Elizabeth  
of  
Lichtenstein  
Styrian Ministerial  
1311-1330

Children  
1319-1330

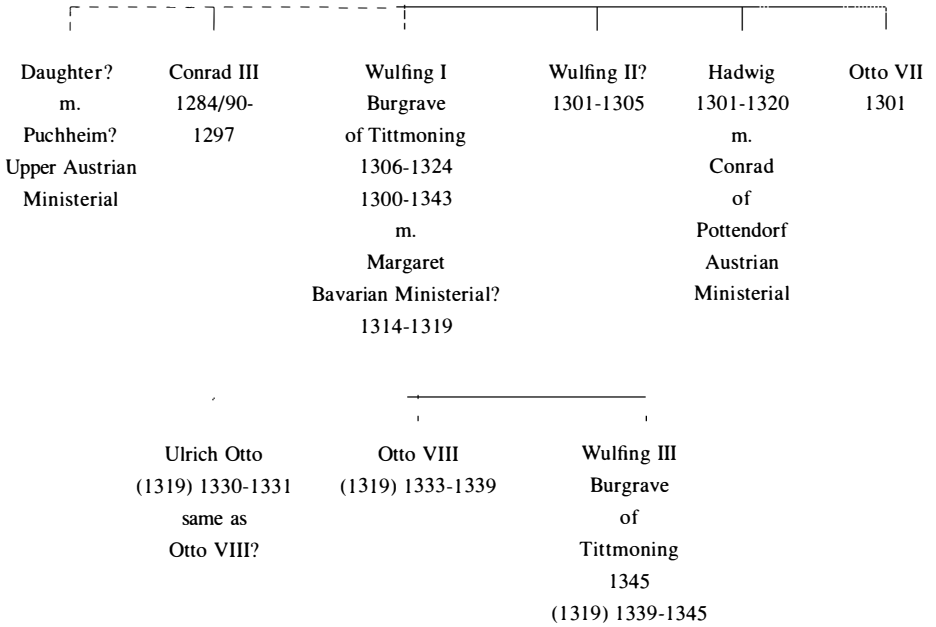
Kunigunde

1250-1262

m.

1. Ulrich II of Liechtenstein  
Styrian Ministerial  
1250  
2. Pilgrim of Tannberg  
Passau Ministerial  
1262

Otto VI



had agreed to the marriage of his daughter Elizabeth, who was the niece of Count Frederick I of Ortenburg (d. 1304) and Bishop Wulfing of Bamberg (1304–18), to the archbishop's cousin Otto VI of Goldegg.<sup>143</sup> Otto VI and Conrad II established separate lines, and two of Conrad II's sons married in turn.<sup>144</sup> The rapid fragmentation of the family patrimony that ensued may explain why John I, who complained that he was in great need, sold his share of his paternal inheritance to his cousin Wulfing in 1312 for £450, and why Wulfing then sold the castle and court in Taxenbach to Archbishop Weichart (1312–15) in 1314 for £800, with a right of redemption.<sup>145</sup> The connection between the change in the ministerials' family strategies and the financial difficulties so many of them started to encounter about 1300 is readily apparent.<sup>146</sup> Nevertheless, the new policy was more successful in ensuring family survival. The Goldeggs survived, for example, until 1400, and the Walchens until 1410.<sup>147</sup>

Ironically, one of the reasons the families had changed their tactics in the first place was that, like Duby's northern French nobles, they had greater wealth at their disposal. Although ecclesiastical foundations eventually acquired most of the property that had belonged to such families as the Högls and Surbergs, some of the property of the extinguished lineages had passed to their peers—the Steflings had obtained Siegsdorf through the widow of Henry of Siegsdorf, and the Törings had acquired Harpfetsham.<sup>148</sup> The district and bailival courts with which the ministerials had been subenfeoffed by the archbishops or the extinguished comital dynasties were particularly lucrative. The Gutrats' courts at Abtenau and Gaissau and in the Kuchltal supplied them at their extinction in 1304 with an annual income of about £33.<sup>149</sup>

Service to the archbishops also brought its rewards, as the case of Conrad of Wartenfels discussed in chapter 1 shows.<sup>150</sup> In effect, many of the ministerials became officials in the new principality. The financially strapped Radecks survived in this fashion. Henry III of Radeck, the son of Gerhoch II of Bergeheim-Radeck, represented Archbishops Frederick II and Conrad IV, for instance, on boards of arbitration in disputes with the dukes of Lower Bavaria. Henry's nephew Gerhoch III was specifically identified in 1306 and again in 1320 as a member of the

143. Regesten 1:76, no. 590; MC 5:274, no. 427. On the Stubenbergs, see Pirchegger, *Landesfürst* 2. On the Carinthian Ortenburgs (not to be confused with the Bavarian count palatines who employed the same name), see Christian Lackner, "Zur Geschichte der Grafen von Ortenburg in Kärnten und Krain," *Carinthia* I. 181 (1991): 181–200. On the family connection between the Goldeggs and Walchens, see Freed, "Prosopography," pp. 49–51. On Conrad II's marriage to Mechthild of Freundsberg, see Regesten 1:121–22, no. 951; 142, no. 1108; SUB 4:486–87, no. 418.

144. MC 9:130, no. 442; Regesten 2:118, no. 1023; 3:17, no. 170.

145. Regesten 2:125, no. 1075; 137, no. 1182.

146. See above, chapter 1 at note 130.

147. Dopsch, *Geschichte Salzburgs* 1/1:389, 396.

148. On Siegsdorf, see Raitenhaslach, pp. 4–5, no. 3; SUB 1:464, no. 387; Regesten 1:19, no. 134. On Harpfetsham, see SUB 1:510, no. 475; UB Raitenhaslach 1:410–11, no. 493. On the genealogical connection, see Englbrecht, *Drei Rosen*, genealogies 1 and 2.

149. SUB 4:271–72, no. 231.

150. See above, chapter 1 at note 126.

archiepiscopal council, and he served from at least 1307 to 1312 as the captain of Mühldorf. In return, the archbishops provided the Radecks with financial assistance. In 1270 Henry III had been forced to pledge his half of the castle of Radeck to a consortium of knights. Archbishop Frederick II purchased Henry's half in 1273 and redeemed the other half of the castle that Henry's brother Ulrich II had pledged. Frederick agreed to return Ulrich's half when the debt had been repaid. The Radecks regained the castle without repaying the debt; it had not yet been repaid in 1334 when Gerhoch III's sons Rüdiger V and Henry IV finally sold Radeck to Archbishop Frederick III, and even then the archbishop allowed Henry IV to remain in Radeck as its burgrave.<sup>151</sup> The archbishops could also, as will be discussed in chapter 5, directly subsidize the ministerials' marriages. In short, service to the archbishop was a way that an impoverished lineage like the Radecks, which might not have been able to find suitable marriage partners earlier, was able to survive after 1270.

The most successful lineages like the Tanns and Goldeggs continued to find spouses after 1250 outside the familia (see genealogies 3.1 and 3.8). Starting with Eckart VI and his three wives in the second half of the thirteenth century until their extinction in the 1390s, Tann men contracted five known extrinsic marriages and two intrinsic ones. Tann women married twice externally and once internally.<sup>152</sup> The Goldeggs, beginning with the generation of Otto VI and Conrad II, arranged at least seven external marriages (four men, three women) and no known internal ones.<sup>153</sup> The most powerful lineages thus retained their family ties to their peers in the Habsburg and Wittelsbach domains. Inevitably this caused divided loyalties. Wulfing I of Goldegg, whose wife Margaret may have been a Bavarian, sided with the Wittelsbachs. He fought for them at the decisive battle of Mühldorf in 1322, even though Archbishop Frederick III was a staunch supporter of the Habsburgs, and in 1324 finally betrayed the castle and town of Tittmoning, which guarded the northern border of the principality, to King Louis the Bavarian.<sup>154</sup>

Increasingly, however, ministerials were forced to marry their social inferiors in a process that paralleled their ancestors' own marriages with nobles in the twelfth century. Once again it was predominantly ministerial women, like the noblewomen before them, who married downward—that is, members of upwardly mobile knightly families. There is one rare example of this in the twelfth

151. Freed, "Crisis," pp. 143–44, and genealogical table following p. 162.

152. Dopsch and Freed, "Henndorf," pp. 59–71.

153. On Otto VI's and Conrad II's marriages see above, n. 143. On John I's and Frederick's marriages, see above, n. 144. On Kunigunde's engagement to Ulrich II of Liechtenstein, see UB Steiermark 3:131–33, no. 70; 135–36, no. 72. She was married by 1262 to the Passau ministerial Pilgrim of Tannberg (MB 29/2:180, no. 183; 443–45, no. 67). On Hadwig's marriage to the Austrian ministerial Conrad of Pottendorf, see Regesten 2:71, no. 589; 3:20, no. 202.

154. Freed, "Crisis," pp. 142–43. Wulfing's wife was named Margaret (Regesten 2:137, no. 1182; 3:18, no. 178). I have not been able to ascertain her family of origin, but the best explanation for why Wulfing, whose mother was a Styrian and whose own lordship was situated deep within the principality, pursued a pro-Wittelsbach policy in opposition to the archbishop is that Margaret was a Bavarian. I have not included her among the Goldeggs' known extrinsic marriages.

century, the marriage of a sister of Otto III of the Pongau, the first Goldegg, to the minor ministerial and knight Kuno of Engolding.<sup>155</sup> Such marriages became more common after 1250 as the knightly lineages rose in prominence. For instance, the second wife of the knight Jakob I of Thurn, the archiepiscopal marshal in 1285, was Adelaide, daughter of the rebellious archiepiscopal ministerial Kuno of Kalham. Jakob's son Jakob II, vidame of Salzburg in the early 1320s, married twice: in 1287 the unnamed daughter of the Upper Austrian ministerial Seibot of Wasen, and in 1308 Kunigunde, daughter of the Bavarian ministerial Greimold of Preising.<sup>156</sup> Conrad II of Kuchl, the trusted financial adviser of four archbishops and the richest man in fourteenth-century Salzburg, married in 1302 Margaret of Weissenegg, daughter of Otto I of Weissenegg, a Carinthian ministerial of the bishop of Bamberg who had served in 1289 as the archiepiscopal burgrave of Friesach.<sup>157</sup>

Ministerials who arranged for their daughters and sisters to marry knights were, like Kuno of Kalham, often in considerable political or financial difficulty. William IV of Staufeneck had to borrow £60 from Archbishop Conrad IV in 1305 so that his sister Ludmey could marry Frederick of Schlossberg, a knight who lived in the Lungau, and then he announced several months later that his sister's marriage had left him so hopelessly indebted that he had no choice but to sell the archbishop his half of the castle and lordship of Staufeneck.<sup>158</sup> It was not Ludmey's marriage that caused their ruin, but the Staufenecks' adherence to the Wittelsbachs in a vain effort to escape the archbishop's lordship.<sup>159</sup> In short, such marriages between knights and ministerials reflected the rise of the knights and the decline of the greater ministerials.

The latter was especially true when a ministerial took a wife of knightly status, the equivalent of a nobleman's marrying a woman of ministerial rank. Thus William IV was himself married to a daughter of Jakob I of Thurn.<sup>160</sup> Diemut of Kuchl, daughter of Salzburg's richest man in the first decades of the fourteenth century, married the heavily indebted Ekk of Felben, scion of a noble family in the Pinzgau that had entered the archiepiscopal ministerialage at the beginning of the thirteenth century. Conrad II redeemed various properties that his son-in-law had pledged to cover his debts, and in 1324 Archbishop Frederick III enfeoffed

155. The knight Otto of Engolding, son of Kuno of Engolding, referred in 1188/93 to Otto III of the Pongau, the first Goldegg, as his maternal uncle (SUB 1:478, no. 414; 2:476–78, no. 341). Müller, cited by Widmann, *Geschichte Salzburgs* 1:376, included the Engoldings in his list of archiepiscopal ministerials, but no Engolding was ever specifically called such. Kuno, who served as a witness between ca. 1135 and 1159 (SUB 1:792–93, no. 48; 2:476–78, no. 341), appeared, however, in groups of archiepiscopal ministerials (SUB 1:647–48, no. 128; 653, no. 142; 2:317, no. 217; 428–29, no. 306). The Engoldings thus apparently belonged to the group of lesser ministerials who were being styled as knights by the end of the twelfth century.

156. Freed, "Devotion," pp. 216–18.

157. Freed, "Crisis," p. 131.

158. Regesten 2:87, no. 743; 89, no. 762. On the Schlossbergs, see Klebel, *Der Lungau*, pp. 117–21.

159. Freed, "Crisis," pp. 140–41; and below, chapter 5 at note 84.

160. Regesten 2:66–67, no. 544.

Conrad and his son and daughter with her husband's former holdings when Ekk could not repay the loans.<sup>161</sup> In 1306 Eckart of Eichham sold all his property and people in Bavaria and Austria to Archbishop Conrad IV for £220, with the consent of his wife Salmey Twargaerinne, so that, Eckart said, he "could seek his fortune and invest his property elsewhere."<sup>162</sup> Salmey, who belonged to an otherwise unknown family, appears to have been connected with the archbishop's castle of Twarog (today Torek, Slovenia), situated in the archbishop's lordship along the Sava.<sup>163</sup> Perhaps Eckart hoped to recoup his fortunes on the southeastern frontier, as is suggested by his presence in Styria in 1316, the only reference to him after 1306.<sup>164</sup>

Such ministerial-knightly marriages are symptomatic of the gradual merger about 1300 of the remaining lineages of greater ministerials and knights into a single noble estate of knights in the principality of Salzburg. The situation was very different in the neighboring duchies of Austria and Styria, where the greater ministerials rarely married knights and belonged to a separate estate of lords. Peter Feldbauer examined approximately 300 marriages that Austrian lords contracted between 1250 and 1400 (there were approximately 70 such lordly families in 1282) and found that in more than 280 cases both partners belonged to the *Herrenstand*. He discovered only 9 marriages between lords and knights before 1350, and these usually involved younger sons or the least important families, who had originally been comital rather than ducal retainers.<sup>165</sup> Similarly, Eveline Oberhammer uncovered only a few marriages between Styrian lords and knights, and such marriages involved younger sons of downwardly mobile lordly families.<sup>166</sup> The archiepiscopal ministerials' marriage choices thus demonstrate the archbishops' success in preventing the formation of a powerful noble estate that would have checked their own power.

Women were the chief victims of the change in the ministerials' family strategies and the archbishops' success in asserting their own authority after 1270. There were simply no heiresses comparable to Diemut of Högl in the later period. Men continued, of course, to father only daughters who inherited their property. For example, the knight Gottschalk III of Unzing-Neuhaus, whose mother Diemut of Unzing had herself been an heiress and who served on and off between 1249 and the early 1270s as vidame of Salzburg, left Neuhaus to his daughter Gertrude and his son-in-law, the knight Henry III of Wiesbach.<sup>167</sup> But Gertrude was hardly in the same league as Diemut of Högl.

161. Regesten 3:11, nos. 107, 108, 110–15; 12, no. 121; 42, nos. 419, 420; 42–43, nos. 423, 424. On the Felbens, see Dopsch, *Geschichte Salzburgs* 1/1:393–95, and below, chapter 5 at note 31.

162. Regesten 2:93, no. 797; SUB 4:282–84, no. 241. On the Eichhams, see Dopsch, *Geschichte Salzburgs* 1/1:372–73; and Reindel-Schedl, *Laufen*, pp. 367–73.

163. On Twarog, see Pirchegger, *Untersteiermark*, pp. 231–32.

164. Regesten 3:2, no. 10.

165. Feldbauer, "Rangprobleme," pp. 571–90, esp. pp. 576–78.

166. Oberhammer, "Untersuchungen," pp. 63–64, 75–81.

167. Gottschalk III of Unzing was the son of vidame of Salzburg and minor archiepiscopal ministerial Henry II of Teisendorf (MB 2:196–98, no. 15; SUB 1:748, no. 337; 755–56, no. 353; 3:178–81,

Generally women could no longer inherit all of a lineage's property because, as the example of Elizabeth of Walchen illustrates, they had male cousins or because the archbishop forced them to renounce their inheritance. Elizabeth, who was the only child of Archbishop Frederick's brother Otto and his second wife Adelaide and was herself married to a ministerial of the bishop of Freising, in 1297 renounced all her rights to her paternal inheritance in exchange for 200 marks of silver. Archbishop Conrad IV allowed the couple to keep the fiefs her father had held from the bishop of Regensburg and the castle of Hohenstein, which Otto had acquired from his first wife Otilia, an Ortenburg ministerial.<sup>168</sup> Walchen itself passed to her cousins Adalbero III and Ortlieb, the sons of Otto's younger brother Adalbero II.<sup>169</sup> The existence of patrilineal kinsmen and the determination of Archbishop Conrad IV not to permit the alienation of a major lordship to the subject of a rival prince prevented Elizabeth of Walchen from being another Diemut of Högl or Herrad of Montpreis.

Marriage to an heiress thus could no longer play the same role in a lineage's calculations as it had before 1270. The frontier had "closed," and the greater ministerials were probably too conscious of their noble status to engage in trade, even had such opportunities existed in the eastern Alps. In effect, the only way families could provide for their daughters and younger sons after the interregnum was to serve the archbishop faithfully or to place their cadets in the church, two options that increased their dependence on the prince-archbishop. Although the church had always served as a haven for the unmarried children of the aristocracy, there appears to have been a more deliberate use of ecclesiastical foundations for this purpose than in the twelfth century, when religious enthusiasm had impelled whole families to take the habit in new or reformed houses.<sup>170</sup> Admittedly this is an impressionistic judgment that is virtually impossible to document.

The role the church played in a late medieval lineage's plans is illustrated by the case of Engelbert of Taching, an archiepiscopal ministerial, and his wife Bertha of Törring, who were identified in 1304 as the parents of thirteen children: Henry II, Conrad IV, Hartnid, Poppo II, Otto, Frederick, Eit, Leukart, Elizabeth,

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no. 674; 197–200, no. 691; 203–5, no. 693b; 298–300, no. 771; 352, no. 819; 556–57, nos. 1004a, 1004b) and Diemut of Unzing (SUB 1:746, no. 333; 3:414–15, no. 871; 530–31, no. 981; Regesten 2:23, no. 181). On Gottschalk's own tenure as vidame, see Regesten 1:8, no. 58; 53, no. 392; 83, no. 633; Urkunden Raitenhaslach 1:353–54, no. 432. On the identity of Gottschalk of Unzing and Gottschalk of Neuhaus, see SUB 4:74, no. 75; Regesten 1:153, no. 1199; 2:11, no. 86. Gertrude was married to Henry III of Wiesbach by 1272 (Regesten 1:79–80, no. 611). Since Henry III was identified in 1296 and again in 1300 as the late judge of Neuhaus, he must have obtained Neuhaus through Gertrude (Regesten 2:35, no. 286; 64, no. 524). On the Teisendorfs, see Reindel-Schedl, *Laufen*, pp. 381–82. On the Wiesbachs, see idem, "Die Herren von Wispeck," MGS 122 (1982): 253–86; and idem, *Laufen*, pp. 382–84.

168. Regesten 1:31, no. 218; 2:45, nos. 358, 359; Urkunden Raitenhaslach 1:348, no. 426.

169. Regesten 2:95–96, no. 818.

170. The archiepiscopal ministerial Berthold of Weng, who was also known as Berthold of the Pinzgau, joined Saint Peter's before 1139, along with his wife Judith, their sons Wezil and Berthold II, and his brother William. Inspired by their example, Judith's kinsmen Adalbert also took the habit (SUB 1:347–48, no. 186; 350–51, no. 191).

Catherine, Christine, Ludmilla, and Agnes.<sup>171</sup> Some information survives about the fate of seven of them. Conrad IV married; Hartnid remained a layman, but his marital status is unknown; Henry II joined Raitenhaslach; Poppo II served as a priest and canon in Berchtesgaden; Frederick was a cathedral canon; and Eit and Elizabeth were cathedral canonesses (Elizabeth became the mistress [*magistra*] of the canonesses).<sup>172</sup> Thus at least five of Engelbert and Bertha's thirteen children were placed in religious foundations.

Indeed, families were willing to expend considerable effort, expense, and influence to place a son in the cathedral chapter. In 1322 Rudolph of Scharfenberg apologized to his cousin Ulrich II of Montpreis, a cathedral canon who subsequently became bishop of Chiemsee (1322/23–30),<sup>173</sup> because he had not sent Ulrich some promised silver on time; but Rudolph had been hindered from doing so by Duke Henry of Carinthia (1295–35), the titular king of Bohemia. Rudolph forwarded 7 marks of silver to Ulrich because Rudolph's unnamed son had been staying with Ulrich for a year in the hope of being received as a member in the chapter. Rudolph left the matter in Ulrich's hands.<sup>174</sup> If the unnamed son was the cathedral canon Hugo of Scharfenberg, who served briefly in 1359 as bishop of Chiemsee,<sup>175</sup> then Ulrich succeeded in placing his young kinsman in the chapter and in launching his career. Four of the nineteen members of the chapter in 1312 were in fact archiepiscopal ministerials.<sup>176</sup>

The lineage that was most successful about 1300 in placing its sons in high ecclesiastical offices was the Saxes, an obscure family of lesser archiepiscopal ministerials and knights whose ancestors may have been retainers of the counts of Mödling and who had entered the archbishop's service after the extinction of the Mödlings in 1208/13.<sup>177</sup> John I, who became provost of Berchtesgaden in the late 1280s, supported its advocate Duke Albrecht of Austria in his protracted

171. Urkunden Raitenhaslach 1:430–31, no. 515. On the Tachings, see Reindel-Schedl, *Laufen*, pp. 514–15.

172. Conrad IV, *Necrologia Germaniae* 2:88, under 1338; Hartnid, MB 2:260; Henry II, Urkunden Raitenhaslach 1:571–72, no. 670; Poppo II, *Necrologia Germaniae* 2:153, 26 July; Frederick, SUB 4:303–4, no. 263; 331–32, no. 289; *Necrologia Germaniae* 2:183, 5 November; and Eit and Elizabeth, Regesten 3:84, no. 834; 129, no. 1313; *Necrologia Germaniae* 2:183, 6 November.

173. Regesten 3:34, no. 340; 36, no. 355; 77, no. 763.

174. Regesten 3:31, no. 303.

175. *Ibid.*

176. SUB 4:303–4, no. 263. The archiepiscopal ministerials were Provost Frederick of Leibnitz (the future Archbishop Frederick III), Orlieb of Staufenek, Frederick I of Berghheim, and Ulrich II of Montpreis. Other members of the chapter included two counts, Frederick of Dollnstein and Henry of Graishach (from the diocese of Augsburg); an Upper Austrian ministerial, Dean Weichart of Polheim, who became archbishop later that year; a Bamberg ministerial from Carinthia, Frederick Ungnad; and Nicholas II of Stadau, who belonged to a Styrian family of archiepiscopal knights. On the composition of the late medieval chapter, see Hans Wagner and Herbert Klein, "Salzburgs Domherren von 1300 bis 1514," *MGSL* 92 (1952): 1–81.

177. Bishop John II of Brixen and his brother Andre Sax (Regesten 2:69, no. 565) were the sons of Walter Sax, who served in 1281 as a witness in Mühldorf with Saxo III, the parish priest of Peterskirchen, which is seventeen kilometers south of Mühldorf (Urkunden Raitenhaslach 1:309–10, no. 385; Lang and Metnitz, *Salzburger Lehen*, pp. 229–30, no. 244/3). The Saxes' name, which was apparently derived like the Welfs' from a characteristic leading name Sachso or Saxo, and their association with Mühldorf provide possible clues to their origins. A Saxo (Sachso II) had served as



war against Archbishops Rudolph and Conrad IV.<sup>178</sup> Immediately after Albrecht and Conrad IV made peace in September 1297 and Salzburg allied itself permanently with the Habsburgs, the archbishop appointed John vidame of Salzburg, in a gesture of reconciliation.<sup>179</sup> In 1302 Conrad IV obtained for John the bishopric of Brixen (as bishop, John II [1302–6]).<sup>180</sup> John's brother Eberhard, a cathedral canon, became dean of the chapter in 1296/98 and was elected provost of Berchtesgaden on 6 April 1305, in the presence of Archbishop Conrad.<sup>181</sup> Pope John XXII appointed Eberhard provost of Salzburg on 12 April 1317, on condition that he surrender the provostship of Berchtesgaden; Eberhard died in 1319 as provost of the cathedral chapter.<sup>182</sup> Bishop John's nephew John II was dean of the cathedral chapter of Brixen from 1303 until his death in 1318.<sup>183</sup> Ulrich Sachs belonged to the cathedral chapter of Salzburg from at least 1314 to 1319.<sup>184</sup> No other lineage of archiepiscopal ministerials was able to hold so many high ecclesiastical offices simultaneously. The Saxons may have deliberately pursued clerical careers because as the descendants of men who had once served a minor comital dynasty they lacked the resources that were at the disposal of the greater ministerials.

The Saxons illustrate Joel T. Rosenthal's point that lineages could employ a variety of strategies to enhance their standing and ensure their continuity. The

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archiepiscopal marshal during the last five years of Eberhard II's archiepiscopate (1241 to 1246) (SUB 3:515 ff., nos. 966, 1016, 1046), and a Henry Saxo or Sachs (Henry II) had been identified in 1251 as an archiepiscopal ministerial (SUB 4:16, no. 16) and in 1262 as the judge in Mödling, upstream from Mühldorf on the Inn (Regesten 1:52, no. 389). Pushing back further in time, a Henry of Thann (Henry I), who lived seventeen kilometers west of Mühldorf and approximately seven kilometers northwest of Mödling, was identified about 1220 as the father of Ulrich, Henry, and Sachso (Au, p. 133, no. 207), whom I take to be the archiepiscopal marshal Saxo (Sachso II) and the archiepiscopal ministerial Henry Saxo or Sachs (Henry II). Finally, a Sachso (Sachso I), who was identified as a *homo* of Count Kuno III of Mödling, had given Au his property in Thann sometime after 1171 in the presence of his son Henry (Au, pp. 109–10, no. 110), who may have been the same person as Henry of Thann (Henry I). In short, the Saxons seem to have been retainers of the counts of Mödling who entered the archbishop's service after the extinction of the Mödlings in 1208/13. On the counts of Mödling and their men, see Günther Flohrschütz, "Die Vögte von Mödling und ihr Gefolge," ZsBLG 38 (1975): 3–143; and Gars, pp. 84\*–94\*.

178. A Conrad was provost on 22 November 1285 (Regesten 1:153, no. 1200), but John held the office by 17 August 1289 (SUB 4:184, no. 153). John was listed among the duke's adherents in 1290 (Regesten 1:176–77, no. 1370).

179. John was identified for the first time as the vidame on 20 November 1297 (Regesten 2:45, no. 358).

180. Regesten 2:68, no. 556; 74, no. 619a; 92, no. 787. On John's career as provost of Berchtesgaden, see Peter F. Kramml, "Propstei und Land Berchtesgaden im Spätmittelalter: Das Ringen mit Salzburg um politische, wirtschaftliche und kirchliche Selbstständigkeit," in Brugger, Dopsch, and Kramml, *Geschichte von Berchtesgaden* 1:390–98. For John's episcopate, see Anselm Sparber, *Die Brixner Fürstbischöfe im Mittelalter: Ihr Leben und Wirken* (Bolzano, 1968), pp. 104–6.

181. Regesten 2:35, no. 282; 36, no. 291; SUB 4:238–39, no. 201; 276–79, no. 237.

182. Regesten 3:4, no. 38; 18, no. 177.

183. Leo Santifaller, *Das Brixner Domkapitel in seiner persönlichen Zusammensetzung im Mittelalter*, Schlern-Schriften: Veröffentlichungen zur Landeskunde von Südtirol 7 (Innsbruck, 1924–25), p. 453.

184. Regesten 2:136, no. 1169; 3:11, no. 118; 18, no. 177. Such ecclesiastical dynasties already were common in Burgundian bishoprics in the eleventh and twelfth centuries. See Bouchard, *Sword*, pp. 79–84. In spite of such examples as Bishops Roman I and II of Gurk, the preferment of kinsmen appears to have become common in Salzburg only after 1270.

fundamental problem remained how to do so without dividing the family's patrimony among too many heirs. Most families had been overly cautious before the mid-thirteenth century and had died out when the designated heir failed to father a son. The ministerials, therefore adopted a new strategy of allowing two sons in each generation to marry, because they may have perceived the connection between curtailing their reproductive chances too severely and the rapid thinning of their ranks. The difference between the older and newer strategies should not be overstated, however. Even before 1250 lineages had permitted more than one son to marry if the cadet's mother or wife was an heiress or if he could establish a new lordship on the southeastern or alpine frontier. What changed was that this pattern of behavior became the norm for several reasons: the surviving lineages had greater resources at their disposal; the formation of the ecclesiastical principality provided married ministerials with secular career opportunities as archiepiscopal officials; and the ministerials, who were enfeoffed by the comital dynasties or archbishops with district courts, profited from the criminalization of justice.

As the thirteenth century progressed, however, younger sons could no longer seek their fortunes on the frontier or hope to marry an heiress, because most women had patrilateral male relatives who could continue the line and because the archbishops restricted the inheritance rights of women, particularly those who contracted an extrinsic marriage that threatened the archbishop's rule. Moreover, the new policy was not without its risks. It increased the danger that the lineage's resources would be divided among too many heirs and thus contributed to the growing financial difficulties that families like the Goldeggs and Radecks were encountering about 1300. At the same time, permitting two sons to marry made the ministerials more dependent on the goodwill and largesse of the archbishop, since he controlled access to offices within the principality and church.

As long as only one son married, lineages were not too concerned with providing for the married couple who obtained the family's patrimony. At most, lineages had to ensure a decent living for their unmarried sons and daughters, whether they remained in the world as laypeople or entered the church, and to provide sufficiently for widows. When lineages regularly began to allow two sons to marry, families were confronted with the problem of establishing separate households for each couple and of providing them as well as widows with a living commensurate with their rank in society without bankrupting either the groom's or the bride's family. It was both in response to and as a result of this change in family strategy that in the thirteenth century the surviving noble and ministerial lineages developed an elaborate, carefully calibrated system of marital assigns that for the first time called on the wife's family to make a significant contribution to the couple's household. At the same time the archbishops could manipulate this new system of marriage payments for their own political purposes. Chapter 4 therefore focuses on the development of the so-called marriage payment system, and chapter 5 explains how the archbishops controlled the ministerials' marriages by, among other things, subsidizing their marriages.

## CHAPTER FOUR

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### The Burdens of Matrimony

The thirteenth-century Bavarian territorial peaces (*Landfrieden*) stipulated that no one could own a castle or any other type of fortified dwelling who did not have an annual income of at least £30 to maintain it. All castles that had been built in violation of this prohibition were to be demolished.<sup>1</sup> These provisions reveal a societal consciousness that maintaining a noble or at least a knightly household required an appropriate income, but how did a couple assure themselves of an income commensurate with their rank in society? As long as most lineages permitted only one son in each generation to marry, often only after his father's death, this requirement did not pose much of a problem. Families had to provide adequately for the heir's widowed mother and unmarried siblings, but the designated heir who obtained most of the lineage's patrimony possessed the means to establish his own household. Not surprisingly, most of the few references to marital assigns in sources from the archdiocese before the mid-thirteenth century are to the widow's dower rather than the bride's dowry. The widow was usually granted lifelong use (*Leibgedinge*) of all or a substantial portion of her husband's property.<sup>2</sup> The change in family strategy in the thirteenth century that allowed two

1. *Constitutiones et acta publica imperatorum et regum*, vol. 2, ed. Ludwig Weiland, in MGH, Legum 4 (Hanover, 1896), pp. 570–79, no. 427, article 48: “Item nullus habeat castrum vel aliquod munimen, nisi redditus habeat ad illud XXX librarum.” The 1256 peace added: “Oder man sol di burch brechen” (pp. 596–602, article 40). The provision was not merely theoretical. After the bankrupt William IV of Staufenek sold his half of his ancestral castle to Archbishop Conrad IV in 1305, the archbishop granted William an annual lifelong income of £30 for his “Behausung” (Regesten 2:89, no. 763).

2. *Leibgedinge* was employed on several occasions in the thirteenth century for the widow's dower. The marriage contract of Count Walter of Sternberg and Catherine of Neuhaus (in Carniola) specified in 1289 that if the marriage was childless, the castle of Sternberg with its people and lands would be Catherine's “leipgedinge” (MC 6:91–92, no. 138). Agnes, the mother of Count Ulrich III

sons to marry necessitated a corresponding change in the way lineages provided not only for the widow but for the couple itself. The result was the development of the *Heiratsgabensystem*, a carefully calibrated system of reciprocal marriage payments in which the bride's family for the first time made a substantial contribution to the establishment of the household and in which each partner's rights and obligations were specified in advance.<sup>3</sup>

Wilhelm Brauner, who studied marital property laws in Austria, Styria, Carinthia, Carniola, Görz, and Salzburg in the late medieval and early modern periods, thought the *Leibgedingssystem* originated in a period when the husband had the customary right as the wife's guardian to administer and use her property. The husband therefore did not have to be granted the use of his bride's dowry or inheritance as was the case in the later *Heiratsgabensystem*, while the right of the widow to lifelong use of some or all of her husband's property had to be explicitly specified. Brauner believed that the *Salzburger Landesordnung* of 1328, the first codification of the principality's laws, for that reason still referred only to the widow's dower and not to the dowry. When husbands lost control of their wives' property during the later Middle Ages, the *Leibgedingssystem* was replaced by the *Heiratsgabensystem* or, in cities like Vienna, with a system of the partial co-ownership of property. Such arrangements were necessary because in the eastern alpine principalities the surviving spouse did not have a right until the eighteenth century to inherit his or her deceased partner's property.<sup>4</sup>

There is no evidence, however, that a husband possessed such absolute control of his wife's property in the twelfth century, let alone in the thirteenth. It was customary already in the twelfth century for a husband to seek his wife's consent when he alienated property either by gift or by sale, and a husband who ignored his wife's rights was likely to arouse her opposition to the conveyance.

I believe that the *Leibgedingssystem* was gradually replaced by the *Heirats-*

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of Pfannberg, possessed the Carinthian castle of Rabenstein in 1300 "iure precario, quod wlgariter leibgeding dicitur" (MC 7:22, no. 56).

3. *Marriage payments system* is a standard anthropological term for the transfer of prestations in connection with a marriage. I will be employing the term in this chapter and elsewhere, following the example of Wilhelm Brauner, *Die Entwicklung des Ehegüterrechts in Österreich: Ein Beitrag zur Dogmengeschichte und Rechtstatsachenforschung des Spätmittelalters und der Neuzeit* (Salzburg, 1973), in a more technical sense to differentiate between the high medieval and late medieval systems of marital assigns. Anthropologists generally prefer the term *prestations* rather than *payments* to refer to the dowry, dower, bridewealth, and the theoretical groomwealth, perhaps because, as R. H. Barnes pointed out, there may "lurk" behind *payment* "a conviction that women are given out for commercial purchase, and behind the other [*prestation*] an assumption that marriage is accompanied by disinterested gifts." See R. H. Barnes, "Marriage, Exchange and the Meaning of Corporations in Eastern Indonesia," in *The Meaning of Marriage Payments*, ed. John L. Comaroff, Studies in Anthropology 7 (London, 1980), p. 94; and Comaroff, "Introduction," in *Meaning of Marriage Payments*, p. 4. Medievalists may prefer not to use *prestation* because of its technical meaning in feudal law. Anthropologists have devoted much more attention to the bridewealth, the payment of the husband to the wife's kin, than to the dowry. See D. B. Rheubottom, "Dowry and Wedding Celebrations in Yugoslav Macedonia," in Comaroff, *Meaning of Marriage Payments*, p. 221.

4. Brauner, *Entwicklung*, pp. 26–27, 63–69.

*gabensystem* for three other reasons. The first was the considerable uncertainty involved in the *Leibgedingesystem*. A number of crucial points were not carefully specified at the time of the marriage: when and how much of his property the husband was required to assign to his wife; the rights of the widow's second husband to the property she had obtained from her former husband; and the rights of the widow vis-à-vis her own children. An increasingly literate and legally sophisticated society found such uncertainty intolerable. The partners' and their families' respective rights needed to be spelled out, preferably in writing, just as a nephew's right to his maternal uncle's estate seems gradually to have been clarified after 1200. Second, the change in family strategy confronted lineages with the problem not only of supporting a widow, particularly a childless one, in a suitable fashion but also of establishing two couples in each generation in their own households and supplying them with an income commensurate with their estate. (I am not considering here the possibility that a couple who owned several castles or houses might during the course of the marriage live apart for extended periods.) The problem became even more acute if the groom's father was still alive and controlled the family's patrimony. Moreover, this had to be done in a way that bankrupted neither the bride's nor the groom's family and protected their rights to the property that had been assigned to the couple if the marriage proved childless. The development and acceptance of the *Heiratsgabensystem* with all its prescriptions was a response to and facilitated this change in family strategy. Finally, the enforcement of the reciprocal obligations the two families assumed ultimately depended on the princes' new territorial supremacy.

The evidence about the so-called burdens of matrimony in the archdiocese, let alone for the archiepiscopal ministerials before 1343, is highly fragmentary and often difficult to interpret. Few marriage contracts have survived, and those that have were probably written down, let alone preserved, precisely because they dealt with exceptional circumstances. It is necessary to rely instead on chance references to one or another of the payments that appear in unrelated contexts. There is more information about the widow's dowers than about the dowries because whereas dowries were normally paid in cash, the dower usually involved the pledging of land, often a fief, to the wife, and this was more likely to be recorded. For example, the 1328 *Salzburger Landesordnung* specified that the grant of a fief as a widow's dower (*Morgengabe*) required the lord's consent.<sup>5</sup> This may be the real reason that law code refers only to the dower rather than to the dowry.

As the translation of *Morgengabe* as dower rather than morning gift indicates, both the Latin and German terms for the various payments were used with considerable imprecision. It is often necessary to infer from the context which payment was meant, and such terminological confusion is itself highly revealing. The inability of scribes to distinguish in the twelfth century—that is, before the intro-

5. SUB 4:380–87, no. 329, article 45. On the translation of *Morgengabe* as widow's dower rather than morning gift, see Brauneder, *Entwicklung*, pp. 65–66, 75.

duction of Roman legal terminology—between the dowry and dower is itself an argument for the relative insignificance of the dowry.

Although the increasing emphasis on the dowry was part of a Europeanwide trend from the twelfth century onward, the “burdens of matrimony” never shifted from the groom’s to the bride’s family as they seemingly did in the rest of Europe.<sup>6</sup> The husband’s contribution to the marriage—that is, the combined widow’s dower and *Morgengabe*, if there was a separate morning gift—always remained as large as the dowry, if not larger.<sup>7</sup> Nevertheless, the bride’s family had to provide her with a substantial endowment, and unlike the groom and his family, who merely had to designate the lands that would provide the wife with the specified income if she were widowed, her parents, guardian, or a third party like the archbishop had to make an immediate cash payment. It was almost certainly cheaper to place a girl in a convent than to supply her with a dowry.

The marital assigns were fixed by custom within very narrow limits by the couple’s estate and reflected the hierarchical organization of society. The underlying assumption was that any money a family lost through a daughter’s marriage would be recouped through a son’s marriage to his social peer. The reciprocal nature of the payments was particularly pronounced in Styria, where the late medieval nobility was divided into the separate estates of the lords and knights, whereas in the principality of Salzburg the dowries and dowers assigned to women of ministerial or knightly rank gradually equalized as the two orders merged into a single estate about 1300.

This fixation of the amount of the dowry within very narrow limits determined by the couple’s estate calls into question David Herlihy’s explanation for the re-emergence of the dowry in western Europe in the twelfth century after its virtual disappearance in the early Middle Ages. He argued that the dowry inflation of the late Roman republic and early empire as well as of post-twelfth century Europe was related both to the declining importance of the household economy and to the number of women on the marriage market. In his view fathers were competing in both eras for a scarce commodity: husbands for their daughters.<sup>8</sup> If anything, however, allowing two sons in each generation to marry *increased* the number of available men; yet it was precisely at this moment that dowries became significant in the eastern alpine territories.

I would argue that such marriage payments cannot be explained, as anthropologists have pointed out, simply in commercial or economic terms, as is suggested by such phrases as “the marriage market,” but must also be situated within a specific sociocultural system and analyzed for their symbolic meaning.<sup>9</sup> As R. H. Barnes explained in reference to the tribes of eastern Indonesia, the assigning of

6. Herlihy, *Medieval Households*, pp. 98–103. “Burdens of matrimony” is Herlihy’s term.

7. Brauneder, *Entwicklung*, p. 206.

8. Herlihy, *Medieval Households*, pp. 14–23, 98–111.

9. Comaroff, “Introduction,” esp. pp. 4–15, 40–41; David Parkin, “Kind Bridewealth and Hard Cash: Eventing a Structure,” in Comaroff, *Meaning of Marriage Payments*, p. 197.

the dowry and dower initiated a series of exchanges between two lineages, such as in medieval Europe assistance as oath helpers (*fidejussores*) or in feuds, which lasted as long as the tie created by the marriage endured. The reciprocal payments helped to define the membership of the noble estate—that is, individuals with whom *connubium* was permissible—and to express their group solidarity.<sup>10</sup> Seen from this perspective, the marriage payments system was a crucial element in the formation of Otto Brunner's late medieval *Land*, a territorial community of privileged property holders.<sup>11</sup>

### The *Leibgedingssystem*

The chief purpose of the *Leibgedingssystem* that prevailed until the first half of the thirteenth century was to supply a widow with an income suitable to her rank rather than to enable a couple to establish a separate household, because men married only when they had the means to do so. For that reason the widow's dower did not necessarily have to be specified at the time of the bride's marriage, though probably it usually was. Scribes could not readily differentiate between the dower and the dowry, which was mentioned less frequently than the former and seems to have been a negligible amount. Although anthropologists have generally interpreted a dowry as a premortem inheritance in which family assets were transferred to a daughter at her marriage,<sup>12</sup> the fact that nephews like Otto of Pettau-Königsberg or the Younger Itzlings inherited their maternal uncles' possessions long after their mothers' marriages shows that the payment of a dowry, assuming such a payment always occurred, did not terminate a woman's or her son's claims to an additional inheritance from her natal family. This was a murky legal area about which there were no fixed laws in the modern sense, and a great deal depended on individuals' ability to enforce their claims. It was this very uncertainty that led to the development of the *Heiratsgabensystem*.

The *Codex Falkensteinensis* is a good place to begin a discussion of dowries and dowers before the mid-thirteenth century, not only because it is a unique collection of family documents but also because ministerial lineages aspiring for acceptance as nobles modeled their own conduct after great noble dynasties like the Falkensteins.<sup>13</sup> Count Sigiboto IV did not mention the dowry of his wife Hildegard of

10. Barnes, "Marriage," pp. 95–96.

11. Brunner, *Land and Lordship*, pp. 139–99.

12. Comaroff, "Introduction," pp. 11–12. Rheubottom, "Dowry," p. 248, concluded in a dissenting note in the case of the former Yugoslav Macedonia that "dowry . . . has little to do with the devolution of property. . . . But . . . it has everything to do with relationships, their quality, and their transformation."

13. Ministerial families often employed the leading names of the great noble families who predominated in their area and imitated the nobility's naming practices. See Wilhelm Störmer, "Adel und Ministerialität im Spiegel der bayerischen Namengebung (bis zum 13. Jahrhundert): Ein Beitrag zum Selbstverständnis der Führungsschichten," *Deutsches Archiv für Erforschung des Mittelalters* 33 (1977): 93–94, 140–46.

Mödling, but in 1182/83, after the death of his father-in-law Kuno III, Sigiboto, Hildegard, and their sons laid claim at the ducal court to the castle of Mödling and all the lands and men that were attached to it, even though she had surviving twin brothers.<sup>14</sup> The Falkensteins clearly did not think that whatever dowry Hildegard had in fact received had terminated her rights to a share of her father's patrimony. Sigiboto did not refer explicitly to his wife's dower either, but about 1170 he assigned to her and his sons the castle of Hernstein and whatever property he possessed in Lower Austria. Kuno and Sigiboto V were to take possession of Hernstein after the death of both their parents unless Sigiboto and Hildegard conferred it on them earlier.<sup>15</sup> The lordship of Hernstein was thus presumably Hildegard's dower, since she was to retain it after her husband's death.

In the same entry the count directed his sons to divide the Falkensteins' Austrian lordship equally but ordered them to give their unnamed sister, with the advice of their kinsmen, a dowry (*dos*) in either Austria or Bavaria. The scribe explained that the *dos* in question was known in the vernacular as a *heimstiure*, later the standard German term for dowry. There is no indication whether Kuno and Sigiboto V did so, let alone what the dowry was. But when the nobleman Engelschalk of Wasen married Sigiboto's unnamed daughter in 1170/75 (it is not known whether the same woman was meant in both entries), Engelschalk assigned to her in an irrevocable grant as her widow's dower (*dos*) whatever he owned, including the castle of Wasen, or might acquire in the future. Engelschalk stipulated that his possessions were to be completely in her power after his death and that none of his kinsmen were to challenge her possession of her dotal lands ("dotalia bona"). For added security the scribe listed the names of the thirteen noblemen and forty-eight ministerials who had been present.<sup>16</sup>

About 1196 Sigiboto's only surviving son, Sigiboto V, married Adelaide, daughter of Count Conrad II of Valley, when Sigiboto IV was seventy. Her dowry was not mentioned in the codex, but Sigiboto IV promised to assign to Adelaide an annual income of £15 from alods that he had entrusted to his brother-in-law Count Kuno IV of Mödling or from other alods if Sigiboto V should die without heirs. If this had not been done within six weeks after the return of Kuno IV, who was away on a campaign, then Sigiboto agreed to pay Conrad II £150 instead as Adelaide's dower (*dos*) and provided surety for its payment.<sup>17</sup>

Several things are worth noting about these entries from the *Codex Falken-*

14. CF, pp. 141–43, no. 163. Noichl, the most recent editor of the codex, identified Hildegard's father as Kuno IV and her brothers as Kuno V and Kuno VI, and I employed the same numbers in my monograph about the Falkensteins. I have now adopted the numbering system of Hofmann, Gars, pp. 84\*–90\*, however, in identifying the various members of the Mödling lineage. Sigiboto V renewed the claim after his uncles died without issue but was unable to obtain Mödling. See Flohrschütz, "Vögte," pp. 138–42; Freed, *Counts*, pp. 45, 58; and Hofmann, Gars, pp. 90\*–94\*.

15. CF, pp. 113–14, no. 142.

16. CF, pp. 114–16, no. 143.

17. CF, pp. 156–57, no. 175. Sigiboto stated that he was seven when there was an eclipse of the sun in 1133 (pp. 161–62, no. 181b). On the identity of Sigiboto V's wife, see Freed, *Counts*, p. 56, n. 28.



*steinensis*. The scribes normally did not distinguish in Latin between the dowry and the dower, both of which were commonly known as the *dos*, and had to resort to the German word *Heimsteuer* to designate the dowry. This suggests that the dowry was only of secondary interest in the Austro-Bavarian area in the twelfth century, and Sigiboto IV was concerned in fact almost exclusively with his daughter's and daughter-in-law's dowers rather than their dowries. The payment of a dowry, assuming that one was always given, did not terminate a wife's claim, or so Hildegard and Sigiboto thought, to an additional share of her father's estate.

Although a woman had an unassailable right to her dower, it might seemingly be assigned to her, judging by Hildegard's experience, only many years after her marriage. That Sigiboto and Engelschalk asked sixty-one men to witness Engelschalk's endowment of his wife raises the suspicion that the husband's kinsmen often troubled the widow and that the count and his son-in-law wanted the terms to be widely known and acknowledged to block a potential challenge by Engelschalk's relatives. Moreover, in endowing his wife Engelschalk made no provision for the children he presumably hoped to have. Could Engelschalk's son, if he had one, really take possession of Wasen only after the death of his widowed mother? Or did Sigiboto IV and Engelschalk assume that the agreement would go into effect only if his marriage was childless, as seems to have been the case with the endowment of Adelaide of Valley, since sons could be expected to provide for their mothers in an appropriate fashion? Sigiboto and Engelschalk's failure to address these questions reinforces the impression that it was the childless widow rather than the bride or even the widowed mother who was the chief object of concern of the *Leibgedingesystem*, because the former could easily find herself at the mercy of her husband's relatives and might no longer be able to count on the support of her own kinsmen.

Do the few references to the dowries and dowers of the daughters and wives of archiepiscopal ministerials correspond to these observations about their social superiors? I could find only three references to the dowries of *Dienstweiber* before the early thirteenth century. After the death of his sister, Sigmar of Leibnitz agreed in 1160 to assume custody of two of her children and to pay his widowed brother-in-law Rüdiger of Weilkirchen 13 marks for the fourteen hides that had pertained to her by hereditary right and that Rüdiger had obtained at their marriage ("cum ipso contractu predium quoddam quod hereditario iure ipsam contigerat . . . ditioni eius accessit").<sup>18</sup> In the second case Benedicta, widow of Frederick II of Pettau (d. 1167/74), conferred on her daughter as part or all of her dowry (*dos*) five hides that Frederick had allegedly seized from Admont.<sup>19</sup> In the last example, on his deathbed in 1205 Henry of Deutsch-Landsberg gave Reun, with the consent of his wife and his father-in-law, the nobleman Wichard

18. SUB 2:483–84, no. 347.

19. MC 3:331–32, no. 848II. On the location of the hides, see Pirchegger, *Untersteiermark*, p. 157.

of Karlsberg, twelve “beneficia,” with which Wichard had endowed (“dotavit”) his daughter at her marriage. Wichard had obtained the benefices in an exchange of property in 1196 with Bishop Ekkehard of Gurk, to whom Wichard had given a property in Carinthia that he had purchased from a Friulian nobleman, Frederick of Capporiacco. The latter property had in turn been part of the dowry (*dos*) of Frederick’s wife, and Frederick had sold it to Wichard with the consent of his son and the other coheirs.<sup>20</sup>

Once again one gets the impression that the dowry was of relatively little significance. The scribe who recorded Rüdiger of Weilkirchen’s agreement with his brother-in-law had to resort to a cumbersome circumlocution to refer to it, presumably because a specific word for the dowry was not part of the scribe’s vocabulary. The property involved appears to have been minimal: fourteen hides, five hides, and twelve “beneficia” (fiefs granted to armed retainers?).<sup>21</sup> Although the women may have been assigned other property as well, there is no evidence that a daughter received a substantial portion of her lineage’s patrimony as her dowry. Indeed, the dowry appears often to have consisted of property that was of marginal interest to her family. Wichard of Karlsberg endowed his daughter with property that he had recently obtained in an exchange with the bishop of Gurk, perhaps for this very purpose; and Benedicta of Pettau gave her daughter property that Frederick II had allegedly usurped from Admont. If the dowries in question were premortem inheritances, these three women had been effectively disinherited. Finally, the husband had only limited control of his wife’s dowry. The dying Henry of Deutsch-Landsberg needed his wife’s and father-in-law’s consent to confer her dowry to Reun, and Frederick of Capporiacco required his children’s approval to sell their late mother’s dowry to Wichard of Karlsberg.

In a study of modern Macedonian villagers D. H. Rheubottom raised the question why the bride’s family supplied the groom with a dowry in a patrilineal and virilocal society in which he procured the wife’s labor, sexuality, and reproductive capacity. If the dowry is perceived simply as an attempt to rectify an imbalance in “the cost-benefit ratio of marriage,” as the commercial model of the marriage payments system presupposes, the payment of a dowry in such circumstances

20. SUB 3:63–64, no. 583; MC 1:270–71, no. 367.

21. Conrad of Steinkirchen agreed in 1255 to give his future son-in-law Conrad V of Kalham-Wartenfels “XII personas de genere militari etatis equalis et XII feoda militum” (SUB 4:30–31, no. 33). Similarly, Ulrich I of Liechtenstein promised to assign to his daughter-in-law Kunigunde of Goldegg “viginti homines, qui erlevte uulgariter appellantur” (UB Steiermark 3:135–36, no. 72). “Erber lewt” referred by the end of the fourteenth century to nonknightly nobles and even to members of the upper strata of burgher society, that is, the same type of individuals whom Conrad of Steinkirchen described in 1255: men who could fight on horseback. I am translating “erber lewt,” therefore, as squires. On the “erber lewt,” see Christine Tropper, “Die Stifter des Hemma-Freskos in Zweinitz: Zum Problem Gurktaler Adel und Gurker Domkapitel in der 1. Hälfte des 15. Jahrhunderts,” *Carinthia I*. 180 (1990): 286–88. My guess is that Wichard’s daughter had received twelve or more such men and their fiefs as her dowry. If I am right, then her dowry may have been more substantial than I have suggested; and Henry of Deutsch-Landsberg may have exercised control over the men, if not the fiefs.

makes no sense. The answer to such an “absurd” question was, Rheubottom declared, that the bride’s family endowed her and not the groom.<sup>22</sup> The same may have been true of twelfth-century Salzburg, where the husband exercised only minimal control over his wife’s small dowry.

As was the case with the Falkenstein women, there is more evidence about the widow’s dowers of the daughters and wives of archiepiscopal ministerials than about their dowries. The dower is not explicitly mentioned in any extant document from the twelfth century, but it is possible to reconstruct how husbands provided for their widows. Liutkarda of “Schönberg” enjoyed for thirty years the use of the property that her first husband Henry of Seekirchen (d. 1138/39) had given to the cathedral chapter, Saint Peter’s, and the Nonnberg.<sup>23</sup> In 1167/83 Ellisa conferred on Saint Peter’s, as her late husband Walchun of Palling had enjoined her, whatever he had possessed in Palling on condition that she retain its lifelong use. Her son Rahwin of Feldkirchen was the first witness.<sup>24</sup> After the death of his brother Megingod II in 1193 Sigiboto I of Surberg gave the cathedral canons the former’s properties, in particular the castle of Surberg, but stipulated that the canons were to take possession only after the death of Megingod’s widow Diemut of Högl.<sup>25</sup> Although the documents do not specifically state that the properties in question were the dowers of these widows, they clearly enjoyed lifelong use, the *Leibgedinge*, of a substantial portion of their husbands’ estates under terms very similar to the ones Sigiboto IV obtained for his daughter from Engelschalk of Wasen. Diemut even received the income from the four manors her husband’s cousin William of Wonneberg had given to the cathedral chapter with the stipulation that the canons were to have use and ownership immediately (“statim”) after Megingod’s death.<sup>26</sup>

It is worth making two other points. First, the husbands of these women had left no surviving legitimate sons. Diemut’s marriage had been, as far as is known, childless; Henry and Liutkarda’s son Henry II had died before his father; and Rahwin of Feldkirchen, judging by his surname, was Ellisa’s son by a previous marriage (if he had been Walchun’s son, he would presumably have done more than merely witness his mother’s donation of Palling).<sup>27</sup> As was the case with the Falkensteins, it was the childless widow who was the object of concern in these arrangements, though we may know about the dowers of these women precisely because the subsequent disposition of the property of a man who had died without an heir needed to be settled. Second, a wife did not inherit her husband’s property, let alone dispose of it at her own volition; at best she could retain lifelong use of

22. Comaroff, “Introduction,” p. 4; Rheubottom, “Dowry,” p. 231.

23. SUB 2:436–37, no. 312; 546–48, no. 397. See above, chapter 3 at note 54.

24. SUB 1:471–72, no. 402. She made a similar donation to the cathedral canons (SUB 1:702–3, no. 249). On the Pallings, see Reindel-Schedl, *Laufen*, p. 392.

25. SUB 1:724–25, no. 292b.

26. SUB 1:709–10, no. 265; 3:178–81, no. 674.

27. On Henry II, see SUB 1:364, no. 214; 2:436–37, no. 312.

it. It was Sigiboto I, not Diemut, who granted Megingod's share of the Surberg patrimony to the cathedral canons. That was the major reason it was necessary at the time of the couple's betrothal or marriage, or at a later date, to specify the widow's right to the usufruct of a portion or all of her husband's domains.

Explicit information about the widow's dower becomes more abundant in the first half of the thirteenth century. When Archbishop Eberhard II and Duke Leopold VI divided in 1208 the children of the Styrian ministerial Reimbert II of Mureck who had married Elizabeth, a Salzburg retainer, the princes agreed that she was to possess without challenge the lifelong usufruct of whatever properties Reimbert had assigned to her. Their children—they already had three daughters and a son in 1208—were to inherit the properties after her death.<sup>28</sup> On the occasion of the wedding of Frederick IV of Pettau to Herrad of Montpreis in 1213, her father Ortolf conferred on his own wife Gerbirg the castle of Hörberg with all its income and all the members of the familia who lived there as well as several members of the familia who dwelled in Montpreis. If Ortolf and Gerbirg did not have a male heir, his nearest surviving heir who belonged to his lineage—presumably Herrad—was to possess all the lands and people he had granted to Gerbirg. This is what in fact occurred. The groom's father, his paternal and maternal uncles, and the husband of his paternal aunt guaranteed that Frederick would not bother Gerbirg in the interim.<sup>29</sup> Finally, Archbishop Eberhard II announced in 1245 that he had enfeoffed Ulrich III of Kalham in the 1230s with all the fiefs that had belonged to his late father Conrad II with the stipulation "that if the Lord Ulrich dies first, his wife Lady Kunigunde will possess the same fiefs during her lifetime and that afterward they will revert freely to their children."<sup>30</sup>

Unlike Liutkarda of "Schönberg," Ellisa of Palling, and Diemut of Högl, these thirteenth-century women had surviving children; but the emphasis here too was on protecting the widow's rights rather than on establishing a new conjugal household. This was particularly true of Gerbirg of Montpreis, whose dower was seemingly fixed only when her own daughter married, and who would be dependent on the benevolence of her son-in-law if she was widowed. No one seemingly was concerned about the dowry or dower of Herrad of Montpreis, the heiress presumptive to two important lordships. Just as Sigiboto IV tried to protect his daughter by having her endowment witnessed by sixty-one men, Ortolf attempted to ensure Gerbirg's security by obtaining solemn oaths from Frederick's kinsmen; but as Megingod of Surberg's harassment of his wife's paternal great-aunt Liutkarda of "Schönberg" shows, such a "parchment defense" may have been of limited

28. SUB 3:109–10, no. 617.

29. SUB 3:174–76, no. 669. See Freed, "German Source Collections," pp. 103–5.

30. SUB 3:613–14, no. 1066a. He also enfeoffed Ulrich under the same terms with £72, £42, and two farms (nos. 1066b, 1066c, 1066d). Eberhard referred to Conrad as Ulrich's paternal uncle ("patruī") in 1066a but in 1066c called him Ulrich's father ("pater"). There are many problems with trying to reconstruct the Kalham genealogy—this is one of them, but I think that Conrad was Ulrich's father.

value.<sup>31</sup> Moreover, whereas Gerbirg received only one of her husband's two lordships, Kunigunde of Kalham's dower apparently consisted, like that of Sigiboto's daughter, of all her husband's fiefs. This placed a powerful instrument of control in the hands of a widowed mother, but might her grown son not have resented such tutelage and joined the ranks of Duby's unruly youths?

The *Leibgedingesystem* thus was designed, as its name suggests, to provide for the maintenance of a widow, particularly a childless one, rather than to assist a betrothed couple in setting up a separate household, because a man married only when he was already the head of his lineage or had obtained a new lordship by some other means. Although the bride's family might give her a small dowry, it was neither a premortem inheritance nor a significant contribution to the establishment of the new household. The *dos* was in a very real sense a gift to the bride rather than the groom. In contrast, a wife was entitled to the usufruct of a substantial portion, if not all, of her husband's estate. Arbiters even ruled in 1252 that an unnamed woman who was described simply as the concubine of a burgher of Bad Reichenhall was to possess a share of the property, real and movable, that had belonged to her late lover.<sup>32</sup>

Yet considerable uncertainty surrounded the grant of the dower. As the cases of Hildegard of Mödling and Gerbirg of Montpreis demonstrate, a husband did not necessarily have to specify his bride's dower when he married but could wait until some later occasion, most notably when, like Sigiboto IV or Ortolf of Montpreis, he arranged for the disposition of his own domains and had to make suitable provisions for his widow. It is hard to imagine, however, that granting a widow lifelong use of a major portion or all of her husband's estate did not arouse considerable resentment among her husband's kinsmen if the marriage had been childless, especially if she had been widowed young, or among her own adult children. The convent may have been a welcome refuge for such a woman. Such uncertainties rather than the end of the husband's alleged absolute control of his wife's dowry and inheritance are, I think, a major reason why the *Leibgedingesystem* was abandoned in the more legalistic thirteenth century.

### The Abandonment of the *Leibgedingesystem*

Since Brauner attributed the shift from the *Leibgedingesystem* to the *Heiratsgabensystem* to the husband's loss of absolute control over his wife's property, it is necessary to examine how subservient women were to their husbands in this regard. The available evidence indicates that by the twelfth century husbands

31. See above, chapter 3 at note 54.

32. SUB 4:18–19, no. 19.

normally sought their wives' consent before alienating either their own or their wives' property and that Brauneder's explanation is thus inadequate. The abandonment of the *Leibgedingesystem* was due to three other factors: the uncertainties in the system, part of the general lack of laws in the modern sense regulating the ownership of property that has been analyzed by Stephen D. White in the case of northern France; the new family strategy that permitted more than one son in each generation to establish a separate household; and the assertion of the archbishop's territorial supremacy.

The husband's alleged absolute control of his wife's property stands in sharp contrast to the relative freedom a widow enjoyed to manage her own affairs. Although Diemut of Högl made only one pious donation on her own during Megingod's lifetime and even then procured her husband's consent, after his death she became a benefactress of various houses in the archdiocese.<sup>33</sup> Similarly, Karl of Gutrat represented his wife Margaret of Zöbing, paternal grandmother-in-law, and small children in 1233 when they sold to Reichersberg some property in Lower Austria that belonged to Margaret's grandmother; but Margaret acted on her own after his death and even used her own seal.<sup>34</sup> Neither of her grown sons, Kuno V and Otto II of Gutrat, was present, nor was her second husband, the Austrian ministerial Henry of Mainberg, when she founded a church in Zöbing in 1258 and obtained its exemption from the mother parish in Krems.<sup>35</sup> A widow exercised a degree of independence that she had not possessed as a wife and retained a measure of freedom if she remarried in later life.

Husbands did not exercise complete control over their wives' property even in the twelfth century, however. The life of Diemut of Högl is instructive in this regard. After her father's death in 1151, her widowed mother Euphemia (who had quickly remarried), her new husband Wolfram of Dornberg, and the young Diemut laid claim to a quarter of a salt spring in Bad Reichenhall that Henry of Högl and his widowed mother, Diemut of Seekirchen, had conferred on Berchtesgaden eight or more years before his marriage to Euphemia, as witnesses testified. Henry had retained the use of the salt spring in his lifetime but had paid the canons a nominal rent in token of their ownership. Two conflicting norms were at stake in this suit: the right of a man to give property to a church for the benefit of his soul and the right of a widow to lifelong use of her husband's estate. The parties

33. Diemut's sole donation before 1193 is SUB 1:488–89, no. 435. Some examples of donations after 1193 are Admont (SUB 2:661–62, no. 487); Reichersberg (SUB 2:662–63, no. 488); Berchtesgaden (Berchtesgaden, pp. 351–52, no. 194); and Herrenchiemsee (MB 2:353–54, no. 211).

34. The 1233 sale is OÖUB 3:10–11, no. 9.

35. MB 29/2:125–27, no. 124. Other examples of Margaret's donations are *Regesten aus dem Archive der Stadt Wien*, vol. 1, *Verzeichnis der Originalurkunden des städtischen Archives (1239–1411)*, ed. Karl Uhlirz, Quellen zur Geschichte der Stadt Wien (Vienna, 1898), p. 4, no. 4; *Das "Stiftungen-Buch" des Cistercienser-Klosters Zwettl*, ed. Johann von Frast, FRA 2/3 (Vienna, 1851), p. 124; and *Urkunden des Cistercienser-Stiftes Heiligenkreuz*, p. 147, no. 152. Lechner, "Zur älteren Geschichte von Zöbing," p. 24, discussed these examples.

submitted the case to the judgment of Margrave Engelbert of Kraiburg, who ruled in the canons' favor but required them to pay Euphemia, Wolfram, and Diemut £50 to renounce their claims.<sup>36</sup> It should be noted that Euphemia participated in the proceedings; she was not simply represented by her new husband in her suit.

Approximately fifteen to twenty years later Diemut and Megingod renewed the dispute, but four mediators, including Megingod's brother and cousin, decided against them. The couple then jointly conferred their share of another salt spring on Berchtesgaden to compensate the canons for the trouble the Surbergs had caused them, though this was not explicitly stated as the motive for the gift. The witnesses reassembled in the church of the convent of the Nonnberg, where Diemut herself renounced her rights to the salt spring her father had given to Berchtesgaden.<sup>37</sup> Although by 1171 Megingod, as burgrave of Hohensalzburg during the Alexandrine Schism, was the most powerful man in the city, he could not simply on his own authority renounce his wife's claims. Only Diemut could do that.

Husbands and wives usually acted together in land conveyances—as Megingod and Diemut did when they conferred the salt spring on Berchtesgaden—or with each other's assent. For example, in 1125/47 Henry I of Stefling and his wife Hildegard exchanged some property with Saint Peter's.<sup>38</sup> This observation conforms with Constance Brittain Bouchard's findings about twelfth-century Burgundy: except for a few powerful widows, men were the principal actors in such transactions; but in 59 percent of the cases in which anyone consented to a transaction, it was the wife who was asked to give her approval.<sup>39</sup>

By the twelfth century married women seemingly could even alienate property they had obtained from their own families without seeking their husbands' formal consent. For example, in 1122/47 the archiepiscopal ministerial Diemut of Kirchhalling conferred on the cathedral canons, on her own authority (“*manu potestativa*”), whatever properties she possessed in Kirchhalling. Her husband Ulrich was merely there as the first witness.<sup>40</sup> Similarly, in 1167/83 G., the wife of Dietmar I of Eichham, gave Saint Peter's her property in Kirchberg, Carinthia,

36. Berchtesgaden, pp. 271–72, no. 64; pp. 318–20, no. 140. White, *Custom*, p. 82, pointed out that a suit by a person like Diemut, who had not even been born at the time of a donation, is incompatible with any modern system of real property law. The result was, as Euphemia and Diemut's claims illustrate, the ever-present potential for conflict between the desire to ensure one's salvation and the rights of the donor's unborn kinsmen, or in Euphemia's case the wife whom the donor subsequently married.

37. Berchtesgaden, pp. 326–27, no. 150; pp. 328–29, nos. 152, 153, 154.

38. SUB 1:341, no. 174. See also the following twelfth-century entries in the abbatial *Traditionsbuch*: SUB 1:313 ff., nos. 128, 149, 150, 168, 191b, 194d, 198a, 207, 209, 212b, 213, 214, 223, 228, 233, 238, 244a, 245–48, 259, 261, 262, 271, 276, 278, 280, 289, 296, 303, 309, 319, 325, 326, 329, 347, 362, 374, 398, 403, 433, 435, 443.

39. Bouchard, *Holy Entrepreneurs*, pp. 82, 161. I have the impression, however, that less effort was made to seek the consent of other relatives besides the wife in Salzburg than was the case in Burgundy. The word *laudatio* was never employed to my knowledge in the archdiocese in conjunction with the giving of such consent.

40. SUB 1:620–21, no. 77.

which she had obtained from her natal family, the Pettaus. Dietmar was listed among the witnesses—in ninth place among the archiepiscopal ministerials, but there is no indication that he was explicitly asked to assent. The monks were to take actual possession of the property only after the deaths of both G. and Dietmar, however.<sup>41</sup> A widower could thus retain the same right to lifelong use of his spouse's property as a widow did for her late husband's.

The most explicit statement about the limits to a husband's control of his wife's property is contained in the account of Henry of Scharfenberg's reconciliation in 1250 with the Cistercians of Landstrass (today Kostanjevica, Slovenia). To obtain absolution for burning property that belonged to the monks, Henry agreed to give the monks five hides that belonged to his wife Gerbirg of Pettau, who had inherited the lordships of Montpreis and Hörberg from her own mother. "Since," he pointed out, "this donation would in fact lack permanence without the hand of my wife, to whose inheritance and patrimony it belonged," Henry invited the subprior to come to Montpreis, where Gerbirg voluntarily and freely made the gift by her own hand on the altar of the castle's chapel. Henry then gave Gerbirg a village that belonged to his own patrimony to compensate her for her loss.<sup>42</sup> Although an heiress who lived on the southeastern frontier of German settlement may have been in a particularly advantageous position vis-à-vis her own husband, the terms of Henry's reconciliation present a view of marriage as a temporary union between two separate lineages whose holdings were merged only in the next generation. In such circumstances a husband could not simply alienate his wife's property at his pleasure.

As the nobleman Adalram of Waldeck-Feistritz discovered, a husband ignored his wife's rights at his peril. He had endowed his new foundation of Seckau with the entire dower ("omni coniugali dote") of his wife Richinza without obtaining her permission. She therefore went to Friesach, where King Conrad III was staying in 1149 upon his return from the Holy Land, and demanded the return of the dower. Since Adalram did not deny the accusation, the assembled princes ruled in Richinza's favor. Seckau was permitted to keep only those possessions that Adalram and Richinza had given the Augustinian canons jointly.<sup>43</sup> In short, the shift

41. SUB 1:465–66, no. 390b. G.'s family of origin was not mentioned in the entry, but Frederick V of Pettau said in 1266 that he had inherited the patronage of the church of Kirchberg from his ancestors (MC 4/2:639–40, no. 2905). Since Kirchberg is only four kilometers northeast of Wieting, Frederick II of Pettau had presumably inherited it from his mother, the sister of Godfrey of Wieting.

42. *Urkunden- und Regestenbuch des Herzogtums Krain*, ed. Franz Schumi, 2 vols. (Ljubljana, 1882–87), 2:130–32, no. 168. Henry also surrendered in 1244 whatever possessions he owned in the Lungau to Gerbirg's paternal uncle, Hartnid I of Pettau, "with the consent, hand, and will of my beloved wife Lady Gerbirg" and "with the full consent and will of my dearest father-in-law Frederick (IV) of Pettau" (SUB 3:601, no. 1054). I suspect that Gerbirg may have obtained this property from her maternal grandfather Ortolf of Montpreis. On the transaction, see Klebel, *Der Lungau*, pp. 151–53.

43. UB Steiermark 1:290–91, no. 279. See also UB Steiermark 1:291–92, no. 280; 375–76, no. 395. On Seckau's holdings, see Benno Roth, *Das älteste Urbar des ehemaligen Augustinerchorherren- und Domstiftes Seckau*, in *Seckauer geschichtliche Studien (SGS) I* (Seckau, 1933); and idem, *Beitzgeschichte des ehemaligen Augustinerchorherren- und Domstiftes Seckau, Zeitraum: 1140–1270*, in



from the *Leibgedingssystem* to the *Heiratsgabensystem* in the thirteenth century cannot be attributed, as Brauneder thought, to the husband's loss of control over his wife's property. Such a right, if it ever existed in the archdiocese, had already been considerably curtailed by the twelfth century.

The reasons for the gradual abandonment of the *Leibgedingssystem* must be sought rather in the uncertainties inherent in the system itself and the need to provide for the establishment of more than one conjugal household in each generation. The right of a widow to a proper maintenance, the chief purpose of the *Leibgedingssystem*, was in conflict with other equally valid rights: the right of a donor to provide for his eternal salvation; the right of the husband's kinsmen to his property if the marriage was childless; and the right of the widow's own children to their paternal inheritance. A husband seemingly could assign a dowry to his bride at their betrothal or marriage, as Engelschalk of Wasen did, or wait until a later date—say, when he arranged for the disposition of his domains—as Count Sigiboto IV or Ortolf of Montpreis did. It was unclear whether the widow's rights to the lifelong use of a portion or all of her late husband's estate also included property for which he had made other arrangements. Since Berchtesgaden paid Euphemia £50, a far from negligible sum, to renounce her claims to a salt spring that Henry of Högl had conferred on the canons eight years or more before their marriage, the answer appears to be yes.

All these uncertainties were further complicated if a widow remarried. For example, Liutolt of Haberland-Siegsdorf and his surviving son Henry stipulated in 1159/60, after the death of Henry's older brother Meginhard, that Saint Peter's was to possess Haberland if Henry died without issue. This was tempting the Almighty, and the childless Henry was mortally wounded about 1171.<sup>44</sup> His widow G. retained Haberland for a long time, illegally according to the monastic scribe, before she finally yielded its possession; but like Euphemia she undoubtedly felt entitled to the usufruct of all of her late husband's property even if it had been previously encumbered. Her second husband Otto I of Stefling and his father Magan I witnessed her renunciation.<sup>45</sup> Otto of Stefling also laid claim to various properties that Henry of Siegsdorf had given Raitenhaslach on the pretext that Henry had conferred it on G. as her dowry ("sub occasione dotis a prefato Heinrico coniugi sue collate"). Abbot Gero (1146–77) appealed in 1174 to Henry

SGS 3 (Seckau, 1933). For a similar case in which a widow contended that before leaving on the Second Crusade her late husband, the advocate of the church of Regensburg, had given Admont property that belonged to her "iure maritalis dotis," see UB Steiermark 1:373–75, no. 394. For several years in the late 1140s the noblewoman Benedicta of Julbach, supported by her grown sons, pursued claims to the property that Meginhard and Judith of Rothof had conferred on Berchtesgaden, even though Benedicta's husband Wernhard I of Julbach had already renounced his rights to his uncle's property. On the dispute, see Dopsch, "Von der Existenzkrise," pp. 330–32.

44. SUB 1:444–45, no. 356; 462–63, no. 384. Henry was last mentioned in 1171 (Berchtesgaden, p. 329, no. 154).

45. SUB 1:464, no. 387.

the Lion, and the duke upheld the abbey's rights. Otto persisted and ignored two summonses by Duke Otto I of Bavaria (1180–83) to respond to the Cistercians' complaints. The stubborn ministerial finally heeded the duke's third summons and was fined £10.<sup>46</sup> Otto did succeed, however, in acquiring Siegsdorf, which was still in his son's possession in 1252.<sup>47</sup> A widow's dower could thus be permanently lost by her husband's relatives or legatees if she remarried, even though in theory neither spouse had the right to inherit from the other.

As White explained, such confusion was inherent in a system of property ownership in which no one possessed an absolute title to property and there was no way to adjudicate conflicting norms except by violence or compromise. The acceptance of the *Heiratsgabensystem*, in which the bride's dowry and dower were carefully specified at the time of the betrothal or marriage, can thus be seen as an attempt to prevent such disputes by relying on written legal instruments. The diffusion of the marriage payments system was thus connected with both the laity's increasing reliance on written proof and the princes' success in the thirteenth century in asserting their territorial supremacy, limited as it undoubtedly was.<sup>48</sup> After all, Archbishop Frederick III could include in the *Salzburger Landesordnung* of 1328 a provision regulating the grant of the widow's dower.

The third reason for the abandonment of the *Leibgedingesystem* was that the families' chief concern had shifted from providing for the maintenance of the widow to enabling a newlywed couple to establish a separate household. This became a necessity when lineages routinely allowed more than one son in each generation to marry. The result was that the bride's natal family was required for the first time to make a substantial contribution to the marriage.

### The *Heiratsgabensystem*

The *Heiratsgabensystem*, which was adopted in the thirteenth century, involved two primary payments or prestations, the dowry and dower, and two secondary ones, the *Fertigung* or trousseau and the *Morgengabe* or morning gift, which the bride and groom could also give to each other. The dowry was the central payment in the system because it determined the amount of the dower. Since few marriage contracts have survived for the period before 1343 and since those that have were probably preserved because of their political significance and are thus in some way exceptional, it is largely necessary to reconstruct how the *Heiratsgabensystem* functioned in actual practice from the isolated references to the various assigns.

46. Raitenhaslach, pp. 4–5, no. 3; pp. 26–27, no. 29.

47. Regesten 1:19, no. 134.

48. See White's discussion in *Custom*, pp. 177–209, esp. 205–6, of the decline of the *laudatio parentum* with its implicit limitations on property ownership, which he linked both to the development of state institutions to adjudicate disputes and to "a new kind of legal culture, in which laws were distinguished from other sorts of norms."

The dowry (*dos* or *donatio*) was mentioned far less frequently than the widow's dower, even after 1250, perhaps because the dowry was usually paid in cash.<sup>49</sup> It was the chief contribution of the wife's family to the establishment of the new household, a fact that is reflected in the most commonly used German word for the dowry, *Heimsteuer*, literally home aid or contribution. This term had already been employed in the twelfth-century *Codex Falkensteinensis* to distinguish the dowry from the widow's dower. The grant of a dowry was a topic of deliberation among the members of a lineage, no doubt because a marriage forged an alliance with another group of kinsmen. For example, when the brothers Nicholas and Eckart X of Tann agreed in 1326 that they would own all their properties and rights in common, they stipulated among other things that they would provide their daughters with dowries out of their common property. Neither would arrange a marriage for a daughter without the advice and consent of the other.<sup>50</sup>

If the bride's father, other relatives, or a third party like the archbishop could not pay the money immediately, as was often the case, they could pledge property to the groom or provide guarantors for the dowry's payment by a specified date. For example, Nicholas of Möderndorf and his wife Margaret, daughter of Wölflin of Altenhaus, acknowledged in 1332 that Bishop Gerold of Gurk (1326–33), the archiepiscopal vidame in Friesach, had paid them the 50 Aquileian marks that Archbishop Frederick III had promised them as Margaret's dowry ("hain stewart").<sup>51</sup> The husband was expected to invest the money in land that was designated as the wife's dotal property. Archbishop Frederick III granted William of Pischätz (today Pišce, Slovenia) permission in 1329, for instance, to pledge half of the castle of Pischätz with its appurtenances, except for the village of Thiergarten, to his wife Elizabeth as security for her dowry of 200 marks of silver.<sup>52</sup> It was generally assumed that land would return 10 percent of its value every year, although other ratios could be employed in computing the ratio between the dowry or widow's dower and the projected annual income from the designated properties.<sup>53</sup>

The wife's dotal lands had in effect been pledged to the husband for the duration of the marriage or until his death. The husband administered the property and enjoyed the usufruct but could not alienate the property without his wife's express consent. For example, in 1339 Archbishop Henry authorized William of Pischätz to pledge half of the castle of Pischätz to Elizabeth for an additional 300 marks (she had already been given a lien of 200 marks on it as her dowry). She agreed

49. For a general discussion of the dowry, see Bilowitzky, "Heiratsgaben," pp. 27–29; Brauneder, *Entwicklung*, pp. 40–45, 77–79, 151–202.

50. SUB 4:365–68, no. 321.

51. MC 9:154, no. 496.

52. Regesten 3:72, no. 704.

53. On the 1:10 ratio, see, for example, CF, pp. 156–57, no. 175; MC 6:288–89, no. 428; 8:100, no. 322; Regesten 3:70, no. 684; SUB 4:30–31, no. 33.

to let the archbishop redeem the two pledges if her husband should die without an heir because the pledges were, she explained, the combined dowry and widow's dower that "I and he brought to each other."<sup>54</sup>

If the couple was childless, the surviving partner retained lifelong use of the land. It then reverted to the wife's natal lineage unless other arrangements had been made. Godfrey of Marburg (today Maribor, Slovenia), a Styrian ministerial, acknowledged in 1312 that his father-in-law Frederick of Königsberg, who belonged to the cadet line of the Pettaus, had given his daughter a dowry of 500 Graz pounds in accordance with Styrian territorial law ("ze rechtem heiratgüt nach landes recht ze Steyer"). Godfrey obligated himself to invest the money in properties in Styria, which were to revert to Frederick and his heirs if Godfrey's marriage to Gertrude was without issue. In the latter eventuality, if Godfrey had failed to invest the properties in lands as he had promised, the Königsbergs were to have a lien of £500 on the castle of Marburg itself. The duke or his representative was to ensure that the Königsbergs' lien would be paid.<sup>55</sup>

If the marriage had been blessed with children, the dotal lands belonged to them and could not be alienated without their consent. Nicholas of Möderndorf announced in 1357, for example, that he had sold to Archbishop Ortolf (1343–65) for 14 marks of Aquileian pennies various properties, free alods, that he had obtained from his deceased first wife Adelaide with the consent of the four children she had borne him.<sup>56</sup>

Although under the *Leibgedingesystem* the payment of a small dowry had not terminated a woman's further claims to a share of her paternal patrimony, after the mid-thirteenth century a dowry often functioned as a premortem inheritance. Count Ulrich III of Pfannberg acknowledged in 1288 that his father-in-law Count Ulrich II of Heunburg had paid him and his wife Margaret her dowry ("haimstewer") of 1,000 marks of silver. With her consent and her father's he had invested the silver in coins and rents. In return Ulrich III and Margaret renounced any further claims to her father's or mother's inheritance.<sup>57</sup> The latter provision was especially important because Margaret's mother, Countess Agnes, had been one of the Babenberg heiresses.<sup>58</sup> The subsidiary inheritance rights of the bride could also be explicitly recognized, however. For instance, the marriage contract of Diemut of Pettau, daughter of Hartnid III, stipulated in 1309 that she retained the same rights to the Pettau patrimony as Hartnid's other daughters if he died without a male heir (this did not occur).<sup>59</sup>

Since a dowry could be a premortem inheritance, its assignment could have

54. Regesten 3:116, nos. 1161, 1162.

55. Regesten Steiermark 1/1:121, no. 435.

56. MC 10:159, no. 478.

57. MC 6:64–65, no. 95.

58. Fräss-Ehrfeld, *Geschichte Kärntens* 1:351–52.

59. Regesten Steiermark 1/1:26–27, no. 89.

crucial political ramifications, as the case of Margaret of Steinkirchen illustrates. Coincidentally, the agreement also illustrates how complicated such marriage contracts could be. Conrad I of Steinkirchen promised on 13 March 1255 to give his future son-in-law, Conrad V of Kalham-Wartenfels, rents of £10 as they were computed at harvesttime and rents situated between Diebering and Mondsee that Conrad of Steinkirchen had pledged for £100. Conrad V was to redeem and to use the rents that Conrad of Steinkirchen had pledged until the latter could repay him. To redeem the pledge, Conrad of Steinkirchen was to let his son-in-law select rents of £10 from among his father-in-law's rents. In other words, Conrad V was paying his father-in-law's debts as part of the marriage settlement. After the marriage had been consummated, eight arbiters—four friends selected by each side—and Conrad of Steinkirchen himself were to determine whether he owed his son-in-law an additional amount. Conrad of Steinkirchen also agreed to give Conrad V twelve persons of knightly status, the fiefs of twelve knights, and, most important, an alod or fief where he could build a castle. Conrad of Steinkirchen was to execute the agreement by 23 April and to repay the £100 by Christmas. If either man broke the contract, he would be obligated to pay the other £200.<sup>60</sup> Margaret's dowry thus consisted of an annual income of £10, twelve armed men and their fiefs, and the building site for a castle.

On 23 June 1259 Archbishop Ulrich confirmed his predecessor's enfeoffment of Conrad of Steinkirchen and his son Conrad II with the fiefs that had belonged to Conrad I's own father-in-law, During of Stefling, and During's brother Ortolf II and attested that Conrad had inherited in accordance with a now lost agreement that the Steflings and Conrad had made with Archbishop Eberhard II—that is, before 1246. After Conrad of Steinkirchen and his son renounced their rights to the Steflings' fiefs, Archbishop Ulrich enfeoffed Conrad of Kalham, who in the interim had married Margaret of Steinkirchen, with whatever the Steflings had possessed at Thalgaueck in the parish of Thalgau, sixteen kilometers northeast of Salzburg, as well as all the other fiefs Conrad of Steinkirchen had granted his son-in-law. Archbishop Ulrich authorized Conrad V to build a castle at Thalgaueck or at a more suitable place. If both Conrad I and Conrad II of Steinkirchen died without an heir, then Conrad V and Margaret were to possess all the fiefs the Steinkirchens had held from Salzburg.<sup>61</sup> The right of a sister to inherit the property of her childless brother was thus explicitly recognized in this case.

Conrad V of Kalham subsequently built a castle at Wartenfels, the name he then adopted, five kilometers south of Thalgau. In other words Margaret, not her brother Conrad II, had obtained a substantial portion of her mother's inheritance in the guise of a dowry. Margaret's maternal inheritance may be the key to ex-

60. SUB 4:30–31, no. 33.

61. SUB 4:42–43, no. 42.

plaining why she received such a large dowry and why these two documents have been preserved.

Margaret's marriage to Conrad V of Kalham was a device to prevent the alienation of the Stefling inheritance outside the archiepiscopal familia and part of a long-term plan to bind the Steinkirchens to Salzburg. The legal status of Margaret's father was uncertain. On 27 April 1232, Archbishop Eberhard II wrote to Count Henry I of Ortenburg that in accordance with the laws of the church of Salzburg any children to be born from the marriage of the count's ministerial Conrad of Steinkirchen and Adelaide, daughter of the archiepiscopal ministerial During of Stefling, were to be divided equally between them. At the count's request Emperor Frederick II confirmed this agreement at Udine on 2 May 1232.<sup>62</sup> Yet Conrad had already been identified as an archiepiscopal ministerial in 1216, significantly enough in a document that concerned the Ortenburgs.<sup>63</sup> The best explanation for this confusion about Conrad's precise legal status is that his mother had been an archiepiscopal ministerial and that his marriage to Adelaide of Stefling had been arranged by Eberhard II to bind Conrad more closely to Salzburg. It was probably at this time that Eberhard issued the lost charter that Archbishop Ulrich referred to in 1259, in which the Steflings' fiefs had been promised to Conrad. Presumably Margaret rather than her brother Conrad II had originally been assigned to Salzburg in accordance with the 1232 agreement, and that is why she received a significant portion of the Stefling inheritance as her dowry.<sup>64</sup> Archbishops Philip and Ulrich had utilized the assignment of Margaret's dowry to regulate the Steinkirchen-Stefling inheritance to the church's advantage.

The archbishops' involvement in Margaret's marriage, like the grant of a dowry in accordance with Styrian territorial law, demonstrates how closely the acceptance of the *Heiratsgabensystem* was linked to the assertion of the princes' territorial supremacy. It was they who were called on to guarantee that the parties had fulfilled their obligations and they who manipulated the system to their own benefit.

The bride's family could also supply her with a trousseau (*Fertigung*). A widow generally retained those household goods that she had contributed to the marriage, as can be seen in a 1287 arbitration award. Bertha, the widow of Frederick Poechlein of Rechberg, a Carinthian ministerial, quarreled with her stepson Hermann

62. SUB 3:425–27, nos. 882a, 882b. Adelaide's name was not mentioned here but appears in UB Raitenhaslach 1:195, no. 238. Conrad was identified again as an Ortenburg ministerial in 1251 (OÖUB 3:180–81, no. 188).

63. SUB 3:203–5, no. 693b. Conrad was again called an archiepiscopal ministerial in 1249 (OÖUB 3:153, no. 154).

64. There is no question that Conrad II was Adelaide's son, because in 1258 Conrad I gave Raitenhaslach two manors with Adelaide's consent and the consent of his son Conrad II, who was described as being of age, and his unnamed sisters (UB Raitenhaslach 1:195, no. 238). There would have been no reason to stress in 1258 that a man born before 1232 was of age.

about the terms of her widow's dower and about her children's share of the Rechberg inheritance. She was awarded all the movable property ("varendes guetes") she had possessed since Frederick's death: specifically, unminted silver, coins, jewels, bed linens, crossbows ("arenbrusten"), and armor ("eisengwante"). Normally a widow did not receive goods like weapons that had clearly belonged to her husband; perhaps the crossbows and armor were a subject of contention because Bertha had sons of her own who could use them.<sup>65</sup>

In exchange for the receipt of the dowry, the groom—or if the marriage was arranged on the groom's behalf, his father or other kinsmen—was required to designate the lands that would provide the bride with the income specified as her widow's dower (*donatio propter nuptias*, *dotalitum*, or *contrados*) and to offer security for its payment. Scribes in the thirteenth century struggled to develop a terminology that would distinguish clearly between the widow's dower and the dowry, both of which had been designated the *dos* in the *Codex Falkensteinensis*. It was only gradually that terminology borrowed from Roman law gained general acceptance. For example, one scribe referred in 1290 to the 40 marks that Lady Adelaide had received from her husband "nomine dotis immo pocius donationis propter nuptias."<sup>66</sup> The husband's contribution was perceived as a counterpayment to the receipt of the dowry. This is reflected in what eventually became the most frequently used German word for the husband's payment, *Widerlage*, which like its Latin equivalent *contrados*, emphasized that the designation of the dower was contingent on payment of the dowry. Thus Duke Henry of Carinthia, the titular king of Bohemia, stated in 1311 that he owed his sister-in-law Euphemia, widow of his brother Otto, the 3,000 marks Otto had assigned to her "ze widerlegunge der selben heimstevr."<sup>67</sup>

The groom or his family often enumerated in advance, with considerable precision, the expected income from the lands that were to form the bride's dower, though the actual assignment of part or all of the dower might not occur until after the marriage had been consummated. Henry I of Staufeneck indicated on 12 October 1294, for example, that he was assigning to his fiancée Elizabeth, daughter of his coministerial Frederick I of Felben, a dower of £30 drawn from the following widely dispersed sources: £12 in the district of Saalfelden in the Pinzgau that Henry's mother Euphemia had surrendered for this purpose; £4 from Piding, near Staufeneck in Upper Bavaria, and from Mauthausen in the Lungau; and another £4 from his intrinsic alod in Taching on the Wagingersee in Upper

65. MC 6:48–49, no. 70. On Frederick's status, see MC 4/2:657–60, no. 2921, article 47, where Frederick was listed among the "Homines proprii nobiles" of the duke of Carinthia. For additional information on the *Fertigung*, see Brauneder, *Entwicklung*, pp. 51, 352–54.

66. MC 6:98–100, no. 148. For additional information on the dower, see Bilowitzky, "Heiratsgaben," pp. 30–31; Brauneder, *Entwicklung*, pp. 37–39, 51–57, 203–17.

67. MC 8:22, no. 62.

Bavaria. Since these rents were archiepiscopal fiefs, Henry turned them over to Archbishop Conrad IV, who granted them to Frederick of Felben on behalf of his absent daughter. If Henry had not designated the remaining £10 by 1 November 1296 (a year after the marriage had been consummated?), then Henry's cousin Ulrich of Staufeneck and Conrad I of Oberndorf were to give Frederick of Felben annual incomes of £3 and £5, respectively, from various properties. If this did not add up to £30, Ulrich and Conrad were to guarantee the payment of the balance. The entire transaction occurred in the presence of Archbishop Conrad IV and Henry's peers, who sealed the charter.<sup>68</sup>

The income of £12 that Euphemia surrendered may have been part of her own widow's dower, since families could employ the same properties every generation to endow their wives. For example, in 1298 Countess Agnes of Pfannberg exchanged her dower ("morgengab") in the Lavant valley in Carinthia—namely the castle of Löschtal and a tower in Lavamünd—for a comparable income and castle in Bavaria that Archbishop Conrad IV would grant her. These castles also served at the same time as the dower ("donis, que wlgariter leibgedinge dicuntur") of Agnes's sister-in-law Elizabeth and daughter-in-law Margaret.<sup>69</sup> Such arrangements may have been the cause of dissension, because Henry of Staufeneck reported that his cousin and Conrad of Oberndorf, who had witnessed his mother's renunciation, were prepared to testify if she later denied it.

Although the husband enjoyed the use of the income from his wife's dowry during her lifetime, she did not take actual possession of her dower lands until after his death. The husband could not alienate her dower without her consent, however, and it, like the dowry, provided for the couple's joint maintenance. In effect the designated land had been pledged to the wife, and her claims to the dower took precedence over all other claims to the husband's estate. This was true even if the husband incurred the archbishop's wrath. For example, when Engelschalk, the castellan of Reichenburg (today Rajhenburg-Brestanica, Slovenia), was reconciled with Archbishop Frederick II in 1275, Engelschalk acknowledged that if he ever again harmed the archbishop or the church of Salzburg, he would forfeit all his fiefs if he did not compensate the church within a month after he had been summoned to give an account of his conduct. Only those rents and possessions that had been assigned to his current wife as her widow's dower ("in dotem propter nupcias") were excluded from this provision.<sup>70</sup> Similarly, the archiepiscopal ministerial Henry II of Bergheim, who had angered the archbishop once too often, was forced in 1295 to sell all his possessions to Archbishop Conrad IV. The fiefs that Henry had assigned to his wife Bertha as her dower were included in the sale, but Bertha was required to renounce her right to her dower in a separate

68. Regesten 2:29, no. 227.

69. MC 6:270–71, no. 403; SUB 4:258–59, no. 217; Regesten 2:64, no. 517.

70. UB Steiermark 4:344–45, no. 575.



transaction sealed by the town of Wels in Upper Austria, where she had taken refuge.<sup>71</sup>

The widow had the right to the income from the land but could not alienate it. Remarriage did not abrogate her rights to her dower, because its use had been pledged to her for her lifetime. If the couple had been childless, the property reverted to the husband's heirs after the widow's death. If the marriage had been blessed with children, their mother's dower lands belonged to them and could be alienated only with their consent. For example, in 1290 Catherine, the widow of a burgher of Marburg, sold a vineyard that had been part of her dower (*Morgengabe*) to Viktring Abbey, with the consent of her children, Peter and Catherine.<sup>72</sup>

The archbishops' participation in so many of these transactions shows once again how much the acceptance of the *Heiratsgabensystem* depended on the assertion of the princes' authority. As the remarriage of Frederick V of Pettau in 1287 illustrates, it was their oversight that removed much of the uncertainty that had plagued the *Leibgedingssystem* and guaranteed that the parties would heed their obligations. Archbishop Rudolph authorized Frederick to assign to his second wife, an unnamed countess, as her widow's dower ("in donationem propter nuptias") 500 Graz or Friesach marks that he held in fief from the church, with the stipulation that any sons she bore him would marry only women who belonged to the archiepiscopal familia. If she died without male heirs, the income would revert to Frederick's sons by his first wife, Frederick VI and Hartnid III. Rudolph promised to enfeoff her with the fiefs the next time he came to Pettau or Styria, whereupon she was to give the archbishop a charter listing the fiefs that pertained to her dower.<sup>73</sup> These provisions secured the archbishop's rights to Frederick's children by his second wife, the inheritance rights of his sons by his first wife, and the widow's right to the peaceful enjoyment of a dower that was on file in the archbishop's archives.

A husband could also give his wife, if it was her first marriage, a *Morgengabe* or morning gift, which she could alienate in any way she wished. Although in the early modern period *Morgengabe* came to mean almost exclusively *pretium virginitatis*, that is, a compensatory payment for the bride's loss of her virginity, according to Brauneder the term often referred simply to the widow's dower. This appears to have been the case in the examples cited in the discussion of the widow's dower. *Morgengabe* was employed in this more general sense because every marriage payment was ultimately linked to the consummation of the marriage. Thus *Morgengabe* could be employed for any marital assign that one spouse, rather than a third party like a parent or the archbishop, made to his or her

71. Regesten 1:118, nos. 917, 918; 153, no. 1198; 2:33, no. 264; 34, no. 271. Another example of a woman who gave her consent to the sale of her widow's dower (*Morgengabe*) was Salmey, wife of the impoverished Eckart of Eichham (Regesten 2:93, no. 797). See above, chapter 3 at note 162.

72. MC 6:97, no. 146.

73. Regesten 1:164–65, no. 1276.

partner. When *Widerlage* was finally accepted as the term for the husband's chief contribution to the marriage—that is, the widow's dower per se—*Morgengabe* assumed the nearly exclusive meaning of *pretium virginitatis*, a secondary and voluntary payment given to a woman who married for the first time; but this is not true of the period under consideration here.<sup>74</sup>

There are instances where *Morgengabe* was clearly employed before 1343 in the technical sense of a supplementary payment given by the husband to his wife in addition to her widow's dower. Henry I of Staufenek, who granted his fiancée Elizabeth of Felben a dower of £30, also promised her an annual income of £6 as her *Morgengabe*.<sup>75</sup> The marriage contract of Duke Henry of Carinthia (1295–1335), titular king of Bohemia, and Beatrice of Savoy, who was identified as a virgin, stipulated in 1326 that she was to receive a “heimsture” of 5,000 marks of silver payable over four years. In return Henry was to assign to her a “widerlegung” of 5,000 marks and a *Morgengabe* in accordance with his will and honor.<sup>76</sup>

In most cases, however, *Morgengabe* seems simply to have meant the widow's dower. It was employed in this sense, according to Brauner, in the *Salzburger Landesordnung* of 1328. Archbishop Frederick III declared that “nothing else is a ‘morgengab’ than that which a husband conferred to his wife on the first morning by the bed when he lay with her, and a woman may claim nothing else as her ‘morgengab.’” The archbishop added that if a wife had any other claims to her husband's property she would have to prove it with witnesses, and that the grant of a fief as a *Morgengab* was binding upon the husband's lord only if the latter had granted his consent.<sup>77</sup> Although this provision may sound like the bestowal of a morning gift, Archbishop Frederick seems to have been referring to a case like the following. In 1307 Archbishop Conrad IV granted Ulrich of Haunsberg and his wife Adelein of Bergheim an income of £19 6s. 6d. in fief from a property in the parish of Berndorf to supplement the *Morgengabe* “that he [Ulrich] gave her on the day on which he rose from her in the morning” and about which Adelein possessed a charter from Archbishop Rudolph.<sup>78</sup> Presumably Ulrich was not compensating Adelein a second time for the loss of her virginity, approximately twenty years after her marriage had been consummated, but was increasing with the archbishop's permission the amount of her dower.

The few attempts scribes made to Latinize *Morgengabe* suggest that they thought the word meant the widow's dower rather than *pretium virginitatis*, a term they never to my knowledge employed. In 1264 Bishop Dietrich II of Gurk (1253–78) granted the “arram quandam, quod teutonice morgengabe nuncupatur” that

74. Brauner, *Entwicklung*, pp. 45–49, 51–57.

75. Regesten 2:29, no. 227.

76. MC 9:19, no. 67.

77. SUB 4:380–87, no. 329, article 45. See Brauner, *Entwicklung*, pp. 65–66, 75.

78. Regesten 2:96–97, no. 825.

Lady Mary of Salenborg (today Zamerk, Slovenia) had surrendered to him to her son-in-law Hertwig of Proschin (today Prožin, Slovenia) and her daughter Benedicta and their heirs. The bishop added that Hermann of Proschin, an episcopal ministerial, had previously granted this “arra” to Mary as her marriage portion (“Eadem . . . arra . . . est antea subarrata”).<sup>79</sup> The choice of the Latin word *arra* with its root meaning of a pledge or an earnest fits the widow’s dower better than a voluntary gift.

The most explicit translation of *Morgengabe* as the widow’s dower occurred in 1275 when Count Albert II of Görz (1258–1304) married Euphemia, daughter of Count Conrad II of Plain-Hardegg. Each contributed 2,000 marks to the marriage. If the marriage was childless and Albert died first, Euphemia was to retain the lifelong use of the castle of Virgen, which had been pledged to her for the combined 4,000 marks; after her death it would revert to Albert’s heirs. If she died first in the same circumstances, Albert was to retain the dowry during his lifetime; the 2,000 marks would be returned to her heirs after his death. Any sons of Albert and Euphemia were to share the Görz inheritance equally with Albert’s son by his first marriage. If the couple had only daughters, they were to own and fully possess their mother’s “dotalicium, quod Morgengabe dicitur in vulgari.”<sup>80</sup> Since the morning gift was not mentioned anywhere else in this detailed marriage contract that took every eventuality into consideration, it is clear from the context and the scribe’s choice of the word “dotalicium,” which was normally employed for the dower, that the scribe equated the *Morgengabe* with the dower.

The last Latinization, however, shows the double meaning of the word. In 1299 the cathedral chapter of Gurk authorized its bailiff to confer a hide that he held in fief from the chapter to his wife. The hide was to serve “pro dote seu dono, quod lingwa wlgari morgengab dicitur,” that is, as the widow’s dower or the gift that is called the *Morgengabe*.<sup>81</sup> In conclusion, in the period under consideration here it seems wisest to translate an isolated reference to the *Morgengabe* as the widow’s dower unless there is clear evidence to the contrary.

Jack Goody argued that northern European society placed less importance on the bride’s virginity than did the Mediterranean world. He attributed the relative unimportance of the morning gift in the northern European system of dotal payments both to a later age of marriage and to the shift of emphasis from the

79. UB Steiermark 4:91–92, no. 147. Hermann the Elder of Proschin was identified as a Gurk ministerial in MC 1:256–57, no. 343. See also Pirchegger, *Untersteiermark*, pp. 230–31. There is no indication that Hertwig and Hermann of Proschin were related to one another, but it is quite possible that Hertwig’s marriage to Benedicta had been consanguineous. For another example of the use of *arra* for the dower, see MC 3:530–31, no. 1387.

80. MC 5:117–19, no. 173. There are other examples from outside the archdiocese where scribes equated *Morgengabe* with the widow’s dower. Duke Frederick II confirmed in 1232 the Hospitalers’ possession of some property that the widow of the previous owner had claimed “iure dotis quod vulgariter morgengabe sonat” (BUB 2:131–32, no. 295). The so-called *Stadtrecht* of Wiener Neustadt of 1221/30, a copy made about 1300 of a forgery that originated in 1276/77, referred to the “dotarum propter nuptias id est morgengab” (BUB 2:36–52, no. 232, article 73).

81. MC 6:299–300, no. 444.

consummation of the marriage to the betrothal as the constitutive component in the formation of a marriage.<sup>82</sup> That scribes in the archdiocese normally employed *Morgengabe* to refer to the widow's dower rather than to a compensatory payment for the bride's loss of virginity suggests that this may have been true in the archdiocese too. In any case the genuine morning gift was rarely mentioned in the extant documentation, probably because it was a voluntary and comparatively small amount paid in cash and at the wife's free disposal.

The *Heiratsgabensystem* had become so entrenched in the principality of Salzburg by the first half of the fourteenth century that Archbishop Frederick III could simply state in 1336 that Konrad der Pöll, a burgher of Salzburg, had consigned a widow's dower to his wife Christine in exchange for her dowry, in accordance with territorial law.<sup>83</sup> There was, to my knowledge, no written law that required such an act. Such arrangements had become customary because they removed the uncertainties that had surrounded the earlier *Leibgedingesystem*, made it easier for a couple to establish a separate household, and provided for the proper maintenance of the widow. The whole system ultimately depended on the prince's new territorial supremacy for its enforcement.

There is one other point that should be considered. The payment of a dowry is generally associated by anthropologists with bilateral kinship systems and an emphasis on "the conjugal bond and affinal linkages . . . notwithstanding the existence of [unilineal] descent ideologies."<sup>84</sup> As David Herlihy pointed out, the patrilineal family structure of high medieval Europe was superimposed on an existing cognatic one, as can be seen in the church's definition of consanguineous marriages, the subsidiary inheritance rights of women, and the continued reliance on maternal kinsmen as guarantors or oath helpers.<sup>85</sup> The *Heiratsgabensystem*, which required the bride's family to contribute to the establishment of the couple's household but also protected the interests of her natal family, strengthened such cognatic ties. The stress on the conjugal bond implicit in the whole system of dotal payments may also have fostered the more positive assessment of marriage and feelings of family affection that, according to Herlihy, increasingly characterized the late medieval household.<sup>86</sup>

## The Amount of the Assigns

Herlihy stated that "widely across Europe" the "burdens of matrimony" shifted in the High Middle Ages from the groom's family to the bride's, so that the hus-

82. Goody, *Development*, pp. 212-13.

83. Regesten 3:100, no. 1004.

84. Comaroff, "Introduction," p. 12.

85. David Herlihy, "The Making of the Medieval Family: Symmetry, Structure, and Sentiment," *Journal of Family History* 8 (1983): 122-24.

86. *Ibid.*, pp. 125-28; *idem*, *Medieval Households*, pp. 112-30.

band's contribution declined "to virtual insignificance" in the later Middle Ages.<sup>87</sup> This was not the case in the eastern alpine principalities. Brauneder found that in this region the dower was at least as large as the dowry, if not larger, and only rarely less than the wife's contribution. For example, the typical ratio between the dowry and dower in Styria and Carinthia was 1:2, and it was 1:1.5 in the principality of Salzburg. Regrettably, he did not report the precise chronological limits of his study, how many cases he had examined, or their distribution over time.<sup>88</sup> Grooms and their families in the eastern alpine principalities, unlike Italy, where Herlihy focused his attention, were expected to make a major contribution to the establishment of their households.

Harald Bilowitzky's study of the *Heiratsgabensystem* in the late medieval duchy of Styria fills in many of the gaps in Brauneder's work. Bilowitzky obtained information about 475 marriages: 10 in the thirteenth century, of which 2 involved families of comital or free noble status and 7, lineages of greater ministerials; 176 marriages in the fourteenth century, of which 6 concerned the free nobility and 61, the greater ministerials; and 289 marriages in the fifteenth century. He was able to ascertain both the dowry and the widow's dower in about a quarter of the marriages. The ratio between the two assigns in all the thirteenth-century cases was 1:1 (the marriage of Albert of Görz and Euphemia of Plain-Hardegg is an example), but by the first half of the fourteenth century 25 percent of the marriages already involved a ratio of 1:1.5. By the second half of the fifteenth century the dowry was less than the dower in 84 percent of the examples (the ratio was 1:2 in 64 percent of the marriages). In only two instances, both involving the daughter of a burgher marrying a knight, did the woman pay more than the man. In short, the amount of the dowry relative to the widow's dower declined after the thirteenth century, a trend that runs counter to what Herlihy observed elsewhere in Europe.

Moreover, Bilowitzky found that the amount of the dowry, the crucial component in the *Heiratsgabensystem* because the widow's dower was contingent on the size of the dowry, depended on the woman's estate and was fixed within very narrow limits for considerable periods. The minimum amount was determined by the need to provide a couple with an income commensurate with their status in society, whereas the maximum was fixed in effect by a lineage's reluctance to impoverish itself through overly generous provisions for its daughters. Bilowitzky converted the dowries into pounds and tried to determine at twenty-five-year intervals the average dowry of the daughter of a count versus the daughter of one of the lords of ministerial status—the two groups that composed the Styrian *Herrenstand*. He obtained the following figures: 1275, £1,100 versus £550; 1300, £1,100 versus £500; and 1325, £1,100 versus £500. As these figures show, the dowry of a countess was approximately twice that of the daughter of a prominent ministerial.

87. Herlihy, *Medieval Households*, pp. 98–99.

88. Brauneder, *Entwicklung*, pp. 204–7.

By 1400 the dowry of a princess was in turn seventeen times that of a countess, while the daughter of a knight received only a sixth of the dowry of a woman of ministerial rank. The amounts of the dowry thus mirrored the hierarchical structure of late medieval Styrian society: the growing chasm between the princely houses and their former comital peers; the gradual merger of the remaining noble lineages and greater ministerials into a single estate of lords; and the division of the nobility between the lords and the knights.<sup>89</sup>

I have tried to determine the ratio between the dowry and the widow's dower in the principality of Salzburg before the middle of the fourteenth century and to ascertain whether there was a comparable hierarchical order in the size of the dowries that women of ministerial and knightly status received. I limited my investigations to women who resided within the principality or else married men who did. This excludes, for example, the Pettaus, whose marriages are better understood in the Styrian context. Regrettably, the evidence is too fragmentary and problematic to permit any definitive conclusions. I found in only three instances both the dowry and the dower of the same woman. Margaret of Steinkirchen's dower, for example, is unknown. Moreover, much of the extant evidence has survived precisely because it was in some way exceptional. Kunigunde of Goldegg's dowry was part of an agreement to raise troops, and Adelaide and Brigitte of Polheim were the nieces of Archbishop Weichart. It is impossible to tell how such factors affected the amounts of the assigns and whether the archbishop's own contribution to a marriage was an additional payment or relieved the family from some or all of its own obligations. Some contributions cannot be assigned any meaningful monetary value. What, for example, was the worth of the twelve knights, their fiefs, and the building site for a castle that Margaret of Steinkirchen received as her dowry?

There are difficulties even when a monetary amount is declared. Dowries, dowers, and morning gifts could be stated in terms of the total amount of money assigned to the woman, as in the marriage contract of Countess Euphemia of Plain-Hardegg, or in terms of the expected income from the land that had been pledged to her—for example, the annual income of 30 Salzburg pounds that Elizabeth of Felben received as her dower. I have standardized such payments by employing the most common one-to-ten ratio between the expected annual income and the value of a rent, but other ratios varying from 1:5 to 1:15 and distinguishing between alods and fiefs were sometimes employed in such calculations.<sup>90</sup> Exchange rates are another problem. I have converted marks of silver, Regensburg pounds, and Aquileian marks of pennies into Salzburg pounds and Kunigunde

89. Bilowitzky, "Heiratsgaben," pp. 20, 53–54, 61–77.

90. On the one-to-ten ratio, see above, n. 53. Other ratios were 1:10 for alods, but only 1:5 for fiefs (1245) (SUB 3:624–26, no. 1079); 1:11 for alods, but only 1:5 for fiefs (1242) (SUB 3:532–34, no. 984); 1:14 (1242) (SUB 3:540–42, no. 991a); and even 1:15 (1226, 1260) (SUB 3:334–36, no. 806; MC 2:84–87, no. 636).

TABLE I. Burdens of Matrimony

*Dowries and Dowers of Ministerial Women Who Married Their Peers*

1. Kunigunde of Goldegg and Ulrich II of Liechtenstein (1250)
  - Dowry, 30 Salzburg pounds (4,730 grams of silver)
    - £40 from the archbishop (6,307 grams)
    - total annual income, £70 (11,037 grams)
    - value of dowry, £700 (£300 from father, £400 from archbishop)
  - Dower, 60 marks of Friesach pennies (8,160 grams)
    - 20 squires
  - Morgengabe*, 100 marks (Friesach) of silver
    - annual income of 10 marks (2,295 grams)
    - combined dower and *Morgengabe*, 10,455 grams
- (UB Steiermark 3:131–33, no. 70; 135–36, no. 72)
2. Kunigunde of Weissenegg and Frederick II of Törring (1298)
  - Dowry, 100 Regensburg pounds (150 Salzburg pounds)
  - Dower, 200 Regensburg pounds (300 Salzburg pounds)
- (Regesten 2:46–47, no. 374; 74, no. 620)

*Dowries of Ministerial Women Who Married Their Peers*

3. Margaret of Steinkirchen and Conrad V of Kalham-Wartenfels (1255)
  - Dowry, annual income £10 (£100)
    - 12 knights, 12 fiefs
    - building site for a castle
- (SUB 4:30–31, no. 33; 42–43, no. 42)
4. Adelaide of Polheim and Diether of Felben (1317)
  - Dowry, 200 marks of silver (£400), annual income £40
- (OÖUB 4:74–75, no. 78; Regesten 3:6, no. 56)

*Dowers of Ministerial Women Who Married Their Peers*

5. Elizabeth of Stubenberg and Otto VI of Goldegg (1293)
  - Dower, £200, annual income £20
- (Regesten 2:23–24, no. 182)
6. Elizabeth of Felben and Henry I of Staufeneck (1294)
  - Dower, annual income £30, total value £300
  - Morgengabe*, annual income £6, total value £60
- (Regesten 2:29, no. 227)
7. Elizabeth of Walchen and Ulrich of Friendsberg (1297)
  - Dower, annual income of 20 marks (£13 8od.)
  - total value, £133
- (Regesten 2:45, no. 358)
8. Margaret of Kalham and Godfrey of Reichenstein (1304)
  - Dower, 200 Aquileian marks (200 Salzburg pounds)
- (Regesten 2:83, nos. 702, 704)

*Dowries and Dowers of Daughters of Knights or Ministerials Who Married Knights*

9. Margaret of Weissenegg and Conrad II of Kuchl (1302)
  - Dowry, £100, annual income £10
  - Dower, £150, annual income £15

TABLE I. Continued

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*Dowries and Dowries of Daughters of Knights or Ministerials Who Married Knights*

*Morgengabe*, £100, annual income £10  
(Regesten 2:74, no. 618)

*Dowries of Daughters of Knights or Ministerials Who Married Knights*

10. Agnes of Neukirchen and Ulrich V of Wiesbach (between 1297 and 1312)  
Dowry £80, annual income calculated at £10  
(Regesten 2:41, no. 334; 121, no. 1049)

11. Ludmey of Staufenek and Frederick of Schlossberg (1305)  
Dowry, £60, annual income £6  
(Regesten 2:87, no. 743)

12. Guta and Rudolph IV of Fohnsdorf (before 1312)  
Dowry, 100 marks of silver (200 Salzburg pounds), annual income £20  
(Regesten 3:122, no. 1234)

13. Daughters of Nicholas of Tann's squires (1338)  
Dowry, £10, annual income £1  
(SUB 4:441-42, no. 370)

*Dowers of Daughters of Knights or Ministerials Who Married Knights*

14. Adelaide of Kalham and Jakob I of Thurn (1293, 1302)  
Dower, annual income £20, total value £200  
(Regesten 2:21, no. 166; 74, no. 617)

15. Elizabeth and Conrad of Teising (1332)  
Dower, £100, annual income £10  
(Regesten 3:83, no. 823)

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of Goldegg's dowry and dower into grams of silver because I was unable to find an exchange rate between the Salzburg pound and the Friesach silver penny, in which her dowry and dower, respectively, were stated.<sup>91</sup> Table 1 summarizes my findings.

What conclusions, if any, can be drawn from this fragmentary and problematic

91. Four Regensburg pennies were the equivalent of six Salzburg pennies at the end of the thirteenth century. Bernhard Koch, "Der Salzburger Pfennig: Münz- und Geldgeschichte Salzburgs im Mittelalter," *Numismatische Zeitschrift* 75 (1953): 43. A mark of Aquileian pennies equaled a Salzburg pound in 1314 (Regesten 2:133, no. 1144). In the last three decades of the thirteenth century a mark of silver, Viennese weight, was considered to be worth 2 Salzburg pounds (SUB 4:82-83, no. 80 [1273]; Regesten 2:6, no. 50 [1291]; 30, no. 236 [1295]). The silver content of the silver penny was somewhat greater about 1250 than it was by 1300, but its silver content in the first half of the fourteenth century is unknown. On this point see Koch, "Der Salzburger Pfennig," pp. 41-43. Koch calculated the silver content of the Salzburg penny in 1241 as 0.657 gram, in 1273 as 0.584 gram, in 1291 as 0.534 gram, and in 1355 as 0.435 gram. In spite of these difficulties, I have employed the one-to-two ratio between Viennese marks of silver and Salzburg pounds in making rough comparisons between dowries and dowers. In calculating Kunigunde of Goldegg's dowry, I used Koch's figure for the silver content of the Salzburg penny in 1241 (240 pennies to the pound). The income from her dower was stated in marks, I assume marks of Friesach pennies, the standard coin south of the Tauern in the period. There were 270 pennies to a Friesach mark, each with a silver content of 0.85 gram in the 1250s (Luschin-Ebengreuth, "Friesacher Pfennige," p. 144).



evidence about the ratio between the dowry and dower, the amounts of the assigns, and the effect that social gradations had on the size of the payments in the principality? There is some information about the ratio between the dowry and dower in three cases: Kunigunde of Goldegg (no. 1), roughly 1:2 (4,730 grams versus 8,160 grams) if the archbishop's contribution of £40, the twenty squires, and the morning gift are ignored and roughly 1:1 if the archbishop's contribution and the morning gift are added in (11,037 grams versus 10,455 grams); Kunigunde of Weissenegg (no. 2), 1:2; and Margaret of Weissenegg (no. 9), 1:1.5 if the morning gift is excluded and 1:2.5 if the morning gift is included.

There is no way of knowing, however, how much Archbishop-Elect Philip's contribution of £40 toward Kunigunde of Goldegg's marriage in return for the services of one hundred armed men supplied by Ulrich I of Liechtenstein distorted the marriage contract between her and Ulrich's son. The other two marriage contracts are equally problematic. Archbishop Conrad IV gave Kunigunde of Weissenegg a dowry of 100 Regensburg pounds, but she may also have received a payment from her own family. Since Archbishop Weichart agreed to pay half of the dowry of his niece Adelaide of Polheim (no. 4), it is quite conceivable that Archbishop Conrad's contribution to Kunigunde of Weissenegg's dowry was, say, only half of what she received. In that case the ratio would be not 1:2 but 1:1, as was the case with all the thirteenth-century Styrian examples Bilowitzky examined. Finally, Kunigunde's sister Margaret of Weissenegg was the second wife of the richest man in fourteenth-century Salzburg, Conrad II of Kuchl, who may have been especially generous to a considerably younger wife of higher social status than his own. She was specifically required, in any case, to renounce any further claims to Conrad's fiefs, houses, and movable property in return for her dower and morning gift. The most plausible conclusion is that the bride's and groom's families made equal contributions in the thirteenth century to the establishment of the household but that the bride's contribution may have started to decline relative to the groom's in the first half of the fourteenth century. Certainly there is no evidence for dowry inflation or the reduction of the husband's contribution to insignificance.

Kunigunde of Goldegg's combined dowry of £700 was large even by Styrian standards for a woman of ministerial rank, but the contribution supplied by her father, an annual income of £30 (total value of £300), was more in line with what other *Dienstweiber* who married their social peers received. If, for example, Archbishop Conrad's contribution of 150 Salzburg pounds to Kunigunde of Weissenegg's dowry was, as I have suggested, only half of her total dowry, then she too would have received a dowry of £300. Adelaide of Polheim received £400, but she was the niece of the regnant archbishop.

Elizabeth of Felben's dower of £300 (no. 6) would fit very nicely with the 1:1 ratio, but Henry I of Staufenneck was a rebellious ministerial who had been forced to marry her under the terms of his reconciliation with Archbishop Conrad IV. Elizabeth's father may have driven a hard bargain to ensure her proper mainte-

nance if Henry again incurred the archbishop's displeasure. A dowry of £200 such as Elizabeth of Stubenberg or Margaret of Kalham received (nos. 5, 8), with a corresponding dowry of £200, may have been more common. But even £300 was still considerably less than the £500 a Styrian *Dienstweib* was given as a dowry. This discrepancy between the amount of the assigns of archiepiscopal and Styrian ministerials helps to explain why only the wealthiest lineages of archiepiscopal ministerials could afford a Styrian marriage and, conversely, why a Styrian family like the Stubenbergs may have found an archiepiscopal ministerial an attractive husband for a daughter with a smaller dowry.

The dowries of the daughters of ministerials or knights who married knights were smaller than those of *Dienstweiber* who married their peers, but three of the examples probably distort the picture unduly. The heavily indebted William IV of Staufeneck borrowed £60 from Archbishop Conrad IV to supply his sister Ludmey with a dowry (no. 11), but William may have been able to do something on his own. Nicholas of Tann left £40 in his will in 1338 to provide dowries for four of his men (a pious donation like this suggests a positive attitude toward marriage) (no. 13), but this bequest presumably supplemented their fathers' contributions. Archbishop Conrad IV gave Guta £200 (no. 12), but she married Rudolph IV of Fohnsdorf, the son of a Styrian knight who was described in the *Österreichische Reimchronik* as the archbishop's closest blood relative.<sup>92</sup> Still, although Guta may have obtained an additional amount from her unknown natal family, her dowry was probably smaller than that of another kinswoman of an archbishop, Adelaide of Polheim (no. 4), who came from a prominent family of Upper Austrian ministerials and married her social equal.

The dowries of Margaret of Weissenegg, Adelaide of Kalham, and Elizabeth of Teising (nos. 9, 14, 15), which ranged between £100 and £200, may thus be a more accurate indication of the size of both the dowry and dower of a *Dienstweib* or a knight's daughter who married a knight. The dowry of Agnes of Neukirchen (no. 10) would fit into this range, since Archbishop Conrad had provided the couple with an annual income of £10, which he redeemed in 1312 for £80. In this case the archbishop's contribution may have been Agnes's entire dowry, because the dukes of Lower Bavaria had surrendered their proprietary rights to Agnes in 1297 with the understanding that the archbishop would provide for her in proper fashion.

A dowry or dower of £100 to £200 was less than the £200 to £300 that a woman of ministerial rank who married her peer could expect. It is worth observing that Kunigunde of Weissenegg, who married her fellow ministerial Frederick II of Törring in 1298, had a dowry of 300 Salzburg pounds (no. 2), whereas her sister Margaret, who married the wealthy knight Conrad II of Kuchl four years later,

92. *Ottokars Österreichische Reimchronik* 2:739, lines 55,307–9. The precise nature of the relationship between the archbishop and Rudolph is unknown. See Freed, "Prosopography," pp. 45–48.

was assigned a dowry of only £150 (no. 9). It is perhaps safe to say, therefore, that the dowry and dower of a *Dienstweib* who married a coministerial were on average double those of a woman who married a knight, but that the gap between dowries and dowers of ministerials and knights in Salzburg was considerably smaller than it was in Styria. The relative equality between the dowries and dowers of ministerials and knights in the principality is one more example of the gradual merger of the ministerials and knights into a single noble estate in late medieval Salzburg.

The question arises how the size of the dowry compared with the cost of placing a daughter in a convent.<sup>93</sup> There is one tantalizing piece of evidence. Frederick of Königsberg, an archiepiscopal ministerial who lived in southern Styria, provided his daughter Gertrude in 1312 with a dowry of 500 Graz pounds.<sup>94</sup> Six years later he conferred to the Dominican convent of Studenitz (today Studenice, Slovenia), where his daughters Agnes and Sophia had taken the veil, an annual income of 8 marks. He gave the house an additional mark for an eternal light that was to be placed over the graves of his saintly great-aunt Sister Sophia and his beloved ancestress, his paternal grandmother Sister Richiza, the cofounders of the nunnery.<sup>95</sup> Placing both Agnes and Sophia in Studenitz would have cost Frederick, if the one-to-ten ratio for the value of a rent is used, 80 marks or, if the cost of the eternal light is added, 90 marks. This was equivalent to 53 Graz pounds and 80 pennies (£60 if the eternal light is included).<sup>96</sup> It cost Frederick, in other words, nearly ten times as much to supply Gertrude with a dowry as to place her two sisters in a convent. As the descendants of the founders of Studenitz, Frederick and his daughters admittedly may have been accorded special treatment, but for a father like Frederick, who had been blessed with too many daughters and who also happened to be in considerable financial difficulty, the convent probably was the preferred and cheaper alternative to a misalliance.<sup>97</sup> But it is possible that financial considerations may have been a less decisive factor in the twelfth century, when the bride's family was required to make only a minimal contribution to a marriage.

The shift from the *Leibgedingssystem*, which was primarily concerned with providing for the maintenance of the widow, to the *Heiratsgabensystem*, which focused on the establishment of the conjugal household, was due not, as Brauner thought, to the husband's loss of control over his wife's property but rather to the uncertainties implicit in a system of property holding without a clear concept

93. Bouchard, *Sword*, pp. 59–64, argued that placing children in the church was not a cheaper alternative to marriage. Penelope D. Johnson, *Equal in Monastic Profession: Religious Women in Medieval France* (Chicago, 1991), pp. 23–24, concluded that it generally was.

94. Regesten Steiermark 1/1:121, no. 435.

95. Regesten Steiermark 1/1:260, no. 981. On the founding of Studenitz, see Freed, "Rudolf von Habsburg," pp. 79–87.

96. In my article "German Source Collections," p. 99, I came up with the erroneous figure of £160 because I converted Viennese marks of silver into Salzburg pounds. However, I should have converted the marks of silver into Graz pounds. On the exchange rate, see Bilowitzky, "Heiratsgaben," p. 71.

97. Frederick of Königsberg was in considerable financial difficulty. See MC 7:106, no. 271; Regesten 2:52, no. 418; Regesten Steiermark 1/1:79, no. 282; 158, no. 581.

of ownership in the modern sense, the change in family strategy that encouraged two sons in every generation to marry, and the assertion of the archbishop's territorial supremacy that guaranteed the reciprocal obligations and rights of the two families that had been linked by marriage. The result was that in the thirteenth century the "burdens of matrimony" fell for the first time on the bride's family as well as the groom's.

The amount of the dowry never surpassed the widow's dower, however, and contrary to what is alleged to have happened in much of the rest of Europe, it actually declined after 1300 vis-à-vis the dower in the eastern alpine principalities. Admittedly, the bride's family did in some ways bear the chief burden. Her father, kinsmen, or a third party like the archbishop were normally required to provide her when she married with a dowry in cash, often a difficult thing to procure in a rural society, and the dowry, which was often a premortem inheritance, was permanently lost to her family of origin if the marriage was fruitful. In contrast, the groom or his family had only to designate the bride's dower land that would supply her with the specified income if she was widowed, though they could not thereafter alienate that property without her express consent. Moreover, the dower lands were never permanently lost to the groom's lineage, unless she was granted permission to alienate her dower, because the dower was eventually inherited by the couple's children or by the husband's kinsmen if the marriage was without issue.

Still, it is worth explaining why the bride's family was not asked to contribute more, particularly since her dowry was often her only claim on her lineage's patrimony. The key to explaining this paradox may lie in the highly corporate and hierarchical structure of society in the archdiocese. The *Heiratsgabensystem* with its dowries and dowers fixed by custom within very narrow limits in effect protected all the members of an estate by minimizing the competition for brides with rich dowries and by blocking the upward mobility of wealthy women of inferior birth. If anything, it was upwardly mobile knights like Conrad II of Kuchl who were willing to provide a woman of higher status than their own with an attractive widow's dower and morning gift. The underlying assumption of the system of dotal payments was that any loss a lineage incurred by a daughter's marriage would be recouped by the son's marriage to his social equal. In that sense it was a zero-sum game. Things might perhaps have been different had the daughters of wealthy burghers been in the marriage market, but the only really important city in the eastern Alps was Vienna. The members of an estate thus had a corporate interest in not increasing the size of the dowries unduly.<sup>98</sup> The *Heiratsgabensystem*, in other words, preserved the existing social order.

There were significant differences between the principalities, however. The formation of two separate noble estates in late medieval Styria, the *Herrenstand* and

98. See the comments by Bilowitzky, "Heiratsgaben," pp. 49–69.

*Ritterstand*, was reflected in the system of assigns. The differences between the dowries of women from comital or free noble dynasties and those of women of ministerial origin gradually lessened, whereas by 1400 the dowry of a woman from one of the great ministerial houses was six times that of the daughter of a knight. In contrast, by 1300 the dowries and dowers of women of ministerial and knightly rank were already approaching parity in Salzburg, where the late medieval nobility belonged to a single estate of knights. One reason for the comparative weakness of the late medieval nobility in Salzburg compared with their Styrian cousins—measured, for example, in the dowries and dowers they assigned their daughters—was the archbishops' success in manipulating the system of dotal payments to their political advantage. This topic will be explored in greater detail in the next chapter.

Ultimately it may be necessary to abandon the “commercial model” of marriage payments, with its emphasis on the cost-benefit ratio of marriage to the principals involved, to explain how the system of dotal assigns operated in the eastern alpine principalities.<sup>99</sup> A marriage created an alliance, in both the anthropological sense and the political sense, between two powerful lineages that endured if the union had been fruitful for several generations and that after 1215 could be renewed every fifth generation. The assignment of the dowry and dower was a symbolic gesture that helped seal the union and was the first in a series of exchanges between the two lineages, whose members were expected to assist each other as oath helpers or in the conduct of a feud. The exchange of payments defined who belonged to the two separate noble estates in Styria or the single noble estate in Salzburg and identified their peers in neighboring principalities. The *Heiratsgabensystem* thus strengthened both the corporate identity of the nobility and the conjugal bond.<sup>100</sup>

99. Comaroff, “Introduction,” p. 4.

100. Susan Mosher Stuard, *A State of Deference: Ragusa/Dubrovnik in the Medieval Centuries* (Philadelphia, 1992), pp. 68–75, discussed how marriages promoted solidarity among the highly endogamous Ragusan nobility. Although husbands did not endow their wives, Stuard found “a striking consistency in dowries awarded by noble families” (p. 71).

## CHAPTER FIVE

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# The Politics of Marriage

“**B**ella gerant alii, tu, felix Austria, nube” (Others wage wars, you, happy Austria, marry). This famous aphorism about the Habsburgs’ marital triumphs, attributed to King Matthias Corvinus of Hungary (1440–90), is a reminder, *pace* Clausewitz, that marriage as well as war is a form of diplomacy. It is thus not a mere coincidence that much of the extant evidence about the archbishops’ use of marriage as a political weapon comes from periods of crisis in the principality’s history: the outlawing of Duke Frederick II in the 1230s, the papal-Hohenstaufen conflict in the 1240s, the Salzburg interregnum, and the war between Archbishop Conrad IV and Duke Albrecht of Austria in the 1290s. Although the marriages of the archbishops’ own relatives were hardly as significant as the dynastic alliances of princely houses like the Habsburgs or Wittelsbachs, the archbishops used marriage to subject noble lineages to their authority, to procure the services of the ministerials of other lords, to create the principality, and to consolidate their territorial supremacy.<sup>1</sup>

Almost nothing is known about the archbishops’ role in arranging the ministerials’ marriages during the twelfth century, but it seems unlikely that unions that proved advantageous to the church occurred without their knowledge or approval. I suggest, for example, that Archbishop Adalbert’s price for consenting to the Babenberg acquisition of Styria in 1192 may have been several marriages between Styrian and archiepiscopal ministerials that benefited Salzburg. Generally, how-

1. Some examples of the archbishops’ involvement in their relatives’ marriages are Frederick II’s cousin Otto VI of Goldegg (1270) (UB Steiermark 4:260–61, no. 434); Rudolph IV of Fohnsdorf, whose father was described as Conrad IV’s nearest kinsman (before 1312) (Regesten 3:122, no. 1234); and Archbishop Weichart’s nieces Adelaide and Brigitte of Polheim (Regesten 3:6, no. 56; Regesten Steiermark 1/1:174, no. 643).

ever, until 1177 the archbishops as papal partisans were at a political disadvantage in the competition for the nobles' and ministerials' allegiance.

It was Eberhard II, creator of the principality, who during his forty-six-year episcopate formulated the basic archiepiscopal policy in regard to the ministerials' marriages. I have already discussed how he regulated cross-marriages (see chap. 2), but he also arranged and subsidized marriages, induced the few surviving noblemen in the principality to marry ministerials, turned the requirement that ministerials marry within the familia into a form of loyalty oath, and used Karl of Gutrat's extraneous marriage as a pretext to confiscate his alods and fiefs. Although this evidence for the archbishop's direct involvement in the ministerials' marriages may be due in part to the increased reliance on writing, other factors also contributed to Eberhard's greater interest: the laity's acceptance of the church's oversight of marriage; a more favorable political climate caused by Eberhard's pro-Hohenstaufen stance; the territorialization of the archbishop's temporal power; and the emergence of the ministerials as the secular elite of the archdiocese. Paradoxically, it was the ministerials' political and military importance that made it imperative for the princes to control them by enforcing servile customs that restricted the ministerials' freedom to marry, because every extrinsic marriage to a ministerial of a rival prince was a potential threat to the principality's security.

As far as one can tell, the ministerials resented such princely intrusion into their lives and their own family strategies. One of the complaints of the Styrian ministerials against Duke Frederick II (1230–46) was that he had compelled their sons and daughters to marry against their wills. When Emperor Frederick II confirmed in 1237 the Georgenberg Compact (*Georgenberger Handfeste*) of 1186, therefore, he acknowledged the Styrian ministerials' right to marry their children to whom-ever they pleased.<sup>2</sup> Unlike the Habsburgs, the ministerials were not happy with their lot.

Whatever the archiepiscopal ministerials may have wished, Archbishop-Elect Philip continued Eberhard's marital policies, but as a supporter of the papacy rather than the empire. Whereas Philip's immediate successors Ulrich and Ladislaus were unable to enforce their authority, the late medieval archbishops, starting with Frederick II, devoted considerable attention to the ministerials' and knights' matrimonial affairs. In general the archbishops built on the foundations Eberhard had laid, but there were two significant refinements in archiepiscopal policy.

First, the adoption of the *Heiratsgabensystem* in the archdiocese depended ultimately, as I explained in the previous chapter, on the prince's ability to enforce the reciprocal obligations the contracting lineages had incurred. Since, for example, according to the *Salzburger Landesordnung* of 1328 a fief could not be granted to a woman as her widow's dower without the consent of the husband's lord—

2. UB Steiermark 2:461–64, no. 354.

in Salzburg most likely the archbishop—he had a legal device to veto any of his ministerials’ or knights’ marriages, even an intrinsic one (there is no evidence that he did).<sup>3</sup> Moreover, by supplying a portion or all of a woman’s dowry or dower, the archbishops had a way to reward loyal service. It is sometimes difficult to distinguish here between archiepiscopal nepotism and what was really advantageous to the church, but such a query may reveal an anachronistic distinction between the public and private spheres.<sup>4</sup> Second, the archbishops, perhaps because they themselves were of ministerial or knightly origin, no longer tried to prevent the alienation of valuable lordships and rights by dividing the children of ministerial cross-marriages—the last example I could find occurs in 1311<sup>5</sup>—but required women who contracted an extrinsic marriage to renounce their inheritances in exchange for some sort of financial compensation such as a contribution to their marriage settlement. Women thus paid the price for the disappearance of the most visible reminder of the ministerials’ servile origins and legal status. In effect, about 1300 there was a convergence of the territorialization of the archbishop’s lordship, the emphasis on the bride’s contribution to the establishment of the household, the disinheritance of women, the new family strategy of allowing more than one son to marry, the ennoblement of the ministerials, and the change in the archbishops’ own social origins.

The archbishops’ use of marriage as a political instrument raises a more fundamental issue. Textbook descriptions of the medieval political and social structure, based largely on the example of the western monarchies, often assign a central role to feudalism, however it is defined.<sup>6</sup> It is hard to imagine that such a construct could ever have been devised using only evidence derived from the archdiocese. Great nobles, like the counts of Plain, were admittedly the archbishops’ vassals;<sup>7</sup> but the ministerials, the secular elite of the principality after 1200, even though they were granted fiefs, were bound to the archbishop by servile rather than vassallic ties. A rebellious ministerial who submitted to the archbishop did not swear an oath of fealty but promised to marry within the archiepiscopal familia. In a famous article, Theodor Mayer contended that during the High Middle Ages the German principalities changed from a *Personenverbandstaat*—a political entity

3. SUB 4:380–87, no. 329, article 45.

4. On the danger of applying modern distinctions between the public and private spheres, see Brunner, *Land and Lordship*, pp. 1–94.

5. Regesten 2:118, no. 1023.

6. The most blistering critique of the feudal model is Elizabeth A. R. Brown, “The Tyranny of a Construct: Feudalism and Historians of Medieval Europe,” *AHR* 79 (1974): 1063–88. Susan Reynolds, who tried to construct an alternative model of the medieval political order based on collective activity in *Kingdoms and Communities in Western Europe, 900–1300* (Oxford, 1984), was equally critical. In describing the late medieval polity in the eastern Alpine principalities, Brunner, *Land and Lordship*, p. 93, dismissed feudalism as “a convenient cover for everything that one does not understand about the Middle Ages” but failed to take into account that the lords who in his view formed the *Land*-community were largely ministerials and to consider how this shaped their relations with the prince.

7. SUB 3:362–65, nos. 830, 831; Regesten 1:13–14, no. 94.



that was based on the personal ties between a lord and his men, in effect an enlarged household—into an *institutionelle Flächenstaat*, a political body with clearly defined boundaries and permanent institutions of government that recognized no jurisdiction not granted by the prince.<sup>8</sup> Although the thirteenth-century archbishops were delineating the boundaries of their principality with increasing precision (for example, in the upper Enns valley), were securing the comital and judicial rights within their territory, and were developing more permanent government institutions like the archiepiscopal council, the emphasis on the ministerials' obligation to marry within the familia reveals how personal and patriarchal the archbishops' conception of their lordship remained and is a salutary admonition about the danger of generalizing too much from the Anglo-Norman or French experiences. As the brothers Otto II and Conrad II of Oberndorf put it in 1304, their fellow ministerials were their "housgenozzen," housemates who belonged like the Oberndorfs to the "gotshous ze Salzburch" (literally, the house of God at Salzburg).<sup>9</sup> Like any paterfamilias, the archbishops were deeply concerned about the marriages of their "children."

### The Twelfth Century

There is virtually no information about the archbishops' role in arranging their ministerials' marriages during the twelfth century, but since the ministerials required the archbishop's permission to contract an extrinsic marriage, it is quite likely that the archbishops were involved in ways that cannot now be documented—if they ever could be—in planning cross-marriages and the few known marriages of noblemen like Ulrich I of Sims to archiepiscopal ministerials. Although some comital ministerials, most notably the Saalfeldens, Schnaitsees, and Steflings, entered the archiepiscopal ministerialage through marriage, the archbishops as papal partisans until 1177 were at a disadvantage in the competition for the nobles' and ministerials' loyalty.<sup>10</sup> Still, it is sometimes possible to detect the archbishop's hand by placing a specific marriage into its probable political context.

The political background is perhaps most obvious in the marriage of Kuno I of Schnaitsee, a ministerial of Margrave Engelbert of Kraiburg (1124–73), to Bertha of Berg, an archiepiscopal retainer. Archbishop Conrad I may have arranged the marriage to regain Schnaitsee. In 924 Archbishop Odalbert, at the request and command of her kinsman Duke Arnulf of Bavaria (907–38), had granted his former wife Rihni the monastic cell at Gars with nineteen churches and manors,

8. Theodor Mayer, "Die Ausbildung der Grundlagen des modernen deutschen Staates im hohen Mittelalter," *Historische Zeitschrift* 159 (1939): 457–87.

9. SUB 4:270–71, no. 230.

10. See above, chapter 1 at note 64 and chapter 2 at note 39.

including Schnaitsee, that pertained to Gars. She was permitted to bequeath Gars and its appurtenances to one of her heirs, but the cell and the churches and manors attached to it were to revert to the archiepiscopal see after the death of that person.<sup>11</sup> Although Gars itself may have been returned to Salzburg by the end of the tenth century, Schnaitsee apparently passed via Rihni's granddaughter to her direct descendant Margrave Engelbert. When Archbishop Conrad founded a house of Augustinian canons in Gars in the 1120s, he may have discovered in the *Codex Odalberti* Salzburg's title to Schnaitsee.<sup>12</sup> Kuno and Bertha's marriage may have been part of a compromise settlement between the archbishop and the margrave to resolve the church's claims. The Schnaitsee-Gutrats retained Schnaitsee until their extinction in 1304.

The archbishops were less successful in establishing a foothold in Passau's lordship of Mattsee by such means. Markwart of Mattsee was identified in 1191 as an archiepiscopal ministerial, but in 1228, along with his brother Otakar I, he was called Passau's man.<sup>13</sup> Gerhoch of Mattsee (it is not known how he was connected to the other individuals who employed the toponym) was likewise called a Salzburg retainer on several occasions in the second quarter of the thirteenth century.<sup>14</sup> The best explanation for this confusion about Markwart's status and the presence of another archiepiscopal ministerial in a lordship that belonged to Passau is that Markwart's mother or possibly his wife was an archiepiscopal ministerial. If the archbishops were trying to acquire rights in Mattsee through a ministerial cross-marriage they failed, and they were obliged in the 1390s to buy the lordship and castle of Mattsee from the bishop of Passau.<sup>15</sup>

The twelfth-century archbishops were also not very successful in procuring the services of prominent noble lineages, except for the Katsch-Montpreises, probably because between 1159 and 1177 the archbishops were at odds with Frederick Barbarossa over his opposition to Pope Alexander III. Archbishop Adalbert II was, for example, deprived of his temporal authority in 1169 and replaced in 1174 by an antiarchbishop.<sup>16</sup> An archbishop who was fighting for his survival could

11. SUB 1:105-7, no. 44a. On this curious transaction, see Dopsch, "Der bayerische Adel," pp. 128-32, and Wilhelm Störmer, "Frühmittelalterliche Grundherrschaft bayerischer Kirchen (8.-10. Jahrhundert)," in *Strukturen der Grundherrschaft im frühen Mittelalter*, ed. Werner Rösener, VMPIG 92 (Göttingen, 1989), p. 383. Störmer, *Früher Adel*, pp. 105-9, challenged the prevalent view that Rihni was a kinswoman of Duke Arnulf and linked her instead to Oda, wife of Arnulf of Carinthia and mother of Louis the Child.

12. On the history of Gars, see Dopsch, *Geschichte Salzburgs* 1/2:1028; Weinfurter, *Salzburger Bistumsreform*, pp. 48-49. On the genealogical connection between Rihni and the margrave, see Dopsch, "Der bayerische Adel," p. 134; and idem, "Die Gründer kamen vom Rhein: Die Spanheimer als Stifter von St. Paul," in *Schatzhaus Kärntens: Landesausstellung St. Paul 1991: 900 Jahre Benediktinerstift*, vol. 2, *Beiträge*, ed. Günther Hödl (Klagenfurt, 1991), pp. 43-67.

13. MB 2:196-98, no. 15; OÖUB 2:407-9, no. 277; SUB 1:838-39, no. 130; 2:654-56, no. 482.

14. SUB 3:327-28, no. 799; 332-34, no. 805; 602-4, no. 1056; Regesten 1:4-5, no. 33.

15. Dopsch, *Geschichte Salzburgs* 1/1:346, 478-79, 481, 491, 660; 2:924, 1016-17.

16. Dopsch, *Geschichte Salzburgs* 1/1:284-96. On the entry of the Katsches into the archiepiscopal ministerialage, see above, chapter 3 at note 91.

not easily attract nobles to his entourage. In contrast, several noble houses who later belonged to the Styrian *Herrenstand* joined the ducal ministerialage in the course of the century: among others, the Gonobitzes, Liechtensteins, Mahrenbergs, Murecks, Orts, Rohitsches, and Saldenhofens.<sup>17</sup>

The margraves of Styria (after 1180 dukes) were prepared to use brute force to subordinate the nobles to their will. In 1151 Margrave Otakar III (1129–64) beheaded two of the sons of the nobleman Adalbero of Feistritz who had allegedly disturbed the peace. The youngest son Ulrich, who had been reared in Seckau, joined that house, and Otakar III obtained Ulrich's share of the Traisen-Feistritz inheritance—the castle and lordship of Graz. His cousins Hildegard of Stübing, who was married to the archiepiscopal ministerial Rudolph I of Deinsberg, and her widowed sister Fromut challenged in 1156 Ulrich's donations to Seckau and so preserved the story of his brothers' execution in the historical record.<sup>18</sup> The archbishops were probably unwilling to employ such violent tactics, but the interesting thing is that Hildegard, one of the last survivors of the once powerful Waldeck-Feistritz-Stübing noble clan that founded Seckau, married a prominent archiepiscopal ministerial. To what extent was her marriage an attempt by the archbishop to secure an additional portion of her family's inheritance for Salzburg (Seckau was an archiepiscopal proprietary foundation) and by her father or kinsmen to obtain the archbishop's support against the margrave? These questions are unanswerable, but the execution of Conrad and Adalram of Feistritz sheds a rare light on why some twelfth-century nobles, male or female, anxious for protection, may have married ministerials. The archbishops' misfortune was that they were too weak politically to take full advantage of the situation.

The archbishops' greatest matrimonial triumphs in the twelfth century may be connected with the Babenberg acquisition of the duchy of Styria in 1192. The chief piece of evidence is a curious document in which Archbishop Adalbert II related how the Styrian ministerial Ulrich III of Graz-Liechtenberg entered Adalbert's service in 1190. Burgrave Otakar I of Graz, whom the archbishop described as a distinguished ministerial of the duke of Styria, allegedly requested that Duke Otakar (1164–92; before 1180 Margrave Otakar IV) and his designated heir, Duke Leopold V of Austria (1177–94), place Otakar's son Ulrich III in the custody of a nobleman so that Ulrich could later be conferred on another lord whom the burgrave would select. The dukes granted the request—no reason was stated for their

17. Dopsch, "Der Dichter Ulrich von Liechtenstein und die Herkunft seiner Familie," in *Festschrift Friedrich Hausmann*, ed. Herwig Ebner (Graz, 1977), pp. 99–112; idem, "Ministerialität und Herrenstand," pp. 19–20; and idem, "Probleme," p. 231.

18. SUB 2:450–51, no. 325. On the dispute and the people involved, see Pirchegger, *Landesfürst* 1:125–29 and genealogy following p. 205; and Fritz Posch, "Die Anfänge der Steiermark," in *Österreich im Hochmittelalter (907 bis 1246)*, ed. Anna M. Drabek, Veröffentlichungen der Kommission für die Geschichte Österreichs 17 (Vienna, 1991), p. 118. It is worth noting that it was Hildegard and not Rudolph who pursued her claims to her paternal uncle's lands.

generous acquiescence—and in the house of a burgher of Graz entrusted Ulrich to the nobleman Conrad of Kindberg.

Adalbert realized, he explained, that the acquisition of the son of such a rich and distinguished man would be highly advantageous to Salzburg, and by his own account he expended considerable effort to persuade Otakar to give his son to Salzburg. To achieve this purpose, Adalbert enfeoffed Otakar and Ulrich with the tithes from various vineyards and an annual income of 5 marks. Otakar then asked Conrad of Kindberg to confer Ulrich on Salzburg, but since Conrad was too ill to travel, he entrusted Ulrich and his share of his family's patrimony to Conrad's brother Rudolph of Kindberg. The latter, accompanied by Otakar and Ulrich, joined Archbishop Adalbert southwest of Graz in the village of Strassgang, which, the archbishop stressed, belonged to Salzburg. After Rudolph swore on relics that the boy had legally been committed to him, Rudolph conveyed Ulrich and his inheritance, upon the relics of Saint Rupert, into the hands of the archbishop and so into the archiepiscopal ministerialage with the consent of the other archiepiscopal ministerials.

Archbishop Adalbert and Otakar had agreed as a condition for Ulrich's change of allegiance that if Ulrich contracted an extrinsic marriage without the permission of Adalbert or his canonically elected successors, Ulrich would forfeit both his paternal inheritance and the fief that Adalbert had granted him. In such an eventuality the church would retain the ownership of Ulrich's patrimony but would enfeoff Otakar and his other sons with it. If Ulrich died without issue, then both his paternal inheritance and his archiepiscopal fief would belong to any one of Otakar's other sons who had entered the archiepiscopal ministerialage by whatever means. Ulrich's share of his family's patrimony consisted of the castle of Neuglanegg and properties that produced an annual income of approximately 40 Friesach marks.<sup>19</sup>

Archbishop Adalbert's account of Ulrich III's entrance into the archiepiscopal ministerialage is unique. There is to my knowledge no comparable description of a ministerial's changing allegiances or of the ceremonies and terms connected with such an unprecedented act. It was clearly an unusual occurrence, which is no doubt one reason the charter was drafted and survives; but the archbishop's narrative is inherently implausible. Adalbert's charter makes it sound as if the initiative for Ulrich's change of lords came from Otakar himself, yet it seems highly unlikely that a ministerial simply decided on his own volition to give his son and a substantial portion of his patrimony, including a castle, to another lord. Admit-

19. SUB 2:642–45, no. 475. For a discussion of Ulrich's ancestry, see Fritz Posch, "Die Besiedlung und Entstehung des Landes Steiermark," in *Das Werden der Steiermark: Die Zeit der Traungauer. Festschrift zur 800. Wiederkehr der Erhebung zum Herzogtum*, ed. Gerhard Pferschy, Veröffentlichungen des Steiermärkischen Landesarchives 10 (Graz, 1980), pp. 43–44; and Pirchegger, *Landesfürst* 1:138–40; 151, n. 109. I have serious reservations, however, about both of their reconstructions of Ulrich's ancestry.

tedly he sought and procured the consent of his current and future lords, Dukes Otakar of Styria and Leopold V of Austria, but why did they consent to such a request, particularly since normally princes zealously guarded their rights, say, to the children of a ministerial cross-marriage? Moreover, since the Styrian ministerials were among the most powerful and privileged of princely ministerials, as the Georgenberg Compact of 1186 attests, Ulrich could have gained in status, though not necessarily in power or wealth, only by becoming an archiepiscopal or imperial ministerial. Thus in spite of Adalbert's statement that he sought to obtain Ulrich for Salzburg only after he learned of Otakar's plans, it seems likely that Otakar intended from the start to confer his son on the church.

The key to understanding the transaction may be the character's specific reference to Leopold V as Otakar's heir ("quem idem dux Stirensis heredem totius patrimonii sui instituerat"). The impending personal union of the two duchies altered the balance of power in the region, and the dukes had procured the ministerials' assent by confirming their rights in the Georgenberg Compact, the so-called Styrian Magna Carta.<sup>20</sup> Since the dukes were concerned about the ministerials' reaction, they might also have decided that it was politically wise to obtain the archbishop's tacit consent. Adalbert, admittedly, was favorably disposed toward his cousin Leopold V—the archbishop subsequently ignored, for example, the duke's excommunication for capturing Richard Lion-Heart, but there was no reason to take any unnecessary risks.<sup>21</sup> My guess is that Ulrich of Graz's entrance into the archiepiscopal ministerialage was Adalbert's reward for acquiescing to the Babenberg acquisition of Styria.

If I am right, then the marriages of the Styrian ministerials Reimbert II of Mureck and Otto of Krems-Leonroth to archiepiscopal *Dienstweiber*, which probably occurred in the 1190s, may also be linked to the devolution of the duchy to the Babenbergs. Reimbert had obviously been married to Elizabeth of Leibnitz for some time when Archbishop Eberhard II and Duke Leopold VI agreed in 1208 that although the duke was to obtain two of the couple's daughters, the archbishop was to receive a third girl and, more important, Reimbert's unnamed son. In this case the enforcement of the principle of maternal ascription, which awarded Reimbert's chief heir to the archbishop, worked to Salzburg's advantage.<sup>22</sup>

20. BUB 1:85–90, no. 65. On the Georgenberg Compact, see Dopsch, "Die Ministerialität des Herzogtums Steiermark," and Spreitzhofer, *Georgenberger Handfeste*.

21. Adalbert was the son of Leopold V's paternal aunt Gertrude, who had married King Wladislaw II of Bohemia. The archbishop celebrated Christmas in 1195 with his excommunicated cousin. See *Magni presbyteri annales Reicherspergenses*, ed. Wilhelm Wattenbach, MGH SS 17 (Hanover, 1861), pp. 521–23. Arnold, *German Knighthood*, p. 103, thought that Ulrich's father Otakar was seeking "to secure his future on the eve of the duchy's devolution to new lords," but that does not explain why the two dukes allowed him to alienate a substantial portion of his patrimony to another prince.

22. SUB 3:109–10, no. 617. See chapter 2 at note 51 for a more detailed discussion of the provisions of the 1208 agreement and the reasons for identifying Elizabeth as a Leibnitz.

Similarly, Otto of Krems-Leonroth was identified as a ministerial both of Dukes Otakar and Leopold VI and of Archbishop Eberhard II.<sup>23</sup> The best explanation for Otto's dual status is that he had been conferred on Salzburg in connection with his marriage, sometime before 1213, to Benedicta, daughter of Frederick II of Pettau and the noblewoman Benedicta of Ehrnegg-Königsberg.<sup>24</sup> Salzburg may thus have obtained through marriage as well as the allegedly voluntary act of Otakar of Graz the lordships of Neuglanegg, Mureck, and Krems-Leonroth as its share of the patrimony of Duke Otakar of Styria. Archbishop Adalbert may have anticipated in the 1190s, in other words, Eberhard II's use of marriage as a political weapon.

### Archbishop Eberhard II (1200–1246)

Eberhard II took a personal interest in the marriages of his ministerials, as his presence in 1213 at the marriage of Frederick IV of Pettau to Herrad of Montpreis in the distant castle of Hörberg shows.<sup>25</sup> The first documentary information about how the archbishops regulated their ministerials' cross-marriages—namely, the division of the children of Reimbert II of Mureck in 1208—dates from the first decade of Eberhard's long episcopate. Although on this occasion Eberhard may only have been formalizing his predecessor's arrangements, the reliance on writing is itself significant. Beyond that, two other factors may explain why such agreements, which were analyzed in chapter 2, proliferated in the first half of the thirteenth century: the ministerials' acceptance of the church's prohibition of consanguineous marriage, which forced them to contract extrinsic marriages, and the increasing territorialization of the archbishop's secular authority, which made it imperative to prevent the alienation of valuable lands and rights to the ministerials of other lords. Eberhard, as far as one can now tell, was simply following in his predecessors' footsteps, albeit more successfully, in controlling the ministerials' extrinsic marriages and in manipulating them to the church's advantage. The really innovative uses of marriage as a political tool came during the last two

23. On the identification of Otto of Leonroth, the name Otto employed after 1218 (SUB 3:456–57, no. 907), as Otto of Krems, who had been mentioned for the first time in 1173 (UB Steiermark 1:522–23, no. 552), see UB Steiermark 2:303–4, no. 212; 310–12, nos. 218, 219. The Krems in question should not be confused with the town in Lower Austria. The Styrian Krems is three kilometers southeast of Voitsberg and three kilometers northeast of the ruined castle of Leonroth. Otto was identified as a Styrian ministerial in UB Steiermark 1:677, no. 691; 678–79, no. 692; 2:94–95, no. 56; 189–90, no. 125. Eberhard II called Otto in 1234, after his death, an archiepiscopal ministerial (SUB 3:456–57, no. 907).

24. On the identification of Otto's wife as Benedicta of Pettau, see Freed, "German Source Collections," pp. 104–5. The marriage had occurred before 1213, when Otto served as an oath helper for his wife's nephew Frederick III of Pettau (SUB 3:174–76, no. 669).

25. SUB 3:174–76, no. 669.

decades of his archiepiscopate, during the mounting crisis caused by the pending extinction of the Babenbergs and the papal-Hohenstaufen conflict.

Eberhard II was more adept than his predecessors in persuading nobles to submit to his temporal authority by marrying ministerials, in part because as a loyal adherent of the Hohenstaufen he could count on imperial favors and devote his attention and the revenues from the newly opened saltworks at Hallein to the consolidation of his earthly power.<sup>26</sup> The mediatization of the last noble families of noncomital rank in the nascent principality, the Walchens and Felbens, was linked to his acquisition of comital jurisdiction in the Pinzgau, the uppermost stretch of the Salzach valley where the two lineages lived. The archbishops established themselves in the Pinzgau in stages. Eberhard purchased in 1207 the alodial holdings of Count Henry III of Mittersill-Lechsgemünd-Frontenhausen in the Upper Pinzgau. In 1228 King Henry (VII) enfeoffed Eberhard with the feudal overlordship of the two counties in the Pinzgau, which Duke Louis of Bavaria had surrendered to Eberhard. (This was the first time the archbishops, unlike many other bishops in the Saxon-Salian period, received a county from the empire.) The Lechsgemünds, who had held the upper county, had already died out by 1228, and the lower county escheated in 1249 from the Plains to the archbishop.<sup>27</sup>

The circumstances surrounding the mediatization of the Walchens are fairly straightforward. Although Adalbero I (1220–43) was identified repeatedly as a noble or free man, his sons Otto and Adalbero II were archiepiscopal ministerials (see genealogy 5.1).<sup>28</sup> Since their brother Archbishop Frederick referred to Otto VI and Conrad II of Goldegg as his cousins, Adalbero I had presumably married a daughter of Otto IV of Goldegg (Otto of Walchen's name was a reminder of that family connection).<sup>29</sup> I believe that the terms of Adalbero's marriage and of his descendants' entry into the archiepiscopal ministerialage may have been the subject of the now lost letters of Eberhard II that Adalbero I's grandsons were required to surrender to Archbishop Conrad IV in 1307.<sup>30</sup>

It is less clear precisely when the Felbens became ministerials. Although Heit-

26. On the development of the saltworks at Hallein, see Klein, "Zur älteren Geschichte," and Koller, "Hallein."

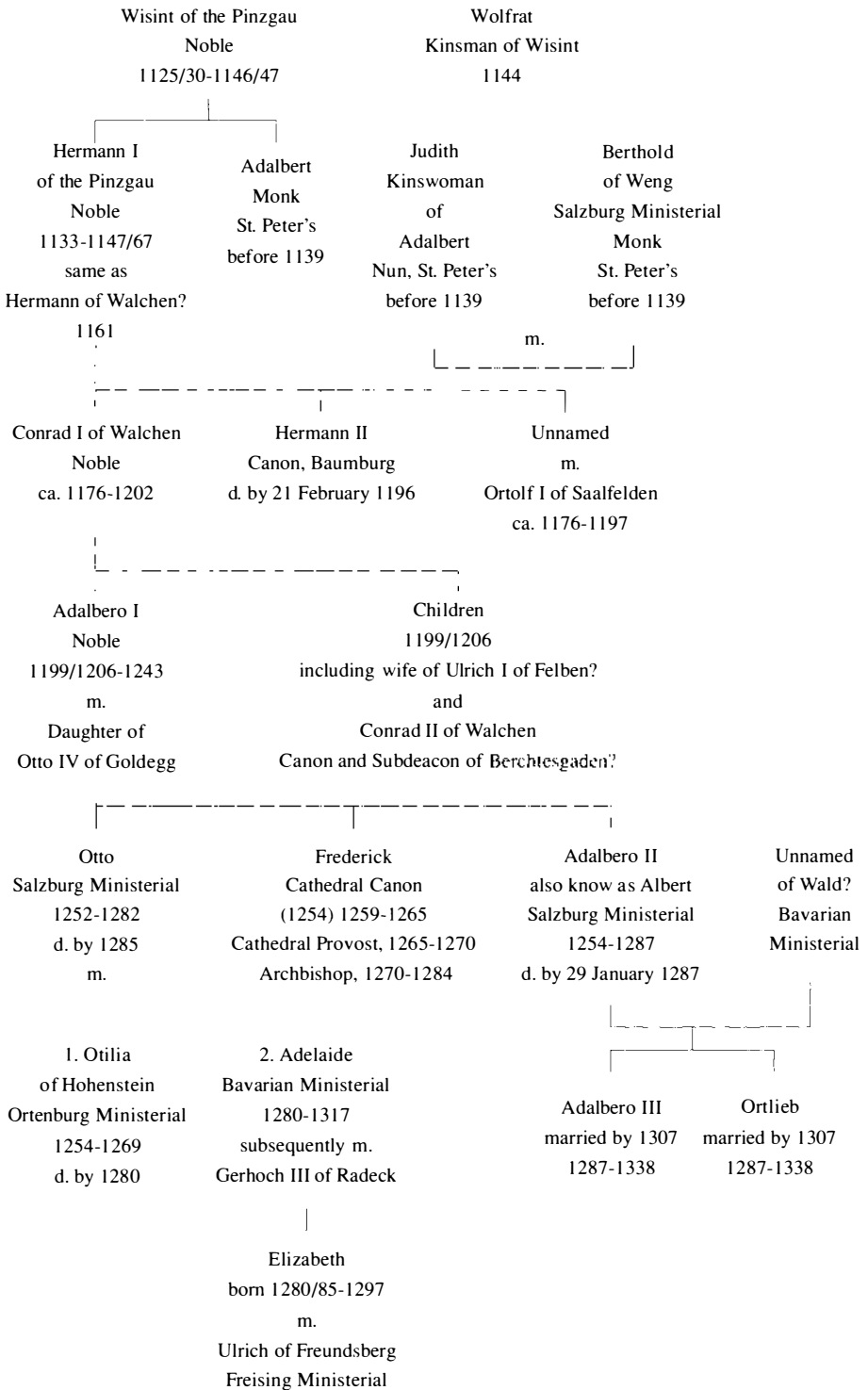
27. SUB 3:94–99, nos. 605–8; 362–65, nos. 830, 831; Regesten 1:13–14, no. 94.

28. Adalbero I was called a noble or free man in SUB 1:502–4, nos. 463, 464; 3:286 ff., nos. 758, 935, 978a, 991a, 1008. Otto and Adalbero II were identified as ministerials in MC 4/1:425–31, no. 2529; 465–66, no. 2587; Regesten 1:78, no. 604; UB Raitenhaslach 1:242–43, no. 301. I have not been able to find any specific documentary evidence that Adalbero I was the father of Archbishop Frederick and his brothers. The Walchens' free ancestry was not completely forgotten. Otto was identified as a noble in 1275 in a document drafted in the monastery of Rott am Inn (MB 1:405, no. 51). I assume that the cathedral canon Frederick called the Free (*Liber*) who accompanied Archbishop Ulrich to Viterbo in 1257 was in fact Frederick of Walchen (Regesten 1:39–40, nos. 286–89).

29. Frederick II referred to Otto and Adalbero II of Walchen as his brothers and to Otto VI and Conrad II of Goldegg as "avunculos nostros" in SUB 4:75–79, no. 76. For the reasons for identifying the Goldeggs as the archbishop's cousins rather than as his maternal uncles, see Freed, "Prosopography," pp. 49–51. On the extension of kinship terms, see Jackman, *Konradiner*, pp. 135–39.

30. Regesten 2:95–96, no. 818.

GENEALOGY 5.1 Walchen





folch of Felben (1155/58 to 1206) was a noble, in 1229 Eberhard II referred to Heitfolch's son Ulrich I (1170/75? to 1206–34) as an archiepiscopal ministerial (see genealogy 5.2).<sup>31</sup> At first glance it looks as if Heitfolch had married an archiepiscopal ministerial, perhaps a Goldegg, because in the 1180s Heitfolch and Otto III of Pongau-Goldegg owned some property jointly.<sup>32</sup> Heitfolch's marriage to a *Dienstweib* would explain why Ulrich, unlike Adalbero I of Walchen, was styled a ministerial and would place the Felbens' mediatization in the second half of the twelfth century. Yet there is no evidence that the Felbens were associated with the archbishops before 1229, when Ulrich was first called a ministerial and, significantly, just a year after Eberhard was enfeoffed with the counties in the Pinzgau. Until then both Heitfolch and Ulrich had appeared regularly in the entourage of the counts of Mittersill-Lechsgemünd-Frontenhausen.<sup>33</sup> Eberhard's assertion of the archbishop's temporal authority in the Pinzgau seems thus to have been the decisive factor in the mediatization of the Felbens as well as the Walchens. Not a single free nobleman remained in the principality after the deaths of Adalbero I of Walchen and, shortly thereafter, in 1260, of Counts Otto II and Conrad II of Plain.

Both the Felbens and the Walchens benefited from their entry into the archiepiscopal ministerialage. It was not until after they became ministerials that either lineage permitted more than one son to marry. It may well be that minor noble families were especially anxious to prevent the fragmentation of their patrimony among too many heirs. The Walchens placed their younger sons in the church—perhaps significantly, in papal rather than archiepiscopal proprietary foundations—as a way to maintain their distance from the archbishop. Hermann II, one of the handful of twelfth-century Germans who is known to have studied in Bologna, was a canon in Baumburg, and Conrad II entered Berchtesgaden.<sup>34</sup> In contrast, Frederick, who belonged to the first generation of archiepiscopal ministerials, became a cathedral canon and eventually obtained the pallium. The children of Ulrich I of Felben, who had joined the archiepiscopal entourage only toward the end of his life, served the archbishop in a variety of ways: Gebhard I was the castellan

31. On Heitfolch's dates, see CF, pp. 78–81, no. 115; Julius Ficker, *Forschungen zur Reichs- und Rechtsgeschichte Italiens*, vol. 4 (Innsbruck, 1874; reprint Aalen, 1961), pp. 264–65, no. 213. He was called a noble in SUB 1:442–43, no. 352; 453, no. 369; 462, no. 383, and a free man in CF, pp. 141–43, no. 163; SUB 2:638, no. 470; 664, no. 491. He was already a father in the 1170s (CF, pp. 116–20, nos. 144a1, 144c). On Ulrich I, see Ficker, *Forschungen* 4:264–65, no. 213; SUB 3:376–77, no. 840; 453–54, no. 905a. He was identified again in 1232 as an archiepiscopal ministerial (SUB 3:434–37, no. 886).

32. Raitenhaslach, pp. 106–12 (esp. p. 108), no. 133.

33. CF, pp. 78–81, no. 115; 116–20, no. 144; Ficker, *Forschungen* 4:264–65, no. 213; MB 2:363–64, no. 238; SUB 2:664, no. 491.

34. On Hermann II, see *Acta pontificum Romanorum inedita*, vol. 1, *Urkunden der Päpste*, 748–1198, ed. Julius Albert Georg von Pflugk-Hartung (Tübingen, 1881; reprint Graz, 1958), p. 372, no. 434. Fewer than ten Germans, including Hermann, are known to have studied in Bologna in the twelfth century. See Johannes Fried, "Die Rezeption bologneser Wissenschaft in Deutschland während des 12. Jahrhunderts," *Viator* 21 (1990): 112–15. On Conrad II, see *Necrologia Germaniae* 2:137, under 22 May.

GENEALOGY 5.2 Felben

Kraft of the Pinzgau  
Noble  
1125/47-1147/67  
same as Kraft of Felben? ca. 1150

Heitfolch Noble 1155/58-1206  
Pongau-Goldegg 1170/75

Daughter of Conrad of Walchen

Ulrich I Salzburg Ministerial, 1229  
1170/75? 1206-1234

Children 1170/75

m.?

Gebhard I Castellan of Hohenwerfen ca. 1252-1263  
1231/41-1272

Andreas Cistercian Vidame of Salzburg 1275-1282  
1262-1282

Frederick I Castellan of Maierhofen 1292  
same as Frederick of Sulzau 1293  
1247/57-1300, d. by 1307

Diemut Abbess of Nonnberg 1266-1272/83  
d. by 1292

Gebhard II Castellan of Mittersill before 1289?  
1292 Marshal, 1299-1311  
1272-1311 m.

Elizabeth 1294-1309 m. Henry I of Staufeneck

Ulrich II same as Ulrich of Hieburg 1302  
1301-1304 d. by 1307

Diethmar 1307 same as Diether of Felben-Hieburg? knighted 1319  
1306-1325 m. Adelaide of Polheim Austrian Ministerial, 1317

Conrad I knighted 1319  
1307-1343

1. Adelaide of Freundsberg Freising Ministerial, 1272
2. Unknown, still alive 1332

Otto 1311-1320  
d. 1333

Gebhard III 1321

Ekk 1318-1337

Diemut of Kuchl 1318-1324

Henry 1333-1369

Siblings 1333

Frederick II 1333

Conrad II Cathedral Canon 1319-1326

of Hohenwerfen from 1252 to 1263; Andreas, a Cistercian lay brother, was the vidame of Salzburg from 1275 until 1282; and their sister Diemut was the abbess of the most prestigious convent in the archdiocese, the Nonnberg, from 1266 until at least 1272.<sup>35</sup> The rewards of office may have enabled both Gebhard and his brother Frederick to marry and establish separate lineages. In short, the Felbens and Walchens, who as nobles had distanced themselves from the archbishops, were integrated by their marriages into the political and administrative structure of the new principality and in the process probably prolonged their families' survival for several generations.

Although the mediatization of the Felbens and Walchens was a major triumph for Eberhard, his predecessors had almost certainly already employed marriage in this fashion. He found new uses for his matrimonial weapon in the 1230s and 1240s, when he had to deal with two intertwined problems: his quarrelsome neighbor Duke Frederick II of Austria and Styria (1230–46)—Frederick's sobriquet is "der Streitbare"—and the papal-Hohenstaufen conflict. The fate of the two duchies was central to all political calculations in southeastern Germany until the issue was finally resolved by Rudolph of Habsburg's victory in 1278 at Dürnkrut.

Eberhard's declaration on 22 April 1239 that all the possessions of his former ministerial Karl of Gutrat had automatically escheated to Salzburg on account of his extrinsic marriage was almost certainly connected to the emperor's outlawing of Duke Frederick in July 1236.<sup>36</sup> Karl's marriage to the Austrian ministerial Margaret of Zöbing was a convenient pretext for confiscating the possessions of a powerful ministerial whose divided loyalties were a threat to the principality's security. He had married Margaret sometime before 22 November 1230, when he was identified as the son-in-law of the late Henry II of Zöbing; and by 1233 Karl and Margaret were the parents of two children and were expecting a third.<sup>37</sup> Karl nevertheless remained in Eberhard's entourage until at least 1234.<sup>38</sup> The marriage therefore cannot have been the real cause of the archbishop's displeasure; and the confiscation of Karl's possessions must have occurred sometime between 1234 and 1239, when Eberhard awarded Karl's Styrian fiefs and vassals to Seckau.

The key to understanding Karl's dilemma was the complaint by the Bavarian bishops, after the emperor and duke had quarreled at a meeting in May 1235, that they were being hurt by an embargo the duke had imposed on the export of grain

35. On Gebhard I, see Regesten 1:53, no. 395; Dopsch, *Geschichte Salzburgs* 1/1:393. On Andreas, see Regesten 1:94–95, no. 730; 134–35, no. 1051; SUB 4:67–69, no. 69; Volk, *Salzproduktion*, p. 59. On Diemut, see Regesten 1:60, no. 456; SUB 4:79–80, no. 77.

36. SUB 3:496–77, no. 944. Karl's Styrian fiefs that Seckau received were, I suspect, Karl's share of his mother's Mureck inheritance (SUB 3:517–19, no. 968). Eberhard's action has become the classic example of the penalties a ministerial could incur by marrying without permission outside the familia; see, for example, Arnold, *German Knighthood*, p. 174.

37. *Urkunden des Cistercienser-Stiftes Heiligenkreuz*, pp. 74–75, no. 63; OÖUB 3:10–11, no. 9.

38. SUB 3:411–13, no. 868; 427–28, no. 883; 453–54, no. 905a.

and wine from his domains. Eberhard was forced, for example, to import grain from Swabia and wine from Italy and France.<sup>39</sup> Since Margaret's lordships of Senftenberg and Zöbing were in the Wachau, the wine-growing region of Lower Austria, Karl would have been quite literally a man caught in the middle. He could neither observe nor disregard the embargo without angering one of his lords. Since it was Eberhard who confiscated Karl's possessions, he had presumably opted for the duke, but it is unlikely that Karl took up arms against the archbishop, who would have mentioned such a felony to justify his confiscation of Karl's possessions.

Eberhard had two more pressing reasons for proceeding against Karl. The archbishop hinted at the first when in 1243, after Karl's death, Eberhard returned to Karl's sons all of their father's possessions except the "comitatum provincie apud Pongeu," that is, the district court (*Landgericht*) in the Pongau and the castellany of Hohenwerfen to which it was attached.<sup>40</sup> The archbishop could not permit the ministerial of a rival prince to exercise so much power in the heart of the principality. Second, Eberhard utilized the outlawing of the duke to obtain for Salzburg the feudal overlordship over the county in the upper Enns valley, the main invasion route into the principality from Styria.<sup>41</sup> Eberhard's acquisition had a direct bearing on Karl because the archbishops had installed the Gutrats as the guardians of the principality's border with Styria in the Enns valley and because Duke Leopold VI as the advocate of Admont had in turn appointed Karl's father protector of those properties of the abbey that were contiguous to his own in the valley.<sup>42</sup> Eberhard could hardly leave the defense of Salzburg's Styrian border to a disloyal ministerial.

Although in 1243 Karl's sons did regain his lands and rights in the Enns valley, probably because both the archbishop and duke were by then on the imperial side in the battle against the papacy, the Gutrats' position there remained a matter of concern to the archbishops for the rest of the century. Karl's son Kuno V, who had been assigned in 1243 to Salzburg, nevertheless adhered to the duke of Austria during Albrecht's war with Archbishops Rudolph and Conrad IV.<sup>43</sup> When the princes finally made peace in 1297, Albrecht renounced his rights to the advocacy

39. Dopsch, *Geschichte Salzburgs* 1/1:316–18; Karl Lechner, *Die Babenberger: Markgrafen und Herzoge von Österreich, 976–1246*, Veröffentlichungen des Instituts für österreichische Geschichtsforschung 23 (Vienna, 1976; reprint Darmstadt, 1985), pp. 276–86. For the emperor's account of the events that led to the duke's outlawing, see UB Steiermark 2:442–47, no. 339.

40. SUB 3:563–64, no. 1013.

41. Dopsch, "Přemysl Ottokar II.," pp. 473, 479.

42. SUB 2:681, no. 502; 4:247–48, no. 208; 271–72, no. 231; and Klein, "Zur älteren Geschichte," p. 392, n. 38.

43. Regesten 1:176–77, no. 1370. Perhaps significantly, the only time Kuno V was identified as Kuno of Senftenberg (one of his mother's Lower Austrian castles) was in 1290 (*Das "Stiftungen-Buch" des Cistercienser-Klosters Zwettl*, pp. 310–12). Admittedly, the designation occurred in a Lower Austrian context.

over Admont's property west of the Mandling, the stream north of the Enns that still forms the boundary between Salzburg and Styria; and Karl's grandson Henry did the same fifteen months later.<sup>44</sup> Eberhard II was unable to break the Gutrats' power completely in the 1230s because their other lord, Duke Frederick II, became the archbishop's ally in the battle against the papacy; but Eberhard II had demonstrated how a ministerial's failure to marry within the familia could be used as a political instrument in consolidating archiepiscopal authority within the principality. His successors did not forget the lesson.

Eberhard also promoted and subsidized the marriages of ministerials of other lords that aided the imperial cause, such as that of Dietmar II of Griffen-Weissenegg to Mathilda of Rodank-Schöneck in 1243. It is no accident that the first extant marriage contract in which the archbishop was a third party and contributed to the establishment of a new household should date from this tumultuous decade in German history or that it involved the Rodanks, the most powerful family of Brixen ministerials (see genealogy 6.1). Eberhard had known the Rodanks since his own brief tenure as bishop of Brixen (1196–1200). He had met Mathilda's paternal uncle Arnold IV, a staunch imperialist, again in March 1239 at the imperial court in Padua; and the mother of the new cathedral provost of Salzburg, Otto II of Mehrnstein (1242/43–65), was a Rodank (he traveled to the East Tyrol to witness the contract).<sup>45</sup>

On 23 August 1243, according to the archbishop, Arnold IV agreed to pay his niece Mathilda, the only child of his late brother Frederick III of Schöneck, 1,500 Veronese pounds (150 marks of silver) to renounce her rights to the Rodank inheritance. In return Dietmar II of Griffen-Weissenegg, a Carinthian ministerial of the bishop of Bamberg, assigned Mathilda a widow's dower of 400 marks of silver and a morning gift of another 100 marks. The archbishop guaranteed that Dietmar would tell Mathilda's kinsmen which rents he would pledge to her as her dower on Eberhard II's next visit to Styria and that Mathilda would renounce her rights of inheritance after she had been paid the 1,500 Veronese pounds. Eberhard also promised, if he was still alive, to supply Arnold IV and his heirs with a letter attesting to Mathilda's renunciation and pledged that Dietmar and Mathilda would do the same. Eberhard enjoined his successors, if he should die in the interim, to see that all the terms of the marriage contract were observed. Finally, the archbishop agreed to subsidize the couple's marriage ("in subsidium sui matrimonii")

44. Regesten 2:43, no. 345; SUB 4:246–47, no. 206.

45. TUB 1/3:128–29, no. 1087. Arnold IV and his half-brother, the nobleman Hugo IV of Taufers, joined the imperial forces in Italy in 1237 (Urkunden Neustift, pp. 77–79, no. 38; Traditionsbuch Neustift, pp. 153–54, no. 208). Otto, who was identified for the first time as the cathedral provost on 1 March 1243 (SUB 3:559–60, no. 1008), was the brother of Adalbero II of Mehrnstein (SUB 1:756–57, no. 355; 3:581, no. 1031). In 1233/39, with the consent of her son Adalbero II, Lady Sophia of Mehrnstein gave the Augustinian canons of Neustift a farm in Rodank, which Arnold IV had previously rented from her (Traditionsbuch Neustift, p. 139, no. 183). For further information on the Rodanks, see below, chapter 6 at note 37.

by enfeoffing them with an annual income of £20 from the saltworks in Hallein because of the marriage's evident benefit for the church of Salzburg ("utilitatem, quam Salzburgensis ecclesia per huiusmodi matrimonium consequi poterit"), no doubt in the struggle with the papacy.<sup>46</sup> Ironically, Dietmar fought in 1252 on the side of Archbishop-Elect Philip in the decisive battle against the imperial party in southeastern Germany.<sup>47</sup>

It would be nice to know whether this agreement was an isolated occurrence or whether Eberhard made similar arrangements with other lords to rally adherents and forces for the Hohenstaufen cause. The latter is probably true, because in 1250 his successor Philip raised troops in the same way. The intriguing thing is that an agreement that was really designed to hire a ministerial and his men as mercenaries—the 1250 accords were more explicit on that point—took the form of a marriage contract. In any case, Dietmar's marriage began the Weisseneggs' long association with Salzburg, which culminated in 1343 in the election of Dietmar and Mathilda's direct descendant Ortolf of Weissenegg as archbishop.<sup>48</sup>

Finally, Eberhard II turned the requirement that ministerials marry within the archiepiscopal familia into a kind of loyalty oath to bind overly powerful and potentially rebellious ministerials more closely to the see of Saint Rupert. It is no coincidence, I think, that the first documented use of the "loyalty oath" was dated 5 October 1246—less than four months after the death of the childless Duke Frederick had plunged southeastern Germany into even greater chaos and less than two months before Eberhard's own death—or that it concerned the Pettaus. Their family circumstances required the archbishop's attention, and their distant and strategic lordship in southern Styria was difficult to control from Salzburg.

Since the only surviving child of Frederick IV of Pettau in the 1240s was his daughter Gerbirg, who had married a ministerial of the count of Görz, it was clear that the main line of the family would be continued by Frederick IV's younger

46. SUB 3:566–68, no. 1016. The contract employed the one-to-ten exchange rate between marks of silver and Veronese pounds, but the same rate can also be found in TUB 1/3:170–71, no. 1128; Regesten 2:45, no. 358; 68, no. 558; 73, no. 612. Fräss-Ehrfeld, *Geschichte Kärntens* 1:264, 394, 513, correctly identified Dietmar II of Griffen as Dietmar of Weissenegg. Both Arnold IV's daughter and his daughter-in-law, who married a brother and sister, were required in 1231 to renounce their inheritance rights if there was a surviving heir (TUB 1/3:19–20, no. 955). I wonder if this custom was introduced into the archdiocese from Italy via Tyrol.

47. MC 4/1:425–31, no. 2529.

48. Dietmar himself regularly appeared in Eberhard's entourage during the last year of the archbishop's life (SUB 3:623 ff., nos. 1078, 1079, 1094, 1096, 1097, 1098) and was one of the seven mediators who arranged the Peace of Lieserhofen between Philip and Count Albert III of Tyrol in 1252 (MC 4/1:425–31, no. 2529). Dietmar's son Otto I as burgrave of Friesach played a crucial role in Archbishop Rudolph's campaign in 1289 against Duke Albrecht (Irmtraud Koller-Neumann, *Die Lehen des Bistums Bamberg in Kärnten bis 1400*, Das Kärntner Landesarchiv 7 [Klagenfurt, 1982], pp. 54–55, no. 15; *Ottokars Österreichische Reimchronik* 1/1:383, lines 29, 105–14; and Regesten 1:172, no. 1333). Duke Henry of Carinthia enfeoffed Otto's son Otto II and his heirs in 1311 with the hereditary seneschalship of the church of Salzburg, an office the Weisseneggs retained until 1408 (MC 6:92–93, no. 140; 8:24–25, no. 68; Dopsch, *Geschichte Salzburgs* 1/1:398).

brother Hartnid I, who had married the unnamed daughter of the Styrian ministerial Swiker III of Hollenburg (see genealogy 3.3).<sup>49</sup> The children of such a cross-marriage were customarily divided between their respective lords. Emperor Frederick II, who treated Styria as a forfeited fief after the outlawing of Duke Frederick in 1236, had already conferred Hartnid's daughter Adelaide on Salzburg in 1239 because of Hartnid's frequent entreaties and devoted service.<sup>50</sup> The imperial concession also rewarded Eberhard, of course, for his loyalty and help, but the fate of Hartnid's other children, most notably his older son Frederick V, the heir apparent to the strategic castle of Pettau that guarded the Styrian-Hungarian border in the Drava valley, remained in doubt.

Frederick V's future was at the heart of the detailed accord that Eberhard and Hartnid reached on 5 October and that settled many other outstanding issues as well. Hartnid surrendered all his possessions in the Lungau, for which he was to receive 900 marks of silver, and obligated himself to defend the archbishop's rights to the properties against all the other claimants, including his brother Frederick. Hartnid also turned over to Eberhard the imperial privilege that had awarded Adelaide to Salzburg (it is intriguing that the charter had not immediately been given to the archbishop) and swore to aid and assist the church of Salzburg as he was able. In return Eberhard, with the advice and consent of the cathedral canons and the ministerials, enfeoffed Hartnid with the castle of Wurmberg and all its appurtenances as Swiker III of Hollenburg had previously held them. Finally, Hartnid promised that his son Frederick V would marry an archiepiscopal ministerial within two months after he had been ordered to do so by Eberhard or his successor. If Frederick died in the interim, then Hartnid I's second son, presumably Hartnid II, would be obliged to marry a coministerial. If Hartnid's heir violated this stipulation, then all the fiefs that Hartnid himself held from the church would be forfeited. In short, Hartnid acknowledged in 1246 that the Pettaus owed their primary allegiance to the archbishop and that the future holder of the castellany and his descendants were archiepiscopal ministerials.<sup>51</sup>

There is a curious quality to this agreement. The legal basis of the archbishop's power over the Pettaus was their personal servitude that obligated them to marry coministerials, yet the archbishop negotiated with Hartnid almost as if he were an equal. No doubt the archbishop was at a disadvantage in 1246: southeastern Germany was in chaos, Hartnid was a powerful lord, Pettau was far away, and

49. See above, chapter 3 at note 85. On the Hollenburgs, see MC 4/1:336–37, no. 2327; 363, no. 2381; 412–13, no. 2504; SUB 3:640–42, no. 1096; and Fräss-Ehrfeld, *Geschichte Kärntens* 1:189–90.

50. SUB 3:495–96, no. 943. Adelaide was married to the archiepiscopal ministerial Ulrich of Montpreis (SUB 3:519–20, no. 969), who was a brother, nephew, or cousin of Ortolf of Montpreis, whose daughter Herrad had married Hartnid I's brother, Frederick IV of Pettau. See Freed, "German Source Collections," p. 103.

51. SUB 3:640–42, no. 1096. Hartnid II was identified as the brother of Frederick V in MC 4/1:470–71, no. 2596.

Eberhard was dying; but the juxtaposition between the requirement that Frederick marry within the familia—a legacy of an earlier dualistic, simpler world of nobles and serfs—and the written instrument is itself jarring. In a strange way the accord is a testimony both to Eberhard's success in creating the principality and to the limits of his achievement. He relied on the most modern sources of revenue and techniques of governance at his disposal (for example, the saltworks at Hallein whose development he zealously promoted or the archives in which the imperial privilege concerning Adelaide of Pettau was stored); but he invoked servile customs to control men like Karl of Gutrat or Hartnid of Pettau. Eberhard's policies were innovative and they worked, but Karl and Hartnid were hardly serfs, and the noble-born Eberhard never quite realized that.

### The Salzburg Interregnum (1247–70)

Archbishop-Elect Philip, employing Eberhard's methods and the forces he had raised, defeated the imperial party in 1252. Philip's victory and reversal of policy in the papal-Hohenstaufen conflict were of little benefit to the church of Salzburg because the bellicose Philip, younger brother of the childless Duke Ulrich III (1256–69), behaved more like the heir to the duchy of Carinthia than like a cleric. Since he refused to be ordained, the cathedral canons and ministerials elected Bishop Ulrich of Seckau as his successor in 1256, and Pope Alexander IV formally deposed Philip and translated Ulrich to Salzburg the following year. King Ottokar II of Bohemia, who obtained the duchy of Austria in 1254 and that of Styria in 1260 and eventually acquired Carinthia as well, supported his cousins Philip and Ulrich, while the king's opponents, most notably Duke Henry XIII of Lower Bavaria (1253–90), backed Ulrich. Neither he nor his absentee successor Ladislaus of Silesia (1265–70) ever mastered the situation, and the ministerials, as the story of the Kalhams' misdeeds reveals (see chapter 1), pursued their own interests.

Philip raised troops in the spring of 1250 by arranging a number of marriages involving archiepiscopal ministerials. He agreed on 16 May to provide Kunigunde of Goldegg, who had been betrothed to Ulrich II of Liechtenstein, with a dowry of 400 Salzburg pounds (annual income £40), twice the amount Eberhard had conferred on Mathilda of Rodank in 1243 for a similar purpose. In return the groom's father Ulrich I agreed to provide Philip with the services of one hundred men in Friuli, Austria, and Bavaria against everyone except the king recognized by the church, the rightful duke of Styria, and the burghers of Judenburg (Liechtenstein is outside that town); that is, the men were to be employed against Emperor Frederick II, who had been deposed by the pope and who claimed the duchies of Austria and Styria as escheated imperial fiefs.

Ulrich I also agreed to confer his daughter Diemut, who had married the Styrian



ministerial Wulfing of Trennstein, on the church and to arrange for his nephew Gundaker, son of Ulrich's brother Dietmar IV of Liechtenstein-Offenburg, to marry a member of the archiepiscopal familia as well. Gundaker too was to serve the archbishop as he was able. If Kunigunde, Diemut, or Gundaker's bride died, the young men ("juvenes") would be obliged to marry other women who belonged to Salzburg. Ulrich placed a gage of 1,000 marks of silver on the castle of Murau that he or, if he died, his son Ulrich would fulfill his obligations.<sup>52</sup>

Ulrich's son-in-law Wulfing of Trennstein promised on his part to supply Philip on the same terms with the services of twenty-four armed men and to put his castles at Philip's disposal. If Diemut of Liechtenstein died, Wulfing swore to marry only a woman who belonged to the archiepiscopal familia. If he violated any of the terms of the agreement, he would forfeit the castle of Strechau in the Enns valley, which he held in fief from the church. Bishop Ulrich of Seckau (the future archbishop), Ulrich I of Liechtenstein, Conrad of Goldegg (Kunigunde's father), and Wulfing's father sealed Wulfing's declaration.<sup>53</sup>

Two weeks later Counts Bernhard I and Henry I of Pfannberg swore in the presence of Ulrich I of Liechtenstein, among others, to serve Philip and his successors for the rest of their lives against everyone except the rightful duke of Styria and not to aid the duke if he attacked the archbishop. The counts' knights provided a bond of 1,000 marks of silver that the Pfannbergs would abide by the agreement.<sup>54</sup> Although it was not mentioned in the document, I think that the marriage of the counts' sister Sophia to Frederick V of Pettau was part of this agreement because Frederick complained in 1280 that the archbishop still owed him the money Philip had promised Frederick for marrying (the bride's identity was not indicated) and for various unspecified services, presumably of a military nature, he had rendered Philip.<sup>55</sup> I assume that Philip had ordered Frederick to marry in accordance with the 1246 agreement Eberhard had made with Hartnid of Pettau but had chosen a countess rather than a *Dienstweib* as Frederick's bride and that the terms of the marriage were the subject of a separate document—comparable to Kunigunde's and Ulrich II's marriage contract—that does not survive. The marriage of Mathilda of Rodank to Dietmar of Griffen-Weissenegg had become a model for raising troops.

Philip soon put his men to use. In June 1250 he occupied the entire Enns valley and adjacent parts of Upper Styria, and in August 1252 he defeated at Sachsen-

52. UB Steiermark 3:131–33, no. 70; 135–36, no. 72. The name of Ulrich's daughter is not given in no. 70 but can be ascertained from UB Steiermark 4:247, no. 414. For a genealogy of the Liechtensteins, see Dopsch, "Der Dichter Ulrich von Liechtenstein," p. 102. For an additional discussion of Kunigunde and Ulrich II's marriage, see above, chapter 4 after table 1.

53. UB Steiermark 3:133–34, no. 71.

54. UB Steiermark 3:138–39, no. 74. For a genealogy of the Pfannbergs, see MC 4/2, genealogy 11.

55. Regesten 1:123, no. 959. Sophia was identified as Frederick's wife in 1264 (MC 2:111–12, no. 664).

burg on the Drava Count Meinhard III of Görz (d. 1258), the imperial governor of Styria, and captured his father-in-law, Count Albert III of Tyrol (1190–1253). To obtain the latter's release, the counts were forced in the Treaty of Lieserhofen, on 27 December 1252, to pay 4,900 marks of silver and to make a number of significant territorial concessions. The power of the Hohenstaufen party in the eastern Alps had been broken. The names of five of the seven mediators who arranged the peace are familiar to readers of this chapter: the cathedral provost Otto II of Mehrnstein, who had helped arrange the marriage of his kinswoman Mathilda of Rodank; Ulrich I of Liechtenstein; Dietmar of Griffen-Weissenegg; Conrad I of Goldegg, whose daughter Kunigunde had been betrothed to Ulrich II of Liechtenstein; and Gebhard I of Felben, whose father Ulrich had become an archiepiscopal ministerial. Arnold IV of Rodank, however, had remained loyal to Count Albert, the advocate of the church of Brixen.<sup>56</sup> Marriage had proved to be a valuable tool.

Philip used the marriage of Otto of Walchen to Otilia of Hohenstein, a ministerial of the counts of Ortenburg, to secure for the church a disputed lordship on the principality's border with Bavaria in the Chiemgau and to bind the Walchens, who had only recently lost their free status, more firmly to Salzburg. After the death in 1248 of Rapoto III of Ortenburg, the childless count palatine of Bavaria, Duke Otto II of Bavaria (1230–53) claimed Rapoto's county in the Chiemgau as an escheated ducal fief. Otto also intervened on behalf of the younger half-brothers of Rapoto's cousin, Count Henry II of Ortenburg (d. 1256), who had been locked since 1241 in a bitter feud with their older brother over the division of the Ortenburgs' patrimony. Henry II turned to the Bavarian bishops for assistance against the duke, who was the leader of the Hohenstaufen party in Germany.<sup>57</sup> In the First Treaty of Erharting of 26 July 1254, Otto II's sons, Dukes Louis II and Henry XIII, agreed that Salzburg was to possess that portion of Rapoto III's county in the Chiemgau that was east of the Alz, the stream that flows north from the Chiemsee into the Inn River.<sup>58</sup> This left unsettled the fate of Hohenstein, which was south of the lake.

The very next day Count Henry II of Ortenburg conferred Otilia of Hohenstein on Salzburg on condition that her children were to be divided between him and the church. On 1 August Engelram II of Hohenstein stated that he and his sister Otilia, wife of Otto of Walchen, had conferred Hohenstein, which was their alod, on Salzburg on condition that Philip enfeoff Engelram, any heirs he might yet have, and Otilia and her heirs with the castle. Engelram promised furthermore to serve Salzburg for the rest of his life as a ministerial, to marry his children, if he

56. MC 4/1:425–31, no. 2529. For the background, see Dopsch, *Geschichte Salzburgs* 1/1:437–39.

57. Max Spindler, ed., *Handbuch der bayerischen Geschichte*, vol. 2, *Das alte Bayern: Der Territorialstaat vom Ausgang des 12. Jahrhunderts bis zum Ausgang des 18. Jahrhunderts* (Munich, 1967–69), pp. 43–44.

58. SUB 4:26–27, no. 29.

had any, within the archiepiscopal familia, and to marry within it himself if he remarried. Philip received Engelram in his grace and favor as an archiepiscopal ministerial and, in the key point, promised to help Engelram regain Hohenstein, which had been seized by Sigiboto of Tettelham, an Ortenburg ministerial who had pledged his allegiance to the Wittelsbachs.<sup>59</sup>

True to his word, Philip soon captured Hohenstein and by 9 October had enfeoffed Engelram with the castle. They agreed that if Engelram remained childless, Otilia would inherit the castle, but that Otto of Walchen would not retain Hohenstein if his marriage was also without issue.<sup>60</sup> Engelram died in 1259, and Archbishop Ulrich enfeoffed Otto on 19 May 1262 with all the fiefs that Engelram had held from the church (as Archbishop Ulrich's chief supporter, Duke Henry of Bavaria presumably favored this outcome).<sup>61</sup> An important castle had been secured for the time being for Salzburg.

Otto's enfeoffment with Hohenstein was at the same time a way to make the Walchens' new status as archiepiscopal ministerials more palatable to them. On the very day that Engelram and Otilia conferred Hohenstein to the church, 1 August 1254, Otto and his brother Adalbero II of Walchen acknowledged that they had lost Philip's grace for a variety of offenses: they had built a tower contrary to the archbishop's wishes, seized an advocacy Philip had purchased, promoted their serfs' extrinsic marriages to the detriment of the church, failed to pay a debt of 200 marks of silver, and disturbed the peace with their demands for hospitality and other unauthorized exactions. They had submitted unconditionally and had been restored to the archbishop's grace.<sup>62</sup> Although none of the extant documents make the connection between the Walchens' submission and Otto's marriage to Otilia, I believe the two events were linked. The archbishop could reward as well as punish.

Hohenstein again became an object of contention in the 1280s because Otto and Otilia's marriage was, as far as is known, childless. His daughter Elizabeth, who eventually inherited Hohenstein, was the child of his second marriage.<sup>63</sup> Even though Archbishop-Elect Philip had promised Engelram that Otto would not retain Hohenstein if Otilia had not borne him an heir, Archbishop Frederick II would not have been inclined to enforce an agreement that was detrimental to both the church and his brother. At the instigation of King Rudolph, in 1286, after Duke Henry of Bavaria had destroyed the castle, the whole dispute about the ownership of Hohenstein was submitted to arbiters who were directed to hear the testimony of twenty-one honest men and to assign Hohenstein to its rightful

59. Regesten 1:30, no. 215; 31, no. 217. Otto's wife was called Elizabeth in no. 217, but she was called Otilia everywhere else. On the Tettelhams, see Reindel-Schedl, *Laufen*, pp. 274–78.

60. Regesten 1:31, no. 218.

61. Regesten 1:51, no. 383. Engelram was dead by 16 January 1260 (Regesten 1:44, no. 328).

62. SUB 4:28, no. 30.

63. Urkunden Raitenhaslach 1:348, no. 426; Regesten 1:121, no. 938; 2:45, no. 358. Otilia was last mentioned in 1269 (Regesten 1:73, no. 566).

owner.<sup>64</sup> The decision must have gone in Salzburg's favor, because on 20 November 1297 Archbishop Conrad IV agreed to enfeoff Elizabeth and her husband, the Freising ministerial Ulrich of Freundsberg, with Hohenstein.<sup>65</sup> In this case a woman was allowed to inherit a castle that was never rightfully hers because it suited the archbishops' geopolitical interests.

Generally, however, the archbishops, particularly Ulrich, were at a disadvantage during the Salzburg interregnum in the competition for the ministerials' allegiance. A divided church was no match for such ruthless neighbors as Duke Henry and King Ottokar. A Salzburg cathedral canon complained in 1263: "Some of the ministerials of the church of Salzburg adhered to the king of Bohemia, and others to the duke of Bavaria and alienated their children from the church. In those troubled times the ministerials were unfaithful to both the chapter and the church and instead laid claim by whatever means to the possessions of the [arch]bishopric and chapter that were adjacent to their own."<sup>66</sup> In other words the ministerials, among other things, contracted extrinsic marriages that were disadvantageous to the church.

The history of Tegernwang (Wasentegernbach on the Isen), deep in Wittelsbach territory, illustrates how a castle could be lost and then regained through marriage. The archiepiscopal ministerial Liebhard of Tegernbach, who was mentioned between 1224 and 1259, had been the lord of Tegernwang.<sup>67</sup> Harper of Aham, a ministerial of Duke Henry, swore on 13 April 1283 that by 24 June 1284 his son Liebhard would subject himself to the archbishop's authority by marrying a woman who belonged to the archiepiscopal familia. For greater security Harper was to surrender the castle of Tegernwang when Liebhard married. It was to serve, presumably, as the young couple's home. After Liebhard's marriage Harper promised to turn over his other sons to the archbishop as well.<sup>68</sup> It is possible to reconstruct the probable events that had led to the 1283 agreement. Harper, who named his (oldest?) son Liebhard and who in 1283 possessed the castle of Tegernwang, had almost certainly married a daughter of Liebhard of Tegernbach. Archbishop Frederick II was simply trying to regain through marriage a castle that had been lost through the extrinsic marriage of Liebhard's daughter during the interregnum.<sup>69</sup>

64. Regesten 1:139, no. 1091; SUB 4:131–33, no. 119; 148–51, no. 126a; 157–59, no. 132.

65. Regesten 2:45, no. 358. On Ulrich's status see, Regesten 1:142, no. 1108; 2:45, no. 359.

66. *Annales Sancti Rudberti*, p. 796.

67. SUB 3:321, no. 793; Urkunden Raitenhaslach 1:200–201, no. 244. Liebhard was identified as an archiepiscopal ministerial in MC 4/1:354–55, no. 2362; SUB 3:403–5, no. 862; and Urkunden Raitenhaslach 1:157–58, no. 185.

68. OÖUB 4:178–79, no. 195; Regesten 1:138, no. 1081.

69. Liebhard of Tegernbach's daughter Elizabeth was the first wife of Frederick I of Törring (Reindel-Schedl, *Laufen*, pp. 291–94). Reindel-Schedl, too, noted the kinship between the Törrings and Ahams and suggested that a daughter of Frederick of Törring and Elizabeth of Tegernbach might have married an Aham (p. 295, n. 65), but the name of Harper's son makes it likely that Harper himself married a daughter of Liebhard.

To some extent the cathedral canon's complaint about how the ministerials alienated their children through marriage was hypercritical. The archbishops were prepared to employ the same tactics, as Philip's acquisition of Hohenstein shows, but the archbishops could participate in the predatory game only if they had the means to assist men who sought their protection and the will and strength to enforce their commands. Archbishop Frederick II and his successors did.

### The Later Middle Ages (1270–1343)

It became almost routine after 1270 for a ministerial or a knight to swear that he and his children would marry within the familia or only with the archbishop's permission. The requirement that a serf marry a fellow serf became in effect a kind of loyalty oath that could be imposed as a condition for appointment to an archiepiscopal office or demanded from a rebellious ministerial as a symbol of his submission to the archbishop's authority. An oath of fealty served the same function elsewhere, but the archbishops could emphasize the servile rather than the vassallic bond because legally all of their subjects, including the nobility of the principality, were serfs after the extinction of the counts of Plain. After all, this was a world in which the brother of the regnant archbishop, Otto of Walchen, could agree in 1280 that if his unborn heir, regardless of sex, married a person who belonged to the familia of the duke of Bavaria, the children of that union would be divided with the church.<sup>70</sup> In the final analysis the archbishops conceived of their principality as an enlarged household. For example, Archbishop Frederick ordered that the cleric and ministerial Henry of Matrei be granted a chapel because he was by birth a member of the archiepiscopal familia as well as being distinguished by his conduct and knowledge.<sup>71</sup> It was a very patriarchal conception of government.

Several significant changes occurred, however, during the archiepiscopate of Conrad IV (1291–1312). After he made peace in 1297 with Duke Albrecht, the principality became a buffer state between two more powerful neighbors; and the archbishops, barred from further territorial expansion and no longer able as dependent allies of the Habsburgs to conduct an independent course in imperial affairs, concentrated their attention and considerable financial resources on consolidating their power within the principality. Conrad turned the marriage payments system, which Eberhard II had already used to win the military assistance of alien ministerials like Dietmar of Griffen-Weissenegg, into a device to aid his relatives, to reward loyal service, and to compensate women for renouncing their rights of inheritance (Mathilda of Rodank's marriage contract had set a precedent

70. Regesten I:121, no. 938.

71. MC 5:283–84, no. 443.

for that). Although the ministerials were still required to marry within the archiepiscopal familia, the princes stopped dividing the children of a cross-marriage (the last time this occurred in the case of an archiepiscopal ministerial was 1311); instead a woman, normally after receiving some compensation, was required to renounce her rights of inheritance. Such a renunciation prevented the alienation of her lands and rights to the ministerial of another prince. Ultimately, however, such servile customs were only partially effective in controlling the ministerials, let alone in binding alien ministerials to the archbishop.

The best way to understand the archbishops' marital policies after 1270 may be to distinguish between the marriages of their own ministerials and those of other princes, even though the goal in the latter case was to bind the foreign ministerials to the church by marriage. The marriage of an alien ministerial to an archiepiscopal *Dienstweib* could serve a variety of purposes: to acquire or regain a lordship (the marriage of Liebhard of Aham is an example), to settle a dispute, to punish a miscreant, or to procure an archiepiscopal office.

Archbishop Frederick II and Volker of Reifenberg (today Rihenberg, Slovenia), a ministerial of the count of Görz, sealed their reconciliation in 1271 with a promise of matrimony. The chief object of contention was a fief in Hallein, in all likelihood a rent from the saltworks, that Archbishop Eberhard had assigned to Volker's father, presumably at a time when the archbishop and Count Meinhard III of Görz had been allies in the fight against the papacy (Volker or his father may have forfeited the fief when Philip turned against Meinhard). Frederick agreed to assign to Volker an annual income of £20 (since Eberhard had paid Mathilda and Dietmar the same amount, £20 may have been the going rate under Eberhard for procuring a foreign ministerial's military services). Volker promised for his part that by 29 September 1272 his sister would marry, with the archbishop's advice, a member of the archiepiscopal familia and that one of Volker's own children would eventually subject himself or herself to the church in the same fashion. All the letters and privileges that Volker or his father had received from the archbishops and other prelates were to be null and void (these documents do not survive, but the stipulation shows that there must have been many such written agreements besides the few extant ones). Frederick and Volker postponed settling their dispute about Volker's Carinthian castle of Wasserleonburg to a later date.<sup>72</sup>

As the case of Henry of Phyrn illustrates, a man who had incurred the archbishop's anger might prefer marriage to a harsher penalty. Archbishop Frederick II had accused Henry of causing the church 10,000 marks in damages, and King Rudolph had sentenced him to pay that amount as a fine. There is no indication of the precise nature of Henry's misdeeds, but since Phyrn is south of the strategic Phyrn Pass that links the Enns valley in Styria to the valley of the Steyr

72. MC 5:55–56, no. 79. Frederick called Volker a noble in the document, but he was in fact a ministerial of the count of Görz (MC 4/1:431–32, no. 2530).

in Upper Austria, Henry's felony was presumably connected in some way with Phyrn's location. Henry acknowledged on 3 September 1279 that he could not pay such a prohibitive amount, and on the advice of his friends he agreed to the following terms: he would serve the archbishop and church faithfully for the rest of his life; he would marry within the archiepiscopal familia at the first opportunity; he would persuade two or three of his more powerful kinsmen to do the same thing; he would surrender all of his possessions to the archbishop and receive them back in fief; he would, when required, provide the archbishop with the services of six armed men; and he would exercise the office of castellan faithfully if the archbishop entrusted him with a castle.<sup>73</sup> The terms of Henry of Phyrn's submission sound like the medieval version of a plea bargain: the king imposed a harsh sentence, Henry accepted a lighter one, and the archbishop promised Henry a castellany if he behaved himself in the future. It is the same pattern of reward and punishment that marked Philip's dealings with the Walchens in 1254 and is one more example of the archbishops' patriarchal conception of their lordship.

In the case of a foreign ministerial, however, the obligation to marry an archiepiscopal retainer was most commonly associated with the receipt of an archiepiscopal office. Burgrave Frederick of Lienz, an East Tyrolean ministerial of the counts of Görz, swore in 1273/84 that he would faithfully administer the castellany of Lengberg that Archbishop Frederick had entrusted to the burgrave and that he would surrender the castellany on demand. He also promised to marry a woman who belonged to the archiepiscopal familia.<sup>74</sup> The obvious advantage of such a promise of matrimony as a precondition for appointment to an archiepiscopal office was that some of the children of the cross-marriage would belong to the church even after their father ceased to hold his office. Unlike multiple vassallic obligations, the birth of an heir created, at least in theory, an indissoluble bond.

The terms of such an appointment were spelled out most clearly in the service contract of Rapoto Luchen, a man of unknown origins. Archbishop Rudolph announced on 28 October 1287 that Rapoto had given himself and his descendants to the perpetual service of the church and that by Christmas he and his wife were to settle in Mühldorf or in another archiepiscopal castle, where Rapoto was to serve the archbishop and his successors with four men for as long as he was able. In return, the archbishop agreed to give Rapoto a lifelong annual pension, payable in money and kind, and a house and garden in Mühldorf where he could live comfortably. The archbishop promised to treat Rapoto as befitted an archiepiscopal ministerial and enfeoffed him with a village that had previously been Rapoto's *alod*. If Rapoto was unable in the future for some reason to reside in Mühldorf, the archbishop agreed to place him in another castle that was mutually acceptable.

The rest of the contract dealt with a series of hypothetical possibilities: Rapoto's

73. *Regesta Imperii* 6/1:282, no. 1125; *Regesten* 1:119, no. 922.

74. MC 5:80–81, no. 120. On Frederick's status, see UB Steiermark 4:132–33, no. 211.

remarriage, his widow's maintenance and remarriage, and Rapoto's death with or without heirs. If Rapoto died without an heir, two of the four farms the archbishop had previously pledged to Rapoto's wife, along with an inn and a fief attached to it, were to escheat to the archbishop; but Rapoto's widow was to retain during her lifetime the two other farms, which had been pledged to her for £40, and half of Rapoto's annual pension. If she remarried, she was to keep the two farms but lose the pension. If Rapoto was survived by a son or sons who were the children of his present wife or a woman whom he subsequently married with the archbishop's permission, these sons, if they married women who belonged to the archiepiscopal familia, were to obtain Rapoto's fiefs but not his pension. If he was survived by daughters, the archbishop or his successors would be obligated to arrange suitable marriages for them. If Rapoto broke the agreement, he would forfeit all his fiefs and whatever else he possessed from the church.<sup>75</sup>

Rapoto and his heirs were bound to the church by servile and monetary ties rather than vassallic ones. After all, the archbishop had merely enfeoffed Rapoto with his own alod. The contract focused instead on Rapoto's or his widow's possible remarriage and the marriages of Rapoto's children, whose inheritance rights were made contingent on their marriage within the familia. Still, the contract was probably stretching the bonds of serfdom to their utmost, because Rapoto and his four men could undoubtedly find employment as mercenaries elsewhere.

Such matrimonial alliances with the ministerials of rival lords had little more binding force in actual practice than multiple enfeoffments did in other areas of Europe. Archbishop Conrad IV complained in 1292, for example, about the injuries that Volker of Reifenberg had inflicted on the church as an adherent of the counts of Görz; but at least Volker had remained faithful to his hereditary lord.<sup>76</sup>

In contrast to Volker, the Carinthian ministerial Conrad Schrankbaum was a model of perfidy. He agreed in 1276 to compensate Salzburg for the injuries he had caused the church in Friesach, presumably in 1275 when King Ottokar II of Bohemia had destroyed the city. Among other things, Conrad had killed a burgher. Conrad was to procure letters from the king or from Count Henry I of Pfannberg attesting that he had committed his other acts at their command and was thus not personally liable for those injuries to the church.<sup>77</sup> Conrad was in trouble again a few years later. Papal judges delegate received authorization in 1282 to reach an out-of-court settlement with Conrad, who had been excommunicated for seizing

75. SUB 4:171–73, no. 143. See also Regesten 2:28, no. 223; 96, no. 823. A sales agreement may provide a clue to Rapoto's origins. In 1291 Rapoto Luch sold a *Hof* in Rott (Luckenrott, an abandoned hamlet north of Mühldorf) with its appurtenances to Raitenhaslach (Urkunden Raitenhaslach 1:366–69, nos. 445, 447). The property was either named after Rapoto—that is, Luchen's assart—or, conversely, may have provided the basis for his name Luchen. For a similar contract, see Regesten 2:53, no. 424.

76. MC 6:132–36, no. 210, Amt Kirchheim, article 1; Amt Stall und Sachsenburg, article 10.

77. MC 5:132, no. 198. On this incident, see Fräss-Ehrfeld, *Geschichte Kärntens* 1:336. On Conrad's status, see MC 4/2:598–99, no. 2812; 709, no. 3002.



tithes and possessions that belonged to Salzburg.<sup>78</sup> His decision on 13 March 1283 to place one of his sons through marriage in the archiepiscopal ministerialage and to be enfeoffed by the archbishop with an income of 10 marks from alods that Conrad had surrendered to the archbishop for that purpose may have been the outcome of his negotiations with the judges.<sup>79</sup>

This was the beginning of Conrad's association with the archbishop. Conrad served in 1291 as the steward (*Pfleger*) of Radstadt, the town that guarded Salzburg's border with Styria in the upper Enns valley; but it is not clear whether he owed his appointment to the archbishop or to Duke Otto III of Lower Bavaria, who had occupied Radstadt as well as Salzburg after the death of Archbishop Rudolph in an attempt to procure the archbishopric for his brother Stephen.<sup>80</sup> In any case, in July 1292 Conrad participated in the capture of the young son of Duke Meinhard of Carinthia (1286–95) by Archbishop Conrad IV's kinsman, Rudolph III of Fohnsdorf.<sup>81</sup> Meinhard or his sons must have forgiven Conrad, because the duke's sons enfeoffed Conrad in 1301 with the upper castle of Mannsburg and assigned to him the castellany of the ducal castle of Rabenstein. In the autumn of 1307 Conrad betrayed Rabenstein to Archbishop Conrad, according to Ottokar aus der Gaal, for 200 marks of silver, and the burghers of the nearby town of Friesach demolished the castle with gusto.<sup>82</sup> The Cistercian abbot, John of Viktring (1312–45), added that Conrad subsequently died a wretched death, as befitted a traitor.<sup>83</sup> Servile obligations could no longer ensure the permanent allegiance of men like Conrad, who sold their services to the highest bidder.

In dealing with their own retainers, the late medieval archbishops employed the ministerials' obligation to marry within the familia as a legal device to assert their authority over rebellious ministerials and to disinherit women whose extrinsic marriages threatened the internal security of the principality. Underlying these marital policies was the increasing territorialization of the archbishop's temporal lordship, which made it imperative to exclude any external influence from the principality. The history of the Staufenecks offers the most dramatic example of how the promise to contract an intrinsic marriage became after 1270 a type of loyalty oath, by which a ministerial acknowledged that his servile condition made him the archbishop's subject.

The Staufenecks were former Plain ministerials who had become archiepiscopal retainers in 1260 after the extinction of the Plains, but Duke Henry XIII of Lower Bavaria won the Staufenecks' loyalty even though their castle and court lay within the area that was assigned to Salzburg in 1275 by the Second Treaty of Erharting. Although Ulrich of Staufeneck agreed in 1283 to compensate Salzburg

78. MC 5:338, no. 529.

79. MC 5:345, no. 541. It is wrongly dated in Regesten 1:121, no. 941, as 13 March 1280.

80. SUB 4:195–200, no. 162. See Dopsch, *Geschichte Salzburgs* 1:456–57.

81. MC 6:168–70, no. 256. See Fräss-Ehrfeld, *Geschichte Kärntens* 1:357.

82. MC 7:27–28, no. 70; *Ottokars Österreichische Reimchronik* 2:1202–3, lines 92,532–636.

83. MC 7:158, no. 420.

for all the damages his deceased father William III had caused the church, so that he could obtain Christian burial, Ulrich and his cousin Henry I acknowledged on 25 November 1285 that Archbishop Rudolph had excommunicated them for the injuries they had caused Salzburg while they had been in the duke's service and that they had only now been restored to the archbishop's grace. They admitted that they had not served the archbishop with the same fidelity as their coministerials, and they swore to serve him faithfully in the future and not to bind themselves to another lord under penalty of forfeiting their fiefs. Finally, Henry promised to marry within a year an archiepiscopal *Dienstweib*; if he failed to do so, the archbishop was to select a wife for him (Ulrich was already married to Elizabeth of Törring).<sup>84</sup>

In spite of his solemn assurances, Henry remained unmarried and was soon once again in the Wittelsbach camp. He sided with the Bavarians after Archbishop Rudolph's death and was included on 14 October 1291 in the peace that Bishop Henry II of Regensburg (1277–96) arranged between Duke Otto III of Lower Bavaria, the son of Duke Henry XIII, and Archbishop Conrad IV. The bishop stipulated that Henry was to be restored to the archbishop's grace by 9 January 1292. If Conrad IV refused to accept Henry's homage and rejected the duke's efforts at mediation, the archbishop's complaints against Henry were to be settled by judicial means.<sup>85</sup>

Henry was finally reconciled with the archbishop in 1293/94. He promised on 29 March 1293 to accept the decision of arbiters whom he and the archbishop would select and to return to the church through marriage by 11 November 1294. Henry provided a bond of £50, and oath helpers offered an additional £350 as security. On 12 October 1294, nearly a decade after he had first promised to marry an archiepiscopal *Dienstweib*, Henry assigned to his fiancée and coministerial Elizabeth of Felben a widow's dower of £30 and a morning gift of £6. If one of their children departed from the church's service without the archbishop's permission, presumably through an extrinsic marriage, his or her alods would devolve upon the other children. The next day Frederick I of Felben promised on his daughter's behalf that if Elizabeth outlived her husband, she would not remarry without the archbishop's permission. If she did, she would forfeit her dower. Elizabeth was required to confirm this herself upon her next visit to Salzburg.<sup>86</sup> By marrying Elizabeth, Henry acknowledged that he and his descendants were archiepiscopal ministerials, a status the Staufenecks had refused to accept for nearly thirty-five years. For his part Archbishop Conrad, in the familiar pattern

84. Regesten 1:138, no. 1080; 154, no. 1201. The name of Ulrich's father was not given in no. 1080, but I have identified Ulrich as William III's son because he named his own son William (Regesten 2:23, no. 180). Reindel-Schedl, *Laufen*, p. 235, did the same. Oddly enough, Ulrich's father allegedly sealed no. 180, but that is clearly impossible. Ulrich and Henry were called cousins in Regesten 2:21, no. 161; 23, no. 180; 29, no. 227.

85. SUB 4:195–200, no. 162. On the background, see Dopsch, *Geschichte Salzburgs* 1/1:456–57.

86. Regesten 2:21, no. 161; 29, nos. 227–29.

of submission and reconciliation, had installed Henry by 1299 as burgrave and judge of Raschenberg.<sup>87</sup> The Staufenecks' protracted feud with three archbishops had impoverished them, however, and Henry and William IV of Staufeneck, the son of Henry's cousin Ulrich, were forced in 1305/6 to sell their ancestral castle and court to the archbishop.<sup>88</sup>

The Staufenecks' story is so dramatic because they resisted the archbishops for so long and ruined themselves in the process, but similar clauses about marrying within the archiepiscopal familia can be found in the terms of submission that numerous other ministerials accepted after 1270.<sup>89</sup> The promise to contract an intrinsic marriage that Eberhard II had extracted from Hartnid I of Pettau in 1246 had become in effect an oath of allegiance to the church of Salzburg, a symbolic admission that a man was by birth the archbishop's subject. Yet the very fact that the archbishops had to extort such promises in writing from men who were already legally their bondsmen shows how frayed the servile tie was by 1300.<sup>90</sup> Once again, the "modern" form of the instrument is at odds with its content.

Although the ministerials had to promise that they or their sons, or both, would marry within the familia or with the archbishop's permission, starting during the episcopate of Conrad IV their sisters were increasingly forced to renounce their inheritance rights, particularly if they contracted an extrinsic marriage or were heiresses. The women would normally receive some sort of compensation or be allowed to retain a share of their family's movable property. It was absolutely essential, however, as the example of the Gutrats demonstrates, to prevent the ministerial of another prince from obtaining a foothold within the principality. Conrad IV may have been especially sensitive to the issue because his war with Duke Albrecht in the 1290s revealed Salzburg's precarious position as a buffer state between Austria and Bavaria.

The growing possibility in the 1290s that the Gutrats might die out in the male line posed a particular threat to the internal security of the principality because

87. Regesten 2:54, no. 436.

88. Regesten 2:89, no. 762; 90–91, no. 775.

89. Other examples are Frederick I of Törring in 1272 (Regesten 1:82, no. 626); Conrad II of Goldegg in 1278 (Regesten 1:112, no. 868); Frederick V of Pettau in 1280 (Regesten 1:123, no. 958); Eckart VI and his oldest son Eckart VII of Tann in 1282 (Regesten 1:134–35, no. 1051); Conrad I of Oberndorf and his son Otto II in 1295 (Regesten 2:32, no. 262); Rudolph III of Fohnsdorf in 1300 and 1301 and his son Rudolph IV in 1305 (SUB 4:252–55, no. 213; Regesten 2:65–66, no. 532; 88, no. 753); Eckart IX of Tann in 1303 and his brother Eckart VIII and the latter's sons Eckart X and Nicholas in 1304 and 1307 (Regesten 2:79, no. 662; 81, no. 688; 97, no. 831); Kuno VI of Gutrat in 1304 (Regesten 2:82, no. 692); the brothers Adalbero III and Ortlieb of Walchen in 1307 (Regesten 2:95–96, no. 818); Conrad VII of Kalham in 1326 (SUB 4:360–62, no. 317); and Henry of Felben in 1333 (Regesten 3:88–89, nos. 869, 877).

90. Arnold, "German Bishops," pp. 181–82, pointed out that the bonds of servility that bound the ministerials to their lords finally disappeared in the fourteenth century but that vassalage remained a vital link. He based his observations on the sixteenth-century *Liber feudorum* of the bishops of Eichstätt, which contains eight earlier registers of fiefs (pp. 175–76). The earliest of these, which dates from the first decade of the fourteenth century, however, still stressed the servile status of the ministerials, whom it called "homines infeudati ab Ecclesia qui proprii sunt Ecclesiae" (p. 182, n. 107).

in 1243, when Karl's sons had been restored to the archbishop's grace, they had retained the two castles on the Gutratsberg that protected the archiepiscopal saltworks in Hallein as well as keeping comital jurisdiction in the stretch of the Salzach valley south of the city of Salzburg where Hallein was situated.<sup>91</sup> Archbishop Conrad could not permit a ministerial who owed his primary allegiance to the Habsburgs or Wittelsbachs to control a major source of the see's wealth.

Otto II of Gutrat announced on 8 January 1296 that he had voluntarily surrendered to the archbishop all his intrinsic alods within the archdiocese, including people, lands, and castles, and that he and his son Henry had then been enfeoffed by Conrad IV with their former alods and other fiefs (see genealogy 3.6). If Otto, Henry, or any son Otto might yet father died without issue, the fiefs would escheat to the church. After his father's death, Henry acknowledged on 27 January 1299 that he had resigned to the archbishop any alodial rights he possessed to the castle or castles on the Gutratsberg and any other properties he owned on either side of the Tauern and that he had been enfeoffed with them on behalf of himself and any *male* heirs ("omnibus hereditibus meis masculis") he might yet have. The members of the garrison of the two castles were required to swear that if Henry died without a son or sons ("sine herede vel hereditibus masculis"), they would obey only the archbishop.<sup>92</sup> The childless Henry was dead by 3 November, and his fiefs escheated to the archbishop.<sup>93</sup>

The targets of these agreements were Henry's cousins, the children of Otto II's brother Kuno V: Kuno VI; Herburg, who was married by 1296 to the Bavarian ministerial Walter of Taufkirchen; and Elizabeth, who was married by 1304 to the Austrian ministerial Eberhard the Younger of Wallsee, whose father Eberhard the Elder was the Habsburg judge in Upper Austria. Since everyone appears to have anticipated Kuno VI's momentary death, the real issue was his sisters' inheritance rights. An arbitral award of 16 March 1304 granted Kuno VI all of the Gutrats' possessions within the archdiocese (their holdings in Lower Austria were specifically excluded), including the fiefs Henry had held. These would be forfeited if Kuno VI contracted an extrinsic marriage or permitted the archbishop's enemies to use his castles. If Kuno died without an heir (this was the real concern), his archiepiscopal fiefs were to escheat to the archbishop, who was to pay Kuno's sisters and their heirs, either individually or jointly, 400 marks of silver. Herburg and Elizabeth were required to renounce all their rights to Kuno's archiepiscopal fiefs except for the Gutrats' ancestral holdings in Schnaitsee, which Herburg already possessed because it was an intrinsic alod (besides, Schnaitsee was within the duchy of Bavaria).<sup>94</sup> Kuno VI was dead by 17 August, when his sisters divided

91. For a list of the Gutrats' holdings within the principality in 1299 and about 1304, see SUB 4:247–48, no. 208; 271–72, no. 231.

92. SUB 4:223–24, no. 183; 246–47, no. 206.

93. Regesten 2:56, nos. 456, 457; 62, no. 508.

94. Regesten 2:82, nos. 690–94; and Freed, "Crisis," pp. 120–23.

the Gutrats' holdings that were outside the ecclesiastical principality, basically the Lower Austrian possessions of their paternal grandmother Margaret of Zöbing.<sup>95</sup> By forcing Herburg and Elizabeth to renounce their rights of inheritance, Archbishop Conrad prevented ministerials of the Habsburgs and Wittelsbachs from ensconcing themselves within the principality.

Although Herburg and Elizabeth renounced their inheritance rights sometime after they married, such a renunciation could be, as the history of the Walchens shows, part of the marriage settlement itself or one of the terms of a ministerial's submission to the archbishop (see genealogy 5.1). Conrad IV announced on 20 November 1297 that Ulrich of Freundsberg, a Freising ministerial, had married in the archbishop's presence Elizabeth, the only known child of Otto of Walchen. Ulrich and Elizabeth had renounced all their rights to her paternal inheritance, except for the fiefs Otto had obtained from the bishop of Regensburg and the castle of Hohenstein, which Elizabeth, Ulrich, and their children were to hold in fief from the archbishop. Conrad paid the couple 200 marks of silver for their renunciation and as a contribution to their marriage.<sup>96</sup>

Since Elizabeth's paternal uncle Adalbero II had injured the church, her cousins Adalbero III and Ortlieb of Walchen, who hoped to benefit their father's soul, swore in 1307 to serve the church faithfully their entire lives, to remarry only with the archbishop's permission if they were widowed, and to permit any sons they might father to serve only the church and to marry only within the familia under penalty of forfeiting their alods and fiefs to their brothers. As far as Adalbero's and Ortlieb's daughters were concerned, the Walchens promised they would endow their daughters only with movable property, so that their sons could retain their paternal inheritance in its entirety and it could not be alienated to strange hands, to the injury of the church.<sup>97</sup> The latter provision offers an explicit explanation for why Archbishop Conrad IV required women to renounce their inheritance rights: he feared that through marriage any real property or rights they obtained might be alienated to potential enemies.

Other princes shared the archbishop's concern. On 9 June 1308, at the request of her kinsmen, Dukes Otto III (1290–1312) and Stephen I (1290–1309) of Lower Bavaria conferred on Salzburg Kunigunde, daughter of their late ministerial Greimold of Preysing, and any children she would bear, on condition that her future husband renounce any claims to her paternal inheritance. Her fiancé, the knight Jakob II of Thurn, did so on 7 September.<sup>98</sup> For his part the archbishop could then provide the woman with a dowry, presumably because, in spite of her disinheritance, her marriage was advantageous to the church, or because he wished to reward her husband. For instance, in 1297 Dukes Otto and Stephen

95. OÖUB 4:465–67, no. 502.

96. Regesten 2:45, nos. 358, 359. See above at note 57.

97. Regesten 2:95–96, no. 818.

98. Regesten 2:102, no. 886; 104, no. 899.

surrendered their proprietary rights to Agnes of Neukirchen and expressed their hope and wish that their act would rebound to the maiden's advantage and honor rather than to her detriment. Agnes married the knight Ulrich V of Wiesbach, and Archbishop Conrad supplied her with a dowry of £80.<sup>99</sup> Such conveyances of the daughters of prominent ministerials to the church, including even the nieces of the regnant archbishop, became quite common after the late 1290s; and the question arises whether all such gifts were contingent, even if it was not explicitly stated in the extant documentation, on the woman's renunciation of her rights of inheritance or her endowment by the archbishop.<sup>100</sup>

It is striking that the last recorded instance of the division of the children of a ministerial cross-marriage in which an archiepiscopal ministerial was one of the spouses is dated 1311 (it involved Frederick of Goldegg and Elizabeth of Liechtenstein), that is, little more than a decade after the princes began disinheriting women.<sup>101</sup> Since the chief purpose of such a division had been to prevent the alienation of valuable lands and rights to the retainer of another lord, the same end could be achieved if a woman who contracted an extrinsic marriage renounced her rights of inheritance. It appears that the disappearance of the most visible symbol of the ministerials' personal servitude—the division of their children—was linked to the new practice of disinheriting women. This procedure, which may have been especially attractive to the late medieval archbishops, who were themselves of ministerial or knightly ancestry, was the logical consequence of the preference for patrilocal conjugal households and for paternal rather than maternal ascription that was analyzed in chapter 2 as well as the territorialization of princely lordship. The subject of a foreign prince could not live within a principality whose boundaries were being delineated with increasing precision in the second half of the thirteenth century—after all, the border between Salzburg and Bavaria was fixed for centuries in 1254 and 1275 and that with Styria in 1297. There were only two alternatives: either a man could be compelled to marry his coministerial or, if he contracted an extrinsic marriage, the wife could be conferred on her husband's prince because she had renounced her own inheritance. The disinheritance of women made it even more imperative, however, that a bride's relatives, her husband, and the prince make suitable provisions for her maintenance if she was widowed. The *Heiratsgabensystem* did precisely that.

The late medieval archbishops not only regulated the grant of the assigns—

99. Regesten 2:41, no. 334; 121, no. 1049.

100. *Dienstweiber* who were conferred on Salzburg in this fashion are Kunigunde of Weissenegg in 1298 (Regesten 2:46, no. 369); Margaret of Mitterkirchen, niece of the cathedral provost, in 1306 (Regesten 2:90, no. 773); Catherine of Weissenegg in 1309 (Regesten 2:107, no. 924); Brigitte of Polheim, niece of Archbishop Weichart, in 1314 (Regesten 2:134, no. 1153; OÖUB 4:74–75, no. 78); Elizabeth of Polheim in 1324 (Regesten 3:42, no. 415); Diemut of Törring-Stein in 1327 (Regesten 3:62, no. 613); and Euphemia of Starhemberg in 1342 (Regesten 3:124, no. 1259). Archbishop Henry actually conferred on Passau in 1342 his niece Clara, who had previously been given to him and the church of Salzburg (Regesten 3:127, no. 1291).

101. Regesten 2:118, no. 1023.

for example, the provision about the dowry in the *Salzburger Landesordnung* of 1328—and guaranteed their payment, but also contributed directly to the establishment of the new household. Such subsidies, which became common during the episcopate of Conrad IV, could serve a variety of functions. As I have already noted, an archiepiscopal contribution to a woman's dowry could be a partial compensation for her renunciation of her inheritance; the 200 marks of silver Conrad IV gave Elizabeth of Walchen and the £80 he paid Agnes of Neukirchen are examples of that. In these cases the dowry was clearly the wife's premortem inheritance. Such a payment could also be a reward for her father's or husband's loyal service. Conrad provided Kunigunde and Margaret, the daughters of Otto I of Weissenegg, who in 1289 as burgrave of Friesach had brought Archbishop Rudolph desperately needed reinforcements, with dowries of 100 Regensburg pounds and 100 Salzburg pounds, respectively.<sup>102</sup> In 1302 Margaret married Conrad II of Kuchl, who had been the vidame of Salzburg during the war with Duke Albrecht and who was almost certainly in 1302 a member of the archiepiscopal council.<sup>103</sup> Indeed, the promise of such assistance could be part of a man's service contract. Thus Archbishop Rudolph assured Rapoto Luchen in 1287 that he would arrange suitable marriages for Rapoto's daughters and presumably also foot the bill.

The archbishops were not the only princes who subsidized their ministerials' marriages. Johannes Comes, who served as judge of Klagenfurt and as vidame of Duke Henry of Carinthia, stated in his account books that he had paid the ducal ministerial Ulrich of Silberberg 30 Aquileian marks for his daughter's marriage and that in 1331 Johannes himself had received 50 Aquileian marks and 500 cheeses from the duke "pro subsidio maritacionis."<sup>104</sup>

Such archiepiscopal marital subsidies could cross the fine line between a reward for loyal service and nepotism. Conrad IV, who was known both as Conrad of Fohnsdorf and as Conrad of Breitenfurt, knighted eight men at the conclu-

102. Regesten 2:46–47, nos. 369, 374; 74, nos. 618, 620. On Otto of Weissenegg's role in the 1289 campaign, see *Ottokars Österreichische Reimchronik* 1:383–84, lines 29, 105–38; and Regesten 1:172, no. 1333.

103. Regesten 2:74, no. 618. On Conrad of Kuchl's career, see Freed, "Crisis," pp. 129–31. There are other examples of the payment of such subsidies to women whose husbands or fathers had served the archbishop faithfully. About 1301 Archbishop Conrad gave the Austrian ministerial Conrad of Pottendorf 200 marks of silver when he married Hadwig, daughter of Otto VI of Goldegg (Regesten 2:67, no. 546; 71, no. 589; 3:20, no. 202), who had been a member of the archiepiscopal council and one of the four archiepiscopal ministerials who had accompanied Archbishop Conrad in 1297 to the peace negotiations in Vienna with Duke Albrecht (Regesten 2:6, no. 49; SUB 4:189–90, no. 157; *Ottokars Österreichische Reimchronik* 2:928–29, lines 70, 195–201). The archbishop paid the Styrian ministerial Gundaker of Starhemberg 50 Salzburg pounds in 1303 when he married a daughter of Gerhoch III of Radeck, who was identified in 1306 and again in 1320 as a member of the archiepiscopal council (Regesten 2:75, no. 630; 92, no. 791; 3:23–24, no. 236).

104. MC 9:131–39, no. 447, fol. 17. Otto of Lonsdorf, bishop of Passau from 1254 to 1265, required his ministerials to marry within the familia and subsidized their marriages, in particular those of his nieces. See Breinbauer, *Otto von Lonsdorf*, pp. 205–11; p. 400, no. 13; 402, no. 15; 406–7, no. 19.

sion of his peace negotiations in Vienna; they included Rudolph III of Fohnsdorf, whom Ottokar aus der Gaal identified as the archbishop's closest blood relative, Rudolph's son Rudolph IV, and Dietmar of Breitenfurt.<sup>105</sup> Conrad supplied Rudolph IV's wife Guta with a dowry of 100 marks of silver, and he gave Ernst of Breitenfurt, who by 1310 was burgrave of Hohenwerfen, 100 marks of Salzburg pennies when he married.<sup>106</sup> Conrad's successor Weichart of Polheim promised his niece Adelaide a dowry of 100 marks of silver.<sup>107</sup>

Still, it is unfair to judge the archbishops by modern standards of ethical conduct. Since the archbishops conceived of their principality as an enlarged household, it was only natural that they would rely above all on their relatives and reward them accordingly. Rudolph III of Fohnsdorf had been commander of the archiepiscopal forces during the war. Archbishops Rudolph and Conrad waged with Duke Albrecht and Duke Meinhard of Carinthia (Rudolph's appointment as vidame of Friesach preceded his kinsman's translation from Lavant to Salzburg), and Conrad, in spite of his kinship with the vidame, deprived Rudolph of his office and imprisoned him in 1299 for official misconduct.<sup>108</sup> Conrad's knighting of Rudolph and his other kinsmen, like the archbishop own baptismal sponsorship of Duke Albrecht's daughter, was a symbolic gesture for including them in the peace and made them in effect guarantors for its observance.<sup>109</sup>

Nevertheless, the 1297 peace negotiations in Vienna underscore the highly personal nature of archiepiscopal governance. Theodor Mayer argued, as I have already pointed out, that the medieval German principalities were transformed during the High Middle Ages from a personal union state (*Personenverbandstaat*), that is, a polity based on personal ties between a lord and his men, into an institutional territorial state (*institutionelle Flächenstaat*)—a political entity with clearly defined boundaries and permanent institutions of government that recognized no

105. *Ottokars Österreichische Reimchronik* 2:931–32, lines 70,395–418. According to the *Continuatio canonicorum Sancti Rudberti Salisburgensis*, p. 821, Archbishop Weichart consecrated an altar in the cathedral that had been built by his predecessor, "Chunradum de Vansdorf, alias dictum de Praienfurt." On Conrad IV's social origins, see Freed, "Prosopography," pp. 45–48.

106. Regesten 3:122, no. 1234; 2:62, no. 508.

107. Regesten 3:6, no. 56.

108. On Rudolph III's role in the war, see Dopsch, *Geschichte Salzburgs* 1/1:457–60; Fräss-Ehrfeld, *Geschichte Kärntens* 1:354–63. Rudolph was identified for the first time as vidame of Friesach on 11 January 1290 (MC 6:98–100, no. 148), but Pope Nicholas IV transferred Conrad from Lavant to Salzburg only in January 1291 (Regesten 2:4, no. 25). Rudolph was deposed as vidame sometime between 16 August and 29 September 1299, and the terms of his release from prison were announced on 4 January 1300 (Regesten 2:55, nos. 444, 452; SUB 4:252–55, no. 213).

109. On Conrad's sponsorship of Albrecht's daughter, see *Ottokars Österreichische Reimchronik* 2:931, lines 70,382–94. Gerd Althoff, "Königsherrschaft und Konfliktbewältigung im 10. und 11. Jahrhundert," *Frühmittelalterliche Studien: Jahrbuch des Instituts für Frühmittelalterforschung der Universität Münster* 23 (1989): 265–90; and idem, *Verwandte, Freunde und Getreue: Zum politischen Stellenwert der Gruppenbindungen im früheren Mittelalter* (Darmstadt, 1990), pp. 195–203, has discussed conflict resolution in the Ottonian and early Salian periods. I would argue that Conrad's sponsorship of Albrecht's daughter and the knighting of the archbishop's kinsmen constitute a late example of this pattern of conduct.



jurisdiction that had not been granted by the prince. Admittedly, by 1300 the ecclesiastical principality of Salzburg had acquired some of the outer trappings of Mayer's territorial state; for example, its boundaries had been fixed for centuries to come and the new archiepiscopal council had tried to govern the principality after the death of Archbishop Rudolph in 1290. But the principality owed its existence to the servile bonds that tied the ministerials, who formed the secular elite of the principality, to the archbishop. Thus Eberhard II subjected the Walchens to his lordship by arranging a marriage between Adalbero I, the last free nobleman of noncomital rank in the principality, and a Goldegg; and Archbishop-Elect Philip secured the lordship of Hohenstein by having Otto of Walchen marry Otilia of Hohenstein. In constructing his model of governance in late medieval Austria, Otto Brunner merely noted in passing that the ministerials were bound to the duke "in a particular way"; in fact that servile tie was at the heart of the relationship between the prince and the people of the *Land*, who constituted in Brunner's view the territorial community.<sup>110</sup>

More important, the archbishops continued to perceive their principality as an enlarged household—the "gotshous ze Salzburg." Since marriage was the decisive act in constituting a new household, it should perhaps not be overly surprising that agreements to raise troops took the form of marriage contracts or that rebellious ministerials pledged their allegiance to the archbishops not by swearing an oath of fealty, but by promising to marry within the archiepiscopal familia. If anything, the change in the social origins of the archbishop after 1270 strengthened the archbishops' familial view of their lordship. The ministerials and knights were members of the archbishops' extended family, in both the medieval and modern senses. Any paterfamilias is deeply concerned about the marriages of his "children," and a good father forgives as well as punishes his erring progeny. This perception of the archbishops' lordship helps explain the recurring pattern of submission and reconciliation in their dealings with their men and the celebration of a marriage to mark a prodigal son's restoration to his father's grace. In spite of its more "modern" outward trappings, it was a very personal and patriarchal conception of governance.

And yet, as the career of such mercenaries as Conrad Schrankbaum shows, it was a very anachronistic one. The archbishops were still trying in the fourteenth century to enforce rules that were rooted in serfdom, but the principality was not a manor, and the ministerials were hardly serfs. The written accords that recorded the terms of the ministerials' submission and that the archbishops so carefully preserved highlight the inherent contradiction between the theoretical underpinning

110. Brunner, *Land and Lordship*, p. 335. Heinz Dopsch, "Die Frühzeit Salzburgs," in Drabek, *Österreich im Hochmittelalter* (see above, n. 18), p. 157, reached a similar conclusion about the organization of the principality: "Das Erzstift war vielmehr bis ins Spätmittelalter als Personenverband organisiert, bei dem allein die persönliche Bindung an den Erzbischof oder an einen Herrn, der diesem unterstellt war, entscheidend blieb."

of the ministerials' subordination to the archbishop and late medieval political reality. No serf owned castles, fielded a force of knights, presided at a court, advised princes, or watched his brother become an archbishop.

The history of the medieval principality of Salzburg is also a reminder of how inadequate the traditional textbook models of feudal society are, at least those that define feudalism in terms of vassalage and fief holding or serfs as exploited agricultural laborers or even as peasant householders. Although the ministerials owned fiefs, it was their servile birth and not their enfeoffment that bound them to the archbishop; and the obligation to marry within the familia was the most visible manifestation of that reality. Any definition of medieval feudalism or serfdom must be broad enough to encompass men and women like Otto of Walchen and Diemut of Högl. The question remains how the ministerials themselves perceived their peculiar position as “*homines proprii nobiles*”—noble bondsmen.<sup>111</sup>

111. MC 4/2:657–60, no. 2921/47.

## CHAPTER SIX

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### Ministerial Self-Consciousness

How did the ministerials perceive their position as noble bondsmen? This is a difficult question to answer because the personal documentation such as diaries and private letters that provides historians with an insight into people's inner thoughts and personal lives in later periods is largely missing for the Middle Ages, but the ministerials' response to courtly culture may provide some revealing clues about their self-consciousness.<sup>1</sup> Although the archiepiscopal court was not even a minor literary center, the archbishops and their ministerials shared the general noble enthusiasm for courtly literature and adhered to chivalric conventions in their own lives. To probe the ministerials' self-consciousness, I shall look at two works that were created by a lineage and a man who served other lords but had close ties to the archbishops of Salzburg in the mid-thirteenth century: the Iwein frescoes in the castle of Rodeneck (today Rodengo, Italy), situated northeast of Brixen (today Bressanone) in South Tyrol, and the *Frauendienst* of Ulrich I of Liechtenstein. The frescoes, which were commissioned about 1220 by Arnold III of Rodank or his wife Mathilda (or both), are the oldest extant Romanesque paintings in Europe with a secular theme.<sup>2</sup> The *Frauendienst*, which was written in

1. There have been a number of attempts to probe the self-consciousness of German noble lineages. See, for example, Karl Schmid, "Welfisches Selbstverständnis," in *Adel und Kirche: Gerd Tellenbach zum 65. Geburtstag, dargebracht von Freunden und Schülern*, ed. Josef Fleckenstein and Karl Schmid (Freiburg, 1968), pp. 389–416 (reprinted in Schmid's *Gebetsgedenken und adliges Selbstverständnis*, pp. 424–53); Gerd Althoff, *Adels- und Königsfamilien im Spiegel ihrer Memorialüberlieferung: Studien zum Totengedenken der Billunger und Ottonen*, Münstersche Mittelalter-Schriften 47 (Munich, 1984); and Freed, *Counts of Falkenstein*.

2. Nicolò Rasmò, *Pitture murali in Alto Adige* (Bolzano, 1973), p. 9. The medieval lords of Rodeneck or Rodeneck are known as the Rodanks; the modern village is called in German Rode-neck. Arnold III and Mathilda were the paternal grandparents of the Mathilda of Rodank who married Dietmar II of Griffen-Weissenegg in 1243. See above, chapter 5 at note 45.

1255, has been called the first “secular vernacular autobiography” in any European language.<sup>3</sup> The two works, regardless of their artistic or literary merits, are thus of considerable importance and deserve more attention than they have hitherto received from English-speaking scholars.

Although it is never easy to ascertain the real thoughts of a patron, artist, or writer from the works commissioned or created, the frescoes and *Frauendienst* provide special interpretive problems. In the case of the frescoes, it is necessary to reconstruct the Rodanks’ understanding of Hartmann of Aue’s tale from pictures that an unknown artist painted on the walls of their castle. How does one distinguish between the viewpoints of the poet, the painter, and the patron? As far as the *Frauendienst* is concerned, the historical authenticity of its content is highly problematic. This raises the question why Ulrich of Liechtenstein, who provided Archbishop-Elect Philip with the services of one hundred men in 1250, chose to write a fictionalized account of his life. The social historian can, at the very least, try to place both works in their appropriate historical and family contexts, since art historians and Germanists have failed to do so.

There is a more fundamental interpretive problem. Even if it is possible to draw some conclusions from these works about how the Rodanks and Ulrich may have perceived their position in society, what does that reveal about the self-perception of their peers in general? After all, the very existence of the frescoes and “autobiography” makes their creators atypical. Some scholars, most notably Erich Köhler and Gert Kaiser, have argued that courtly literature reveals the aspirations of the lower strata of the nobility: the French knights and the German ministerials. The *aventure* of the Arthurian knight was the literary idealization of the ministerials’ obligation to serve. The emphasis on service as ennobling in the romances was thus from this perspective not-so-subtle propaganda for the acceptance of the ministerials as nobles.<sup>4</sup> Most German scholars, however, have stressed the role of the monarchy and the princes in promoting the chivalric ideal. It was princes like Henry the Lion who obtained French texts through their dynastic connections and who patronized poets. The romances, like the churches the magnates founded, endowed, and built, were a public representation of the princes’ social and political status. A cynical interpretation of the emphasis on the ministerials’ selfless service is that it was, as Gerd Althoff put it, a perfidious ideology with an ulterior motive

3. Timothy McFarland, “Ulrich von Lichtenstein and the Autobiographical Narrative Form,” in *Probleme mittelhochdeutscher Erzählformen: Marburger Colloquium 1969*, ed. Peter F. Ganz and Werner Schröder (Berlin, 1972), p. 195.

4. Gert Kaiser, *Textauslegung und gesellschaftliche Selbstdeutung: Die Artusromane Hartmanns von Aue*, 2d ed. (Wiesbaden, 1978); and Erich Köhler, *Ideal und Wirklichkeit in der höfischen Epik: Studien zur Form der frühen Artus- und Graldichtung*, Beihefte zur Zeitschrift für romanische Philologie 97 (Tübingen, 1956). Similar views can also be found in Arno Borst, “Das Rittertum im Hochmittelalter: Idee und Wirklichkeit,” *Saeculum: Jahrbuch für Universalgeschichte* 10 (1959): 213–31 (reprinted in Borst, *Das Rittertum im Mittelalter*, WF 349 [Darmstadt, 1976], pp. 212–46); and Herbert Moller, “The Social Causation of the Courtly Love Complex,” *Comparative Studies in Society and History* 1 (1958–59): 137–63.

(“perfidere Zweckideologie”), that is, an instrument of social control by which the high nobility assured itself of the good conduct of its retinue.<sup>5</sup> If ministerials participated in the formation of courtly culture it was, these scholars would argue, because the ministerials’ lifestyle and conduct was no different from that of the old free nobility.<sup>6</sup>

Arnold III of Rodank, whose cousin Conrad of Rodank was the first ministerial to become bishop of Brixen (1200–1216), and Ulrich of Liechtenstein, who for nearly half a century was a leading player in the tumultuous politics of Styria, belonged to the ministerial elite whose lifestyle was indistinguishable from that of the old free nobles; but the problem of generalizing from their experiences remains. Certainly they did not speak for most ministerials, but at best only for great lords like Karl of Gutrat or Otto of Walchen. I will argue that Mathilda, the granddaughter of a count, may have commissioned the frescoes to remind her husband Arnold of her sacrifice in marrying him and that Arnold, if he caught the message, may have tolerated Mathilda’s version of the Iwein story because the paintings reminded visitors of his own marriage to a noblewoman and because he may have been, like Iwein, in a penitent mood. As for Ulrich, he presented himself as a model of chivalric conduct and at the same time through comic role and gender reversals challenged a social order that separated families like the Liechtensteins from their former noble peers.

### The Archiepiscopal Ministerials and Courtly Culture

The archbishops had only peripheral contacts with literary figures, but they and their men had at least a passing familiarity with courtly literature and customs. Eberhard II tried to raise the prestige of his court by patronizing prominent authors but met with little success. Neidhart von Reuenthal apparently accompanied Eberhard on a journey through Styria and wrote a few lines about the archbishop in one of his winter songs, but he did not settle permanently in Salzburg. The best-documented attempt to attract a poet to Salzburg was Archbishop Frederick II’s invitation to Ulrich of Etzenbach to come there in 1271. Frederick sent Kuno V

5. Gerd Althoff, “Nunc fiant Christi milites, qui dudum extiterunt raptores: Zur Entstehung von Rittertum und Ritterethos,” *Saeculum: Jahrbuch für Universalgeschichte* 32 (1981): 320.

6. Kaiser’s chief critic has been Ursula Peters, “Artusroman und Fürstenhof: Darstellung und Kritik neuerer sozialgeschichtlicher Untersuchungen zu Hartmanns *Erec*,” *Euphorion: Zeitschrift für Literaturgeschichte* 69 (1975): 175–96. Volker Schupp, “Kritische Anmerkungen zur Rezeption des deutschen Artusromans anhand von Hartmanns ‘Iwein’: Theorie—Text—Bildmaterial,” *Frühmittelalterliche Studien: Jahrbuch des Instituts für Frühmittelalterforschung der Universität Münster* 9 (1975): 40–42, was also very critical of Kaiser’s thesis. Bumke, *Concept of Knighthood*, pp. 143–44; and idem, *Courtly Culture*, 75–82, stressed the role of the princes in the diffusion of courtly culture in Germany.

of Gutrat and Eckart of Dobrenng to Prague with a copy of Gautier de Châtillon's *Alexandreis*, which served as a model for Ulrich's own *Alexander*; but Ulrich refused to leave Bohemia, the land of his birth, and remained at the court of Ottokar II and his son Wenceslaus II (1278–1305).<sup>7</sup>

Interestingly enough Ulrich, in describing the origin of his *Alexander*, flattered Archbishop Frederick II by referring to him as a free nobleman ("von Walhen der edel vrie"). The poet also identified both Kuno, who belonged to one of the great ministerial lineages, and Eckart, who was a member of the knightly estate, as knights.<sup>8</sup> Although Ulrich of Etzenbach was probably unfamiliar with the precise social status of specific individuals, the blurring of the distinction between ministerials and knights in literary works may have made their fusion into a single estate in the principality more acceptable to the ministerials.

Names provide indirect evidence about the archiepiscopal ministerials' interest and involvement in courtly life and literature. Henry I of Berg (1104/16–1130s) acquired the derogatory nickname Hofekelz, which, it has been suggested, meant "der am Hofe keifende"—he who bitches at the court.<sup>9</sup> The sobriquet reveals that Henry had gained an unflattering reputation at Archbishop Conrad I's court, but Henry's Styrian descendants, the Kelzen, like the Cologne patricians who for centuries bore such surnames as Overstolz (haughty), Gir (greedy), Cleingedank (small-minded), and Hardevust (hardfisted), may have reveled in a name that Henry's enemies had presumably first bestowed upon him in scorn.<sup>10</sup> Kuno III of Schnaitsee's choice of the name Gutrat for the new castle he built outside Hallein and his adopting it by 1209 as his own surname indicates that Kuno saw himself as a courtier who gave Archbishops Adalbert II and Eberhard II good advice.<sup>11</sup> By 1190 Ortolf II of Katsch, who lived south of the Katschberg Pass that links the Lungau to Carinthia, had built a castle in southern Styria (today part of Slovenia) that he named Montpreis (the name first appears as Munparis).<sup>12</sup> The selection of a French name for a castle on the southeastern frontier is especially surpris-

7. Dopsch, *Geschichte Salzburgs* 1/2:1079, 1099, 1138.

8. Ulrich von Eschenbach, *Alexander*, ed. Wendelin Toischer, Bibliothek des litterarischen Vereins in Stuttgart 183 (Tübingen, 1888; reprint, New York, 1974), pp. 733–34, lines 27, 597–628. On Eckart of Dobrenng's status, see chapter 2 at note 44.

9. Widmann, *Geschichte Salzburgs* 1:377. On equating Henry I of Berg with Henry Hofekelz, see above chapter 3, n. 87.

10. Bracher, "Lassnitz-Sulm," pp. 139–43. On the Cologne patricians, see Friedrich Lau, "Das kölnner Patriziat bis zum Jahre 1325," *Mitteilungen aus dem Stadtarchiv von Köln* 9 (1894): 65–89, 358–81; 10 (1895): 103–58.

11. SUB 3:127–28, no. 627.

12. SUB 2:648–49, no. 478. I have not been able to ascertain the source of the name (either Munparis or Montpreis). No such name is listed either in Ernst Langlois, *Table des noms propres de toute nature compris dans les chansons de geste* (1904); reprint, Burt Franklin: Bibliography and Reference Series 435 (New York, 1971); or Louis-Fernand Flutre, *Tables des noms propres avec toutes leurs variantes figurant dans les romans du Moyen Age écrits en Français ou en Provençal et actuellement publiés ou analysés* (Poitiers, 1962). *Pris*, which means "price," was borrowed from French in the twelfth century (Bumke, *Courtly Culture*, p. 86). The name of the castle was thus Mount Price. On Ortolf of Katsch-Montpreis, see chapter 3 at note 91.

ing, because the first French names for castles appeared even in western Germany only about 1190.<sup>13</sup> Perhaps Ortolf learned the name from a wandering minstrel or French crusader, but the choice shows Ortolf's familiarity with international chivalric culture.

In fact, Ortolf appears to have been a man with considerable literary interests. He apparently named his only known child Herrad (she was mentioned for the first time by name in 1208) after the wife of Dietrich of Bern (Theodoric the Great) in the Dietrich saga. This saga hero was associated in the twelfth century with the nobility's resistance to tyranny.<sup>14</sup> Ortolf's choice of the name Herrad for his daughter may thus reflect his own desire for emancipation from the archiepiscopal familia. Since the Katsches were of free noble origin, Ortolf may have found his subordination particularly demeaning.<sup>15</sup> In addition, Ortolf's men also bore names associated with Dietrich of Bern: Hildebrand (Dietrich's teacher), Rüdiger (Rüdiger of Bechelaren [Pöchlarn in Lower Austria]), and Wolfhart (Hildebrand's nephew) as well as Dietrich.<sup>16</sup> Fragmentary as this evidence may be, it shows the existence of a courtly society centered on the archbishop and some acquaintance with literary fashions.

The archiepiscopal ministerials practiced various chivalric customs themselves. They participated in tournaments in spite of the church's prohibition of such games and were formally invested with their arms by the archbishops. The chronicler Magnus of Reichersberg mentioned, for example, the tournament that was held at Graz on 26 December 1195, because Duke Leopold V of Austria was fatally injured when he was thrown from his horse. Archbishop Adalbert, who was two miles away, was summoned to his cousin's side after the accident; but the archbishop's men presumably had fewer compunctions about attending such an event.<sup>17</sup> The chroniclers also recorded how various princes, along with their men, starting with the knighting of Duke Otakar of Styria in 1180, were invested with their arms. Two hundred nobles were dubbed in 1300, along with Dukes Otto III and Stephen I of Lower Bavaria.<sup>18</sup> The earliest reference I could find to archiepiscopal

13. Bumke, *Courtly Culture*, p. 87.

14. MC 1:310–12, no. 418. Karl Hauck, "Heldendichtung und Heldensage als Geschichtsbewusstsein," in *Alteuropa und die moderne Gesellschaft: Festschrift für Otto Brunner* (Göttingen, 1963), p. 168, referred to the "Selbstidentifizierung von Männern des mittelalterlichen Adels mit der revolutionären Dietrichrolle."

15. On Ortolf's ancestry, see above, chapter 3, n. 92.

16. Klebel, *Der Lungau*, p. 89; and Pirchegger, *Die Untersteiermark*, pp. 243, 261. On naming customs among Bavarian nobles and ministerials, including the use of literary names, see Störmer, "Adel und Ministerialität," pp. 84–152.

17. *Magni presbyteri annales Reicherspergenses*, pp. 521–23. Tournaments in the late twelfth and early thirteenth centuries were deliberately staged separately from court festivities in which clerics participated. See William Henry Jackson, "Das Turnier in der deutschen Dichtung des Mittelalters," in *Das ritterliche Turnier im Mittelalter: Beiträge zu einer vergleichenden Formen- und Verhaltensgeschichte des Rittertums*, ed. Josef Fleckenstein, VMPG 80 (Göttingen, 1985), p. 265.

18. *Continuatio Weichardi de Polhaim a. 1280–1307*, ed. Wilhelm Wattenbach, MGH SS 9 (Hanover, 1851), p. 815. For similar reports, see *Annales Sancti Rudberti*, Barbarossa's sons, Henry and

copal retainers being initiated in this fashion by the archbishop is Ottakar aus der Gaal's report that in 1297 Archbishop Conrad IV blessed the shields and swords of eight noble squires, including his kinsman Rudolph III of Fohnsdorf; but none of these men was an archiepiscopal ministerial.<sup>19</sup> On 28 September 1319, however, on the eve of a battle that was never fought, Archbishop Frederick III and his ally Duke Frederick the Handsome of Austria (1308–30), the Habsburg claimant to the throne, knighted sixty men in Mühldorf; and on 20 September 1322, eight days before the decisive battle of Mühldorf, Archbishop Frederick dubbed another eighteen men.<sup>20</sup> The new knights included a few descendants of prominent ministerial lineages like Nicholas and Eckart X of Tann and the archbishop's kinsmen Otto and Frederick of Leibnitz, but also such lesser ministerials and knights as the brothers Ulrich V and VI of Wiesbach; Sigiboto II and III of Nopping, whose ancestors had once served the noble lords of Haunsberg; Eckart Gärr, whose forefathers had been serfs of the Gutrats; Johann Pfäffinger and Zachreis der Panicher, who were burghers of Mühldorf; and even one of the Tanns' own knights.<sup>21</sup> The Mühldorf knightings illustrate both the prevalence of such chivalric customs in the archdiocese and the diverse origins of the knights who composed the late medieval *Ritterstand* in Salzburg.

This section contains, quite frankly, a grab bag of fragmentary information about the archbishops' failed attempts at literary patronage and the archiepiscopal ministerials' own name-giving customs, participation in tournaments, and dubbing by the archbishops. Although the Rodanks' commissioning of the Iwein frescoes and Ulrich of Liechtenstein's "autobiography" may have been unique creations, their chivalric interests were not unique. After all, they could employ literary themes to represent themselves only if their intended audience understood the message.

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Frederick, in 1184 (p. 777), Otto II of Bavaria in 1228 (p. 784), Duke Frederick II of Austria in 1232 (p. 785), Dukes Louis II and Henry XIII of Bavaria in 1253 (p. 792); *Continuatio Admuntensis a. 1140–1250, 1425*, ed. Wilhelm Wattenbach, MGH SS 9 (Hanover, 1851), Duke Otakar of Styria in 1180 (p. 585), Barbarossa's sons in 1184 (p. 586); Philip of Swabia in 1197 (p. 588); Leopold VI of Austria in 1200 (p. 589); and Otto II of Bavaria in 1228 (p. 593); and *Magni presbyteri annales Reicherspergensis*, Emperor Henry VI's brother Conrad and Duke Louis I of Bavaria in 1192 (p. 519).

19. *Ottokars Österreichische Reimchronik* 2:931–32, lines 70, 398–418.

20. Wilhelm Erben, *Mühldorfer Ritterweihen der Jahre 1319 und 1322*, Veröffentlichungen des historischen Seminars der Universität Graz 12 (Graz, 1932).

21. On the Wiesbachs, see Reindel-Schedl, "Die Herren von Wispeck," pp. 253–86. The Noppings appeared in the twelfth century in conjunction with the Haunsbergs (SUB 1:452–53, no. 368; 498, no. 452; 792, no. 47) and were presumably among the "hominibus suis propriis militaribus" whom Archbishop Eberhard II purchased in 1211 along with the castle of Haunsberg (SUB 3:149–50, no. 646). Hartnid III of Nopping was identified as an archiepiscopal ministerial in 1275 (Regesten 1:97, no. 740). On the Gärrs, see SUB 1:509, no. 473; Dopsch, *Geschichte Salzburgs* 1/1:401, 415; and Zillner, "Salzburgische Geschlechterstudien. III.," pp. 70–79. On the Pfäffinger and Panicher, see Dopsch, *Geschichte Salzburgs* 1/1:407.



### The Iwein Frescoes in Rodenegg

In 1972–73 Nicolò Rasmus uncovered and restored the Iwein frescoes in the castle of Rodenegg (eight kilometers north of Brixen). The frescoes depict eleven scenes from the first part of Hartmann von Aue's *Iwein* (the figures are specifically identified as Ywain, Aschelon, Lavdina, and Lvnetta). The paintings cover all four walls, except for a corner space where a fireplace probably once stood, of a ground-level, irregularly shaped room that is approximately 7 meters long, 4.30 meters wide, and 3 meters high and is situated beneath the main hall of the castle. The room has been identified as the lord's heated "study" (*Herrenzimmer*) or "drinking room" (*Trinkstube*), in which the master of the castle received important guests; but the original function of the room has not been established with any certainty (it might even have been the wife's room—a point worth remembering). The first scene is painted on the short wall to the left of the door, if one faces into the room, between the door and the former fireplace. The cycle continues counterclockwise on the long wall to the right of the door. Scene 7, which depicts Askalon's death in Laudine's lap and is the turning point in the artist's rendition of the story, is on the center of the wall opposite the door—that is, it is the first scene a person entering the room notices.<sup>22</sup>

Rasmus thought that the bishop of Brixen, Conrad of Rodank (1200–1216), whom Rasmus portrayed as a proto-Renaissance patron of the arts, commissioned the frescoes about 1200.<sup>23</sup> This date posed considerable problems for Germanists because it was commonly supposed that Hartmann's *Iwein* had been written only between 1199 and 1205, and Rasmus's dating of the frescoes even led initially to attempts to redate the romance.<sup>24</sup> It is now generally accepted for stylistic

22. Horst Ackermann, "Die Iwein-Fresken auf Schloss Rodenegg," *Der Schlern* 57 (1983): 391, 398–99; Achim Masser, "Die 'Iwein'-Fresken von Burg Rodenegg in Südtirol und der zeitgenössische Ritterhelm," *Zeitschrift für deutsches Altertum und deutsche Literatur* 112 (1983): 178; and Schupp, "Kritische Anmerkungen," p. 424. Werner Rösener, *Peasants in the Middle Ages*, trans. Alexander Stützer (Urbana, Ill., 1992), p. 80, pointed out that great nobles generally received their guests in the great hall and that the heated parlor was used primarily by women. Dr. Martin Bitschnau, librarian of the Tiroler Landesmuseum Ferdinandeum, who is an architectural historian and an expert on Tyrolean castles, said in a letter of 2 April 1991 that he would not describe the room as a *Stube*, a term that dates from the period before the restoration of the frescoes, when the room had been paneled. Bitschnau was unwilling to hazard a guess about the room's original function, precisely because there are no comparable Tyrolean examples of rooms with frescoes. Whatever its function, such heated rooms were common in the South Tyrol by the first half of the thirteenth century. See Peter Moraw, *Propyläen Geschichte Deutschlands*, vol. 3. *Von offener Verfassung zu gestalteter Verdichtung: Das Reich im späten Mittelalter 1250 bis 1490* (Berlin, 1985), p. 86.

23. Rasmus, *Pitture murali*, pp. 7–13. Rasmus also presented his views about the frescoes in a calendar issued in 1974 by the savings bank in Bolzano that financed the restoration (I have not been able to procure a copy of the calendar). Dr. Bitschnau informed me in a letter of 9 January 1991 that Rasmus had planned to write a major work on the frescoes but it never appeared, and that this had probably retarded further research on the paintings.

24. Peter Wapnewski, *Hartmann von Aue*, 4th ed., Sammlg Metzler 17 (Stuttgart, 1969), p. 25. Volker Mertens, *Laudine: Soziale Problematik im "Iwein" Hartmanns von Aue*, Beihefte zur Zeitschrift für deutsche Philologie 3 (Berlin, 1978), pp. 82–83, thought that Hartmann might have completed

and iconographic reasons that the frescoes were painted during the first quarter of the thirteenth century.<sup>25</sup> The most likely patrons would thus have been Bishop Conrad's cousin Arnold III of Rodank, the lord of the castle from about 1170 until 1221/25, and his wife Mathilda, who died shortly before her husband, sometime between 1218 and 1224.<sup>26</sup>

The frescoes testify to the rapid diffusion in the German-speaking world of some version of Hartmann von Aue's romance and provide crucial evidence for how Hartmann's audience may have understood his problematic tale. There has been considerable discussion about how the Rodanks might have become acquainted with Hartmann's romance. Scholars initially sought some direct contact between Bishop Conrad and Hartmann's probable patron, Duke Berthold V of Zähringen (1186–1218). Conrad, accompanied by his cousin Arnold, could have met the reclusive duke at the royal court that was held in 1214 at Ulm and might have obtained a copy of the text on that occasion.<sup>27</sup> The Rodanks could also have

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only the first part of the romance when the bishop-elect of Brixen met in 1199 with Duke Berthold V of Zähringen, Hartmann's patron, in Speyer. This would explain, Mertens speculated, why the frescoes depict only the first cycle of Iwein's adventures. The bishop-elect of Brixen in 1199, however, was Conrad's predecessor Eberhard, the future archbishop of Salzburg. Some Germanists even proposed in response to Rasmø's date that Hartmann's *Iwein* might have been written shortly after 1191. See Christoph Cormeau, "Hartmann von Aue," in *Die deutsche Literatur des Mittelalters: Verfasserlexikon*, vol. 3, ed. Christine Stöllinger (New York, 1981), p. 502.

25. Anne Marie Birlauf-Bonnet, the first art historian who studied the frescoes carefully, determined that the various cycles of frescoes in the diocese of Brixen, including the Rodenegg frescoes, which Rasmø had attributed to a single artist, had been the work of different painters. She assigned to the Iwein frescoes a date in the 1220s or 1230s and also concluded that no additional scenes had been painted elsewhere, say, on the mantle of the fireplace or in another room. "Überlegungen zur Brixner Malerei in den ersten Jahrzehnten des 13. Jahrhunderts," *Wiener Jahrbuch für Kunstgeschichte* 37 (1984): pp. 23–39, esp. p. 38; and Anne-Marie Bonnet, *Rodenegg und Schmalkalden: Untersuchungen zur Illustration einer ritterlich-höfischen Erzählung und zur Entstehung profaner Epenillustration in den ersten Jahrzehnten des 13. Jahrhunderts*, tuduv-Studien [sic]: Reihe Kunstgeschichte 22 (Munich, 1986), pp. 51–52, 61–62. She ignored, however, Achim Masser's argument that the specific type of helmets and shields depicted on the frescoes also appear in the first decade of the thirteenth century on the seals of the dukes of Austria and the counts of Andechs, who were the advocates of Brixen until 1208/9. Masser, "Die 'Iwein'-Fresken," esp. p. 198, had therefore concluded that the frescoes were painted about 1205. Peter Diemer and Dorothea Diemer, "'Qui pingit florem non pingit odorem': Die Illustrationen der Carmina Burana (Clm 4660)," *Jahrbuch des Zentralinstituts für Kunstgeschichte* 3 (1987): 55–58, questioned whether thirteenth-century artists were quite so careful in depicting current fashions and assigned the frescoes to the first quarter of the thirteenth century.

26. Arnold III, who was the son of Frederick II of Rodank (Traditionsbuch Neustift, pp. 98–99, no. 127), first appeared as a witness in 1155/64 (*ibid.*, p. 76, no. 87), when he was identified as "junior Arnoldus" to distinguish him from his paternal uncle Arnold I of Rodank-Schöneck. The last certain reference to Frederick II, who had died by 1178/88 (*ibid.*, pp. 98–99, no. 127), occurs in 1165/70 (Traditionsbücher Brixen, p. 174, no. 496). Arnold III served as a witness for the last time in 1221 (Brixner Urkunden 1:69–71, no. 65). Arnold III's sons, Frederick III of Rodank-Schöneck and Arnold IV of Rodank, who had first served as witnesses with their father in 1205 (Urkunden Neustift, pp. 47–49, no. 12), appeared on their own after 1225 (Brixner Urkunden 2/1:661–63, no. 598). For the date of Mathilda's death, see Traditionsbuch Neustift, pp. 127–28, no. 166. Schupp, "Kritische Anmerkungen," pp. 431–34, was the first scholar to point out that as the lord of the castle Arnold III rather than his cousin the bishop was the most likely patron.

27. Volker Mertens, *Gregorius Eremita: Eine Lebensform des Adels bei Hartmann von Aue in ihrer Problematik und ihrer Wandlung in der Rezeption*, Münchener Texte und Untersuchungen zur deutschen Literatur des Mittelalters 67 (Munich, 1978), pp. 154–62; and *idem*, "Das literarische

procured a copy of the popular epic or heard the story on their other visits to the royal court, however, even if Duke Berthold himself was not present, or in 1210, when King Otto IV passed through Brixen.<sup>28</sup> Alternatively, Margrave Henry IV of Istria (d. 1228), a member of the house of Andechs-Meranien, who was the advocate of Brixen until 1208/9 and whose family connections stretched from Paris to Buda (his sisters were the queens of France and Hungary), might have introduced the romance into the diocese.<sup>29</sup>

More recently James A. Rushing Jr. has proposed that the painter may not have worked from a written text at all. Instead, Rushing contends, different oral versions of Hartmann's tale may have circulated; and their existence would explain the discrepancies between the text and the narration of the story in the frescoes.<sup>30</sup> In this case the artist's and the Rodanks' acquaintance with the epic must have been more than a casual one. Regardless of how a written or oral version of Hartmann's romance reached Brixen, which is situated, one should recall, along one of the major arteries of Europe, the road over the Brenner Pass from Germany to Italy, the really important and interesting question is how the painter and the Rodanks interpreted Hartmann's story of a widow who married her husband's killer.

Hartmann relates the following story. One of King Artus's knights, Kalogrenant, told his peers, including Iwein, about an unsuccessful *aventure* he had undertaken ten years earlier. He had ridden into the forest of Breziljan, where he was welcomed in the evening by the lord of a castle who carried a hawk on his hand. Kalogrenant was splendidly entertained that night, and the next morning he rode deeper into the pathless forest. In a clearing he discovered all sorts of animals fighting among themselves. Their shepherd was a fearsome wild man who pointed him to a fountain after Kalogrenant expressed his desire for an adventure. A stone

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Mäzenatentum der Zähringer," in *Die Zähringer: Eine Tradition und ihre Erforschung*, ed. Karl Schmid, Veröffentlichungen zur Zähringer-Ausstellung 1 (Sigmaringen, 1986), pp. 121–24, identified Hartmann as a Zähringer ministerial. Mertens wrongly thought that the only time Bishop Conrad and Duke Berthold could have met was in 1199 (see above, n. 24), but King Frederick II ruled against Duke Berthold in a dispute on 26 June 1214 in Ulm (the document does not say whether Berthold himself was present). Jean Louis Alphonse Huilliar-Bréholles, *Historia diplomatice Friderici Secundi*, vol. 1 (Paris, 1852), pp. 304–5. Bishop Conrad was in Ulm the next day (Huilliar-Bréholles, 1:307–8 [Brixener Urkunden 1:61–62, no. 55]). It is likely that Arnold III would have accompanied his cousin.

28. Bishop Conrad attended King Philip of Swabia in Nuremberg in 1206 and in Quedlinburg in 1207 (Brixner Urkunden 1:60–61, nos. 53, 54) and met with Otto IV in Augsburg in 1209 and in Cremona in 1210. *Regesta Imperii*, vol. 5/1, *Die Regesten des Kaiserreichs unter Philipp, Otto IV, Friedrich II, Heinrich (VII), Conrad IV, Heinrich Raspe, Wilhelm und Richard*, ed. Johann Friedrich Böhmner and Julius Ficker (Innsbruck, 1881), 82, no. 252; 83, nos. 257, 258; 116, no. 399. Otto IV was in Brixen on 15 May 1210 (*Regesta Imperii* 5/1:116, no. \*a).

29. On the dynasty, see Josef Kirmeier and Evamaria Brockhoff, eds., *Herzöge und Heilige: Das Geschlecht der Andechs-Meranier im europäischen Hochmittelalter: Katalog zur Landesausstellung im Kloster Andechs 13. Juli–24. Oktober 1993*, Veröffentlichungen zur bayerischen Geschichte und Kunst 24/93 (Munich, 1993).

30. James A. Rushing Jr., "Adventures beyond the Text: Yvain in the Visual Arts" (Ph.D. diss., Princeton University, 1988), pp. 11, 31–51.

covered the fountain. Kalogrenant poured water on the stone as the wild man directed him, and a horrible storm ensued. After it ended the landscape resumed its previous beauty, and Kalogrenant thought he was in paradise. He was then surprised by an angry knight, who was in fact King Askalon, guardian of the fountain and the lord of the country, and who challenged him—as a peacebreaker—to battle. Askalon broke Kalogrenant's lance, pitched him from his horse, and left him unconscious on the ground. The defeated Kalogrenant, robbed of his horse and his honor, returned to Artus's court.

After hearing this tale, Iwein determined to ride to the fountain and avenge his cousin's honor. Artus too decided to go to the fountain with his court in fourteen days. Iwein left Artus's court secretly and, like Kalogrenant, was well received by the lord of Breziljan and met the wild man. Without hesitating, Iwein poured water on the stone, and after the storm had subsided, he was challenged by Askalon to fight. They fought so fiercely that their lances shattered. Then they fought with their swords until Iwein inflicted a mortal blow on Askalon. The dying king, pursued by Iwein, fled to his castle. A portcullis descended behind them after they had passed through the first gate. Iwein struck Askalon a final deadly blow, but before dying the king managed to flee through a second portcullis, which descended behind him. Iwein was trapped between the two gates.

Lunete, Queen Laudine's maid, whom Iwein had once helped at Artus's court, appeared through a small door and told Iwein that Askalon's men would soon be seeking their lord's killer. She gave Iwein a magic ring that made him invisible and prepared a hiding place for him. The infuriated members of the castle's garrison vainly sought Iwein. Later he watched as Askalon's body, followed by the grieving Laudine, was carried past his hiding place. It began to bleed again, a sign that the killer was near. Once again Askalon's men sought Iwein without success. The body was finally carried to the castle's chapel and buried.

Iwein, watching from the window of his hiding place, fell in love with the beautiful grieving widow and told Lunete of his feelings. Lunete advised the widowed queen that she would have to remarry quickly to provide her country and the fountain with a suitable protector and that her husband's killer was the best choice. At first Laudine was very reluctant to heed this advice, but finally she agreed. Lunete conducted Iwein to the queen, who at first rejected him. He fell to his knees, acknowledged his guilt, and was forgiven. Laudine and Iwein decided to marry.

The frescoes depict this part of Hartmann of Aue's narrative, minus the prefatory account of Kalogrenant's earlier adventure. They do not show the festive wedding itself or the second cycle of adventures in which Iwein was forced to redeem himself. Nevertheless, it is worth summarizing the longer second cycle of adventures that the artist or patron(s) chose not to include, conceivably because he, she, or they were unfamiliar with the second cycle, had run out of space, or did not wish to suggest that there was something about Laudine and Iwein's marriage that required redemption.

After a festive wedding, King Artus arrived at the fountain, as he had planned, and poured water on the stone. After the customary meteorological fireworks Iwein, the unrecognized new guardian of the fountain, fought and defeated Keie. Iwein revealed his identity and invited Artus to his castle. As Artus was leaving, Iwein's friend Gawein rekindled Iwein's love of tournaments and adventures and urged him to return to Artus's court. A reluctant and sad Laudine finally gave her husband permission to go, on condition that he return within a year.

Absorbed in a life of tournaments, Iwein forgot the date Laudine had fixed. Then he remembered and was contrite. Lunete, sent by Laudine, appeared at Artus's court and publicly rebuked Iwein, charging him with infidelity and betrayal. Overcome by guilt, Iwein went mad, left the court, and raged naked through the forest. He was finally cured when one of three women who had found him rubbed him with a magic salve.

Iwein undertook a new series of adventures, in which he selflessly aided the needy, particularly women, to atone for his guilt. He freed the lady of Narison from her besieger. He saved a lion from a dragon, whom Iwein killed. The grateful lion accompanied and assisted Iwein from then on, and Iwein became known as the *Löwenritter* (the lion knight). He then returned to his own country, where Laudine had accused Lunete of treasonous infidelity for arranging the queen's marriage with Iwein. He promised to be Lunete's champion in a trial by battle with three of Laudine's knights and so save Lunete from being burned alive. Before doing so, however, he freed the lord of a castle and his children from the giant Harpin. Iwein then successfully championed Lunete without being recognized by Laudine. After caring for the wounded lion for fourteen days, Iwein promised to serve as champion of the younger daughter of the Count of the Black Thorn in a judicial duel to settle a disputed inheritance with her older sister. In the interim Iwein rescued three hundred women hostages from their two giant guardians. He then fought on behalf of the younger daughter of the Count of the Black Thorn at Artus's court, still without being recognized, and defeated her elder sister's champion, Gawein. Iwein returned to his own home and, thanks to Lunete's deception, was finally reconciled with Laudine.<sup>31</sup>

The frescoes depict the following scenes from the first part of the romance (the line numbers refer to Hartmann's *Iwein*): (1) Iwein and the lord of the castle of Breziljan (lines 281–85, 396–97); (2) Iwein's meeting with the wild man of the forest (lines 398–599); (3) Iwein at the fountain (lines 600–649, 989–98; see plate 1); (4) Iwein and Askalon fighting with lances (lines 737–42, 1012–17; see plate 2); (5) Iwein and Askalon fighting with swords (lines 1018–50; see plate 3); (6) the final blow with the falling portcullis (lines 1095–1118); (7) Askalon's death in Laudine's lap (lines 1160–64; see plate 4); (8) Lunete gives Iwein the magic

31. Hartmann von Aue, *Iwein*, vol. 1, *Text*, ed. Georg Friedrich Benecke and Karl Lachmann and rev. Ludwig Wolff, 7th ed. (Berlin, 1968).

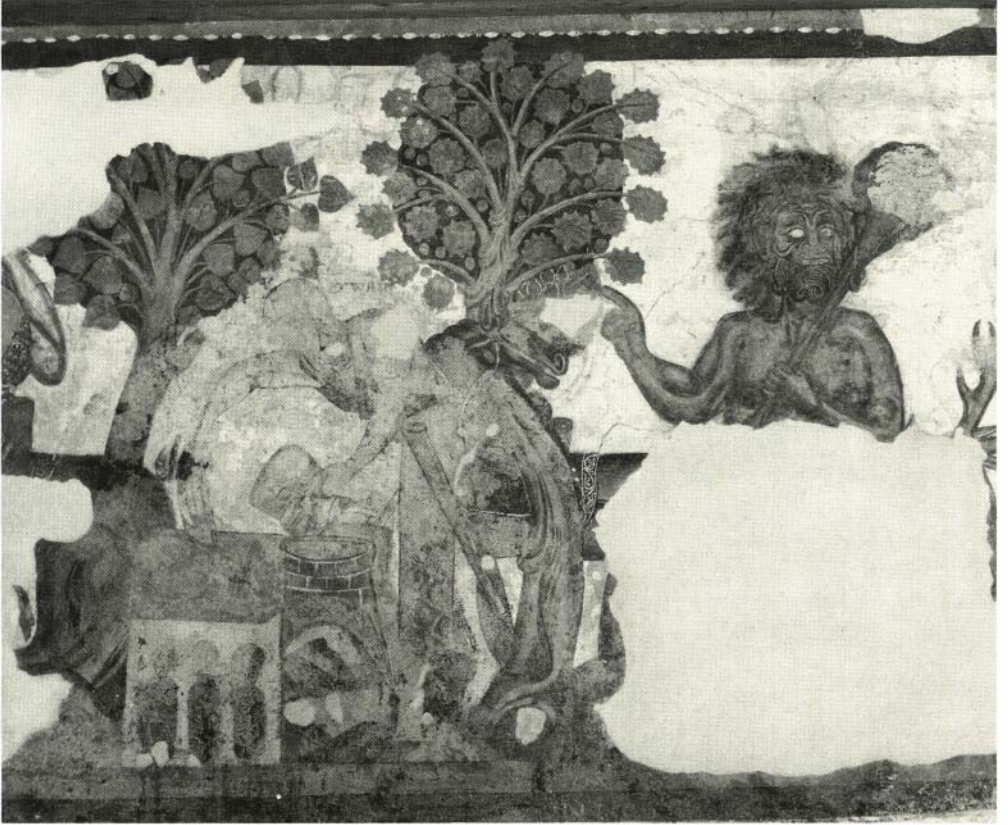


PLATE I Scenes 2 and 3: The wild man and Iwein at the fountain



PLATE 2 Scene 4: Iwein and Ascalon fighting with lances





PLATE 3 Scene 5: Iwein and Askalon fighting with swords





PLATE 4 Scene 7: Askalon's death in Luadine's lap



PLATE 5 Scene 8: Lunete gives Iwein the magic ring

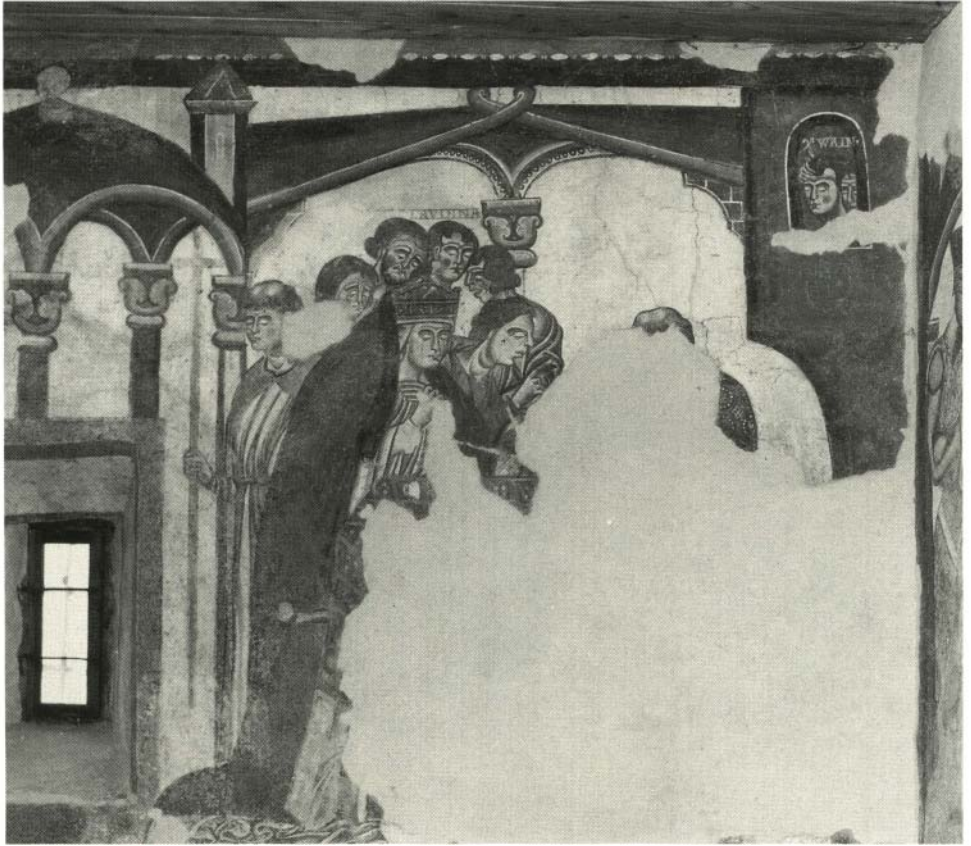


PLATE 6 Scene 9: Iwein views Askalon's burial



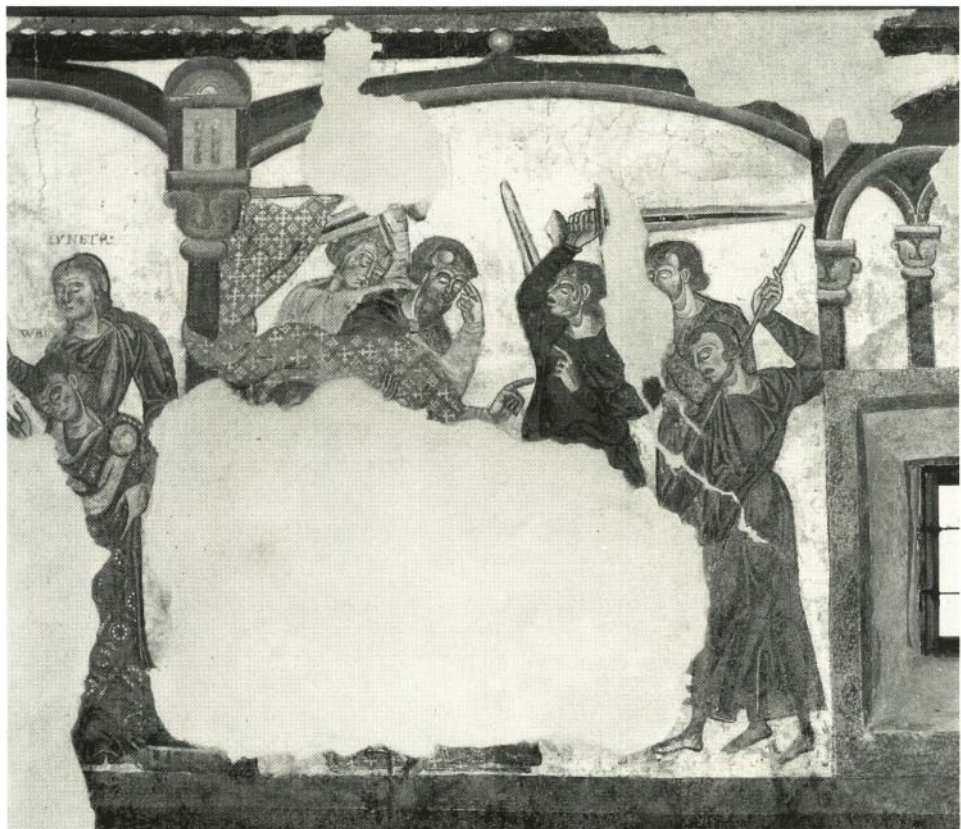


PLATE 7 Scene 10: The search for Iwein

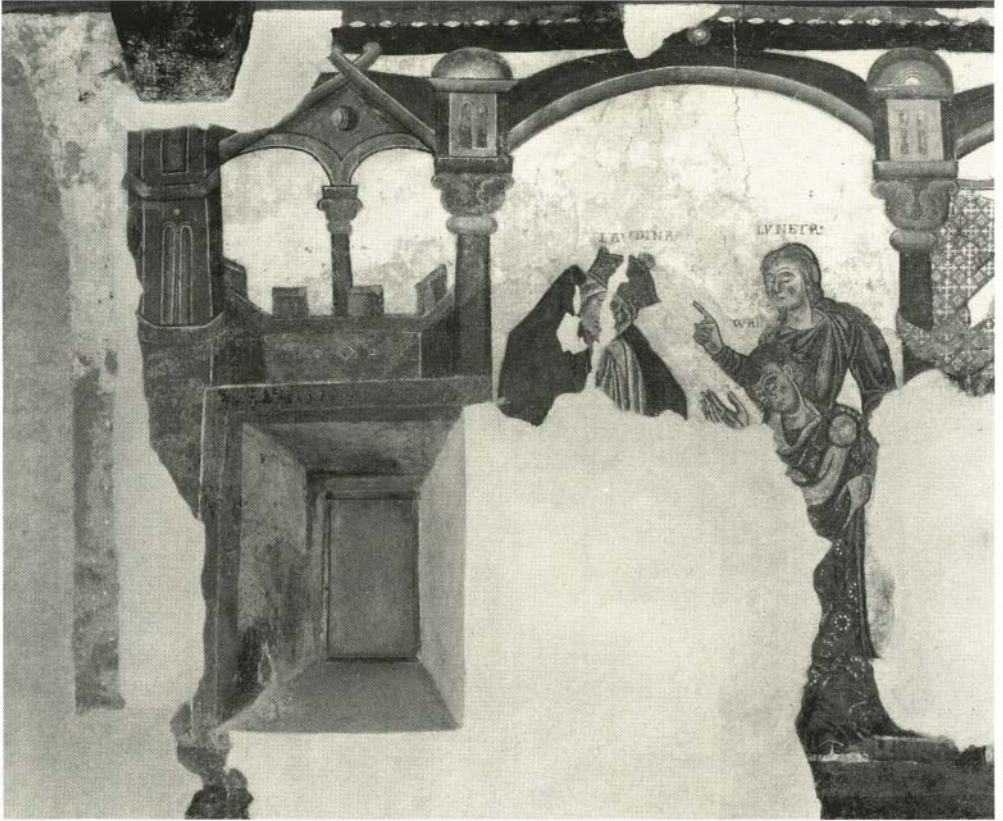


PLATE 8 Scene 11: Lunete presents Iwein to Laudine

ring (lines 1148–1211; see plate 5); (9) Iwein views from the window the burial and mourning for Askalon (lines 1408–92; see plate 6); (10) the fruitless search for Iwein (lines 1280–93, 1371–80; see plate 7); and (11) Lunete presents Iwein to the grieving Laudine (lines 2245–2370, esp. 2283–90; see plate 8).<sup>32</sup> It is striking that the cycle does not end with what appears to be the happy ending of the first part of the romance, Iwein's marriage to Laudine.

Most critics thought initially that the artist had been remarkably faithful to his text. For example, Askalon and Iwein are shown in scene 5 fighting with swords on horseback, in accordance with the text, rather than on foot as was customary in contemporary iconography; and in scene 2 the artist captured most of Hartmann's description of the wild man.<sup>33</sup> Other scholars soon pointed out that the painter, unlike Hartmann, could not tell a continuous story but had to select the specific scenes to be illustrated. Moreover the artist, influenced by the iconographic conventions of religious art, had to supply missing details in translating the story from one medium to the other. For instance scene 7, in which Laudine holds the dying or dead Askalon, a scene with little basis in the text, is modeled after a Lamentation; and the artist could hardly portray an invisible Iwein in scene 10 but had to resort to the clumsy device of having him hide, seemingly, behind a curtain.<sup>34</sup>

More important is the recognition that the artist shifted the focus of the story from Iwein to Laudine. It is not simply the story of a knight-errant who defeated a rival and won a queen and her masterless kingdom; the artist stressed instead the doleful consequences of Iwein's deeds. The first six scenes show the victorious Iwein, but the grieving Laudine becomes the center of attention in scene 7, the first scene the viewer notices on entering the room, and there is not the slightest hint of reconciliation in the final scene, let alone of the subsequent marriage.<sup>35</sup> It is

32. Ackermann, "Die Iwein-Fresken," p. 400; and Schupp, "Kritische Anmerkungen," pp. 424–25. I have cited Schupp's references to the line numbers in Hartmann's *Iwein*. There are two citations to the poem for scenes 1, 3, and 4 because the painter may have combined information from Kalogrenant's and Iwein's adventures in depicting these scenes. For example, he may have borrowed the detail about the hawk in scene 1 from Kalogrenant's meeting with the lord of the castle of Breziljan. The painter combined the two fruitless searches for Iwein in scene 10. Schupp, p. 425, identified scene 11 as "Versöhnung Iweins mit Laudine"; but Rushing, "Adventures beyond the Text," p. 50, pointed out that the scene depicts a submissive Iwein and a grieving Laudine. I have thus adopted his identification of the scene as "Lunete's presentation of Ywain to Laudine" (p. 49).

33. Mertens, *Laudine*, p. 83, declared: "Der Maler hat Hartmann gut gelesen"; and Bonnet, *Rodenegg und Schmalkalden*, p. 68, wrote: "Die Bilder geben den Text auffallend getreu wieder." The most detailed analysis of the scenes is in Ackermann, "Die Iwein-Fresken," pp. 401–16. See also Schupp, "Kritische Anmerkungen," pp. 425–28.

34. Norbert H. Ott and Wolfgang Walliczek, "Bildprogramm und Textstruktur: Anmerkungen zu den 'Iwein'-Zyklen auf Rodeneck und in Schmalkalden," in *Deutsche Literatur im Mittelalter: Kontakte und Perspektiven: Hugo Kuhn zum Gedenken*, ed. Christoph Cormeau (Stuttgart, 1979), pp. 473–500; and Rushing, "Adventures beyond the Text," esp. pp. 43–49. Rushing's otherwise excellent discussion of scene 7 is marred by his mistaken view that Brixen was a suffragan of Aquileia. He may have been misled on this point by Mertens, *Laudine*, pp. 82–83, and ultimately by Rasmo, who tried to link the Brixen frescoes to Aquileia.

35. Birlauf-Bonnet, "Überlegungen," p. 23, was the first to point out that the frescoes do not present Iwein's adventure in an affirmative way but "sondern es wird die Partei seines Opfers er-

hardly the conventional male view of knight-errantry. Although it is impossible to know whether the artist picked the theme for decorating the room and determined its interpretation or whether Arnold III or Mathilda made these decisions, the history of the Rodanks may offer some clues to why they, in particular Mathilda, may have found such a reading of the romance appealing.<sup>36</sup>

The first known member of the lineage was Frederick I of Rodank, who served as a witness about 1090 and who appears to have been a member of the episcopal familia (see genealogy 6.1 and map 8).<sup>37</sup> There are two other probable references to Frederick I. A Frederick, who was identified about 1120 as a “minister officialis” of the church of Brixen (this ambiguous term may merely mean that he was an episcopal official or that he was a ministerial in the technical sense), exchanged some properties on Mount Rodenegg with Bishop Hugo (1100–1125); and about 1140 Frederick of Rodank, who was identified on this occasion as a knight (“miles”) of the church of Brixen, conferred a hide on Mount Rodenegg on the cathedral canons on condition that it be granted to his son, the cathedral canon Reginbert, as a benefice. Frederick’s two other sons, Frederick II and Arnold I, witnessed the latter transaction.<sup>38</sup> The identification of Frederick I as a knight may mean, it has been suggested, that the Rodanks had been free vassals of the bishops of Brixen who had entered the episcopal ministerialage (in the eleventh century *miles* had referred to a free vassal);<sup>39</sup> or there may simply have been some confusion about how to designate members of the new estate. In short, Frederick I may have been a free man or noble who became a ministerial or else a serf who started the Rodanks’ ascent into the nobility. Perhaps he was both.

Bishop Hartmann (1140–64) alodialized in 1140/47 the hide in Rodenegg on

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griffen und dessen Leidensweg in expressiven Bildern gestaltet.” See also Bonnet, *Rodenegg und Schmalkalden*, pp. 49–52. Rushing, “Adventures beyond the Text,” pp. 59–67, offers a more nuanced interpretation of the negative message in the frescoes.

36. The best history of the Rodanks is Georg Töchterle, “Die Herren von Rodank und Schöneck,” *Der Schlern* 12 (1931): 18–29, 93–100, 141–45; but it was written before many of the most important documents, most notably those of Neustift, had been printed or had appeared in modern critical editions. See also Martin Bitschnau, *Burg und Adel in Tirol zwischen 1050 und 1300: Grundlagen zu ihrer Erforschung*, Mitteilungen der Kommission für Burgenforschung und Mittelalter-Archäologie, Sonderband 1, Österreichische Akademie der Wissenschaften, Philosophisch-historische Klasse 403 (Vienna, 1983), pp. 412–14, no. 480.

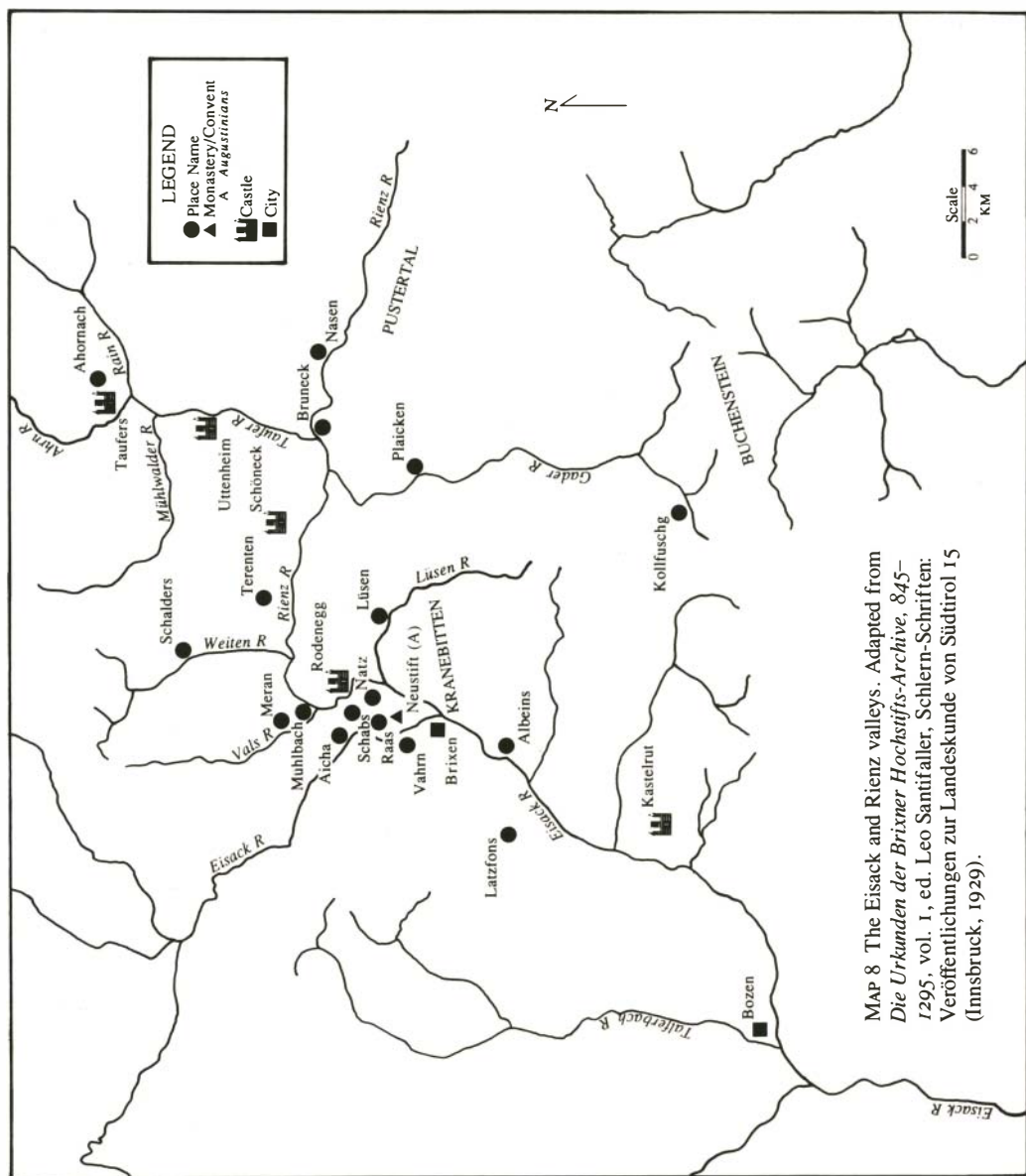
37. Traditionsbücher Brixen, p. 126, no. 365. Frederick was the fourth and last witness; he was preceded by Humbert of Pfalzen, Eppo of Natz, and Merboto of Säben, all of whom bore surnames that were subsequently employed by episcopal ministerials. See Bitschnau, *Burg und Adel*, pp. 111–12, no. 58; 380–81, no. 436; 421, no. 492.

38. Traditionsbücher Brixen, p. 151, no. 432; 160, no. 455. The latter entry is dated 1140/47, but Töchterle, “Die Herren von Rodank,” p. 19, pointed out that since only Frederick II and Arnold I witnessed the so-called foundation charter of Neustift in 1142 (Traditionsbuch Neustift, pp. 29–31, no. 1), Frederick I must have died in 1140/42.

39. Karl Fajkmajer, “Die Ministerialen des Hochstiftes Brixen im Mittelalter,” *Zeitschrift des Ferdinandeums für Tirol und Vorarlberg*, 3d ser., 52 (1908): 106–24. Fajkmajer wrote in a period when scholars were eager to prove that the ministerials were of free knightly ancestry. See Freed, “Origins,” pp. 217–18. Bitschnau, *Adel und Burg*, p. 413, thought the Rodanks might have been of noble ancestry.







MAP 8 The Eisack and Rienz valleys. Adapted from *Die Urkunden der Brixner Hochstifts-Archive, 845-1295*, vol. 1, ed. Leo Santifaller, Schlern-Schriften: Veröffentlichungen zur Landeskunde von Südtirol 15 (Innsbruck, 1929).

which his ministerial Frederick II had erected a castle. Interestingly enough, the bishop bestowed the former fief on both Frederick and his wife Gerbirg.<sup>40</sup> Frederick II and his brother Arnold I divided the lineage's patrimony about 1160. Frederick kept Rodenegg while Arnold established a cadet branch of the lineage in Schöneck, approximately eighteen kilometers upstream from Rodenegg on the right bank of the Rienz.<sup>41</sup> The third brother, the cathedral canon Reginbert, who served in the 1140s as the archdeacon of Brixen, by 1147 was provost of the cathedral chapter, an office he retained until about 1160.<sup>42</sup> Thereafter the Rodanks routinely placed their sons in the cathedral chapter.<sup>43</sup> Whether or not the Rodanks had originally been free, by the mid-twelfth century they belonged to the ministerial elite who owned their own castles and attained high ecclesiastical offices.

At the instigation of Bishop Hartmann, in 1142 the brothers' maternal uncle Burgrave Reginbert of Säben and his wife, the noblewoman Christina, whose only son had died, founded and endowed Neustift, a still flourishing house of reformed Augustinian canons situated approximately five kilometers southwest of Rodenegg in a region that was described as "frightening and uncleared."<sup>44</sup> Although

40. Traditionsbücher Brixen, pp. 160–61, no. 457. Both Ackermann, "Die Iwein-Fresken," p. 392, and Schupp, "Kritische Anmerkungen," pp. 432–34, identified Frederick I as the builder of the castle. Töchterle, "Die Herren von Rodank," p. 19, and Bitschnau, *Burg und Adel*, p. 414, however, thought it was Frederick II. I agree with this choice because Gerbirg was identified elsewhere as the wife of Frederick II and the mother of Conrad I of Rodank, who was the brother of Arnold III. See Traditionsbuch Neustift, pp. 80–81, no. 95; and Dorothea Oschinsky, "Südtiroler Urkunden im Britischen Museum," in *Festschrift zur Feier des zweihundertjährigen Bestandes des Haus-, Hof- u. Staatsarchivs*, vol. 2, ed. Leo Santifaller (Vienna, 1951), pp. 531–32, no. 2.

41. Traditionsbuch Neustift, p. 71, no. 79. On Schöneck, see Bitschnau, *Burg und Adel*, pp. 448–49, no. 531.

42. A Reginbert was identified as the archdeacon of Brixen in Traditionsbücher Brixen, pp. 161–62, nos. 460, 462, and as the provost in 1147 (*ibid.*, p. 164, no. 469). Provost Reginbert was identified in turn in 1157/64 as the brother of Frederick II and Arnold I (*ibid.*, p. 171, no. 489).

43. A Jakob of Rodank was a member of the chapter in the 1230s (Traditionsbuch Neustift, pp. 130–31, no. 169; 139, no. 183; Urkunden Neustift, pp. 64–67, no. 26). Arnold IV's son William was a member of the chapter from 1227 until 1250 (Urkunden Neustift, pp. 60–61, no. 21; 77–79, no. 38; Brixner Urkunden, p. 114, no. 106; Traditionsbücher Brixen, p. 209, no. 574; *Necrologia Germaniae* 3: 3, 5, 14 March). It has been repeatedly said that the Conrad who was identified in 1173 as the cathedral scholastic and in 1177 as the prior of the chapter's hospital was the future bishop Conrad of Rodank. See Töchterle, "Die Herren von Rodank," p. 21; Anselm Sparber, "Aus dem Leben und Wirken des Brixner Fürstbischofs Konrad von Rodank (1200–1216)," *Der Schlern* 34 (1960): 238; and Schupp, "Kritische Anmerkungen," p. 433. Although a Conrad was identified as the prior of the hospital in Brixner Urkunden 1:47–49, no. 41, Conrad was an extremely common name, and I have been unable to find a document in which a Conrad, let alone a Conrad of Rodank, was identified about 1173 as the scholastic. A Conrad was the scholastic in 1177/89 (Traditionsbücher Brixen, p. 185, no. 524a), but Conrad of Rodank could have been the provost of Neustift by then.

44. Traditionsbuch Neustift, pp. 29–31, no. 1. See also pp. 37 ff., nos. 12, 16, 17, 20, 21, 26, 27, 31, 32, 34, 41, 47, 49, 50; and *Vita beati Hartmanni episcopi Brixinensis (1140–1164)*, ed. Anselm Sparber, *Schlern-Schriften* 46 (Innsbruck, 1940), pp. 47–48. When Bishop Hartmann took Neustift under his protection in 1157 and confirmed its privileges, he stressed that Reginbert had been an episcopal ministerial but Christina had been a noblewoman (Urkunden Neustift, pp. 32–34, no. 3). On Neustift, see Weinfurter, *Salzburger Bistumsreform*, pp. 92–94. The relationship between Reginbert of Säben and the Rodanks has been the subject of considerable uncertainty. An episcopal ministerial named Reginbert, who everyone agrees was Reginbert of Säben, referred to Provost Reginbert as

the Rodanks were not the advocates of Neustift, it served as their dynastic monastery. It was for generations the beneficiary of the Rodanks' pious donations; in fact the names of many of the younger sons and women who appear in genealogy 6. I survive only because of their association with Neustift.<sup>45</sup> The canons singled out Arnold III and Mathilda's son Arnold IV, whom they called an illustrious ministerial of the church of Brixen and their pious father and protector, for special praise because he conferred on them in 1230 the jurisdiction he had exercised in that portion of the district court of Raas where Neustift was situated.<sup>46</sup> At least two Rodanks became provosts of Neustift: Provost Reginbert's son Conrad, the future bishop, and Arnold III's grandson, Conrad III.<sup>47</sup>

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his "nepos" (Traditionsbücher Brixen, p. 166, no. 474; 171, headnote to no. 489). Töchterle, "Die Herren von Rodank," p. 21, therefore identified the burgrave as the brother of Frederick I of Rodank, in part because the fifteenth-century *Liber anniversariorum* of Neustift called Provost Reginbert the son of the brother of Neustift's founder (Necrologia Germaniae 3:45). Hans Wagner, editor of the new edition of the *Traditionsbuch* of Neustift, pointed to the absence of such an identification in contemporary sources as proof that the burgrave was not a Rodank (Traditionsbuch Neustift, p. 42, headnote to no. 20). Since such an identification is in fact missing in a number of documents where one would expect the specific family relationship to be stated (see Traditionsbücher Brixen, p. 160, no. 455; 160–61, no. 457; Traditionsbuch Neustift, pp. 29–31, no. 1), Wagner was almost certainly right in rejecting the identification of Burgrave Reginbert as Frederick I's brother. Oswald Redlich, editor of the *Traditionsbuch* of the cathedral chapter, therefore had postulated earlier the existence of two successive cathedral provosts named Reginbert, namely, the nephew of Reginbert of Säben and Reginbert of Rodank (Traditionsbücher Brixen, p. 171, no. 489). Nevertheless, it is clear that all the supposed references to the two Reginberts are to the same man, who gave the canons property in Aicha and directed that his anniversary be celebrated on the Translation of Saint Nicholas (9 May). See Traditionsbücher Brixen, pp. 165–66, no. 472; 171, no. 489; Oschinsky, "Südtiroler Urkunden," pp. 531–32, no. 2. I have therefore identified Reginbert of Säben as the maternal uncle of Provost Reginbert and his brothers Frederick II and Arnold I.

45. The benefactors included Provost Reginbert (Traditionsbuch Neustift, p. 66, no. 67; 73, no. 82); Gerbirg, the wife of Frederick II (*ibid.*, pp. 80–81, no. 95; Necrologia Germaniae 3:40, 4 March); her sons Henry, Conrad I, and Godfrey (Henry and Godfrey may have joined Neustift as *conversi*) (Necrologia Germaniae 3:46; Traditionsbuch Neustift, pp. 41–42, no. 20; 73, no. 82; 80–81, no. 95; Oschinsky, "Südtiroler Urkunden," pp. 531–32, no. 2; Töchterle, "Die Herren von Rodank," p. 24); Arnold I's son, Hugo of Schöneck (Traditionsbuch Neustift, pp. 97–98, no. 126; 106–7, no. 138; 108–9, no. 141; Oschinsky, "Südtiroler Urkunden," pp. 531–32, no. 2); Hugo's sister, Richiza of Kastelrut, who joined Neustift's prayer fraternity and was buried there (Traditionsbuch Neustift, pp. 118–19, no. 156; Necrologia Germaniae 3:45); Arnold III (Traditionsbuch Neustift, p. 109, no. 142a); Arnold III's wife Mathilda (*ibid.*, pp. 127–28, no. 166) and daughters Sophia of Mehrnstein (*ibid.*, p. 139, no. 183; Necrologia Germaniae 3:46) and Heilka of Veltorns (Traditionsbuch Neustift, pp. 139–40, no. 184); and Arnold III's sons Arnold IV of Rodank and Frederick III of Schöneck (*ibid.*, pp. 138–39, no. 182; 140–41, no. 185).

46. Traditionsbuch Neustift, pp. 135–36, no. 178; Urkunden Neustift, pp. 64–67, no. 26. Arnold IV borrowed money from Neustift (Traditionsbuch Neustift, pp. 152–53, no. 207; Urkunden Neustift, pp. 77–79, no. 38) and was buried there (Necrologia Germaniae 3:42, 22 June).

47. Although it is generally agreed that Bishop Conrad was the son of Provost Reginbert (see, for example, Sparber, "Aus dem Leben," p. 238), scholars have not presented the explicit evidence for identifying Conrad as Reginbert's son and as the former provost of Neustift. Provost Reginbert referred in 1155/64 to his son Conrad (Traditionsbücher Brixen, p. 171, no. 489), and Provost Conrad of Neustift was called in 1189 the *consanguineus* of Hugo of Schöneck (*ibid.*, pp. 186–87, no. 527), whom Arnold III in turn called "filius patris mei" (Oschinsky, "Südtiroler Urkunden," pp. 531–32, no. 2). Conrad was identified for the last time as the provost of Neustift on 16 April 1197 (Urkunden Neustift, pp. 46–47, no. 11) and as the provost of Gurk on 31 October 1197 (MC 1:271–73, no. 369).

Since Arnold III's cousins, Arnold II and Hugo of Schöneck, died without heirs (the latter never returned from the Third Crusade), Arnold III, who was the son of Frederick II, was by the 1190s master of the reunited Rodank patrimony, that is, of both Rodenegg and Schöneck.<sup>48</sup> His marriage about 1190 to Mathilda, who was the daughter of the Bavarian nobleman Richer V of Hohenburg and of Countess Mathilda of Peilstein and the widow of the Tyrolese nobleman Hugo III of Taufers (Taufers is upstream from Rodenegg), reflects Arnold's position in society.<sup>49</sup> Her sons Frederick III of Schöneck and Arnold IV of Rodank, both of whom named one of their daughters Mathilda, were clearly proud of their mother's noble ancestry.<sup>50</sup> Yet the marriage was also a constant reminder to the Rodanks of their inferior legal status as ministerials. Mathilda's oldest son Hugo IV of Taufers, frequently identified as a noble, was almost always listed, except during his youth, as a witness ahead of his stepfather and younger half-brothers.<sup>51</sup> The hierarchical order of society was maintained even though the Taufers and Rodanks were, except for the crucial accident of their births, indistinguishable in their lifestyle and wealth.

The Rodanks declined rapidly after Arnold III's death. His son Arnold IV, who had split the family's lands with his brother Frederick III, regained Schöneck after

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Provost Conrad of Gurk was elected bishop of Brixen at the end of 1200 or the beginning of 1201. See *Annalium Salisburgensium additamentum*, ed. Wilhelm Wattenbach, MGH SS 13 (Hanover, 1881), p. 241; and MC 1:283, no. 385. Since Bishop Conrad's personal servants employed the name Rodank (Traditionsbuch Neustift, pp. 121–22, no. 159), it is clear that Bishop Conrad was the former provost of Neustift. Bishop Conrad's mother was Lady Otegeba of Pforze-Voitsberg, who belonged to another prominent family of Brixen ministerials (Traditionsbücher Brixen, p. 170, no. 487; Brixner Urkunden 1:84–86, no. 77; Bitschnau, *Burg und Adel*, pp. 217–18, no. 199). On Arnold III's grandson, who was the provost of Neustift from 1248 to 1252, see Brixner Urkunden 1:93–95, nos. 86 and 87; Urkunden Neustift, pp. 77–79, no. 38; 93–94, no. 50; index, p. 367; Traditionsbuch Neustift, pp. 126–27, no. 165b.

48. Arnold III's paternal uncle Arnold I of Schöneck and his cousin Arnold II were dead by 1189, when Arnold I's other son Hugo of Schöneck left for the Holy Land. See Traditionsbücher Brixen, pp. 186–87, no. 527; Traditionsbuch Neustift, pp. 97–98, no. 126; 108–9, nos. 141a, 141b, 142a; Oschinsky, "Südtiroler Urkunden," pp. 531–32, no. 2. There is no evidence that Hugo returned home. The Arnold of Schöneck and his brother Conrad who were listed in 1205 among the episcopal ministerials (Urkunden Neustift, pp. 47–49, no. 12) were Arnold III's vassals (Traditionsbuch Neustift, p. 123, no. 161).

49. In 1214 Mathilda and the children of Hugo III of Taufers and Arnold III of Rodank sold her rights to properties in Hohenburg to Tegernsee for 100 marks (Tyroller, *Genealogie*, p. 392, no. 24). Mathilda was identified in 1218/24 as Arnold III's wife and as the mother of Hugo IV of Taufers and Frederick III and Arnold IV of Rodank (Traditionsbuch Neustift, pp. 127–28, no. 166). I have identified her as the widow of Hugo III of Taufers, who appeared for the last time about 1189 (*ibid.*, pp. 109–10, nos. 143, 144); he may have been another victim of the Third Crusade. Since Arnold III's sons served as witnesses as early as 1205 (Urkunden Neustift, pp. 47–49, no. 12), Mathilda must have married Arnold III after only a brief widowhood.

50. SUB 3:566–68, no. 1016; TUB 1/3:19–20, no. 955. Oddly enough, neither the Taufers nor the Rodanks adopted the name Richer, which had been borne by Mathilda's father, grandfather, and great-grandfather. See Tyroller, *Genealogie*, p. 393, genealogical table 36.

51. See, for example, TUB 1/2:161 ff., nos. 725, 727, 773, 780, 885 (wrongly numbered 886), 886, 905, 922; 1/3:104–5, no. 1060. The exceptions are Traditionsbücher Brixen, p. 191, no. 537, dated 1202; and TUB 1/3:2, no. 943, dated 1231.

he forced his brother's only child Mathilda to surrender her inheritance in 1243; but the lineage's patrimony was divided permanently after Arnold IV's death. The lineage was forced in 1266 to sell its castle in the city of Brixen and in 1269 to receive Rodenegg itself in fief from the counts of Tyrol, who were consolidating their authority at the expense of the bishop and his ministerials. Count Meinhard (Duke Meinhard of Carinthia) acquired the castle about 1290, and the impoverished lineage, whose remaining holdings had been further subdivided, died out in 1378/79.<sup>52</sup> In short, Arnold III's fifty-year tenure as the lord of Rodenegg was the high point in the lineage's fortunes: he was lord of the family's undivided patrimony and husband of a noblewoman, and his cousin Conrad was the first prince-bishop of Brixen who was of ministerial ancestry.

How do these facts of family history help to explain the treatment of the Iwein story on the walls of Rodenegg, and what if anything do the frescoes reveal about Arnold III and Mathilda? The Rodenegg frescoes have figured in recent discussions of Hartmann von Aue's *Iwein* and the reception of his romances, but these analyses have been marred by inadequate or erroneous information about the ministerials in general and the Rodanks in particular. For example, none of the literary critics seems to have realized that Arnold III, like Iwein, married a widow.

Peter Wapnewski argued that Iwein's catastrophic loss of Laudine's grace in the second part could hardly have been caused by a mere technicality ("technischen Defekt"), that is, a lack of punctuality. His real guilt was provoking and killing Askalon, the rightful ruler of his land, without cause. Inflicting a second blow on a man who was already mortally wounded, an incident that does not occur in Chrétien de Troyes's *Yvain*, was hardly courteous or legal ("ritterlich und rechtlich ist es nicht"). Moreover, Laudine's marriage to her husband's killer was a gross violation of wifely fidelity. This moral dilemma arose, according to Wapnewski, when a fairy tale was transformed into a more realistic Arthurian romance.<sup>53</sup>

Gert Kaiser, who ignored the frescoes even though his considerably revised study of Hartmann's romances was published after Rasmus had uncovered the paintings, developed Wapnewski's interpretation further. According to Kaiser, a leading proponent of the view that courtly literature reveals the aspirations of the lower strata of the nobility, Hartmann's chivalric epics were directed toward a ministerial audience, who would have perceived the Arthurian court as the lord's familia and the designation of the heroes as *Ritter* (knights) as a code word for themselves. The Arthurian knights who dedicated themselves to a life of adventure were naturally presented as nobles because the ministerials were striving to over-

52. Brixner Urkunden 1:162–63, no. 150; 2/1:1–3, nos. 1, 2; 676, no. 610; SUB 3:566–68, no. 1016; Traditionsbücher Brixen, p. 197, no. 550; Urkunden Neustift, pp. 138–39, no. 94; *Die Urkunden des Rodenegg-Archivs, 1288–1340*, ed. Leo Santifaller, Schlern-Schriften: Veröffentlichungen zur Landeskunde von Südtirol 21 (Innsbruck, 1933), pp. xxii–xxv; p. 4, no. 1A. See also Fajkmajer, "Ministerialen," pp. 170–71; and Töchterle, "Die Herren von Rodank," pp. 93–100, 141–44. On the marriage and disinheritance of Mathilda of Rodank-Schöneck, see above, chapter 5 at note 45.

53. Wapnewski, *Hartmann von Aue*, pp. 66–73.

come their legal disabilities through their service and to be accepted as noblemen. Iwein's conduct in the first part is questionable, but the romance is really the tale of how a ministerial succeeded in establishing a new lordship. Iwein left Artus's court but brought about his downfall when he returned to the king's court—that is, to the servile household—and forgot his obligation to defend his new lordship. Iwein is thus an example of a ministerial caught between servility and nobility. Laudine's kingdom was in fact a constantly endangered lordship, and the romance was addressed to all lords, lesser nobles as well as ministerials, who were being victimized by the formation of the new princely territories.<sup>54</sup>

The critics of Wapnewski and Kaiser who reject their sociological explanation have read *Iwein* very differently. These scholars see nothing specifically ministerial about the romances beyond the fact that their author was a ministerial who worked for a noble patron. Ursula Peters argued that the ministerials were too diverse a group economically, socially, and legally to share a common self-perception or culture. It is linguistically incorrect to equate the Arthurian court with the familia, she believed, and the concepts of service and knighthood were not specifically associated with the ministerials. Rather, the romances were the products of a courtly society that encompassed both nobles and those ministerials who were indistinguishable from the nobility in their lifestyle and conduct.<sup>55</sup> Volker Mertens, who emphasized that Hartmann's works had been written at the court of the dukes of Zähringen, contended that Iwein's defiance of Askalon was legally justified for three reasons: Askalon, like Artus, was a king, and there was thus no higher authority to resolve the conflict between him and Iwein; there was no other way for Iwein to revenge Kalogrenant's disgrace; and Iwein fought to avenge a kinsman and his lineage's injured honor—not for booty or conquest.<sup>56</sup>

In Volker Schupp's view the Rodenegg frescoes demonstrate that the Rodanks did not interpret *Iwein* as the story of an upwardly mobile ministerial of questionable morality. It would have been an act of almost unequaled hubris ("kaum nachzuvollziehender Hybris") had Arnold III identified with the hero of Wapnewski's and Kaiser's rascality (*Schurkenstück*). If Arnold had really understood the romance as a piece that criticized the ministerials' excesses, whom, Schupp asked rhetorically, was he criticizing? His grandfather Frederick I (really his father Frederick II), who had built Rodenegg and to whom Arnold owed his own position in society?<sup>57</sup> Hartmann's *Iwein* deals rather, according to Mertens, with a very common twelfth-century problem: a noblewoman, whether an heiress or a widow, who needed a man to exercise lordship on her behalf. Laudine, whom Hartmann changed from the daughter of a duke into a queen so that she could act more freely,

54. Kaiser, *Textauslegung*, esp. pp. 47–55, 64–65, 127–49.

55. Peters, "Artusroman," esp. pp. 180–87, 195–96.

56. Mertens, *Laudine*, p. 48. On the Zähringens' patronage of Hartmann, see Mertens, *Gregorius Eremita*, pp. 25–26, 34–37; idem, *Laudine*, pp. 97–99; and idem, "Das literarische Mäzenatentum."

57. Schupp, "Kritische Anmerkungen," pp. 434–35.

married Iwein not out of love but because he was her equal in birth and virtue and could defend her kingdom. Unfortunately the infatuated Iwein did not realize this. His failure to return not only deprived Laudine's kingdom of its rightful protector but called into question her own motives for marrying. Thus Iwein had to redeem himself in the second cycle of adventures by being a selfless defender of the weak.<sup>58</sup>

Peters, Mertens, and Schupp have, I think, the better of the argument, at least as far as Arnold III is concerned. It is hard to imagine that Arnold identified with a murderer, let alone that he was in any way responsible for the death of Hugo III of Taufers. There were some disagreements between Hugo IV and the Rodanks, but these were the sorts of disputes that often arose between kinsmen. For example, Hugo, unlike his stepfather and half-brothers, objected in 1218/24 to Mathilda's bequest to Neustift, perhaps because the property, which was near Taufers, belonged to his patrimony.<sup>59</sup> Moreover, Arnold III would not necessarily have identified Hartmann's *Ritter* as ministerials, because the word *miles* was generally reserved in Brixen during Arnold's lifetime, as it was in Salzburg, for the servile retainers of prominent ministerials like Arnold III or of noblemen like Hugo IV.<sup>60</sup> A *miles* was Arnold's social inferior, and I have found no document where Arnold himself was called a knight. Rather, Iwein was an exemplary knight, the son of a king, who was presumably in some way a role model for Arnold and his guests.

Although Arnold's grandsons who had to sell their castle in Brixen and receive Rodenegg in fief from the count might have perceived themselves as losers in the process of territorialization, Arnold III, the cousin of Bishop Conrad and, judging by his placement in the witness lists, the most prominent ministerial in the diocese, can hardly be described as the ruler of an endangered lordship. Indeed, it is worth stressing that the Rodanks or the artist, familiar, as the lion on Iwein's shield shows (see plates 2 and 3), with some version of the complete story, deliberately chose not to depict the second part of the romance that seemingly questions the legitimacy of Iwein's original rule. If Iwein was initially oblivious, as Mertens contended, to his responsibilities as a lord, this was not the message that Arnold or Mathilda chose to convey in the frescoes.

There are three other ways the *Iwein* story, whether Arnold and Mathilda were directly acquainted with Hartmann's text or depended on some oral version of the romance, may have spoken to the Rodanks' specific circumstances. It is the story of the establishment of a lordship in a pathless forest. Arnold and his ancestors had

58. Mertens, *Laudine*, esp. pp. 7–9, 14–16, 18–21, 36–43, 47–59.

59. Traditionsbuch Neustift, pp. 127–28, no. 166. In 1240 Hugo and Arnold IV settled their differences in a friendly fashion and agreed to submit any future disputes between them and their men to the bishop's arbitration (Brixner Urkunden 1:107–8, no. 102).

60. Some examples where Arnold III's men were called *milites* are Traditionsbuch Neustift, pp. 96 ff., nos. 124, 130, 138, 143, 161b. An example where Hugo IV's men were called *milites* is Brixner Urkunden 2/1:663–64, no. 599.

almost certainly engaged in considerable land clearance in their alpine lordship. In fact Count Albert III of Tyrol conceded to Neustift in 1230 whatever land the canons and their men would clear in that portion of the district court of Raas that was situated on the left bank of the Eisack between Orkenloh (near Schabs, two kilometers west of Rodenegg) and Kranebitten (the heights northeast of Brixen). Arnold IV, who had been enfeoffed by the count with the district court, gave his consent.<sup>61</sup> The frescoes, which depict the wild man and an oak as well as the linden mentioned in Hartmann's text (see plate 1), were an appropriate way to celebrate the Rodanks' creation of a lordship in the wilderness.

Second, although there is no evidence that the Rodanks obtained their lordship through marriage, women played a crucial role in shaping the family's history and identity. If Frederick I's wife was in fact, as I have suggested, the sister of Reginbert of Säben, the founder of Neustift, then the Rodanks owed their long and fruitful association with that house of Augustinian canons to her. Arnold's own name was a reminder of that connection (Reginbert of Säben's brother was named Arnold),<sup>62</sup> and the future bishop's kinship with Reginbert must have been a factor in his selection as provost of Neustift, particularly if Conrad was, as I will suggest in a moment, illegitimate. Moreover, Bishop Hartmann had granted the alodialized fief on which Frederick II had built Rodenegg to both him and his wife Gerbirg. In that sense Rodenegg was as much her castle as his.

Third and most important, the frescoes may commemorate Arnold III's marriage to the noblewoman Mathilda and reveal what both of them gained from their union. Laudine with a crown on her head is clearly the central figure in three scenes: scene 7, where like the Virgin she holds the body of the dying or dead Askalon in her lap (see plate 4); scene 9, where, tears flowing from her eyes, she grieves at Askalon's burial (see plate 6); and scene 11, where Iwein on his knees begs her forgiveness and Lunete with an upraised finger underscores the significance of the event (see plate 8). As Rushing pointed out, scene 7, which has no direct counterpart in the story, is the central scene in the cycle. It is in the center of the wall opposite the door and would have been the first thing that anyone entering the room would notice. The depiction of Laudine as the Mater Dolorosa separates Iwein's triumph over Askalon from his subsequent submission to Laudine in scene 11, in which there is no hint at forgiveness.<sup>63</sup>

The emphasis on Laudine in the Rodenegg frescoes, and the seemingly negative treatment of the Iwein story, raises the question whether Mathilda rather than Arnold III commissioned the paintings. Like Laudine, Mathilda was a noblewoman who had remarried quickly. Since Hugo III was still alive about 1189, and since Mathilda's sons Frederick III and Arnold IV were already old enough to

61. *Urkunden Neustift*, pp. 64–67, no. 26.

62. *Traditionsbuch Neustift*, pp. 40–41, no. 17.

63. Rushing, "Adventures beyond the Text," pp. 59–60.



serve as witnesses in 1205,<sup>64</sup> Mathilda's widowhood must have been very brief. Could the frescoes have been her explanation of why she, the granddaughter of a count and widow of a nobleman, had married her social inferior? She had been after all, like Laudine, a helpless widow. Her natal family the Hohenburgs, who had lived north of the Alps, had died out in the male line; and her son Hugo IV must have been a child in 1190—he first appeared as a witness in 1202, only three years before his younger half-brothers.<sup>65</sup> She had needed a protector, and Arnold III of Rodank, the most powerful ministerial in the diocese, was the best man Mathilda had been able to find. It may have been, like Laudine's selection of her husband's killer, a dubious choice, and Mathilda's decision may even have been criticized by her social peers; but the widowed Mathilda may have had few alternatives. Could she as the mistress of Rodenegg, responsible for the castle's interior decorations, have commissioned the frescoes say, during one of Arnold's absences—especially if such a heated room was intended primarily for the wife's use—to remind him of her sacrifice and the deference he owed her?

The problem with such an interpretation is why Arnold III would have tolerated such a cycle in his castle, particularly if he identified in any way with the exemplary knight Iwein. Rushing pointed out, however, that the Rodenegg frescoes end with Iwein's submission only for a viewer who is unfamiliar with the story. Most viewers, including Arnold and most of his guests, would have known that Iwein's submission, a perfectly acceptable gesture for a courtly lover, led to the couple's reconciliation and wedding and could supply the missing happy ending.<sup>66</sup> (The elderly Arnold might have enjoyed the comfort of a heated room during an alpine winter even if the room had originally been designed for the use of the mistress of the castle.) The frescoes were thus also a visible and permanent reminder of Arnold's own marriage to a great noblewoman who is the center of attention. Arnold may never have noticed the sad ending.

Beyond that, at the end of his long life Arnold III may have had second thoughts about some aspects of his life, specifically his role in his cousin's selection as bishop of Brixen. As the son of the cathedral provost, Bishop Conrad would have been legitimate only if his parents had been legally married and if he had been born before his father took major orders—that is, before 1140, when Reginbert of Rodank was already a cathedral canon. Although this is possible, it means that Conrad, who would have been at least sixty when he became bishop, would have been a very vigorous seventy-five-year-old who about 1215 was still able to travel, presumably on horseback, from Brixen to Cividale in Friuli.<sup>67</sup> A son who was born after his father took major orders could be ordained only if he had

64. Traditionsbuch Neustift, pp. 109–10, nos. 143, 144; Urkunden Neustift, pp. 47–49, no. 12.

65. Tyroller, *Genealogie*, p. 393, genealogical table 36; Brixner Traditionsbücher, p. 191, no. 537.

66. Rushing, "Adventures beyond the Text," pp. 63–64.

67. Traditionsbücher Brixen, p. 193, no. 541.

shown himself worthy of a dispensation, say, by entering a monastery or a house of regular canons.<sup>68</sup> Probably no one asked too many questions in Neustift.

As for Conrad's selection as bishop, it too was suspicious. On 20 April 1200, the clergy and ministerials of Salzburg elected Eberhard, the absentee bishop of Brixen, as their archbishop; but Innocent III voided the election and Eberhard, who had to go to Rome, procured papal recognition in December 1200 only "with much effort and sweat."<sup>69</sup> Nothing is known about the precise circumstances surrounding Conrad's election, not even whether it occurred before or after Innocent confirmed Eberhard's transfer to Salzburg; but the best guess is that he was chosen by the clergy and ministerials of Brixen.<sup>70</sup> As the most influential ministerial in the diocese, Arnold III may have had the decisive say in the selection of his cousin.

The Rodanks' greatest triumph, Conrad's elevation to the episcopal chair, was thus almost certainly tainted by his illegitimate birth and perhaps by the method of his selection. Could an elderly and penitent Arnold III have had second thoughts about his role in Conrad's election? A lord in the prime of his life would presumably have been attracted by a tale of a gallant knight's martial and amorous triumphs, but if the frescoes were painted only toward the end of Arnold III's life, as seems likely, he may have been conscious of his own sins and impending death. Frescoes that stressed the dark side of Iwein's achievements, the sorrow his actions had caused, may have been more appealing to an older and wiser man who was reflecting on his own deeds. Perhaps the Rodenegg frescoes are not quite so secular after all.

### Ulrich of Liechtenstein's *Frauendienst*

Ulrich of Liechtenstein's *Frauendienst* or *Service of Ladies* has been extensively studied since the nineteenth century because of its autobiographical format, unprecedented mixture of lyric and narrative elements, and supposed account of courtly life.<sup>71</sup> More nontextual evidence survives about Ulrich—who is named in

68. Sparber, *Die Brixner Fürstbischöfe*, pp. 73–74; and idem, "Aus dem Leben," p. 238, argued for Conrad's legitimacy, that is, that Conrad was born before 1140. Friederike Klos-Buzek, "Zur Frage der 'vita canonica' im Brixner Domkapitel während des Hochmittelalters," *MIÖG* 67 (1959): 107–16, pointed out rather convincingly that the sons of canons regularly joined the cathedral chapter. On the ordination of the sons of priests, see Bernhard Schimmelpfennig, "Zölibat und Lage der 'Priester-söhne' vom 11. bis 14. Jahrhundert," *Historische Zeitschrift* 227 (1978): 19–25. There is no evidence one way or the other whether Conrad obtained a dispensation.

69. Dopsch, *Geschichte Salzburgs* 1/1:308–9.

70. Little is known about how the bishops of Brixen were chosen in the twelfth century, but the *Vita beati Hartmanni*, which was written about 1200, probably in hopes of procuring Hartmann's canonization (p. 26), stated that Hartmann had been chosen in the following way: "Clericis itaque illius ecclesie et ministerialibus ad eligendum novum pontificem convenientibus" (p. 44). Since the author saw nothing amiss in such a procedure, it appears likely that the same electoral methods were still in force in 1200.

71. For surveys of the literature see Michael Pieper, *Die Funktionen der Kommentierung im "Frauendienst" Ulrichs von Liechtenstein*, GAG 351 (Stuttgart, 1982), pp. 7–13; and Franz Viktor

ninety-four documents between 17 November 1227 and 27 July 1274 and who died on 26 January 1275—than any other high medieval German poet (Hartmann, for example, is not mentioned in a single extant document).<sup>72</sup> Conversely, the *Frauendienst* appears to offer unique insights into the innermost thoughts and feelings of a great ministerial lord. The references to dozens of identifiable places and individuals, like Hugo IV of Taufers, and minor details, such as the accurate descriptions of the armorial bearings of specific lords, give the novel an aura of historical authenticity.<sup>73</sup> Little incidents ring true. For example, when Ulrich, dressed as Queen Venus, approached Tarvisio (now in Italy, near the border with Austria and Slovenia), the men of Duke Bernhard of Carinthia addressed him in Slovene.<sup>74</sup> Not surprisingly, many of the events in the *Frauendienst*, most notably the two major tournaments in Friesach and Korneuburg and Ulrich's two tours dressed as Venus and as King Artus, which contain most of the specific references, were treated until recently as historical facts.<sup>75</sup>

Since Ulrich was actively involved in Styrian affairs for nearly half a century, the *Frauendienst* has often been treated as a historical work with a hidden political agenda. Such interpretations have concentrated on two aspects of the work with-

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Spechtler, "Untersuchungen zu Ulrich von Liechtenstein" (Habilitationsschrift, University of Salzburg, 1974), pp. 5–18. Spechtler's *Habilitationsschrift* has never been printed, but he summarized its contents in "Probleme um Ulrich von Liechtenstein: Bemerkungen zu historischen Grundlagen, Untersuchungsaspekten und Deutungsversuchen," in *Österreichische Literatur zur Zeit der Babenberger: Vorträge der Lilienfelder Tagung 1976*, ed. Alfred Ebenbauer, Fritz Peter Knapp, and Ingrid Strasser, Wiener Arbeiten zur germanischen Altertumskunde und Philologie 10 (Vienna, 1977), pp. 218–32. I will be citing Bechstein's 1888 edition of the *Frauendienst*. Spechtler published a new edition, *Ulrich von Liechtenstein Frauendienst*, GAG 485 (Göppingen, 1987), but it is not, as he conceded in the preface, an annotated critical edition. J. W. Thomas published an English translation, *Ulrich von Liechtenstein's "Service of Ladies"*, University of North Carolina Studies in the Germanic Languages and Literatures 63 (Chapel Hill, 1969), but it is so abridged as to be nearly useless. Ulrich identified himself by inference as the author: for example, "Vrowe, ich nenne iu sinen namen, / des er sich nimmer darf geschamen. / er ist genant von Liechtenstein / her Uolrich" (stanza 397, lines 1–4). A complete list of the references is in Spechtler, "Untersuchungen," pp. 303–7.

72. Spechtler, "Untersuchungen," pp. 28–123, listed and summarized the documents. He listed ninety-five documents (p. 127), but in the introduction to his edition of the *Frauendienst*, p. vii, he stated that Ulrich is named in ninety-four documents, starting on 17 November 1227. He offered no explanation for the discrepancy, but he included in his 1974 *Habilitationsschrift* a document of 11 May 1227 (p. 29) that Dopsch, "Der Dichter Ulrich von Liechtenstein," pp. 97–98, demonstrated did not concern the Liechtensteins. Dopsch published the document on p. 118. On Ulrich's death date, see Spechtler, "Untersuchungen," pp. 135–38.

73. For a complete list of all the individuals Ulrich named, see Spechtler, "Untersuchungen," pp. 336–99. Ulrich of Liechtenstein, *Frauendienst*, mentions Hugo IV of Taufers in stanza 190, line 5; 222, line 1; 247, line 5; 270, line 1. On the armorial bearings, see Lutz Fenske, "Adel und Rittertum im Spiegel früher heraldischer Formen und deren Entwicklung," in Fleckenstein, *Das ritterliche Turnier* (see above, n. 17), pp. 134–39.

74. Ulrich of Liechtenstein, *Frauendienst*, stanza 592, line 4: "Buge waz primi, gralva Venus."

75. For example, August von Jaksch, the great master of Carinthian history, included the Friesach tournament and the portion of the *Venusfahrt* that concerned Carinthia in his edition of Carinthian documents and other historical monuments (MC 4/1:139–44, no. 1871; 161–63, no. 1927). Jaksch also treated the Friesach tournament and the *Venusfahrt* as historical facts in his *Geschichte Kärntens bis 1335*, vol. 1, *Urzeit bis 1246* (Klagenfurt, 1928), pp. 352–56, 361–62. As late as 1976 Lechner, *Die Babenberger*, pp. 213, 264, accepted the historicity of both the *Venusfahrt* and the *Artusfahrt*.

out much thought about the connection between them: the *Artusfahrt* (Arthur tour) of 1240, which it is alleged was Ulrich's cover for organizing a noble conspiracy against Duke Frederick II; and Ulrich's response to the chaotic political and social situation after the duke's death in 1246. Scholars have not adequately explained, however, why Ulrich would have written in 1255, the generally accepted date for the work's composition, a veiled account of a failed *Fronde* that had occurred fifteen years earlier.<sup>76</sup> Similarly, those who interpret the *Frauendienst* as a didactic piece, a conservative reaction to the breakdown of the traditional order, have difficulties incorporating the comic elements of the first love service into their interpretive framework.

Although Ulrich insisted in the prologue that the tale he was about to recount was true (stanza 7), he also apologized in the epilogue for having poeticized his life.<sup>77</sup> The problem has always been, to borrow the title of Goethe's autobiography *Dichtung und Wahrheit*, which has often been cited in this context, to separate truth from poetry. There are two fundamental difficulties. First, although none of the known facts about Ulrich's life appear in the novel, only two of the events that Ulrich related in the *Frauendienst*—the wedding in 1222 of Agnes (d. 1226), the daughter of Duke Leopold VI, to Duke Albrecht of Saxony (d. 1260), and the death of Duke Frederick II on 15 June 1246—can be independently verified.<sup>78</sup> Second, there is, as Humphrey Milnes put it, "the utter disparity between the fantastic 'I' of the *Frauendienst* and the well-documented, shrewd and powerful Styrian politician named Ulrich von Lichtenstein."<sup>79</sup> It is hard to believe that the magnate who placed one hundred armed men in the field in 1250 rode from Mestre to Bohemia dressed as Queen Venus. Even if the *Venusfahrt* (Venus tour) is a marvelous example of the madcap adventures of Doby's medieval youth culture—significantly enough, that tour is alleged to have occurred in the spring of 1227, just before Ulrich makes his first documentary appearance, what was Ulrich's purpose in relating the story nearly three decades later?<sup>80</sup> The issue has become even more problematic, since Ursula Peters and above all Franz Viktor Spechtler have demonstrated that Ulrich cast his life in the form of an Arthurian romance and that none of the events he related took place.<sup>81</sup> What was Ulrich's purpose in

76. Ulrich said he had been a knight for thirty-three years when he wrote the work (stanza 1845, lines 1–4). Since he also said he had been knighted in 1222 in Vienna in conjunction with the wedding of the daughter of Duke Leopold VI to the duke of Saxony (stanzas 40, 41, 44), the work is usually dated 1255.

77. Ulrich of Liechtenstein, *Frauendienst*, stanza 1849, lines 1–3: "Ich weiz wol, daz ez misses-tât, / daz mîn munt von mir selben hât / getihtet ritterliche tât."

78. Agnes's marriage is mentioned in *Annales Gotwicenses a. 1068–1230*, ed. Wilhelm Wattenbach, MGH SS 9 (Hanover, 1851), p. 603.

79. Humphrey Milnes, "Ulrich von Lichtenstein and the Minnesang," *German Life and Letters: A Quarterly Review* 17 (1963): 27.

80. Doby, "Youth," pp. 112–22.

81. Ursula Peters, *Frauendienst: Untersuchungen zu Ulrich von Lichtenstein und zum Wirklichkeitsgehalt der Minnedichtung*, GAG 46 (Göppingen, 1971); and Spechtler, "Untersuchungen."

writing such an idiosyncratic piece? And more to the point, what does it reveal about his self-consciousness?

Ulrich professes that while still a child he dedicated his life to the service of ladies (hence the title of the work). At twelve he became the page of the lady to whom he later devoted his first love service. She was, he insists, of much higher birth than he. He served her with childish devotion for four years: for example, he picked flowers for her and drank the water in which she had washed her hands. Ulrich's father then sent him to the court of Leopold V's younger brother, Duke Henry of Mödling (d. 1223) (really Margrave Henry IV of Istria?).<sup>82</sup> The death of Ulrich's father four years later forced him to return home, but he spent the next three years jousting and honing his skill as a knight. He was one of 250 squires who were knighted in 1222 at the splendid festivities that accompanied Agnes's marriage to Duke Albrecht of Saxony. Ulrich's lady was delighted that her former page was one of the new knights. That summer he fought in twelve tournaments. Ulrich revealed his love for the lady to his aunt, who was the lady-in-waiting of his secret love, and asked for her assistance in pressing his suit. When the aunt learned that the lady did not like the shape of Ulrich's mouth, he underwent plastic surgery in Graz without flinching. The lady allowed Ulrich to visit her, but he became tongue-tied at their first meeting. The next day he was able to profess his devotion, but she rejected him as an unsuitable lover.

In the spring of 1224 Duke Leopold VI summoned the princes, clerical and lay, to assemble in Friesach to settle a dangerous feud between Margrave Henry of Istria and Duke Bernhard of Carinthia. Ulrich and his brother Dietmar IV of Liechtenstein-Offenburg decided to take advantage of this opportunity and invited the knights who accompanied the princes to joust. The first day was spent in knightly games. Ulrich slipped away on the second day and returned disguised as the Green Knight—not even his brother recognized him—and became the center of attention. On the tenth day Leopold finally remembered the purpose of the princely assembly, and Duke Bernhard suggested that the princes regain control by inviting everyone to participate in a tournament. Duke Leopold and Margrave Henry led the opposing sides, and the princes finally resolved the dispute in some unspecified way. The lady, saying that Ulrich's aunt, perhaps as a relative, had overrated his achievements, rejected Ulrich's services and subsequently prohibited the aunt from serving as an intermediary.

During a tournament in Brixen, allegedly in the summer of 1225, Ulrich severely injured a finger in a joust with Odalschalk of Bozen (today Bolzano, Italy). A doctor in Brixen was unable to heal him, but he found a more competent physician in Bozen. While there, a squire he knew appeared and agreed to serve

82. The text (stanza 29) says Margrave Henry of Austria, but Henry of Mödling was never styled a margrave. Some scholars have thus been inclined to identify Ulrich's teacher as Margrave Henry IV of Istria. On this point, see Spechtler, "Untersuchungen," pp. 277–79.

as Ulrich's messenger to the lady. From then on this unnamed squire was their trusted confidant. The lady was at first impressed that Ulrich had lost his finger in her service, but when the second physician healed Ulrich, she accused him of lying. To regain her confidence, Ulrich had one of his men cut off the finger. Ulrich then sent the amputated finger to her in the golden clasp of a little book bound in green velvet that he had written in her honor. In between, he went on a pilgrimage to Rome.

He then undertook his most flamboyant service, the *Venusfahrt*, the central event in the novel. Pretending to be a pilgrim, during the winter of 1226–27 Ulrich slipped off to Venice, where he hired servants who did not know his true identity and acquired an extensive wardrobe of expensive white women's clothes and armor. He then sent a herald ahead to announce to the knights of Lombardy, Friuli, Carinthia, Styria, Austria, and Bohemia that Queen Venus, the goddess of love, intended to set out on the day after Saint George's Day, that is, on 25 April 1227, and to travel through their lands—the herald gave a precise itinerary that Ulrich subsequently followed. Venus would teach them the ways of love. She would give every knight who broke a spear with her a golden ring, which the knight was to send to his beloved. If Ulrich unhorsed the knight, he was to bow to the four corners of the world in honor of a lady. If the knight unhorsed the queen, he would get all of Ulrich's horses. Her true identity was to remain unknown throughout the adventure. Eight days after Venus finished her journey, all the knights were to attend a tournament in Korneuburg, northwest of Vienna.

Dressed in his marvelous white outfit and with his head adorned with two artificial waist-length brown braids that were wreathed in pearls, Ulrich set out. He was accompanied by a retinue of male and female servants and a small band. Venus's appearance created a sensation wherever she went. The high point of the journey was her arrival in Vienna. Ulrich was greeted outside the city by his squire singing Walter von der Vogelweide's "Ir sult sprechen willekomen" and bearing the joyful news that Ulrich's love had sent him a ring as a token that she was finally accepting his service. Ulrich received the ring on his knees. In addition, the nobleman Otto IV of Lengenbach (d. 1236), the advocate of the cathedral chapter of Regensburg, who had become the queen's marshal, arrived to escort Venus into Vienna on 26 May with a regal entourage of fifty archers, fifty squires, and fifty knights. All together Ulrich had broken 307 spears, distributed 271 rings, and unhorsed 4 knights without losing his own seat.<sup>83</sup>

No longer in disguise, Ulrich set out, as he had originally announced, for the tournament in Korneuburg. There the lady accused Ulrich via the squire of infidelity and demanded the return of the ring—he had been attracted, he admitted, by the wife of Cadolt of Feldsberg (today Valtice in the Czech Republic). Ulrich

83. *Ulrich von Liechtenstein's "Service of Ladies,"* p. 18.

was heartbroken. Her accusations turned out, however, to have been a test of his steadfastness, and the lady invited him for a rendezvous.

Ulrich's visit to the lady's boudoir is the comic high point of the novel. To test his devotion and to avoid suspicion, Ulrich was required to disguise himself as a leper and to mingle with the thirty or more repulsive lepers who waited for alms outside her castle. The lady, who was ill, was in a particularly generous mood that day. Her maid gave him food and told him to return in the evening. Although he was nauseated, he was forced to spend the day with the lepers to preserve his disguise and to protect the lady's honor. In the evening the maid informed him that the rendezvous had to be postponed until the next day. He spent a miserable night in an open field at the mercy of the elements and insects. The poet could not resist comparing his bedding with lice and fleas to Enite and Erec's embrace (stanza 1169). In the morning Ulrich was sent away once again and watched how his squire spent the day delousing himself. Like a good proto-Austrian, Ulrich pointed out sarcastically that Italians had more expertise in such matters of personal hygiene (stanza 1176). That evening he hid in the moat, only to have the castle's steward, perhaps deliberately, piss on him. Finally a loop of bedding was let down from the balcony to hoist Ulrich up, but all three attempts ended with his being dumped on the ground. The infuriated Ulrich ordered his lighter squire to be hauled up first, so that he could add his strength to that of the ladies. The fourth attempt to pull Ulrich up succeeded, and he was escorted into his lady's luxurious bedroom. She refused his demands for what Ulrich considered his well-deserved reward, her sexual favors, but persuaded him that she would grant his request if Ulrich agreed to replay the scene. She tricked him into getting back into the makeshift pulley and let him tumble to the ground. The squire prevented the despondent lover from hurling himself into the nearby lake.

In spite of this rebuff, Ulrich's hopes were soon renewed when the lady promised to see Ulrich again in twenty days, after one of her women who opposed the affair had left. Further inquiries revealed that Ulrich's uncourtly behavior during the visit had caused his lady considerable embarrassment, but that she would return his love if he first went on a crusade. Ulrich was eager to go for her sake, not Christ's, until she countermanded the order. The lady then committed an awful deed, which Ulrich as a gallant knight refused to disclose, and he ended his first love service with bitter reproaches against women. He continued in this bitter vein until a woman asked him to stop.

For nearly two years Ulrich was a "vrowen vrîer man"—a womanless man (stanza 1376, line 4). Then he found a second lady, who graciously accepted his service. The chief event of this second love service was the *Artusfahrt* in 1240. Regrettably, the two pages that describe the beginning of this adventure are lost. In any case Ulrich, dressed in spectral red as King Artus, invited all who broke three spears with him to join his round table. Styrian lords for the most part assumed the identity of the knights of the round table. For example, Ulrich's brother Dietmar

was Gawein. Outside Wiener Neustadt the herald of Duke Frederick II welcomed the king, who had come to the duke's realm from paradise, and reported the duke's desire to serve Artus and to join the round table himself by breaking three spears with him. Artus readily assented. A maiden sent by Lady Honor then invited all the knights to participate fourteen days later in a tournament in Krumau (today Český Krumlov) in Bohemia. After five days of jousting in Katzelsdorf (south of Wiener Neustadt), a ducal envoy asked the knights to desist but invited them to participate the next day in a tournament after the duke had broken three spears with Artus. The knights had already divided into opposing sides the next morning when Frederick's envoy ordered them to stop because the duke had been angered by some unspecified offense. Everyone was greatly disappointed, but Artus (Ulrich) still hoped to participate in the Krumau tournament.

As he was approaching Vienna the following day a ducal envoy invited Artus to join the duke in Himberg, southeast of Vienna. Artus, rapidly resuming his real identity as a ducal ministerial, rode to Himberg and was greeted by the duke with the words, "Most worthy King Artus, welcome to my house" (stanza 1604, lines 5–6). Then the duke took Artus aside and asked if he still intended to go to the tournament in Krumau, even though King Wenceslaus I of Bohemia was the duke's enemy. With the words "Lord, I am your subject" (stanza 1607, line 1), Ulrich submitted and the *Artusfahrt* ended.

After this the *Frauendienst* becomes little more than a collection of Ulrich's songs interspersed with courtly advice. It contains a description of the duke's death on 15 June 1246 while fighting the Hungarians on the Leitha and a lament about the bad times that followed when rich nobles robbed the poor. Symptomatic of the breakdown in law and order was Ulrich's own unprovoked capture and imprisonment, allegedly on 26 August 1248, by two of his men, Pilgrim of Kars and Weinolt. They seized Ulrich's castle of Frauenburg, where he had been staying, and expelled his wife after robbing her of her garments and jewels. Two hundred and fifty or more of Ulrich's "friends" set out from Judenburg to rescue him but desisted when Pilgrim, who was filled with murderous hatred for Ulrich, threatened to hang his lord. Ulrich was kept in chains for a year and three weeks, he said, until Count Meinhard III of Görz, the imperial governor of Styria, procured his release. Even so, Ulrich was required to leave his children behind as hostages and to surrender Frauenburg. Only the thought of his beloved second lady kept him from despairing. The novel ends with an epilogue stating that he had been a knight for thirty-three years when he wrote the book (stanza 1845)—presumably in 1255, since he had been knighted in 1222—and that he wished it to be called the *Vrowen Dienst* (stanza 1850, line 7).

In spite of the numerous references to specific places and people, the *Frauendienst* is a carefully contrived piece of literature that deals with imaginary rather than historical events. Ulrich cast his "autobiography" in the form of an Arthurian romance like Hartmann von Aue's *Iwein* with its two cycles of adventures. In such



a tale the hero sets out on an adventure, gains knightly fame, a wife, and apparent happiness (Iwein and Laudine's marriage), but he loses his wife, social standing, and often even his identity (Iwein's insanity) through a guilty deed (Iwein's failure to return after a year). He then undertakes a new series of adventures in which he discovers his true identity, is reconciled with his wife, and is reintegrated into society. The problem in the *Frauendienst*, as Renate Hausner pointed out, is that the higher authority who is supposed to educate the hero is the completely arbitrary lady of the lyric poets (the *Minneherrin*). It is she, not Ulrich, who is guilty of the misdeed that terminates the first love service, and the poet resolves the problem not by undertaking a new series of adventures to regain her favor but by finding a more gracious and deserving object of his affection. In short, Ulrich borrowed the external structure of the Arthurian romance, which serves as a framing device for the fifty-eight songs he included in the poem, and reversed the relationship between the lady and the knight.<sup>84</sup>

Moreover, most of the incidents in the novel either are modeled after scenes that occur in earlier romances or are familiar motifs and themes in *Minnelieder* that Ulrich presented as "real" events in his own life. For example, in Gottfried von Strassburg's *Tristan und Isold*, Tristan appeared before the queen disguised as a leper. Similarly, whereas *Minnesänger* often complained in their songs that too great love and fear had tied their tongues in a lady's presence, Ulrich asserted that this had really happened to him in his first encounter with the lady after he was knighted. Instead of demonstrating that a real knight behaved like the heroes of courtly literature, the *Frauendienst* is the highly stylized "autobiography" of a *Minnesänger*.<sup>85</sup>

If most of Ulrich's first love service is thus clearly fictional, though not unimportant in understanding his self-perception, this still leaves those portions of the novel that contain most of the references to real people and events and that have been of most interest to historians: the great tournaments at Friesach and Korneuburg and the two tours Ulrich allegedly undertook disguised as Venus and as Artus. Although some skeptics have always doubted the historicity of even these events, simply because not even the wealthiest Styrian magnate could afford to give away 271 gold rings,<sup>86</sup> Otto Höfler argued that Ulrich's *Venusfahrt* was rooted in ancient Germanic rites in which a fertility goddess, the later May queen, trav-

84. Renate Hausner, "Ulrichs von Liechtenstein 'Frauendienst': Eine steirisch-österreichische Adaption des Artusromans: Überlegungen zur Struktur," in *Festschrift für Adalbert Schmidt zum 70. Geburtstag*, ed. Gerlinde Weiss, Stuttgarter Arbeiten zur Germanistik 4 (Stuttgart, 1976), pp. 121–47, esp. p. 134. Hausner presented an abbreviated version of her views, "Ulrichs von Liechtenstein 'Frauendienst'—eine steirisch-österreichische Adaption des Artusromans," in Ebenbauer, Knapp, and Strasser, *Österreichische Literatur* (see above, n. 71), pp. 50–67. For an application of this structural model to Hartmann von Aue's *Iwein*, see Wapnewski, *Hartmann von Aue*, pp. 63–64.

85. Peters, *Frauendienst*, esp. pp. 63–89, 102–7, 122–72.

86. Maja Loehr, "Die Grabplatte auf der steirischen Frauenburg und die Ruhestätte Ulrichs von Liechtenstein," *MIOG* 65 (1957): 69.

eled through the countryside in the springtime. Ulrich simply transferred such customs from the peasant to the courtly sphere, as he had already done, though less spectacularly, in the Friesach tournament—which began, significantly enough, on 1 May. On that occasion he had disguised himself as the Green Knight, that is, as the May count (*Maigraf*) who presides over the cultic celebrations for the return of spring. As for the *Artusfahrt* of 1240, it was a carefully calculated political act by a man who would soon emerge as a prominent Styrian leader. Under cover of organizing a round table, a new tournament practice devised a few years earlier in England, Ulrich was organizing his friends into an antiducal front in the tense months that followed Emperor Frederick II's excommunication and the duke's reassertion of his authority in late 1239. Duke Frederick II, who perceived Ulrich's real intentions and feared the magnates would ally with the Bohemian king against the duke, ordered Ulrich to desist.<sup>87</sup>

These events, however, are almost certainly, as Spechtler has demonstrated, a figment of Ulrich's fertile imagination. On the face of it, the Friesach tournament is the most plausible of the events Ulrich describes, but there is no corroborating evidence that the great magnates of southeastern Germany assembled in Friesach in 1224 to settle a dangerous feud whose nature Ulrich never bothered to specify and that is mentioned in no other source. (Ulrich noted the presence of the patriarch of Aquileia, the archbishop of Salzburg, the bishops of Bamberg, Brixen, Passau, and Freising, the dukes of Austria and Carinthia, the margraves of Istria and Vohburg, and the counts of Tyrol and Görz). No monastery, for example, used such a fortuitous assemblage to procure a charter. The princes were simply the audience for Ulrich's performance as the Green Knight, and the two tours are part of the customary dual structure of an Arthurian romance; that is, the *Artusfahrt* in the second love service parallels the *Venusfahrt* in the first. If the *Artusfahrt* was some sort of noble conspiracy, it is noteworthy that none of the most important Styrian ministerials (for example, the Wildons, Orts, or Stubenbergs), the most likely participants, were involved.

Moreover, the chronology for the events in the *Frauendienst*, which its first

87. Otto Höfler, "Ulrichs von Liechtenstein Venusfahrt und Artusfahrt," in *Studien zur deutschen Philologie des Mittelalters: Friedrich Panzer zum 80. Geburtstag am 4. September 1950 dargebracht*, ed. Richard Kienast (Heidelberg, 1950), pp. 131–52. The earliest evidence that Höfler could find for a round table was the prohibition of the practice by the English parliament in 1232. A round table had been staged as early as 1223 in Cyprus, however. See Juliet Barker and Maurice Keen, "The Medieval English Kings and the Tournament," in Fleckenstein, *Das ritterliche Turnier* (see above, n. 17), p. 212, n. 3. Fleckenstein, p. 636, pointed out in his closing summary that the Cyprus tournament does not invalidate the thesis that round tables originated in England. Both Hauck, "Heldendichtung," pp. 140–41, and Wilhelm Störmer, "König Artus als aristokratisches Leitbild während des späteren Mittelalters, gezeigt an Beispielen der Ministerialität und des Patriziats," *ZsblG* 35 (1972): 955–57, accepted Höfler's interpretation of the *Artusfahrt* as an unsuccessful noble conspiracy. Störmer even portrayed the *Venusfahrt*, which for some inexplicable reason he placed in 1238 rather than 1227, as an attempt to rally the Hohenstaufen party against the duke, presumably after the emperor had outlawed the duke in 1236.

editor Karl Lachmann devised in 1841 and which hinges on Ulrich's statement that he was knighted in 1222 at the wedding of the Duke Leopold's daughter, depends on the highly literary alternation of summer and winter in the novel; but these seasons, Spechtler maintained, are metaphors for Ulrich's success and failure in pursuing his lady. The traditional dates for the Friesach tournament (1224), *Venusfahrt* (1227), and *Artusfahrt* (1240) are thus themselves suspect. There are similar problems in dating the other alleged events in the "autobiography." For example, it is impossible to find a period of a year and three weeks between 1246 and 1250, when Ulrich was supposedly imprisoned, in which he was not named as a witness in a document.<sup>88</sup> Since Ulrich also ignored such important moments in his life as the arrival of Emperor Frederick II in Styria (Ulrich witnessed an imperial charter in Vienna) or his appointment as ducal seneschal,<sup>89</sup> historians have accepted Spechtler's arguments and have relegated Ulrich's "autobiography" to the world of fiction.<sup>90</sup>

The novel's fictional character does not preclude, however, the possibility that it was a political allegory written in response to the tumultuous events that followed Duke Frederick's death in 1246. Germanists have therefore sought to uncover its hidden agenda, but all these efforts, in spite of their occasional insights, have been marred by a poor knowledge of the Styrian social structure or the political situation.

Bernd Thum, who called the *Frauendienst* "an aristocratic, 'ideological' draft proposal," contended, for example, that it was an attempt to provide the ministerials and knights, who were being threatened economically by the decline of the manorial economy and politically by the consolidation of princely authority, with a common courtly culture. Ulrich promoted tournaments, in which both estates participated equally, because such games were socially integrative and offered his own life as a model of courtly conduct. The imposition of Hungarian rule in Styria (the Peace of Buda assigned Styria to King Bela IV in 1254) aggravated the situation. Ulrich's praise of Duke Frederick II, his profession of allegiance to the duke (stanza 1660, lines 2–3), and his description of the duke's death fighting the Hungarians were really a call to arms on behalf of King Ottokar II, who had married Frederick's sister Margaret, and led to the Styrian rebellion against Hungarian rule in 1257.<sup>91</sup>

88. Spechtler, "Untersuchungen," esp. pp. 231–34, 251–98, 390–432.

89. *Regesta Imperii* 5/1:444–45, no. 2226. Ulrich was identified as the Styrian seneschal in SUB 3:583–84, no. 1035; MC 2:34–35, no. 571; UB Steiermark 2:573, no. 460.

90. Dopsch, "Der Dichter Ulrich von Liechtenstein," p. 115; Fenske, "Adel und Rittertum," p. 135; Fräss-Ehrfeld, *Geschichte Kärntens* 1:243, 296–303; and Alfred Ogris, "Die Anfänge Kärntens," in *Österreich im Hochmittelalter (907 bis 1246)*, ed. Anna M. Drabek, Veröffentlichungen der Kommission für die Geschichte Österreichs 17 (Vienna, 1991), p. 152.

91. Bernd Thum, "Ulrich von Lichtenstein: Höfische Ethik und soziale Wirklichkeit" (Ph.D. diss., University of Heidelberg, 1968), pp. 1–122. The quotation is on p. 27. The attempt by Klaus M. Schmidt to place the *Frauendienst* in its proper social context is even less successful than Thum's.

In fact Ulrich, who was acutely conscious of his position as one of the leading Styrian ministerials, was very careful to replicate the hierarchical Styrian social structure in the *Frauendienst*. For example, after he had mentioned by name the princes, counts, free lords, and ministerials who had allegedly participated in the Friesach tournament, he merely stated that six hundred knights had also been there (stanza 200, lines 1–4). This is hardly consistent with an agenda of ministerial-knightly integration. Moreover, whereas Ottokar aus der Gaal depicted Ulrich as the leader of the Styrian magnates who favored before 1254 the candidacy of King Ottokar II, Ulrich also played a major role in Archbishop Ulrich's unsuccessful 1258 invasion of the principality of Salzburg.<sup>92</sup> In the overall political context an attack on Archbishop-Elect Philip and his brother Duke Ulrich III of Carinthia, the cousins of Ottokar II, favored Bela, who financed the invasion. In short, after 1254 Ulrich appears to have accepted Hungarian rule, and there is no evidence that he participated in the 1257 rebellion that Ulrich's *Frauendienst* allegedly called into being and that ended in 1260 with Bela's defeat and the imposition of Bohemian rule in Styria.<sup>93</sup>

There are similar difficulties with Renate Hausner's attempt to detect a veiled political meaning in the *Frauendienst*. The first lady, whom Ulrich served from 1212 to 1235 but who never rewarded him, was, she thought, the Babenberg dynasty, which failed to respect the ministerials' privileges. The key to identifying the first lady as the Babenberg dukes is, according to Hausner, the lady's request after the 1227 *Venusfahrt* that Ulrich undertake a crusade, a command she then arbitrarily revoked. In conjunction with the emperor's abortive crusade in 1227, Leopold VI commanded the Austrian and Styrian ministerials to participate but then did not renew the order the following year. The ministerials' dissatisfaction

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Schmidt presented Ulrich as a spokesman for the knights out of whose midst the Liechtensteins had themselves arisen. Ulrich was acutely aware and resentful of the barriers that separated the ministerials and knights from the nobles and presented such representatives of the high nobility as Duke Bernhard of Carinthia in an unflattering manner (see stanza 242). Ulrich promoted tournaments as a form of unemployment insurance for knights, whose financial condition was desperate after Duke Frederick's death. See Schmidt, "Späthöfische Gesellschaftsstruktur und die Ideologie des Frauendienstes bei Ulrich von Lichtenstein," *Zeitschrift für deutsche Philologie* 94 (1975): 37–59. In reality Ulrich was the descendant not of knights but of the great noble clan of the Traisen-Feistritz. See Dopsch, "Der Dichter Ulrich von Liechtenstein," pp. 93–112. Although Ulrich may have been critical of Duke Bernhard, he praised other nobles like Margrave Henry IV of Istria (stanzas 187, 229, 250, 278) and made disparaging comments about some of his fellow ministerials like Hadmar III of Kuenring, whom he seemingly tagged as a homosexual (stanza 878, line 8) and accused of an uncourty act (stanza 892, line 5).

92. *Ottokars Österreichische Reimchronik* 1/1: 20–35, lines 1459–2634; 69–81, lines 5228–6105. On these incidents, see Dopsch, *Geschichte Salzburgs* 1/1: 439–41; idem, "Přemysl Ottokar II.," pp. 483–85; Lechner, *Die Babenberger*, pp. 304–6; and Spechtler, "Untersuchungen," pp. 198–205. In 1253 Ulrich witnessed a charter for Ottokar II in which the king styled himself duke of Austria and Styria (UB Steiermark 3:189–90, no. 122).

93. Ulrich witnessed a charter issued by Bela's son King Stephen on 26 May 1259 (UB Steiermark 3:356–58, no. 267) and did not witness an authentic charter for Ottokar II until 21 December 1260 (UB Steiermark 4:5–6, no. 8), more than five months after Ottokar had defeated Bela.

with Duke Frederick II culminated in their abandoning him in 1236, which coincides with the 1235 date for the lady's unspecified misdeed. The second lady, whom Ulrich started to serve two years later, was the emperor himself, who confirmed the privileges of the Styrian ministerials in 1237 but who, like the second lady, was a distant ruler who made no demands on the ministerials. The second lady—that is, the emperor—intervened only once in Ulrich's life, when he requested "her" assistance during his imprisonment (song 47, lines 1–2) and Count Meinhard III of Görz, the newly appointed imperial governor, procured Ulrich's release. Hausner concluded that the *Frauendienst* may thus have been written as early as 1249 or 1250 out of respect for the revered Meinhard and to thank the emperor for the count's appointment as governor. It may have been at the same time pro-Hohenstaufen propaganda to revive and strengthen the flagging imperial party in Styria. But if the work was written in 1255, as is commonly believed, then the pro-Hohenstaufen piece was, Hausner felt, an expression of the ministerials' allegiance to the *Reich* and their deep-rooted opposition to King Bela, who refused to respect the privileges of the Styrian ministerials that the emperor had confirmed.<sup>94</sup>

Although Hausner's interpretation of the *Frauendienst* as a political allegory does not necessarily depend on the historicity of such events as the *Venusfahrt*, it presupposes that the internal chronology of the novel, which Spechtler called into question, is correct even though she implicitly accepts his other argument that the novel may not have been written in 1255.<sup>95</sup> Hausner cannot have it both ways; either the traditional chronology of the events in the romance, including the date of its composition, is correct or it is not. More important, an examination of Ulrich's known political activities suggests that he was not a die-hard opponent of the Babenbergs, pro-Hohenstaufen in 1250, or necessarily, as has already been pointed out, anti-Hungarian in 1255. Although Ulrich was among the last of the ministerials to submit to Duke Frederick (he was inside Vienna in November and December 1239 when the duke was besieging the city), Ulrich had made his peace

94. Hausner, "Ulrichs von Liechtenstein 'Frauendienst,'" pp. 162–76 (in the abridged version of the article, pp. 62–64). Pieper, *Die Funktionen*, pp. 198–200, accepted much of Hausner's argument and referred to the "Konflikt der Feudalen mit dem Hause Babenberg." The reference to the "Feudalen" suggests a rather limited understanding of the Styrian social structure. Dopsch, "Der Dichter Ulrich von Liechtenstein," p. 95, declared that Hausner's thesis "wird auch manchen Historiker zu einer Stellungnahme reizen," but he did not venture an opinion himself. Hausner is not the only Germanist who continues, in spite of Spechtler's work, to accept the historicity of some portions of the novel. See, for example, Bumke, *Courtly Culture*, pp. 214, 245, 262–63, 318–19. Josef Macek, "Das Turnier im mittelalterlichen Böhmen," in Fleckenstein, *Das ritterliche Turnier* (see above, n. 17), pp. 370–71, cited the aborted tournament in Krumau as evidence that tournaments took place in Bohemia in the first half of the thirteenth century.

95. Spechtler, "Untersuchungen," pp. 231–34, thought the thirty-three years that elapsed between Ulrich's knighting in 1222 and the alleged composition of the novel sounded suspiciously like Christ's thirty-three-year earthly ministry—that is, the perfect life—and suggested that the romance might have been written at any point between the duke's death in 1246 and Ulrich's own death in 1275.

with Frederick by August 1240 when he witnessed a ducal charter and by 1244 was the ducal seneschal.<sup>96</sup> Such a pattern of rebellion, submission, and reconciliation was common, as I pointed out in the preceding chapter, in a prince's dealings with a powerful retainer. Moreover, Ulrich insisted in the *Frauendienst* that he would always mourn the death of the duke, who had been his rightful lord (stanzas 1659, 1660). These are hardly the words of a man who was writing an anti-Babenberg political tract. If anything, Ulrich retained a sentimental attachment to the Babenbergs. Thus in November 1260, that is, after Ottokar II was firmly in control of Styria, he witnessed a charter issued by Duke Frederick's niece Gertrude, who styled herself the duchess of Austria and Styria and stated that she had acted with Ulrich's advice.<sup>97</sup> As for being pro-Hohenstaufen, the real Ulrich agreed in 1250 to provide Archbishop-Elect Philip with one hundred men to fight against everyone except the lawful king recognized by the church, and he played a major role two years later in Philip's defeat of the Hohenstaufen party in southeastern Germany.<sup>98</sup> In other words, it is impossible to reconcile the *Frauendienst's* alleged anti-Babenberg and pro-Hohenstaufen message with Ulrich's known political activities. If the novel has a hidden political meaning, it is so obscure that modern scholars have been unable to detect it.

What then, if anything, does the *Frauendienst* reveal about Ulrich and his perception of himself and his place in society? First of all, Ulrich wrote a literary masterpiece. He was able to imagine that he was Queen Venus or King Artus and to picture how his society would have responded to such an apparition. More than that, Ulrich was able to convince generations of modern scholars that he did ride from Mestre to Bohemia dressed as Queen Venus. Ulrich created his literary confection by combining peasant customs, which were rooted in the Germanic past, with courtly mores and by filling the *Frauendienst* with hundreds of references to real people and places. The inclusion of the Friesach tournament and the *Venusfahrt* in the *Monumenta historica ducatus Carinthiae* is a tribute to his skill.

Second, he was a comic genius. In trying to decipher Ulrich's political or moral purpose in writing the novel, scholars have treated the *Frauendienst* with deadly seriousness. It is hard to imagine that Ulrich ever intended his description of his alleged rendezvous in the first lady's boudoir to be anything but a burlesque farce, a humorous primer on how not to conduct a love affair. If Ulrich was disillusioned by the breakdown of courtly society after the duke's death in 1246, was advocating a continued adherence to the old value system, and was presenting himself as a role model, his delight in telling a good yarn, as Timothy McFarland pointed out, outweighed his didactic intentions.<sup>99</sup>

96. UB Steiermark 2:484–86, nos. 373, 374; SUB 3:511, no. 962; 583–84, no. 1035.

97. UB Steiermark 4:4, no. 6.

98. See above, chapter 5 at note 52.

99. McFarland, "Ulrich von Lichtenstein," pp. 182–85, 189–91. Ingo Reiffenstein, "Rollenspiel und Rollenentlarvung im Frauendienst Ulrichs von Lichtenstein," in Weiss, *Festschrift für Adalbert*

Third, even more than Arnold III of Rodank or Mathilda, Ulrich demonstrated his knowledge of a great repertory of literary works that, like Walter von der Vogelweide's "Ir sult sprechen willekomen," he either cited directly or alluded to. The *Frauendienst* may be a pastiche of all sorts of motifs borrowed from *Minnelieder*, but the point is that Ulrich knew them. It is immaterial in the final analysis whether Ulrich really dressed as King Artus or organized a round table society (he may have learned about such tournament practices from the English knights whom Henry III of England had sent to his imperial brother-in-law). The significant thing is that a ministerial in the eastern Alps was familiar with the latest literary and courtly fashions. It is important to remember that Ulrich was not a professional poet who depended on his literary knowledge and skill to survive, but a great magnate who played a prominent role in Styrian politics for nearly half a century. That makes his familiarity with a wide range of literary works even more astonishing. Moreover he expected his audience—the men he named in the novel or their sons, but also their wives and daughters to whom he gave courtly advice—to be familiar with many of the literary works he incorporated in the *Frauendienst*. After all, like Alfred's arias in *Die Fledermaus*, that is part of the joke. The *Frauendienst* thus testifies to the widespread diffusion of courtly culture and literature among the nobles, ministerials, and knights in southeastern Germany.

Fourth, the novel, like the frescoes, is also a monument to the shift of cultural leadership from the old free nobility to the great lords of ministerial ancestry. Ulrich's example may have aroused the literary and historical interests of his son and son-in-law. Herrand II of Wildon was himself a poet who cited his father-in-law as a source for a humorous tale.<sup>100</sup> Otto II of Liechtenstein may very well have been the patron of his vassal Ottokar aus der Gaal, the author of what has been called in a recent general history of Germany the most extensive and important late medieval German historical work in verse.<sup>101</sup> It is quite possible that Ottokar, whose birth has been placed about 1265 and who was first mentioned in a document in 1287, received his education at the court of Ulrich and Otto II.<sup>102</sup> Ursula Liebertz-Grün concluded her analysis of the *Österreichische Reimchronik* with the observation that by 1300 the households of the great Styrian lords were

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*Schmidt* (see above, n. 84), p. 118, concluded that the first love service was deliberately presented in a comical fashion and was thus a model for how not to serve a lady.

100. Michael Curschmann, "Herrand von Wildonie (Wildon)," in *Die deutsche Literatur des Mittelalters: Verfasserlexikon*, vol. 3, ed. Christine Stöckinger (New York, 1981), p. 1146.

101. Moraw, *Propyläen Geschichte Deutschlands* 3:343. On the Liechtensteins' patronage of Ottokar aus der Gaal, see *Ottokars Österreichische Reimchronik* 1/1:107, lines 8120–28; Ursula Liebertz-Grün, *Das andere Mittelalter: Erzählte Geschichte und Geschichtskennntnis um 1300: Studien zu Ottokar von Steiermark, Jans Enikel, Seifried Helbling*, *Forschungen zur Geschichte der älteren deutschen Literatur* 5 (Munich, 1984), pp. 102–3; and Spechtler, "Untersuchungen," pp. 194–97.

102. Lhotsky, *Quellenkunde*, p. 288.

more conducive than princely courts to the creation of original literary works.<sup>103</sup> That too was one of Ulrich's achievements.

Fifth, as Ulrich's lament about the evil days that followed the death of Duke Frederick shows, the *Frauendienst* is a *laudatio temporis acti*, the glorification of a golden age that exists only in the writer's memory. Although the middle-aged Ulrich may have idealized his youth, Ottokar aus der Gaal, whose work was directed at the Liechtensteins and their friends, echoed the same theme of political and moral decline.<sup>104</sup> Ulrich's remedy was in part, as Thum and McFarland have suggested, a revival of courtly culture with its emphasis on good manners, fine clothes, tournaments, festivals, and the courting of ladies; and with a smile on his face Ulrich even offered his poetical self as a role model.

It is worth noting in this regard that Ottokar aus der Gaal, who probably wrote at the Liechtensteins' behest, presented Ulrich as the exemplary knight. For example, according to the chronicler, before 1254 Ulrich and his brother were the only Styrian magnates who refused Bela's bribes to select him as their duke.<sup>105</sup> Just as the alleged assembly of the princes at Friesach in 1224 was merely the stage for Ulrich's appearance as the Green Knight, so the 1258 Styrian invasion of Salzburg became, in Ottokar's telling, simply the backdrop to reveal Ulrich's sagacity and bravery. Ottokar described Ulrich, specifically, as "clever and courageous, and utterly faithful."<sup>106</sup> Most revealing of all is the chronicler's description of Ulrich's behavior when Ottokar II released him in 1269 after falsely imprisoning him for twenty-six weeks. The king had arrested five prominent Styrian magnates, including Ulrich, who had been accused by Frederick V of Pettau of plotting to turn Styria over to another prince. They had finally been freed after they had surrendered their castles to the king. Ulrich was allowed to keep Frauenburg, but his two other castles, Liechtenstein and Murau, were demolished. Whereas the other magnates were depressed by their long imprisonment and did not even bother to trim their beards before appearing in the king's presence after their release, Ulrich shaved, put on new clothes, and was so cheerful that the king praised him.<sup>107</sup> In short Ulrich was, even in adversity—or so Ottokar wants us to believe—the perfect courtier. It is irrelevant whether the "real" Ulrich behaved in this fashion. The crucial point is that Ulrich presented himself in the *Frauendienst* and

103. Liebertz-Grün, *Das andere Mittelalter*, p. 167.

104. *Ottokars Österreichische Reimchronik* 1/1:13–15, lines 975–1112. See Spechtler, "Probleme," pp. 218–19.

105. *Ottokars Österreichische Reimchronik* 1/1:31, lines 2294–2303.

106. *Ibid.*, 1/1:26, lines 1971–74.

107. *Ibid.*, 1/1:129–34, lines 9778–10, 120, esp. p. 133, lines 10,046–58. On the incident, see V. Novotný, "Beiträge zur Geschichte Přemysl Otakars II.," *MIÖG* 31 (1910): 291–301; Liebertz-Grün, *Das andere Mittelalter*, pp. 116–17. Other chroniclers reported that in 1268/69 Ottokar arrested several Styrian magnates whom he suspected of treason but released them after he had destroyed their castles. See *Annales-Sancti Rudberti*, p. 798; and *Continuatio Claustroneoburgensis IV. a. 1267–1279*, ed. Wilhelm Wattenbach, *MGH SS* 9 (Hanover, 1851), p. 648.



was portrayed by Ottokar aus der Gaal in the *Reimchronik* as the embodiment of aristocratic and courtly virtues, whose very life was a model for others to emulate.

Sixth, underlying this emphasis on the nobility of Ulrich's character and conduct, as Dopsch pointed out, was Ulrich's wish to remove the barriers that separated the great ministerial lineages from the few surviving lineages of comital and free noble ancestry. This became a reality, at least in territorial law, a few decades later, particularly in Styria, with the formation of the *Herrenstand*.<sup>108</sup> Ulrich was acutely aware, as his description of the participants in the Friesach tournament shows, of the social and legal distinctions and of his own place as a ministerial in the hierarchy; but it is also worth noting that he grouped counts, free lords, and ministerials in one stanza (186) and the unnamed knights, who belonged to a separate estate in late medieval Styria, in another (200). Perhaps even more revealing is Ulrich's comment on how he procured the services of fifty of the very highest (*hoehsten*)—counts, free nobles, and ministerials—after Otto IV of Lengenbach, the cathedral advocate of Regensburg, agreed to fight on Ulrich's side at the Korneuburg tournament (stanza 992). Mere knights need not apply. Ulrich was not advocating equality between the great ministerial lineages and his inferiors the knights, as Thum supposed, but was promoting the integration of the ministerials with the old nobility. In other words, the *Frauendienst* shows the first stage in the formation of the Styrian estate of lords.

Ulrich also knew, Dopsch thought, that his family was of free noble ancestry and may have assigned such a prominent role to the cathedral advocate of Regensburg, according to Dopsch, precisely because the Lengenbachs like the Liechtensteins were descendants of the Traisen-Feistritz clan. Although the Lengenbachs had succeeded the counts of Sulzbach as the cathedral advocates and had risen in status, the Liechtensteins had entered the ducal ministerialage and declined in status.<sup>109</sup>

Ulrich's knowledge of his noble ancestry suggests, finally, that the *Frauendienst* may have been a humorous way to assert that the Liechtensteins and ministerial lineages like them were in fact the social equals of the old free nobles, who were in many cases their kinsmen or their former peers. Ulrich made himself the butt of much of the humor. For example, he described the general merriment when, dressed as Queen Venus, he insisted during a mass at Treviso that a countess give him the kiss of peace—only persons of the same sex could do so.<sup>110</sup> Similarly, everyone laughed after the *Venusfahrt* at Ulrich's remarkable transformation from a rich queen into an ordinary man (stanzas 988–89). But a fool can speak

108. Dopsch, "Der Dichter Ulrich von Liechtenstein," p. 116.

109. *Ibid.*, pp. 112–14, 116. The Sulzbachs had been the advocates of Regensburg since 1148. See Klebel, *Der Lungau*, p. 16.

110. Ulrich von Liechtenstein, *Frauendienst*, stanzas 534–39. He says in stanza 536, line 8, "gelachtet wart des dâ genuoc," and about the countess in stanza 538, line 1, "Diu schoene lachen des began."

the unwelcome truth in jest. Much of the humor depends on role and gender reversals.<sup>111</sup> The most obvious are Ulrich's appearances as Queen Venus and King Artus, but at the Friesach tournament the Green Knight, a ministerial in disguise, stole the show—allegedly, of course—from the assembled princes. Indeed, the whole structure of the novel depends, as Hausner pointed out, on the reversal of the traditional roles of the man and woman in the Arthurian romance: it is the first lady, not Ulrich, who commits the unmentionable deed. In this looking-glass world, and only there, a countess can hold the train of a ministerial male queen (stanza 534, line 4) or a great nobleman like Otto of Lengenbach can serve as the marshal of a ministerial (stanza 755). Indeed, Duke Frederick II himself, the highest representative of the feudal order and Ulrich's rightful lord, can ask to serve Artus-Ulrich (stanza 1457); and a ministerial can invite a duke to join his royal retinue and promise him all he desires, small or great (stanza 1459). It was a joke, not reality, and everyone including Ulrich laughed at the absurdity of a world turned upside down, but can we not also detect the tears in Ulrich's eyes? In the "real" world, where the kings of Bohemia and Hungary were the duke's enemies, Ulrich had to admit that he was the duke's subject (stanza 1607, line 1) and his rightful ministerial (stanza 1660, line 3), not a nobleman.

### Ambivalence

Perhaps the most striking thing that this analysis of the ministerials' self-consciousness shows is how rapidly the latest chivalric fashions and literary works diffused among the ministerials in southeastern Germany. Ortoľ II of Katsch had given his new Slovenian castle the French name Montpreis by 1190, a date that is all the more remarkable because such French names appear even in the westernmost parts of Germany only at the same time. Arnold III of Rodank or his wife Mathilda commissioned a painter to decorate their castle with scenes from Hartmann von Aue's *Iwein* when the ink had barely dried on the parchment. Ulrich of Liechtenstein assumed that his audience was familiar with the newest international tournament practice, the round table, and would catch his literary allusions. The ministerials' patronage of artists and writers, and in Ulrich's case his authorship of the *Frauendienst*, not only demonstrated their good taste, itself the hallmark of an aristocrat, but affirmed their noble status.

All the ministerials who in some way showed their familiarity and enthusiasm for the new cultural and literary fashions belonged to great ministerial lineages: Kuno III of Schnaitsee-Gutrat, Ortoľ II of Katsch, Archbishop Frederick II of Walchen, Arnold III of Rodank, Ulrich I of Liechtenstein, his son Otto, and Her-

111. Schmidt, "Späthöfische Gesellschaftsstruktur," p. 46, pointed out that Ulrich reversed the social order by disguising himself as King Artus and could thus ask the duke to serve him.

rand II of Wildon. They owned their own castles, in several cases more than one (Ulrich and Arnold each had three); and they or their kinsmen attained high ecclesiastical offices. Arnold's cousin Conrad was the first ministerial bishop of Brixen, and Ulrich's brother Hartnid served as bishop of Gurk from 1283 to 1298.<sup>112</sup> Some of them, Ortolf, Archbishop Frederick, Ulrich, and possibly also Arnold, were the descendants of free nobles who, voluntarily or not, had become ministerials and had not forgotten their origins. Ortolf's love of the Dietrich of Bern saga may be directly related to the fact that Dietrich was associated in the twelfth century with the nobility's resistance to tyranny; and the real message of the *Frauendienst* may be that great ministerial lineages like the Liechtensteins were the equals of their erstwhile noble peers. In short, the Rodenegg frescoes and the *Frauendienst* were hardly the creations of parvenus but were initiated by great ministerial lords whose lifestyle and conduct were indistinguishable from those of such free nobles as Hugo IV of Taufers or Otto IV of Lengenbach, who were their kinsmen.

And yet things are not quite so simple. Mathilda may have commissioned the frescoes to remind her husband of the deference he, a ministerial, owed to the granddaughter of a count; and Ulrich had to resort to comic role and gender reversals to convey his message of equality. To suggest that a great ministerial lord, even one who was himself of free noble ancestry and could field a force of a hundred men, was really the equal of a noble was itself a joke. Nobles and ministerials were equals in Ulrich's imagination and dreams, but not in the real world of the mid-thirteenth century, where they remained noble bondsmen. In that sense Köhler and Kaiser are right; the Rodenegg frescoes and the *Frauendienst* do reveal the innermost yearnings for acceptance of the greatest ministerial lords.

112. Dopsch, "Der Dichter Ulrich von Liechtenstein," p. 113.

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## Conclusion

The disjunction between the ministerials' legal condition and their social status as the *de facto* nobility of southeastern Germany during the High Middle Ages is most clearly revealed by their marital practices. Their choice of spouses was limited by the same customs that applied to all serfs. Indeed, Bishop Rüdiger of Passau, who was himself the scion of a family of prominent archiepiscopal ministerials, the Bergheims, and Duke Leopold VI of Austria could simply agree in 1244 that their ministerials and "others of lesser condition" could intermarry freely, provided they and their inheritances were divided equally.<sup>1</sup> Like all serfs, the ministerials were required to marry within their lord's familia, and their properties could be confiscated—at least in theory, as Karl of Gutrat discovered—if they contracted an extrinsic match.

Paradoxically, the first extant agreements dividing the children of a ministerial cross-marriage, for example, the 1213 accord that determined the fate of Bishop Rüdiger's own nephews and nieces, date from a period when the ministerials had already made great strides in emancipating themselves from the familia and were becoming the nobility of southeastern Germany. In fact by the end of the twelfth century scribes were employing the oxymoron "*nobilis ministerialis*" to honor a ministerial benefactor. It is no accident that about 1200 the princes began making such formal conventions. They were being forced to reconcile the traditional seigneurial custom of maternal ascription with patrilocality and inheritance practices that favored the descent of property in the male line. No lord bent on asserting his territorial supremacy could risk alienating a powerful lineage's property and rights to another prince simply because a man had contracted an extrinsic marriage. It

1. BUB 2:276–77, no. 424.

was thus in every lord's interest to reach some sort of equitable arrangement about the division of the children and patrimony of a ministerial cross-marriage. The princes could make general conventions, like that between Bishop Rüdiger and Duke Leopold, or specific accords about individual marriages, like the one Eberhard II and Bishop Manegold of Passau asked Frederick II to confirm in 1213. The exact terms of such agreements depended on the lordships and families involved and the overall political circumstances and were a constant reminder of the ministerials' inferior legal condition. There was no single solution for resolving such conflicts between different societal norms, just as there was no single family strategy to which all families adhered.

Ironically, it was the church, through its prohibition of consanguineous marriages, that forced the ministerials to contract extrinsic marriages. The twenty or so lineages of greater archiepiscopal ministerials could not easily contract exogamous marriages to their social peers within the familia, particularly before the church's teachings were modified in 1215. At the same time, such extrinsic marriages symbolized the ministerials' emancipation from the familia and were presumably sought for that very reason. Such marriages also served the archbishop's interests, however, because they forged links with the powerful retainers of other princes, like the Liechtensteins, and could be employed, as the history of Schnaitsee or Hohenstein illustrates, to obtain a disputed lordship.

Yet the archbishops continued to insist until the fourteenth century that the ministerials had to marry within the familia. Indeed, the ministerials, especially those who had aroused the archbishops' displeasure, expressed their allegiance to the archbishops not by swearing an oath of fealty but by promising that they or their children would marry only with the archbishop's permission, under penalty of forfeiting their possessions. The promise was a formal acknowledgment of the ministerials' servile status and is a reminder to modern scholars that servile as well as "feudal" bonds could be utilized to build a medieval "state." The archbishops' conception of their lordship thus remained very patriarchal even in 1300; the "gottshaus" of Salzburg was, as Archbishop Frederick III called it in the first general tax ordinance of 1327,<sup>2</sup> an expanded household. The quasi-bureaucratic, late medieval territorial state was simply superimposed on an existing network of personal ties.

The custom of dividing the children of a ministerial cross-marriage ceased at the beginning of the fourteenth century, when the princes started to give a woman who married outside the familia to the husband's lord. In return, the wife was often required to renounce any further claims to her paternal patrimony, though in such a case her dowry could serve as a premortem inheritance. Women thus paid the price for the disappearance of the most visible symbol of the ministerials' servility, but the requirement that ministerials marry within the familia remained

2. SUB 4:368-69, no. 322.

intact as an instrument of political control. The taint of servitude clung to the ministerials, even to the scions of the most powerful lineages, precisely because it was an effective legal device to assert the prince's territorial supremacy.

The archbishops were able to exert so much control over their ministerials' marriages, even when the ministerials began about 1270 to be styled in archiepiscopal charters as nobles, because the ministerials were becoming increasingly dependent financially on the prince-archbishops. This was in part a result of a change in the ministerials' family strategies. Like such noble families as the counts of Falkenstein, the ministerials, particularly in the second half of the twelfth century, had limited the number of children they permitted to marry, often allowing only one son in each generation to wed. The proliferation in the archdiocese of double houses of Augustinian canons and canonesses, including the cathedral chapter, testifies to the fate of many daughters and younger sons. The latter, if they remained laymen, could marry only if, like Otto I of Pettau-Königsberg, their mother had been an heiress or if they themselves, like Megingod II of Surberg, snared one. Alternatively, younger sons, like Pabo Hofekelz of Berg or his brother Starchant, could establish a lordship on the southeastern or alpine frontier or possibly, like the Itzlings, settle in a town; but the frontier closed about 1200, and the mountainous archdiocese was an overwhelmingly rural area. The danger of limiting so severely the number of children a lineage permitted to marry was that a family ran the risk of dying out in the male line if the designated heir failed to sire a son. The rapid extinction of the old nobility in the twelfth century and the similar fate of such ministerial lineages as the Seekirchens or Haberland-Siegsdorfs revealed the folly of such a policy in an age of endemic violence, which was itself at least in part a consequence of a family strategy that produced many bored young men who were waiting for their fathers or older brothers to die.

Many lineages therefore adopted in the thirteenth century the new strategy of allowing two sons to marry, but this new family policy raised the problem of supporting more than one couple and potential widow in each generation in a manner commensurate with the lineage's status, especially at a moment when the ministerials, like Ulrich I of Liechtenstein, were asserting their claims to nobility. The proper maintenance of a couple was a major concern because a married couple was expected to establish a separate household. The shift from the *Leibgedingssystem*, in which the widow, particularly a childless one, retained the use of a sizable portion of her husband's estate, to the *Heiratsgabensystem*, in which the bride's family for the first time made a significant contribution to the establishment of the household, was both a cause and a response to this change in family strategy.

Unlike some other parts of Europe, however, where dowry inflation became rampant, the amount of the dowry never exceeded the widow's dower in the archdiocese and actually declined relative to the dower in the Later Middle Ages. The size of the dowry was determined within narrow limits by the bride and groom's

estate, because the real purpose of the whole system of dotal payments was not to transfer wealth from one lineage to another but to form an alliance with another family.

Such dotal payments thus helped to define the membership of an estate in a particular principality and identified the lineage's peers in neighboring territories. If we accept Otto Brunner's definition of the late medieval *Land* as "a judicial district in which territorial law applied" and whose judicial community was composed of "the people of the land," that is, the landowning elite who exercised rights of lordship,<sup>3</sup> then the *Heiratsgabensystem* was instrumental in the constitution of Salzburg as a *Land* separate from Bavaria at the beginning of the fourteenth century. (Archbishop Frederick III levied the first general tax in 1327 and issued the first territorial ordinance [*Landesordnung*] the following year.)<sup>4</sup> At the same time the system of dotal payments strengthened the principality's ties to the Habsburg domains, with whom the archbishop was allied after 1297.

Another reason families could permit more than one son to marry was that the new ecclesiastical principality provided laymen with opportunities to serve the prince-archbishop as castellans, judges, councillors, and such. Such employment brought its material rewards, frequently in the form of an archiepiscopal contribution to the marriage of the ministerial or his children. These matrimonial subsidies may have been especially welcome, because by 1300, for a number of reasons, many lineages like the Staufenecks were in mounting financial difficulty: political miscalculations, an extravagant lifestyle befitting the family's noble status, the fragmentation of the lineage's patrimony among too many heirs, the devastation of the ministerials' estates during the repeated wars after 1246, and perhaps climatic change. The archbishops, who were among the wealthiest prelates in Christendom, utilized the ministerials' family misfortunes to consolidate their authority (for example, by acquiring the lordships of extinct or impoverished lineages such as the Gutrats or Staufenecks) and to promote the rise of new knightly families like the Kuchls, whose ancestors had started to play a prominent role in the principality's affairs during Eberhard II's archiepiscopate. The number of prominent ministerial lineages dwindled rapidly, and late medieval Salzburg, unlike the duchies of Austria and Styria, had only one noble estate, the ineffectual *Ritterstand*. By the end of the Middle Ages, Salzburg was a principality without a native nobility.

I do not know whether the history of the Salzburg ministerialage is typical. Other scholars will have to examine the retainers of other princes from the perspective of family history to find out whether, for example, the system of dotal payments evolved in a similar fashion elsewhere. Since the ministerials were in large measure a creation of the lord they served, I would expect considerable re-

3. Brunner, *Land and Lordship*, pp. 192, 341.

4. SUB 4:368-69, no. 322; 380-87, no. 329.

gional and territorial variations. Perhaps it will then be possible to draw some conclusions for the empire as a whole that account for both the similarities and the differences.<sup>5</sup>

Beyond that, this book raises once again the question of how applicable the so-called feudal model—particularly if feudalism is defined primarily as a political and military system—is for studying the German political and social structure. Otto Brunner's presentation of the constitution of the late medieval *Land* will also need to be revised to take into consideration that the lords of the eastern alpine principalities he studied were largely of ministerial ancestry, a fact Brunner chose to ignore. Finally, any textbook definition of the medieval nobility or serfdom has to be broad enough to encompass the noble bondsmen.

I have not attempted to answer one question, the one that often seems most important to men and women in the late twentieth century: Did medieval couples, whose marriages were the subject of such political, financial, familial, seigneurial, and religious considerations, love one another? It was not unusual for a husband to refer to his beloved wife in a property transaction—not the place one normally looks for signs of conjugal affection. For example, Henry of Scharfenberg stated in 1244 that he was renouncing his rights to various properties in the Lungau with the consent of his beloved wife (“dilecte uxoris”), Gerbirg of Pettau.<sup>6</sup> Although the phrase was formulaic, its inclusion reveals something about societal expectations. Arranged marriages and conjugal affection are one more example of the conflicting societal norms that shaped the ministerials' lives.

There is some other tantalizing and contradictory evidence that may shed some

5. I received Karl-Heinz Spiess's new book, *Familie und Verwandtschaft im deutschen Hochadel des Spätmittelalters: 13. bis Anfang des 16. Jahrhunderts*, Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte, Beiheft 111 (Stuttgart, 1993), too late for inclusion in this book. Spiess examines fifteen high noble families of nonprincely rank who lived in Franconia, Hesse, and the middle Rhine area and who survived until at least the fifteenth century. His chief source is 130 marriage contracts. Although Spiess deals with a higher stratum of the nobility in a different area and later period (most of his evidence comes from the fifteenth century), his findings generally corroborate my own. For example, he finds no evidence for dowry inflation. From the fourteenth century onward there was generally a 1:1 ratio between the dowry and the dower. Although the dowry did not decline relative to the dower, as it did in the Austro-Bavarian area, payment of a morning gift, usually one-third or one-half of the dowry (p. 143), appears to have been more common and created in effect a ratio of 1:1.5 between the bride's and groom's obligations. The amount of the dowry was largely fixed by the couple's estate. The average dowry of a knight's daughter was 450 Rhenish gulden, that of a count's or free noble's daughter (this group included some descendants of imperial ministerials), 4,350 gulden, and of a princess 30,888 gulden (pp. 344–45). Moreover, Spiess found a pattern of endogamous marriages, for example, between the descendants of different lines of the same lineage, or between the children of a couple's previous marriages (many of these marriages violated the canonical prohibitions). The result was that dowries in effect often canceled each other out—precisely the pattern of behavior I discussed in chapter 4. The major difference between Spiess's nobles and my ministerials is that the archbishops' control of the ministerials' marriages was the chief reminder of their servile origins, whereas the nobles sought to preserve their independence from the princes. The princes, however, often served as matchmakers and thus asserted considerable influence in the nobles' choice of partners.

6. SUB 3:601, no. 1054.



light on, though not answer, this question. Before leaving on Barbarossa's ill-fated fourth Italian campaign, Count Sigiboto IV ordered the inclusion in the *Codex Falkensteinensis* of a family portrait, the oldest drawing of this type. It shows the count, his wife Hildegard of Mödling, and their two young sons Kuno and Sigiboto V, but not the couple's daughters. The inscription reads: "Say farewell to your father, and you sons, speak kindly to your mother. Beloved who reads this, remember us, we beseech you. All may do this, but especially you, most dear son."<sup>7</sup> It is hard to imagine a more touching example of family affection. Yet Mathilda of Hohenburg may have commissioned the Rodenegg frescoes, which show a grieving and still unforgiving Laudine and a submissive Iwein, to remind her husband Arnold III of Rodank of her sacrifice in marrying him. The paintings hardly seem to commemorate a happy marriage. Finally, there is Ulrich of Liechtenstein, who confessed, if we can believe one word he said:

and I rode onward, sad again,  
until at last I came to where  
I found a lot of loving care,  
to my sweet wife. She couldn't be  
in any way more dear to me  
although I'm in the service of  
another, who's my lady love.<sup>8</sup>

But appearances can be deceiving. When Count Sigiboto left for Italy, he appointed as his sons' guardian not Hildegard but her father, Kuno III of Mödling, who was to be advised by five of the count's men, including his illegitimate cousin.<sup>9</sup> Kuno no doubt looked after his daughter's interests, but why did Sigiboto not leave Hildegard in charge? Likewise, could the visitor to Rodenegg who knew that Arnold and Mathilda were devoted to one another supply the missing happy ending to the tale? Moreover, could Ulrich have been an utterly faithful husband, known throughout Styria for his devotion to his wife, and the account of his alleged philandering part of the joke? Some things, then and now, are beyond our knowledge.

7. CF, p. 29\*, n. 2.

8. *Ulrich von Liechtenstein's "Service of Ladies,"* p. 176, stanza 1088, lines 2–8.

9. CF, pp. 3–4, no. 1.

## APPENDIX I

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# The Archbishops of Salzburg, 923–1365

- Odalbert (923–35)  
Egilolf (935–39)  
Herold (939/40–958, d. 967/68)  
Frederick I (958–91)  
Hartwig (991–1023)  
Gunther (1023–25)  
Thietmar (1025–41)  
Baldwin (1041–60)  
Gebhard (1060–88)  
    Berthold of Moosburg, antiarchbishop  
    (1085–1106, d. ca. 1115)  
Thiemo (1090–98, d. 1101)  
Conrad I of Abensberg (1106–47)  
Eberhard I of Biburg (1147–64)  
Conrad II of Babenberg (1164–68)  
Adalbert II of Bohemia (1168–77,  
    1183–1200)  
    Henry, antiarchbishop (1174–77,  
        d. 1196 as bishop of Brixen)  
Conrad III of Wittelsbach (1177–83,  
    d. 1200 as archbishop of Mainz)  
Eberhard II of Regensburg (1200–1246)  
Burckhard I of Ziegenhain (1247)  
Philip of Spanheim, archbishop-elect  
    (1247–57, d. 1279)  
Ulrich (1256–65, d. 1268)  
Ladislau of Silesia (1265–70)  
Frederick II of Walchen (1270–84)  
Rudolph I of Hohenegg (1284–90)  
    Stephen of Bavaria (1290–91)  
Conrad IV of Fohnsdorf (1291–1312)  
Weichart of Polheim (1312–15)  
Frederick III of Leibnitz (1315–38)  
Henry of Pirnbrunn (1338–43)  
Ortolf of Weissenegg (1343–65)

## APPENDIX 2

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### Ministerial Lineages

This list is based on my own genealogical, prosopographical, and topographical studies of the individual lineages, which I hope eventually to make available to scholars in some format. As I explained in the introduction, I have defined a lineage as a family grouping composed of at least two individuals other than a couple—that is, a parent and child or siblings—who employed the same surname, unless it can be demonstrated that the individuals normally used different toponyms. If brothers employed different surnames, I have classified the toponym as the home of a separate lineage only if the cadet line persisted for at least two generations.

#### *Ministerial Lineages*

1. Adnet, Salzburg
2. Ampfing, Upper Bavaria
3. Aschau, Upper Bavaria
4. Atzging, Upper Bavaria, or Atzing, Lower Bavaria
5. Aust, Upper Bavaria
6. Bachham, Upper Bavaria
7. Baumhofen, Salzburg
8. Bennoberg, Upper Bavaria
9. Berg (northwest of Au), Upper Bavaria
10. Berg (northwest of Schnaitsee), Upper Bavaria
11. Bergham, Upper Bavaria
12. Bergheim, Salzburg
13. Biburg, Lower Bavaria
14. Bischofshofen, Salzburg
15. Buchberg, Salzburg
16. Cholenberg, Carinthia or Styria?
17. Deinsberg, Carinthia
18. Deutenheim, Upper Bavaria
19. Deutsch-Landsberg, Styria
20. Diebering, Salzburg
21. Dietfurt, Lower Bavaria
22. Dirnberg, Upper Bavaria
23. Dornberg, Upper Bavaria

24. Eberharting, Upper Bavaria
25. Eching, Salzburg
26. Egerdach, Upper Bavaria
27. Eichham, Upper Bavaria
28. Elbrechting, Upper Bavaria
29. Engham, Upper Bavaria
30. Engolding, Upper Bavaria
31. Fager, Upper Bavaria
32. Felben, Salzburg
33. Feldsberg, Carinthia
34. Fenning, Salzburg
35. Forsting, Upper Bavaria
36. Fraham, Upper Bavaria
37. Freidling, Upper Bavaria
38. Friesach, Carinthia
39. Froschham, Upper Bavaria
40. Glas, Salzburg
41. Göming, Salzburg
42. Gois, Salzburg
43. Goldegg, Salzburg
44. Grabenstätt, Upper Bavaria
45. Graz, Styria
46. Griesstätt, Upper Bavaria
47. Gurkfeld (Kŕsko), Slovenia
48. Gutrat, Salzburg
49. Harpfetsham, Upper Bavaria
50. Harskirchen, Lower Bavaria
51. Hart, Upper Bavaria, Tyrol,  
or both?
52. Haunertsholzen, Upper Bavaria
53. Helpfau, Upper Austria
54. Herding or Höring, Upper Austria
55. Hessenbach, Upper Bavaria?
56. Hochstätt, Upper Bavaria
57. Högl, Upper Bavaria
58. Hörberg (Podsreda), Slovenia
59. Hofisen, Upper Bavaria
60. Hohenburg, Carinthia
61. Hohenstein, Upper Bavaria
62. Hollenegg, Styria
63. Hornburg, Carinthia
64. Hüttenberg, Upper Bavaria
65. Itzling, Salzburg
66. Jaun or Jauntal, Carinthia
67. Jettenbach, Upper Bavaria
68. Kalham, Salzburg
69. Kappel, Tyrol
70. Kappeln, Upper Bavaria
71. Kaprun, Salzburg
72. Katsch (Rauchenkatsch), Carinthia
73. Katzbach, Upper Bavaria
74. Kellau, Salzburg
75. Kendl, Salzburg
76. Kirchhalling, Upper Bavaria
77. Klaus, Styria
78. Knutzing, Salzburg
79. Köfering, Lower Bavaria
80. Königsberg (Kunšperk), Slovenia
81. Köppach, Upper Austria
82. Kuchl, Salzburg
83. Kulm, Styria
84. Kumberg, Styria
85. Ladau, Salzburg
86. Lassnitz, Styria
87. Laufen, Upper Bavaria
88. Leberskirchen, Lower Bavaria
89. Leibnitz, Styria
90. Lengfelden, Salzburg
91. Leonroth, Styria
92. Luckenrott, Upper Bavaria
93. Mariapfarr, Salzburg
94. Matrei (Windischmatrei),  
East Tyrol
95. Mattsee, Salzburg
96. Michaelerberg, Styria
97. Miesenbach, Upper Bavaria
98. Montpreis (Planina), Slovenia
99. Moosham, Salzburg
100. Mornaer (lived in city of Salzburg)
101. Mornpeunt, Salzburg
102. Muckham, Upper Bavaria
103. Mühlberg, Salzburg
104. Mundenham, Upper Austria
105. Munzing, Upper Bavaria
106. Nassau, Styria
107. Neideck or Neudeck, Styria

- |   |                                   |
|---|-----------------------------------|
| 108. Neukirchen, Upper Bavaria                        | 149. Thambach, Upper Bavaria      |
| 109. Nonnberg, Salzburg?                              | 150. Tiefenbach, Upper Bavaria?   |
| 110. Nopping, Salzburg                                | 151. Titlmoos, Upper Bavaria      |
| 111. Nussdorf am Haunsberg, Salzburg                  | 152. Törring, Upper Bavaria       |
| 112. Oberndorf, Salzburg                              | 153. Truchtlaching, Upper Bavaria |
| 113. Offenwang, Upper Bavaria                         | 154. Umrathshausen, Upper Bavaria |
| 114. Panicher (lived in Mühldorf),<br>Upper Bavaria   | 155. Unken, Salzburg              |
| 115. Pettau (Ptuj), Slovenia                          | 156. Unzing, Salzburg             |
| 116. Pfaffing, Upper Bavaria                          | 157. Voggenberg, Salzburg         |
| 117. Piber, Styria                                    | 158. Waging, Upper Bavaria        |
| 118. Pullach, Upper Bavaria                           | 159. Walchen, Salzburg            |
| 119. Radeck, Salzburg                                 | 160. Wald, Upper Bavaria          |
| 120. Radstadt, Salzburg                               | 161. Walkersaich, Upper Bavaria   |
| 121. Rampoltsheim, Upper Bavaria                      | 162. Weilkirchen, Upper Bavaria   |
| 122. Reichenburg<br>(Rajhenburg-Brestanica), Slovenia | 163. Weissenegg, Carinthia        |
| 123. Saalfelden, Salzburg                             | 164. Weng, Salzburg               |
| 124. Sachsenburg, Carinthia                           | 165. Weng, Upper Bavaria          |
| 125. Sax or Sachs, Upper Bavaria?                     | 166. Wiesbach, Salzburg           |
| 126. Schelmberg, Carinthia                            | 167. Wieting, Carinthia           |
| 127. Schernberg, Salzburg                             | 168. Wonneberg, Upper Bavaria     |
| 128. Schmerbach, Upper Bavaria                        | 169. Zaisberg, Salzburg           |
| 129. Schönstein (Šoštanj), Slovenia                   |                                   |
| 130. Seekirchen, Salzburg                             |                                   |
| 131. Sicking, Upper Bavaria                           |                                   |
| 132. Siegsdorf, Upper Bavaria                         |                                   |
| 133. Sims, Upper Bavaria                              |                                   |
| 134. Sonham, Upper Bavaria                            |                                   |
| 135. Staufeneck, Upper Bavaria                        |                                   |
| 136. Stefling, Upper Bavaria                          |                                   |
| 137. Steinbrünning, Upper Bavaria                     |                                   |
| 138. Steinkirchen, Lower Bavaria                      |                                   |
| 139. Stempo of the Pongau, Salzburg                   |                                   |
| 140. Stöttham, Upper Bavaria                          |                                   |
| 141. Sulzberg, Salzburg                               |                                   |
| 142. Surberg, Upper Bavaria                           |                                   |
| 143. Surheim, Upper Bavaria                           |                                   |
| 144. Taching, Upper Bavaria                           |                                   |
| 145. Tann, Salzburg                                   |                                   |
| 146. Tegernbach, Upper Bavaria                        |                                   |
| 147. Teisendorf, Upper Bavaria                        |                                   |
| 148. Tettelham, Upper Bavaria                         |                                   |

*Other Surnames Employed by the Lineages*

1. Chiemgau. *See* Altofing and Berg near Schnaitsee
2. Drau or Drauhofen, Carinthia. *See* Schönstein
3. Fischach, Salzburg. *See* Itzling
4. Forchtenstein, Styria. *See* Bergheim
5. Gersdorf, Styria. *See* Bergheim
6. Gobrechtsham, Upper Austria. *See* Mehrnbach
7. Grafendorf, Carinthia. *See* Friesach
8. Haberland, Upper Bavaria. *See* Siegsdorf
9. Hallwang, Salzburg
10. Hieburg, Salzburg. *See* Felben
11. Hofekelz (nickname). *See* Berg near Schnaitsee

12. Höhenberg, Upper Bavaria. *See* Surberg
  13. Isengau, Upper Bavaria. *See* Aschau, Fraham, Göming
  14. Krems, Styria. *See* Leonroth
  15. Liechtenberg (today Lichtenwald), Carinthia. *See* Graz
  16. Litzlkirchen, Upper Bavaria. *See* Fraham
  17. Mannsburg (Mengeš), Slovenia. *See* Gurkfeld
  18. Mantelkirchen, Upper Bavaria. *See* Biburg
  19. Mehrn or Mehrnstein, Tyrol. *See* Berg near Schnaitsee
  20. Muntigl, Salzburg. *See* Tann
  21. Neuhaus. *See* Teisendorf
  22. Nockstein, Salzburg. *See* Wald
  23. Pinzgau, Salzburg. *See* Felben, Kaprun, Klaus, Walchen
  24. Pongau, Salzburg. *See* Buchberg, Goldegg, Klaus, Radstadt, Schernberg
  25. Ramsau, Upper Bavaria. Same as Aschau and/or Fraham?
  26. Reichenstein (Raštanj), Slovenia. *See* Reichenburg
  27. Sankt Jakob am Thurn, Salzburg. *See* Lengfelden
  28. Sankt Michael im Lungau, Salzburg. *See* Pettau
  29. Sankt Ulrich, Styria. *See* Deutsch-Landsberg
  30. Schnaitsee, Upper Bavaria. *See* Gutrat
  31. Senftenberg, Lower Austria. *See* Gutrat
  32. Stranach, Salzburg. *See* Mariapfarr
  33. Sulzau, Salzburg. *See* Felben
  34. Tettenmoos, Upper Bavaria. *See* Grabenstätt
  35. Traunsdorf, Upper Bavaria. *See* Bergheim
  36. Triebenbach, Upper Bavaria. *See* Steinbrünning
  37. Voitsch, Carinthia. *See* Wieting
  38. Walding, Upper Bavaria. *See* Ampfing
  39. Waldprechting, Salzburg. *See* Seekirchen
  40. Wartenfels, Salzburg. *See* Kalham
  41. Weibhausen, Upper Bavaria. *See* Kirchhalling
  42. Weingarten, Upper Bavaria. *See* Berg near Schnaitsee
  43. Zankwarn, Salzburg. *See* Hohenburg
- Surnames Employed by a Single Individual*
1. Altofing, Upper Bavaria
  2. Babensham, Upper Bavaria
  3. Brunn, Styria
  4. Dösdorf, Upper Bavaria
  5. Engelsdorf, Carinthia
  6. Eugendorf, Salzburg
  7. Finger (*digitus*). Nickname
  8. Gröbming, Styria
  9. Günzkofen, Upper Bavaria
  10. Hallbach, Salzburg
  11. Haltenbach, Tyrol?
  12. Hirschhorn, Lower Bavaria
  13. Holzhausen, Upper Bavaria
  14. Irlpoint, Upper Bavaria
  15. Ladon or Ladun
  16. Leichharting, Salzburg
  17. Levterkhoven, Upper Bavaria
  18. Lohen, Upper Bavaria
  19. Luga, Styria?
  20. Mehrnbach, Upper Austria
  21. Mettenheim, Upper Bavaria
  22. Naegil (nickname?), Upper Bavaria?

23. Perchau, Styria
24. Pirka, Salzburg
25. Ponhaim (Bankham, Salzburg?)
26. Pruggern, Styria
27. Ranetsham, Upper Bavaria
28. Reith
29. Retsah, Styria
30. Rohrbach, Upper Bavaria?
31. Rubenwurt, Upper Austria?
32. Sankt Waldburg, Carinthia?
33. Sarii
34. Schibis, Upper Bavaria?
35. Seewalchen, Salzburg
36. Sulb, Styria
37. Thal, Upper Bavaria
38. Thebitsach, Styria
39. Weidenthal
40. Weisham, Upper Bavaria
41. Weissenkirchen, Upper Bavaria
42. Westerhausen, Upper Bavaria
43. Winklham, Upper Bavaria
44. Wörgl, Tyrol

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