REPRESENTATIONS OF POWER
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The Creation of the *Codex Falkensteinensis* (1166): Self-Representation and Reality

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Before leaving in 1166 on Frederick I Barbarossa's ill-fated fourth Italian campaign, Count Sigiboto IV of Falkenstein (1126–c. 1198) commissioned a canon of Herrenchiemsee to write the *Codex Falkensteinensis*, the oldest European family archive.¹ At his departure the manuscript included the following...
items in this order: the first-known family portrait; the appointment of Sigiboto's father-in-law, Count Kuno IV of Mödling, as the guardian of the Count's sons Kuno and Sigiboto V (no. 1); a list of the fiefs with which Sigiboto had been enfeoffed (no. 2) and which may well be the oldest German feudatory; the first entry about the Hantgemal, a classic legal text about the Falkensteins' preedium libertatis (no. 131) or earnest of their free status (no. 3); a notice about the chapels in Sigiboto's three Upper Bavarian castles: Neuburg, Falkenstein, and Hartmannsberg (no. 4); the Urbar, the oldest survey of the estates of a lay landowner (the oldest Bavarian ducal register was prepared between 1231 and 1234); and a Traditionsbuch, the only extant book of conveyances from a secular lordship. Sigiboto, wearing a princely coronet on his

Sigiboto's commissioning of the codex was precocious. We generally assume that England was in the vanguard, at least in northern Europe, in the production and preservation of written records; but Michael T. Clanchy, From Memory to Written Record: England 1066–1307, 2nd edn (Oxford: Blackwell, 1993) indicated that the barons did not maintain their own chanceries in the twelfth century (p. 56), had accepted the use of documents only by 1200 (p. 76), that is, a generation after Sigiboto commissioned the codex and that the earliest lay cartularies date only from the thirteenth century but remained rare even then (p. 102). For an application and critique of Clanchy's theories about the development of pragmatic literacy to the rest of Europe, see Charters and the Use of the Written Word in Medieval Society, ed. by Karl Heidecker, Utrecht Studies in Medieval Literacy, 5 (Turnhout: Brepols, 2000).


4 Noichl, p. 70*, thought that the Lehnbuch of Werner II of Bolanden was older, but that list has now been redated in all probability to the mid-thirteenth century. See Werner Rössner, 'Beobachtungen zur Grundherrschaft des Adels im Hochmittelalter', in Grundherrschaft und bäuerliche Gesellschaft im Hochmittelalter, ed. by Werner Rössner, Veröffentlichungen des Max-Planck-Instituts für Geschichte, 115 (Göttingen: Vandenhoeck and Ruprecht, 1995), pp. 116–61 (p. 141, n. 116). The list appears today on fol. 7v*, but it faced the portrait before the manuscript was rebound in the sixteenth century. See Noichl, pp. 25*–26*.


7 On the Traditionsbücher and the older literature about them, see John B. Freed, Noble Bondsmen: Ministerial Marriages in the Archdiocese of Salzburg, 1100–1343 (Ithaca: Cornell
The Creation of the Codex Falkensteinensis

head, is identified in the portrait as Lord Count Sigiboto (‘DNS SIBOTO COMES’), and the rest of codex provides the legal and economic basis for that representation. Indeed, the list of fiefs that originally faced the portrait starts with the statement, ‘The register begins. A summary of the alods and fiefs of Lord Count Sigiboto.’ For good measure, he was identified in the next sentence with his complete title: Count of Neuburg, Falkenstein, Hartmannsberg, and Hernstein (no. 2).

As Werner Rösener indicated, such a combination of disparate materials was not at all untypical for twelfth-century Bavarian Traditionsbücher that were produced by ecclesiastical foundations. The books of conveyances were not intended to be simply cartularies (Kopialbücher). In addition to the notices themselves, such Bavarian codices might contain protocolic entries, Urbare, miniatures, calendars, necrologies, and the rule the house followed. For example, Urbare were added at the end of the twelfth century to the Traditionsbuch of the abbey of St Peter’s in Salzburg.8 The very act of transcribing a transaction into a codex was by itself a form of legal proof, and the book memorialized the church’s founders and benefactors.9 The memorial function of the Codex Falkensteinensis is evident in the inscription on the portrait: ‘Sons, bid your father farewell and speak respectfully to your mother. Dear one who reads this, we beseech you, remember us. All may do this, but especially you, dearest son.’10

I want to examine how the Codex Falkensteinensis was produced and why Sigiboto commissioned it, and I will argue that a major reason for its creation was the contradiction between Sigiboto’s public persona, as represented by the portrait, and his actual power. This investigation will be guided by four methodological considerations.
First, it is necessary to treat the codex as a whole. The very uniqueness of the codex has led to specialized studies or the selective use of its constituent parts, inspired in part by the changing vagaries of historiographical fashion, for instance, about the *Hantgemal* or family consciousness; but I know of no monograph that has investigated the codex in its totality. Second, it is necessary to pay careful attention to the location of the places mentioned in the codex. For instance, all the fiefs that Sigiboto divided among his sons before Kuno’s departure on the Third Crusade in 1189, except for several hides situated at Gllonn, north of Neuburg, were located within the boundaries of the *Urbar* office attached to the castle of Hartmannsberg (no. 106).

Third, the placement of the individual entries in the codex is crucial. Elisabeth Noichl, the editor of the most recent edition of the codex, did a superb job in dating the entries and in identifying the scribes, witnesses, and place names; but she did not publish the entries in the order they appear in the manuscript but rearranged them in topical and chronological order. Although it is quite possible to reconstruct the original arrangement from her notes without looking at the actual manuscript, the unwary user can easily be misled or fail to see important connections that may have existed in Sigiboto’s or the scribes’ minds. For example, sometime in the 1170s scribe F3 included in the codex a list of the Count’s liquid assets that were known to two of his men: £60 of Krems and £40 of Regensburg money; ten marks of silver; four silver bowls, a silver salver, two silver spoons, three cups (‘picaria’) with silver covers (tankards?), four silver cups (‘cyphos’) with covers, whose total value was £12 and one (shilling?, one or two words are unreadable); and half a mark of gold, two bracelets, each weighing half a mark of gold, two gold coins (bezants?), each weighing half a mark, for a total of two and a half marks of gold (no. 105). Noichl published this entry after the *Urbar*, as part of the category ‘Besitzstand aller Art’. In reality, the scribe placed this notice on the front page of the manuscript that had been left blank in 1166; presumably, Sigiboto wanted to have quick access to his ‘bank statement’. Of course, such silver and gold objects were also intended to be a

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11 Noichl, p. 87*. The 1880 edition of the *Codex Falkensteinsis* by Hans Petz in *Drei bayerische Traditionsbücher aus dem XII. Jahrhundert: Festschrift zum 700 jährigen Jubiläum der Wittelsbacher Thronbesteigung* (Munich: Verlag von Max Kellerer’s Buch- and Kunsthändlung, 1880), pp. 1–44, reproduces the manuscript in its present order, i.e. the list of fiefs is now fol. 7r–v and places the miniatures in the appropriate places.

12 According to Lorenz Diefenbach, *Glossarium Latino-Germanicum mediae et infimae aetatis* (Frankfurt a. M., 1857; repr., Darmstadt: Wissenschaftliche Buchgesellschaft, 1997), p. 433, a *picarium* was a *Becher*. I am assuming that *cyphos* is derived from the Greek *kypellon*, a drinking cup, the English *cyphella*.

13 Let me cite two other examples of misleading placements of entries in the Noichl edition. In 1168 Sigiboto obtained a ruling from the Count-Palatine of Bavaria, Otto V of Wittelsbach, that the Count was to obtain the *Hantgemal* because Sigiboto appeared to be the oldest in his *generatio* (no. 131). Noichl included this ruling among the conveyances, when the scribe in fact appended the notice to the original entry about the location of the *Hantgemal*.
visible display of the Count's wealth and power on appropriate occasions, part of his self-representation.

Fourth, it is necessary to distinguish between the original portion of the manuscript written in conjunction with Sigiboto's impending departure for Italy in 1166 and the additions made in the three decades after his return. These additions enable one not only to study the changes in Sigiboto's property holdings and family relationships but also, I think, to detect a change in purpose. If, as we will see, the Codex Falkensteinensis was commissioned in 1166 to guide Sigiboto's father-in-law and men during his absence and in the eventuality of his death, it assumed later a more personal and private character as can be seen by the inclusion in the codex of such items as a notice about Sigiboto's penances (no. 182) or a prescription, written in German, for the treatment of kidney stones (no. 185). Although I am primarily concerned here with Sigiboto's original purpose for ordering the preparation of the codex, I believe that Sigiboto and his surviving son Sigiboto V may have commissioned in the 1190s the now lost German translation and continuation of the codex so that its increasingly private contents might be more directly accessible to them.\textsuperscript{14}

\textit{Method of Production}

The oldest section of the codex was the work of a single scribe, Noichl's F1, a canon of Herrenchiemsee, who had worked on the Traditionsbuch of that house of Augustinian canons. Perhaps he was chosen to draft the codex of the canons' advocate because of that prior expertise. He also drew the accompanying miniatures, but probably not the family portrait, and rubricated the initial letters and figures. The manuscript consisted from its inception of forty folios divided into six quires. F1 made entries only on the first nineteen folios, leaving not only the remaining half of the manuscript completely empty, but also considerable blank space, measuring from a half to a whole page, in the first section, especially in the part devoted to the

\textsuperscript{14} For information about the German translation, which was last mentioned at the end of the seventeenth century, see Noichl, pp. 11*-17*. The German version was continued until at least 1231. Noichl was able to reconstruct partially the German text from the transcriptions made by the early modern scholars, Johannes Turmair Aventin, Wiguläus Hund, and Christoph Gewold. She published the surviving German translations in the headnotes to the Latin entries and the text of six German and Latin entries that do not appear in the Latin version in Anhang I, pp. 165--69.
Urbar.\textsuperscript{15} The extensive vacant space suggests that Sigiboto was not as pessimistic about his chances of returning as the inscription on the portrait might imply, or at the very least, that he expected his sons to continue the project.

As Noichl indicated, the text shows signs of having been compiled in haste.\textsuperscript{16} For example, F1 was able to identify some but not all the fiefs that Sigiboto held in Lower Austria from the Bishop of Passau (no. 2). Or, the canon listed in a separate notice at the beginning of the codex the patron saints, the endowment, and the churches responsible for the care of souls in the chapels of the Count’s three Bavarian castles (no. 4), but incorporated the same information about the chapel at Hernstein into the Urbar (no. 80).\textsuperscript{17}

The canon relied on a variety of sources, written and oral, to produce the codex. Noichl pointed out that in about a fifth of the conveyances Sigiboto is specifically identified in the publication clause as announcing the news: ‘Count Sigiboto discloses [. . .]’ (‘Comes Siboto patefacit [. . .]’) (no. 123). Such clauses were formulaic, as a look, say, at the Traditionsbuch of Herrenchiemsee shows,\textsuperscript{18} and underscored the fact that in a secular lordship, unlike an ecclesiastical one where the community was the actor, a single individual exercised authority.\textsuperscript{19} The use of such formulations in the Urbar to introduce the list of renders the Count received from each office (nos 5, 24, 44, 80) emphasized that the survey had been compiled at his express command.\textsuperscript{20}

While Sigiboto himself was clearly not the source about how many eggs a particular farm paid each year (this was information he wished to obtain), the wording in the entries about the Hantgemal and his fiefs, though written in the third person, strongly suggest that he personally supplied F1 with this information.

Lest it be concealed, therefore, to his descendants where that chirograph, which in the German tongue is called Hantgemal, namely his and his nephews’, the sons of his


\textsuperscript{16} Noichl, pp. 41*-43*.

\textsuperscript{17} A possible alternative explanation for why the chapel at Hernstein may have been treated differently is that the children of Sigiboto’s deceased brother Herrand II had more extensive rights in that lordship than in the Upper Bavarian ones (nos 136, 150, 151, 152, 157, 158, 159, 160, 171, 172, 173).


\textsuperscript{19} Noichl, pp. 54*-55*.

\textsuperscript{20} As Heeg-Engelhart, in Das älteste bayerische Herzogsurbar, p. 75*, put it: ‘Urbare sind Texte, in denen herrschaftliche Rechte und daraus fließende Abgaben festgehalten sind; die Initiative dazu geht vom Grund- oder Vogtherrn aus. In den Titeln oder Einleitungen zu den landesfürstlich-bayerischen Urbaren wird dies sehr deutlich.’
brother, is located, that it might be known to all, he makes to be written down here: that chirograph is the hide of the noble man located at Geislbach. (no. 3)\textsuperscript{21}

In the case of the fiefs, the entire notice is written in the language of exhortation; for example: ‘First, therefore and especially, he asks and admonishes that they (his retainers, friends, and kinsmen) act in regard to that fief, which he holds first of all from the Bishop of Passau’ (no. 2).\textsuperscript{22} We hear in such passages an echo of Sigiboto’s own voice.

\begin{itemize}
  \item F1 entered into the codex on folios 17 through 19\textsuperscript{f} fifteen notices dealing with prior transactions. These entries were almost certainly transcriptions of original notices that had been written on separate pieces of parchment.\textsuperscript{23} A primary motive for compiling a \textit{Traditionsbuch} was to assemble such scattered notices in a single place before the originals were lost and, perhaps, to organize the material, not necessarily chronologically, for easier future reference. Thus the canon placed on folio 17, the beginning pages of the \textit{Traditionsbuch}, the two notices about the temporary resolution of Sigiboto’s quarrels with his nephews (nos 114, 115) and then started with the actual conveyances on the front side of folio 18, some of which had occurred before the family dispute. (Noichl rearranged the notices in chronological order, so that the two entries about the family dispute do not appear at the beginning of the \textit{Traditionsbuch} in her edition.) The latter transactions were introduced with the words: ‘Count Sigiboto discloses to all his men and to all to whom he wishes this to be known what or how much was freely given or delegated to him or he bought with his own money’ (no. 119).\textsuperscript{24} The canon did not enter into the codex two conveyances that were recorded by his successors, presumably because they dealt with the alienation rather than the acquisition of properties (nos 116, 118).

The convoluted account of how Sigiboto’s paternal uncle Wölker settled the Count’s dispute with his brother’s sons, a text that Noichl described as ‘etwas schwer verständlich formuliert’, provides the best illustration of how the scribe used the original notices and Sigiboto’s own testimony — the notice slips twice into the first person (‘nepos meus’ instead of ‘nepos suus’) — to construct his own narrative.

\begin{itemize}
  \item \textsuperscript{21} ‘Ne igitur posteros lateat suos, cyrographum, quod Teutonica lingua hantgemalehe vocatur, suum videlicet et nepotum suorum, filiorum scilicet sui fratris, ubi situm sit, ut hoc omnibus palam sit, hic fecit subscribere: cyrographum illud est nobilis viri mansus, situs est apud Giselbach.’
  \item \textsuperscript{22} ‘Primum itaque et precipue rogat et monet agere pro beneficio illo, quod habuit primum a Patauiensi epISCOPO.’
  \item \textsuperscript{23} Noichl, pp. 43*-44*. She identified the fifteen notices, p. 43*, n. 30, as nos 111a/b, 112, 114, 115, 117, 119–124, 126. These, counting no. 111a/b as two entries, are, however, only thirteen entries. The other two notices are presumably, nos 127 and 128, which F1 placed on fol. 19\textsuperscript{f}, but which Noichl dated ‘(ca. 1167–1168 vor August 4)’. She dated these two entries later because of the ‘Duktus- und Tintenwechsel zu Nr. 117’, which also appears on fol. 19\textsuperscript{f}; but it is not clear to me why these changes necessitate dating nos 127 and 128 after 1166.
  \item \textsuperscript{24} ‘Comes Siboto patefacit cunctis suis et omnibus, quibus hoc cupit notum esse, quid vel quantum sibi sit sponte traditum vel delegatum vel propria pecunia emerit.’
\end{itemize}
According to Noichl, F1 combined two notices, one that dealt with Wolfker's resolution of the quarrel, sometime between 1155 and 1158, and a second one that described how Wolfker had earlier given various unfree individuals to Sigiboto and his brother Herrand II before the latter's death around 1155. The scribe indicated that the individuals who witnessed the settlement of the conflict were identical with the men who were present when Sigiboto entrusted Count Gebhard I of Burghausen with the property he had received from Wolfker as part of the family agreement (no. 114). In other words, to confuse matters even more, the transaction that followed the resolution of the quarrel (no. 114) was placed into the codex ahead of the account of the dispute (no. 115), presumably because the key point of the story for Sigiboto was that he had obtained his uncle's inheritance. Finally, a later scribe F2 appended to the end of the narrative the names of the men who had witnessed Wolfker's conferral of the unfree individuals to Sigiboto and Herrand II.25 The fact that F2 was able to add the names indicates that F1 did not dispose of the original notices after he transcribed them into the codex.

The most difficult part of F1's assignment was the compilation of the Urbar. To understand the magnitude of the canon's task, a few words need to be said about its organization and content. The Count's holdings were scattered between Wissing, north-east of Regensburg, and Bolzano, south of the Brenner Pass, and between Peissenberg, south-west of Munich, and Hernstein, south-west of Vienna. These domains were divided into four offices attached to his castles. For each office, F1 listed the renders that were paid by the individual farms (Höfe, curtes, curiae), hides (Huben, mansi), or unspecified holdings. There were separate entries about the number of rams each office supplied and the number of farms that specialized primarily, except in the lordship of Hernstein, in the raising of sheep (Schwaigen, armenta) and the number of cheeses each delivered.26 There were additional entries about the number of vineyards and/or the peasants' obligation to transport wine in the offices of Falkenstein and Hernstein and about the cash payments the Count received from Hartmannsburg and Hernstein.27 Karl Ramp calculated the total number of renders Sigiboto received annually from his estates: for example, 270 swine, 72 rams, 172 geese, 494 chickens, 7200 cheeses, 4700 eggs, 21¾ bushels (Schneffeln, modii) of wheat, 20¼ bushels of rye, 46½ bushels of oats, 23 bushels of beans, 11½ bushels of cabbages, 36½ bushels of turnips, and 50 loads of wine (50,000 liters?) — Ramp observed that such a yearly consumption of wine 'erscheint [. . .] reichlich viel'.28

25 Noichl, p. 79, headnote to no. 115.
26 Most of the secondary literature states that cattle or a combination of cattle and sheep were raised on the Schwaigen in twelfth-century Bavaria, but sheep predominated until the fifteenth century. See Freed, 'Bavarian Wine and Woolless Sheep', pp. 103–06.
27 Noichl, pp. 64*–65*.
28 Karl Ramp, "Studien zur Grundherrschaft Neuburg-Falkenstein auf Grund des "Codex diplomaticus Falkensteinensis"" (dissertation submitted to the Philosophical Faculty, Univer-
In general scribes utilized written documentation, most notably older *Urbare* where they existed, and oral testimony in constructing such a survey. Obtaining such information, let alone from the Count’s distant holdings in Lower Austria, approximately three hundred kilometres away, would have required considerable time.\(^{29}\) Internal evidence indicates that F1 had some written material at his disposal. The *Urbare* includes the income from the properties that the Count acquired in the transactions the canon recorded in the *Traditionsbuch*. For example, Sigiboto redeemed for £8 a mill in Antwort, south-west of Hartmannsberg, which his paternal grandfather Herrand I had pledged before going on a pilgrimage to the Holy Land (no. 111); the renders paid by the mill were listed in the *Urbare* (no. 60).\(^{30}\) Beyond that, there are hints that the procurators (*procurator*) of Neuburg and Hartmannsberg and the provosts (*prepositus*) of Falkenstein and Hernstein, the officials in charge of the *Urbare* offices, kept records.\(^{31}\) In the case of Sigiboto’s holdings at Wissing in the Upper Palatinate, the canon indicated that while he could not calculate all the services the property rendered, the procurator of Neuburg had sufficient information in his accounts (‘*sed procurator ipsius hoc satis in sua computatione retinet*’) (no. 22). The provost of Falkenstein was required to give an annual accounting of his expenses in his office (‘*ut ex suo officio annualiter [...] exhibeat de his, que sub sua cura habet, sine molestia comitis ex diversis inspensis*’) (no. 30). However, most of the information in the *Urbare* must have been obtained from oral testimony, though we have no indication how the inquest was conducted.

**Intended Audience**

Who was Sigiboto’s intended audience, the ‘all to whom he wishes this to be known’ (no. 119), as F1 put it in the publication clause of one conveyance? First, there were his young sons whom he addressed in the imperative in the inscription on the portrait. Second, he announced to all his vassals (‘*fideles*’) and especially to his own servile retainers (‘*proprios viros*’) in the notice beneath the portrait that he had appointed in the eventuality of his death his father-in-law, Count Kuno IV of Mödling, as his sons’ guardian. He commanded five of his retainers to swear to Kuno IV in the presence of their peers that they would not permit their young lords to grant any of their income in fief until they had attained their majority. He admonished and ordered his

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\(^{29}\) Heeg-Engelhart, in *Das älteste bayerische Herzogsurbar*, pp. 74*, 108*. She stressed how long it took to compile the ducal *Urbare*.

\(^{30}\) For other examples, see Freed, ‘Bavarian Wine and Woolless Sheep’, pp. 82–83.

\(^{31}\) On the different titles, see Freed, ‘Bavarian Wine and Woolless Sheep’, pp. 81–82.
remaining men to swear to aid and counsel the five in the execution of their duties (no. 2). Sigiboto provided instructions to his men, friends, and kinsmen (‘proprios et amicos cognatosque’) in the feudatory that appeared in the original manuscript on the page facing the portrait what they were to do, if he died, about the fiefs he had received from diverse lords (no. 2). At least some of the members of Sigiboto’s audience fell into more than one category; for instance, Otto of Hernstein, one of Kuno of Mödling’s servile councilors, was specifically identified in the announcement of Kuno’s appointment as the son of Sigiboto’s paternal uncle Wolfker (no. 1). Sigiboto’s friends were probably more than mere social acquaintances but his relatives by marriage in contrast to his blood relations, the cognati, that is, members of his affinity.32 Presumably, Sigiboto and Kuno discussed the Count’s affairs before his departure.

We have to assume that Kuno of Mödling would have had direct access to the codex during his son-in-law’s absence, even if he could not read it himself, because as Michael Clanchy pointed out, even monetary accounts like the Urbar were read aloud and translated in the process.33 But how were Sigiboto’s wishes communicated to his vassals, retainers, friends, and kinsmen? The language in the announcement of Kuno’s appointment and in the feudatory strongly suggests that these entries are a written rendition of Sigiboto’s oral instructions. The scribe repeatedly used the verbs moneo, hortor, jubeo, rogo, and commendo as well as the phrase ‘consilium dat’. F1 stated three times how concerned Sigiboto was about the four fiefs that were listed first in the feudatory. For example, the scribe noted: ‘He most earnestly commands all his vassals that first of all they act and labor and spare no money or effort that they obtain for his sons these four fiefs, if he should die first, because he himself had acquired the fiefs for them’ (no. 2).34 Sigiboto may have spoken to his entourage

32 Otto Brunner, Land and Lordship: Structures of Governance in Medieval Austria, trans. and with an introduction by Howard Kaminsky and James Van Horn Melton (Philadelphia: University of Pennsylvania Press, 1992), pp. 16-18, indicated that a man’s friends were his kinsmen with whom he was expected to live in peace and who were obligated to assist him in a feud. Joseph Morsel, La noblesse contre le prince: l’espace social des Thüngen à la fin du moyen âge (Franconie, vers 1250-1525) (Stuttgart: Jan Thorbecke Verlag, 2000), a study of one late medieval Franconian noble lineage and its network of social ties, subjected the word friend, which appears thirty-seven times in his sources, to a semantic analysis. After citing Brunner, Morsel (p. 54) wrote: ‘Mais il s’agit surtout de l’affinité, c’est-à-dire des relations de parenté découlant d’une alliance matrimoniale. En effet, près de la moitié des occurrences de freundschaft désignent une alliance matrimoniale.’ To Morsel’s surprise, the friends were deeply involved in marriage negotiations and assisted in providing a daughter with a dowry (p. 106). Sigiboto specified that his sons were to give their sister a dowry ‘secundum consilium amicorum’ (no. 142).

33 Clanchy, From Memory to Written Record, p. 267.

34 ‘Itaque universis sibi fidelibus diligentissime commendat, ut primitus agant et elaborent nee rebus laboribusque suit parcant, quin hec quatuor beneficia suis filiis obtineant, si ipse prius vita exesserit, quam hec illis ipse obtineat.’
when they gathered to prepare for the campaign or on the eve of their departure. One possible occasion is when the Count and his nephew Sigiboto of Antwort resolved their outstanding differences in 1165 or 1166 in the presence of forty-eight witnesses at Urfahrn, north of Wasserburg (no. 118), the site of at least three other assemblies where important family business was conducted (nos 114, 115, 142, 175). The very fact that Sigiboto's words were then recorded in a more objective form into the codex gave them, however, greater weight, perhaps even a quasi-sacred character. Perhaps, if Sigiboto had not returned, a German translation would have been read to his men, vassals, friends, and kinsmen to remind them of his departing oral instructions.

Motives

The four fiefs that so troubled Sigiboto were more than four hundred hides situated near Tulln and Sankt Pöltten and elsewhere in Lower Austria, which he held from the Bishop of Passau; another four hundred hides, mainly in Austria, with which the sons of Count Gebhard I of Burghausen had enfeoffed him; nearly four hundred hides that Count Gebhard III of Sulzbach had granted him — probably the advocacy at Bad Aibling and possibly also the lordship of Hartmannsberg; and one hundred

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35 The very public nature of such gatherings is made clear in no. 142. After listing forty-seven witnesses by name, the scribe added: 'Insuper aderant omnes, qui erant maioris nominis circa Niwemburch et Ualchensteine et Hademarsperch.' Clanchy, From Memory to Written Record, pp. 253–93, discussed the relationship between the spoken word and the written record.

36 Franz Tyroller, 'Die Mangfallgrafschaft', Das bayerische Inn-Oberland, 29 (1958), 101–02, 112–14, argued that Sigiboto IV's maternal grandmother, Adelaide, was the sister of Count Berengar II of Sulzbach, the father of Count Gebhard III, and that the Weyarns obtained Bad Aibling and Hartmannsberg through her. In addition, Sigiboto II was the advocate of Baumburg, the house of Augustinian canons that Berengar II had founded, another sign that Sigiboto had married Berengar's sister. Tyroller, Genealogie des altbayerischen Adels, pp. 216–17, no. 3. Gertrud Diepolder, 'Das Landgericht Auerburg', in Gertrud Diepolder, Richard Düllmen, and Adolf Sandberger, Rosenheim: Die Landgerichte Rosenheim und Wildenwart, Historischer Atlas von Bayern: Teil Altbayern, 38 (Munich: Kommission für bayerische Landesgeschichte, 1978), pp. 255–57, accepted the identification of Adelaide as a Sulzbach, but thought that the Sulzbach fiefs, except for the advocacy, were probably situated in Lower Austria.

As for Hartmannsberg, Adolf Sandberger, 'Die Herrschaften Hohenaschau und Wildenwart', in Rosenheim, p. 132, argued that since the renders from Sigiboto's advocacies in the Chiemgau over Salzburg's properties and Herrenchiemsee were paid to the office in Hartmannsberg (no. 72), Hartmannsberg may have been a Salzburg fief. The chief evidence to the contrary is, according to Sandberger, that Bishop Egno of Trent (1250–73) enfeoffed Duke Louis II of Bavaria (1253–74) in 1263 with all the fiefs of the late Count Sigiboto VI of Hartmannsberg. Monumenta Wittelsbacensis: Urkundenbuch zur Geschichte des Hauses Wittelsbach, ed. by Franz Michael Wittmann, Quellen und Erörterungen zur bayerischen und deutschen Geschichte, 5 (Munich: Beck, 1857), pp. 197–98, no. 82. However, in the feudatory
hides he had received from the younger Count-Palatine of Bavaria, Otto VI (no. 2). It is impossible to locate most of these fiefs, but if we accept Dollinger’s estimate that a servile hide was approximately twelve hectares, then Sigiboto’s four main fiefs would have been about 15,600 hectares or 38,548 acres at 2.471 acres per hectare. Even more land was at stake if the hides were free ones, approximately fifteen hectares in size, namely 19,500 hectares or 48,185 acres. Regardless how accurate these figures are, the four fiefs in question were valuable properties.

Sigiboto was worried that the ministerials of the Duke of Austria would receive the Austrian fiefs in _aneuel_ (Anfall), in essence in wardship, during his sons’ minority, and that these holdings would in fact be permanently lost, that is, that the Austrian ministerials would be proxies for the Babenbergs’ acquisition of Sigiboto’s lands. This eventuality was to be prevented at all cost. In other words, Sigiboto commissioned the _Codex Falkensteinensis_ because he felt threatened by his more powerful neighbours, the Dukes of Austria and Bavaria — he was no match for Heinrich Jasomirgott or Henry the Lion. As Clanchy aptly put it, ‘Making records is initially a product of distrust rather than social progress.’

The seemingly impressive list of Sigiboto’s fiefs — he had been enfeoffed by three dukes, two count-palatines, two margraves, seven counts, an archbishop, four bishops, and an abbot — was thus a sign not of strength but of weakness. As

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(no. 2), Sigiboto mentioned that he held four hundred hides from the Bishop of Trent and three advocacies from the Archbishop; there is no mention of the castle or lordship of Hartmannsberg. Moreover, merely because the Bishop identified Sigiboto VI as the Count of Hartmannsberg does not mean that the Falkensteins held Hartmannsberg from Trent. My guess is that the Trent fiefs included the vineyards in the South Tyrol that supplied the wine that was collected at Bolzano and was then transported across the Alps (nos 24, 30). Making Hartmannsberg a Sulzbach alod or fief is also problematic because Sigiboto IV’s paternal grandfather Herrand I owned already before 1101 a mill at Antwort (no. 111a), which is situated only four kilometres south-west of Hartmannsberg and which then was the residence of Sigiboto IV’s nephew Sigiboto of Antwort. While Antwort may have been so-called _Streubesitz_, the more likely explanation is that the Falkensteins possessed Hartmannsberg before Rudolf married Gertrude of Weyarn, Adelaide’s daughter.


38 The location of the fiefs, particularly the eight hundred hides in Lower Austria, poses a major problem. See Freed, ‘Bavarian Wine and Woolless Sheep’, pp. 86–89.


40 Clanchy, _From Memory to Written Record_, p. 6.

41 Noichl, p. 70*.
Rösener pointed out, Sigiboto was a vassal of his supposed peers, a gross violation of the *Heerschildordnung*, the military order of precedence, a theoretical construct that prohibited a man from holding a fief from his equals. Sigiboto did in fact enfeoff one person who was not merely his peer but his superior. In 1168/69 Sigiboto subenfeoffed Margrave Engelbert III of Kraiburg with the advocacy over Herrenchiemsee's property in the Grassauteral, a valley south of the Chiemsee, and in the Leukental, essentially the latter territorial court (*Landgericht*) at Kitzbühel in the Tyrol, both of which the Count held from the Archbishop of Salzburg (no. 2). To avoid paying homage to an inferior, two of the Margrave's men kissed Sigiboto on Engelbert's behalf (no. 133). Perhaps the Count also made use of proxies to pay homage to his peers. Other than Margrave Engelbert, all of Sigiboto's own vassals were, with one exception as far as I can tell, ministerials of other lords: among others, the Archbishop of Salzburg and the Kraiburg-Ortenburgs (no. 106).

42 Rösener, 'Beobachtungen', pp. 141–42.


44 The charter recording Sigiboto's enfeoffment with the advocacy in 1158 is *Salzburger Urkundenbuch*, ed. by Hauthaler and Martin, II, 462–65, no. 333.

45 The Salzburg ministerials included Otto, Henry, and Liutpold of Wald; Conrad, Liutpold, and Berthold of Froschham; Eckhart III of Tann; Meginogod II of Surberg; Rudolf II of Itzling; William of Wonneberg; Engilram of Egerdach; Kuno II of Schnaitsee; and Conrad of Aschau. For a list of the archiepiscopal ministerials, see Freed, *Noble Bondsmen*, pp. 274–78. Witigo of Haunsberg was a Haunsberg retainer (*Salzburger Urkundenbuch*, ed. by Hauthaler and Martin, I, 447, no. 360). This is one of the few links between Sigiboto and the Haunsbergs, who shared the same *Hantgmal* with the Falkensteins (no. 3). Sigiboto was not a vassal of the Haunsbergs. According to the list, Magan and his brother Otto had been enfeoffed with £10 at Bad Reichenhall, presumably from the salt springs there, and with eight hides. I assume that this Magan is Magan II of Stefling, the son of Magan I of Türk who had been subenfeoffed in 1166 according to the list of Sigiboto's fiefs with £8 that the Count held from Count Conrad of Peilstein (no. 2). Magan I of Türk, a Burghausen ministerial, had married the unnamed daughter of another Burghausen ministerial, Henry I of Stefling. After the extinction of the Burghausens in 1168, the Türkens, who adopted the name Stefling, switched their allegiance to the Burghausens' nephews, the Counts of Plain. Magan II's brother Otto I was an archiepiscopal ministerial. See Freed, *Noble Bondsmen*, pp. 74–76. The Kraiburg-Ortenburg ministerials included Sigiboto of Mörmoosen, who was Sigiboto's servile first cousin (Noichl, p. 169, headnote to no. 106); Henry of Törring (no. 120; some of the Törrings subsequently became archiepiscopal ministerials); Bruno of Kraiburg; and Dietmar of Westerberg (see Johann Mayerhofer, 'Codex traditionum Augiensium', in *Drei bayerische Traditionsbücher*, p. 103, no. 77). Henry of Ölling, who held eight hides in fief, was identified in no. 143 as a ministerial. He was listed on this occasion between Henry of Burghausen and Sigiboto's servile cousin, the Andechs ministerial Lazarus of Wolfratshausen (Noichl, pp. 4–5, headnote to no. 2). Wernhard of Schörfling (near Vöcklabruck, Upper Austria), whose sons
vassallic ties reinforced Sigiboto’s own links to the ministerials’ masters, most of whom were his own feudal lords. In short, the lists of Sigiboto’s active and passive fiefs suggest that the Falkensteins occupied a marginal position among the Bavarian comital dynasties.

Sigiboto may have had more personal reasons for commissioning the codex. The last datable references to Sigiboto’s father, Rudolf of Falkenstein, occur in the mid-1130s. The young Count appeared as a witness by himself around 1139; it is highly unlikely that a thirteen-year-old would have served in such a capacity if his father had still been alive or at least actively involved in earthly affairs. It is quite possible that Sigiboto’s paternal uncle Wolfker had acted as the Count’s guardian; this might explain why Wolfker was still in the mid-1150s in possession of Rudolf’s share of the castle of Hernstein (no. 114). Sigiboto may thus have known from bitter experience what it meant to be a fatherless boy in twelfth-century Bavaria.

Sigiboto himself had treated his orphaned nephews wretchedly. After his brother’s death around 1155 (had he been a victim of Barbarossa’s first Italian campaign and would Herrand II’s fate explain the Count’s anxiety in 1165/66?), Sigiboto complained that his nephew, presumably Sigiboto of Antwort who is mentioned more frequently in the codex than his brother Herrand III, had, among other things, seized three children whom the free wife of one of Sigiboto’s men had borne and had

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46 Rudolf witnessed the foundation charter of Weyarn in 1133 (Salzburger Urkundenbuch, ed. by Hauthaler and Martin, ii, 234–36, no. 158). After founding Weyarn, Rudolf’s father-in-law became a lay brother. Rudolf was the first witness when Sigiboto II, identified as a conversus ‘de Wiaer’, served as the proctor for Provost Eberwin of Berchtesgaden (1102/05–c. 1107 and again from before 1121 to 1141). Sigiboto IV as well as Rudolf’s brother Wolfker accompanied Rudolf on this occasion. Schenkungsbuch der ehemaligen gefürsteten Probstei Berchtesgaden, ed. by Karl August Muffat, Quellen und Erörterungen zur bayerischen und deutschen Geschichte, 1 (Munich, 1856; repr., Aalen: Scientia Verlag, 1969), pp. 257–58, nos 33, 34. Tyroller, ‘Die Mangfallgrafschaft’, p. 102, placed the death of Sigiboto II in 1140, but four years later in his Genealogie des altbayerischen Adels (p. 216, no. 3) offered evidence for a death date of 1136. In other words, the transaction recorded in the Berchtesgaden Traditionsbuch can be dated either from 1133 to 1136 or from 1133 to 1140, and in any case no later than 1141. The only other definite information that we have about Rudolf after 1133 is that he died as a monk in Seeon on March 23rd. ‘Necrologium Seonense’, Dioecesis Salisburgensis, ed. by Sigismund Herzberg-Pränkel, MGH NG, 2 (Berlin: Weidmann Verlagbuchhandlung, 1904; repr., Munich: Monumenta Germaniae Historica, 1983), p. 222.

47 Salzburger Urkundenbuch, ed. by Hauthaler and Martin, i, 621, no. 78.
occupied the market in the village of Obing, north of Hartmannsberg. Sigiboto’s feudal lords, friends, vassals, and retainers had urged him to desist until his nephews attained their majority and he had agreed; but then Wolfker, grief struck about the family dissension, turned over to Sigiboto his share of the Falkenstein inheritance to end the dispute (no. 115). It may well be that Wolfker was all along the real object of Sigiboto’s complaints. The really striking thing is, however, that this account of Sigiboto’s treatment of his nephews, written in part in the first person, with its subtext of the societal critique of the Count’s conduct, appears in his own Traditionsbuch and not, say, in some monastic narrative about how the relatives of a donor challenged his gift or how the advocate abused his authority. One can only wonder how Wolfker or Sigiboto of Antwort would have described the Count’s behaviour. Sigiboto thus had good reason in 1166 to fear the fate that might await his young sons. Perhaps he even worried that Sigiboto of Antwort, his closest male relative and heir, except for the boys, might take his revenge. Such concerns would explain why Sigiboto had resolved his remaining differences with his nephew, even resigning his rights to various properties, before he left for Italy (no. 118).

The Eclipse of 1133

Finally, scholars have overlooked one important clue for understanding why Sigiboto commissioned the codex and how it was produced. In 1193 scribe F11 wrote at the top of the first page of the manuscript, which had been left blank in 1166, that fifty-nine years earlier there had been an eclipse of the sun (the eclipse occurred on 2 August 1133) and that twelve years later (correctly fourteen years) King Conrad III had gone on the Second Crusade (no. 184). Why would anyone record this seemingly trivial information half a century or more after the fact, let alone on the first page? (Noichl obscured the potential significance of this entry by publishing it at the end of her edition in the category, ‘Verschiedene Einträge’.) In fact, this is not the only reference to the eclipse. Earlier, sometime in the 1170s or 1180s, scribe F3 had appended to the misleading, if not deliberately falsified, genealogy of the Counts of Falkenstein on the very last page of the codex that Sigiboto had been seven at the time of the eclipse (no. 181). The information about the eclipse is so personal and idiosyncratic that it is hard to believe that it was not included in the codex on both occasions at Sigiboto’s express command, but why?

48 On this insignificant market, see Ramp, ‘Studien zur Grundherrschaft Neuburg-Falkenstein’, pp. 50–51.

49 ‘MC nonagesimo III, LX uno minus anni a tenebris in die factis; post id XII annis expeditio Cvnradi regis facta est.’

50 ‘Quando tenebre facte sunt super omnem terram, tunc fuerunt dies annorum comitis Sigibotonis septem.’ On the genealogy, see Noichl, pp. 73*–77*; and Freed, Counts of Falkenstein, pp. 33–35.
Besides making a lifelong impression on a young boy, the eclipse was associated with one of the major events in Sigiboto’s life. He had accompanied his father Rudolf to Salzburg and was present on 9 July 1133, less than a month before the eclipse, when his maternal grandfather, Sigiboto II of Weyarn, already styling himself a former Count, announced that he had founded and endowed with the consent of his relatives a house of Augustinian canons in Weyarn for the benefit of his soul and the souls of his wife Adelaide, his children Sigiboto III and Gertrude, and all his ancestors. Sigiboto II gave the house to the church of Salzburg with the stipulation that if a future archbishop used his foundation for any other purpose than Sigiboto II had intended, his closest blood relative (‘proximus nostre consanguinitati’) would have the right to redeem the donation by paying a bezant on the altar of St Rupert’s in Salzburg. Archbishop Conrad I (1106–47) received the donation in the presence of Bishop Reginmar of Passau (1121–38) and made a substantial gift to Weyarn. At Sigiboto II’s request the Archbishop appointed Rudolf as Weyarn’s advocate on the condition that if he abused his authority and did not mend his ways after the fourth warning, the canons could select a new advocate. The first two witnesses were Rudolf, identified already as the advocate, and his son Sigiboto, the first time Sigiboto IV is known to have witnessed a public transaction. The old Count joined either Weyarn or Berchtesgaden as a lay brother.

The foundation charter of Weyarn contains the only known reference to Sigiboto IV’s maternal uncle, Sigiboto III. The appointment of Sigiboto II’s son-in-law rather than son as the advocate of Weyarn indicates that Sigiboto III was almost certainly dead by 1133 and that the young Sigiboto IV was the closest living male member of Sigiboto II’s consanguinity. His presence at and consent to the foundation of Weyarn was thus essential. Sigiboto III’s death may well have been the cause for the flagrantly consanguineous and canonically illegal marriage of Sigiboto IV’s parents: both of them seem to have been the descendants in the male line of Patto of Dilching, the advocate of Tegernsee in the first decades of the eleventh century, and thus either second cousins (3:3 degree) or even first cousins once removed (2:3


52 Schenkungsbuch der ehemaligen gefürsteten Probstei Berchtesgaden, ed. by Muffat, p. 257, no. 33. See Freed, Counts of Falkenstein, p. 21, n. 37.

53 Tyroller, Genealogie des altbayerischen Adels, p. 217, no. 5, cited an alleged reference to Sigiboto III. According to an entry in the Traditionsbuch of Herrenchiemsee that the eighteenth-century editor dated around 1130, Count Sigiboto of Hartmannsberg, his wife Adelaide, and his son Sigiboto gave Antwort to the canons. ‘Codex traditionum Chiemseensium’, p. 365, no. 142. The entry must be dated, however, between 1204/07 and 1217. See Freed, Counts of Falkenstein, p. 56, n. 28. The individuals in question were Sigiboto V, his wife Adelaide of Valley, and his son Sigiboto VI.
What made the marriage so attractive was that it reunited the lands and lordships of the Weyam-Falkenstein clan located along the Mangfall and Inn. The year of the eclipse, 1133, was thus the moment when Count Sigiboto II of Weyam-Neuburg transferred his lordship to the Falkensteins and the young Sigiboto IV became, as his grandfather's heir, the Count of Neuburg. No wonder that he associated the eclipse with his genealogy.

In 1193 Sigiboto was confronted by another dynastic crisis. His older son Kuno had left on the Third Crusade, and by January 1193 at the latest Sigiboto knew that Kuno was dead. Sigiboto V married around 1197 Adelaide, the daughter of Count Conrad II of Valley (no. 175). The Falkensteins and Valleys were neighbours in the Mangfall valley. After Sigiboto's return from Italy, he had allied with Count Gebhard II of Wasserburg and Henry of Stoffersberg against Conrad II and his brother Otto II of Valley (nos 130, 138). Sigiboto V's marriage to Adelaide may thus have been intended to end the enmity and perhaps also to forge a familial connection to the new Wittelsbach dukes of Bavaria because the Valleys were a cadet branch of the Counts of Scheyern-Wittelsbach. It is also possible that the German translation and continuation of the Codex Falkensteinensis was commissioned in conjunction with Sigiboto V's marriage and the pending transfer of the lordship to him because of his proximity to the Counts of Scheyern-Wittelsbach.

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54 Noichl, pp. 73*-77*, made the case that Sigiboto's parents were second cousins, whereas Freed, Counts of Falkenstein, pp. 14–15, 22–28, argued that they may have been even more closely related.

55 As Clanchy, From Memory to Written Record, pp. 301–02, indicated, events were frequently dated from a memorable event, in Sigiboto's ease the eclipse, as well as from the incarnation.


57 When Sigiboto's niece and her family sold their Austrian possessions on 13 June 1190, the agreement specified that the properties were to belong to the Count and his sons ('filiis eius') (no. 171). In January 1193 Judith's second husband, Albero IV Lupus (Wolf) of Bocksberg, acknowledged that he had received the money for the property and would hand it over by the specified date to Sigiboto's son ('filio') if Count Sigiboto the Elder had died in the interim (no. 173).

58 Noichl dated the entry around 1196, but see note 1 above for why the notice should probably be dated around 1197. The name of Sigiboto's daughter-in-law is not stated in the notice, but see note 53 above for the evidence that she was named Adelaide.

Noichl argued that it was prepared in the second half of the 1190s by scribe F1, the author of the 1193 notice about the eclipse and the Second Crusade (no. 184).60 Kuno’s death on the Third Crusade may have prompted Sigiboto to reflect upon the earlier campaign. We have no definite evidence that Sigiboto went on the Second Crusade, though the notice about Conrad III may be a hint that he did; but we do know that Heinrich Jasonigott, the King’s younger Babenberg half-brother and at the time the Duke of Bavaria and Margrave of Austria and Sigiboto’s feudal lord (no. 2), participated. In addition, if Franz Tyroller was right that Sigiboto’s maternal grandmother, Adelaide of Weyarn, was the sister of Count Berengar II of Sulzbach, then Sigiboto’s mother, Gertrude, would have been the first cousin of Conrad III’s queen, another Gertrude (died 1146) and the daughter of Berengar II.61 At twenty-one Sigiboto, whose paternal grandfather Herrand had set forth for Jerusalem (no. 111a), would have been just the right age for such an adventure, and it is hard to imagine that he would have resisted for long, if he resisted at all, the call to aid the beleaguered Christians in the Holy Land.

Except, possibly, for one notice, there is not a single entry in the Traditionsbuch that has to be dated before Sigiboto’s presumed return in 1148.62 The apparent exception is a notice that indicates that Sigiboto owned the tithes at Hernstein because his Uncle Wolfker had received them in an exchange with the monastery of Melk, at which Margrave Leopold of Austria, that is, either Leopold III (1095–1136) or his son Leopold IV (1136–41), and an unnamed Bishop of Passau had been present. This transaction must thus have occurred before Leopold IV’s death on 18 October 1141. Scribe F3 cited as proof a chirograph that Melk possessed and that was contained in that very book (‘quod testificatur cyrographum, quod habet ecclesia Medeliich et liber iste continet’) (no. 110). Noichl thought that in this case ‘cyrographum’ did not mean simply a charter but a real chirograph that was probably kept loosely in the codex itself (‘liber iste’) and subsequently lost,63 that is, Melk had retained its half, while Sigiboto had presumably inherited the other half from Wolfker.

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60 Noichl, pp. 16*-17*.


62 Noichl, p. 74, headnote to no. 111, relying on Tyroller, ‘Die Mangfallgrafschaft’, p. 104, dated no. 111 c. 1145 because Sigiboto was identified as a Count, a designation that appears allegedly no earlier than around 1145. Besides the fact that Sigiboto was called a Count already in Salzburger Urkundenbuch, ed. by Hauthaler and Martin, I, 621, no. 78, which is dated around 1139, there is no reason why no. 111 cannot be dated a few years after 1145. She dates no. 112 ‘ca. 1145–ca. 1150’, so there is no problem dating it after 1147.

63 Noichl, pp. 73–74, headnote to no. 110.
While her interpretation may be correct, I want to raise five possible objections. First, if the original document was already in the codex, why was it necessary to summarize its contents in a separate notice? Second, this entry, in spite of its early date, was not part of the original manuscript. Instead, scribe F3, who drafted many of the notices between the late 1160s and 1189, placed this entry on the reverse side of folio 30; he put on the front side two entries that are dated around 10 May 1189 (nos 169, 170). Thus it seems plausible that this entry was also made around 1189. Third, since F1 included in the original manuscript a notice about an exchange that Sigiboto had made with Weyarn, a transaction that might even have been financially though not spiritually disadvantageous to the Count (no. 123), why did F1 not also copy into the codex the information contained in Wolfer’s chirograph, assuming such a document was in Sigiboto’s possession in 1166? Fourth, the word *cyrographum* was used in two other entries in the codex for charters in general and not in the specialized sense of modern diplomatics. Besides F1’s dubious translation of *Hantgemal* as a chirograph (perhaps F1 used the word to mean proof, in the sense that the two halves of a chirograph were proof of an agreement (no. 3)), scribe F4 indicated in the late 1160s that Sigiboto possessed two ‘cyrographa’ about his advocacies, namely, one about the advocacy of Herrenchiemsee that was kept at St Peter am Madron and the other about the advocacy of St Peter’s that was preserved at Herrenchiemsee (no. 103). These now lost chirographs were presumably copies of the extant sealed charters that were kept in Salzburg and Freising and that are dated 1158 and 1163, respectively. Clearly, valuable documents were not stored loosely in the codex. Fifth and even more significantly, Sigiboto does not seem to have owned a copy of the 1133 foundation charter of Weyarn that had granted the advocacy to Rudolf of Falkenstein and implicitly to his descendants. I would propose instead that Sigiboto possessed the tithes at Hemstein but lacked a written legal title to them. Scribe F3 added the notice to the codex, perhaps in 1189, to explain the origins of that right and cited as proof a document that was in Melk’s possession and recorded in one of its books (a *Traditionsbuch*); perhaps Sigiboto had even sent a cleric to Melk to find out. In short, there is no evidence that the Falkensteins preserved any documents, including the foundation charter of Weyarn, prior to Sigiboto’s return from the Second Crusade.

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64 Noichl, p. 49*.

65 *Salzburger Urkundenbuch*, ed. by Hauthaler and Martin, II, 462–65, no. 333; and Wiguläus Hund, *Metropolis Salisburgensis*, ed. by Christoph Gewold (Munich, 1620), III, 97–98. See Noichl, pp. 61*–62*. For additional information on chirographs, see Clanchy, *From Memory to Written Record*, pp. 87–88. Declercq, ‘Originals and Cartularies’, pp. 164–65, provides some insight into why Sigiboto did not include the episcopal charters granting him the advocacies in the *Traditionsbuch*. He points out that between the ninth and eleventh centuries royal diploma were not copied into eastern Frankish books of conveyances because they retained ‘their full probative value only as originals’. Sigiboto may have felt the same about his episcopal charters.
Besides starting the family archive, Sigiboto reorganized his estates. According to Dollinger, Bavaria was in the twelfth century in the midst of an agricultural revolution. Lords ceased to farm their demesnes themselves and leased instead most of their holdings to tenants paying rents in kind and cash. These rent-paying properties were then grouped into offices that encompassed the former manors and other holdings in a fairly large area, often centred around a castle in a lay lordship,\textsuperscript{66} that is, precisely the agricultural regime and administrative system that the \textit{Urbar} in the Codex Falkensteinensis describes. While Sigiboto continued to cultivate or manage directly a few properties, he had rented out most of his lands. As Rösener put it, the organizational structure revealed by the Falkenstein \textit{Urbar} shows \textquote{erstaunlich moderne Züge}.\textsuperscript{67} Since this administrative system had been imposed upon both Sigiboto's paternal inheritance, Falkenstein and Henstein, and his maternal one, Neuburg and possibly Hartmannsberg, the Count must have been the instigator of this reorganization.

Frederick Barbarossa's summons in 1166 may have triggered the commissioning of the Codex Falkensteinensis, but assembling the documents Sigiboto had collected in a \textit{Traditionsbuch} and inventorying his rent-paying properties in an \textit{Urbar} were the logical next steps in the administrative reforms that had preoccupied the beleaguered Count of Neuburg in the nearly two decades after his return from the disastrous Second Crusade. Sigiboto may have presented himself in the portrait as the Lord Count Sigiboto, even presumptuously donning a princely coronet; but he was painfully aware that free noble families like the Falkensteins, even if his father had obtained comital rank for his dynasty by marrying his distant cousin Gertrude of Weyarn-Neuburg, were no match for their more powerful comital and ducal neighbours who were consolidating their territorial lordships.\textsuperscript{68} The Codex Falkensteinensis is a testimony to Sigiboto's weakness, not his strength.

As Sigiboto's instructions to his retainers, friends, and kinsmen (no. 2), the description of the \textit{Hantgemal} (no. 3), or the account of his dispute with his nephews (no. 115) attest, he was actively involved in the preparation of the codex. To his surprise, perhaps, he returned from Italy, and entries continued to be made until Sigiboto's withdrawal from the world or his death around 1198. Noichl identified an additional ten scribes, canons of Herrenchiemsee, who entered notices in the codex after 1166, as well as five other individuals who each wrote a single entry.\textsuperscript{69} The


\textsuperscript{67} Rösener, \textquote{Beobachtungen'}, pp. 130–35; the quotation is on p. 132 and there are similar words on p. 159. The cartulary of the Counts of Barcelona was created after the reorganization of the comital archives in 1178. Kosto, \textquote{The Liber feudorum maior}, pp. 3–4, 8. I discuss Sigiboto's reorganization of his estates in \textquote{Bavarian Wine and Woolless Sheep'}, pp. 100–03.

\textsuperscript{68} For further information on territorialization in medieval Germany, see Benjamin Arnold, \textit{Princes and Territories in Medieval Germany} (Cambridge: Cambridge University Press, 1991).

\textsuperscript{69} Noichl, pp. 48*-51*.
scribes who recorded subsequent property acquisitions in the *Traditionsbuch* were careful to note also the income from the new holdings in the *Urbar*. The one constant in the creation of the *Codex Falkensteinensis* was Sigiboto himself, and it is hard to believe that he did not use it. We will never know whether he could read it himself or relied upon a cleric to read it to him in Latin or in a German translation, but I am inclined to think that he had at least a rough command of Latin, comparable to the working knowledge of English many people in third-world countries possess today, and that the tortured Latin of the inscription on the portrait or of the so-called ‘murder letter’ (no. 183), the most personal expressions of his feelings, may even be transcriptions of the Count’s own words.

Any attempt to ascertain whether the *Codex Falkensteinensis* was unique in its creation or merely in its survival hinges in large measure on how unusual Sigiboto’s pragmatic literacy was in twelfth-century Bavaria. James Westfall Thompson painted a rather negative picture of lay literacy in Germany; indeed, he thought there might have been ‘a wider diffusion of Latin learning among the laity in the last years of the Salian period than in the Hohenstaufen era’. In contrast, Rosamond McKitterick, in opposition to Henri Pirenne and Pierre Riché, argued for fairly widespread literacy in the Carolingian period, and Adam J. Kosto has recently uncovered evidence not only for lay literate practices in tenth-century Catalonia but even for the existence of lay archives. Carolingian and Catalanian evidence proves nothing about Hohenstaufen Bavaria, but Sigiboto’s initial commissioning of the codex makes little sense if he did not assume that his father-in-law and eventually his sons would use it. It is worth remembering that the Count was not a younger son like the highly literate Philip of Swabia who was initially destined for an ecclesiastical career, but that Sigiboto was already the heir to the combined Falkenstein-Weyarn patrimony when he made his first appearance in the documentary record at the age of seven in Salzburg. One of the many mysteries of Sigiboto’s ‘murder letter’ is how the recipient, the Babenberg ministerial Ortwin of Merkenstein, could have kept the Count’s mandate ‘secret’ if he could not read it (no. 183). Like the Bavarian churches, Sigiboto kept written records of the decisions of judicial assemblies or courts, for

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example, the resolution of his quarrel with his nephews (nos 114, 115) or the ruling of the Count-Palatine of Bavaria on 4 August 1168 awarding Sigiboto possession of the Hantgemal (no. 131). Why should Sigiboto’s peers not have sought similar documentation and maintained comparable records? Sigiboto was, to borrow a phrase from McKitterick, a member of the ‘literate community’ of Herrenchiemsee. It is reasonable to assume that Kuno of Mödling, as the advocate of Au and Gars, may have enjoyed similar relations with those Augustinian collegiate churches. The Codex Falkensteinensis survives because the Bishop of Freising apparently acquired the manuscript when he purchased in 1245 the Falkensteins’ alods from Sigiboto’s grandson. The records of other Bavarian dynasts may simply not have been the beneficiaries of such a fortuitous accident.

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76 Noichl, p. 11*. 