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FREDERICK BARBAROSSA AND THE HOHENSTAUFEN POLITY

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by Karl J. Leyser

We often credit Frederick Barbarossa with large political designs: imperial control and direct rule in Italy driven home by rigorous jurisdiction and fiscal exactions backed by force. To accomplish these ends and to confront the papacy, he sought to gather German aristocratic and knightly society about his person and to appeal to them in manifestos that have lost none of their sonorous grandiloquence even today. Embattled with Lombard cities and then with Pope Alexander III, he stands for decades of imperial intransigence, the quest for a past that had never been and a hard-bitten refusal to accept, let alone support, the post-Reform papacy's new role and place in the Latin Christian world. Yet in the end the emperor was surprisingly willing to abandon these designs without undue qualms, though he may have had little choice. In what follows, I hope to show Barbarossa above all as the architect of his own house's fortunes, and to show how his concern for the enhancement of Hohenstaufen possessions and the endowment of his sons squared with his governing functions and tempered the Hohenstaufen polity as a commonweal of princes, lesser nobles, and emergent towns. It will also be shown how Hohenstaufen family gains underlay the later constitutional conflicts of the reign, not least the fall of Henry the Lion.

Frederick Barbarossa was and has remained an imposing figure. Contemporaries, friends and foes, were arrested by his commanding presence. It struck awe and respect even where he had no rights and could not wield lawful powers. He, the *Tyrannus teutonicus*, stalks the pages of John of Salisbury's letters, detested but feared.¹ An English chronicler of the Third Crusade called him *magnificus imperator*, and when he died in the river Saleph on 30 May 1190, he gave him a ringing *éloge*, describing his person, his constancy of mind—part of an age-old canon in praise of an eminent ruler—but also his eloquence in his native tongue and his refusal to use any other even if he knew it.² The panegyric reaches its climax in calling him the "foremost pillar of Christianity" and even *hominum maximus*.³ Another English writer, the Cistercian William of Newburgh, spoke of him as *imperator ille noster*, at first perhaps with a

¹*The Letters of John of Salisbury 2: The Later Letters (1163-1180)*, ed. W. J. Millor, S.J., and C. N. L. Brooke (Oxford 1979), nos. 152 (p. 52), 168 (102), 176 (182), 181 (200), 184 (216).

²*Das Itinerarium peregrinorum*, ed. H. E. Mayer, *Schriften MGH* 18 (Stuttgart 1962) chap. 19 p. 289, and chap. 24 p. 300f. It is worth comparing this with Rahewin, who said the same: "in patria lingua admodum facundus," and Wibald of Stavelot: "et splendide disertus iuxta gentile idioma linguae suae." See *Ottonis episcopi Frisingensis et Rahewini Gesta Frederici seu rectius Cronica* 4.86, ed. F.-J. Schmale, *Ausgewählte Quellen zur deutschen Geschichte des Mittelalters, Freiherr vom Stein-Gedächtnisausgabe* 17 (Berlin 1965) 710; and *Wibaldi epistolae* 375, in *Monumenta Corbeiensia*, ed. P. Jaffé, *Bibliotheca rerum germanicarum* 1 (Berlin 1864) 505.

³*Itinerarium*, chap. 24 p. 301.

touch of asperity, for he censured Barbarossa's rough dealings with the emperor Isaac II Angelos, but then again simply *imperator noster*.⁴

As for the moderns, his reign has not only haunted the German historical imagination in quest of national status, identity, and unity during the nineteenth century, it has also dominated more recent historical study of the twelfth-century *Reich*. His regime seems to dictate the problems and questions historians want to raise and even answer. Is this justified? Did he stamp his mold on the aristocratic world he was meant to lead and control? Were his enterprises and patronage the center of gravity of their interest? Even this question might be deemed superficial. The history of Germany in the twelfth century is one of massive and accelerating internal growth and external enlargement, a burgeoning economy, both rural and urban, widespread and numerous new town foundations, and the full rigors of eastward expansion from the Lower Elbe to the Bohemian Mountains.⁵ Nor should the church be excluded from this process of rapid growth, migration, and land-clearance. Even a cursory glance at Frederick's diplomata must astonish by the many gifts and grants of imperial protection to new or recent foundations, especially Cistercian, Premonstratensian, and those of Austin canons. Between 1168 and 1180 there were about 30 of these.⁶ There is another yardstick by which we can grasp something of the scale and pace of this internal development. In the first half of the twelfth century the number of places in Germany where coins were minted amounted to only about two dozen. Under Frederick and Henry VI it rose to 215, new establishments and revivals. It is well worth while and very revealing to note how they were distributed among the ruling strata: 106 mints belonged to churchmen, of these 61 to the episcopate, 45 to abbots. Lay lords controlled 81; and the king only 28, just 13%. Among them, however, one soon broke away and overran countless other currencies, the mint Barbarossa set up about 1180 at Hall in the diocese of Würzburg. Here coin was from the beginning mass-produced, and the Hall pennies later became the unit of measurement everywhere. Their success rested—so the 1977 Hohenstaufen Exhibition at Stuttgart proclaimed—on their ordinariness and low standard. It was literally the bad money which, under Gresham's Law, drove out the good.⁷

⁴William of Newburgh, *Historia rerum anglicarum* 4.13, in *Chronicles of the Reigns of Stephen, Henry II, and Richard I*, ed. R. Howlett, Rolls Series (RS) (London 1894) 1.327, 328; and see H. E. Mayer, *The Crusades*, trans. J. Gillingham (Oxford 1972) 134.

⁵For some recent general surveys see A. Haverkamp, *Aufbruch und Gestaltung Deutschlands 1056–1273*, *Neue Deutsche Geschichte* 2 (Munich 1984); O. Engels, *Die Staufer*, ed. 3 (Stuttgart 1984); H. Fuhrmann, *Germany in the High Middle Ages c. 1050–1200*, trans. T. Reuter (Cambridge 1986); and H. Keller, *Zwischen regionaler Begrenzung und universalem Horizont Deutschland im Imperium der Salier und Staufer 1024 bis 1250*, *Propyläen Geschichte Deutschlands* 2 (Berlin 1986). As a brief analysis, J. B. Gillingham's *The Kingdom of Germany in the High Middle Ages (900–1200)* (London 1971) has lost none of its pungency. Important for many of the questions to be raised here is J. Fried, "Die Wirtschaftspolitik Friedrich Barbarossas in Deutschland," *Blätter für deutsche Landesgeschichte* 120 (1984) 195–239.

⁶*Friderici I. Diplomata, 1168–1180*, ed. H. Appelt with R. M. Herkenrath and W. Koch, *MGH Diplomata regum et imperatorum Germaniae* 10.3 (Hanover 1985), henceforth cited DF. I followed by the number: 548, 549, 556, 577, 579, 586, 588, 592, 595, 596, 600, 601 (a hospital at Quedlinburg), 604, 610, 612, 627, 628, 629, 630 (a hospital), to mention only those up to Sept. 1174. Then nos. 767, 768, 769, 771, 772, 773, 775, 785, 787, 792, 800, 801, the flow of grants and confirmations resuming when he returned to Germany in Oct. 1178.

⁷E. Nau, "Münzen und Geld in der Stauferzeit," in *Die Zeit der Staufer*, Katalog der Ausstellung Stuttgart 1977, 3.87–102, esp. 89. On Hall see 97f.

Besides these hallmarks of internal growth in later twelfth-century Germany we must note signs of cultural reorientation, that is to say, a process of westernization. In the Carolingian *Reich* and the early eleventh century there had been lively exchanges of cultural resources between East and West. Lupus of Ferrières sent boys to Prüm in the Eifel to be taught German, and he had been sent to Fulda to study theology under Rabanus Maurus.⁸ In the twelfth century the traffic was all the other way about. True, one of Becket's clerks, Master Gerard de la Pucelle, a renowned canonist, left France to go to Cologne where the schismatic archbishop, Rainald von Dassel, provided for him in his exile and had uses for his teaching.⁹ Yet the luminaries of the *Reich* for the most part had to travel westward to participate in the new scholastic enlightenment; for example, Otto of Freising and his large following attended the schools in Paris, and he had heard Gilbert de la Porrée.¹⁰ Rainald von Dassel himself studied in France and brought back books from there, possibly *Ciceroniana*.¹¹ Thither had gone also Archbishop Adalbert II of Mainz of the house of Saarbrücken, Philip of Heinsberg, archbishop of Cologne, and Eberhard of Salzburg, to name only a few.¹² There is no evidence of movement in the opposite direction. Henry the Lion once wrote to King Louis VII thanking him effusively for his kindness to the son of one of his vassals whom he had received well and looked after. It seems that a short stay at the French court was thought desirable to round off the education also of a young lay noble. Henry now asked Louis to cause youths to be sent in reverse to his court, to Brunswick perhaps, to learn the language and become acquainted with the country.¹³ There is no hint or sign that the invitation was taken up. From France, thus, came not only the new intellectual horizons for the clerical elite but also part of the ethos and more of the mannerisms of knighthood which permeated the social life of the imperial and princely courts, the nobility and *ministeriales*, so markedly in Frederick's time.¹⁴

We have reached the other side of our coin, the Hohenstaufen polity: what kind of a framework was the *Reich* in the twelfth century for the ambitions of its leading

⁸*Loup de Ferrières: Correspondance*, ed. L. Levillain 1 (Paris 1964), nos. 35, 58, 65, and for Lupus's own stay in Fulda see p. vi and his letter to Einhard, no. 1, p. 6f.

⁹On Gerard's stay and preferments in Cologne see John of Salisbury (n. 1 above) nos. 158 (p. 70), 167 (98), 184 (216), 226 (396). It is characteristic of John and the Becket circle that they thought that Gerard had now gone to live among the barbarians. On Gerard as scholasticus at Cologne cathedral see J. Fried, "Gerard Pucelle und Köln," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* 99, Kan. Abt. 68 (1982) 125–135 (henceforth ZRG).

¹⁰On Otto's education see W. Wattenbach, F.-J. Schmale, *Deutschlands Geschichtsquellen im Mittelalter: Vom Tode Kaiser Heinrichs V. bis zum Ende des Interregnum* 1 (Darmstadt 1976) 50.

¹¹Wibald no. 207 (n. 2 above) 326f.

¹²For a list of twelfth-century German prelates who had studied in France see Keller (n. 5 above) 308, and J. Ehlers, "Deutsche Scholaren in Frankreich während des 12. Jahrhunderts," in *Schulen und Studium im sozialen Wandel des hohen und späten Mittelalters*, ed. J. Fried, Vorträge und Forschungen 30 (Sigmaringen 1986) 97–120.

¹³*Die Urkunden Heinrichs des Löwen*, ed. K. Jordan, MGH (Weimar 1949) 173f. no. 117. Henry's invitation suggests that his vassal's son went to Louis VII's court, among other things, to acquire a smattering of French. Cf. the letter written by the landgrave of Thuringia, Louis II, to King Louis VII asking for his good offices to lodge two of his sons in Paris. He, however, wished them to study and become literate. See *Recueil des historiens des Gaules et de la France* 16.42, 136.

¹⁴J. Fleckenstein, "Friedrich Barbarossa und das Rittertum: Zur Bedeutung der grossen Mainzer Hoftage von 1184 und 1188," *Das Rittertum im Mittelalter*, ed. A. Borst, Wege der Forschung 349, Wissenschaftliche Buchgesellschaft (Darmstadt 1976) 392–418; M. Keen, *Chivalry* (New Haven 1984) 36–37.

echelons and the larger *ordines* beneath them? How relevant were the emperor and the means of government at his disposal to the developments that have just been outlined? One reason to unroll these questions again is the publication of three volumes of Barbarossa's diplomata—to date, those from the years 1152–1180—edited by Heinrich Appelt and his helpers, the Vienna branch of the *Monumenta Germaniae Historica*. The first appeared in 1975, the latest (diplomata of 1168–1180) in 1985. So far there are 802 texts, and to these at least another 228 must be added for the years 1181–1190 as well as 164 *deperdita* that have been inferred, making a total of just under 1200 for a reign of thirty-eight years, with a great many originals surviving.¹⁵ This compares with 798 surviving items, charters, mandates, and letters, for the forty-three years of Barbarossa's Capetian contemporary, King Louis VII.¹⁶ Both chanceries were far surpassed by the output of King Henry II's, where between 3500 and 4500 writs and writ-charters are thought to be extant, originals and copies, and these are only a fraction of the total issued.¹⁷ For King Stephen's troubled eighteen years the total was 720.¹⁸ We must of course be aware of the accidents of transmission and not ignore the fates of archives. Comparisons are therefore risky; but if the use of writing can serve as evidence for the range and capabilities of a medieval government, the Hohenstaufen polity was served by a chancery much less ubiquitous and sophisticated than that of the Angevins and the kings of Sicily but perhaps holding its own against that of the Capetians.¹⁹

Now, the appearance and publication of Frederick's diplomata, mandates, and letters does not mean that we have suddenly gained a huge quantity of new and hitherto unknown evidence. No, the overwhelming number of pieces so far edited were in print somewhere before and, at worst, one or two of them were known at least summarily as *regestae*. Yet to gain a coherent view of Frederick's acts, the men about him, those who attended his *curiae* from place to place, his movements, above all the continuities of his regime, in short the Hohenstaufen polity, was impossible hitherto, so scattered and buried in local or ancient publications many of his diplomata, letters, and mandates were. With the published collection of all Frederick's acts (through 1180, and in the foreseeable future through 1190), it is at last within our reach to understand the workings of the *Reich* and their limitations a little better than could be done solely or chiefly through the narrative sources. The history of the chancery during these thirty-eight years, moreover, is the history of the only articulate agency of Hohenstaufen

¹⁵*Friderici I. Diplomata 1152–1158*, ed. H. Appelt, *MGH Diplomata regum et imperatorum Germaniae* 10.1 (Hanover 1975), and 10.2, *1158–1167* (Hanover 1979); and see n. 6 above.

¹⁶A. Luchaire, *Etudes sur les actes de Louis VII* (Paris 1885); and R. Fawtier, *The Capetian Kings of France*, trans. L. Butler and R. J. Adam (London 1960) 8 and n. 6, suggesting that Luchaire's listing was far from complete.

¹⁷R. C. Van Caenegem, *Royal Writs in England from the Conquest to Glanvill*, *Selden Society* 77 (London 1959) 4; M. T. Clanchy, *From Memory to Written Record: England 1066–1307* (London 1979) 41–45.

¹⁸*Regesta regum anglo-normannorum 1066–1154 3: Regesta regis Stephani ac Mathildis imperatricis ac Gaufridi et Henrici ducum normannorum 1135–1154*, ed. H. A. Cronne and R. H. C. Davis (Oxford 1968) xxix.

¹⁹On the chancery of the *Regno* see H. Enzensberger, *Beiträge zum Kanzlei- und Urkundenwesen der Normannischen Herrscher Unteritaliens und Siziliens*, *Münchener historische Studien Abt. Hilfswissenschaften* 9 (Kallmünz 1971), and C. Brühl, *Urkunden und Kanzlei König Rogers II. von Sizilien* (Cologne 1978). On the Capetian chancery under Louis VII see Luchaire (n. 16 above); G. Tessier, *Diplomatique royale française* (Paris 1962) 125ff.; and F. Gasparri, *Ecriture des actes de Louis VI, Louis VII et Philippe Auguste*, *Centre de recherches d'histoire et de philologie de la IVe section de l'Ecole pratique des hautes études* 5: *Hautes études médiévales et modernes* 20 (Geneva 1973).

government.²⁰ There is no evidence and there are no traces of fiscal records from the emperor's *camera*. The list of the *curie que pertinent ad mensam regis Romanorum*, the *Tafelgüterverzeichnis*, which has of late been assigned to Frederick's first year, or perhaps to 1173/74 on the eve of his fifth Italian expedition, seems to belie this assertion. However, the text has, by the best diplomatists, been identified as the draft of a letter sent by a canon of Aachen to someone of high rank in the king's entourage, perhaps his chancellor. It was not really part of a survey policy, one piece belonging to a series, and so an administrative document in the strict sense of the word.²¹

The chancery, or better the handful of notaries and scribes who served near the emperor's person, not only drafted and engrossed the diplomata, often beautiful, solemn, and imposing pieces, but also letters and mandates, the latter being sealed like the diplomata. The numbers of this category, that is, of letters and mandates sent out, is now thought to have been much larger than that of the diplomata, but far fewer of them have survived.²² The Hohenstaufen polity thus knew a steady traffic of written messages, information, and orders carried by messengers and sometimes *chargés d'affaires* from the itinerant court to distant areas of the *Reich* and in reverse. Although this was not in the least new, the very fact that we have more texts of this kind than, say, for the Ottonians and Salians—though not for the foremost Carolingians—suggests that the use of such missives became more frequent practice. What the Hohenstaufen *Reich* lacked was not communications between the emperor and the intermediate holders of rank, authority, and power, but uniformity among the latter. There was a teeming welter of developing princely and aristocratic lordships, lay and clerical, a bewildering variety of substructures like counties, advocacies, immunities, burgraviates, *banni*, and *mundeburdia*. They did not possess any common underlying grid or shared development and relative uniformities, like the English shires. In Capetian France such a grid of at least rough and elemental samenesses was to emerge with the *bailliages* and *sénéchaussées*, and there were, in an admittedly more limited area, *prévôtés* already a good deal earlier.²³ If it is pointed out that the latter related only to the royal demesne, we note that on Hohenstaufen house-lands and the imperial demesne, administrative areas, *procurationes* and *Landvogteien* appear but patchily and their ways of accountability to the emperor's itinerant court remain obscure.²⁴ In the Hohenstaufen *Reich*, outside royal possessions, it was already too late for a uniform groundwork of local organization to develop or redevelop after the break-up of Carolingian counties, and even these had not formed a demonstrably coherent and contiguous network in eastern Francia. This may help to explain why reversions of great fiefs were not necessarily helpful to build up a "central power."

²⁰H. Appelt, "Die Kanzlei Friedrich Barbarossas," *Die Zeit der Staufer 5, Supplement: Vorträge und Forschungen*, ed. R. Hausherr and C. Väterlein (Stuttgart 1979) 17–34.

²¹C. Brühl and T. Kölzer, *Das Tafelgüterverzeichnis des römischen Königs* (Cologne 1979); W. Metz, *Das Servitium regis*, *Enträge der Forschung* 89, Wissenschaftliche Buchgesellschaft (Darmstadt 1978); and E. Eisenlohr, "Paläographische Untersuchungen zum Tafelgüterverzeichnis des römischen Königs," *Zeitschrift des Aachener Geschichtsvereins* 92 (Aachen 1985) 5–74.

²²On mandates see F. Opll, "Das kaiserliche Mandat im 12. Jahrhundert (1125–1190)," *Mitteilungen des Instituts für österreichische Geschichtsforschung* (MIOG) 84 (1976) 290–327.

²³On *prévôts* and *prévôtés* see M. Pacaut, *Louis VII et son royaume* (Paris 1964) 149, and J. W. Baldwin, *The Government of Philip Augustus* (Berkeley 1986) 35f., 44f., 152ff.

²⁴H. Niese, *Die Verwaltung des Reichsguts im 13. Jahrhundert: Ein Beitrag zur deutschen Verfassungsgeschichte* (Innsbruck 1905) 262–322, and W. Metz, *Staufische Güterverzeichnisse* (Berlin 1964) 3, 88, 92f., 105, 107, and *passim*.

The output of diplomata in Frederick's reign was very uneven. So, for instance, we have 32 for the year 1184, all produced in the chancery. To them 5 pieces must be added that were submitted for authentication by recipients of favors, employing their own scribes who often used somewhat different conventions.²⁵ For 1180, the year of the armed collision with Henry the Lion, we have only 5 chancery-made diplomata, but they included none other than the Gelnhausen Charter; and there were a further 8 pieces that cannot be attributed to any known notary, where the recipient had some share in drafting the text. In 1187 the proportion was 9 to 3.²⁶ Altogether the chancery—and we must remember that this is a term of convenience only, not authenticated by the twelfth-century Hohenstaufen sources—experienced all the vicissitudes of the emperor's reign. It suffered severely in the disastrous Roman expedition of 1167, the mortality, the retreat and near-dissolution of the emperor's host. Between August 1167 and June 1168 we possess no diplomata drafted and executed by members of the writing staff at all, and there is only one completed from outside. It is true that two letters to the clergy and people of Cambrai and one to the count of Flanders were dispatched in September from Pavia where Frederick rested on his way home, and there is an important manifesto addressed to the bishop of Freising and sent also to others denouncing the rebellious Lombard cities. It shall occupy us later. Frederick thus had not lost all means of written communication, but there must have been casualties among the *scriptores* and loss of expertise.²⁷

This leads us to another paradox and anomaly of the Hohenstaufen chancery: the remarkably small staff of notaries who did all the work. For long periods the business of drafting diplomata, letters, and mandates could rest very nearly on a single man. From 1174 to 1179, this was one Burkhard, nor was it the first time that one person had been almost solely responsible.²⁸ There were of course other clerks and chaplains in the imperial entourage. The diplomata between 1181 and 1190 mention some of their names. One of them was not only a notary but also Frederick's doctor (*medicus*), others were described as *magistri* or simply notaries who have not been detected drafting diplomata, as against the six men who did.²⁹ Occasionally old hands reappeared to produce the odd piece. We are left therefore with the impression that the evidence by which we can most readily perceive the make-up of the Hohenstaufen following above all the attendances at Barbarossa's court days, that is, his regime, is conveyed to us by very few hands and eyes. The same diet at Gelnhausen in April 1180 that saw the division of the Lion's Saxon *ducatus*-fief and its record also witnessed a judgment by the princes about the disposal of vacant advocacies and their verdict forbidding anyone to build and hold fortresses in bishops' cities against the prelates' will. The diploma setting forth these judgments must have been drawn up by the interested party, in this case the bishop of Basel. His scribe, however, furnished a startlingly differ-

²⁵R. M. Herkenrath, *Die Reichskanzlei in den Jahren 1181 bis 1190*, Österreichische Akad. der Wissenschaften, Phil.-Hist. Kl., Denkschriften 175 (Vienna 1985); see the table on 319.

²⁶Ibid.

²⁷W. Koch, *Die Reichskanzlei in den Jahren 1167 bis 1174: Eine diplomatisch-paläographische Untersuchung*, ibid. 115 (Vienna 1973) 111f., 185–187.

²⁸R. M. Herkenrath, *Die Reichskanzlei in den Jahren 1174 bis 1180*, ibid. 130 (Vienna 1977) 27, 45–51, 229.

²⁹Herkenrath (n. 25 above) 28; DF.I.938; and R. M. Herkenrath, "Studien zum Magistertitel in der frühen Stauferzeit," *MIÖG* 88 (1980) 3–35, esp. 5 n. 10.

ing list of princely witnesses from that of the Gelnhausen charter and a third diploma for the archbishop of Cologne dating from that eventful meeting.³⁰

Diplomata and mandates, too, often dealt with judicial matters, and recorded judgments found before the emperor and his court and orders addressed to individuals to do right or institute proceedings. The texts announcing and propagating these decisions or baldly conveying such commands have a certain uniformity and likeness, reminiscent almost of Angevin writs. Once we find a chamberlain sent to Carinthia to settle a dispute, and on another occasion a marshal and an *advocatus* from Hagenau were ordered to hold an inquest over lands disputed between the monks of Neuburg and the landgrave of Lower Alsace.³¹ There is another striking development in this sphere. Beginning with the year 1184, a few diplomata mentioned *prudentes*, men other than the princes, who were consulted on difficult and disputed legal issues. From the witness-lists we can see who they were: men like Rudolf the protonotary, John the provost of Saint Germanus in Speyer, Hugo the dean, and John *imperialis aule vice-cancellarius*.³² This suggests the faint beginnings of a more professional judicature, of men close to the emperor who were consulted on their own, or besides the princes, on matters brought before his *curia*. It is a development parallel to Louis VII's court where it has long been known and traced.³³ *Prudentes* like this had not appeared in the diplomata of Conrad III and Frederick I's earlier years. Italian influence and experience may be seen at work here.

The Hohenstaufen chancery, thus, did not stagnate nor was it imprisoned by its venerable past during the second half of the twelfth century. The editors Koch and Herkenrath have drawn attention also to the appearance of the simple diploma as against the customary very solemn pieces with their invocation, chrismon, signum-line, monogram, the recognition, and dual dating clauses. The simple diplomata lacked all these traditional splendors. Few at first, their number increased steadily so that between 1181 and 1190 there were as many of them as of the elaborate ones.³⁴ Papal privileges rather than French or Angevin practice are thought to underlie these more business-like grants.

The nascent political societies of western and southern Europe, France, England, southern Italy, and Sicily, were held together by differing aspirations in their ruling strata. In southern Italy and Sicily, there was the *tour de force* of royal usurpation with sophisticated administrations which exploited the ineradicable ethnic, religious, and cultural divisions among the subject groups. In France, a concentration of authority in the seignorial and urban societies of the Capetian domains and the principalities, not least of all the strength of historical and cultural traditions, created new and enhanced central and regional solidarities. In Angevin England, there was a process that had much in common with Sicilian centralism and skilled, professional government, but the divisions over which it presided were less deep, acute, and complex. Its inroads,

³⁰DF.I.795 (Gelnhausen), 796 (for the bishop of Basel). There are of course some correspondences.

³¹DF.I.620 (12 May 1174), and S. A. Würdtwein, *Nora subsidia diplomatica* 10 (Heidelberg 1788), no. 24 p. 60.

³²*Prudentes*: DF.I.859 (20 June 1184), DF.I.933 (1 March 1186), DF.I.974 (25 July 1188).

³³A. Luchaire, *Manuel des institutions françaises, période des Capétiens directs* (Paris 1892) 558; Baldwin (n. 23 above) 38.

³⁴For the rise of the "simple" diploma see Herkenrath (n. 25 above) 317f., and also W. Koch, "Zur Sprache, Stil und Arbeitstechnik in den Diplomen Friedrich Barbarossas," *MIÖG* 88 (1980) 40.

on the contrary, nursed a growing cohesion of magnatial and shire societies. It is within novel institutions, within an astonishingly intelligent legal and governmental system, that ambitions were focused and took their characteristic shape. Above all, everything had to be written down at all levels.³⁵ In the *Reich*, the communities and divisions of interests in its leading strata differed from all these, and their historical traditions spoke with confused voices: Carolingian, Ottonian, and Rhine-Frankish Salian and Bavarian. These conflicting and competing legacies were at home in different areas, the Ottonian in Saxony, the Carolingian and Salian in the Rhineland and South. The Hohenstaufen were the Salians' heirs, and so inherited the deep rift which the Saxon revolt of 1073 had created.³⁶ The Welfs, however, as heirs to the Billungs and other Saxon families, were able to settle down within the Ottonian memories of a rich and flourishing twelfth-century Saxon historiography. They had of course to share it with their Saxon rivals and enemies. Yet they were a very old family, much older than the Hohenstaufen with already a pre-Carolingian house-myth of their own. It had an edge against royal authority which reflected their enormous twelfth-century wealth, lordships, and connections.³⁷

Yet the Welfs were not the only high aristocratic family in this period who cultivated house history. It was one of the ironical consequences of the reform movement in Germany that the many monasteries founded, refounded, reendowed, and protected by great lords nursed the family pride of their patrons in their chronicles, church burials, and liturgical commemorations.³⁸ In this way reformed monasticism only continued, echoed, or perhaps individualized the massive traditions of the *Libri memoriales* of the tenth and early eleventh centuries. In the *Reich*, *fons et origo* and as yet center of gravity of the Hohenstaufen polity, there were no politics in the modern sense of the word focused on a growing apparatus of government. Instead, it was the age-old competition between houses for *honores* and inheritances which harnessed to itself all the economic, demographic, and cultural developments we have outlined, rather than being transformed by them. In this sense, and in this sense only, German political society remained archaic and caste-ridden, however receptive and open it was to the rich traffic of ideas which reached it so abundantly from the West in other spheres, not least of all, we saw, as far as the lay aristocracy and the *ministeriales* were concerned, the conventions of chivalry and courtliness.³⁹

The setting for house rivalries was the *regnum* and *imperium*, and Frederick I saw to it that these words once again had a resonance and enjoyed a renewed respect. They furnished in his day and by his doing the principal occasions when the ecclesiastical

³⁵See, e.g., the Inquest of Sheriffs of 1170, with the constant injunction that every detail must be set down in writing. In the fifteen clauses of the *modus inquisitionis* the order to write, *scribant* or *scribatur*, occurs eight times, and "let it be enrolled," *inbreviatur*, twice; W. Stubbs, *Select Charters*, ed. 9 (Oxford 1921) 174–178. In general see Clanchy (n. 17 above) 29ff.

³⁶K. Leyser, "The Crisis of Medieval Germany," *Proceedings of the British Academy* 69 (1983) 409–443.

³⁷K. Schmid, "Welfisches Selbstverständnis," *Adel und Kirche: Gerd Tellenbach zum 65. Geburtstag dargebracht von Freunden und Schülern*, ed. J. Fleckenstein and Karl Schmid (Freiburg 1968) 389–416; and O. G. Oexle, "Die 'sächsische Welfenquelle' als Zeugnis der welfischen Hausüberlieferung," *Deutsches Archiv für Erforschung des Mittelalters* (DA) 24 (1968) 435–497.

³⁸K. Leyser, "The German Aristocracy from the Ninth to the Early Twelfth Century: A Historical and Cultural Sketch," *Past and Present* 41 (1968) 52 and n. 67; and idem, *Medieval Germany and Its Neighbours 900–1250* (London 1982) 188.

³⁹See n. 14 above.

and lay princes, high-ranking clerks from the cathedrals, abbots, counts, and *ministeriales* met as he held court, called for judgments, uttered manifestos and sought support for his popes and against his North Italian enemies. The *arengae* of Frederick's diplomata proclaim the aims, the justifications, the duties and rights of his emperorship. He believed and declared that his *regnum* and *imperium* stemmed from God alone, albeit by the princes' election.⁴⁰ Throughout he saw himself as a restorer rather than an innovator; but the word *reformare* that was used to announce his intention to bring the Roman Empire back to its ancient strength carried overtones of improving on the past and employing new means to do so.⁴¹ The body of ideas which headed his grants and letters proclaimed ancient and hallowed responsibilities in a new and more exalted style, often reinforced by snatches of Roman legal commonplaces. His *imperium* was now sometimes a *sacrum imperium*, he himself *invictissimus* and "*semper*" *augustus*, to name only the more important formulaic developments in vogue in his chancery.⁴² *Pacis reformatio* and *imperii augmentum* were the solemnly stated aims.⁴³ By this we need not understand solely the echoes of the *dilatatio imperii*, the widening and advance of its boundaries and possessions which had figured so signally in the doings and historiography of the Ottonians, Widukind of Corvey's especially. True enough, that remained a potent and all too opportunistic pilot-beacon by which the Hohenstaufen were in the end to founder, but *augmentum* could also mean enhancement within; even, in Otto of Freising at least, discoursing about philosophy was not alien to the prerogative of the Roman Empire and its continuators.⁴⁴

The bishops for the most part, their clerks too, the princes, nobles, and *ministeriales* whose names appear on the witness-lists of the diplomata and who attended the *curiae* of the emperor as he moved about the *Reich*, must be deemed to have at least nodded assent to this program, the sentiments set out in the *arengae* and more specifically in Frederick's manifestos justifying his clashes with the Lombards and the papacy. On a great occasion, facing the papal legates at Besançon in 1157, the princes present too flared up for the dignity and standing of their *Reich* when they heard the bestowal of the imperial crown described as a papal *beneficium*, provocatively translated as *Lehen*. Against the Lombards they are likely to have shared Otto of Freising's

⁴⁰See the imperial manifesto of protest in (Rahewin's part of) the *Gesta* 3.13 (n. 2 above) 420: "Cumque per electionem principum a solo Deo regnum et imperium nostrum sit." It is noteworthy how "per electionem principum" precedes "a solo Deo."

⁴¹Cf. DF.I.5 (March-April 1152), the letter sent to Pope Eugenius III announcing Frederick's election: "quatinus per studii nostri instantiam catholica ecclesia sue dignitatis privilegiis decoretur et Romani imperii celsitudo in pristinum sue excellentie robur Deo adiuvante reformetur." See H. Appelt, "Die Kaiseridee Friedrich Barbarossas," *Öst. Akad. d. Wissenschaften, Phil.-Hist. Kl., Sitzungsberichte* 252 no. 4 (Vienna 1967), and especially R. L. Benson, "Political *Renovatio*: Two Models from Roman Antiquity," *Renaissance and Renewal in the Twelfth Century*, ed. R. L. Benson and G. Constable with C. D. Lanham (Cambridge, Mass. 1982) 359ff.

⁴²"Semper augustus" had already been used for Conrad III's *intitulatio* by Abbot Wibald of Stavelot, for the most part in letters addressed to Pope Eugenius III and the emperor Manuel I Comnenus. See MGH Diplomata 9, *Conradi III. . . . Diplomata* (DK. III), ed. F. Hausmann (Vienna 1969) xxx, and DK.III.184, 185 (1147), 216 (1149), 219 to Manuel, 222, 223, 225 (1150). See R. M. Herkenrath, "Regnum und Imperium: Das 'Reich' in der frühstaufischen Kanzlei (1138-1155)," *Öst. Akad. d. Wiss., Phil.-Hist. Kl., Sitzungsberichte* 264 no. 5 (Vienna 1969) 49ff. On *Sacrum imperium* see also G. Koch, *Auf dem Wege zum Sacrum imperium* (Vienna 1972) 246ff., esp. 273-279, and OpII (n. 22 above) 294.

⁴³DF.I.318, addressed to Archbishop Eberhard of Salzburg in 1160.

⁴⁴*Gesta Frederici, prologus* (n. 2 above) 120.

aristocratic prejudices and dislike of urban communities which admitted mechanics and craftsmen to the belt of knighthood, men whom all other people would drive away from the more honorable and free occupations like the pest.⁴⁵

The letter of the autumn 1167 which Frederick addressed to Bishop Albert of Freising and others rouses a stark vision of that much labored term, the *honor imperii*.⁴⁶ Frederick was limping back northward, his army debilitated by disease and many of his great men and even more of his knights succumbing to the malarial plague which hit them in the summer heat of Rome after their victories. It was the signal for the disaffected cities in Lombardy, the League, to rise. The letter, or rather the fragment of it we have, almost screamed at its recipients: "The heavens are dumbfounded, the whole earth shakes, the elements are confused in the face of the criminal perfidy, the sinful malice, and wickedest treachery which certain cities of Lombardy, to wit Milan, Piacenza, Cremona—once the chief ally—Bergamo, Brescia, Parma, Mantua, the March of Verona have committed against our majesty, the honor of the Empire, and this without cause, without any guilt (on our part). We believe that, hearing such horrible news, your faith grieves and you are shaken to the core. For this rebellion redounds not only against our person." The Lombards were casting off the yoke of the German *imperium* which had been purchased with much labor, heavy losses, the blood of many princes and illustrious men. They said (Luke 19.14), "We do not want this man to reign over us nor that the Germans should continue to be our masters. Before we suffer the Empire to be destroyed in our day and pass on such damage and loss to our posterity we'd rather suffer an honorable death among our enemies," and here the letter breaks off.⁴⁷ The brutal assertion of German overlordship must be set against the professed aims of the Roncaglia Diet of 1158: "pro conservanda cuique sua libertate."⁴⁸ Six years were to pass before Barbarossa was able to lead another host into Italy from the North. Already after the siege of Crema in 1159/60 and the second surrender of Milan on very harsh terms, the emperor's following for his third Italian expedition was much more modest: Rainald von Dassel, the archbishop of Mainz, the bishop of Verden, the abbot of Hersfeld, the count-palatine Otto von Wittelsbach, the castellan of Magdeburg, three counts, including the long-serving Markward of Grumbach, the marshal Henry, a *ministerialis*, Conrad the butler, and Arnald Barbavaria, these appear on his grants.⁴⁹ We must conclude that the appeal of German domination, the strident call to arms, met but an uneven, far from wholehearted response. It was one thing to attend the emperor's *curiae* and so enact the presence of the *Reich*; it was quite another for princes, even bishops, and others to commit themselves to unremitting service in Italy for the *honor imperii*.

It would be mistaken to think of these *curiae generales* only as assemblies to trans-

⁴⁵Ibid. 2.14, p. 308.

⁴⁶P. Rasso, *Honor Imperii: Die neue Politik Friedrich Barbarossas 1152-1159* (Munich 1940), and see the comments of H. Grundmann and G. Wolf in *Friedrich Barbarossas*, ed. G. Wolf, *Wege der Forschung* 390, Wissenschaftliche Buchgesellschaft (Darmstadt 1975) 26ff. and 297ff.

⁴⁷DF.I.538.

⁴⁸*Gesta* 4.4 (n. 2 above) 514.

⁴⁹In DF.I.412 (9 Nov. 1163, at Lodi) Duke Welf VI appears, but his visit to the emperor's court was a brief one. He had crossed the Alps to look after his own possessions and defend them against Rainald von Dassel's encroachments. Early in 1164 Ulrich, the younger son of Duke Sobeslaw of Bohemia (d. 1140) was in the emperor's company (DF.I.424). For Frederick's relatively modest following at this time, 1163/64, see DF.I.419, 421, 421a, 422.

act business. They were also, and perhaps even more, social occasions where the princes and their following, other nobles, and imperial *ministeriales* commonly met and wanted to be seen meeting one another. The great feast at Mainz in 1184 where Frederick's sons, Frederick duke of Swabia and Henry VI, were knighted and where he, the emperor—as it were—celebrated Hohenstaufen ascendancy in the Reich, now that Henry the Lion's vast accumulations of possessions and power had been broken up, was only an especially memorable assembly of princes, nobles, and knights.⁵⁰ Nor had the Hohenstaufen a monopoly of feasting, magnificence, and display. On the contrary, before 1180 they had been outshone by Welf VI's festivities at Gunzenlee in 1173, and above all in 1175, when practically the whole nobility of the South enjoyed his hospitality. Welf strove, as the Steingaden Continuator expressed it, "to live in all ways festively, *solemniter*, and to have the fame of generosity by his feasts and varied gifts."⁵¹ Nor is this all. Side by side with Barbarossa's *curiae generales*, with their diplomata witnessed by the great men present and their magnificence mentioned by the chroniclers, there were assemblies and meetings which, as it were, challenged the Hohenstaufen polity and pointed to its vulnerability. Late in 1166 when Frederick was still in Italy and in 1167, all hell broke loose in Saxony against Henry the Lion's ruthlessly aggressive and acquisitive measures at the expense of his Saxon fellow-princes, not least of all the bishops from whom he had extorted fiefs.⁵² In mid-summer 1167 Henry's opponents met at Magdeburg and at Santerleben and concluded a treaty. They were the archdeacons, abbots, provosts, the clergy, nobles, and enfeoffed *ministeriales* of Cologne, the clerical *familia* and burgesses of Magdeburg. They sent to the archbishop, Wichmann, Margrave Albrecht (of Brandenburg), the landgrave of Thuringia, and Otto of Meissen, to name only some, and swore a league, a *sanctae societatis amicitia*, that they would stand together in the war between the princes, that is, themselves, and "the duke of Brunswick," that is to say, Henry the Lion. The provost of Cologne promised that his master the archbishop when he returned from Italy (where he died on August 4) would corroborate their pact.⁵³

This is not the only such treaty we have. There is another for the year 1178, between Philip of Heinsberg, Rainald's successor at Cologne, and the bishop of Halberstadt, Ulrich.⁵⁴ The pacts of princes, clerks, and knights pointed to the future. The wars in Saxony in 1167 and 1168 were severe, and Frederick's first task when he returned in 1168 was to try to restore peace. By upholding his cousin and stalling his enemies' complaints, Frederick seriously compromised his own standing with the Saxon princes. In an especially solemn diploma given at the Diet of Würzburg in summer 1168 (July 10), where he granted to the bishop of Würzburg a quasi-ducal jurisdiction in his whole diocese, the emperor's text in the *narratio* mentioned how here in the *curia generalis* "we have with God's help brought about a full reconciliation between the discordant

⁵⁰Fleckenstein (n. 14 above).

⁵¹*Historia Welforum: Schwäbische Chroniken der Stauferzeit* 1, ed. E. König (Sigmaringen 1978) 68f., the *Continuatio Staingademensis*, and see n. 229 for other sources on Welf VI's court and feasts.

⁵²K. Jordan, *Henry the Lion*, trans. P. S. Falla (Oxford 1986) 101–106.

⁵³For the text of the alliance treaty between Henry the Lion's enemies see O. von Heinemann, *Albrecht der Bär* (Darmstadt 1864) 477–479; and *Urkundenbuch des Erzstifts Magdeburg 1: (937–1192)*, ed. F. Israel with W. Möllenberg (Magdeburg 1937) 421ff. no. 324.

⁵⁴W. v. Giesebrecht, *Geschichte der deutschen Kaiserzeit* 5.2 (Leipzig 1888) 901. For the text see *Urkundenbuch des Hochstifts Halberstadt und seiner Bischöfe* 1, ed. G. Schmidt, *Publicationen aus den k. preussischen Staatsarchiven* 17 (Leipzig 1883), no. 283, pp. 246–247.

princes of Saxony.' The diploma thus asserted, as diplomata often did, far more than the circumstances warranted, and we cannot but be struck by the cracks and uncertainties in his judicial superiority.⁵⁵

This was ultimately at stake also in the conflict with Henry the Lion, which broke out when Barbarossa returned north from the peace concluded with Alexander III at Venice in 1177 and from a coronation at Arles in Burgundy in autumn 1178. As late as midsummer 1179, when the process against Henry was fully under way, the two men met at Haldensleben, the Lion's stronghold. For the sum of 5000 marks Barbarossa offered to mediate for his cousin and reconcile him with the angry and growling princes whom he had damaged so badly.⁵⁶ The money was meant to honor and satisfy the *maiestas imperatoria*. It did not guarantee the Lion against having to yield more and lose important possessions judicially to other opponents, but at least Frederick would no longer be a plaintiff himself. Henry refused—his worst mistake, as it turned out—though it must be remembered that the course of the war to bring about his surrender for some time bore him out. Yet it is not surprising that contumacy in the end lay at the heart of the collision, contumacy and something else, an inheritance dispute between the emperor and Henry. Here the profound ambiguities of the Hohenstaufen polity come to light. To understand them we must consult another, often cited, text of the year 1160 when Frederick planned to intensify his war in Italy after the long, cruel, and costly siege of Milan's ally, Crema. It is a letter written to Archbishop Eberhard of Salzburg, who was ordered to come to Pavia and join the emperor's forces there with his own knights. Eberhard already dissented from Frederick's pope and adhered to Alexander III. Here the emperor protested that he did not undergo all these labors to pile up riches for his own benefit and his sons', but solely for the sake of the "peace and enhancement of the empire."⁵⁷ We have already quoted the phrase. The emperor, then, felt it necessary to defend himself against mutterings that his Italian wars were fought mainly for the sake of his, and his nearest descendants', fortunes. Why?

His family situation at this time deserves a moment's notice. It is almost certain that Frederick I as yet had no sons. His marriage to his second wife, Beatrice of Burgundy, had been celebrated at Würzburg in 1156. She had brought him a rich inheritance and lordship over a good spread of lands and vassals in the County, but the first surviving child we know of, called Frederick, was born only in 1164.⁵⁸ Beatrice may have been just twelve years old when she became Barbarossa's wife, but we know of sons who died in earliest infancy and were buried in the Hohenstaufen house-monastery at Lorsch and there may have been miscarriages as well. Yet the dates of these misfortunes remain disputed.⁵⁹ It is quite clear, however, that by 1160 the emperor had not yet succeeded

⁵⁵DF.I.546.

⁵⁶Arnold of Lübeck, *Chronica slavorum* 2.10, ed. I. M. Lappenberg, MGH. SS. 21.133.

⁵⁷DF.I.318, and see n. 43 above. The text is also in MGH, *Die Admonter Briefsammlung*, ed. G. Hödl and P. Classen (Munich 1983), no. 52.

⁵⁸On Beatrice's fortune and its management see J.-Y. Mariotte, *Le Comté de Bourgogne sous les Hohenstaufen, 1156-1208*, Cahiers d'études comtoises 4 (Paris 1963), and H. Appelt, "Kaiserin Beatrix und das Erbe der Grafen von Burgund," *Aus Kirche und Reich, Studien zu Theologie Politik und Recht im Mittelalter: Festschrift für Friedrich Kempf*, ed. H. Mordek (Sigmaringen 1983) 275-283. The County of Burgundy did not merge with Frederick's demesne but was ruled separately under Beatrice's active direction.

⁵⁹E. Maschke, *Das Geschlecht der Staufer* (Munich 1943) 45ff., 58f.; G. Baaken, "Die Altersfolge der Söhne Friedrich Barbarossas und die Königserhebung Heinrichs VI.," DA 24 (1968) 63; and E. Assmann, "Friedrich Barbarossas Kinder," DA 33 (1977) 435-472 and esp. 459 for his sequence of births. Yet what

in founding his elementary family; and his heirs and successors at this moment, if he perished in his Italian wars, were his cousins, Frederick of Rothenburg and Henry the Lion.⁶⁰

The emperor's protestation to Archbishop Eberhard had of course biblical overtones. It was senseless to pile up treasure only for oneself rather than for one's sons. The obituary notice of the emperor Henry V (d. 1125), Mathilda's husband, in Ekkehard of Aura's *Chronicle*, had harped on this theme. He had amassed boundless movable wealth, yet for whom, he did not know, since he died childless.⁶¹ The rhetoric of Frederick's letter covered up a multitude of tensions and anxieties, and it also reveals a deep-seated strand in his and Hohenstaufen *mentalité*, which he shared with his fellow-princes but with a special poignancy of his own. His kingship had been unexpected, and to possess it lawfully and securely he had to appease not only all Welfic claims but also those of his cousin, Conrad III's son Frederick of Rothenburg, who was too young for the crown in 1152. Besides his share of the Hohenstaufen inheritance, that is, his father's lands, he had to be compensated for the loss of the kingship, so that the Swabian *ducatus* passed to him.⁶² Yet he was not the only member of his kin Barbarossa had to humor. By his second marriage to Agnes of Saarbrücken, Barbarossa's father Frederick, the second Hohenstaufen duke of Swabia, had a son called Conrad, born between 1136 and 1140, who was thus Barbarossa's half-brother. As count-palatine of the Rhine, which he became in 1156, he filled an important place among the princes of the Hohenstaufen circle; but this meant that the emperor, apart from the lands of the *Reich*, had only a relatively modest share of his own family's fortune, itself of course far surpassed by that of the Welfs.⁶³ Until 1167, in fact, Barbarossa had not had many chances of increasing his own possessions in Germany and, given his family situation before the late sixties, he could readily enough hazard the biblical flourish, disclaiming any quest for riches for his progeny when he summoned Archbishop Eberhard to serve in his hard-fought Italian wars.⁶⁴

By a tragic and grim irony, his acquisitive policies north of the Alps only became possible after the catastrophic mortality of 1167 had emptied the castles of so many South German and especially Swabian nobles who had followed him to Rome. The unforeseen consequences of his expedition enabled Frederick to enlarge his possessions

he says against Beatrice having been pregnant as a fifteen-, sixteen-, or seventeen-year-old is quite untenable. That she was a delicate woman in no way rules out pregnancies.

⁶⁰*Sigeberti Auctarium Affligemense*, 1160, MGH SS 6.404, where this is explicitly stated.

⁶¹*Ekkehardi Chronica recensio 4, Frutolfi et Ekkehardi Chronica necnon Anonymi Chronica imperatorum*, ed. F.-J. Schmale and I. Schmale-Ott, *Ausgewählte Quellen 15* (Darmstadt 1972) 374.

⁶²On Frederick, the son of Conrad III, see H. Schreibmüller, "Herzog Friedrich IV. von Schwaben und Rothenburg (1145-1167)," *Zeitschrift für bayerische Landesgeschichte* 18 (1955) 213ff.

⁶³On Conrad, the count-palatine, see H. Werle, "Staufische Hausmachtspolitik am Rhein im 12. Jahrhundert," *Zeitschrift für die Geschichte des Oberrheins* 110 (1962) 299-321.

⁶⁴He had spent 500 marks to round off an important inheritance in east-central Germany acquired in part already by his father. It included Leisnig and Colditz. See DF.I.199 (1 Jan. 1158); Arnold 7.16 (n. 56 above) 246; and H. Patze, "Kaiser Friedrich Barbarossa und der Osten," *Probleme des 12. Jahrhunderts, Vorträge und Forschungen* 12 (Constance 1968) 337ff., esp. 360f. The transaction could have taken place before Barbarossa's accession. In 1163 he purchased a *rilla*, Waldmannshofen, from the chapter of Bamberg for 70 marks. See DF.I.420 of 27 Nov. Sometime after 1165, half of Gelnhausen came to him as a Mainz fief: F. Opll, *Stadt und Reich im 12. Jahrhundert (1125-1190)*, *Forschungen zur Kaiser- und Papstgeschichte des Mittelalters: Beihefte zu J. F. Böhmer, Regesta imperii* 6 (Vienna 1986) 74.

by leaps and bounds. No deep-laid scheme on his part gave him his great opportunities. Yet there can be no doubt that after 1167 he pressed them to the utmost. The sources agree on his unrelenting quest for lands and rights in Swabia, in the years after his calamitous setbacks at Rome and the eventual collapse of part of his Italian and all his anti-Alexandrine church policies.

We possess three narrative sources, besides a number of diplomata, which allow us to follow Barbarossa as the architect of his own family's fortune: Otto of Saint Blasien's *Chronicon*, written about 1209; that of Burchard, provost of a house of Premonstratensian canons at Ursberg, who broke off his work in 1230; and the Steingaden continuation of the *Historia Welforum*, the Welf house history.⁶⁵ This last was composed after 1191 when Welf VI died. In all three, Frederick I's acquisitions belong to their authors' foremost recollections and impressions of the emperor's later years, until he took the cross. It is essential to follow them in a little more detail. Let us begin with Otto of Saint Blasien:

"At this time (1168) the Emperor Frederick came back to this side of the Alps and took possession of the whole substance of Duke Frederick of Rothenburg by hereditary succession and he had been enormously rich in lands."⁶⁶ Hitherto there had been two main branches of the Hohenstaufen family, that of Conrad III and that of his older brother Frederick, duke of Swabia, Barbarossa's father. Frederick of Rothenburg, Conrad's son, had been tempted to take part in the Roman expedition and was one of its victims. Recently married to a Welf princess, a daughter of Henry the Lion, he died before there were any heirs. Like other Hohenstaufen princes, he had fought feuds in Swabia and elsewhere that were far from convenient to his cousin the emperor.⁶⁷ Otto continued: "and subsequently he [Barbarossa] acquitted the possessions of many barons *in suam potestatem*." Later Otto revealed a little how it was done: "He gained the estates of many nobles who lacked heirs either by gift or by purchase, as for instance those of Adelgoz of Schwabegg, the Warthausen, Biberach, Hornungen, Schweinshausen, Biedertan, Lenzburg, and Werde families."⁶⁸ The list of names is long, but more important still is the lie of all these lands and castles. Before this spate of acquisitions, Hohenstaufen power had been concentrated north of the Danube and in Alsace. Now it spilled over the river southward and began to fill out the space between the river Iller, a tributary of the Danube, and Lake Constance.⁶⁹ These were by no means the main acquisitions which Otto listed, but before we turn to these, Burchard of Ursberg's description of how these gains were brought about commands attention. When Adelgoz of Schwabegg, the advocate of the see of Augsburg, died without heirs, "the same emperor vindicated for himself the advocacy as well as his other estates, be

⁶⁵*Otonis de Sancto Blasio Chronica*, ed. A. Hofmeister, MGH *Scriptores rerum germanicarum in usum scholarum* (SRG) (Hanover 1912); *Burchardi praepositi Urspergensis Chronicon*, ed. O. Holder-Egger and B. v. Simson, MGH SRG (Hanover 1916); and *Historia Welforum* (n. 51 above).

⁶⁶Otto of St. Blasien, chap. 21, p. 28.

⁶⁷*Historia Welforum* chaps. 30, 31 (n. 51 above) 60-66. On the equally unwelcome feuds waged by Frederick I's half-brother Conrad, the count-palatine of the Rhine, against Rainald of Dassel, the emperor's chief aide, and on his direct clashes with Barbarossa, see Giesebrecht (n. 54 above) 406f., 455, 514, 532, 557, and Werle (n. 63 above).

⁶⁸Otto chap. 21 (n. 65 above) 29-30.

⁶⁹H. Büttner, "Staufer und Welfen im politischen Kräftespiel zwischen Bodensee und Iller während des 12. Jahrhunderts," *Zeitschrift für Württembergische Landesgeschichte* 20 (1961) 17-73; repr. in *Schwaben und Schweiz im frühen und hohen Mittelalter. Gesammelte Aufsätze von Heinrich Büttner*, ed. H. Patze, *Vorträge und Forschungen* 15 (Sigmaringen 1972) 337-392.

it by grant of the bishop [Hartwig I, 1168–1184] or by fiscal or hereditary succession."⁷⁰ It is these last words which matter. "He," again Frederick, Burchard wrote, "when he returned from Italy, came to acquire many lands in Swabia, now by purchase, now by gift of the leading men, or again by some mode of fiscal or hereditary succession," *quacumque successione fiscali vel hereditaria*.⁷¹ What are we to understand by *successio fiscalis*? Burchard clearly distinguished it from purchase but not from inheritance. To my mind it can only mean that the lands reverted to the "fisc," there being no closer heirs. In other words, if Burchard is to be believed, Frederick Barbarossa can be detected here claiming reversions to the king in Swabia the way Henry IV and the Salians had done in Saxony, and here too, at just this time, 1171, he pressed for a reversion.⁷² It was through the kingship, then, that Frederick I in part built up his house's fortunes.

Twelfth-century German aristocratic possessions were made up of patrimonies, call them allods, fiefs, advocacies deemed to be fiefs, and *honores*, comital and higher office together with their *banni* which Barbarossa again wanted to define as being held of the *Reich* and bestowed by the emperor. This was a shadowy region where conflicting claims and aspirations mingled. In the case of fiefs, where they were held of the *Reich*, the situation is complex: there was the issue, much loved by constitutional historians, of the *Leihezwang*, the need to grant at least banner fiefs that had reverted, out again within a year and a day.⁷³ It is enshrined in the *Landrecht* and the *Lehnrecht* of the *Sachsenspiegel* and the *Schwabenspiegel*. But not all fiefs were banner, that is, princely fiefs. Above all, the nobles of Barbarossa's circle all held ecclesiastical fiefs which they or their forebears had wrested from the bishops and royal abbots of the *Reich*. The church paid a heavy price for the struggles waged on its behalf and for its *libertas*. What happened then to the ecclesiastical fiefs held by the Swabian magnates to whose inheritances the Hohenstaufen after 1168 succeeded? Frederick of Rothenburg, Barbarossa's cousin, held enormous church fiefs, notably from Fulda. Hitherto it had been the practice for kings not to hold such fiefs themselves but to grant them out again to their kinsmen. In the rigorous caste-order of German society and, hence, feudalism, the *Heerschild*, it had once been felt that a king could not hold of anyone inferior to him. By now, however, Barbarossa ignored this and took his cousin's huge Fulda fiefs and those he held of the See of Speyer into his own hands. We know this from a diploma he issued at Würzburg on 26 January 1170. Here, for once, he reached down into the world of land-clearance and viticulture, sharing crops with cultivators and employing a provost recruited from a nearby canonry to manage operations and to collect the emperor's share. The land and the hill to be planted had been held *in beneficium* "by our dearest cousin Frederick, duke of Rothenburg of pious memory."⁷⁴ Whatever

⁷⁰Burchard (n. 65 above) 49f.

⁷¹Ibid. 49 lines 19–20, and p. 56.

⁷²Leyser (n. 36 above) 426ff. In 1171 Barbarossa demanded the surrender of the Plötzkau inheritance which he had allowed to go to the Ascanians in 1152. See *Annales Magdeburgenses*, 1171, and *Annales Palidenses*, 1152, MGH SS 16.193 and 86.

⁷³W. Goez, *Der Leihzwang* (Tübingen 1962); G. Droge, *Landrecht und Lehnrecht im hohen Mittelalter* (Bonn 1969) 63f.; G. Theuerkauf, *Land und Lehnwesen vom 14. bis zum 16. Jahrhundert* (Cologne 1961) 7–15; and H.-G. Krause, "Der Sachsenspiegel und das Problem des sogenannten Leihzwangs," ZRG 93, Germ. Abt. (1976) 21ff.

⁷⁴DF.I.559, relating to the vill of Heidingsfeld in Unterfranken. On Hohenstaufen church fiefs see J. Ficker, *Vom Heerschild* (Innsbruck 1862) 39ff.; A. Boss, "Die Kirchenlehen der staufischen Kaiser" diss. (Munich 1886), Niese: n. 24; K. Bosl, *Die Reichsministerialität der Salier und Staufer*, Schriften der MGH 10 (Stuttgart 1950) 1.151ff.; and H. Maurer, *Der Herzog von Schwaben* (Sigmaringen 1978) 284ff.

his ultimate intentions, Frederick for now controlled and exploited these fiefs and could take his time disposing of them.

Another casualty of the Roman expedition had been the son and heir of Count Gebhard of Sulzbach who held considerable fiefs from the bishop of Bamberg. The counts were Hohenstaufen kin through the marriage of Conrad III to Gertrud of Sulzbach. In 1174, on the eve of his fifth Italian expedition, Barbarossa acquired the future possession of these fiefs from the bishop of Bamberg for two of his sons, Frederick and Otto, for 1200 marks and compensation to the chapter.⁷⁵ It is very significant that the emperor disposed over monetary resources in an economy always short of them. Even if his policies in Italy hung fire and in the end fell far short of what he wanted, a steady stream of revenues, bribes, money paid for favors, the sale of privileges, and opportunities to raise loans came his way, and this was to be of crucial importance in the largest inheritance the Hohenstaufen were able to gain.⁷⁶

This was the vast Swabian estate of Welf VI, a veteran rival and near equal of the Hohenstaufen in the duchy. He lost his only son whom Barbarossa had enticed to join his host for the Roman expedition like so many other wellborn, warlike, and competitive young men. Welf VI was elderly and could not hope for another heir from his wife, with whom moreover he had fallen out.⁷⁷ He had been one of the most intractable and unscrupulous of Conrad III's opponents whose connections with Roger II of Sicily and Geisa II of Hungary not only were profitable to him but imparted a particularly disruptive force to the South German feuds which had immobilized the Hohenstaufen.⁷⁸ There were signs that already in the 1160s he neglected his Tuscan interests. Now his spirits collapsed. His life turned into a round of feasting and religious benefactions on an enormous scale. All this was costly, and Sardinia, Spoleto, the March of Tuscany, and the *curtis* Elisina in Lombardy were handed over to Frederick I for money after 1173. Much of it Welf VI used to build the monastery of Steingaden, still more for show, largesse, and loose women, which was all he now had to live for. The Welf house chronicle, the *Continuatio Staingademensis*, Otto of Saint Blasien, and a charter unfold the transactions by which Barbarossa acquired the immense Welf lands in Swabia with their centers, Weingarten, Memmingen, Ravensburg, and Altdorf, the Welf stem-seat.⁷⁹ Welf VI at first turned to his nephew, his brother's son, that is, his *agnatio*, Henry the Lion and wanted to make him his heir, in return for large payments to support his lavish court and feasting. Otto tells us not only that the Lion failed to pay,

⁷⁵DF.I.624 and 625, the latter of 13 July 1174 at Donauwörth; and see E. Klebel, "Die Grafen von Sulzbach als Hauptvögte des Bistums Bamberg," *MIÖG* 41 (1926) 108–128.

⁷⁶G. Deibel, "Die italienischen Einkünfte Kaiser Friedrichs I.," *Neue Heidelberger Jahrbücher* (1932); idem, "Die finanzielle Bedeutung Reichs-Italiens für die staufischen Herrscher des zwölften Jahrhunderts," *ZRG* 54, Germ. Abt. (1934) 134–177; and A. Haverkamp, *Herrschaftsformen der Frühstauer in Reichsitalien* 2 (Stuttgart 1971) 669ff., 720.

⁷⁷*Historia* (n. 51 above) 68. His wife, Uta, was the daughter of Count Adalbert of Calw. She had brought him a vast Swabian inheritance north of the Danube which threatened Hohenstaufen communications between eastern Swabia and Alsace.

⁷⁸I was unable to consult K. Feldmann, "Herzog Welf VI. und sein Sohn" (1971), an unpublished dissertation at Tübingen. For Welf's pact with Roger II and unrest in Germany see W. Bernhardt, *Jahrbücher der Deutschen Geschichte: Konrad III.* (Leipzig 1883) 2.750ff., 796ff.; and E. Caspar, *Roger II.* (Innsbruck 1904; repr. Darmstadt 1963) 357, 398f. See also K. Feldmann, "Herzog Welf VI., Schwaben und das Reich," *Zeitschrift für Württembergische Landesgeschichte* 30 (1971) 308–326.

⁷⁹*Historia* (n. 51 above) 70 and Otto chap. 21 (n. 65 above) 28f.

but also why.⁸⁰ The Welf chronicler was more discreet. The agreement must have been made about the time of the Gunzenlee festivities with their boundless hospitality and gifts. The Lion seems to have thought that the old man could not live much longer—he died in 1191—and that there was no need to throw good money after bad. Welf VI then turned to his other nephew, his sister's son, that is, Frederick Barbarossa. He responded at once, "vir in omnibus sagax et providus."⁸¹ Remember these house-fatherly epithets; we shall meet them again. Not only did he furnish Welf VI amply with gold and silver but he also made sure of the reversion here and now. The transfer took place at once. As an earnest of things to come Frederick retained some of the lands but gave most of them back to his uncle *in beneficium*, as the Steingaden writer explained, and Frederick added a number of Hohenstaufen estates to compensate Welf for what had been retained and to sweeten the bargain.⁸² This meant that when Welf VI died, the lands could only revert to Frederick I and his sons. Welf's gifts to his monasteries were of course exempted from this deal, but Barbarossa lost nothing by this because he and his heirs would in due course be the advocates of Weingarten, Steingaden, and the rest. Most of the allodial might of the Welfs thus disappeared forever from South Swabia, although Henry the Lion was allowed to keep some of his patrimony there when he surrendered.⁸³ The likeliest date for all these transactions is 1178. There can be no doubt that they constituted the hidden source of conflict between Henry and his cousin. We do not know whether the deal was discussed at their meeting at Haldensleben in 1179. Perhaps the Lion thought enough was enough and why should he pay 5000 marks in addition to losing so much *hereditas*.

Even this gigantic reversionary prospect was by no means the end of Frederick's acquisitions during the last decade of his reign. There were others right up to the Third Crusade.⁸⁴ One must be mentioned here. A Swabian vassal and follower of very long standing and devoted service was Count Rudolf of Pfullendorf. He too, it appears, lost his only son and heir in the malarial plague of 1167, but he did not break with the emperor. On the contrary, he made Barbarossa and Barbarossa's sons his heirs, and a vast complex of possessions round Lake Constance thus fell to them. It included among other things the advocacy over the See of Choir, with the Swabian Alpine passes to Italy and a ferry across the lake shortening the route.⁸⁵ Count Rudolf died in 1181

⁸⁰Otto, loc. cit.: "Dux enim Henricus quorundam pravorum consilio Welfonem iam grandevum cito moriturum presagens argentum pro constituto dare distulit."

⁸¹*Historia* (n. 51 above) 70; and see *Hugonis Chronici Continuatio Weingartensis*, 1191, ed. L. Weiland, MGH SS 21.477, another late twelfth-century Weingarten source, where Welf VI, after the deaths of Barbarossa and his son Frederick on crusade, finally bequeathed his estates, advocacies, and *ministeriums* to Henry VI. Henry the Lion's claims were not mentioned here at all.

⁸²*Historia* (n. 51 above) 70: "quaedam etiam de suis superaddidit." See also Otto chap. 21 (n. 65 above) 29: "omnia predia sua ipsi contradidit eaque usque ad terminum vite pluribus aliis additis recepit" (i.e., Welf VI). It was customary to reward donors of future reversions during their lifetimes in this way.

⁸³For evidence of Henry the Lion's Swabian possessions after 1181, see *Die Urkunden* (n. 13 above) nos. 129 and 130, two originals of April 1194.

⁸⁴H. Dannenbauer, "Das Verzeichnis der Tafelgüter des römischen Königs: Ein Stück vom Testament Kaiser Friedrichs I.," in his collection of papers, *Grundlagen der mittelalterlichen Welt* (Stuttgart 1958) 381ff., 395ff., 428ff., albeit a very speculative paper.

⁸⁵On the Pfullendorf inheritance see esp. K. Schmid, *Graf Rudolf von Pfullendorf und Kaiser Friedrich I.*, *Forschungen zur Oberrheinischen Landesgeschichte* 1 (Freiburg 1954) 169–193. Already in 1170 Barbarossa's very young son Frederick, duke of Swabia, had the advocacy over the see of Choir: *ibid.* 173 and

on a pilgrimage to the Holy Land, where he had gone in summer 1180. His instructions to the procurator of Saint Mark in Venice, bidding him to forward funds he had deposited in the chamber there, have survived.⁸⁶ A very important charter, dated 25 December 1179, reveals that, as in Welf's case, the Hohenstaufen already had possession of some of his lordship. The charter was issued by the young Frederick, Barbarossa's son and duke of Swabia, but at the very heart of Welfic lordship, Altdorf. Frederick was to have advocacy over lands belonging to a monastery, Kreuzlingen, after Welf's death, or whenever he resigned it sooner. Frederick in this context also declared that he had on the same conditions received the defense of other lands of the monastery that were commended to "our dear Count Rudolf of Pfullendorf." (He is styled as one subject to Frederick's *ducatus*, unlike Welf VI who was not.) Frederick's rights in both inheritances were thus proclaimed. A large number of Swabian magnates witnessed this charter, including Duke Welf VI and Count Rudolf. But first and foremost, at the head of all the names, there was "Gotefridus cancellarius imperatoris et scriba . . . huius privilegii scriptor." Gotfried is a familiar figure in Barbarossa's diplomata. Later he was to be rewarded with the See of Würzburg. He had thus been sent to the Welf family seat at Altdorf, to be present at the transaction and above all to record it. Nothing could show more clearly how closely Frederick I stood behind these dealings on his son's behalf.⁸⁷

We must now ask what ends Barbarossa's vast accumulations of inheritances, allods, lordships, advocacies, and ecclesiastical fiefs served. The answer must be, first and foremost, to endow his family of four sons in lay estate. Here the historians who have plotted a new constitutional policy for him, the creation of a great royal territory as a new base for kingly rule, hit upon hard rock. The chroniclers, whether close or indifferent to the fortunes of the emperor, are quite explicit. Otto of Saint Blasien is the best guide. Having recited all the inheritances and acquisitions, he continued: "The lands of all these and others which came into the emperor's right (*in ius*), and all the fiefs which they held by homage of ecclesiastical princes, bishops, and abbots, he caused to be given to his sons and possessed them *potestative*," which suggests that the sons held them in law but for the moment he controlled them.⁸⁸ More illuminating still is an Alsatian *notitia* from the Cistercian monastery of Neuburg under Hohenstaufen lordship and advocacy in Alsace. Drawn up sometime after 1175, it proclaimed that they possessed an estate called Selehoven, in exchange for the right they had enjoyed in the Holy Forest and in another vill. The Holy Forest was a huge silvan area around the Hohenstaufen center of Hagenau. The monks, in their *notitia*, asserted that at the time of the exchange they had, thanks to the bequest of Count Reinhold of Lüt-

Regesten no. 87. Count Rudolf's daughter and heiress was married to Count Albrecht III of Habsburg. The Habsburgs were compensated with part of the inheritance of the counts of Lenzburg which Barbarossa had been able to secure in 1173 when they died out: *ibid.* 188 and Regesten no. 82; and see also F. Opll, *Das Itinerar Kaiser Friedrich Barbarossas (1152-1190)*, Forschungen zur Kaiser- und Papstgeschichte des Mittelalters: Beihefte zu J. F. Böhmer, *Regesta imperii* 1 (Vienna 1978) 56f. For the ferry across the lake see *ibid.* 73, and DF.I.779 of May 1179 at Constance.

⁸⁶M.-L. Favreau, "Zur Pilgerfahrt des Grafen Rudolf von Pfullendorf: Ein unbeachteter Originalbrief aus dem Jahre 1180," *Zeitschrift für die Geschichte des Oberrheins* 123 (1975) 31-45.

⁸⁷*Württembergisches Urkundenbuch* 2, ed. Königliches Staatsarchiv (Stuttgart 1858) 204f. no. 419 (25 Dec. 1179, Altdorf).

⁸⁸Otto chap. 21 (n. 65 above) 30.

zelburg, their cofounder (d. 1143), owned every third tree, that is, a third of the whole forest in partnership with the Hohenstaufen who had the other two thirds. "But," continued the *notitia*, "as the emperor was prudent and mighty and as he gathered diverse lands into a great mass for the sake of his illustrious progeny, he gave us this wretched little estate in exchange for our immense right and because we did not dare to contradict, we had to accept it."⁸⁹ The monks' statements have been carefully examined, and they show that Walter Map's warnings to his readers to beware of Cistercian property claims and dealings were not wholly libelous. There is some evidence to prove that the monks of Neuburg could not have had seisin of a third of the Holy Forest; and there is also evidence that the land they received was not poor but valuable, since they established a grange there, assarted, planted vines, and eventually set up a priory. However, they must have had a claim, and it was to buy it out that the emperor gave them Selehoven.⁹⁰ What matters here is his motive for amassing lands: his noble offspring, and his housefatherly prudence in providing for them.

It must not be thought that the endowment of Frederick I's sons was just a family event, a private matter (as we would say). By the beginning of 1179 the process against Henry the Lion was under way, and the duke had been summoned to the diet which assembled at Worms in January 1179. He did not come and was summoned again, Barbarossa attempting to obtain a sentence of Swabian princes under customary law (*Landrecht*).⁹¹ At Worms, we learn at the same time from the Pegau Annalist, the Hohenstaufen princes were endowed with rich lands and lordships.⁹² Otto of Saint Blasien tells us what each of them eventually received.⁹³ A younger Frederick was to have the Pfullendorf estate and the expectation of Welf's enormous *hereditas* to support and enhance his Swabian duchy. He had of course Hohenstaufen patrimony as well. Conrad received the *honores*, fiefs, and house-lands of Frederick of Rothenburg, Con-

⁸⁹Würdtwein (n. 31 above) no. 24 p. 60: "Sed imperator cum esset prudens et potens, atque diversa predia, propter inclitam ejus prolem in unum aggregaret, istud tantillum predium nobis dedit pro immenso jure, quia ea non audebamus contradicere, ac idcirco oportebat nos istud acceptare." See also A. Meister, "Die Hohenstaufen im Elsass," diss. (Mainz 1890) 60ff.

⁹⁰That the monks could not have held a third of the Holy Forest is at any rate suggested by Frederick's diplomata granting them limited rights of use, which they would not have needed had they owned so much. See DF.I.136 (1156), and esp. DF.I.206 of 27 Feb. 1158 at Hagenau. They could pasture their livestock in the forest except sheep. They could take timber only by the assignment and supervision of the emperor's *ministri*. Later they forged a diploma over a genuine seal, based on their *notitia* (DF.I.1061). See Herkenrath (n. 25 above) 245ff. with further literature. Compared to DF.I.136, the monks' position in DF.I.206 is more circumscribed. Pope Eugenius III's privilege for Neuburg, PL 180.1262, no. 215, did not mention the monastery's rights in the forest. In Alexander III's privilege of 1177 the monks still held the vill which, according to the *notitia*, had been exacted together with the forest rights, and Selehoven was not mentioned. Würdtwein (n. 31 above) 21 p. 53f.

⁹¹Fuhrmann (n. 5 above) 169; Jordan (n. 52 above) 168f.; C. Erdmann, "Der Prozess Heinrichs des Löwen," in T. Mayer et al., *Kaisertum und Herzogs Gewalt im Zeitalter Friedrichs I.*, Schriften der MGH 9 (Leipzig 1944) 296-299; K. Heinemeyer, "Der Prozess Heinrichs des Löwen," *Blätter für deutsche Landesgeschichte* 117 (1981) 1-60 and esp. 31ff. The literature on Henry the Lion's fall is torrential.

⁹²*Annales Pegavienses*, 1179: "Ibi [at Worms] auctoritate imperiali nullo contradicente filios suos hereditate propria et beneficiis multorum nobilium virorum, plurimis etiam urbibus et ministerialibus ditavit"; MGH SS 16.262. The reference to the "fiefs of many nobles" mirrors the recent Hohenstaufen successions and gains at the expense of other Swabian noble houses.

⁹³Otto (n. 65 above) 30, and see also Hugo (n. 81 above) 478.

rad III's son, that is, North Swabian and Franconian possessions.⁹⁴ Otto was to have the estates and lordship over Burgundy which came to Frederick I through his wife Beatrice. His name, like some of his father's diplomata, announced that the Hohenstaufen were anxious to be seen not only as the Salians' but also the Ottonians' heirs and rightful successors.⁹⁵ Henry, the oldest living son—the Frederick born in 1164 had died young—was meant for the kingship. The ecclesiastical fiefs that went with all these complexes of possessions were distributed separately, to each son according to the lie of his lands and future honors. The Pegau Annalist mentions especially that these arrangements had the approval of the princes attending the diet: "nullo contradicente."⁹⁶ This is an arresting phrase. Who could have contradicted? From a diploma dated from this *curia*, 22 January 1179, it is clear that the Swabian great were present in considerable numbers, some of their names being added to the list of witnesses.⁹⁷ Welf VI himself attended and headed the list of these additions. The deep division in the Welf family and the prospective shift of wealth towards the Hohenstaufen here became very visible. House policy and imperial policy overlapped and overlay one another. The setting up of the Hohenstaufen princes should be seen as part of the proceedings against Henry the Lion. Among the Swabian great present there must have been men who viewed these developments with alarm and concern. The Hohenstaufen were becoming overmighty neighbors and it could also be that *successio fiscalis* here and there hit and hurt other Swabian nobles' kinship with, and hence expectations of inheritance from, the stricken and now "heirless" families. We know that some Alemannic comital families, the Zollern and the Veringer, both absent from Worms and others who may have been present, shortly after conspired with Henry the Lion, opposed Frederick, and threatened to thwart his proceedings under *Landrecht*. They needed to be brought to heel and reconciled.⁹⁸

There is another tension latent in the Pegau Annalist's phrase "nullo contradicente." If we are right about *successio fiscalis*, succession thanks to lands reverting fiscally, Barbarossa would have endowed his sons with estates which might be deemed to belong to the *Reich* now, or at least not unequivocally to the Hohenstaufen house. That he was allowed to do so needed sanctioning. It also betrays not only the prominence of the Hohenstaufen family theme in Frederick's polity but also his insecurity despite triumphs, not least of all the massive princely support against Henry the Lion. By giving his sons so much, Frederick sought to make sure that all these lands, rights, fiefs, castles, and *ministeriales* would become Hohenstaufen house possessions, and not imperial demesne which must revert should the Hohenstaufen at any time be passed

⁹⁴Otto loc. cit., Hugo loc. cit., and Burchard (n. 65 above) 56f.

⁹⁵E.g., DF.I.980 (15 Sept. 1188 at Dahlen), but it should be noted that his name also recalled Burgundian comital ancestry. Names often announced destinies in noble families.

⁹⁶Cf. n. 92 above.

⁹⁷DF.I.772. It was for the Premonstratensian house of Roth in Swabia.

⁹⁸Much has been written about this "Swabian plot." See Erdmann (n. 91 above) 315–321; Schmid (n. 85 above) 194ff.; Maurer (n. 74 above) 250f. The source is Burchard (n. 65 above) 54. Late in May 1179 when Frederick I kept court at Constance, the Zollern and the Veringer counts witnessed his diploma (no. 779) restoring the *libertas* of the ferry (see n. 85 above), suggesting that they were not yet overtly hostile. By 25 Jan. 1180 Count Manegold of Veringen is named among "our dear faithful" sponsoring a grant for the patriarch Ulrich of Aquilea, DF.I.791 at Würzburg. That he had been at odds with the emperor can, however, be deduced from the latter's gruff mandate addressed to the count in July 1179, DF.I.783.

over and not elected to the kingship. They would thus fight a future civil war from positions of strength. The ultimate aim was no doubt already in 1179 an *Erbreichsplan*, but as yet the princes' right to elect and their watching brief over the interests of the imperial lands could not be gainsaid. The Lion's fall in any case did not mean that Barbarossa passed the last years of his reign in unchallenged mastery and control. On the contrary, they were poisoned by a sulfurous conflict with a succession of popes over the see of Trier, and a growing rift with Philip of Heinsberg, archbishop of Cologne, the disappointed beneficiary of the Gelnhausen Charter.⁹⁹

The endowment of the Hohenstaufen princes meant of course that they could mix as equals with their like, the *principes regni*, that consolidating group whose verdict had been decisive in the process against the Lion and whose armed aid allowed Frederick to appear in Saxony in 1180 and 1181 with imposing forces to watch the disintegration of loyalties round Henry and reap the benefits.¹⁰⁰ It also meant that these Hohenstaufen princes could now man important positions in the *Reich* and so make its governance perhaps a little easier. They, a younger generation of the dynasty, now replaced Duke Frederick of Rothenburg and joined Conrad, the count palatine who lived well in Henry VI's reign. Here lay their true role and value to the Hohenstaufen polity. It would be an exaggeration to say that Frederick I packed the Estate of Princes with his sons, but their presence was, all the same, noticeable and weighty. True, Hohenstaufen scions were no better than most, and the two younger ones, Otto and Conrad, soon gained a reputation as ruffians and muggers.¹⁰¹ Their youngest brother, Philip, remained unendowed because he was meant for the church and was only hauled out of clerical estate when early deaths struck down and thinned the ranks of the family in the 1190s. Well before that, however, Henry VI as king and Frederick as Duke of Swabia were hard at work, kept court, presided over assemblies, transacted business, arbitrated and made grants, with princes, counts, and nobles about them. Henry was able to add a stronghold in Breisach to his house's ecclesiastical fiefs in 1185, while his brother in the same year held a Swabian diet, attended not only by Welf VI but also by the conspirators of 1179/1180.¹⁰² Duke Frederick accompanied Barbarossa on the Crusade, from which neither was to return.

Reich, *ducatus*, and house were thus enmeshed together, and the endowment of Hohenstaufen princes could not be just a family arrangement. The coolness and calm with which Frederick I changed direction and, having opted for the North Italian venture, abandoned the main planks of his policy while saving appearances and a flow of cash revenues, the changes of course which historians like Munz and Pacaut have made so much of, they all suggest that neither the full realization of imperial ideology nor

⁹⁹On the conflict with Philip of Heinsberg and its ramifications see Engels (n. 5 above) 102–105. On the rifts with Pope Alexander III's successors see Giesebrecht (n. 54 above) vol. 6, ed. and cont. B. v. Simson (Leipzig 1895) 87–166.

¹⁰⁰"*Nulla contradicente*" (see above at n. 96, and see n. 92 above) also meant that the princes agreed that they would accept Barbarossa's sons into their ranks.

¹⁰¹On Otto's reputation see *Annales Marbargenses qui dicuntur*, 1197, ed. H. Bloch, MGH SRG (Hanover 1907) 70, and *Chronica Regis Coloniensis*, 1198, ed. G. Waitz, MGH SRG (Hanover 1880) 164. On Conrad see Otto chap. 37 (n. 65 above) 57, and Burchard (n. 65 above) 74.

¹⁰²J. F. Böhmer, *Regesta imperii* 4. Ältere Staufer 3. Abt.: G. Baaken, *Die Regesten des Kaiserreiches unter Heinrich VI., 1165 (1190)–1197* (Cologne 1972), no. 4, Basel, July 1185. On Duke Frederick's *Landtag* in 1185 see Maurer (n. 74 above) 251f., and 319 pl. 22.

new forms of government in Italy were really closest to the emperor's heart and thinking.¹⁰³ The things that were must be looked for in the Hohenstaufen house and its standing. He built up the *Reich* so that the Hohenstaufen, their circle, and their servants could be raised, enriched, and feared; and he used it so that they acquired the means to these very secular ends. If you think this conclusion unduly cynical, there is a latter-day testimony which clinches it and also shows that the very word cynical is out of place. There is the letter, a great apologia and justification, that King Philip addressed to Pope Innocent III in June 1206, when his Welf rival Otto IV had not yet quitted the field but looked like a loser:

You can believe without doubt, nay, know for truth, that at that time (1198) there was among the princes of the Empire none richer than we, none more powerful, nor of greater fame. For we had the largest and most widespread possessions, the most castles and they, to boot, the strongest and quite unconquerable, and we had so many *ministeriales* that we could hardly know their number for certain. We had towns, cities, vills, the richest burgesses, money in plenty, gold, silver, and precious stones, and we had in our possession also the Cross, the Holy Lance, and the Crown, the imperial vestments, and all the *insignia* of the Empire. For God had blessed us with many goods and he had increased our house (Gen. 28.3). Great inheritance had he given us in famous things so that we had no need to labor ambitiously to gain the Empire. Nobody could be elected king who did not need our favor and voluntary obedience much more than we needed their favor and goodwill.¹⁰⁴

With these solemn phrases of the Old Testament Philip here not only defended himself against the charge of having lusted after the crown, that is, the deadly sin of ambition and coveting the highest dignity and power. He also tells us about the Hohenstaufen fortune, swollen still more, especially in treasure, after Henry VI's conquest and succession in Sicily. The administrative innocence of not knowing how many imperial *ministeriales* there really were is here particularly tantalizing. Was it all rhetoric? Most of all, however, Philip or rather his *dictator* here speaks the very mind of the German prince of the twelfth and thirteenth centuries. If we had asked him what the Hohenstaufen had achieved after seventy years under the crown, this is what he replied. Why then should we know better and father Grand Designs or state planning upon them? It was the house that mattered, not the reorganization of the state, whatever that meant. The very form of one of the last diplomata Frederick I uttered before setting off on crusade reveals this with startling clarity. It was a reward for the bishop of Brixen. Normally bishops and abbots headed the list of witnesses in diplomata. Here, however, the Hohenstaufen princes came first, Frederick and Otto, before Bishop Berthold of Zeitz and a provost.¹⁰⁵

The dynasty's opponents feared it for these very reasons, and they too were out for the same, that is, house gains. Perhaps they felt taken advantage of by men as commanding as the aged Barbarossa was, or as calculating, hard-faced, and relentless as

¹⁰³P. Munz, *Frederick Barbarossa: A Study in Medieval Politics* (London 1969), where the emperor's acquisitions in Swabia are all seen as part of a "great design" which is later "scrapped"; cf. 102, 110ff., 255ff., 261, 303. M. Pacaut, *Frederick Barbarossa* (London 1970) 130ff.

¹⁰⁴*Regestum Innocentii III papae super negotio Romani imperii*, no. 136; ed. F. Kempf, S. J., *Miscellanea historiae pontificiae* 12 (Rome 1947) 319, lines 16-33.

¹⁰⁵DF.1.997 (29 April 1189).

Henry VI. The Hohenstaufen polity was a commonweal all the same sustained by aristocratic prejudices and shadowy, rather fluid solidarities. In 1188 a group of Saxon princes under Frederick's presidency judged a matter that had arisen in the distant south, this time the see of Trent.¹⁰⁶ In 1182 a notable body of lay princes cast a sentence damning and squashing the burgers' commune in Cambrai, which Frederick then duly promulgated.¹⁰⁷

One of these solidarities was the Crusade. Does it not show that other ideas mattered in this polity grouped around its ruling family? Yet we know that important princes made their own way to *Outremer* and did not join the emperor's host, to his bitter disappointment. The men of Cologne and others, as before, first went to Portugal. The Crusade resembled somewhat those competing parties and feasts we have already mentioned. It was the biggest of them all. Barbarossa remembered his experiences in 1147 when a vast horde of militarily useless, indigent pilgrims on foot had slowed up the mounted nobles and their households and so engulfed them in common disaster in Asia Minor. This time only the wealthy *potentes*, their following, and attendants were allowed to take part by Frederick's orders. The Third Crusade, compared with the Second, was a much more secular and mundane enterprise, with larger opportunities to earn fame by the display of armed might, *liberalitas*, and *virtus*, and all this in the service of Christ. Frederick went on it when he had ordered his house. Taking one son, Frederick, duke of Swabia, with him, he left the others in possession of their inheritances, their honors, their tasks, and their futures. That was the right way of worldly and otherworldly piety.

Lastly the question must be asked: what was the long-term impact of all this Hohenstaufen acquisitiveness on the Hohenstaufen polity? The answer to be given here runs counter to many current historical reflections. The massive build-up of the Hohenstaufen fortune in Germany weakened rather than strengthened common bonds and did not further the growth of a super-regional political society. It brought about dissonances and rifts which undermined rather than fostered solidarity. If the internal wars of the early thirteenth century, encouraged by Pope Innocent III, had a German theme, it was, as we just saw, the Hohenstaufen lands and their wealth. Historians often overlook this: they bemoan the early death of Henry VI without considering whether his program as far as we can gauge it would not have exacerbated and accelerated rifts already perceptible before, and very formative afterward. Germany's was a multi-centered and regional society more than most, and that suited it. The princes, their houses, and ambitions only expressed this coming of age of regional cultures and power-structures without a single preponderant core, which in any case the Hohenstaufen had been unable and also unwilling to nurture. Barbarossa's privileges for his palace towns like Gelnhausen and Hagenau remained elaborate gestures.¹⁰⁸ It was not power he lacked, nor wealth; but for all his eloquence in his native tongue, his sedulous interest in the deeds of former kings, his love of laws, and his occasionally adaptable responses to the economic growth all about him, the gap between the conceptual molds

¹⁰⁶DF.I.986, 6 December at Saalfeld.

¹⁰⁷DF.I.825 of 21 May, Mainz. It was far from being the last word in the long-drawn-out struggle between the bishop and the burgesses.

¹⁰⁸DF.I.447 (15 June 1164, in the plain of Monte Malo) for Hagenau; DF.I.571, 572 (25 July 1170, Gelnhausen); Opll (n. 64 above) 73ff., 83ff., 537ff., 559f.

of his experts and publicists and his own understanding of his world and tasks may have been wide and sometimes difficult to bridge.¹⁰⁹ Rahewin, when he particularly wanted to praise Barbarossa's circumspect rule and daily care for the *Reich*, law, and justice, called him "iam non regni rector, sed unius domus, unius rei publice paterfamilias."¹¹⁰ The image was startlingly clear and well chosen.

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¹⁰⁹Fried (n. 5 above) 237f.

¹¹⁰*Gesta Frederici* 3.17 (n. 2 above) 428. The article presented here grew out of a lecture which was first given at the Denys Hay Seminar in Edinburgh and later at the Institute of Advanced Studies in Princeton, at Chapel Hill, at the California Institute of Technology, at Stanford, at Seattle, and at the Catholic University of America, all of whom honored me with their invitations. The lecture form has been retained. I am grateful to Professor Horst Fuhtmann, the president, and the scholars of the Monumenta Germaniae Historica in Munich for allowing me to use an early proof copy of vol. 4 of Frederick Barbarossa's diplomata for the years 1181–1190. Lastly, I should like to express my warm thanks to Professor Robert Benson of UCLA for our lively discussions of Frederick's regime, and for his advice and interest.