

EUROPEAN HISTORY IN PERSPECTIVE

Benjamin Arnold

**MEDIEVAL GERMANY,
500-1300**
A Political Interpretation



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Medieval Germany

500–1300

A Political Interpretation

BENJAMIN ARNOLD





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To the memory of my teachers of medieval history

Karl Leyser

Bruce McFarlane

Beryl Smalley

Michael Wallace-Hadrill

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Preface and Acknowledgements

The purpose of this book is to promote a clearer understanding of politics in medieval Germany, which is so often remarked upon as different in its political structure from the other kingdoms in medieval Europe. There is no continuous narrative of political history, but guidance on three central features which were politically interactive: the peoples or *gentes* of medieval Germany and their enduring diversity; the neo-Roman western Empire adopted by the Franks and the Germans, and its impact; and the consequences of German kingship with its various institutional arrangements.

The notes and bibliography are deliberately short, and represent only a fraction of works and sources consulted over the years.

BENJAMIN ARNOLD

Reading, England
March 1996

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Introduction: German Political Identity in the Middle Ages

In the art of historiography as practised in Germany in the Middle Ages as well as in the diplomatic language used by the royal chancery there, it proved well nigh impossible for a precise definition of the German polity to be established. This is partly to be explained by the fact that the diverse provinces of which medieval Germany was made up were at first incorporated into the much larger empire of the Franks, a process virtually completed during the reign of Charlemagne (768–814), except for the Slavic regions assimilated later on. This empire took the name of ‘Roman’ soon after 800. When it was finally divided into three kingdoms by Charlmagne’s grandsons in 842 and 843, the German part was quite naturally designated the ‘kingdom of the eastern Franks’ and the label endured as late as the twelfth century.¹ In the tenth century this East Frankish kingdom, united since 961 with the Lombard kingdom consisting of northern Italy and Tuscany and combined with the Slav conquests made by the Saxons since the 920s, was consigned to a new West Roman Empire symbolised by the Saxon ruler Otto the Great’s imperial coronation in Rome in February 962. The kingdom of Burgundy, mostly French- or Provençal-speaking, was added by inheritance and military force between 1032 and 1034.

Thus far we have Franks, Romans, Lombards, Slavs, Saxons, Burgundians, Provençals – so where are the Germans? Their identity by language, or more correctly, by languages, long preceded any realistic national or racial category. In 788 Charlemagne as Frankish ruler summoned a council to Ingelheim on the Rhine, not far from Mainz. According to the source he persuaded ‘the Franks and

Bavarians, Lombards and Saxons' to agree to the deposition of Duke Tassilo III of Bavaria for treason. The report is in Latin, but the proceedings appear to have taken place *theodisca lingua*, 'in the language of the people', the Latin invention of phrase being based upon the Old High German word *thiot* meaning people.² But which people? It is not likely that separate Germanic tongues such as Frankish, Bavarian, Lombard and Saxon would have been mutually comprehensible, and in any case the vernacular employed by the Lombards was, by this date, in all probability the form of sub-Latin current in northern Italy. So the one vernacular word given in the text, *harisliz* or 'desertion from the army', may have needed elaboration to the assembly at Ingelheim. Duke Tassilo III was convicted of refusing military support to Charlemagne's father, King Pepin the Short, for the campaign against Aquitaine in 763. This was more or less a trumped-up charge. The motive was to confiscate Bavaria in order to secure the frontiers and communications in the East, in preparation for the onslaught upon the Avar khanate undertaken by the Franks between 791 and 803.

It is not possible to ascertain whether *harisliz* as preserved in the *Annales regni Francorum* is nearer to the Frankish, Bavarian or Saxon tongues, although Frankish is more likely. As far as we know, the Frankish language was in decline in the eighth century as Romance or Old French took over in the Gallic provinces actually settled by the Franks, except for a broad strip of territory immediately west of the Rhine. Writing in 817 shortly after Charlemagne's death, his friend and biographer Einhard claimed that the emperor was interested in reviving the Frankish tongue, giving as his example the names of the months and the winds which were standardised according to the theory of the court.³ Some of these names were used unchanged in medieval German and survived even into modern times. The relation of Frankish to Middle High German was therefore close, but this does little to enlighten the linguistic problem posed by the council at Ingelheim: that the Franks, Saxons, Bavarians and Lombards spoke different dialects.

Looking at the puzzle another way, it transpires that the medieval Germans were not one people but several: Saxons, Franconians, Lotharingians, Swabians (or Alemanni as an alternative description) and Bavarians. The Raetians and Carinthians inhabiting the Alpine valleys usually counted as separate peoples into the bargain. So did the coastal Frisians and, inland, the Thuringians, the neighbours of the Saxons to the north-west and south-east respectively, their history

often influenced by Saxon domination. These divisions into *gentes* or peoples are essential for understanding the social, legal and political structure of medieval Germany, as well as its economic and linguistic variety. But it proved by no means impossible to create a *regnum* or kingdom out of them.⁴ The first time this was attempted was during the 830s as Charlemagne's grandsons quarrelled amongst themselves and with their own father, Emperor Louis the Pious, to secure individual inheritances of their own. Just as the *Annales regni Francorum* for 788 imply mutual comprehension for a political purpose, so does Nithard's significant narrative about the deal struck in 842 for the partition of the Frankish Empire into autonomous kingdoms. But Nithard sets about it by emphasising linguistic differences.

Charles the Bald, king of West Francia, and Louis, king of East Francia, met at Strasbourg in February 842 and again agreed to set upon their elder brother, Emperor Lothar I, king of Italy. Having already defeated him at the Battle of Fontenoy in 841, they were successful in their enterprise, and the Empire was divided into three parts, one for each brother, by the Treaty of Verdun in 843. Nithard reports that at Strasbourg, Charles and Louis had sworn oaths of mutual support, Charles 'in the German tongue', *teudisca lingua*, and Louis 'in the Romance tongue', *romana lingua*,⁵ so that the officers in the armies which they had brought with them would comprehend the obligations mutually undertaken. It is sometimes claimed that the story is a confection by Nithard, an illegitimate grandson of Charlemagne, in order to tidy up the dynasty's history. Yet the general implication is that the peoples whom King Louis then ruled, the Saxons, Francobians, Swabians and Bavarians, ought to have understood something put to them in what philologists call Old High German.

But we are still a long way from a German kingdom or a German people, although Louis has later been called, quite erroneously, 'Louis the German' to suit historiographical fashion. Louis was a Frank and his descendants were kings of East Francia, and for the sake of legitimacy the title persisted into the next century. When the first king from the Saxon dynasty, Henry I, met his western colleague Charles the Simple at Bonn in 921, they were duly recorded in their treaty as *rex Francorum orientalium*, 'king of the eastern Franks', and *rex Francorum occidentalem*, 'king of the western Franks', respectively.⁶ But the literary culture of the tenth and eleventh centuries turned the eastern Franks into Germans all the same, employing a model from classical Latin which was, as we shall see, quite inappropriate; the name of Teuton.

As he wrote up his report about his recent but unsuccessful embassy to Constantinople in 969, Bishop Liudprand of Cremona complained that both the Latin and the Teutonic peoples had been insulted in his hearing at the Byzantine court.⁷ ‘Latin’ and ‘Teutonic’ were stylish labels for the Italians and Germans, the subjects of Liudprand’s employer, Emperor Otto the Great. A bit later than this, the Saxon bishop Thietmar of Merseburg, who died in 1018, also used Teuton and Teutonic for the Germans in order to distinguish them from the Lombards and the Slavs.⁸ The imperial chaplain Wipo, biographer of Emperor Conrad II (1024–39), similarly used Teuton to describe imperial subjects north of the Alps as opposed to Italians.⁹

A generation later the annalist Lampert of Hersfeld was making greater use of *teutonicus* for the people and region north of the Alps, but often in a sense actually hostile to rule by the king.¹⁰ In narrating the confrontations between Henry IV (1056–1106) and the Saxons which began in 1073 and between the king and Pope Gregory VII (1073–85) which broke out in 1076, Lampert was extremely antipathetic to the king and may well have adopted from papal letters the idea of using Teutonic for German in order to confine the authority of Henry IV to one kingdom as opposed to the more formidable and universal power which the German rulers normally claimed as Roman emperors.¹¹ Although the king’s father, Emperor Henry III, had rationally been entitled *rex Teutonicorum* or ‘king of the Teutons’ in an imperial diploma drawn up in 1049,¹² this quite new accolade had rather blown up in the face of Henry IV when it was used by his enemies.

The lesson was rubbed in at Canossa Castle in January 1077 when one of the most dramatic meetings in diplomatic history was played out, the submission of Henry IV to Gregory VII as a penitent excommunicate. The king’s oath to the pope drawn up by the papal scribe entitles him *rex Teutonicorum* and his opponents in Germany, the archbishops, bishops, dukes, counts and other princes in the *regnum Teutonicorum*.¹³ Under such circumstances it is hardly surprising that this ‘Teutonic’ label was not adopted by the German royal chancery until the dust had settled, in the twelfth century. It is also prudent to regard the report for 920 in the Salzburg Annals that the Bavarians elected their duke Arnulf to the *regnum Teutonicorum* – the discovery of this in 1921 obviously excited scholarly debate – as a twelfth-century interpolation, exactly when one might expect it on cultural and linguistic grounds.¹⁴

The quest for a post-Frankish political identity for the Germans runs into difficulties because the word ‘Teutonic’ was an elitist literary

adjective not well fitted to the diverse group of peoples north of the Alps and east of the Rhine. Its adoption derived not from popular parlance but from the classical Roman heritage enjoyed by a small clerical minority in the medieval West. Latin authors in antique times had quite often employed Teuton as a synonym for German, ironically in that the tribe of the Teutons which had invaded Gaul was annihilated by the Roman general Marius in 103 BCE. But the primitive ferocity of the Teutons was long remembered by the Romans, and was applied by a forced analogy to the Germans as a whole, simply because their bellicosity was much feared in the classical Roman Empire. Yet Tacitus in his treatise *Germania* did not even mention the Teutons, while Pliny identified them merely as a clan of the Ingaevones, themselves supposedly a subdivision of the ancient Germans.¹⁵

It is likely that medieval German authors were struck by the philological similarity between the first syllable of Latin *teutonicus* and Middle High German *diutsch*, the forerunner of the modern word *deutsch* meaning German. This is borne out by a chancery diploma for the archbishop of Salzburg in 977 which mentions a mountain *qui Diutisce vocatur* (called in German) Wassenberg, but other diploma writers preferred the phrase *Teutonica lingua*, 'in the German tongue', at this time.¹⁶

According to Thangmar's biography of Bishop Bernward of Hildesheim, Otto III referred in a speech delivered in 1001 to *mei Saxones et cuncti Theotisci, sanguis meus*, 'my Saxons and all Germans, my blood'.¹⁷ At the end of the eleventh century, Abbot Norbert of Iburg wrote that by the time Charlemagne had conquered the Saxons, he had united *universa gens Teutonica*, 'the whole German race', under one rule.¹⁸ The analogy was carried forward by the authors of the twelfth century. Well-informed chroniclers such as Frutolf of Michelsberg and Ekkehard of Aura used it often. Ekkehard pointed out that the *populus Theutonicus* did not respond to the First Crusade because Empire and Papacy were at loggerheads: 'This trumpet call hardly resounded amongst the Franconians, the Saxons and Thuringians, the Bavarians and Alemannians . . .'.¹⁹ Provost Gerhoh of Reichersberg, a learned Bavarian churchman, used *teutonicus* in a charter he drew up for King Conrad III to authenticate in 1142. Abbot Wibald of Corvey employed *Theotonicus* in the letter he wrote to Pope Eugenius III in 1152 to announce Frederick Barbarossa's election as German king.²⁰ In their account of the early years of this reign, Bishop Otto of Freising and his continuator Rahewin were quite liberal with the adjective *teutonicus* as well.²¹

As early as 1030 the verb *teutonizare* had been invented in dog-Latin to mean ‘naming something in German’. Meginfrid of Magdeburg applied it to the city-name of Regensburg in his biography of St Emmeram, and in 1079 Berthold of Reichenau wrote of ballistic siege engines being used in the current civil war that they were called mangonels in German, *theutonizant*.²² And since an autonomous kingdom east of the Rhine had persisted for more than three centuries by the time that Otto and Rahewin were composing the *Gesta Frederici*, one might have been permitted to think that the description Teutonic in succession to Frankish would by then have prevailed. But this was not so. Towards the end of the eleventh century the adjective *aleman* was adopted into Old French to designate Teutonic or German speakers. This is difficult to explain, because the medieval language line between French and German ran through the province of Lotharingia, not Alemannia (i.e. Swabia) at all. Nevertheless, *aleman* was at once rendered back into literary Latin as the description for Germans and Germany, and was rapidly taken up in the German kingdom as well. For example, when Helmold of Bosau mentioned the leaders of the Second Crusade in his *Chronicle of the Slavs*, he called Conrad III king of Alemannia and Louis VII king of Francia. Shortly before this, when the royal chancery drew up a letter to send to Emperor Manuel I at Constantinople, Conrad III’s subjects were described as *Alemanni* in one sentence and *Teutonici* in the next.²³ Bishop Otto of Freising disapproved of such novelties:

Some think that the whole Teutonic land is called Alemannia and that all Teutons should be called Alemannians, but only that province which is Swabia . . . should be called Alemannia and solely the people inhabiting it can rightly be called Alemannians.²⁴

As we shall see, the bishop’s ethnographic observation was correct, but his secretary Rahewin took no notice of it. In the new mode he was keen to use Alemannia and Alemannians for Germany and Germans. Bishop Otto had tried to preserve the old-fashioned equation of Teutonic and Frankish; for 1154 he recorded a custom ‘of the kings of the Franks who are also kings of the Teutons’, to set up camp at Roncaglia on the way to Rome for the imperial coronation. This is what Frederick Barbarossa was doing at the time of Otto’s report, but the fact is that the use of Roncaglia as a meeting place for the court and army in the Lombard kingdom cannot be traced before the eleventh century, long after Frankish power had crumbled. For 1155

the bishop then credits Barbarossa with a long speech denouncing the Roman Commune in which he employed a biblical turn of phrase to assert that 'the hand of the Franks or Teutons is not yet waxed short.' When the Germans then attacked the Romans, Otto referred to the 'Teutonic iron' with which the Franks secure the Roman Empire which is their right.²⁵

In spite of Otto of Freising's rearguard action to preserve Frank as the correct synonym for Teuton in these passages, the fashion for Alemannia won the day and successfully invaded the royal chancery.²⁶ There were of course many literary practices from France which were imported into twelfth-century Germany, and this may be enough to explain the diffusion of *aleman*. But much later Alexander of Roes came up with an explanation which might have something in it. Writing in 1281, he suggested that ever since a duke of Swabia was elected king, that is, Frederick Barbarossa in 1152, the dynasty had relied so heavily upon their own people, Alemannians synonymous with Swabians, that the practice of calling the whole kingdom Alemannia became fully entrenched.²⁷

We can observe the need perceived in Germany's medieval historiography and other literate endeavour for adjectives suitable to describe the western Roman Empire's subjects north of the Alps. But Frankish, Teutonic, and Alemannic were more the property of elitist literary traditions than popular established usage, and the same can be shown for the most obvious classical name of all, Germania and its adjective Germanic. In Roman geography the Rhine marked the boundary between Gaul and Germany and the distinction was preserved in medieval sources as well, although the actual language frontier between the Germanic tongues and the Romance which evolved into French lay well to the west of the river. This reverence for classical learning meant that Carolingian sources such as Einhard's *Life of Charlemagne* and the *Annals of Fulda* often use Gaul and Germany in this geographical sense of their division at the Rhine. The *Annals of Fulda* even speak of the German people, *populus Germanicus*,²⁸ but this turns out not to signify a community of language or politics, but simply the inhabitants of the Germanic as opposed to the Gallic regions of the Frankish Empire. So when the source records Emperor Charles III the Fat coming back from Italy in 882 to hold court at Worms on the Rhine for raising an army against the Northmen, the author accurately lists his East Frankish subjects as Franks (i.e. Franconians), Bavarians, Alemans, Thuringians and Saxons,²⁹ not as Germans.

In the Latin historiography of medieval Germany, Germania did have its place as a widely understood designation for the kingdom north of the Alps. Generally the distinction with Gaul was preserved, and the left-bank province of Lotharingia which had finally been incorporated into the East Frankish realm in 925 was often referred to as Gallia or Gaul in the sources. Widukind of Corvey, Thietmar of Merseburg and Adam of Bremen all use Germania in the geographical sense,³⁰ and in his biography of Conrad II, Wipo earnestly reminds his readers or hearers of the proper distinctions. For the king's election in 1024 the magnates of the realm camped beside the Rhine. Wipo quotes Caesar on the river as the frontier between Gaul and Germany and then lists the peoples in the manner of the *Annals of Fulda* for 882. From Gaul, the lower Lotharingians and upper Lotharingians (the duchy had been divided in 959) and the left-bank Franconians arrived. From Germany came the Saxons with their Slav allies, the eastern (i.e. right-bank) Franconians, the Bavarians and the Swabians.³¹ Nothing could exceed such technical correctness.

Although Germania was often used in the same geographical sense in the twelfth-century chronicles as well, it was, as we might by now expect, only rarely called a *regnum* or kingdom. Ekkehard of Aura provided an example when he reported Henry V's veiled threat in 1110 to bring Italy back into association with the *regnum Germanicum* from which it had escaped during the long disturbances of the War of Investitures ever since 1076.³² Having tried to educate his readers about the correct use of Alemannia, it is not surprising that Bishop Otto of Freising was a stickler for the punctilious distinction between Germany and Gaul. Referring to Duke Frederick II's siege of Mainz in 1117, the bishop mentioned that towards Gaul there are hills behind the town and towards Germany there lies the Rhine in front. The same point was elaborated for Frederick Barbarossa's visit to Worms for Christmas in 1155. As another town on the Rhine, Otto of Freising referred to its rich resources in the Gallic hinterland to the west as well as in the forested German region to the east. Such exactness had already come up in reporting Abbot Bernard of Clairvaux's tour of duty in launching the Second Crusade in 1146. After exciting innumerable hearts 'in occidental Gaul' (i.e. France; oriental Gaul is Lotharingia), the abbot came to 'the kingdom of the East Franks' – thus the *orientale Francorum regnum* of Otto's text takes us straight back to the literary world of the Carolingians – to stir up the Germans as crusaders.³³

It would be easy to carp at such pedantry, but Otto of Freising knew what he was about. Germany meant geography and politics meant

Rome, both papal and imperial. In other words, the political dimension of the twelfth century was the Roman Empire, which contained the Teutonic, Burgundian and Italian kingdoms, and the religious dimension was the Roman Church governed by the Papacy. In the text of Otto and Rahewin about Frederick Barbarossa the words German, Frank, Teuton, Aleman and Roman are deployed with such generosity and diversity that any hope of deducing a political terminology from them is defied. The chroniclers and commentators, the chancery scribes and other writers of charters thus possessed a variety of expression which could be applied to medieval Germans, but the categories cannot be strained too hard for an exactitude which did not exist. As late as the 1280s Alexander of Roes still thought he had to explain to his readers that the kings of the Franks or the Germans were also called kings or emperors of the Romans, and that the Teutonic or German peoples were one and the same.³⁴ Perception and terminology had not shifted all that far from the era of Otto of Freising.

From the written record provided by the latinized elite, it is not difficult to discern that *teutonicus* was used more often for language and people and Germania for geography, while Alemannia and Alemannic as novelties enjoyed a sudden ascent in the twelfth century. None of this really explains the persistent use of Frankish and Francia or the much more prevalent and consistent use of the Roman name until one accepts the significance of the Roman Empire taking precedence over any imaginable configuration of a 'German state' in the Middle Ages, even after *regnum Teutonicum* was cautiously adopted into chancery practice in the twelfth century.³⁵

A further point revealed by so many of the chroniclers is the parallel political weight of the provinces alongside the kingdom itself. At the height of Henry IV's confrontation with the princes, for example, Lampert of Hersfeld has the king attempting to defend the honour of the German realm, *regnum Teutonicum*, while his enemies, who have Lampert's every sympathy, are paraded in the text as the princes of Swabia, Bavaria, Saxony, Lotharingia and Franconia in their true constitutional diversity. But they certainly act as a body, *universi in commune*, to defend what they regard as the welfare of the realm against the excommunicated king.³⁶

If the search for a realistic political definition for medieval Germany through the Teutonic, Germanic and Alemannic usages proves negative, then it is by no means fruitless. After all, the words were quite often applied to the people, the languages, and the land. As we can see, their conjunction with *regnum* meaning realm or kingdom sometimes

occurs even in royal chancery practice, but its relative rarity is mystifying until the true structure of the polity is taken into account: the autonomous provinces into which the kingdom was divided, and the neo-Roman western Empire of which they all constituted parts.

Even though Lampert of Hersfeld was inclined to be carried away by his political prejudices, he was certainly not the only author to conceive of German politics in terms of the provinces standing on a par with the kingdom. The sources considered so far have, apart from the Strasbourg oaths of 842 and Einhard's list of the Frankish months and winds, been in Latin. But we are fortunate in possessing a short vernacular text from the early twelfth century which also comments directly upon the problem of the German polity and its tripartite structure; provinces, kingdom and Empire. The German scholar Heinz Thomas has recently redirected attention to the *Annolied* in its function as a foundation story for the medieval German realm.³⁷ In spite of its brevity (878 lines), the *Annolied* fulfils a variety of literary and ideological functions and is of great significance in using the formulation *Diutschî* or 'German', the modern German word *deutsch*, in a consistent way for the first time.³⁸

Etymologically the word *deutsch* derives from the Old High German *thiot* meaning 'the people', which the anonymous author takes to the next stage almost without tautology; *Diutischiu liute* (line 474), 'the German people' and *Diutischiu lant* (line 274), 'the German land', like the modern name Deutschland. The author also knew of the correct classical distinction between Gaul and Germany which we have encountered before, *Gallia unti Germânia* (line 417), but neglects it in a modernising tendency when describing Cologne, strictly speaking in Gaul, as the finest town in *Diutischemi lande* (line 112), 'in German lands'. Apart from a fantastic claim that German was spoken in Armenia (lines 315–17), the country from which the Bavarians were supposed to have emigrated, this is virtually the limit of the author's interest in things *deutsch* because the foundation legends as developed in the text concern the Roman Empire as the polity and its transalpine inhabitants as the peoples we have already met: the Swabians, Bavarians, Saxons and Franconians (lines 281–398) each with a myth sustaining ancient far-off origins in Armenia (Bavarians), from Alexander the Great's army (Saxons), somewhere unspecified overseas (Swabians) and at Priam's Troy (Franconians).

In the *Annolied* such fancies were part of an enormously inventive German cultural tradition culminating in the humanist scholarship of

the Renaissance era which sought for Germany's origin and identity in the classical past. For example, the idea that the Saxons originated from Alexander the Great's army dispersed from Babylon after his early death was an old tale known to Widukind of Corvey in the tenth century and repeated by Eike von Repgow in the thirteenth.³⁹ The dignity of classical learning, even where it was fundamentally erroneous and then misapplied, sustained what was the case in twelfth-century politics, the actual division of the *Diutshiu lant* into its constituent peoples, although they also knew very well how to function under the headings of the German *regnum* and the Roman *imperium*.

This the author of the *Annolied* explains by means of the following legend. Having with difficulty defeated the four German peoples, Julius Caesar returned to a sour reception at Rome. So he summoned the Germans to assist him in outfacing the ungrateful Senate. German military might thus becomes the foundation for the new imperial regime of the Caesars. This is, of course, divorced from any kind of historical reality, yet it provided a convincing explanatory myth for the German polity of the eleventh and twelfth centuries, the time when the author of the *Annolied* lived. It is actually the post-962 neo-Roman Empire of Otto the Great and his successors, and in it the Saxons, Franconians, Swabians, Lotharingians and Franconians are rightly identified as the powerful peoples who support the crown or, *inter alia*, come to oppose it, as in Henry IV's bad years. But since it was Caesar, according to the author of the *Annolied*, who actually founded this Empire, one can see why he or she mentions that 'even today the kings are called *keisere*, Caesars' (line 272) in Germany.

The *Annolied*, which was supposed to be the *vita* of a saint, Archbishop Anno II of Cologne who reigned from 1056 to 1075, thus provided a powerful political explanation for current German kingship and above all, for its command of the western Roman Empire provided *ab initio* to Caesar by the German peoples and then descending directly to the eleventh and twelfth centuries, whereas we know that this configuration was put together in the tenth century under Otto the Great. The other message, that the German lands were ruled by one king but were inhabited by several peoples, was adaptable because it was realistic. In his private legal treatise, the *Sachsenspiegel*, which Eike von Repgow was writing in the third decade of the thirteenth century, he took for granted that the 'German lands' were Bavaria, Swabia, Franconia and Saxony and adds another belief which is a myth, that they had all been kingdoms in origin.⁴⁰ There is not much foundation for that idea, although the Carolingian

dynasty had sometimes maintained Bavaria as a sub-kingdom in the ninth century. But the explanation was persistent. At about the same time as the *Annolied* was composed, Ekkehard of Aura referred to the *regna Germaniae*, 'the realms of Germany'.⁴¹

Time and again the chronicle literature reflects what the author of the *Annolied* and Eike von Repgow have to say about the peoples and provinces of medieval German politics. In a well-known case, the *Narratio de electione Lotharii*, probably composed by an Austrian abbot about Lothar III's election to the Empire in 1125, the author explained how it was the *provinciae principes*, the magnates of the provinces, that is, Bavaria, Saxony, Swabia and Franconia (here including the Lotharingians), who met at Mainz to elect the next king.⁴² Their host and the senior elector of the Empire, Archbishop Adalbert I of Mainz, organised them for his own purposes into a college of forty, ten from each province. The motive was to exclude the duke of Swabia's claim, and Duke Lothar of Saxony was duly elected in spite of the descent of the proceedings into some disorder. The rights of the several provincial aristocracies are the same as Wipo reported of Conrad II's election in 1024. That event was then followed up with an *iter* or royal perambulation to visit the peoples on the spot and to impose royal peace and protection, *tuitio*, on what are once more called the *regna* or realms in the plural; first Lotharingia, then Saxony, eastern Franconia and Bavaria, and finally Swabia.⁴³

In his formidable work on the *Regnum Teutonicum* published in 1970, the German historian Eckhard Müller-Mertens indicated that any definition of medieval Germany in more than the geographical sense will always prove elusive.⁴⁴ The source material reviewed in this introduction seems to me to support this view strongly. There was not yet a German political or popular consciousness to pitch against the grand inherited conception of a neo-Roman Empire as expounded in the ideology of the court with the support of the Church. The German royal dynasties which reigned in the Empire were elected by the magnates, secular and ecclesiastical, of separate provinces, sometimes called *regna*, with distinct political traditions of their own. Even before considering the political weight of the actual orders (or classes, in modern parlance) of society, medieval Germany laboured at the least under a tripartite political structure of Empire, kingdom and provinces. But how did they originate, and what was their effect?

Part I: The Peoples and Provinces of Medieval Germany

In considering the problem of the peoples, the *gentes* living in their regions which, as we have seen, were also called *regna* and *provinciae* as well as duchies, we arrive at one of the basic dimensions of medieval German politics. When Otto the Great, crowned emperor in 962, and his successors re-established the western Roman Empire as the official political structure for their possessions in the last four decades of the tenth century, this created no real challenge to the identities of the various subject peoples. In 983, for example, Otto II held an imperial assembly at Verona consisting of 'Saxons, Swabians and Lotharingians, Bavarians, Italians and others (probably the Slavs or Franco-nians are indicated here), dissimilar in race, language and custom'. This dissimilarity was typical of medieval society and culture, and was not perceived as a source of political weakness. When his son Otto III arrived in Rome for his imperial coronation in 996, his entourage consisted of Romans, Franks, Bavarians, Saxons, Alsatians, Swabians and Lotharingians.¹ The individual identities of the diverse peoples within the imperial realm, consisting at that time of Germany and Italy, was thus a living political reality which needs to be explained.

The Foundation of Bavaria

When Jordanes, historian of the Goths, writing in the mid-sixth century, mentioned in his *Getica* that the Bavarians lived to the east of the Swabians, he landed us with one of the more intractable puzzles of early medieval ethnogenesis.² The name Bavarian appears for the

first time. It has been asserted that the Bavarians were essentially a Germanic people or group of peoples arriving from the north-east of present-day Bavaria, who were able to take advantage of the collapse of Roman Noricum and Raetia II in the later fifth century, and settled amongst the remnant of the sub-Roman population.³ But archaeological, toponymic and linguistic evidence have not been able to provide a convincing foundation for this theory. It is suggested that the vigour of sub-Roman demographic survival may have been underestimated and that the very name 'Bavarian' may be based upon the Latin *in Pago Iuvavum*, 'in the district of Salzburg', rather than upon some tribal name.⁴ A proposal linked to this is that early Bavarian was a 'fusion-creole' of Alemannic and proto-Ladin dialects, so that the principal Germanic contribution to Bavarian settlement would have come from the west, not from the north-east at all.

So the actual derivation of the Bavarians will exercise the archaeologists and historians of ethnogenesis for a long time to come. Politically the Gothic king of Italy, Theoderic the Great, exercised a species of protectorate north of the Alps as far as the Danube in the first quarter of the sixth century. In the second half of the century, when Frankish power was on the increase east of the Rhine, a ducal dynasty was established by Garibald I of Bavaria, undoubtedly with Frankish assistance. His family usually goes by the name of the Agilolfings, as given in the Latin version of the laws of the Bavarians, the *Lex Baiuvariorum*, which was probably codified between 739 and 743.⁵ Such dynastic names usually refer to a founding ancestor, but there is controversy about which Agilolf was relevant to this case. Was he a Bavarian, a Frank, a Burgundian or a Lombard? And if he was not Bavarian, why was he acceptable?⁶ To these conundrums there are no clear answers.

The transmission of the Latin title *dux* or duke into Germanic society has also aroused some difficulties of interpretation. Its military character in the Roman Empire was confirmed during the reorganisation of the army under Diocletian (284–305) and its rendering into Old High German as *heritogo* or *herizogo*, 'leader of an army', also betokens the needs of military command. But it appears that the Germanic dukes of the sixth and seventh centuries, and the dukes appointed by the Merovingian kings of Francia inside their realm, had taken up substantial judicial and administrative responsibilities as well.⁷ So the projection of *dux* into the early medieval political vocabulary needed to explain the Germanic world is a reasonable enough reflection of high

status plus military command, without excluding other important governing functions. The Agilolfing dynasty was to endure in Bavaria until it was toppled by Charlemagne in 788, as we have seen.

Toponymic and archaeological study reveals a Bavarian programme of settlement in which the River Lech effectively marked the western boundary with the Swabians. The Bavarians also opposed the western advance of the Avars and the Slavs into the Alpine regions to the south and east of their own settlement areas. The Lombards who had migrated into Italy since 568 represented another threat. Each side fought for control of the Alpine command post at Brixen, because it dominated access to the Brenner Pass to the north, the Lombard plain to the south, and the Drave valley to the east, a valuable warpath against the Slavs. But Brixen did not finally pass under Bavarian hegemony until as late as 765. In the east, the River Enns had originally marked another boundary of settlement which the Bavarians were later able to cross in order to colonise an eastern march now known as Lower Austria. The leading place in the whole duchy was the Roman town of Regensburg on the Danube, which also indicates the significance of the Danube plain for Bavarian settlement. Regensburg was the principal residence of the Agilolfing dukes, and retained something of its character as a Bavarian capital as late as the thirteenth century. Some of the wooded country to the north, known appropriately as the *Nordgau* or northern region,⁸ was also gradually assarted and settled by the Bavarians, but it was a long process stretching away, rather like the colonisation of the Alpine valleys, into the thirteenth century.

If agrarian settlement, Regensburg's central position and the installation of the Agilolfing ducal dynasty provided some practical basis for a Bavarian identity between the sixth and the eighth centuries, then further cultural focus was provided by the institutions of the Christian Church and by the codification of the duchy's law. Roman Noricum was converted before the Bavarian period, and there survives the dramatic account by Eugippius of the difficulties into which the faith was then driven by the barbarian migrations, contained in the *Commemoration of the Life of St Severin*, the Norican teacher and abbot who died in 482. His pupil Eugippius described how the monastery had to be abandoned as the last vestiges of Roman rule disappeared, and the monks fled to Italy. However, the German scholar Friedrich Lotter has pointed out the tendentious nature of this text, and it has to be used with caution as an account of actual events. In effect, the new

Bavaria which succeeded Noricum had to be missionised afresh, and the recent archaeology of seventh-century rural churches in the duchy confirms the vigour of this missionary effort.⁹

To some extent this was achieved by Irish monks from Luxeuil in Burgundy, who founded the monastery of Weltenburg on the Danube above Regensburg, as the tradition relates. Of the Frankish missionaries who arrived later, the work of Emmeram at Regensburg, Corbinian at Freising and Rupert at Salzburg turned them into saints popularly revered throughout the Middle Ages in Bavaria and beyond. Since the Roman bishopric at Lorch on the Danube had long since disappeared, it is perhaps surprising that it was not until 716 that Duke Theodo received licence from Pope Gregory II to set up bishoprics in Bavaria. These plans came to fruition under Duke Odilo at the behest of Pope Gregory III in 739. In order to facilitate their endowment, the sees were established at four ducal residences: Salzburg, Regensburg, Passau and Freising.¹⁰ It would also be legitimate to infer from the spate of rich monastic foundation undertaken by the Bavarian dukes and magnates of the eighth century that the economy had become much more prosperous than in the seventh, and this may also have been decisive for permitting the successful establishment of the bishoprics as well.

The long and wearisome controversies about the origins, content and dating of the *Lex Baiuvariorum*¹¹ do not make it an easy text to interpret. The honourable status of the Church, the protection of clerics and pilgrims, and the correct administration of ecclesiastical property were, as one might expect in a recently missionised society, strongly emphasised. The person and rights of the duke were protected, and a concise phrase about ducal powers in the personal and official senses warns against an heir attempting to dispossess his parent while he can still 'exercise jurisdiction, march with the army, judge the people, leap upon his horse and carry arms effectively'.¹² This conveys a vivid impression of the political values most appreciated by the barbarian nobility.

Naturally the duke and his family were protected by the highest fiscal compensations for injury, and after them were ranked five prominent noble lineages with their own names. It is known that there was a broader Bavarian aristocracy than just six families, but how their rights differed from those of the Bavarian free men, the *liberi*, is not easy to determine. Between the free men and the unfree, the *servi*, stood 'those set free', the *frilaz*; and all the variations in penalties incurred for delicts committed by these social groups are set out. The