

## Verwandtschaft - Erbrecht - Königswahlen

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Donald C. Jackman

The origin of the imperial college of electors has remained an enigma, despite a lengthy procession of monographs devoted to it. This set collects the majority of Armin Wolf's large-scale contributions to the solution of the enigma, along with various short papers and book reviews, and several new studies are included. It turns out that the solution is, in principle, surprisingly simple, but the subject is also broad and intricate. Wolf's essential theory is that originally those eligible to succeed to the throne were entitled to elect the successor. Rights of succession were transmitted by direct inheritance; and since few imperial dynasties lasted many generations, decisive importance accrued to rights passing down cognatic lines (*Tochterstämme*). Attrition led to a reduction in the number of established electoral dynasties, and the Golden Bull of 1356 enshrined the electoral rights of four dynasties who remained. While the deep background may be traced to Wolf's preface (pp. 971–1010) for a facsimile edition of the Golden Bull published in 1968, the theory itself was first proposed in 1978 in the magazine of the Max-Planck-Gesellschaft.<sup>(1)</sup>

In formal scholarship Wolf's investigation began in 1980 with a separate but closely related question representing the first of four areas among which the contents of this collection may be divided. The earliest German monarchs must follow each other in hereditary succession in order for the theory to hold true, and those who competed for the throne would all have had substantial hereditary credentials. In a paper absent from the collection, Wolf demonstrated that in 1002 Emperor Henry II's main rival for the throne was a son of Emperor Otto I's hitherto unknown granddaughter Richlint, who was perceived essentially as a primogeniture heiress. The genealogical inference was prepared with consummate care, solicitude for extant scholarship, and sensitivity to the relative ability of disparate and fragmentary primary sources to contribute their worth.<sup>(2)</sup> In the same publishing year, however, this pivotal finding was shot down. Citing a number of sources and considerations of possible relevance, Eduard Hlawitschka rejected it primarily because the

traditionally accepted genealogy of the so-called Konradiner family resulted in a forbidden consanguinity in the marriage between Richlint and her inferable husband. Hlawitschka followed with several papers and a book reconstructing aristocratic genealogy in exclusion of Richlint. In 1990, however, the present reviewer accumulated enough information to overturn the traditional Konradiner genealogy and argue reliability for key inferred affiliations in a revised reconstruction. Shortly thereafter Wolf published an extended paper (pp. 163–238) disclosing hereditary credentials for the many candidates to the German throne from 1002 to 1125.

Hlawitschka then devoted a lengthy paper to undermining these standpoints, but adding little to the balance of argument. In his obligatory response (pp. 239–339), Wolf focused explicitly on the contest for the throne in 1002, showing the movements of a variety of persons interested in and able to affect the outcome. Inferential data for their involvement on a hereditary basis flow impressively once Richlint's existence is accepted. Whereas the contest of 1002 has often been probed in the misguided hope of detecting contrasting principles of free election and hereditary succession, Wolf's essay is now the most detailed study of those events and should be the starting point for their investigation. It lends full credence to the enduring hereditary character of the imperial succession in that early period.

Hlawitschka published his next book with the *Monumenta Germaniae Historica* in its *Schriften* series, claiming to bring the 25-year dispute to its final resolution in his favor. The happy result stemmed from a single observation: the present reviewer supposedly had failed to notice that Duke Konrad of Swabia is mentioned in a diploma of 994, where a Count Konrad of Ufgau is also named: therefore Duke Konrad was not count of Ufgau, and the revised Konradiner table is therefore invalidated. This 'discovery' is actually a fraud, since at no point had the reviewer equated the two Konrads of the diploma.<sup>(3)</sup> The imagined defect, adduced by Hlawitschka to undermine Wolf's conception of royal heritability, was so subtle that it eluded Wolf himself, who makes no mention of it in his summary of the Konradiner controversy (pp. 341-53). Hlawitschka subsequently published, with the *Monumenta Germaniae Historica* in its *Hilfsmittel* series, an annotated catalogue of the ancestors of early German monarchs, relying heavily on his fraud.<sup>(4)</sup> With characteristic moderation Wolf responded with a 120-page compilation of less doctrinaire and impeachable material on imperial ancestors, of which the foreword and conclusion appear in the collection (pp. 361-6).

The second area of division concerns the hereditary credentials of electors between 1198 and 1298 along with the credentials of some elected monarchs, notably Rudolf of Habsburg (1273) and Konrad of Teck (1292). The disputed election of 1198 spawned a large correspondence involving Pope Innocent III and his legates and two rival candidates and their electors, all of which was saved in a special volume, the so-called *Thronstreitregister*. Some electors were comparatively obscure, but Wolf accepts all who signed correspondence in an electoral capacity as credentialed individuals, therefore as descendants of, in the final instance, King Henry the Fowler, the first monarch of the Ottonian dynasty. Among the electors of 1198 posing particular problems of background was Margrave Godfrey of Ronsberg. In 1981 Wolf convincingly argued that this person's paternal grandmother was a daughter of the Welf prince Henry the Proud by his first wife, identifiable as a sister of King Konrad III of Staufen. In the collection (pp. 505–37) this paper is merged with a further study of the Ronsberg dynasty. The combined piece affords a special sense that the most important aristocratic connections sometimes must be inferred from fragmentary sources, yet may still make key contributions to medieval constitutional history.

A comprehensive investigation of Rudolf of Habsburg's background appeared in 1992 and again contains vital details of relationship achieved by painstaking inference (pp. 633–78). The first Habsburg monarch was well supplied with hereditary throne-right (even discounting his possible descent from a junior line of the recently extirpated Staufer). Particularly noteworthy is the series of monarchs buried at Speyer, chosen burial site of the Salian emperors. Rudolf's inclusion in their number was justified especially by his descent from Emperor Henry III via the dukes of Zähringen. Rudolf was a great-nephew of Berthold V, the last Zähringer duke and the first to be elected king in 1198, although he refused the office. Rudolf of Habsburg died in 1291 and soon was succeeded by Duke Konrad of Teck, an agnatic Zähringer who was a great-grandson of Berthold V's uncle. A study of Konrad of Teck appeared as a miniature coffee-table book in 1993 and later received an expanded edition, in part due to the unwillingness of local historian Rolf Götz to admit that Konrad became, as Wolf describes him, 'king for a day'. The collection offers an expanded

version of the last chapter from the second edition (pp. 761–70), providing the story of Konrad of Teck's life and his death by assassination on the day following his election, with reference to Götz's renewed efforts to have Wolf's well-supported conclusions rejected.

Some of the studies touching the credentials of monarchs and electors are in the nature of discussion pieces. They are on a smaller scale, and their critical framework is unrealized. The most interesting perhaps is a hitherto unpublished investigation into the electoral competence of the Alsatian count Albert II of Dagsburg in 1198 (pp. 539–54). With a plausible skein of evidence, Wolf traces the Dagsburg line from the marriage of Count Albert I of Namur with a daughter of the French Carolingian prince Charles of Lorraine, whose mother was King Henry the Fowler's daughter. Albert I of Namur was succeeded by his sons Robert II and Albert II in turn, but the elder of these evidently left a minor son named Albert. The latter was succeeded by another Albert, very probably his son, who was count of Moha (near Brussels). Wolf then argues that this Albert II of Moha is identical to Albert I of Dagsburg and adduces various sources and considerations that he deems favorable to such an identification. It would seem that Albert II of Dagsburg represented the imperial throne-right that passed through Charles of Lorraine.

Certain details suggest nevertheless that the counts of Dagsburg did not continue the male line of the counts of Moha and would therefore be, in the reviewer's opinion, their cognatic descendants. The question is then whether electoral competence could still have been transmitted. Wolf in fact is reticent regarding the force of the electoral competence in terms of its contribution to his reconstruction of the Dagsburg line of descent. There are also several open slots where rights could have passed to Dagsburg via unknown ascendants. For the reviewer, orderly transmission of electoral competence via Ottonian *Tochterstämme* is a heuristic construct. Too many genealogical connections are still missing to be certain always about specific electoral credentials, and it is wise to emphasize, as Wolf implicitly does, that the aristocratic memory could reach far back, especially if it was a matter of tracing agnatic lineage to a great-granddaughter of King Henry.

One should imagine that credentials were sometimes constructed from more than one underlying criterion to meet the needs of the moment. For example, the kings of Bohemia became established as electors according to a right manifest in the election of the Staufer king Philip in 1198. In Wolf's large tables (see pp. 26, 570, 658, 662, 666) the lineal basis of Bohemia's right is traced back seven generations (five in dynastic terms) to Emperor Otto II via the mother of Duke Vladislav I. Yet Vladislav's wife, Richeza of Berg, is very likely to be a granddaughter of Emperor Henry III's daughter Judith (5), which provides the Bohemian kings with a close connection to the Staufer; thus they would have represented a discrete *Tochterstamm*, albeit secondary to the dynasty of Berg. Surely this Staufer relationship was the principal justification for Bohemia's inclusion in the electorate of 1198.

The third area of division consists of papers treating succession in late medieval European monarchies. A study of the descendants of Emperor Frederick II by Bianca Lancia reveals the extraordinary manner in which claims, in this case to the Sicilian kingdom, were kept current through intermarriage among descendant lines (excerpts at pp. 555–62). Wolf is undoubtedly justified in inferring endogamic structure relationship as normative in the medieval aristocracy; cognatic ties were far more important than hitherto admitted. A distillation of medieval royal succession principles (pp. 1033–83) clarifies the enormous vitality of claims transmitted lineally to and through females. The circumstances in which women actually became reigning queens are elucidated in an English-language study (pp. 1085–94).

The fourth area can be said to consist of papers on early legal texts relating to the college of electors and on the final stages of development preceding the Golden Bull. A book published by Wolf in 1998 tracing the electorate from 1198 to 1298 (6) met with opposition from Franz-Reiner Erkens in a monograph of rejection published by the *Monumenta Germaniae Historica* in its *Schriften* series. The collection includes Wolf's response (pp. 729–45), where each of Erkens' objections is shown to be deficient. Concern has focused perennially on the dating of the *Sachsenspiegel*'s prescriptions restricting the electorate to six and excluding the king of Bohemia. Yet the *Sachsenspiegel* contains two relevant passages, and the second is clearly an interpolation made after 1273 (but predating the earliest exemplars). In that year Rudolf of Habsburg was chosen by the six mentioned in the interpolation, without the participation of the Bohemian king, whose

electoral presence had hitherto been common. One should add that through this passage the Saxon author achieved a wry imbalance, with Saxon princes (the duke of Saxony and margrave of Brandenburg as against the Frankish count palatine of the Rhine) predominating in the lay portion of the electorate. That is significant, because the Bohemian king by no means came to be excluded, despite constant repetition of the passage in the numerous 14th-century manuscripts of the *Sachsenspiegel*. The passage is spurious in its very character.

The final stages of the formation of the college are served by two major papers. The first is a close examination of the train of events in 1298 that culminated in the election of Rudolf of Habsburg's son Albert (pp. 771–841). On this occasion the future college of three archbishops and four lay princes united for the first time and promulgated the election with a written *Reformacio sacri status imperii*. In the second paper it is determined that *Kurfürsten* and analogous terms arrived suddenly into currency in association with this election (pp. 843–80). These contributions, and also an amply illustrated discussion of the early iconography of the college (pp. 881–963), provide an appreciation of the charged legalistic environment of the last throes of development.

The largest study in the collection is the hitherto unpublished introductory piece (pp. 1–162). It begins as a response to new criticism from Erkens, who broke off his first exchange and assembled a list of demands that Wolf's outlook supposedly needs to meet. Wolf offers in return a comprehensive overview of the theory. Electoral eligibility resides in descent from previous monarchs going back to King Henry the Fowler, but is limited according to significant relationship as perceived in customary law, and by dynastic immediacy. The *Sachsenspiegel* upholds Isidore of Seville's assertion that significant relationship evaporates after six generations; dynastic immediacy, or the observable contrast between primary and secondary cognatic descendants, concerns the extinction of dynasties and the transmission of their electoral rights. In addition, the *Sachsenspiegel* disqualifies from princely rank any dynasty that holds its principal fief from someone other than the monarch. In the course of this survey the attrition of the thirteenth-century electorate is reviewed, as is the problem of the *Sachsenspiegel*'s passages on election. The stance of the papacy and canon lawyers and its likely impact during the Interregnum from 1245 to 1273 is underlined. The descendants of Henry the Fowler are illustrated with an extensive set of large genealogical tables, after which follows a discussion of the possibilities for tracing rights through a maze of princely and comital dynasties, all of which adhere to some form of heritability. A lengthy compilation of persons described by sources as *princeps* is a significant achievement, although it should be cautioned that the earliest persons on the list might derive their princely status from the Carolingians rather than in descent from Henry the Fowler.

The introduction concludes with philosophical and methodological issues. Worth mentioning here is the observation that aristocratic relationships transmitting rights constitute a body of 'new sources' with a certain superior characteristic. While the reports of chronicles are merely the remnant of an age, the relationships exist before, during and after the period concerned. Given the problems that often assail genealogical reconstruction, principled investigation should follow as a necessity. The rationale suggested above for the Bohemian king's membership in the electoral college is likely to satisfy the investigative criteria that are needed. Indeed, this instance serves as a validation, one among many, of the theory, despite questions raised of political manipulation. Generally speaking, the theory does not require a thorough demonstration in order for it to be valid. Rather, it is justified by observing the extent to which it is mirrored in individual instances.

The theory currently exists in the same basic form in which it originally appeared. The author's efforts to demonstrate its virtue have encountered some determined opposition, and it would be a mistake to assume that the opponents are merely desirous of having the ideas honed. Historians in general have concentrated on the development of a history constructed from the aggregate testimony of source evidence. Yet the sources for medieval constitutional evolution do not exist in a form conducive to bulk analysis: information that is visible does not equate with information that is vital. Enlightenment is seldom easily achieved. Many vague, fragmentary and disparate sources must sometimes be juxtaposed in order to cut through to the heart of an issue. To judge from this collection, it is through such efforts that reality may ultimately emerge.

## Notes

1. B. Wiebe and A. Wolf, 'Töchter vererbten Wahlrecht. Wie die weltlichen Kurfürsten zu ihrem Wahlrecht kamen', *MPG-Spiegel*, 6 (1978), 32–4.[Back to \(1\)](#)
2. A. Wolf, 'Wer war Kuno "von Öhningen"? Überlegungen zum Herzogtum Konrads von Schwaben († 997) und zur Königswahl vom Jahre 1002', *Deutsches Archiv für Erforschung des Mittelalters*, 36 (1980), 25–83.[Back to \(2\)](#)
3. E. Hlawitschka, *Konradiner-Genealogie, unstatthafte Verwandtenehen und spättonisch-frühsalische Thronbesetzungspraxis* (Hanover, 2003), pp. 155–6; see my review in *Francia*, 32, 1 (2005), 236–9. The other Konrad is no doubt the Swabian duke's son, since we have good evidence that there was a son Konrad.[Back to \(3\)](#)
4. E. Hlawitschka, *Die Ahnen der hochmittelalterlichen deutschen Könige, Kaiser und ihrer Gemahlinnen. Ein kommentiertes Tafelwerk*, i (Hanover, 2006). Hlawitschka continued with a second installment of *Ahnen*, and a third has recently been announced.[Back to \(4\)](#)
5. H. Bühler, 'Die Wittislinger Pfründen', *Jahrbuch des Historischen Vereins Dillingen*, 71 (1969), 29–30. Subsequent arguments against this descent are based on chronicles of the fifteenth century and on the misinterpretation of a contemporary report applicable to the date of Judith's birth.[Back to \(5\)](#)
6. A. Wolf, *Die Entstehung des Kurfürstenkollegs 1198–1298* (Idstein, 1998; 2d ed. 2000).[Back to \(6\)](#)

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