

RALEIGH LECTURE ON HISTORY

THE CRISIS OF MEDIEVAL GERMANY

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IN the summer of 1073 a group of East Saxon and Thuringian nobles conspired and rose against their lord, King Henry IV, and met him at Goslar to press their demands. Several of the region's bishops supported them, some of them cautiously, others with passion. Even more startling was the massive support they enlisted or accepted from the *liberi* and the rural population living near the castles Henry IV had caused to be built and garrisoned by his South-German *milites*. The Saxon princes' grievances and complaints too were backed by armed force. This is what they demanded: the castles should be razed, lands which had been unjustly confiscated should be restored by the judgement of princes, the king should stay in Saxony and use his rights there less often than he had done, and he must forsake the company of the low-born advisers gathered about him and resort instead to the guidance and direction of his great men. If we are to believe Brun, in Saxony and for Saxon affairs, these were to be Saxons. They also demanded that Henry should live a better and more kingly life and be a better husband to his queen, Bertha of Turin, whom he had married in 1066. Henry had come to Saxony to prepare for war and assemble his forces, including Saxon contingents, for a campaign against Poland. From this too the princes wanted to be released on the grounds that it was inopportune and that the heathen Liutizi, nearby enemies, needed all their attention.¹

¹ *Brunos Buch vom Sachsenkrieg*, ed. H.-E. Lohmann, *Deutsches Mittelalter, Kritische Studientexte des Reichsinstituts für ältere deutsche Geschichtskunde (Monumenta Germaniae Historica, henceforth cited MGH)*, 2 (Leipzig, 1937), chs. 23, 27, 31, pp. 27f., 31, 34 and *Lamperti Monachi Hersfeldensis Opera*, ed. O. Holder-Egger, *MGH, Scriptorum Rerum Germanicarum in usum scholarum*, henceforth *SRG* (Hanover and Leipzig, 1894), pp. 151 f. and *Annales Altahenses Maiores*, ed. L. B. v. Oefele, *MGH, SRG* (Hanover, 1891), p. 85. For Henry's meeting with the princes at Goslar see G. Meyer von Knonau, *Jahrbücher des Deutschen Reiches unter Heinrich IV. und Heinrich V.*, ii (Leipzig, 1894), 238 ff.

By most accounts Henry did not pay much heed to the princes and their spokesmen at Goslar. He seems to have kept them waiting and in the end sent them away without a very definite answer to their complaints. Lest they should seize his person and impose their demands on him under duress he slipped away from the accessible *palatium* at Goslar to his favourite stronghold which had also become a residence, the Harzburg, where a *coup de main* was much less easy to mount. The Saxon lords, however, followed him and surrounded the place with their forces realizing full well that they must keep Henry in their grip and not let him escape southwards. Negotiations continued but one night, on 9 August, the king with a small following escaped and struggled for three days through the dense forests guided by a huntsman. On the fourth he and his party arrived exhausted but safe at the royal *curtis* of Eschwege. From there they went to Hersfeld, where more troops for the Polish campaign were awaited and began to flock in.¹ What they had experienced, the threats, the flight through the wilderness, were ignominies no eleventh-century ruler could ignore and leave unavenged if he meant to safeguard the standing and efficacy of his overlordship.

The wars that followed lasted in the first place for sixteen years and the end of hostilities did not mean an end of tension and disaffection. There were further outbursts against Salian rule. After 1089 Henry IV did not see Saxony again. He was on his way to enter it once more at the head of an army in 1104 when his son, the young Henry V, deserted him at Fritzlar to make common cause with his father's Saxon enemies shortly afterwards.² His accord with them did not endure and eventually Saxon aristocratic and episcopal opposition to the last of the Salians was no less virulent than it had been during the 1070s and 80s. More conspiracies fermented in 1112 and war broke out again culminating in Henry V's crushing defeat at Welfesholz on 11 February 1115. And even this collapse of his policies in Saxony was seen by his opponents not as an end but as a beginning. As the emperor returned to the Rhineland embittered by his failure, Ekkehard tells us in his chronicle, the Saxon *consensus* to resist him went from strength to strength.³ Here too the fear of revenge rings

¹ For the events leading to Henry's flight see Brun, *Saxonicum Bellum*, ed. cit., ch. 27, p. 31; Lampert, *Annales*, ed. cit., pp. 155 f. and *Annales Altahenses Maiores*, ed. cit., p. 85. Meyer von Knonau, *Jahrbücher . . . Heinrich IV.*, ii. 252-5.

² Meyer von Knonau, *Jahrbücher*, v (Leipzig, 1904), 203-4.

³ *Frutolfi et Ekkehardi Chronica necnon Anonymi Chronica Imperatorum*, ed. F.-J. Schmale and I. Schmale-Ott, *Ausgewählte Quellen zur deutschen Geschichte des*

through. From now on Lothar of Süpplingenburg dominated the scene in East Saxony no less than in Westfalia and across the Slav frontiers. He could fight feuds with rivals in the stemland without having to fear that Henry would benefit by them. The emperor re-entered Saxony only once more briefly for an attempted *détente* with Lothar and the Saxon great, early in 1120.¹ Already contemporaries felt that the Saxon rising was something quite novel in its scale and dimensions, something that surpassed all their experience of conflict and rift between a ruler and his *fideles*.²

Even so, however, the historian who labels this uprising as the crisis of medieval Germany owes his readers a word of explanation. It was Jakob Burckhardt who defined crises as accelerations of the historical process which should therefore be distinguished, it would follow, from single, albeit fateful events.³ He himself did not always make this distinction, and in his reflections he was often more concerned with human responses and symptomatic behaviour than the slow gestation of unrest in seemingly stable and flourishing societies.⁴ Medieval Germany is rich in crises of both kinds, and many German medievalists have seen the history of their country and what they regarded as its tragic development, its relatively belated arrival at statehood, the side-by-side of immense, teeming energies with their seemingly weak, contradictory and uncertain direction, as the outcome of secular fatalities and their unmanageable consequences. Whether it was the premature death of rulers, or the untimely extinction of their

Mittelalters, Freiherr vom Stein-Gedächtnisausgabe, xv (Darmstadt, 1972), 314. On the Battle at Welfesholz see Meyer von Knonau, *Jahrbücher*, vi (Leipzig, 1907), 322–6, with most of the sources and also the *Annales Patherbrunnenses*, 1115, ed. P. Scheffer-Boichhorst (Innsbruck, 1870), pp. 129–30, for the military operations of Lothar, other Saxon princes and their allies, after the battle.

¹ On this see Meyer von Knonau, *Jahrbücher*, vii (Leipzig, 1909), 146 ff., and H. W. Vogt, *Das Herzogtum Lothars von Süpplingenburg 1106–1125*, Quellen und Darstellungen zur Geschichte Niedersachsens, 57 (Hildesheim, 1959), 23, and Regesten, no. 55. Henry V had spent Christmas 1119 in Münster (*Jahrbücher*, vii. 144f.).

² Lampert, *Annales*, 1073, ed. cit., p. 154: ‘nec rem supra modum supraque vires suas temptarent . . . utpote quam nec sua nec maiorum suorum memoria unquam gens ulla temptasset’, and cf. Lampert, *Annales*, 1075, p. 236: ‘de usurpato in re publica novo hoc et multis retro seculis inaudito facinore’.

³ Jacob Burckhardt, *Über das Studium der Geschichte, Der Text der „Weltgeschichtlichen Betrachtungen“*, ed. P. Ganz (Munich, 1982), pp. 342, 349.

⁴ On Burckhardt’s ‘anthropology’ of crises and the special import of the July Revolution of 1830 for the origins of his sense of the contemporary crisis see T. Schieder, ‘Die historischen Krisen im Geschichtsdenken Jacob Burckhardts’, in T. Schieder, *Begegnungen mit der Geschichte* (Göttingen, 1962), pp. 129–62.

houses, or the flawed order of things by which the well-being of the *Reich* was tied to its links with Italy and Rome as was that of no other northern kingdom, there is no dearth of 'ifs' and 'if onlys'. A recent and excellent survey still ends with the statement: 'the death of Henry VI was catastrophic for Germany's history'.¹

Yet if there is one crisis, not identified as such by Burckhardt, which brought seminal changes in the social, cultural, and political fabric of medieval Germany, questioning many of its existing values, rapidly fostering new forms of association, new ways of feeling among Germany's clerical and lay aristocracy, summoning its rural population from centuries of passivity and its nascent urban pressure groups to assert military and political as well as economic power, that is the crisis of the later eleventh century. We tend, of course, to think of it mainly in terms of the sudden confrontation between *regnum* and *sacerdotium*, fired by the personal dynamic, the volcanic and brooding spirit of Gregory VII and the brazen heedlessness and yet also unquenchable sense of his own regality that dwelt in Henry IV. We may thus overlook the great Saxon rising of 1073 which tore the Ottonian and Salian order apart no less than did the turmoil of reform. It challenged conventions in the secular world of the aristocracy that appeared to be quite as deeply rooted as were the usages of patronage and service in the episcopate and monasteries of the Empire. Not only modern historians but already writers like Humbert of Moyenmoutier saw the lay hold over churches and their property as the *damnosa hereditas* of the Ottonian *Reich* which must be set right here and now.² Herein lay the meaning of their message and programme. The Saxon revolt and its themes must be seen no less as part of a tainted legacy of the Ottonian *Reich* to the Saxon nobles of the eleventh century and their Salian, Rhine-Frankish kings. Its causes were deepseated, as we hope to show, although the rhetoric and justifications of the Saxon rebellion did not blame the Ottonians. On the contrary they appealed again and again to the *patriae leges* and *Saxoniae libertas* which had once flourished.³ It

¹ H. Fuhrmann, *Deutsche Geschichte im hohen Mittelalter von der Mitte des 11. bis zum Ende des 12. Jahrhunderts*, 2nd edn. (Göttingen, 1983), p. 206; *Deutsche Geschichte*, ed. J. Leuschner, Band 2.

² *Humberti Cardinalis Libri III adversus simoniacos*, iii, chs. 7, 11, 15, ed. F. Thaner, *MGH, Libelli de Lite Imperatorum et Pontificum*, i (Hanover, 1891 and reprint 1956), 206, 211, 217.

³ Brun, *Saxonicum Bellum*, ch. 23, 'de libertati communi', p. 28, ch. 26, 'totius Saxoniae libertatem', p. 31, ch. 27, p. 31; Lampert, *Annales*, 1073, p. 152; 1074, p. 178: 'ut libertatem genti suae et legitima a primis temporibus statuta rata atque inviolata manere sinat'; 1076, p. 270: 'leges ac iura sua

is not intended here to belittle the spiritual crisis that hit Germany in the wake of reform. Yet the struggle for what Gerd Tellenbach, many years ago, called 'the right order in the world' was to a greater or lesser extent shared by most of western, central and southern Europe.¹ The Saxon revolt mattered for Germany alone. It did not even give much of a respite to the Slav peoples east of the Elbe.

The links and timing of the two outbreaks, the one in 1073, the other in 1076, were fortuitous but their conjunction proved to be astonishingly stubborn, tenacious, and unyielding. Together they plunged Germany into some fifty years of turmoil. The internal wars which filled them were fought with an intensity, relentlessness, and harshness which frightened observers and participants alike. Saxony became the chief, though not the only, seat of this warfare and many of the enemies Henry IV so readily made found refuge there during the years of Rudolf of Rheinfelden's kingship and afterwards. First and foremost among them were some of Gregory VII's leading partisans in the German episcopate, men like Archbishop Siegfried of Mainz, Gebhard of Salzburg, Bishop Adalbero of Würzburg, and Adalbert of Worms, who had been expelled from their southern sees. Between 1075, when Henry invaded Saxony at the head of a large force from all the *Reich*, and 1081, when he went to Italy, the Saxons and he had fought four major pitched battles. When he returned from Italy in 1084 there were two more. The bloodshed, devastation, and losses of the almost year-by-year campaigns, but also, it must be said, temporary expediency, induced the participants now and again to search for novel and surprising methods to find ways out of their impasse: great debates, meetings between the foremost schooled representatives of each side to argue out their causes in the hope of convincing the opponents by the authority and irrefragable truth of their texts, the Bible, fathers, canons, and papal pronouncements.

Saxonibus rata manere sineret'. See also the *Carmen de bello Saxonico* in *Quellen zur Geschichte Kaiser Heinrichs IV.* (Ausgewählte Quellen, xii—as in p. 410 n. 3 above), ed. F.-J. Schmale (Darmstadt, 1963), p. 146, l. 48: 'Leges redde tuis ablataque patria jura!' The same note is struck in the *Pegau Annals* (after 1124) looking back to the battle of Welfesholz: 'et ad defensionem libertatis et patriae se viriliter cohortabantur', *MGH. Scriptorum Tomus XVI* (henceforth cited *SS*), p. 252. See also Helmold of Bosau writing between 1163 and 1172, *Helmoldi . . . Cronica Slavorum*, i, ch. 27, 3rd edn., B. Schmeidler, *MGH, SRG* (Hanover, 1937), p. 54: 'Cum igitur Saxones pro tuenda libertate bellum adhuc intentarent.'

¹ G. Tellenbach, *Church, State and Christian Society at the time of the Investiture Contest*, translated by R. F. Bennett (Oxford, 1940), p. 1.

Considerable numbers of laymen, princes, *plebei milites*, great men and small, attended these disputations of war-weary bishops, and significantly the meeting-places, like the battlefields, lay astride the Thuringian Frankish border country which divided the Saxon north from the king's Rhine–Main strongholds: Kaufungen and Gerstungen.¹ The latter became more than once the scene of negotiations and exchanges of clashing views, in 1073, 1074 and again in 1084 and 1085.

Both movements, that of the Saxon rebels and the protagonists of reform, had moreover, and perhaps not accidentally, one theme in common. That was the nature of gifts. Saxon lay nobles demanded that lands which kings had once given to them or to their ancestors in propriety or which they acquired during Henry IV's minority should permanently, unequivocally, and unconditionally be theirs and their heirs' for good. The Salians, as we shall see, clung to notions of reciprocity and reversibility, the conditional character of their and their Ottonian forebears' gifts in propriety, with an astonishing tenacity as a vital nerve of their kingship. Some of the ecclesiastical reformers too proclaimed that gifts once made to God and his servants were not only permanent but absolute. The donors did not retain any rights, profits, or yields even if the objects given were *regalia*. Whether kings and other lay lords could still count on the use of part of the lands, rights, and profits they had granted or even on services, depended on the discretion, goodwill, and judgement of the donees, the bishops and monasteries, and on the purposes for which they wished to use their endowments. Not only writers and controversialists like Cardinal Humbert, Placidus of Nonantola, and Rangerius of Lucca, but even Pope Pascal II in a letter to Archbishop Ruothard of Mainz written in 1105, implied that any subsidies which prelates bestowed on kings were voluntary.² The

¹ On the debate at Kaufungen in 1081 see Brun, *Saxonicum Bellum*, chs. 126–8, pp. 118–22, and Meyer von Knonau, *Jahrbücher . . . Heinrich IV.*, iii. 345–9. For the *colloquium* at Gerstungen on 20 Jan. 1085 see *Jahrbücher*, iv. 3–12; A. Becker, *Papst Urban II., Teil 1*, Schriften der MGH 19/1 (Stuttgart, 1964), pp. 66–70; J. Vogel, 'Zur Kirchenpolitik Heinrichs IV. nach seiner Kaiserkrönung und zur Wirksamkeit der Legaten Gregors VII. und Clemens' (III) im deutschen Reich 1084/85', *Frühmittelalterliche Studien*, 16, ed. K. Hauck (Berlin, New York, 1982), 171–6; and Fuhrmann, 'Pseudoisidor, Otto von Ostia (Urban II.) und der Zitatenkampf von Gerstungen (1085)', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, 99, *Kanonistische Abteilung*, lxxviii (1982), 52–69.

² *Epistolae Moguntinae*, no. 33, in *Monumenta Moguntina*, ed. P. Jaffé, *Bibliotheca Rerum Germanicarum*, iii (Berlin, 1866), 379f. *Placidi monachi Nonantulani liber de*

debate about the nature of gifts therefore was something the ecclesiastical reformers and the Saxon lay lords shared. This does not mean that their respective aspirations were compatible with one another. On the contrary, if in the end the hardliners among the churchmen were defeated, if they had to peg back their claims to absolute discretion and disposal over ecclesiastical property, it was largely because lay lords of all kinds, not only rulers, refused to bow to this demand and thwarted it, retaining many of their rights over temporalities, not to mention *regalia*, and, if anything, making them more explicit.¹ Late eleventh-century Saxony furnishes a good example. In 1085 Otto of Ostia, the future Pope Urban II, held a synod at Quedlinburg to rally flagging supporters and muster the *fideles Sancti Petri*. The legate wanted to decree that Saxons and Thuringians who had snatched ecclesiastical property during the years of recent trouble should restore it to the dispossessed churches and monasteries. The bishops present, so wrote a wary observer from Hersfeld, asked him to desist because the guilty parties were all about them and they feared to offend the spoilers who had come to Quedlinburg to renew their *coniuratio*.² This can only mean the Saxon and Thuringian nobles. The *libertas ecclesiae* needed defending against its ostensible friends and allies quite as much as against its enemies.

Jacob Burckhardt wrote that if two crises coincided then the stronger would temporarily absorb the weaker, and he gave examples.³ It cannot be said that the agitation for reform and its preoccupations ever over-bore and subsumed the Saxon rising. The Saxon lords and their *milites* remained their own masters and used Gregory VII's pronouncements and the sentences of excommunication and deposition of Henry IV which his legate, the cardinal deacon Bernhard, despite Canossa, renewed in November 1077 at Goslar as much as they were used by them. Their impatience and anger in the end forced the pope's hands. Here

honore ecclesiae, chs. 56, 58, 71, 151-3, ed. L. de Heinemann and E. Sackur, *MGH, Libelli de Lite*, ii. 591, 593, 598, 634f. For Rangerius of Lucca see his *Liber de anulo et baculo*, ll. 875-84, 891-4, ed. E. Sackur, *Libelli*, ii. 527.

¹ On *regalia* see J. Fried, 'Der Regalienbegriff im 11. und 12. Jahrhundert', *Deutsches Archiv für Erforschung des Mittelalters* (henceforth cited *DA*), 29 (1973), pp. 450-528 and esp. pp. 473 ff. for Placidus and Rangerius.

² *Liber de unitate ecclesiae conservanda*, ii, ch. 22, ed. W. Schwenkenbecher, *MGH, Libelli de Lite*, ii. 239f. On the Synod of Quedlinburg see Becker, *Papst Urban II.*, pp. 71-4, and Vogel (as in p. 414 n. 1), pp. 178-83.

³ Jacob Burckhardt, *Über das Studium der Geschichte*, ed. cit., p. 355: 'Wenn zwei Crisen sich kreuzen, so frisst momentan die stärkere sich durch die schwächere hindurch.'

again we encounter the novel and almost revolutionary features of the rising. From its very beginning a group of East Saxon prelates, especially the bishop of Halberstadt, the archbishop of Magdeburg, the bishop of Merseburg, and, more hesitantly, the bishop of Hildesheim, had sided with the East Saxon lords. Burchard II, the bishop of Halberstadt, became one of Henry IV's most unforgiving enemies. A nephew of Archbishop Anno of Cologne, one of the many kinsmen Anno had pushed and advanced from his point of vantage in the Church, he was of course a Swabian by birth like his uncle. Much Saxon wrath exploded against the presence of so many Swabian *ministeriales* and lesser nobles, men of modest parentage, employed and promoted by Henry IV in Saxony sometimes by giving them Saxon noblewomen in marriage above their rank. Yet Burchard, who brought quite a few of his own kin to Halberstadt, became one of the pillars of the rising, a foreigner who was more Saxon than the Saxons themselves in his hostility to Henry IV.¹ His successors, Herrand of Ilseburg (1090–1102), a nephew, and Reinhard (1107–22), were almost as staunch, Reinhard soon opposing Henry V. All three of them opened the way for monastic and canonical reform into Eastern Saxony.² Yet the incident at the Synod of Quedlinburg should warn us: the East Saxon bishops had very little freedom in their choice of loyalties. Surrounded as they were by the lands, fortresses, free vassals, and *ministeriales* of the great East Saxon lay lords they had either to embrace their rebellion or forgo their sees. So much was made clear to Archbishop Werner of Magdeburg and Bishop Werner of Merseburg when Henry IV, to whom they had surrendered in autumn 1075, sent them as his envoys to the resurgent and newly disaffected Saxons in 1076. As Brun, the historian of the Saxon revolt, wrote: the two prelates could have made their own way home even against the king's will as several of his Saxon noble prisoners did. They refused to escape because they feared to offend God from whom all power stemmed even though Henry IV was an impious ruler. When the two men wished to take back the Saxons' replies to Henry's proposals they were ordered to choose: either stay or go and never

¹ On Bishop Burchard II see L. Fenske, *Adelsopposition und kirchliche Reformbewegung im Östlichen Sachsen*, Veröffentlichungen des Max-Planck-Instituts für Geschichte, 47 (Göttingen, 1977), 100–18. On his kinsmen set up in Saxony see A. Heinrichsen, 'Süddeutsche Adelsgeschlechter in Niedersachsen im 11. und 12. Jahrhundert', *Niedersächsisches Jahrbuch für Landesgeschichte*, 26 (1954), pp. 24–116 and esp. pp. 71 ff.

² See Fenske, *Adelsopposition*, pp. 118 ff., 133 ff., 181 ff.

return.¹ Some Saxon ecclesiastical princes like Archbishop Liemar of Bremen, Bishop Benno of Osnabrück, and Eberhard of Naumburg stood by Henry, shared his setbacks, and so suffered expulsion, losing their sees and revenues for years on end.

Those who remained were no less under the sway of the Saxon lay lords. Here lay marked differences from all previous opposition to kingship in Saxony. In the second decade of the eleventh century the Billungs, the Margraves of the Northern March, and the Counts of Werl had been bitterly incensed against the Emperor Henry II and his bishops, Meinwerk of Paderborn, Unwan of Hamburg, Gero of Magdeburg, and Arnulf of Halberstadt, because the emperor in each case backed synodal sentences, heavy fines, and penances against offending lay princes.² Moreover, much family land and important monastic foundations passed out of lay control to the bishops and their churches thanks to Henry's policies, notably his astute, not to say simoniacal, practices when making episcopal appointments in Saxony. When Count Thietmar Billung in 1018 was fined by Bishop Meinwerk of Paderborn and had to give him an estate because he could not raise the money, a dangerous gap opened between episcopal and royal and the Saxon lay nobles' sense of right and justice. The bishop's sentence hit an individual sinner but under the iron customs of inheritance his whole kin were bound to suffer and to resent it.³ In the great Saxon rising of the later eleventh century

¹ Brun, *Saxonicum Bellum*, ch. 86, p. 81.

² e.g. Margrave Bernhard of the Northern March had to pay 500 marks to Archbishop Gero of Magdeburg in 1017. See *Thietmari Merseburgensis Episcopi Chronicon*, vii, ch. 50, ed. R. Holtzmann, *MGH, SRG*, nova series ix (Berlin, 1955), 460. In 1013 Margrave Gero of the Eastern March and his *milites* had to pay a fine of 300 pound silver to Bishop Arnulf of Halberstadt at Henry II's command because the *milites* had attacked the bishop at Gernrode. Lords were responsible for the behaviour of their men. For this incident see Thietmar, *Chronicon*, vi, chs. 96–8, pp. 388, 390. On Henry II's dealings with Archbishop Unwan see *Magistri Adam Bremensis Gesta Hammaburgensis Ecclesiae Pontificum*, ii, chs. 47, 48, and scholion 34, 3rd edn., B. Schmeidler, *MGH, SRG* (Hanover and Leipzig, 1917), pp. 107 ff., and *Annales Quedlinburgenses*, 1013, *MGH, SS*, iii, 81. See also H. Bannasch, *Das Bistum Paderborn unter den Bischöfen Rethar und Meinwerk (983–1036)*, Studien und Quellen zur westfälischen Geschichte, 12 (Paderborn, 1972), pp. 158, 166 f., 257.

³ On the clashes between Count Thietmar Billung and Bishop Meinwerk of Paderborn see the *Vita Meinwerki Episcopi Patherbrunnensis*, chs. 100, 158, 195, ed. F. Tenckhoff, *MGH, SRG* (Hanover, 1921), pp. 54 f., 82 f., 112, and Bannasch, *Das Bistum Paderborn*, pp. 50, 163, 179, 193, 217 f. For the surrender of the estate in lieu of cash see H. A. Erhard, *Regesta Historiae Westfaliae accedit Codex Diplomaticus*, I, no. 836, and *Codex Diplomaticus*, LXXXVII, xx (Münster, 1847), p. 69. In this charter Duke Bernhard Billung is called Thietmar's 'iustissimus heres'.

the fronts had changed altogether. The bishops of the East Saxon dioceses were now aligned with the king's enemies. Well might Henry IV complain to his princes at Cappel, in August 1073, how ungrateful they had all been for gifts and favours formerly bestowed on them.¹ For these his diplomata furnish enough evidence.

This new alignment, the East Saxon bishops' dependance on the neighbouring lay lords, is reflected also in the polemical literature which, like the great conflict itself, burgeoned suddenly in feverish efforts to convince adherents and denounce enemies. Most of the tracts in the *Reich* were written by bishops, well-schooled clerks, regular canons, or monks and addressed to their like, men like Hermann of Metz and Gebhard of Salzburg or the clerical élites of cathedral chapters and cloisters. In East Saxony and Thuringia we find one of the few marked exceptions. Here Bishop Walram of Naumburg addressed a letter to Count Ludwig of Thuringia in which he urged him to obey Henry IV as the power willed by God, pointing out how divine judgement had struck down all his enemies, Gregory VII, Rudolf of Rheinfelden, and Margrave Ekbert of Meissen. Their bad ends proved their bad beginnings.² Count Ludwig consulted Bishop Herrand of Halberstadt but Herrand's reply was drafted in the count's name. Henry IV, who had soiled his marriage and burnt churches, could not be a *potestas ordinata*. As a vendor of bishoprics and abbeys he was a heretic. Excommunicated by the Holy See, he could never have kingship or any power over right-minded men. Schooled though Herrand's letter undoubtedly is, the arguments Count Ludwig is made to propound reflect also his own downright reasoning. Were Nero, Herod, and Pilate blessed because they outlived their victims?³

Between 1077 and 1125 the Salian kings were more often than not unable to advance their candidates to Saxon sees, and after the death of Rudolf of Rheinfelden and the inglorious departure of Hermann of Salm, these appointments fell frequently into the grip of Saxon lay princes and after 1115 especially, those of Lothar of Süpplingenburg.⁴ The chief *dramatis personae* of the rising were and

¹ Lampert, *Annales*, 1073, p. 157.

² *Walrami et Herrandi epistolae de causa Heinrici regis conscriptae*, ed. E. Dümmler, *MGH, Libelli de Lite*, ii. 286-91.

³ *Op. cit.*, p. 290. The two polemics were preserved in the *Annals of Disibodenberg, sub anno 1090, MGH, SS. xvii. 9-14.*

⁴ See Vogt (as in p. 411 n. 1), pp. 21 f., and *Regesten*, nos. 58 (Münster), 64 (Halberstadt).

remained the greater lay nobles and the centre of their resistance, the enduring hard core of their rebellion, lay in Eastern Saxony, North Thuringia, and the South-Eastern marches, the areas which had been the heartlands of the Ottonians and of their principal military and governmental, not least of all, fiscal institutions. The significance of this will occupy us later. Here it matters above all to note how different their rising was from anything that had ever been attempted against the Ottos or even against Henry II in Saxony. In the tenth century disgruntled and feuding Saxon princes rarely rose on their own; they nearly always, as I have shown elsewhere, sought to range behind a disaffected member of the *stirps regia* or at least the royal affinity. They attached themselves to the rival Liudolfing contender for the kingship in the risings against Otto II and the minority of Otto III.¹ Even Margrave Ekkehard of Meissen, the Saxon nobility's own candidate for the crown in 1002, had much more Liudolfing descent in him than has hitherto been thought.² These fitful and yet repetitive conflicts were sometimes based, as was shown recently, on sworn associations of nobles with their *convivia* and memorials for the dead.³

Against them the rising of 1073 presents something much more articulate and matured, a secular cause rather than the affronts which drove Liudolf or Conrad the Red to strike against Otto I's brother and then against the king himself. We have only to compare the rhetoric of Brun and Lampert with the Saxon historiography of the tenth century to notice a new political vocabulary, albeit borrowed from Sallust, and a coherent movement with a programme. The East Saxon conspirators were the subjects of a historiography, still, it is true, monastic or from the ambience of episcopal *familiae*, which spoke up for them even if it did not speak their language. Its classical commonplaces, words like tyranny, *libertas*, and *mos maiorum*, gave scale and dignity to their demands and above all justified them and made them understandable to the world at large and the next generation.

¹ K. J. Leyser, *Rule and Conflict in an Early Medieval Society: Ottonian Saxony* (London, 1979), pp. 29f.

² On Ekkehard's kinship with the Liudolfings see E. Hlawitschka, '„Merkst Du nicht, dass Dir das vierte Rad am Wagen fehlt?“ Zur Thronkandidatur Ekkehards von Meissen (1002) nach Thietmar Chronicon iv, c. 52', in *Geschichtsschreibung und geistiges Leben im Mittelalter, Festschrift für Heinz Löwe zum 65. Geburtstag*, ed. K. Hauck and H. Mordek (Cologne, Vienna, 1978), pp. 281–311.

³ G. Althoff, 'Zur Frage nach der Organisation sächsischer coniurationes in der Ottonenzeit', *Frühmittelalterliche Studien*, 16 (as in p. 414 n. 1), 16 (1982), 129–42.

Widukind of Corvey in the tenth century had been at least as well-versed in Sallust as were Brun and Lampert but he used him to describe *virtus* rather than the causes for which it was practised.¹ As against this Brun and Lampert denounced a king who broke his engagements, who sought to destroy rather than protect inborn rights as well as offending against all the other established canons of royal conduct. Their new political rhetoric reflected and gave voice to sentiments that were really uttered to back demands really made at Hötensleben in July 1073, one of the many assemblies where the conspiracy took shape.² Here, according to Brun, Otto of Northeim addressed the *milites*, the warriors and nobles of the second rank who seem to have been the mainstay of the movement. Brun may have been there himself and heard him.

The Saxon nobles of the 1070s were thus a political community that had come of age. This can be seen not only in their demands but also in their behaviour when they had put themselves in the wrong after the sack of the Harzburg and the desecration of the royal tombs and relics there. Again and again they asked for the judgement of their fellow-princes in the king's *curia*.³ As against this it is startling to find the Salians cling to the past, trying to contain and steer aristocratic opposition by once again having it aligned behind different members of the royal house. Henry IV occasionally offered the Saxons a royal regime tempered by observance of their ancient rights but once, in 1080, after the death of Rudolf of Rheinfelden, he went much further. To circumvent the election of another rival king he proposed to the Saxon lords that they should make his son Conrad their king and he would swear never to enter Saxony again. Brun is our sole source for this and he has Otto of Northeim, the outstanding figure among the Saxon princes, scorn the Salian offer with the grim

¹ For the rhetoric of Saxon resistance cf. above, p. 412 n. 3. On Widukind and Sallust see H. Beumann, *Widukind von Korvei* (Weimar, 1950), pp. 94–100, 124–5.

² For the Saxons' meeting at Hötensleben see Brun, *Saxonicum Bellum*, chs. 23–6, pp. 28–31. It is discussed by Fenske, *Adelsopposition*, pp. 57–60, 296f., and W. Giese, *Der Stamm der Sachsen und das Reich in ottonischer und salischer Zeit* (Wiesbaden, 1979), pp. 33, 152, 155. G. Baaken, *Königtum, Burgen und Königsfreie, Vorträge und Forschungen herausgegeben vom Konstanzer Arbeitskreis für mittelalterliche Geschichte*, vi (1961), 85 ff., 93f., identified the 'popular' element in the rising too exclusively with a class of royal *liberi*. For a full and wide-ranging discussion of ideas in conflict between 1077 and 1080 see I. S. Robinson, 'Gregory VII, the Princes and the *Pactum* 1077–1080', *English Historical Review* (henceforth *EHR*), 94 (1979), 721 ff. He rightly speaks of a 'three-cornered struggle' (p. 756).

³ Brun, *Saxonicum Bellum*, chs. 41, 42, 45, 48, 51, pp. 41, 42, 43, 47, 49.

words: he had often seen a bad calf begot by a bad ox, and so he wanted neither father nor son.¹ Nor is this the sole instance. The author of the so-called *Kaiserchronik* of 1112–13 sought to tone down and palliate the young Henry V's pitiless rising against his father in 1105 by suggesting it had really been the ageing emperor's own plan. There were some, he wrote, who thought that the discord between father and son was simulated so that loyalties that had forsaken Henry IV could be attached to his heir and successor. The author did not wish to be identified with this rumour himself, but Henry V certainly gained for the time being the support of the Saxon bishops and lay nobles by leaving his father and he could take possession of the still considerable royal lands in Saxony.²

Lampert of Hersfeld has given us a list not only of the foremost clerical but also of the chief lay conspirators in 1073. It is both too large and not large enough. He included some who were not, or only marginally, committed to the cause of the insurgents but he left out others who took part and mattered.³ The foremost names of the Saxon nobility appear: the Billungs, their rivals, the counts of Stade, now margraves of the Northern March, the Saxon Count-Palatine Frederick of Goseck, a brother of Archbishop Adalbert of Bremen, Henry's friend, Otto of Northeim, the Wettins, the Brunones of Brunswick, the Counts of Katlenburg, the Counts of Ballenstedt, the Ludowings of Thuringia and Count Gebhard, the father of Lothar of Süpplingenburg, all these belonged. Most of them were descendants and representatives of comital and margraval families which had helped the Liudolfings to make their fortunes and in so doing they had made their own. Their ancestors had gained lands, *honores*, lordship, and subjects in the marches and further inland thanks to their services and the

¹ *Ibid.*, ch. 125, p. 118. For Henry IV's offers to the Saxons in 1085, to respect their *ius* and not to infringe their *patriae leges*, see *Annalista Saxo*, *MGH*, *SS* vi. 722–3, and Giese, *Der Stamm der Sachsen und das Reich* (as in p. 420 n. 2), pp. 177f.

² *Kaiserchronik*, ed. F.-J. Schmale and I. Schmale-Ott (as in p. 410 n. 3), pp. 226f.: 'Sunt qui dicant ipsum discidium industria ipsius imperatoris . . . provisum, quatinus simulata discordia illam partem regni, que a patre deficiebat, in filii traheret artificiose contubernium.'

³ Lampert, *Annales*, 1073, pp. 148–50, esp. p. 149f., and see also p. 238. He did not mention Count Gebhard, the father of Lothar of Süpplingenburg, nor Meinfried, the burgrave of Magdeburg. Some of the bishops he cited, however, had not joined the Saxon conspiracy or at least did not play a very prominent part in it. For the fullest survey of the princely families in revolt see Fenske, *Adelsopposition*, pp. 61–94 who also and rightly pointed to the *amici regis* (p. 83), few as they were.

favours of the Ottonian emperors. Yet there were also some *novi homines* in the eleventh-century Saxon aristocracy, the Ludowings of Thuringia and the Wiprechts of Groitsch, the founders of Pegau.¹ Others, the obscure kin of prominent men, emerged in the foremost positions when sudden deaths and minorities disrupted successions. The house of Ballenstedt prospered because one of them married the daughter of Otto II's military tutor, Margrave Hodo of the Eastern March, whose son Siegfried had been made a monk and was kept out of the succession. New seats by which men and their families were named and identified, like Sommerschenburg and Putelendorf, sprang up and with them the new identities themselves.²

We must not be enslaved by prosopography. Despite feuds and rifts within and between families it is striking to encounter men and women of the same kins again and again in the many-phased movement of East Saxon opposition to the *Reich* and to stumble upon the persistence of their political rhetoric, the programme and struggle for the *patriae leges* which was really a struggle about lands and inheritances. Some of the greatest Saxon families died out in the male line during the later eleventh and early twelfth centuries, the Brunones (Margrave Ekbart II, *ob.* 1090), the Billungs, and the counts of Weimar, but the men who competed for the hands of their widows, sisters, and daughters inherited not only their wealth but also their traditions and attitudes.³ In the ranks of Henry V's enemies we find first and foremost Lothar von Süpplingenburg, whose father Gebhard had fought and fallen on the Saxon insurgents' side at the battle by the Unstrut in 1075. Lothar became almost regal in Saxony long before 1125. Equally defiant remained the Wettins, the Ballenstedts, and the Udones of Stade despite their friction and downright clashes with Lothar. The longevity of this opposition to the Salians is its most arresting feature. It built up mythologies and legends, a heathen cult even on the site of the battle of Welfesholz in 1115 which flourished for

¹ Fenske, *Adelsopposition*, p. 53.

² On the counts of Ballenstedt see O. v. Heinemann, *Albrecht der Bär*, (Darmstadt, 1864), pp. 5 ff., and H. K. Schulze, *Adelsherrschaft und Landesherrschaft*, *Mitteldeutsche Forschungen*, 29 (Cologne, Graz, 1963), pp. 105-10. For Sommerschenburg and Putelendorf see H.-D. Starke, 'Die Pfalzgrafen von Sachsen bis zum Jahre 1088', *Braunschweigisches Jahrbuch*, 36 (1955), and esp. his 'Die Pfalzgrafen von Sommerschenburg 1088-1179', *Jahrbuch für die Geschichte Mittel- und Ostdeutschlands*, 4 (1955), 1-71.

³ K. Leyser, 'The German Aristocracy from the Ninth to the Early Twelfth Century—A Historical and Cultural Sketch', *Past and Present*, 41 (1968), 51, and also in Leyser, *Medieval Germany and its Neighbours 900-1250*, p. 187.

centuries. This was a much-venerated effigy of a warrior on a column.¹ Saxon heathenism was fond of columns as the Eresburg testifies, and Bishop Bernward of Hildesheim knew what he was doing when he chose a column to depict the triumphs of Christ. The traditions and value-judgements of the rising were enshrined also in the massive and vigorous Saxon historiography of the later twelfth century like the *Annalista Saxo*, the Pöhlde Annals, the Magdeburg episcopal history, Helmold of Bosau, and Arnold of Lübeck. The heirs of the Salians, the Hohenstaufen, tried but were on the whole unable to appease and coax the traditions bequeathed by Brun. All this did not mean that there were no changes of side, no abstentions, and no desertions. There were, but despite the fragile nature and treacherous shift of alliances, the East Saxon nobles and their allies elsewhere held out. Henry IV more than once succeeded in suborning important men among his enemies, Otto of Northheim himself for a time, Ekbert II of Meissen more than once, Bishop Udo of Hildesheim, Archbishop Hartwig of Magdeburg, and Wiprecht of Groitsch. Occasionally, as in 1088, he seemed to have pacified most of his opponents only to find that the conflict continued and that little had changed.²

What fuelled this persistence, this deep-seated aversion and rejection of the Salian emperors and their regime in East Saxony? To find out we must turn once more to the *gravamina* of the men of 1073. Here Henry IV's castles stand to the fore: the exactions extorted by their garrisons, the levy of dues for the use of common rights, the imposition of labour services on free and unfree, the impounding of cattle, all these occur often in the principal sources, Brun, Lampert, and the Annals of Niederaltaich.³ They and the misconduct of the *militēs* threatened the well-being and security of nobles and *liberi* alike. The requisitioning of labour services could damage aristocratic estates and their workings. That ancient, established rights going back to Henry I's measures to build

¹ R. Holtzmann, 'Sagengeschichtliches zur Schlacht am Welfesholz', in idem, *Aufsätze zur deutschen Geschichte im Mittelalter*, ed. A. Timm (Darmstadt, 1962), pp. 255-89. On other long memories left behind by the battle see J. Prinz, 'Der Zerfall Engerns und die Schlacht am Welfesholz (1115)', in *Ostwestfälisch-weserländische Forschungen zur geschichtlichen Landeskunde*, ed. H. Stoob (Münster, 1970), pp. 97 ff., with a letter of the year 1322 edited on p. 108.

² *Annales Augustani*, 1088, *MGH, SS* iii. 133, *Bernoldi Chronicon*, 1088, *MGH, SS* v. 448. See also Meyer von Knonau, *Jahrbücher*, iv. 213f., 217 ff., Giese, *Der Stamm der Sachsen*, p. 180.

³ Brun, *Saxonicum Bellum*, chs. 16, 24, 25, pp. 22f., 28ff. Lampert, *Annales*, 1073, pp. 140f., 146; *Annales Altahenses Maiores*, 1073, p. 85. See also the *Carmen de bello Saxónico*, i, ll. 42-4.

fortresses against the Magyars and to Frankish frontier defences lay behind these exactions was deliberately concealed or only obliquely hinted at by writers like Brun, not to mention Lampert.¹ More important even than these burdens were the threats which, it was rumoured and suspected, lay behind them, new forms of subjection hitting nobles and free alike, fears of wholly unprecedented taxation. All these, it was asserted, would follow in due course.² But more important still for the great were seizures and sequestrations of their lands, for which the castles evidently furnished the necessary armed backing. It is true we know of only eight of these by name but they lay in a vulnerable area at the northern and southern edge of the Harz Mountains and the very frequent stays of the king at Goslar and in other, nearby, royal *palatia* enhanced and multiplied their effectiveness and menace.³ Lampert of Hersfeld phrased the princes' complaints thus: the castles must be razed and the king must do justice to the Saxon magnates by the judgement of his princes in the matter of the lands he had taken away without due process. Elsewhere Lampert spoke of 'patrimonia per vim seu per calumniam erepta' which must be restored and he used this expression at least three times.⁴ Once Henry is described as giving lands back to some who had been deprived of them *per calumniam* in order to stem the spread of the revolt. In three places at least the demand for the restitution of lands stands immediately behind the demand for the destruction of the castles. Castle-building and land-seizures were evidently felt to be closely connected.⁵

What did Lampert mean by *calumnia*? He used the word often enough, sometimes in the larger sense of an injury, a wrong, but in

¹ Brun, *Saxonicum Bellum*, ch. 16, p. 23, admits that at first there was no opposition to Henry IV's castle building, on the contrary, 'ad ipsas aedificationes eum vel opibus vel operibus adiuabant', and see Baaken, *Königtum, Burgen und Königsfreie* (as in p. 420 n. 2), pp. 84f.

² Brun, *Saxonicum Bellum*, ch. 25, p. 29, ll. 15 ff., and Lampert, *Annales*, 1073, pp. 146f., 154.

³ On Henry IV's castles and their fortification see Meyer von Knonau, *Jahrbücher*, ii, *Excurs* 3 and 4, pp. 856 ff., 870 ff.; Baaken, *Königtum, Burgen und Königsfreie*, pp. 82 ff.; K. Bosl, *Die Reichsministerialität der Salier und Staufer*, *Schriften der MGH*, 10 (Stuttgart, 1950-1), pt. i, pp. 84 ff.; S. Wilke, *Das Goslarer Reichsgebiet und seine Beziehungen zu den territorialen Nachbargewalten*, *Veröffentlichungen des Max-Planck-Instituts für Geschichte*, 32 (Göttingen, 1970), pp. 28f.; and Fenske, *Adelsopposition*, pp. 28 ff.

⁴ Lampert, *Annales*, 1073, pp. 151, 155, 158, 177f.: 'ut sua singulis patrimonia per vim seu per calumniam erepta restituat'. Cf. the *Carmen de bello Saxonico*, i, l. 45: 'Heredes circumveniunt, vi predia tollunt', p. 146.

⁵ Lampert, *Annales*, 1073, 1074, pp. 151, 155, 177.

the passages cited here its connotations were legal. This is how we meet it in a good many diplomata for Lotharingian and Italian recipients. It meant a (to Lampert, doubtlessly) vexatious claim, a demand, a plaint.¹ That it is associated with the use of force suggests swift execution after the briefest of proceedings. Brun, in his *Book of the Saxon War*, was less specific. He complained about the seizure of movables, the taking of goods by royal *ministeriales*, but in a letter of Archbishop Werner of Magdeburg to Archbishop Siegfried of Mainz (1074/5) which he cited and perhaps himself drafted, we read of Saxon *bona* which the king had given to his unworthy and indigent familiars, who possessed little or no land at home and thought Saxon soil fertile.² Here *bona* undoubtedly meant lands, and the building of the castles was even more closely linked with policies of expropriation than it was in Lampert. 'For this reason', the archbishop wrote (*itaque*), i.e. to seize Saxon lands for his followers, 'the king secured the more sheltered places in our region with strongholds and filled them with soldiery.'³ That land was at the heart of the conspiracy can be seen also from Brun's account of the assembly at Hötensleben in July 1073. Here most of the speakers setting forth their grievances complained about the losses of estates belonging to them 'lawfully', royal seizure of *hereditas*, and in one case also the withdrawal of a fief: Burchard of Halberstadt, Margrave Dedi, Count Hermann Billung, the Count Palatine Frederick, and others inveighed against such injuries. Otto of Northeim who had also lost lands in Saxony stood out for the forfeiture of his *honor*, the duchy of Bavaria.⁴

Historians have often associated Henry IV's castle-building in

¹ For *calumnia*, *calumniare*, *calumniam gerere* in diplomata see, for example, those of the Emperor Henry III, *MGH, Diplomatum Regum et Imperatorum Germaniae Tomus V. Henrici III. Diplomata* (henceforth cited *DH III*), ed. H. Bresslau and P. Kehr (Berlin, 1926-31), nos. 165, 201a, 201b, 204, 244, 265, 268. See also *Mittellateinisches Wörterbuch*, ii. 1 (Munich, 1968), col. 93 ff.

² Brun, *Saxonicum Bellum*, ch. 42, p. 41. On Brun as the draftsman of Archbishop Werner's letter see O.-H. Kost, *Das östliche Sachsen im Investiturstreit Studien zu Brunos Buch vom Sachsenkrieg: Studien zur Kirchengeschichte Niedersachsens*, 13 (Göttingen, 1962), 21 ff.

³ Brun, loc. cit: 'semper nos insolito more quaerebat opprimere, bona nostra nobis eripere suisque familiaribus ea contradere. . . . Itaque munitiora nostrae regionis loca fortissimis castellis occupavit, in quibus armatos non paucos constituit.'

⁴ Brun, *Saxonicum Bellum*, ch. 26, p. 30. Only Archbishop Werner of Magdeburg did not speak of lost *proprietates* or fiefs but alleged two royal visits attended by robbery and bloodshed and his concern for the common wrongs, good evidence for how forced and yet inescapable his adherence was.

Saxony and Thuringia with aggressive designs on land, recuperations of possessions lost during his minority, and they have also attributed to him a plan of amassing and developing a compact royal territory round Goslar and the Harz Mountains.¹ Lampert's phrase *per vim* is clear enough and *per calumniam* has sometimes been taken to refer to inquest procedures to reclaim former demesne. Of this process we find at least one example in the *Life of Bishop Benno II of Osnabrück*, Henry's helper in Saxony.² Yet this fitful and isolated instance hardly suffices to gain insight into the legal grounds of Henry IV's proceedings, and that the king too acted because he believed he had rights to maintain, at least one source, the only one friendly to him, allows us to see: the *Carmen de bello Saxonico*.³ There are, however, others which may help us to understand what lay behind Lampert's phrase *per calumniam* and at the same time the seriousness of the crisis and the irreconcilability of the interests engaged. They lead us back to the Ottonians and their land-grants to lay nobles and churches. Above all we must investigate how land the Ottonian kings gave away might revert to them again, for here we shall find the key to unlock the storehouse of trouble between the Saxons and their Salian kings.

When Henry I and his successors gave land *in proprietatem* to a *fidelis* that land did not at once melt and merge with the donee's patrimony. It was conquest and its tenure must be distinguished not only from *beneficium* but also from *hereditas*.⁴ We encounter this

¹ The literature on Henry IV's plans and policies in Saxony is daunting and cannot be cited here in full. Besides Bosl, *Reichsministerialität* (as in p. 424 n. 3), i. 82 ff.; Baaken, *Königtum, Burgen und Königsfreie* (as in p. 420 n. 2), pp. 80 ff.; Fenske, *Adelsoption*, pp. 36 ff.; Giese, *Der Stamm der Sachsen und das Reich*, pp. 148 ff., see M. Stimming, *Das deutsche Königsgut im 11. und 12. Jahrhundert. I. Teil: Die Salierzeit*, Historische Studien, 149 (Berlin, 1922), 87 ff., 91 ff.; W. Berges, 'Zur Geschichte des Werla-Goslarer Reichsbezirks vom neunten bis zum elften Jahrhundert', in *Deutsche Königspfalzen*, 1, Veröffentlichungen des Max-Planck-Instituts für Geschichte, 11/1 (Göttingen, 1963), 155-7; H. Patze, *Die Entstehung der Landesherrschaft in Thüringen*, i, *Mitteldeutsche Forschungen*, 22 (Cologne, Graz, 1962), pp. 178 ff. K. Jordan, 'Sachsen und das deutsche Königtum im hohen Mittelalter', *Historische Zeitschrift* (henceforth *HZ*), 210 (1970), 529-59 and esp. pp. 545 ff., and also in his *Ausgewählte Aufsätze zur Geschichte des Mittelalters* (Stuttgart, 1980), pp. 212-42 and esp. pp. 228 ff.

² *Vita Bennonis II Episcopi Osnabrugensis*, ch. 14, ed. H. Bresslau, *MGH, SRG* (Hanover, Leipzig, 1902), pp. 16f., and see H. Ulmann, 'Zum Verständnis der sächsischen Erhebung gegen Heinrich IV.', *Historische Aufsätze dem Andenken an Georg Waitz gewidmet* (Hanover, 1886), pp. 119-29. On the authorship of the *Vita* see K.-U. Jäschke, in *Archiv für Diplomatik*, 11/12 (1965/1966), 358 ff.

³ *Carmen de bello Saxonico*, i, l. 2, 54f., pp. 144 ff.

⁴ On royal grants in *proprietatem* see H. Brunner, 'Die Landschenkungen der Merowinger und der Agilolfinger', *Forschungen zur Geschichte des deutschen und*

distinction between *hereditas* and *proprietas* fitfully in Ottonian diplomata. The term *proprietas* was wide and could be used to include *hereditas*, but sometimes it was not, when the context would expressly stress that the land being granted away belonged to the king's *hereditas*.¹ Once we find that the *hereditas* and the *proprietas* of a man had come into the royal power by the judgement of the doomsmen in a *mallum publicum*.² Diplomata are in fact our chief sources for the movements and devolution of royal *proprietas* and only occasionally can they be supplemented by narrative sources. The analogy with Anglo-Saxon bookland is tempting but in Old Saxony we do not possess legislation seeking to explain, prescribe, and make understandable the rules and rights governing lands granted by the kings, nor do we possess wills, and yet there were such rules. We can discover them only by following up individual examples of inheritance and reversion.

Marcel Mauss has taught us how in certain societies dominated

französischen Rechtes, Gesammelte Aufsätze von Heinrich Brunner (Stuttgart, 1894), pp. 1–39; R. Schröder and E. Künssberg, *Lehrbuch der deutschen Rechtsgeschichte*, 7th edn. (Berlin, Leipzig, 1932), pp. 229f.; W. Schlesinger, *Die Entstehung der Landesherrschaft* (reprint, Darmstadt, 1964), p. 185; H. Conrad, *Deutsche Rechtsgeschichte*, vol. i, *Frühzeit und Mittelalter*, 2nd edn. (Karlsruhe, 1962), p. 107; D. v. Gladiss, 'Die Schenkungen der deutschen Könige zu privatem Eigen (800–1139)', *DA*, 1 (1937), 80–137; and H. C. Faussner, 'Die Verfügungsgewalt des deutschen Königs über weltliches Reichsgut im Hochmittelalter', *DA*, 29 (1973), 345–449. In a few Carolingian gifts it is stated that the donee could treat the land as if it were *hereditas*, e.g.: 'ab hodierna die deinceps libero potiantur arbitrio habendi tenendi tradendi donandi vendendi commutandi suisque heredibus iure successionis derelinquendi', from a grant to three lay nobles in 910. See *Die Urkunden Ludwigs des Kindes 900–911*, no. 76, *MGH, Diplomata Regum Germaniae ex stirpe Karolinorum, IV. Zwentiboldi et Ludowici Infantis Diplomata*, ed. T. Schieffer (Berlin, 1960). Even so, it should be noted, the donees had discretion which they did not possess with their *hereditas*. This diploma remained unexecuted. Faussner, *op. cit.*, pp. 353ff., gave other Carolingian examples but unlike Gladiss did not recognize or allow for their special character. Unless expressly stated it would be mistaken to assume heritability under the customary, prevailing, rules and even where stated it was but one possibility out of several.

¹ e.g. Otto I's gift to Helmburg in 955: 'Predium quod nos habuimus . . . iure hereditario', for the endowment of Fischbeck, and his gift to Nordhausen in 970: 'quicquid proprietatis et hereditatis in villa Blidungen . . . habere visimus', *MGH, Diplomatum Regum et Imperatorum Germaniae Tomus I. Conradi I. Heinrici I. et Ottonis I. Diplomata*, ed. T. Sickel (Hanover, 1879–84), Otto I, nos. 174, 393, henceforth cited *DO I*, followed by the number.

² *DO I*, 207 of 960: 'eo quod omnis hereditas et proprietas predicti Hunaldi nostre regie potestati in publico mallo iudicio scabinorum iure iudicata est'. The diploma did not specify what Hunald's offence had been.

by obligatory gift exchange, every gift commands a return.¹ Some of the characteristics of the potlatch he expounded so well for Melanesia can be traced at least faintly also in early medieval Europe.² Time and again we read in narrative sources that when embassies came and presented lavish presents to rulers they were dismissed again with *munera* no less precious than the ones they had brought.³ When gifts passed between unequals, i.e. a lord gave to his men things they coveted, the return was loyalty and service. Above all, in gifts to unequals the donor was present in the thing given and had not altogether relinquished it. We are concerned here with the rights he retained. In the case of the Church's temporalities these rights are well known and have been minutely studied: onerous services in person and in kind; and this led eventually to the demands for the *libertas ecclesiae*. In the case of gifts to laymen the donor's expectations are also well known when the grant was *in beneficium*. They have not been so thoroughly investigated when the grant was *in proprietatem*. Yet here too loyalty and service, *familiaritas* and friendship, which led to the gift, were meant to be vouchsafed and guaranteed by it. Forfeiture of royal land-grants *in proprietatem* for infidelity was a familiar feature in the Carolingian ninth century and we can find it also among the Ottonians. When they gave land *in proprietatem* to a *fidelis* who then betrayed them or was on the losing side in a rising or a disputed succession, such land reverted without question, even without judgement, again to the royal donor or his successor.⁴ A good East Saxon example is the case of none other than Bishop Bernward of Hildesheim, the teacher and friend of Otto III. In 1001, shortly before a moving farewell near Rome, Otto III conferred on the bishop of Hildesheim the castle of Dahlum in the Ambergau with all its appurtenances, including the annual payment of 500 rams due from the freemen of the *pagus* at the royal *curtis*. It was an astounding gift out of the emperor's *hereditas*,

¹ M. Mauss, *The Gift Forms and Functions of Exchange in Archaic Societies*, translated by I. Cunnison with an introduction by E. E. Evans-Pritchard (London, 1969), pp. 6f., 10f.

² Mauss, *The Gift*, pp. 18ff.

³ e.g. *Annales Hildesheimenses*, 1035 (Christmas 1034) and 1039 (Christmas 1038), ed. G. Waitz, *MGH, SRG* (Hanover, 1878, and reprint, 1947), pp. 39, 43, and K. Leyser, 'Die Ottonen und Wessex', *Frühmittelalterliche Studien*, 17 (1983), 89f.

⁴ Gladiss, 'Schenkungen' (as in p. 426 n. 4), pp. 104-20. For a further example of Otto I's time see *DO I*, 115 of 949: 'praedium . . . ob infidelitatem eorum direptum nostraeque regiae potestati redactum', seemingly without a judgement. For *proprietas*, like *hereditas*, forfeited to the king by judgement see *DO I*, 207 of 960, above, p. 427 n. 2.

lands and rights that he could dispose of, so the diploma asserted, without consulting his magnates.¹ In 1009, however, we find Henry II giving Dahlum together with the yearly tax in kind to Gandersheim. It had evidently been taken away from Bishop Bernward again and most probably he lost it to make amends for his support of Margrave Ekkehard of Meissen, the Saxon aspirant to the kingship in 1002. Bernward had travelled with him to Hildesheim and given him a regal reception there. He made his peace with Henry soon enough but it cost him dearly.²

Royal grants *in proprietatem* to laymen were made to individuals and this gave them much greater power to do what they liked with the gift, sell it or give it away, than they possessed in relation to their patrimonies. Whereas the latter were subject to rigorous and inescapable custom and had to be left to all heirs entitled to a share, estate acquired by royal grants *in proprietatem* might be bequeathed and fell to a much smaller, preferred, and chosen group of persons to the exclusion of others. They could also be used more freely to endow churches and monasteries without having to appease and compensate all *coheredes* as much as had to be done when patrimony was used to fund such gifts. It is no accident that quite a number of Ottonian grants *in proprietatem* to lay nobles, men and women, have survived simply because they came with the lands themselves into the possession of religious foundations and were preserved in their archives and copied into their cartularies.³ The special right and freedom of the donee to bequeath, however, stemmed from the royal donor, with whom

¹ *MGH, Diplomatum Tomi II. pars posterior, Ottonis III. Diplomata* (henceforth cited *DO III*), no. 390 of 1001, 23 Jan. On Bernward's leave-taking see *Thangmari Vita Bernwardi*, ch. 27, *MGH, SS* iv. 770f. For Bernward's journey to Hildesheim with Margrave Ekkehard in Apr. 1002 see Thietmar, *Chronicon*, v. 4, p. 224. The bishop appeared among the Saxon great who met Henry II at Merseburg late in July 1002. See J. F. Böhmer and T. Graff, *Regesta Imperii II. Sächsisches Haus: 919–1024*, pt. 4, *Die Regesten des Kaiserreiches unter Heinrich II. 1002–1024* (Vienna, Cologne, Graz, 1971), nos. 1483yy, 1493b.

² *MGH, Diplomatum Regum . . . Tomus III. Heinrici II. et Arduini Diplomata* (Hanover, 1900–3), no. 206 of 1009, 3 Sept., henceforth cited *DH II*. Gandersheim received Dahlum by way of an exchange. It has been suggested that Bernward had to contribute Dahlum as his share to the endowment of Bamberg (Graff, *Regesten*, 1718). Whether Otto III could really dispose so freely of Dahlum without consulting his sisters, especially Sophia of Gandersheim, might be questioned but Bernward's partisanship for Ekkehard is the more likely reason for his loss. His struggle for diocesan rights over Gandersheim against Sophia and Archbishop Willigis of Mainz may explain his backing for the margrave.

³ For examples, see below, p. 430 n. 3, p. 431 nn. 1 and 3, p. 435 n. 4.

the land thus retained a certain connection, and for this very reason there were also special liabilities.

In Ottonian diplomata we often come across lands which fell to the king either by judgement on a malefactor or by way of inheritance and bequest.¹ This is in fact the most common evidence we possess for kings inheriting lands from their *fideles*, clerical and lay, although the narrative sources too speak of such things now and again. The inheritance is thus usually mentioned at the very moment when the ruler is granting it away again, to proclaim his title to the donee and possible future challengers. Now historians have often noted that heirless land fell to the king, but they have on the whole not troubled to tell us what constituted heirlessness.² In the case of royal *proprietas* the answer to this question might be quite different from what it was in the case of patrimony. In a society with such widely ramifying bonds of kinship, where *coheredes* clustered round every parcel of land, heirless patrimony was almost impossible or could be established only by the judgement of a court, with the doomsmen agreeing. Yet precisely because royal grants *in proprietatem* could, with royal leave, be devised and fell in any case to a much narrower and smaller band of heirs, they might revert again to the donor, the king, or his successor, if such heirs were wanting. The wider kin had no automatic claim to them. There was thus a certain, inner consistency about this type of land-grant. In the East Saxon households and the marcher conquests of the Ottonians gifts of land were of enormous importance, more so than elsewhere, and it is therefore not surprising that just here also reversions to the king were the most frequent.

Our first example comes from a diploma of Otto II, an original dated Dortmund, 14 July 978.³ Here the king allowed a noble-

¹ For escheats after sentences see K. Leyser, *Rule and Conflict*, p. 36f. About inheritances accruing to the Ottonians see op. cit., p. 10. Examples of bequests and gifts are scattered about in the diplomata, e.g. *DDH II*, 127, 218, 368, 389, 420, 448, 452.

² Schröder and Künssberg, *Rechtsgeschichte* (as in p. 426 n. 4), pp. 208, 364, 577, 824; Gladiss, 'Schenkungen', p. 118; E. Mayer, *Deutsche und französische Verfassungsgeschichte vom 9. bis zum 14. Jahrhundert* (Leipzig, 1899), i. 103; A. Meister, *Deutsche Verfassungsgeschichte von den Anfängen bis ins 15. Jahrhundert*, 3rd edn. (Leipzig, Berlin, 1922), p. 109. See also G. Waitz, *Deutsche Verfassungsgeschichte*, viii (Kiel, 1878), pp. 247-54.

³ *MGH, Diplomatum . . . Tomi II. pars prior. Ottonis II. Diplomata*, henceforth cited *DO II* (Hanover, 1888), no. 180. For the family connections of the men and women named in this diploma see K. Schmid, 'Neue Quellen zum Verständnis des Adels im 10. Jahrhundert', *Zeitschrift für die Geschichte des*

woman, called Gerbirin, and her daughter, Liutgart, to hold an estate which had once belonged to a Thietmar but which after Thietmar's death should have fallen to the emperor. It seems very likely that Gerbirin was Thietmar's widow and Liutgart their daughter. The clause explaining Otto II's stake is of great interest: 'et nos post mortem eiusdem viri secundum legem inheredare debuit', 'which after the death of the aforesaid man Thietmar should by law be left to us'. There was thus a law governing these reversions and there can be little doubt that we are dealing here with a royal grant *in proprietatem*. That wives could not succeed to them without special royal goodwill can be inferred from another diploma, a grant of Otto III to his officer Sigebert.¹ Sigebert, whose strenuous services to the emperor are praised in the context, received a place with three slaves and their families *in proprium*. It seems to have been recently assarted land and amongst Sigebert's rights of disposal the diploma specially mentioned that he could give it to his wife. The operation of rules under which lands Ottonian kings had granted might revert to them again is substantiated vividly in a gift made by the Emperor Henry II to Bishop Meinwerk of Paderborn's new monastic foundation, Abdinghof, in July 1017. Here Abdinghof received an estate which had to be bequeathed to the emperor by Rediald: 'quale legaliter et capitulariter nomine Redialdus ad nostras manus imperiales hereditavit', 'which lawfully and in due form Rediald bequeathed into our imperial hands'.² This more than hints at a directive, a capitulary even, under which the land must revert, did we but possess its text. In this case, moreover, it is known how Rediald's ancestor, Retold, had come to hold the land by Otto I's grant *in proprietatem*, a diploma of 16 November 958.³ For nearly sixty years, then, he and his descendants owned the estate in the Hessengau. Most likely it reverted because Rediald had no sons or close agnatic blood-relations, like a brother or a brother's son. Here as in many other cases it is evident that

Oberrhheins, 108 (1960), 218f. He does not deal with the question why Otto II should have had the land after Thietmar's death.

¹ *DO III*, 248 of 997, 9 July. In *DH II*, 446 of 1021, 10 Aug., Henry II gave to the abbess and nuns of Dietkirchen by Bonn an estate he had once bestowed on his doctor Landeric and then reacquired from the latter's widow. The term 'recomparavimus' (*ibid.*) suggests that she was compensated. See also a very interesting grant made by Henry IV in 1064 (no. 137, cf. below, p. 436 n. 1).

² *DH II*, 370, and see the *Vita Meinwerki*, ch. 143 (as in p. 417 n. 3), pp. 75f. The case is discussed by Bannasch, *Das Bistum Paderborn* (as in p. 417 n. 2), pp. 19f.

³ *DO I*, 197.

important grants to the Church were funded not out of royal *hereditas* or older royal possessions but estate which accrued to the ruler by reversion.

A particularly telling instance is that of Count Esico, of what has been called the Merseburg comital family, and in his case the evidence of the diplomata is rounded off and lit up by Thietmar of Merseburg's narrative.¹ Count Esico died on 22 November 1004 without a surviving son. Throughout the tenth century a comital family with the names of Siegfried, Asic, Esico, held sway in the East Saxon Hasegau. They served in the continuous Slav wars but also accompanied the Ottonians on their long-distance expeditions. One of them, a Siegfried, earned fame fighting against the Greeks in Apulia in 969.² Count Esico took part in Otto III's Roman expedition of 997–1000 and on 18 April 999, while at Rome, his services and attendance received a reward. Otto gave him *in proprium* the fortress of Kuckenburg and twelve royal *mansus* with all their slaves and appurtenances in the Hasegau which he had hitherto held *in beneficium*.³ The *potestas*-clause of the diploma was drafted with caution. The count could give (to a church), exchange, or sell. Esico also rendered signal services to Henry II in his battle for the kingship and was a formidable enemy of Margrave Ekkehard of Meissen's ambitions.⁴ At the time of his death Henry happened to be staying at Merseburg, and when the count's mortal remains were brought there, the king himself acted as the chief mourner and saw to it that Esico was honourably buried on the north side of the cathedral.⁵ In doing this he announced to all the world that he considered himself to be the count's nearest heir, just as he had done when he met Otto III's funeral cortège at Polling near Augsburg in February 1002.⁶ Thietmar now becomes our chief and priceless guide. He tells us

¹ On this family see R. Schölkopf, *Die sächsischen Grafen (919–1024)*, Studien und Vorarbeiten zum Historischen Atlas Niedersachsens, 22 (Göttingen, 1957), pp. 35 ff., and on Count Esico, pp. 39 f. with some errors.

² *Widukindi Monachi Corbeiensis Rerum Gestarum Saxoniarum Libri Tres*, iii, ch. 72, ed. P. Hirsch and H.-E. Lohmann, *MGH, SRG* (Hanover, 1935), pp. 148 f.

³ *DO III*, 320 and J. F. Böhmer and M. Uhlirz, *Regesta Imperii*, ii, pt. 3, *Die Regesten des Kaiserreiches unter Otto III. 980 (983)–1002*, 2. *Lieferung 998–1002* (Graz, Cologne, 1957), no. 1317. The description of Count Esico as a *ministerialis* is confusing and mistaken.

⁴ Thietmar, *Chronicon*, v, ch. 15, pp. 236 f. Count Esico had kept and guarded Merseburg, Allstedt, and Dornburg with all their appurtenances for Henry against Ekkehard.

⁵ *Ibid.*, vi, ch. 16, pp. 292–4, and Böhmer and Graff, *Regesta Imperii*, II, 4, *Heinrich II.*, no. 1586a.

⁶ Thietmar, *Chronicon*, iv, chs. 50, 51, pp. 188–90.

that Henry conferred Esico's countship over Merseburg and all that belonged to it on Count Burchard and a fief of four fortresses by the river Mulde on another East Saxon noble, but Esico's *predium*, his allods, he kept for himself by a judgement.¹ The kinship between the Liudolfings and the ancestors of the count went back a long way, the early tenth century at least, and Count Esico did not lack kin, so that Henry II clearly needed a judgement to have his lands. Yet one estate of Esico's the king could and did take over immediately without judgement and that was the fortress Kuckenburg with the twelve royal *mansus* which had been granted to the count by Otto III *in proprium* in 999. They reverted to Henry II at once and without question and we find him giving them away to the canons of Merseburg in a diploma dated 23 November (only a day after Esico's death), for the love of God, for the sake of his own, his queen's, and his predecessors' souls, and finally in memory of Count Esico.² The difference in the devolution of land held in heredity and land acquired *in proprietatem* by the king's gift in East Saxony, could not be demonstrated more clearly.

These are by no means the only Ottonian examples.³ The fortunes of great men who owed much land to royal grants were vulnerable if they lacked sons and left only daughters. We must ask now how the Salians dealt with these incidents when they replaced the last of the Liudolfing kings in 1024. From its very beginnings the Salian position in Saxony was an anomalous one. The Ottonians had been the kinsmen, friends, and neighbours, often also the *coheredes* of their Saxon fellow-nobles. The Salians for the most part lacked these bonds. They had, it is true, some kinship in the Saxon aristocracy thanks to the earlier marriages of Gisela, Conrad II's empress. She had been the wife of Count Brun, a member of a senior branch of the Liudolfings who in the later ninth century had been overtaken and outstripped by the Ottos and Henrys. Now the Brunones appear in diplomata as royal kinsmen, and one of Gisela's half-sisters had married a Ballenstedt, who thus moved into the outer ring of royal affinity.⁴

¹ *Ibid.*, vi, ch. 16, p. 294: 'Comitatum super Merseburg et benefitium ad hunc pertinens Burchardo et super quatuor urbes iuxta Mildam fluvium positas Thiedberno benefitium concessit. Omne autem predium sibi iudicio retinuit.'

² *DH II*, 89, and *Regesta Imperii*, II, 4, *Heinrich II.*, 1588.

³ Not everything that Margrave Gero (*ob.* 965) had held by royal gift *in proprium* came into the possession of Gernrode after his decease as I hope to show in a forthcoming book on the Saxon nobility of the tenth and eleventh centuries.

⁴ *Annalista Saxo*, 1026 and 1038, *MGH, SS* vi. 676, 682, and Schölkopf, *Die*

The Salians were Rhenish Franks, yet they took over the enormous inheritance of the Ottonians, most of all in Saxony. A large cluster of *palatia* was at their disposal there, more than anywhere else in the *Reich*. They invited residence. Saxony also and especially Eastern Saxony contained the greatest concentration of royal lands and rights, the most extensive area of royal patronage and a close-meshed network of military and fiscal institutions brought into being by the state of permanent war on the expanding Saxon frontiers during most of the tenth century.¹ That Conrad II and Henry III were once again able to wage aggressive wars on these frontiers, and to collect tributes from Slav rulers and peoples, only enhanced the importance of their Saxon stays, not to mention the productivity of the Harz silver mines. The Salians could not do without this massive base and concentration of royal powers and functions and they clung to them unhesitatingly. Recently a scholar wrote of Saxony after 1024 that it now became a *Nebenland*, an area of secondary interest to its kings.² Nothing could be further from the truth as a bare glance at the Salian royal itineraries and stays shows.³ It might have been well for the *Reich* had Saxony indeed become a *Nebenland* but this could not be, and in the reign of Henry III and after Henry IV's majority in 1065 the very opposite happened. Saxony became the centre of intensified and enhanced royal government with mounting friction and unrest.

The outburst of 1073 was thus no sudden commotion but only the ignition of accumulated fuel. Its fuse-wires went back to the reigns of Conrad II and Henry III. Nowhere is this more manifest than in the increasing flow of lands reverting into the possession of the kings. There were at least six of these inheritances during the reign of Conrad II.⁴ Their number rose strikingly under *sächsischen Grafen*, pp. 107f. See also H. Bresslau, *Jahrbücher des Deutschen Reiches unter Konrad II* (reprint, Berlin, 1967), ii. 82f.

¹ K. Leyser, 'Ottonian Government', *EHR*, 96 (1981), 734ff. and also in *Medieval Germany and its Neighbours*, pp. 82ff.

² Giese, *Der Stamm der Sachsen*, p. 149.

³ For the Salian itinerary and the incidence of royal stays under Conrad II and Henry III see C. Brühl, *Fodrum, Gistum, Servitium Regis*, Kölner Historische Abhandlungen, 14 (Cologne, Graz, 1968), i. 132ff. While the frequency of stays in the southern duchies, especially Bavaria, rose, Saxony still led by a good way both in the number of localities visited there and the number of stays. Brühl's table of comparisons follows that of H. J. Rieckenberg, 'Königsstrasse und Königsgut in liudolfingischer und frühsalischer Zeit (919-1056)', *Archiv für Urkundenforschung*, 17 (1941) and separately (Darmstadt, 1965), pp. 113ff.

⁴ *DDC II*, 141, 152, 158, 164, 182, 232. Of these lands only those granted away in *DC II*, 141 of 1029 lay in Lotharingia. All the others were Saxon estates.

Henry III. In most cases we know about the king's right to such lands only when he was in the process of granting them away again to a church, a layman, or his wife and the diploma mentioned his title to warrant the donation.¹ In reality the amount of estate inherited by the kings must have been far more considerable since they did not grant it all away but kept much of it for themselves. The great majority of these reversions lay in Saxony and most of the Saxon ones in East Saxony. Here the Ottonian grants had been the richest and most thickly sown, and here too, in the nature of things, the cases of heirlessness were bound to increase after two, three, or four generations. Not all the escheats came under the heading of erstwhile royal grants *in proprietatem*. Sometimes there were judicial forfeitures and once also land fell to Conrad II because its holder, a Count Bernhard in the Saxon Ittergau, had been of illegitimate birth.² Yet most of the reversions must have been on the score of erstwhile royal *proprietates* and in some cases it is possible to trace the original royal grant as could be done in that of Rediald. In 1055 Henry III gave to his imposing foundation, the collegiate church of SS Simon and Jude at Goslar, land at Giersleben which had come to him *hereditario jure*.³ Almost 118 years before Otto I had given that land to a noblewoman, Bia, at the request of her son, Frederick, his *fidelis*.⁴ Otto's diploma of 937 was preserved in the archives of SS Simon and Jude, like that of Henry III recording the conveyance of Giersleben to the foundation. There can be no doubt that the estate had reverted as former royal *proprietates*.

We have no less than twenty-two diplomata of Henry III's which proclaimed royal inheritance in Saxony and there are a few even from Henry IV's minority, again chiefly from Eastern Saxony.⁵ The vested interests behind these reversions and regrants

¹ *DDH III*, 116, 117 of 1043, 119 of 1044, and 160, 162 of 1046 for his queen, Agnes, were all funded out of recently inherited land, and all but one of these estates (*DH III*, 119) lay in Saxony or the adjoining marches. The collegiate church of SS Simon and Jude at Goslar founded by Henry owed a substantial part of its endowment to reversions, inheritances *iure regni*, gifts to the king, and forfeitures. See *DDH III*, 256, 257, 285, 286, 305, 330, 340 (1050–1055), most of them accruing in Saxony.

² *DC II*, 152 of 1030, *Vita Meinwerci*, c. 205, pp. 119f.; Bannasch, *Das Bistum Paderborn*, pp. 17, 63.

³ *DDH III*, 233 of 1049, Mar., and 330 of 1055, 16 Jan. The earlier of these two diplomata did not mention Henry III's title. *DH III*, 330: 'tale predium quale ad nos hereditario iure pervenit in loco qui dicitur Geresleva' fits in well with the description of the gift in Otto I's *D* 17 (cf. n. 4 below).

⁴ *DO I*, 17 of 937, 21 Oct. Otto I clearly did not own the whole vill.

⁵ *DDH III*, 76, 106, 112, 116, 117, 120, 150, 157, 158, 159, 160, 162, 175, 256,

were not at once barred either during the Empress Agnes's regency or after the coup of Kaiserswerth when Henry fell into the hands of Archbishop Anno of Cologne, abetted by Otto of Norheim and Ekbert of Brunswick. The memories of kings, their advisers, and expectant beneficiaries of their largesse, were surprisingly long.¹

That the Salians used their rights over lands which their predecessors or they had granted *in proprium* rigorously and without qualms almost certainly alarmed and must have been resented by the affinity and less immediate heirs of the holders, who could now be sure only of patrimony. What is more, and does not appear to have been much noticed, a new formula crept into the diplomata recording the king's title by inheritance. We now read frequently that the land had been bequeathed or that Conrad II had inherited it *imperiali jure*. At Magdeburg in 1032, for instance, he gave land to a *fidelis* called Aio which a certain Livika had possessed formerly 'et nos imperiali et hereditario jure hereditavit'.² In 1052 Henry III at Kaiserswerth gave an East Saxon estate to Archbishop Adalbert of Bremen and his brothers, Dedi and Frederick, 'quod in nostram proprietatem regni jure cessit'.³ In the same year SS Simon and Jude received lands in Westfalia 'quod in nostram potestatem hereditario regni jure cessit'.⁴ The use of these phrases to express and justify reversions was not universal, but we cannot find them in Ottonian diplomata. The nearest approximation was Henry II's gift of land to Abdinghof, which, as we saw, Rediald had bequeathed *legaliter et capitulariter*.⁵

257, 283, 286, 330, 340. Nos. 305, 310, 311 were most likely estates forfeited by Thiemo Billung, *exlex* who had avenged his father's death after a judicial duel. See p. 439 below.

¹ *MGH, Diplomatum . . . Tomus VI, Heinrici IV. Diplomata, Pars I*, ed. D. v. Gladiss (Weimar, 1953), nos. 65 of 1060, 107 of 1063, 130 of 1064. Very significant are also *DH IV*, 80 of 1062 and *DH IV*, 182 of 1066 which confirm and afforce gifts to Meissen and to Naumburg which the donor, Markward, had made out of what Henry III had given to him *in proprium*. The land in the Eastern marches of Saxony and Thuringia had not yet parted company from its royal overlord even when given to a *fidelis* as *proprietas*. Here lay the strongest foundations of royal power in Saxony and hence also the Salians desperate struggle not to be uprooted from their rights and resources.

² *DC II*, 182 and cf. *DH III*, 76 of 1041, 23 Apr.

³ *DH III*, 283.

⁴ *DH III*, 286. Besides these *formulae* another should be noted which occurs not infrequently in Henry III's diplomata, e.g. *DH III*, 116 for Agnes granting 'Tale praedium, quale hereditario iure in nostrum ius atque dominium visum est redactum esse' suggesting possibly an inquest.

⁵ Cf. above, p. 431 nn. 2, 3, and perhaps the ill-preserved *DO I*, 370 of 968/9.

Behind the change of *formulae* lay a significant change of ideas. The Salians were not the Ottonians' sole heirs and it was *jure regni* that they had come by the lion's share of the Ottonian inheritance. What had been relationships of gift and mutual obligation between the Liudolfings and their Saxon followers became attributes of kingship as such, impersonal and enforceable rules, menacing staging-posts almost on the way to statehood or at least institutionalized and legally concrete dealings as against the face-to-face arrangements between princely givers and their military *comitatus*. The Saxon nobles could not fathom this development and it goes far to explain their deep-seated and lasting estrangement. How systematic the royal reversionary expectations had become can be seen from a diploma of Conrad II for the almost insatiable Bishop Meinwerk of Paderborn.¹ Here the emperor gave away the lordship over a *comitatus* lying in three West Saxon *pagi* and parted not only with any lands he might still hold there but also with all those he might in future acquire. The royal right to inherit could thus be alienated.

The largest East Saxon inheritance which fell to the Salians was that of the Ekkehardine margraves of Meissen. Ekkehard II died without sons and daughters in 1046 and by his own *traditio* his entire fortune went to Henry III.² The king attended his exequies at Naumburg, largely endowed by the margrave and his predeceased brother Hermann, just as Henry II had acted as chief mourner to Count Esico. Ekkehard II's sister Mathilda had been married to a rival, the Wettin Count Dietrich, and there were at least four surviving sons of this union, but it is doubtful whether they received much or any of the Ekkehardine *hereditas*. Much the most important possessions of the margraves, for instance the great burgwards of Rochlitz, Strehla, and Teitzig, were in any case royal grants *in proprietatem*. We know this again thanks to Thietmar of Merseburg.³ In his obit notice of Margrave Ekkehard I, who was killed at Pöhlde in 1002, he wrote that Otto III, as a reward for Ekkehard's outstanding services, had converted most of his fiefs into *proprietates*. These lands and fortresses appear to have

¹ DC II, 178 of 1032.

² On Margrave Ekkehard II's death see E. Steindorff, *Jahrbücher des Deutschen Reiches unter Heinrich III.* (Leipzig, 1874), i. 291 f. with the sources, Schölkopf, *Die sächsischen Grafen*, p. 72. For his career see O. Posse, *Die Markgrafen von Meissen und das Haus Wettin bis zu Konrad dem Grossen* (Leipzig, 1881), pp. 84–122.

³ Thietmar, *Chronicon*, v, 7, p. 228: 'Huius vitae cursum quam probabiliter egit, qui apud dominum suimet beneficii maximam partem acquisivit in proprietatem!' See also Posse, *op. cit.*, p. 120.

come into the possession of Hermann, Ekkehard's eldest son, rather than Gunzelin, his brother, who for a time succeeded to the margraviate. The two sons in lay estate, Margrave Hermann (*ob.* 1038) and Ekkehard II, often appear in the company of the Salians and supported them in war and peace. They followed Conrad II on his Roman expedition in 1029.¹ Their conspicuous loyalty must be linked with their enormous holdings *in proprium*. They stood to lose too much for infidelity. Once again the want of sons or brothers' sons in the case of exceptionally powerful men brought about the reversion of vast possessions to the Salians. Henceforth they enjoyed a commanding position in the South-Eastern marches close to Bohemia. It explains many of Henry IV's movements during the upheavals of the 1070s and also his alliance with the Bohemian dukes. In 1068, 1071, 1075, 1076, and 1080 the king visited or campaigned in these regions, sometimes appearing very suddenly and unexpectedly.²

From what has been said it follows that the East Saxon nobles held not only their *honores* but also their lands less securely than did their like elsewhere. Too many of their most important possessions went back to royal gifts with their attendant risks. In this way the very achievement of the Ottonians and the prosperity and eminence they brought to their followers turned into a dangerous legacy. Of Henry IV's outrageous actions in Saxony none attracted so much notice as his sudden seizure of the Lüneburg, the main seat of the Billung dukes with its monastic foundation while Magnus Billung was under arrest.³ Yet the Lüneburg too may have been royal *proprietas* once, and with the Billungs supporting Otto of Norheim's war against the *Reich* was it not justly forfeited for infidelity? In the light of the reversions to the king Otto of Norheim's speech at Hötensleben, as reported by Brun, gains a new complexion. Otto called on the *milites* to bestir

¹ *DC II*, 82, Rome 1027, 7 Apr. where Margrave Hermann and his brother Ekkehard sponsored a grant to Bishop Meinwerk of Paderborn.

² *DDH IV*, 209, 210, 211, 212 of Oct. 1068 were dated at Meissen and at Rochlitz. See also Meyer von Knonau, *Jahrbücher . . . Heinrich IV.*, i. 598. For Henry's visit to Meissen in 1071 see *Jahrbücher*, ii. 85f. For his raid in the autumn of 1075 see Lampert, *Annales*, pp. 231-2. For the expedition to Meissen in Aug. 1076 see Lampert, *ibid.*, pp. 269-73. For the campaign in 1080 see Brun, *Saxonicum Bellum*, chs. 121-3, pp. 114-17.

³ *Ibid.*, chs. 21, 22, pp. 26f. Lampert, *Annales*, 1073, pp. 149, 160f. That the Liudolfings raised a fortress and a monastery at Lüneburg before Hermann Billung did so is suggested by H.-J. Freytag, *Die Herrschaft der Billunger in Sachsen*, Studien und Vorarbeiten, 20 (Göttingen, 1951), p. 60. Otto I granted the salt-tolls to the monks in 956. See *DO I*, 183.

themselves and make sure that they left the *hereditates* which they had from their forebears to their own children. Even the allegation that Henry wished to infiscate all their *bona* can be explained.¹ It must be remembered that all the lands in the marches had at one time been bestowed by the Ottonian rulers as fiefs or *proprietates*, most of them probably without diplomata. There must be an end to reversions of former royal *proprietates*.

The Saxon rising of 1073 was thus brought about not only by the harsh measures of Henry IV's garrisons and agents, the recent deprivation of Otto of Northeim, the fines in land imposed on the Wettin Dedi and Adalbert of Ballenstedt in 1069.² There are indeed signs of much earlier Saxon hostility to the Salian kings. Conrad II's confiscation of an enormous estate at Lesum, not far from Bremen, can hardly have endeared him to the Immedings, then still one of the foremost families in Saxony, and the Billungs whose possession it had once been.³ The Hildesheim Annals reported the death of the emperor in 1039 in vivid detail. Only a day before he suffered a fatal stroke he had walked under the crown—it was Whitsun—with all the sacral solemnities which the author all the same called earthly pomp. Then he deplored the hard-heartedness of men: nobody grieved about the emperor's sudden death.⁴ We might discount the annalist's reflections, that they tell us little about Conrad II's standing in Saxony, did we not also possess a diploma of Henry III's in which, exactly ten years after his father's death, he endowed a solemn anniversary for him at Hildesheim with vigils, masses, and lavish alms as if Henry wished to redress the scant regard for his father's memory in the bishopric.⁵

Much more marked, pronounced, and acute were the discontents and hostility roused by Henry III's own measures in Saxony: the favour shown to the see of Bremen at the expense of the Billungs, the death of Thietmar Billung in a judicial duel, the banishment of his avenging son, the frequency of the emperor's

¹ Brun, *Saxonicum Bellum*, ch. 25, p. 29, and Lampert, *Annales*, 1073, p. 147 and cf. above, p. 424 n. 2.

² *Ibid.*, 1069, pp. 106–8 and *DH IV*, 224 of 1069, 26 Oct. See also *Annales Altahenses Maiores*, 1069, p. 77 for Dedi's and Adalbert's surrender. For Otto of Northeim see K.-H. Lange, 'Die Stellung der Grafen von Northeim in der Reichsgeschichte des 11. und frühen 12. Jahrhunderts', *Niedersächsisches Jahrbuch für Landesgeschichte*, 33 (1961), 31–79.

³ *Magistri Adam Bremensis Gesta Hammaburgensis Ecclesiae Pontificum*, ii, ch. 80, p. 138, and *Jahrbücher des Deutschen Reichs unter Konrad II.*, ii, 362 ff.

⁴ *Annales Hildesheimenses*, 1039, p. 44.

⁵ *DH III*, 236b, Hildesheim, 1049, 4 June.

stays in Goslar, and above all, as we have seen, the scale and importance of the reversions of lands he pressed home there. The Würzburg Annals recall that on his deathbed he restored lands which he had unjustly acquired.¹ Above all Lampert of Hersfeld, *sub anno* 1057, unfolds the vehemence and unvarnished downrightness of the Saxon princes' response to Henry III's regime now that it was no more, and also their determination to exploit the minority of Henry IV to the utmost. In frequent conspiratorial meetings, he wrote, they agitated against the wrongs which they had suffered under the emperor. The time had come to be even and use the opportunity of the king's age—he was not yet seven—to deprive him of his rule. He would only follow in his father's footsteps, they felt, and be no better than his predecessor. Even a Saxon claimant to the kingship itself, an only half-legitimate Count Otto of the Haldensleben family, came forward, according to Lampert, and the conspirators were sworn to nothing less than the young king's murder. Although Henry's own kinsmen, the Ekbertines, fell upon Count Otto and killed him, perhaps because they felt that if anyone challenged the Salian's kingship they had a better right to it than the outsider Otto, the alienation of Saxon princes from the *Reich* could hardly have been more forcefully expressed.² If Lampert is to be believed the incident was a rehearsal almost and certainly a prelude to the outburst of 1073.

The rhythm of events leading to the catastrophe and explaining it now becomes a good deal clearer. To the situation of acute tension as witnessed by the royal practice of reversions and by Lampert, the minority of Henry IV brought some relief. There were indeed, as we have said, a few more royal inheritances, granted out again to the see of Magdeburg and to Gernrode, but against them must be set a massive flow of lands, revenues, forest rights, and comital powers extorted from or coaxed out of the helpless king by bishops and lay nobles. We can follow them in the diplomata. An astonishing number of these alienations of royal rights lay in Saxony or benefited Saxon prelates and lay nobles,

¹ *Chronicon Wirziburgense*, MGH, SS vi, p. 31. It was, however, compiled at Bamberg. See F.-J. Schmale and I. Schmale-Ott, *Frutolfi et Ekkehardi Chronica* (as in p. 410 n. 3), p. 10.

² Lampert, *Annales*, 1057, pp. 71 f. On the situation during Henry III's later years see E. Boshof, 'Das Reich in der Krise. Überlegungen zum Regierungsausgang Heinrichs III.', *HZ* 228 (1979), 265–87. I cannot agree with Boshof, who spoke of a progressive isolation of the Saxons in the *Reich* (p. 274). This does not pinpoint the nature of the problem, the intensity of royal government in East Saxony and the flow of reversions.

Archbishop Werner of Magdeburg, Bishop Hezilo of Hildesheim, Burchard of Halberstadt, his brother Lantfried, to name only some.¹ There were no less than thirty-one and the young king's mentors and friends, most of all Archbishop Adalbert of Hamburg-Bremen, helped themselves lavishly to royal possessions.² Others who stood less close to the control of the king's person must have used these opportunities no less graspingly even if they did not go to the full length of Lampert's plot. When Henry came of age, and, from about 1068 onwards, began to be his own master, the situation changed once again drastically. The resumption of royal control and initiative meant also the return to the full rigours of reversions and more. The king and his new and suspect advisers also wished to regain or find compensation for what had but recently been lost or usurped. Not only the dead and their heirs but also new donees now had to fear escheats, in short, what Lampert had called *vis et calumnia*, force made all too visible by the castles and their garrisons backing swift legal procedures. To ruin eminent individuals by entangling them in judicial duels, the fate that hit Otto of Northeim, was a well-tryed device. Shortly afterwards it was used by Rudolf of Rheinfelden against Henry IV himself.³ The fears of the princes in 1057 turned out to have been more than justified unless Lampert's account of their complots was but historical hindsight. Still, even if it was no more than that it proves that he saw continuity in what the Salians meant to do in Saxony and in the East Saxon princes' efforts to resist them and their agents. The swift and relentless return to an ancient and longstanding but recently relaxed mode of controlling aristocratic tenure of *honores* and land in Saxony blew the lid off. The result was the rising of 1073.

Its consequences were profound and lasting. It shaped the Saxons' sense of their own past and identity for centuries to come. Helmold, writing between 1163 and 1172, spoke of the Saxon princes' old habit of revolt, their 'rebellionum vetus consuetudo'

¹ Not all these grants can be cited here. For Magdeburg see *DDH IV*, 65, 107, 138; for Hezilo of Hildesheim see *DDH IV*, 83, 132, 157, 206, 218, 219; for Halberstadt see *DDH IV*, 32, 108, 109, 110, 207 (for Lantfried, the bishop's brother). The flow of favours for these two last-named bishops continued until 1068 and 1069 respectively.

² For Archbishop Adalbert of Hamburg-Bremen, see *DDH IV*, 18, 103, 112, 113, 115, 168, 172, 175. Not all his hoped-for gains, like the abbeys of Lorsch (*DH IV*, 169 of 1065) and Sinzig (*DH IV*, 173 of the same year), lay in Saxony. The favours obtained or extorted by Archbishop Anno of Cologne, like *DH IV*, 104 (1063), the ninth part of all money revenues, must also be remembered.

³ Lampert, *Annales*, 1073, pp. 166-8, 170, 174.

when he described their defection from Henry V. The Battle of Welfesholz was to him 'prelium illud nostra etate famosissimum'.¹ Arnold of Lübeck in his *Chronica* of c. 1210 narrated almost with a shudder how Frederick Barbarossa in 1180 rebuilt the Harzburg and in doing so stirred up dark memories. He called the castle 'jugum Saxoniae', following Helmold.² We meet the story of Otto of Northeim's blunt rebuff to Henry IV's son in the Magdeburg *Schöppenchronik*, the work of the secretary of the Magdeburg *scabini* written c. 1370.³ The rift between North and South in Germany, of who would dominate whom, remained acute, fed by these memories. The possibility of the North prevailing over the South, and so of a return to the modalities of the Ottonian age, reappeared briefly in the twelfth century. It became a likelihood during the reign of Lothar of Süpplingenburg. The submission of the Hohenstaufen brothers, Frederick and Conrad, in 1134/5 at Fulda, Bamberg, and Mülhausen was almost like a counterpoint and belated revenge for the surrender of the Saxon princes to Henry IV in the autumn of 1075.⁴ Yet this sudden shift-back of the centre of authority northwards ended again in 1138 when a few princes raised Conrad III rather than bow to the formidable holder of the Saxon and Bavarian duchies, Henry the Proud. For most of the Middle Ages and the early modern centuries the *Reich* was ruled by dynasties of southern or southwesterly origins and habitat. Saxony on the whole did not see them very often after the twelfth century. Later attempts by Adolf of Nassau and the Habsburg Albrecht I to set foot in Meissen and so found or enlarge their *Hausmacht* were thwarted. The Wettins stood their ground. The Wittelsbach acquisition of Brandenburg in 1323 and the Luxemburgs' in 1373 was neutralized by the estates, the erosion of their revenues, the disintegration of their administration. The Saxon greats' struggle for their inheritances and lands held *in proprium* had not been fought in vain. Until the backwoodsmen of the Northern March in the guise of Brandenburg-Prussia took the offensive, the impasse bequeathed by the Saxon rising held good. The Ottonian ideas of kingship were negated by the Reformed

¹ Helmold, *Cronica Slavorum*, i, ch. 40, p. 81.

² *Arnoldi Chronica Slavorum*, ii, ch. 18, ed. G. H. Pertz, *MGH, SRG* (Hanover, 1868), pp. 58, 60f. The Helmold passage describing the Harzburg 'quod ipsis propter iugum positum fuerat' is i, ch. 27, p. 53.

³ *Die Magdeburger Schöppenchronik*, ed. K. Janicke, *Die Chroniken der deutschen Städte* 7, i (Leipzig, 1869), 102.

⁴ W. Bernhardi, *Lothar von Supplinburg, Jahrbücher der Deutschen Geschichte* (Leipzig, 1879), pp. 555f., 562ff., 578f.

Papacy, its practice was destroyed by the East Saxon nobles' rebellion. That is the meaning of the secular crisis of the later eleventh and early twelfth centuries which historians ignore at their peril.