Noble Bondsmen
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CHAPTER FIVE

The Politics of Marriage

"Bella gerant alii, tu, felix Austria, nube" (Others wage wars, you, happy Austria, marry). This famous aphorism about the Habsburgs' marital triumphs, attributed to King Matthias Corvinus of Hungary (1440–90), is a reminder, pace Clausewitz, that marriage as well as war is a form of diplomacy. It is thus not a mere coincidence that much of the extant evidence about the archbishops' use of marriage as a political weapon comes from periods of crisis in the principality's history: the outlawing of Duke Frederick II in the 1230s, the papal-Hohenstaufen conflict in the 1240s, the Salzburg interregnum, and the war between Archbishop Conrad IV and Duke Albrecht of Austria in the 1290s. Although the marriages of the archbishops' own relatives were hardly as significant as the dynastic alliances of princely houses like the Habsburgs or Wittelsbachs, the archbishops used marriage to subject noble lineages to their authority, to procure the services of the ministerials of other lords, to create the principality, and to consolidate their territorial supremacy.

Almost nothing is known about the archbishops' role in arranging the ministerials' marriages during the twelfth century, but it seems unlikely that unions that proved advantageous to the church occurred without their knowledge or approval. I suggest, for example, that Archbishop Adalbert's price for consenting to the Babenberg acquisition of Styria in 1192 may have been several marriages between Styrian and archiepiscopal ministerials that benefited Salzburg. Generally, how-

1. Some examples of the archbishops' involvement in their relatives' marriages are Frederick II's cousin Otto VI of Goldegg (1270) (UB Steiermark 4:260–61, no. 434); Rudolph IV of Fohnsdorf, whose father was described as Conrad IV's nearest kinsman (before 1312) (Regesten 3:122, no. 1234); and Archbishop Weichart's nieces Adelaide and Brigitte of Polheim (Regesten 3:6, no. 56; Regesten Steiermark 1/1:174, no. 643).
ever, until 1177 the archbishops as papal partisans were at a political disadvantage in the competition for the nobles’ and ministerials’ allegiance.

It was Eberhard II, creator of the principality, who during his forty-six-year episcopate formulated the basic archiepiscopal policy in regard to the ministerials’ marriages. I have already discussed how he regulated cross-marriages (see chap. 2), but he also arranged and subsidized marriages, induced the few surviving noblemen in the principality to marry ministerials, turned the requirement that ministerials marry within the familia into a form of loyalty oath, and used Karl of Gutrat’s extraneous marriage as a pretext to confiscate his alods and fiefs. Although this evidence for the archbishop’s direct involvement in the ministerials’ marriages may be due in part to the increased reliance on writing, other factors also contributed to Eberhard’s greater interest: the laity’s acceptance of the church’s oversight of marriage; a more favorable political climate caused by Eberhard’s pro-Hohenstaufen stance; the territorialization of the archbishop’s temporal power; and the emergence of the ministerials as the secular elite of the archdiocese. Paradoxically, it was the ministerials’ political and military importance that made it imperative for the princes to control them by enforcing servile customs that restricted the ministerials’ freedom to marry, because every extrinsic marriage to a ministerial of a rival prince was a potential threat to the principality’s security.

As far as one can tell, the ministerials resented such princely intrusion into their lives and their own family strategies. One of the complaints of the Styrian ministerials against Duke Frederick II (1230–46) was that he had compelled their sons and daughters to marry against their wills. When Emperor Frederick II confirmed in 1237 the Georgenberg Compact (Georgenberger Handfeste) of 1186, therefore, he acknowledged the Styrian ministerials’ right to marry their children to whomsoever they pleased. Unlike the Habsburgs, the ministerials were not happy with their lot.

Whatever the archiepiscopal ministerials may have wished, Archbishop-Elect Philip continued Eberhard’s marital policies, but as a supporter of the papacy rather than the empire. Whereas Philip’s immediate successors Ulrich and Ladislaus were unable to enforce their authority, the late medieval archbishops, starting with Frederick II, devoted considerable attention to the ministerials’ and knights’ matrimonial affairs. In general the archbishops built on the foundations Eberhard had laid, but there were two significant refinements in archiepiscopal policy.

First, the adoption of the Heiratsgabensystem in the archdiocese depended ultimately, as I explained in the previous chapter, on the prince’s ability to enforce the reciprocal obligations the contracting lineages had incurred. Since, for example, according to the Salzburger Landesordnung of 1328 a fief could not be granted to a woman as her widow’s dower without the consent of the husband’s lord—

in Salzburg most likely the archbishop—he had a legal device to veto any of his ministerials’ or knights’ marriages, even an intrinsic one (there is no evidence that he did). Moreover, by supplying a portion or all of a woman’s dowry or dower, the archbishops had a way to reward loyal service. It is sometimes difficult to distinguish here among archiepiscopal nepotism and what was really advantageous to the church, but such a query may reveal an anachronistic distinction between the public and private spheres. Second, the archbishops, perhaps because they themselves were of ministerial or knightly origin, no longer tried to prevent the alienation of valuable lordships and rights by dividing the children of ministerial cross-marriages—the last example I could find occurs in 1311—but required women who contracted an extrinsic marriage to renounce their inheritances in exchange for some sort of financial compensation such as a contribution to their marriage settlement. Women thus paid the price for the disappearance of the most visible reminder of the ministerials’ servile origins and legal status. In effect, about 1300 there was a convergence of the territorialization of the archbishop’s lordship, the emphasis on the bride’s contribution to the establishment of the household, the disinheritance of women, the new family strategy of allowing more than one son to marry, the ennoblement of the ministerials, and the change in the archbishops’ own social origins.

The archbishops’ use of marriage as a political instrument raises a more fundamental issue. Textbook descriptions of the medieval political and social structure, based largely on the example of the western monarchies, often assign a central role to feudalism, however it is defined. It is hard to imagine that such a construct could ever have been devised using only evidence derived from the archdiocese. Great nobles, like the counts of Plain, were admittedly the archbishops’ vassals; but the ministerials, the secular elite of the principality after 1200, even though they were granted fiefs, were bound to the archbishop by servile rather than vassallic ties. A rebellious ministerial who submitted to the archbishop did not swear an oath of fealty but promised to marry within the archiepiscopal familia. In a famous article, Theodor Mayer contended that during the High Middle Ages the German principalities changed from a Personenverbandstaat—a political entity

3. SUB 4:380–87, no. 329, article 45.
4. On the danger of applying modern distinctions between the public and private spheres, see Brunner, Land and Lordship, pp. 1–94.
5. Regesten 2:118, no. 1023.
6. The most blistering critique of the feudal model is Elizabeth A. R. Brown, “The Tyranny of a Construct: Feudalism and Historians of Medieval Europe,” AHR 79 (1974): 1063–88. Susan Reynolds, who tried to construct an alternative model of the medieval political order based on collective activity in Kingdoms and Communities in Western Europe, 900–1300 (Oxford, 1984), was equally critical. In describing the late medieval polity in the eastern Alpine principalities, Brunner, Land and Lordship, p. 93, dismissed feudalism as “a convenient cover for everything that one does not understand about the Middle Ages” but failed to take into account that the lords who in his view formed the Land-community were largely ministerials and to consider how this shaped their relations with the prince.
7. SUB 3:362–65, nos. 830, 831; Regesten 1:13–14, no. 94.
that was based on the personal ties between a lord and his men, in effect an enlarged household—into an institutionelle Flächenstaat, a political body with clearly defined boundaries and permanent institutions of government that recognized no jurisdiction not granted by the prince. Although the thirteenth-century archbishops were delineating the boundaries of their principality with increasing precision (for example, in the upper Enns valley), were securing the comital and judicial rights within their territory, and were developing more permanent government institutions like the archiepiscopal council, the emphasis on the ministerials’ obligation to marry within the familia reveals how personal and patriarchal the archbishops’ conception of their lordship remained and is a salutary admonition about the danger of generalizing too much from the Anglo-Norman or French experiences. As the brothers Otto II and Conrad II of Oberndorf put it in 1304, their fellow ministerials were their “housgenozzen,” housemates who belonged like the Oberndorfs to the “gotshous ze Salzburg” (literally, the house of God at Salzburg). Like any paterfamilias, the archbishops were deeply concerned about the marriages of their “children.”

The Twelfth Century

There is virtually no information about the archbishops’ role in arranging their ministerials’ marriages during the twelfth century, but since the ministerials required the archbishop’s permission to contract an extrinsic marriage, it is quite likely that the archbishops were involved in ways that cannot now be documented—if they ever could be—in planning cross-marriages and the few known marriages of noblemen like Ulrich I of Sims to archiepiscopal ministerials. Although some comital ministerials, most notably the Saalfeldens, Schnaitsees, and Steflings, entered the archiepiscopal ministerialage through marriage, the archbishops as papal partisans until 1177 were at a disadvantage in the competition for the nobles’ and ministerials’ loyalty. Still, it is sometimes possible to detect the archbishop’s hand by placing a specific marriage into its probable political context.

The political background is perhaps most obvious in the marriage of Kuno I of Schnaitsee, a ministerial of Margrave Engelbert of Kraiburg (1124–73), to Bertha of Berg, an archiepiscopal retainer. Archbishop Conrad I may have arranged the marriage to regain Schnaitsee. In 924 Archbishop Odalbert, at the request and command of her kinsman Duke Arnulf of Bavaria (907–38), had granted his former wife Rihni the monastic cell at Gars with nineteen churches and manors.

10. See above, chapter 1 at note 64 and chapter 2 at note 39.
including Schnaitsee, that pertained to Gars. She was permitted to bequeath Gars and its appurtenances to one of her heirs, but the cell and the churches and manors attached to it were to revert to the archiepiscopal see after the death of that person.\(^\text{11}\) Although Gars itself may have been returned to Salzburg by the end of the tenth century, Schnaitsee apparently passed via Rihni’s granddaughter to her direct descendant Margrave Engelbert. When Archbishop Conrad founded a house of Augustinian canons in Gars in the 1120s, he may have discovered in the Codex Odalberti Salzburg’s title to Schnaitsee.\(^\text{12}\) Kuno and Bertha’s marriage may have been part of a compromise settlement between the archbishop and the margrave to resolve the church’s claims. The Schnaitsee-Gutrats retained Schnaitsee until their extinction in 1304.

The archbishops were less successful in establishing a foothold in Passau’s lordship of Mattsee by such means. Markwart of Mattsee was identified in 1191 as an archiepiscopal ministerial, but in 1228, along with his brother Otakar I, he was called Passau’s man.\(^\text{13}\) Gerhoch of Mattsee (it is not known how he was connected to the other individuals who employed the toponym) was likewise called a Salzburg retainer on several occasions in the second quarter of the thirteenth century.\(^\text{14}\) The best explanation for this confusion about Markwart’s status and the presence of another archiepiscopal ministerial in a lordship that belonged to Passau is that Markwart’s mother or possibly his wife was an archiepiscopal ministerial. If the archbishops were trying to acquire rights in Mattsee through a ministerial cross-marriage they failed, and they were obliged in the 1390s to buy the lordship and castle of Mattsee from the bishop of Passau.\(^\text{15}\)

The twelfth-century archbishops were also not very successful in procuring the services of prominent noble lineages, except for the Katsch-Montpreises, probably because between 1159 and 1177 the archbishops were at odds with Frederick Barbarossa over his opposition to Pope Alexander III. Archbishop Adalbert II was, for example, deprived of his temporal authority in 1169 and replaced in 1174 by an antiarchbishop.\(^\text{16}\) An archbishop who was fighting for his survival could


\(^{14}\) SUB 3:327–28, no. 799; 332–34, no. 805; 602–4, no. 1056; Regesten 1:4–5, no. 33.


\(^{16}\) Dopsch, Geschichte Salzburgs 1/1:284–96. On the entry of the Katsches into the archiepiscopal ministerialage, see above, chapter 3 at note 91.
not easily attract nobles to his entourage. In contrast, several noble houses who later belonged to the Styrian Herrenstand joined the ducal ministerialage in the course of the century: among others, the Gonobitzes, Liechtensteins, Mahrenbergs, Murecks, Orts, Rohitsches, and Saldenhofens.17

The margraves of Styria (after 1180 dukes) were prepared to use brute force to subordinate the nobles to their will. In 1151 Margrave Otakar III (1129–64) beheaded two of the sons of the nobleman Adalbero of Feistritz who had allegedly disturbed the peace. The youngest son Ulrich, who had been reared in Seckau, joined that house, and Otakar III obtained Ulrich’s share of the Traisen-Feistritz inheritance—the castle and lordship of Graz. His cousins Hildegard of Stübing, who was married to the archiepiscopal ministerial Rudolph I of Deinsberg, and her widowed sister Fromut challenged in 1156 Ulrich’s donations to Seckau and so preserved the story of his brothers’ execution in the historical record.18 The archbishops were probably unwilling to employ such violent tactics, but the interesting thing is that Hildegard, one of the last survivors of the once powerful Waldeck-Feistritz-Stübing noble clan that founded Seckau, married a prominent archiepiscopal ministerial. To what extent was her marriage an attempt by the archbishop to secure an additional portion of her family’s inheritance for Salzburg (Seckau was an archiepiscopal proprietary foundation) and by her father or kinsmen to obtain the archbishop’s support against the margrave? These questions are unanswerable, but the execution of Conrad and Adalram of Feistritz sheds a rare light on why some twelfth-century nobles, male or female, anxious for protection, may have married ministerials. The archbishops’ misfortune was that they were too weak politically to take full advantage of the situation.

The archbishops’ greatest matrimonial triumphs in the twelfth century may be connected with the Babenberg acquisition of the duchy of Styria in 1192. The chief piece of evidence is a curious document in which Archbishop Adalbert II related how the Styrian ministerial Ulrich III of Graz-Liechtenberg entered Adalbert’s service in 1190. Burgrave Otakar I of Graz, whom the archbishop described as a distinguished ministerial of the duke of Styria, allegedly requested that Duke Otakar (1164–92; before 1180 Margrave Otakar IV) and his designated heir, Duke Leopold V of Austria (1177–94), place Otakar’s son Ulrich III in the custody of a nobleman so that Ulrich could later be conferred on another lord whom the burgrave would select. The dukes granted the request—no reason was stated for their

generous acquiescence—and in the house of a burgher of Graz entrusted Ulrich to the nobleman Conrad of Kindberg.

Adalbert realized, he explained, that the acquisition of the son of such a rich and distinguished man would be highly advantageous to Salzburg, and by his own account he expended considerable effort to persuade Otakar to give his son to Salzburg. To achieve this purpose, Adalbert enfeoffed Otakar and Ulrich with the tithes from various vineyards and an annual income of 5 marks. Otakar then asked Conrad of Kindberg to confer Ulrich on Salzburg, but since Conrad was too ill to travel, he entrusted Ulrich and his share of his family’s patrimony to Conrad’s brother Rudolph of Kindberg. The latter, accompanied by Otakar and Ulrich, joined Archbishop Adalbert southwest of Graz in the village of Strassgang, which, the archbishop stressed, belonged to Salzburg. After Rudolph swore on relics that the boy had legally been committed to him, Rudolph conveyed Ulrich and his inheritance, upon the relics of Saint Rupert, into the hands of the archbishop and so into the archiepiscopal ministerialage with the consent of the other archiepiscopal ministerials.

Archbishop Adalbert and Otakar had agreed as a condition for Ulrich’s change of allegiance that if Ulrich contracted an extrinsic marriage without the permission of Adalbert or his canonically elected successors, Ulrich would forfeit both his paternal inheritance and the fief that Adalbert had granted him. In such an eventuality the church would retain the ownership of Ulrich’s patrimony but would enfeoff Otakar and his other sons with it. If Ulrich died without issue, then both his paternal inheritance and his archiepiscopal fief would belong to any one of Otakar’s other sons who had entered the archiepiscopal ministerialage by whatever means. Ulrich’s share of his family’s patrimony consisted of the castle of Neuglanegg and properties that produced an annual income of approximately 40 Friesach marks.  

Archbishop Adalbert’s account of Ulrich III’s entrance into the archiepiscopal ministerialage is unique. There is to my knowledge no comparable description of a ministerial’s changing allegiances or of the ceremonies and terms connected with such an unprecedented act. It was clearly an unusual occurrence, which is no doubt one reason the charter was drafted and survives; but the archbishop’s narrative is inherently implausible. Adalbert’s charter makes it sound as if the initiative for Ulrich’s change of lords came from Otakar himself, yet it seems highly unlikely that a ministerial simply decided on his own volition to give his son and a substantial portion of his patrimony, including a castle, to another lord. Admit-
tedly he sought and procured the consent of his current and future lords, Dukes Otakar of Styria and Leopold V of Austria, but why did they consent to such a request, particularly since normally princes zealously guarded their rights, say, to the children of a ministerial cross-marriage? Moreover, since the Styrian ministerials were among the most powerful and privileged of princely ministerials, as the Georgenberg Compact of 1186 attests, Ulrich could have gained in status, though not necessarily in power or wealth, only by becoming an archiepiscopal or imperial ministerial. Thus in spite of Adalbert’s statement that he sought to obtain Ulrich for Salzburg only after he learned of Otakar’s plans, it seems likely that Otakar intended from the start to confer his son on the church.

The key to understanding the transaction may be the character’s specific reference to Leopold V as Otakar’s heir (“quem idem dux Stirensis heredem tocius patrimonii sui instituebat”). The impending personal union of the two duchies altered the balance of power in the region, and the dukes had procured the ministerials’ assent by confirming their rights in the Georgenberg Compact, the so-called Styrian Magna Carta. Since the dukes were concerned about the ministerials’ reaction, they might also have decided that it was politically wise to obtain the archbishop’s tacit consent. Adalbert, admittedly, was favorably disposed toward his cousin Leopold V—the archbishop subsequently ignored, for example, the duke’s excommunication for capturing Richard Lion-Heart, but there was no reason to take any unnecessary risks. My guess is that Ulrich of Graz’s entrance into the archiepiscopal ministerialage was Adalbert’s reward for acquiescing to the Babenberg acquisition of Styria.

If I am right, then the marriages of the Styrian ministerials Reimbert II of Mureck and Otto of Krems-Leonroth to archiepiscopal Dienstweiber, which probably occurred in the 1190s, may also be linked to the devolution of the duchy to the Babenbergs. Reimbert had obviously been married to Elizabeth of Leibnitz for some time when Archbishop Eberhard II and Duke Leopold VI agreed in 1208 that although the duke was to obtain two of the couple’s daughters, the archbishop was to receive a third girl and, more important, Reimbert’s unnamed son. In this case the enforcement of the principle of maternal ascription, which awarded Reimbert’s chief heir to the archbishop, worked to Salzburg’s advantage.

21. Adalbert was the son of Leopold V’s paternal aunt Gertrude, who had married King Wladislaw II of Bohemia. The archbishop celebrated Christmas in 1195 with his excommunicated cousin. See Magni presbyteri annales Reicherspergenses, ed. Wilhelm Wattenbach, MGH SS 17 (Hanover, 1861), pp. 521–23. Arnold, German Knighthood, p. 103, thought that Ulrich’s father Otakar was seeking “to secure his future on the eve of the duchy’s devolution to new lords,” but that does not explain why the two dukes allowed him to alienate a substantial portion of his patrimony to another prince.
22. SUB 3:109–10, no. 617. See chapter 2 at note 51 for a more detailed discussion of the provisions of the 1208 agreement and the reasons for identifying Elizabeth as a Leibnitz.
Similarly, Otto of Krems-Leonroth was identified as a ministerial both of Dukes Otakar and Leopold VI and of Archbishop Eberhard II. The best explanation for Otto’s dual status is that he had been conferred on Salzburg in connection with his marriage, sometime before 1213, to Benedicta, daughter of Frederick II of Pettau and the noblewoman Benedicta of Ehrnegg-Königsberg. Salzburg may thus have obtained through marriage as well as the allegedly voluntary act of Otakar of Graz the lordships of Neuglanegg, Mureck, and Krems-Leonroth as its share of the patrimony of Duke Otakar of Styria. Archbishop Adalbert may have anticipated in the 1190s, in other words, Eberhard II’s use of marriage as a political weapon.

**Archbishop Eberhard II (1200–1246)**

Eberhard II took a personal interest in the marriages of his ministerials, as his presence in 1213 at the marriage of Frederick IV of Pettau to Herrad of Montpreis in the distant castle of Hörberg shows. The first documentary information about how the archbishops regulated their ministerials’ cross-marriages—namely, the division of the children of Reimbert II of Mureck in 1208—dates from the first decade of Eberhard’s long episcopate. Although on this occasion Eberhard may only have been formalizing his predecessor’s arrangements, the reliance on writing is itself significant. Beyond that, two other factors may explain why such agreements, which were analyzed in chapter 2, proliferated in the first half of the thirteenth century: the ministerials’ acceptance of the church’s prohibition of consanguineous marriage, which forced them to contract extrinsic marriages, and the increasing territorialization of the archbishop’s secular authority, which made it imperative to prevent the alienation of valuable lands and rights to the ministerials of other lords. Eberhard, as far as one can now tell, was simply following in his predecessors’ footsteps, albeit more successfully, in controlling the ministerials’ extrinsic marriages and in manipulating them to the church’s advantage. The really innovative uses of marriage as a political tool came during the last two

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23. On the identification of Otto of Leonroth, the name Otto employed after 1218 (SUB 3:456–57, no. 907), as Otto of Krems, who had been mentioned for the first time in 1173 (UB Steiermark 1:522–23, no. 552), see UB Steiermark 2:303–4, no. 212; 310–12, nos. 218, 219. The Krems in question should not be confused with the town in Lower Austria. The Styrian Krems is three kilometers southeast of Voitsberg and three kilometers northeast of the ruined castle of Leonroth. Otto was identified as a Styrian ministerial in UB Steiermark 1:677, no. 691; 678–79, no. 692; 2:94–95, no. 56; 189–90, no. 125. Eberhard II called Otto in 1234, after his death, an archiepiscopal ministerial (SUB 3:456–57, no. 907).


decades of his archiepiscopate, during the mounting crisis caused by the pending extinction of the Babenbergs and the papal-Hohenstaufen conflict.

Eberhard II was more adept than his predecessors in persuading nobles to submit to his temporal authority by marrying ministerials, in part because as a loyal adherent of the Hohenstaufen he could count on imperial favors and devote his attention and the revenues from the newly opened saltworks at Hallein to the consolidation of his earthly power. The mediatization of the last noble families of noncomital rank in the nascent principality, the Walchens and Felbens, was linked to his acquisition of comital jurisdiction in the Pinzgau, the uppermost stretch of the Salzach valley where the two lineages lived. The archbishops established themselves in the Pinzgau in stages. Eberhard purchased in 1207 the alodial holdings of Count Henry III of Mittersill-Lechsgemünd-Frontenhausen in the Upper Pinzgau. In 1228 King Henry (VII) enfeoffed Eberhard with the feudal overlordship of the two counties in the Pinzgau, which Duke Louis of Bavaria had surrendered to Eberhard. (This was the first time the archbishops, unlike many other bishops in the Saxon-Salian period, received a county from the empire.) The Lechsgemünds, who had held the upper county, had already died out by 1228, and the lower county escheated in 1249 from the Plains to the archbishop.

The circumstances surrounding the mediatization of the Walchens are fairly straightforward. Although Adalbero I (1220–43) was identified repeatedly as a noble or free man, his sons Otto and Adalbero II were archiepiscopal ministerials (see genealogy 5.1). Since their brother Archbishop Frederick referred to Otto VI and Conrad II of Goldegg as his cousins, Adalbero I had presumably married a daughter of Otto IV of Goldegg (Otto of Walchen’s name was a reminder of that family connection). I believe that the terms of Adalbero’s marriage and of his descendants’ entry into the archiepiscopal ministerialage may have been the subject of the now lost letters of Eberhard II that Adalbero I’s grandsons were required to surrender to Archbishop Conrad IV in 1307.

It is less clear precisely when the Felbens became ministerials. Although Heit-

27. SUB 3:94–99, nos. 605–8; 362–65, nos. 830, 831; Regesten 1:13–14, no. 94.
28. Adalbero I was called a noble or free man in SUB 1:502–4, nos. 463, 464; 3:286 ff., nos. 758, 935, 978a, 991a, 1008. Otto and Adalbero II were identified as ministerials in MC 4/1:425–31, no. 2529; 465–66, no. 2587; Regesten 1:78, no. 604; UB Raitenhaslach 1:242–43, no. 301. I have not been able to find any specific documentary evidence that Adalbero I was the father of Archbishop Frederick and his brothers. The Walchens’ free ancestry was not completely forgotten. Otto was identified as a noble in 1275 in a document drafted in the monastery of Rott am Inn (MB I:405, no. 51). I assume that the cathedral canon Frederick called the Free (Liber) who accompanied Archbishop Ulrich to Viterbo in 1257 was in fact Frederick of Walchen (Regesten 1:39–40, nos. 286–89).
29. Frederick II referred to Otto and Adalbero II of Walchen as his brothers and to Otto VI and Conrad II of Goldegg as “avunculos nostros” in SUB 4:75–79, no. 76. For the reasons for identifying the Goldeggs as the archbishop’s cousins rather than as his maternal uncles, see Freed, “Prosopography,” pp. 49–51. On the extension of kinship terms, see Jackman, Konradiner, pp. 135–39.
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<td>Conrad I of Walchen</td>
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<td>Otto IV of Goldegg</td>
<td>Canon and Subdeacon of Berchtesgaden?</td>
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<td>1. Otilia</td>
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<td>subsequently m.</td>
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<tr>
<td>d. by 1280</td>
<td>Gerhoch III of Radeck</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Elizabeth</td>
<td></td>
</tr>
<tr>
<td>born 1280/85-1297</td>
<td>m.</td>
</tr>
<tr>
<td>Ulrich of Freundsberg</td>
<td></td>
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<tr>
<td>Freising Ministerial</td>
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folch of Felben (1155/58 to 1206) was a noble, in 1229 Eberhard II referred to Heitfolch’s son Ulrich I (1170/75? to 1206–34) as an archiepiscopal ministerial (see genealogy 5.2).31 At first glance it looks as if Heitfolch had married an archiepiscopal ministerial, perhaps a Goldegg, because in the 1180s Heitfolch and Otto III of Pongau-Goldegg owned some property jointly.32 Heitfolch’s marriage to a Dienstweib would explain why Ulrich, unlike Adalbero I of Walchen, was styled a ministerial and would place the Felbens’ mediatization in the second half of the twelfth century. Yet there is no evidence that the Felbens were associated with the archbishops before 1229, when Ulrich was first called a ministerial and, significantly, just a year after Eberhard was enfeoffed with the counties in the Pinzgau. Until then both Heitfolch and Ulrich had appeared regularly in the entourage of the counts of Mittersill-Lechsgemünd-Frontenhausen.33 Eberhard’s assertion of the archbishop’s temporal authority in the Pinzgau seems thus to have been the decisive factor in the mediatization of the Felbens as well as the Walchens. Not a single free nobleman remained in the principality after the deaths of Adalbero I of Walchen and, shortly thereafter, in 1260, of Counts Otto II and Conrad II of Plain.

Both the Felbens and the Walchens benefitted from their entry into the archiepiscopal ministerialage. It was not until after they became ministerials that either lineage permitted more than one son to marry. It may well be that minor noble families were especially anxious to prevent the fragmentation of their patrimony among too many heirs. The Walchens placed their younger sons in the church—perhaps significantly, in papal rather than archiepiscopal proprietary foundations—as a way to maintain their distance from the archbishop. Hermann II, one of the handful of twelfth-century Germans who is known to have studied in Bologna, was a canon in Baumburg, and Conrad II entered Berchtesgaden.34 In contrast, Frederick, who belonged to the first generation of archiepiscopal ministerials, became a cathedral canon and eventually obtained the pallium. The children of Ulrich I of Felben, who had joined the archiepiscopal entourage only toward the end of his life, served the archbishop in a variety of ways: Gebhard I was the castellan

31. On Heitfolch’s dates, see CF, pp. 78–81, no. 115; Julius Ficker, Forschungen zur Reichs- und Rechtsgeschichte Italiens, vol. 4 (Innsbruck, 1874; reprint Aalen, 1961), pp. 264–65, no. 213. He was called a noble in SUB 1:442–43, no. 352; 453, no. 369; 462, no. 383, and a free man in CF, pp. 141–43, no. 163; SUB 2:638, no. 470; 664, no. 491. He was already a father in the 1170s (CF, pp. 116–20, nos. 144a, 144c). On Ulrich I, see Ficker, Forschungen 4:264–65, no. 213; SUB 3:376–77, no. 840; 453–54, no. 905a. He was identified again in 1232 as an archiepiscopal ministerial (SUB 3:434–37, no. 886).


GENEALOGY 5.2 Felben

Kraft of the Pinzgau
Noble
1125/47-1147/67
same as Kraft of Felben? ca. 1150

Heitfolch
Pongau-Goldegg
Noble
1155/58-1206

Daughter of
Ulrich I
Noble
Salzburg Ministerial, 1229
1170/75
Children
1170/75? 1206-1234

Ulrich I
Daughter of
Conrad of Walchen
1170/75? 1206-1234

Gebhard I
Castellan
of
Hohenwerfen
ca. 1252-1263
1231/41-1272
1275-1282
1262-1282
1247/57-1300, d. by 1307

Andreas
Cistercian
Vidame
of
Salzburg
1292
1293
1294-1309
m.

Frederick I
Castellan of Maierhofen
same as
Frederick of Sulzau
of
Nonnberg
1266-1272/83
1292-1299-1311
1272-1311
1301-1304
1307-1309
1301-1304
1307-1309
1306-1325
1307-1309
1306-1325
1307-1309
m.

Diemut
Abbess
of
Salzburg

1. Adelaide of Freundsberg
Freising Ministerial, 1272

2. Unknown, still alive 1332

Otto
Gebhard III
Ekk
Diemut of Kuchl
1311-1320
1321
1318-1337
1318-1324

d. 1333

Henry
Siblings
Frederick II
1333-1369
1333
1333

Conrad I
knighted
same as Diether of Felben-Hieburg?
1307-1343

Conrad II
Cathedral
Canon
1319-1326
of Hohenwerfen from 1252 to 1263; Andreas, a Cistercian lay brother, was the vidame of Salzburg from 1275 until 1282; and their sister Diemut was the abbess of the most prestigious convent in the archdiocese, the Nonnberg, from 1266 until at least 1272. The rewards of office may have enabled both Gebhard and his brother Frederick to marry and establish separate lineages. In short, the Felbens and Walchens, who as nobles had distanced themselves from the archbishops, were integrated by their marriages into the political and administrative structure of the new principality and in the process probably prolonged their families’ survival for several generations.

Although the mediatization of the Felbens and Walchens was a major triumph for Eberhard, his predecessors had almost certainly already employed marriage in this fashion. He found new uses for his matrimonial weapon in the 1230s and 1240s, when he had to deal with two intertwined problems: his quarrelsome neighbor Duke Frederick II of Austria and Styria (1230–46)—Frederick’s sobriquet is “der Streitbare”—and the papal-Hohens taufen conflict. The fate of the two duchies was central to all political calculations in southeastern Germany until the issue was finally resolved by Rudolph of Habsburg’s victory in 1278 at Dürnkrut.

Eberhard’s declaration on 22 April 1239 that all the possessions of his former ministerial Karl of Gutrat had automatically escheated to Salzburg on account of his extrinsic marriage was almost certainly connected to the emperor’s outlawing of Duke Frederick in July 1236. Karl’s marriage to the Austrian ministerial Margaret of Zöbing was a convenient pretext for confiscating the possessions of a powerful ministerial whose divided loyalties were a threat to the principality’s security. He had married Margaret sometime before 22 November 1230, when he was identified as the son-in-law of the late Henry II of Zöbing; and by 1233 Karl and Margaret were the parents of two children and were expecting a third. Karl nevertheless remained in Eberhard’s entourage until at least 1234. The marriage therefore cannot have been the real cause of the archbishop’s displeasure; and the confiscation of Karl’s possessions must have occurred sometime between 1234 and 1239, when Eberhard awarded Karl’s Styrian fiefs and vassals to Seckau.

The key to understanding Karl’s dilemma was the complaint by the Bavarian bishops, after the emperor and duke had quarreled at a meeting in May 1235, that they were being hurt by an embargo the duke had imposed on the export of grain

36. SUB 3:496–77, no. 944. Karl’s Styrian fiefs that Seckau received were, I suspect, Karl’s share of his mother’s Mureck inheritance (SUB 3:517–19, no. 968). Eberhard’s action has become the classic example of the penalties a ministerial could incur by marrying without permission outside the familia; see, for example, Arnold, German Knighthood, p. 174.
and wine from his domains. Eberhard was forced, for example, to import grain from Swabia and wine from Italy and France. Since Margaret’s lordships of Senftenberg and Zöbing were in the Wachau, the wine-growing region of Lower Austria, Karl would have been quite literally a man caught in the middle. He could neither observe nor disregard the embargo without angering one of his lords. Since it was Eberhard who confiscated Karl’s possessions, he had presumably opted for the duke, but it is unlikely that Karl took up arms against the archbishop, who would have mentioned such a felony to justify his confiscation of Karl’s possessions.

Eberhard had two more pressing reasons for proceeding against Karl. The archbishop hinted at the first when in 1243, after Karl’s death, Eberhard returned to Karl’s sons all of their father’s possessions except the “comitatum provincie apud Pongeu,” that is, the district court (Landgericht) in the Pongau and the castellany of Hohenwerfen to which it was attached. The archbishop could not permit the ministerial of a rival prince to exercise so much power in the heart of the principality. Second, Eberhard utilized the outlawing of the duke to obtain for Salzburg the feudal overlordship over the county in the upper Enns valley, the main invasion route into the principality from Styria. Eberhard’s acquisition had a direct bearing on Karl because the archbishops had installed the Gutrats as the guardians of the principality’s border with Styria in the Enns valley and because Duke Leopold VI as the advocate of Admont had in turn appointed Karl’s father protector of those properties of the abbey that were contiguous to his own in the valley. Eberhard could hardly leave the defense of Salzburg’s Styrian border to a disloyal ministerial.

Although in 1243 Karl’s sons did regain his lands and rights in the Enns valley, probably because both the archbishop and duke were by then on the imperial side in the battle against the papacy, the Gutrats’ position there remained a matter of concern to the archbishops for the rest of the century. Karl’s son Kuno V, who had been assigned in 1243 to Salzburg, nevertheless adhered to the duke of Austria during Albrecht’s war with Archbishops Rudolph and Conrad IV. Perhaps significantly, the only time Kuno V was identified as Kuno of Senftenberg (one of his mother’s Lower Austrian castles) was in 1290 (Das “Stiftungsbuch” des Cistercienser-Klosters Zwettl, pp. 310–12). Admittedly, the designation occurred in a Lower Austrian context.
over Admont’s property west of the Mandling, the stream north of the Enns that still forms the boundary between Salzburg and Styria; and Karl’s grandson Henry did the same fifteen months later. Eberhard II was unable to break the Gutrats’ power completely in the 1230s because their other lord, Duke Frederick II, became the archbishop’s ally in the battle against the papacy; but Eberhard II had demonstrated how a ministerial’s failure to marry within the familia could be used as a political instrument in consolidating archiepiscopal authority within the principality. His successors did not forget the lesson.

Eberhard also promoted and subsidized the marriages of ministerials of other lords that aided the imperial cause, such as that of Dietmar II of Griffen-Weissenegg to Mathilda of Rodank-Schöneck in 1243. It is no accident that the first extant marriage contract in which the archbishop was a third party and contributed to the establishment of a new household should date from this tumultuous decade in German history or that it involved the Rodanks, the most powerful family of Brixen ministerials (see genealogy 6.1). Eberhard had known the Rodanks since his own brief tenure as bishop of Brixen (1196–1200). He had met Mathilda’s paternal uncle Arnold IV, a staunch imperialist, again in March 1239 at the imperial court in Padua; and the mother of the new cathedral provost of Salzburg, Otto II of Mehrnstein (1242/43–65), was a Rodank (he traveled to the East Tyrol to witness the contract).

On 23 August 1243, according to the archbishop, Arnold IV agreed to pay his niece Mathilda, the only child of his late brother Frederick III of Schöneck, 1,500 Veronese pounds (150 marks of silver) to renounce her rights to the Rodank inheritance. In return Dietmar II of Griffen-Weissenegg, a Carinthian ministerial of the bishop of Bamberg, assigned Mathilda a widow’s dower of 400 marks of silver and a morning gift of another 100 marks. The archbishop guaranteed that Dietmar would tell Mathilda’s kinsmen which rents he would pledge to her as her dower on Eberhard II’s next visit to Styria and that Mathilda would renounce her rights of inheritance after she had been paid the 1,500 Veronese pounds. Eberhard also promised, if he was still alive, to supply Arnold IV and his heirs with a letter attesting to Mathilda’s renunciation and pledged that Dietmar and Mathilda would do the same. Eberhard enjoined his successors, if he should die in the interim, to see that all the terms of the marriage contract were observed. Finally, the archbishop agreed to subsidize the couple’s marriage (“in subsidium sui matrimonii”)

45. TUB 1/3:128–29, no. 1087. Arnold IV and his half-brother, the nobleman Hugo IV of Taufers, joined the imperial forces in Italy in 1237 (Urkunden Neustift, pp. 77–79, no. 38; Traditionsbuch Neustift, pp. 153–54, no. 208). Otto, who was identified for the first time as the cathedral provost on 1 March 1243 (SUB 3:559–60, no. 1008), was the brother of Adalbero II of Mehrnstein (SUB 1:756–57, no. 355; 3:581, no. 1031). In 1233/39, with the consent of her son Adalbero II, Lady Sophia of Mehrnstein gave the Augustinian canons of Neustift a farm in Rodank, which Arnold IV had previously rented from her (Traditionsbuch Neustift, p. 139, no. 183). For further information on the Rodanks, see below, chapter 6 at note 37.
by enfeoffing them with an annual income of £20 from the saltworks in Hallein because of the marriage’s evident benefit for the church of Salzburg (“utilitatem, quam Salzburgensis ecclesia per huiusmodi matrimonium consequi poterit”), no doubt in the struggle with the papacy.46 Ironically, Dietmar fought in 1252 on the side of Archbishop-Elect Philip in the decisive battle against the imperial party in southeastern Germany.47

It would be nice to know whether this agreement was an isolated occurrence or whether Eberhard made similar arrangements with other lords to rally adherents and forces for the Hohenstaufen cause. The latter is probably true, because in 1250 his successor Philip raised troops in the same way. The intriguing thing is that an agreement that was really designed to hire a ministerial and his men as mercenaries—the 1250 accords were more explicit on that point—took the form of a marriage contract. In any case, Dietmar’s marriage began the Weisseneggs’ long association with Salzburg, which culminated in 1343 in the election of Dietmar and Mathilda’s direct descendant Ortolf of Weissenegg as archbishop.48

Finally, Eberhard II turned the requirement that ministerials marry within the archiepiscopal familia into a kind of loyalty oath to bind overly powerful and potentially rebellious ministerials more closely to the see of Saint Rupert. It is no coincidence, I think, that the first documented use of the “loyalty oath” was dated 5 October 1246—less than four months after the death of the childless Duke Frederick had plunged southeastern Germany into even greater chaos and less than two months before Eberhard’s own death—or that it concerned the Pettaus. Their family circumstances required the archbishop’s attention, and their distant and strategic lordship in southern Styria was difficult to control from Salzburg.

Since the only surviving child of Frederick IV of Pettau in the 1240s was his daughter Gerbirg, who had married a ministerial of the count of Götz, it was clear that the main line of the family would be continued by Frederick IV’s younger

46. SUB 3:566–68, no. 1016. The contract employed the one-to-ten exchange rate between marks of silver and Veronese pounds, but the same rate can also be found in TUB 1/3:170–71, no. 1128; Regesten 2:45, no. 358; 68, no. 558; 73, no. 612. Frass-Ehrfeld, Geschichte Kärntens 1:264, 394, 513, correctly identified Dietmar II of Griffen as Dietmar of Weissenegg. Both Arnold IV’s daughter and his daughter-in-law, who married a brother and sister, were required in 1231 to renounce their inheritance rights if there was a surviving heir (TUB 1/3:19–20, no. 955). I wonder if this custom was introduced into the archdiocese from Italy via Tyrol.

47. MC 4/1:425–31, no. 2529.

48. Dietmar himself regularly appeared in Eberhard’s entourage during the last year of the archbishop’s life (SUB 3:623 ff., nos. 1078, 1079, 1094, 1096, 1097, 1098) and was one of the seven mediators who arranged the Peace of Lizerhofen between Philip and Count Albert III of Tyrol in 1252 (MC 4/1:425–31, no. 2529). Dietmar’s son Otto I as burgrave of Friesach played a crucial role in Archbishop Rudolph’s campaign in 1289 against Duke Albrecht (Irmtraud Koller-Neumann, Die Lehen des Bistums Bamberg in Kärnten bis 1400, Das Kärntner Landesarchiv 7 [Klagenfurt, 1982], pp. 54–55, no. 15; Ottokars Österreichische Reimchronik 1/1:383, lines 29, 105–14; and Regesten 1:172, no. 1333). Duke Henry of Carinthia enfeoffed Otto’s son Otto II and his heirs in 1311 with the hereditary seneschalship of the church of Salzburg, an office the Weisseneggs retained until 1408 (MC 6:92–93, no. 140; 8:24–25, no. 68; Dopsch, Geschichte Salzburgs 1/1:398).
brother Hartnid I, who had married the unnamed daughter of the Styrian ministerial Swiker III of Hollenburg (see genealogy 3.3). The children of such a cross-marriage were customarily divided between their respective lords. Emperor Frederick II, who treated Styria as a forfeited fief after the outlawing of Duke Frederick in 1236, had already conferred Hartnid’s daughter Adelaide on Salzburg in 1239 because of Hartnid’s frequent entreaties and devoted service. The imperial concession also rewarded Eberhard, of course, for his loyalty and help, but the fate of Hartnid’s other children, most notably his older son Frederick V, the heir apparent to the strategic castle of Pettau that guarded the Styrian-Hungarian border in the Drava valley, remained in doubt.

Frederick V’s future was at the heart of the detailed accord that Eberhard and Hartnid reached on 5 October and that settled many other outstanding issues as well. Hartnid surrendered all his possessions in the Lungau, for which he was to receive 900 marks of silver, and obligated himself to defend the archbishop’s rights to the properties against all the other claimants, including his brother Frederick. Hartnid also turned over to Eberhard the imperial privilege that had awarded Adelaide to Salzburg (it is intriguing that the charter had not immediately been given to the archbishop) and swore to aid and assist the church of Salzburg as he was able. In return Eberhard, with the advice and consent of the cathedral canons and the ministerials, enfeoffed Hartnid with the castle of Wurmburg and all its appurtenances as Swiker III of Hollenburg had previously held them. Finally, Hartnid promised that his son Frederick V would marry an archiepiscopal ministerial within two months after he had been ordered to do so by Eberhard or his successor. If Frederick died in the interim, then Hartnid I’s second son, presumably Hartnid II, would be obliged to marry a coministerial. If Hartnid’s heir violated this stipulation, then all the fiefs that Hartnid himself held from the church would be forfeited. In short, Hartnid acknowledged in 1246 that the Pettaus owed their primary allegiance to the archbishop and that the future holder of the castellany and his descendants were archiepiscopal ministerials.

There is a curious quality to this agreement. The legal basis of the archbishop’s power over the Pettaus was their personal servitude that obligated them to marry coministerials, yet the archbishop negotiated with Hartnid almost as if he were an equal. No doubt the archbishop was at a disadvantage in 1246: southeastern Germany was in chaos, Hartnid was a powerful lord, Pettau was far away, and

50. SUB 3:495-96, no. 943. Adelaide was married to the archiepiscopal ministerial Ulrich of Montpreis (SUB 3:519-20, no. 969), who was a brother, nephew, or cousin of Ortolf of Montpreis, whose daughter Herrad had married Hartnid I’s brother, Frederick IV of Pettau. See Freed, “German Source Collections,” p. 103.
51. SUB 3:640-42, no. 1096. Hartnid II was identified as the brother of Frederick V in MC 4/1:470-71, no. 2596.
Eberhard was dying; but the juxtaposition between the requirement that Frederick marry within the familia—a legacy of an earlier dualistic, simpler world of nobles and serfs—and the written instrument is itself jarring. In a strange way the accord is a testimony both to Eberhard’s success in creating the principality and to the limits of his achievement. He relied on the most modern sources of revenue and techniques of governance at his disposal (for example, the saltworks at Hallein whose development he zealously promoted or the archives in which the imperial privilege concerning Adelaide of Pettau was stored); but he invoked servile customs to control men like Karl of Gutrat or Hartnid of Pettau. Eberhard’s policies were innovative and they worked, but Karl and Hartnid were hardly serfs, and the noble-born Eberhard never quite realized that.

The Salzburg Interregnum (1247–70)

Archbishop-Elect Philip, employing Eberhard’s methods and the forces he had raised, defeated the imperial party in 1252. Philip’s victory and reversal of policy in the papal-Hohenstaufen conflict were of little benefit to the church of Salzburg because the bellicose Philip, younger brother of the childless Duke Ulrich III (1256–69), behaved more like the heir to the duchy of Carinthia than like a cleric. Since he refused to be ordained, the cathedral canons and ministerials elected Bishop Ulrich of Seckau as his successor in 1256, and Pope Alexander IV formally deposed Philip and translated Ulrich to Salzburg the following year. King Ottokar II of Bohemia, who obtained the duchy of Austria in 1254 and that of Styria in 1260 and eventually acquired Carinthia as well, supported his cousins Philip and Ulrich, while the king’s opponents, most notably Duke Henry XIII of Lower Bavaria (1253–90), backed Ulrich. Neither he nor his absentee successor Ladislaus of Silesia (1265–70) ever mastered the situation, and the ministerials, as the story of the Kalhams’ misdeeds reveals (see chapter 1), pursued their own interests.

Philip raised troops in the spring of 1250 by arranging a number of marriages involving archiepiscopal ministerials. He agreed on 16 May to provide Kunigunde of Goldegg, who had been betrothed to Ulrich II of Liechtenstein, with a dowry of 400 Salzburg pounds (annual income £40), twice the amount Eberhard had conferred on Mathilda of Rodank in 1243 for a similar purpose. In return the groom’s father Ulrich I agreed to confer his daughter Diemut, who had married the Styrian
ministerial Wulfing of Trennstein, on the church and to arrange for his nephew Gundaker, son of Ulrich’s brother Dietmar IV of Liechtenstein-Offenburg, to marry a member of the archiepiscopal familia as well. Gundaker too was to serve the archbishop as he was able. If Kunigunde, Diemut, or Gundaker’s bride died, the young men (“juvenes”) would be obliged to marry other women who belonged to Salzburg. Ulrich placed a gage of 1,000 marks of silver on the castle of Murau that he or, if he died, his son Ulrich would fulfill his obligations.52

Ulrich’s son-in-law Wulfing of Trennstein promised on his part to supply Philip on the same terms with the services of twenty-four armed men and to put his castles at Philip’s disposal. If Diemut of Liechtenstein died, Wulfing swore to marry only a woman who belonged to the archiepiscopal familia. If he violated any of the terms of the agreement, he would forfeit the castle of Strechau in the Enns valley, which he held in fief from the church. Bishop Ulrich of Seckau (the future archbishop), Ulrich I of Liechtenstein, Conrad of Goldegg (Kunigunde’s father), and Wulfing’s father sealed Wulfing’s declaration.53

Two weeks later Counts Bernhard I and Henry I of Pfannberg swore in the presence of Ulrich I of Liechtenstein, among others, to serve Philip and his successors for the rest of their lives against everyone except the rightful duke of Styria and not to aid the duke if he attacked the archbishop. The counts’ knights provided a bond of 1,000 marks of silver that the Pfannbergs would abide by the agreement.54 Although it was not mentioned in the document, I think that the marriage of the counts’ sister Sophia to Frederick V of Pettau was part of this agreement because Frederick complained in 1280 that the archbishop still owed him the money Philip had promised Frederick for marrying (the bride’s identity was not indicated) and for various unspecified services, presumably of a military nature, he had rendered Philip.55 I assume that Philip had ordered Frederick to marry in accordance with the 1246 agreement Eberhard had made with Hartnid of Pettau but had chosen a countess rather than a Dienstweib as Frederick’s bride and that the terms of the marriage were the subject of a separate document—comparable to Kunigunde’s and Ulrich II’s marriage contract—that does not survive. The marriage of Mathilda of Rodank to Dietmar of Griffen-Weissenegg had become a model for raising troops.

Philip soon put his men to use. In June 1250 he occupied the entire Enns valley and adjacent parts of Upper Styria, and in August 1252 he defeated at Sachsen-
burg on the Drava Count Meinhard III of Görz (d. 1258), the imperial governor of Styria, and captured his father-in-law, Count Albert III of Tyrol (1190–1253). To obtain the latter’s release, the counts were forced in the Treaty of Lieserhofen, on 27 December 1252, to pay 4,900 marks of silver and to make a number of significant territorial concessions. The power of the Hohenstaufen party in the eastern Alps had been broken. The names of five of the seven mediators who arranged the peace are familiar to readers of this chapter: the cathedral provost Otto II of Mehrnstein, who had helped arrange the marriage of his kinswoman Mathilda of Rodank; Ulrich I of Liechtenstein; Dietmar of Griffen-Weissenegg; Conrad I of Goldegg, whose daughter Kunigunde had been betrothed to Ulrich II of Liechtenstein; and Gebhard I of Felben, whose father Ulrich had become an archiepiscopal ministerial. Arnold IV of Rodank, however, had remained loyal to Count Albert, the advocate of the church of Brixen. Marriage had proved to be a valuable tool.

Philip used the marriage of Otto of Walchen to Otilia of Hohenstein, a ministerial of the counts of Ortenburg, to secure for the church a disputed lordship on the principality’s border with Bavaria in the Chiemgau and to bind the Walchens, who had only recently lost their free status, more firmly to Salzburg. After the death in 1248 of Rapoto III of Ortenburg, the childless count palatine of Bavaria, Duke Otto II of Bavaria (1230–53) claimed Rapoto’s county in the Chiemgau as an escheated ducal fief. Otto also intervened on behalf of the younger half-brothers of Rapoto’s cousin, Count Henry II of Ortenburg (d. 1256), who had been locked since 1241 in a bitter feud with their older brother over the division of the Ortenburgs’ patrimony. Henry II turned to the Bavarian bishops for assistance against the duke, who was the leader of the Hohenstaufen party in Germany. In the First Treaty of Erharting of 26 July 1254, Otto II’s sons, Dukes Louis II and Henry XIII, agreed that Salzburg was to possess that portion of Rapoto III’s county in the Chiemgau that was east of the Alz, the stream that flows north from the Chiemsee into the Inn River. This left unsettled the fate of Hohenstein, which was south of the lake.

The very next day Count Henry II of Ortenburg conferred Otilia of Hohenstein on Salzburg on condition that her children were to be divided between him and the church. On 1 August Engelram II of Hohenstein stated that he and his sister Otilia, wife of Otto of Walchen, had conferred Hohenstein, which was their alod, on Salzburg on condition that Philip enfeoff Engelram, any heirs he might yet have, and Otilia and her heirs with the castle. Engelram promised furthermore to serve Salzburg for the rest of his life as a ministerial, to marry his children, if he

58. SUB 4:26–27, no. 29.
had any, within the archiepiscopal familia, and to marry within it himself if he remarried. Philip received Engelram in his grace and favor as an archiepiscopal ministerial and, in the key point, promised to help Engelram regain Hohenstein, which had been seized by Sigiboto of Tettelham, an Ortenburg ministerial who had pledged his allegiance to the Wittelsbachs. 59

True to his word, Philip soon captured Hohenstein and by 9 October had enfeoffed Engelram with the castle. They agreed that if Engelram remained childless, Otilia would inherit the castle, but that Otto of Walchen would not retain Hohenstein if his marriage was also without issue. 60 Engelram died in 1259, and Archbishop Ulrich enfeoffed Otto on 19 May 1262 with all the fiefs that Engelram had held from the church (as Archbishop Ulrich’s chief supporter, Duke Henry of Bavaria presumably favored this outcome). 61 An important castle had been secured for the time being for Salzburg.

Otto’s enfeoffment with Hohenstein was at the same time a way to make the Walchens’ new status as archiepiscopal ministerials more palatable to them. On the very day that Engelram and Otilia conferred Hohenstein to the church, 1 August 1254, Otto and his brother Adalbero II of Walchen acknowledged that they had lost Philip’s grace for a variety of offenses: they had built a tower contrary to the archbishop’s wishes, seized an advocacy Philip had purchased, promoted their serfs’ extrinsic marriages to the detriment of the church, failed to pay a debt of 200 marks of silver, and disturbed the peace with their demands for hospitality and other unauthorized exactions. They had submitted unconditionally and had been restored to the archbishop’s grace. 62 Although none of the extant documents make the connection between the Walchens’ submission and Otto’s marriage to Otilia, I believe the two events were linked. The archbishop could reward as well as punish.

Hohenstein again became an object of contention in the 1280s because Otto and Otilia’s marriage was, as far as is known, childless. His daughter Elizabeth, who eventually inherited Hohenstein, was the child of his second marriage. 63 Even though Archbishop-Elect Philip had promised Engelram that Otto would not retain Hohenstein if Otilia had not borne him an heir, Archbishop Frederick II would not have been inclined to enforce an agreement that was detrimental to both the church and his brother. At the instigation of King Rudolph, in 1286, after Duke Henry of Bavaria had destroyed the castle, the whole dispute about the ownership of Hohenstein was submitted to arbiters who were directed to hear the testimony of twenty-one honest men and to assign Hohenstein to its rightful

59. Regesten 1:30, no. 215; 31, no. 217. Ottilia’s wife was called Elizabeth in no. 217, but she was called Ottilia everywhere else. On the Tettelhams, see Reindel-Schidl, Laufen, pp. 274–78.
60. Regesten 1:31, no. 218.
61. Regesten 1:51, no. 383. Engelram was dead by 16 January 1260 (Regesten 1:44, no. 328).
63. Urkunden Raitenhaslach 1:348, no. 426; Regesten 1:121, no. 938; 2:45, no. 358. Ottilia was last mentioned in 1269 (Regesten 1:73, no. 566).
The decision must have gone in Salzburg’s favor, because on 20 November 1297 Archbishop Conrad IV agreed to enfeoff Elizabeth and her husband, the Freising ministerial Ulrich of Freundsberg, with Hohenstein. In this case a woman was allowed to inherit a castle that was never rightfully hers because it suited the archbishops’ geopolitical interests.

Generally, however, the archbishops, particularly Ulrich, were at a disadvantage during the Salzburg interregnum in the competition for the ministerials’ allegiance. A divided church was no match for such ruthless neighbors as Duke Henry and King Ottokar. A Salzburg cathedral canon complained in 1263: “Some of the ministerials of the church of Salzburg adhered to the king of Bohemia, and others to the duke of Bavaria and alienated their children from the church. In those troubled times the ministerials were unfaithful to both the chapter and the church and instead laid claim by whatever means to the possessions of the [arch]bishopric and chapter that were adjacent to their own.” In other words the ministerials, among other things, contracted extrinsic marriages that were disadvantageous to the church.

The history of Tegernwang (Wasentegernbach on the Isen), deep in Wittelsbach territory, illustrates how a castle could be lost and then regained through marriage. The archiepiscopal ministerial Liebhard of Tegernbach, who was mentioned between 1224 and 1259, had been the lord of Tegernwang. Harper of Aham, a ministerial of Duke Henry, swore on 13 April 1283 that by 24 June 1284 his son Liebhard would subject himself to the archbishop’s authority by marrying a woman who belonged to the archiepiscopal familia. For greater security Harper was to surrender the castle of Tegernwang when Liebhard married. It was to serve, presumably, as the young couple’s home. After Liebhard’s marriage Harper promised to turn over his other sons to the archbishop as well. It is possible to reconstruct the probable events that had led to the 1283 agreement. Harper, who named his (oldest?) son Liebhard and who in 1283 possessed the castle of Tegernwang, had almost certainly married a daughter of Liebhard of Tegernbach. Archbishop Frederick II was simply trying to regain through marriage a castle that had been lost through the extrinsic marriage of Liebhard’s daughter during the interregnum.

64. Regesten 1:139, no. 1091; SUB 4:131–33, no. 119; 148–51, no. 126a; 157–59, no. 132.
67. SUB 3:321, no. 793; Urkunden Raitenhaslach 1:200–201, no. 244. Liebhard was identified as an archiepiscopal ministerial in MC 4/1:354–55, no. 2362; SUB 3:403–5, no. 862; and Urkunden Raitenhaslach 1:157–58, no. 185.
69. Liebhard of Tegernbach’s daughter Elizabeth was the first wife of Frederick I of Törbring (Reindel-Schedl, Laufen, pp. 291–94). Reindel-Schedl, too, noted the kinship between the Törings and Ahams and suggested that a daughter of Frederick of Törring and Elizabeth of Tegernbach might have married an Aham (p. 295, n. 65), but the name of Harper’s son makes it likely that Harper himself married a daughter of Liebhard.
To some extent the cathedral canon’s complaint about how the ministerials alienated their children through marriage was hypercritical. The archbishops were prepared to employ the same tactics, as Philip’s acquisition of Hohenstein shows, but the archbishops could participate in the predatory game only if they had the means to assist men who sought their protection and the will and strength to enforce their commands. Archbishop Frederick II and his successors did.

The Later Middle Ages (1270–1343)

It became almost routine after 1270 for a ministerial or a knight to swear that he and his children would marry within the familia or only with the archbishop’s permission. The requirement that a serf marry a fellow serf became in effect a kind of loyalty oath that could be imposed as a condition for appointment to an archiepiscopal office or demanded from a rebellious ministerial as a symbol of his submission to the archbishop’s authority. An oath of fealty served the same function elsewhere, but the archbishops could emphasize the servile rather than the vassallic bond because legally all of their subjects, including the nobility of the principality, were serfs after the extinction of the counts of Plain. After all, this was a world in which the brother of the regnant archbishop, Otto of Walchen, could agree in 1280 that if his unborn heir, regardless of sex, married a person who belonged to the familia of the duke of Bavaria, the children of that union would be divided with the church.70 In the final analysis the archbishops conceived of their principality as an enlarged household. For example, Archbishop Frederick ordered that the cleric and ministerial Henry of Matrei be granted a chapel because he was by birth a member of the archiepiscopal familia as well as being distinguished by his conduct and knowledge.71 It was a very patriarchal conception of government.

Several significant changes occurred, however, during the archiepiscopate of Conrad IV (1291–1312). After he made peace in 1297 with Duke Albrecht, the principality became a buffer state between two more powerful neighbors; and the archbishops, barred from further territorial expansion and no longer able as dependent allies of the Habsburgs to conduct an independent course in imperial affairs, concentrated their attention and considerable financial resources on consolidating their power within the principality. Conrad turned the marriage payments system, which Eberhard II had already used to win the military assistance of alien ministerials like Dietmar of Griffen-Weissenegg, into a device to aid his relatives, to reward loyal service, and to compensate women for renouncing their rights of inheritance (Mathilda of Rodank’s marriage contract had set a precedent

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70. Regesten 1:121, no. 938.
71. MC 5:283–84, no. 443.
for that). Although the ministerials were still required to marry within the archiepiscopal familia, the princes stopped dividing the children of a cross-marriage (the last time this occurred in the case of an archiepiscopal ministerial was 1311); instead a woman, normally after receiving some compensation, was required to renounce her rights of inheritance. Such a renunciation prevented the alienation of her lands and rights to the ministerial of another prince. Ultimately, however, such servile customs were only partially effective in controlling the ministerials, let alone in binding alien ministerials to the archbishop.

The best way to understand the archbishops’ marital policies after 1270 may be to distinguish between the marriages of their own ministerials and those of other princes, even though the goal in the latter case was to bind the foreign ministerials to the church by marriage. The marriage of an alien ministerial to an archiepiscopal Dienstweib could serve a variety of purposes: to acquire or regain a lordship (the marriage of Liebhard of Aham is an example), to settle a dispute, to punish a miscreant, or to procure an archiepiscopal office.

Archbishop Frederick II and Volker of Reifenberg (today Rihenberg, Slovenia), a ministerial of the count of Görz, sealed their reconciliation in 1271 with a promise of matrimony. The chief object of contention was a fief in Hallein, in all likelihood a rent from the saltworks, that Archbishop Eberhard had assigned to Volker’s father, presumably at a time when the archbishop and Count Meinhard III of Görz had been allies in the fight against the papacy (Volker or his father may have forfeited the fief when Philip turned against Meinhard). Frederick agreed to assign to Volker an annual income of £20 (since Eberhard had paid Mathilda and Dietmar the same amount, £20 may have been the going rate under Eberhard for procuring a foreign ministerial’s military services). Volker promised for his part that by 29 September 1272 his sister would marry, with the archbishop’s advice, a member of the archiepiscopal familia and that one of Volker’s own children would eventually subject himself or herself to the church in the same fashion. All the letters and privileges that Volker or his father had received from the archbishops and other prelates were to be null and void (these documents do not survive, but the stipulation shows that there must have been many such written agreements besides the few extant ones). Frederick and Volker postponed settling their dispute about Volker’s Carinthian castle of Wasserleonburg to a later date.72

As the case of Henry of Phyrn illustrates, a man who had incurred the archbishop’s anger might prefer marriage to a harsher penalty. Archbishop Frederick II had accused Henry of causing the church 10,000 marks in damages, and King Rudolph had sentenced him to pay that amount as a fine. There is no indication of the precise nature of Henry’s misdeeds, but since Phyrn is south of the strategic Phyrn Pass that links the Enns valley in Styria to the valley of the Steyr

72. MC 5:55–56, no. 79. Frederick called Volker a noble in the document, but he was in fact a ministerial of the count of Görz (MC 4/1:431–32, no. 2530).
in Upper Austria, Henry's felony was presumably connected in some way with Phyrn's location. Henry acknowledged on 3 September 1279 that he could not pay such a prohibitive amount, and on the advice of his friends he agreed to the following terms: he would serve the archbishop and church faithfully for the rest of his life; he would marry within the archiepiscopal familia at the first opportunity; he would persuade two or three of his more powerful kinsmen to do the same thing; he would surrender all of his possessions to the archbishop and receive them back in fief; he would, when required, provide the archbishop with the services of six armed men; and he would exercise the office of castellan faithfully if the archbishop entrusted him with a castle. The terms of Henry of Phyrn's submission sound like the medieval version of a plea bargain: the king imposed a harsh sentence, Henry accepted a lighter one, and the archbishop promised Henry a castellany if he behaved himself in the future. It is the same pattern of reward and punishment that marked Philip's dealings with the Walchens in 1254 and is one more example of the archbishops' patriarchal conception of their lordship.

In the case of a foreign ministerial, however, the obligation to marry an archiepiscopal retainer was most commonly associated with the receipt of an archiepiscopal office. Burgrave Frederick of Lienz, an East Tyrolean ministerial of the counts of Görz, swore in 1273/84 that he would faithfully administer the castellany of Lengberg that Archbishop Frederick had entrusted to the burgrave and that he would surrender the castellany on demand. He also promised to marry a woman who belonged to the archiepiscopal familia. The obvious advantage of such a promise of matrimony as a precondition for appointment to an archiepiscopal office was that some of the children of the cross-marriage would belong to the church even after their father ceased to hold his office. Unlike multiple vassalic obligations, the birth of an heir created, at least in theory, an indissoluble bond.

The terms of such an appointment were spelled out most clearly in the service contract of Rapoto Luchen, a man of unknown origins. Archbishop Rudolph announced on 28 October 1287 that Rapoto had given himself and his descendants to the perpetual service of the church and that by Christmas he and his wife were to settle in Mühldorf or in another archiepiscopal castle, where Rapoto was to serve the archbishop and his successors with four men for as long as he was able. In return, the archbishop agreed to give Rapoto a lifelong annual pension, payable in money and kind, and a house and garden in Mühldorf where he could live comfortably. The archbishop promised to treat Rapoto as befitted an archiepiscopal ministerial and enfeoffed him with a village that had previously been Rapoto's alod. If Rapoto was unable in the future for some reason to reside in Mühldorf, the archbishop agreed to place him in another castle that was mutually acceptable.

The rest of the contract dealt with a series of hypothetical possibilities: Rapoto's

73. Regesta Imperii 6/1:282, no. 1125; Regesten 1:119, no. 922.
74. MC 5:80–81, no. 120. On Frederick's status, see UB Steiermark 4:132–33, no. 211.
remarriage, his widow’s maintenance and remarriage, and Rapoto’s death with or without heirs. If Rapoto died without an heir, two of the four farms the archbishop had previously pledged to Rapoto’s wife, along with an inn and a fief attached to it, were to escheat to the archbishop; but Rapoto’s widow was to retain during her lifetime the two other farms, which had been pledged to her for £40, and half of Rapoto’s annual pension. If she remarried, she was to keep the two farms but lose the pension. If Rapoto was survived by a son or sons who were the children of his present wife or a woman whom he subsequently married with the archbishop’s permission, these sons, if they married women who belonged to the archiepiscopal familia, were to obtain Rapoto’s fiefs but not his pension. If he was survived by daughters, the archbishop or his successors would be obligated to arrange suitable marriages for them. If Rapoto broke the agreement, he would forfeit all his fiefs and whatever else he possessed from the church.75

Rapoto and his heirs were bound to the church by servile and monetary ties rather than vassallic ones. After all, the archbishop had merely enfeoffed Rapoto with his own alod. The contract focused instead on Rapoto’s or his widow’s possible remarriage and the marriages of Rapoto’s children, whose inheritance rights were made contingent on their marriage within the familia. Still, the contract was probably stretching the bonds of servdom to their utmost, because Rapoto and his four men could undoubtedly find employment as mercenaries elsewhere.

Such matrimonial alliances with the ministerials of rival lords had little more binding force in actual practice than multiple enfeoffments did in other areas of Europe. Archbishop Conrad IV complained in 1292, for example, about the injuries that Volker of Reifenberg had inflicted on the church as an adherent of the counts of Götz; but at least Volker had remained faithful to his hereditary lord.76

In contrast to Volker, the Carinthian ministerial Conrad Schrankbaum was a model of perfidy. He agreed in 1276 to compensate Salzburg for the injuries he had caused the church in Friesach, presumably in 1275 when King Ottokar II of Bohemia had destroyed the city. Among other things, Conrad had killed a burgher. Conrad was to procure letters from the king or from Count Henry I of Pfannberg attesting that he had committed his other acts at their command and was thus not personally liable for those injuries to the church.77 Conrad was in trouble again a few years later. Papal judges delegate received authorization in 1282 to reach an out-of-court settlement with Conrad, who had been excommunicated for seizing

75. SUB 4:171–73, no. 143. See also Regesten 2:28, no. 223; 96, no. 823. A sales agreement may provide a clue to Rapoto’s origins. In 1291 Rapoto Luch sold a Hof in Rott (Luckenrott, an abandoned hamlet north of Mühlhof) with its appurtenances to Raitenhaslach (Urkunden Raitenhaslach 1:366–69, nos. 445, 447). The property was either named after Rapoto—that is, Luchen’s assart—or, conversely, may have provided the basis for his name Luchen. For a similar contract, see Regesten 2:53, no. 424.

76. MC 6:132–36, no. 210, Amt Kirchheim, article 1; Amt Stall und Sachsenburg, article 10.

tithes and possessions that belonged to Salzburg. His decision on 13 March 1283 to place one of his sons through marriage in the archiepiscopal ministerialage and to be enfeoffed by the archbishop with an income of 10 marks from alods that Conrad had surrendered to the archbishop for that purpose may have been the outcome of his negotiations with the judges.

This was the beginning of Conrad’s association with the archbishop. Conrad served in 1291 as the steward (Pfleger) of Radstadt, the town that guarded Salzburg’s border with Styria in the upper Enns valley; but it is not clear whether he owed his appointment to the archbishop or to Duke Otto III of Lower Bavaria, who had occupied Radstadt as well as Salzburg after the death of Archbishop Rudolph in an attempt to procure the archbishopric for his brother Stephen. In any case, in July 1292 Conrad participated in the capture of the young son of Duke Meinhard of Carinthia (1286–95) by Archbishop Conrad IV’s kinsman, Rudolph III of Fohnsdorf. Meinhard or his sons must have forgiven Conrad, because the duke’s sons enfeoffed Conrad in 1301 with the upper castle of Mannsburg and assigned to him the castellany of the ducal castle of Rabenstein. In the autumn of 1307 Conrad betrayed Rabenstein to Archbishop Conrad, according to Ottokar aus der Gaal, for 200 marks of silver, and the burghers of the nearby town of Friesach demolished the castle with gusto. The Cistercian abbot, John of Viktring (1312–45), added that Conrad subsequently died a wretched death, as befitted a traitor. Servile obligations could no longer ensure the permanent allegiance of men like Conrad, who sold their services to the highest bidder.

In dealing with their own retainers, the late medieval archbishops employed the ministerials’ obligation to marry within the familia as a legal device to assert their authority over rebellious ministerials and to disinherit women whose extrinsic marriages threatened the internal security of the principality. Underlying these marital policies was the increasing territorialization of the archbishop’s temporal lordship, which made it imperative to exclude any external influence from the principality. The history of the Staufenecks offers the most dramatic example of how the promise to contract an intrinsic marriage became after 1270 a type of loyalty oath, by which a ministerial acknowledged that his servile condition made him the archbishop’s subject.

The Staufenecks were former Plain ministerials who had become archiepiscopal retainers in 1260 after the extinction of the Plains, but Duke Henry XIII of Lower Bavaria won the Staufenecks’ loyalty even though their castle and court lay within the area that was assigned to Salzburg in 1275 by the Second Treaty of Erharting. Although Ulrich of Staufeneck agreed in 1283 to compensate Salzburg

78. MC 5:338, no. 529.
79. MC 5:345, no. 541. It is wrongly dated in Regesten 1:121, no. 941, as 13 March 1280.
82. MC 7:27–28, no. 70; Ottokars Österreichische Reimchronik 2:1202–3, lines 92,532–636.
83. MC 7:158, no. 420.
for all the damages his deceased father William III had caused the church, so that he could obtain Christian burial, Ulrich and his cousin Henry I acknowledged on 25 November 1285 that Archbishop Rudolph had excommunicated them for the injuries they had caused Salzburg while they had been in the duke’s service and that they had only now been restored to the archbishop’s grace. They admitted that they had not served the archbishop with the same fidelity as their coministers, and they swore to serve him faithfully in the future and not to bind themselves to another lord under penalty of forfeiting their fiefs. Finally, Henry promised to marry within a year an archiepiscopal Dienstweib; if he failed to do so, the archbishop was to select a wife for him (Ulrich was already married to Elizabeth of Törring).84

In spite of his solemn assurances, Henry remained unmarried and was soon once again in the Wittelsbach camp. He sided with the Bavarians after Archbishop Rudolph’s death and was included on 14 October 1291 in the peace that Bishop Henry II of Regensburg (1277–96) arranged between Duke Otto III of Lower Bavaria, the son of Duke Henry XIII, and Archbishop Conrad IV. The bishop stipulated that Henry was to be restored to the archbishop’s grace by 9 January 1292. If Conrad IV refused to accept Henry’s homage and rejected the duke’s efforts at mediation, the archbishop’s complaints against Henry were to be settled by judicial means.85

Henry was finally reconciled with the archbishop in 1293/94. He promised on 29 March 1293 to accept the decision of arbiters whom he and the archbishop would select and to return to the church through marriage by 11 November 1294. Henry provided a bond of £50, and oath helpers offered an additional £350 as security. On 12 October 1294, nearly a decade after he had first promised to marry an archiepiscopal Dienstweib, Henry assigned to his fiancée and coministerial Elizabeth of Felben a widow’s dower of £30 and a morning gift of £6. If one of their children departed from the church’s service without the archbishop’s permission, presumably through an extrinsic marriage, his or her alods would devolve upon the other children. The next day Frederick I of Felben promised on his daughter’s behalf that if Elizabeth outlived her husband, she would not remarry without the archbishop’s permission. If she did, she would forfeit her dower. Elizabeth was required to confirm this herself upon her next visit to Salzburg.86 By marrying Elizabeth, Henry acknowledged that he and his descendants were archiepiscopal ministerials, a status the Staufenecks had refused to accept for nearly thirty-five years. For his part Archbishop Conrad, in the familiar pattern

84. Regesten 1:138, no. 1080; 154, no. 1201. The name of Ulrich’s father was not given in no. 1080, but I have identified Ulrich as William III’s son because he named his own son William (Regesten 2:23, no. 180); Reindel-Schedl, Laufen, p. 235, did the same. Oddly enough, Ulrich’s father allegedly sealed no. 180, but that is clearly impossible. Ulrich and Henry were called cousins in Regesten 2:21, no. 161; 23, no. 180; 29, no. 227.
of submission and reconciliation, had installed Henry by 1299 as burgrave and judge of Raschenberg. The Staufenbecks’ protracted feud with three archbishops had impoverished them, however, and Henry and William IV of Staufeneck, the son of Henry’s cousin Ulrich, were forced in 1305/6 to sell their ancestral castle and court to the archbishop.

The Staufenbecks’ story is so dramatic because they resisted the archbishops for so long and ruined themselves in the process, but similar clauses about marrying within the archiepiscopal familia can be found in the terms of submission that numerous other ministerials accepted after 1270. The promise to contract an intrinsic marriage that Eberhard II had extracted from Hartnid I of Pettau in 1246 had become in effect an oath of allegiance to the church of Salzburg, a symbolic admission that a man was by birth the archbishop’s subject. Yet the very fact that the archbishops had to extort such promises in writing from men who were already legally their bondsmen shows how frayed the servile tie was by 1300. Once again, the “modern” form of the instrument is at odds with its content.

Although the ministerials had to promise that they or their sons, or both, would marry within the familia or with the archbishop’s permission, starting during the episcopate of Conrad IV their sisters were increasingly forced to renounce their inheritance rights, particularly if they contracted an extrinsic marriage or were heiresses. The women would normally receive some sort of compensation or be allowed to retain a share of their family’s movable property. It was absolutely essential, however, as the example of the Gutrats demonstrates, to prevent the ministerial of another prince from obtaining a foothold within the principality. Conrad IV may have been especially sensitive to the issue because his war with Duke Albrecht in the 1290s revealed Salzburg’s precarious position as a buffer state between Austria and Bavaria.

The growing possibility in the 1290s that the Gutrats might die out in the male line posed a particular threat to the internal security of the principality because

87. Regesten 2:54, no. 436.
88. Regesten 2:89, no. 762; 90–91, no. 775.
89. Other examples are Frederick I of Türring in 1272 (Regesten 1:82, no. 626); Conrad II of Goldegg in 1278 (Regesten 1:112, no. 868); Frederick V of Pettau in 1280 (Regesten 1:123, no. 958); Eckart VI and his oldest son Eckart VII of Tann in 1282 (Regesten 1:134–35, no. 1051); Conrad I of Oberndorf and his son Otto II in 1295 (Regesten 2:32, no. 262); Rudolph III of Fohnsdorf in 1300 and 1301 and his son Rudolph IV in 1305 (SUB 4:252–55, no. 213; Regesten 2:65–66, no. 532; 88, no. 753); Eckart IX of Tann in 1303 and his brother Eckart VIII and the latter’s sons Eckart X and Nicholas in 1304 and 1307 (Regesten 2:79, no. 662; 81, no. 688; 97, no. 831); Kuno VI of Gutrat in 1304 (Regesten 2:82, no. 692); the brothers Adalbero III and Ortlieb of Walchen in 1307 (Regesten 2:95–96, no. 818); Conrad VII of Kalham in 1326 (SUB 4:360–62, no. 317); and Henry of Felben in 1333 (Regesten 3:38–39, nos. 869, 877).
90. Arnold, “German Bishops,” pp. 181–82, pointed out that the bonds of servility that bound the ministerials to their lords finally disappeared in the fourteenth century but that vassalage remained a vital link. He based his observations on the sixteenth-century Liber feudorum of the bishops of Eichstätt, which contains eight earlier registers of fiefs (pp. 175–76). The earliest of these, which dates from the first decade of the fourteenth century, however, still stressed the servile status of the ministerials, whom it called “hominis infeudati ab Ecclesia qui proprii sunt Ecclesiae” (p. 182, n. 107).
in 1243, when Karl’s sons had been restored to the archbishop’s grace, they had retained the two castles on the Gutratsberg that protected the archiepiscopal saltworks in Hallein as well as keeping comital jurisdiction in the stretch of the Salzach valley south of the city of Salzburg where Hallein was situated.\(^{91}\) Archbishop Conrad could not permit a ministerial who owed his primary allegiance to the Habsburgs or Wittelsbachs to control a major source of the see’s wealth.

Otto II of Gutrat announced on 8 January 1296 that he had voluntarily surrendered to the archbishop all his intrinsic alods within the archdiocese, including people, lands, and castles, and that he and his son Henry had then been enfeoffed by Conrad IV with their former alods and other fiefs (see genealogy 3.6). If Otto, Henry, or any son Otto might yet father died without issue, the fiefs would escheat to the church. After his father’s death, Henry acknowledged on 27 January 1299 that he had resigned to the archbishop any alodial rights he possessed to the castle or castles on the Gutratsberg and any other properties he owned on either side of the Tauern and that he had been enfeoffed with them on behalf of himself and any \textit{male} heirs (“omnibus heredibus meis masculis”) he might yet have. The members of the garrison of the two castles were required to swear that if Henry died without a son or sons (“sine herede vel heredibus masculis”), they would obey only the archbishop.\(^{92}\) The childless Henry was dead by 3 November, and his fiefs escheated to the archbishop.\(^{93}\)

The targets of these agreements were Henry’s cousins, the children of Otto II’s brother Kuno V: Kuno VI; Herburg, who was married by 1296 to the Bavarian ministerial Walter of Taufkirchen; and Elizabeth, who was married by 1304 to the Austrian ministerial Eberhard the Younger of Wallsee, whose father Eberhard the Elder was the Habsburg judge in Upper Austria. Since everyone appears to have anticipated Kuno VI’s momentary death, the real issue was his sisters’ inheritance rights. An arbitral award of 16 March 1304 granted Kuno VI all of the Gutrats’ possessions within the archdiocese (their holdings in Lower Austria were specifically excluded), including the fiefs Henry had held. These would be forfeited if Kuno VI contracted an extrinsic marriage or permitted the archbishop’s enemies to use his castles. If Kuno died without an heir (this was the real concern), his archiepiscopal fiefs were to escheat to the archbishop, who was to pay Kuno’s sisters and their heirs, either individually or jointly, 400 marks of silver. Herburg and Elizabeth were required to renounce all their rights to Kuno’s archiepiscopal fiefs except for the Gutrats’ ancestral holdings in Schnaitsee, which Herburg already possessed because it was an intrinsic alod (besides, Schnaitsee was within the duchy of Bavaria).\(^{94}\) Kuno VI was dead by 17 August, when his sisters divided

\(^{91}\) For a list of the Gutrats’ holdings within the principality in 1299 and about 1304, see SUB 4:247–48, no. 208; 271–72, no. 231.

\(^{92}\) SUB 4:223–24, no. 183; 246–47, no. 206.

\(^{93}\) Regesten 2:56, nos. 456, 457; 62, no. 508.

\(^{94}\) Regesten 2:82, nos. 690–94; and Freed, “Crisis,” pp. 120–23.
the Gutrats' holdings that were outside the ecclesiastical principality, basically the Lower Austrian possessions of their paternal grandmother Margaret of Zöbing.\textsuperscript{95} By forcing Herburg and Elizabeth to renounce their rights of inheritance, Archbishop Conrad prevented ministerials of the Habsburgs and Wittelsbachs from ensconcing themselves within the principality.

Although Herburg and Elizabeth renounced their inheritance rights sometime after they married, such a renunciation could be, as the history of the Walchens shows, part of the marriage settlement itself or one of the terms of a ministerial's submission to the archbishop (see genealogy 5.1). Conrad IV announced on 20 November 1297 that Ulrich of Freundsberg, a Freising ministerial, had married in the archbishop's presence Elizabeth, the only known child of Otto of Walchen. Ulrich and Elizabeth had renounced all their rights to her paternal inheritance, except for the fiefs Otto had obtained from the bishop of Regensburg and the castle of Hohenstein, which Elizabeth, Ulrich, and their children were to hold in fief from the archbishop. Conrad paid the couple 200 marks of silver for their renunciation and as a contribution to their marriage.\textsuperscript{96}

Since Elizabeth's paternal uncle Adalbero II had injured the church, her cousins Adalbero III and Ortlieb of Walchen, who hoped to benefit their father's soul, swore in 1307 to serve the church faithfully their entire lives, to remarry only with the archbishop's permission if they were widowed, and to permit any sons they might father to serve only the church and to marry only within the familia under penalty of forfeiting their alods and fiefs to their brothers. As far as Adalbero's and Ortlieb's daughters were concerned, the Walchens promised they would endow their daughters only with movable property, so that their sons could retain their paternal inheritance in its entirety and it could not be alienated to strange hands, to the injury of the church.\textsuperscript{97} The latter provision offers an explicit explanation for why Archbishop Conrad IV required women to renounce their inheritance rights: he feared that through marriage any real property or rights they obtained might be alienated to potential enemies.

Other princes shared the archbishop's concern. On 9 June 1308, at the request of her kinsmen, Dukes Otto III (1290–1312) and Stephen I (1290–1309) of Lower Bavaria conferred on Salzburg Kunigunde, daughter of their late ministerial Greimold of Preysing, and any children she would bear, on condition that her future husband renounce any claims to her paternal inheritance. Her fiancé, the knight Jakob II of Thurn, did so on 7 September.\textsuperscript{98} For his part the archbishop could then provide the woman with a dowry, presumably because, in spite of her disinheritaion, her marriage was advantageous to the church, or because he wished to reward her husband. For instance, in 1297 Dukes Otto and Stephen

\textsuperscript{95} OÖUB 4:465–67, no. 502.
\textsuperscript{96} Regesten 2:45, nos. 358, 359. See above at note 57.
\textsuperscript{97} Regesten 2:95–96, no. 818.
\textsuperscript{98} Regesten 2:102, no. 886; 104, no. 899.
surrendered their proprietary rights to Agnes of Neukirchen and expressed their hope and wish that their act would rebound to the maiden's advantage and honor rather than to her detriment. Agnes married the knight Ulrich V of Wiesbach, and Archbishop Conrad supplied her with a dowry of £80.\footnote{Regesten 2:41, no. 334; 121, no. 1049.} Such conveyances of the daughters of prominent ministerials to the church, including even the nieces of the regnant archbishop, became quite common after the late 1290s; and the question arises whether all such gifts were contingent, even if it was not explicitly stated in the extant documentation, on the woman's renunciation of her rights of inheritance or her endowment by the archbishop.\footnote{Dienstweiber who were conferred on Salzburg in this fashion are Kunigunde of Weissenegg in 1298 (Regesten 2:46, no. 369); Margaret of Mitterkirchen, niece of the cathedral provost, in 1306 (Regesten 2:90, no. 773); Catherine of Weissenegg in 1309 (Regesten 2:107, no. 924); Brigitte of Polheim, niece of Archbishop Weichart, in 1314 (Regesten 2:134, no. 1153; OÖUB 4:74–75, no. 78); Elizabeth of Polheim in 1324 (Regesten 3:42, no. 415); Diemut of Törring-Stein in 1327 (Regesten 3:62, no. 613); and Euphemia of Starhemberg in 1342 (Regesten 3:124, no. 1259). Archbishop Henry actually conferred on Passau in 1342 his niece Clara, who had previously been given to him and the church of Salzburg (Regesten 3:127, no. 1291).}

It is striking that the last recorded instance of the division of the children of a ministerial cross-marriage in which an archiepiscopal ministerial was one of the spouses is dated 1311 (it involved Frederick of Goldegg and Elizabeth of Liechtenstein), that is, little more than a decade after the princes began disinheriting women.\footnote{Regesten 2:118, no. 1023.} Since the chief purpose of such a division had been to prevent the alienation of valuable lands and rights to the retainer of another lord, the same end could be achieved if a woman who contracted an extrinsic marriage renounced her rights of inheritance. It appears that the disappearance of the most visible symbol of the ministerials' personal servitude—the division of their children—was linked to the new practice of disinheriting women. This procedure, which may have been especially attractive to the late medieval archbishops, who were themselves of ministerial or knightly ancestry, was the logical consequence of the preference for patrilocal conjugal households and for paternal rather than maternal ascription that was analyzed in chapter 2 as well as the territorialization of princely lordship. The subject of a foreign prince could not live within a principality whose boundaries were being delineated with increasing precision in the second half of the thirteenth century—after all, the border between Salzburg and Bavaria was fixed for centuries in 1254 and 1275 and that with Styria in 1297. There were only two alternatives: either a man could be compelled to marry his coministerial or, if he contracted an extrinsic marriage, the wife could be conferred on her husband's prince because she had renounced her own inheritance. The disinheritation of women made it even more imperative, however, that a bride's relatives, her husband, and the prince make suitable provisions for her maintenance if she was widowed. The Heiratsgabensystem did precisely that.

The late medieval archbishops not only regulated the grant of the assigns—
for example, the provision about the dower in the *Salzburger Landesordnung* of 1328—and guaranteed their payment, but also contributed directly to the establishment of the new household. Such subsidies, which became common during the episcopate of Conrad IV, could serve a variety of functions. As I have already noted, an archiepiscopal contribution to a woman’s dowry could be a partial compensation for her renunciation of her inheritance; the 200 marks of silver Conrad IV gave Elizabeth of Walchen and the £80 he paid Agnes of Neukirchen are examples of that. In these cases the dowry was clearly the wife’s premortem inheritance. Such a payment could also be a reward for her father’s or husband’s loyal service. Conrad provided Kunigunde and Margaret, the daughters of Otto I of Weissenegg, who in 1289 as burgrave of Friesach had brought Archbishop Rudolph desperately needed reinforcements, with dowries of 100 Regensburg pounds and 100 Salzburg pounds, respectively. In 1302 Margaret married Conrad II of Kuchl, who had been the vidame of Salzburg during the war with Duke Albrecht and who was almost certainly in 1302 a member of the archiepiscopal council. Indeed, the promise of such assistance could be part of a man’s service contract. Thus Archbishop Rudolph assured Rapoto Luchen in 1287 that he would arrange suitable marriages for Rapoto’s daughters and presumably also foot the bill.

The archbishops were not the only princes who subsidized their ministerials’ marriages. Johannes Comes, who served as judge of Klagenfurt and as vidame of Duke Henry of Carinthia, stated in his account books that he had paid the ducal ministerial Ulrich of Silberberg 30 Aquileian marks for his daughter’s marriage and that in 1331 Johannes himself had received 50 Aquileian marks and 500 cheeses from the duke “pro subsidio maritationis.”

Such archiepiscopal marital subsidies could cross the fine line between a reward for loyal service and nepotism. Conrad IV, who was known both as Conrad of Fohnsdorf and as Conrad of Breitenfurt, knighted eight men at the conclu-


103. Regesten 2:74, no. 618. On Conrad of Kuchl’s career, see Freed, “Crisis,” pp. 129–31. There are other examples of the payment of such subsidies to women whose husbands or fathers had served the archbishop faithfully. About 1301 Archbishop Conrad gave the Austrian ministerial Conrad of Pottendorf 200 marks of silver when he married Hadwig, daughter of Otto VI of Goldegg (Regesten 2:67, no. 546; 71, no. 589; 3:20, no. 202), who had been a member of the archiepiscopal council and one of the four archiepiscopal ministerials who had accompanied Archbishop Conrad in 1297 to the peace negotiations in Vienna with Duke Albrecht (Regesten 2:6, no. 49; SUB 4:189–90, no. 157; *Otokars Österreichische Reimchronik* 2:928–29, lines 70,195–201). The archbishop paid the Styrian ministerial Gundaker of Starhemberg 50 Salzburg pounds in 1303 when he married a daughter of Gerhoch III of Radeck, who was identified in 1306 and again in 1320 as a member of the archiepiscopal council (Regesten 2:75, no. 630; 92, no. 791; 3:23–24, no. 236).

sion of his peace negotiations in Vienna; they included Rudolph III of Fohnsdorf, whom Ottokar aus der Gaal identified as the archbishop’s closest blood relative, Rudolph’s son Rudolph IV, and Dietmar of Breitenfurt.105 Conrad supplied Rudolph IV’s wife Guta with a dowry of 100 marks of silver, and he gave Ernst of Breitenfurt, who by 1310 was burggrave of Hohenwerfen, 100 marks of Salzburg pennies when he married.106 Conrad’s successor Weichart of Polheim promised his niece Adelaide a dowry of 100 marks of silver.107

Still, it is unfair to judge the archbishops by modern standards of ethical conduct. Since the archbishops conceived of their principality as an enlarged household, it was only natural that they would rely above all on their relatives and reward them accordingly. Rudolph III of Fohnsdorf had been commander of the archiepiscopal forces during the war Archbishops Rudolph and Conrad waged with Duke Albrecht and Duke Meinhard of Carinthia (Rudolph’s appointment as vidame of Friesach preceded his kinsman’s translation from Lavant to Salzburg), and Conrad, in spite of his kinship with the vidame, deprived Rudolph of his office and imprisoned him in 1299 for official misconduct.108 Conrad’s knighting of Rudolph and his other kinsmen, like the archbishop own baptismal sponsorship of Duke Albrecht’s daughter, was a symbolic gesture for including them in the peace and made them in effect guarantors for its observance.109

Nevertheless, the 1297 peace negotiations in Vienna underscore the highly personal nature of archiepiscopal governance. Theodor Mayer argued, as I have already pointed out, that the medieval German principalties were transformed during the High Middle Ages from a personal union state (Personenverbandstaat), that is, a polity based on personal ties between a lord and his men, into an institutional territorial state (institutionelle Flächenstaat)—a political entity with clearly defined boundaries and permanent institutions of government that recognized no

107. Regesten 3:6, no. 56.
108. On Rudolph III’s role in the war, see Dopsch, Geschichte Salzburgs 1/1:457–60; Fräss-Ehrfeld, Geschichte Kärntens 1:354–63. Rudolph was identified for the first time as vidame of Friesach on 11 January 1290 (MC 6:98–100, no. 148), but Pope Nicholas IV transferred Conrad from Lavant to Salzburg only in January 1291 (Regesten 2:4, no. 25). Rudolph was deposed as vidame sometime between 16 August and 29 September 1299, and the terms of his release from prison were announced on 4 January 1300 (Regesten 2:55, nos. 444, 452; SUB 4:252–55, no. 213).
jurisdiction that had not been granted by the prince. Admittedly, by 1300 the ecclesiastical principality of Salzburg had acquired some of the outer trappings of Mayer’s territorial state; for example, its boundaries had been fixed for centuries to come and the new archiepiscopal council had tried to govern the principality after the death of Archbishop Rudolph in 1290. But the principality owed its existence to the servile bonds that tied the ministerials, who formed the secular elite of the principality, to the archbishop. Thus Eberhard II subjected the Walchens to his lordship by arranging a marriage between Adalbero I, the last free nobleman of noncomital rank in the principality, and a Goldegg; and Archbishop-Elect Philip secured the lordship of Hohenstein by having Otto of Walchen marry Otilia of Hohenstein. In constructing his model of governance in late medieval Austria, Otto Brunner merely noted in passing that the ministerials were bound to the duke “in a particular way”; in fact that servile tie was at the heart of the relationship between the prince and the people of the Land, who constituted in Brunner’s view the territorial community.\footnote{Brunner, \textit{Land and Lordship}, p. 335. Heinz Dopsch, “Die Frühzeit Salzburgs,” in Drabek, \textit{Österreich im Hochmittelalter} (see above, n. 18), p. 157, reached a similar conclusion about the organization of the principality: “Das Erzstift war vielmehr bis ins Spätmittelalter als Personenverband organiziert, bei dem allein die persönliche Bindung an den Erzbischof oder an einen Herrn, der diesem unterstellt war, entscheidend blieb.”}

More important, the archbishops continued to perceive their principality as an enlarged household—the “gotshous ze Salzburch.” Since marriage was the decisive act in constituting a new household, it should perhaps not be overly surprising that agreements to raise troops took the form of marriage contracts or that rebellious ministerials pledged their allegiance to the archbishops not by swearing an oath of fealty, but by promising to marry within the archiepiscopal familia. If anything, the change in the social origins of the archbishop after 1270 strengthened the archbishops’ familial view of their lordship. The ministerials and knights were members of the archbishops’ extended family, in both the medieval and modern senses. Any paterfamilias is deeply concerned about the marriages of his “children,” and a good father forgives as well as punishes his erring progeny. This perception of the archbishops’ lordship helps explain the recurring pattern of submission and reconciliation in their dealings with their men and the celebration of a marriage to mark a prodigal son’s restoration to his father’s grace. In spite of its more “modern” outward trappings, it was a very personal and patriarchal conception of governance.

And yet, as the career of such mercenaries as Conrad Schrankbaum shows, it was a very anachronistic one. The archbishops were still trying in the fourteenth century to enforce rules that were rooted in serfdom, but the principality was not a manor, and the ministerials were hardly serfs. The written accords that recorded the terms of the ministerials’ submission and that the archbishops so carefully preserved highlight the inherent contradiction between the theoretical underpinning
of the ministerials’ subordination to the archbishop and late medieval political reality. No serf owned castles, fielded a force of knights, presided at a court, advised princes, or watched his brother become an archbishop.

The history of the medieval principality of Salzburg is also a reminder of how inadequate the traditional textbook models of feudal society are, at least those that define feudalism in terms of vassalage and fief holding or serfs as exploited agricultural laborers or even as peasant householders. Although the ministerials owned fiefs, it was their servile birth and not their enfeoffment that bound them to the archbishop; and the obligation to marry within the familia was the most visible manifestation of that reality. Any definition of medieval feudalism or serfdom must be broad enough to encompass men and women like Otto of Walchen and Diemut of Högl. The question remains how the ministerials themselves perceived their peculiar position as “homines proprii nobiles” — noble bondsmen.\footnote{MC 4/2:657–60, no. 2921/47.}