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Social and Political Violence in the Medieval Rhineland

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SOCIAL AND POLITICAL VIOLENCE IN THE MEDIEVAL RHINELAND

by

Matthew Bryan Gillis

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requirements for the
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I also thank my parents and family, who have always encouraged and supported my fascination with people who lived centuries ago in distant lands. Lastly I would like to thank Monica Black, who has helped me to realize that there is more to this world than its history.

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SOCIAL AND POLITICAL VIOLENCE IN THE MEDIEVAL RHINELAND

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Western Michigan University, 2000

This study is concerned with violence, attitudes toward violence, and how they affected society and politics in the Rhineland during the late twelfth and early thirteenth centuries. It maintains that, through the careful analysis of narrative sources, such as the *Dialogus Miraculorum* of Caesarius of Heisterbach, and legal sources known as *Landfrieden*, the attitudes of medieval people toward different forms of violence can be reconstructed, enabling one to understand and to categorize violence from a medieval perspective.

The results of the examination reveal that certain kinds of violence, including feuds, were legally acceptable, while acts of violence outside of a feud were typically regarded as murder and robbery. The results also show, however, that acts which were normally considered morally culpable, sinful and illegal, such as pillaging, might be condoned even by the clergy if the cause was felt to be just.

This study demonstrates that violence played a unique role in the politics of the Empire on the imperial, regional and local levels through the analysis of a civil war that occurred in the Empire from 1198 to 1208. Finally, this study shows that the political and social history of the Empire can be fruitfully explored using the study of violence as an historical approach.
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CHAPTER I

INTRODUCTION

This study is an investigation of the role and significance of violence in medieval politics and society in the Rhineland. Since the 1970s, scholars have been examining medieval violence as a topic, although Otto Brunner deserves the credit of being called the pioneer of medieval violence studies in Germany.\(^1\) What is meant by medieval violence? Studies of medieval violence have focused on various themes, including murder, feuding and robbery.\(^2\) The study of medieval violence is the examination of the use of physical force in its social and historical context. Placing violence in its context enables one to understand better its role and function in

society. The topic is important not only because it offers insight into the daily conflict resolution of medieval people, but also because it informs our understanding of medieval politics and social phenomena, such as the Crusades. This study has a twofold purpose: first, to define and categorize different kinds of violence from a medieval perspective, and thereby to examine the function of violence in medieval society; and second, to examine medieval attitudes toward violence through a critical reading and analysis of carefully selected sources that are discussed below.

Modern observers might better understand medieval violence if the attitudes of medieval people toward violence could be reconstructed from the surviving sources. Toward this end, Guy Halsall suggests investigating medieval conceptions of legitimate and illegitimate uses of physical force. Legitimacy was connected to public authority as exercised by a king or nobleman, but also extended to individuals when it came to private vendettas. The Church typically acted as a moral authority, attempting to curb excessive violence with spiritual penalties, thereby influencing medieval attitudes and opinions about the use of physical force. Much of the difficulty in understanding medieval violence comes from the paucity of available sources, and the foreign nature of the medieval world to the modern observer.


The study of medieval attitudes about violence has attracted the interest of a number of scholars. As an example see Jean Leclercq, "Saint Bernard's attitude towards war," in Studies in Medieval Cistercian History II, ed. John Sommerfeldt (Kalamazoo, MI: Cistercian Publications, 1976), 1-39.

A great percentage of medieval sources were recorded by clerics whose attitudes about violence were generally negative. Otto Brunner notes that clergymen writing with a moral purpose denounced much warfare because of its "plundering and burning," and cared little about the causes of such conflicts. Brunner asserts that a just war could be fought as punishment, according to the teaching of Saint Augustine, but unjust wars were mere brigandage.\(^5\) Brunner notes that "all wars within Christendom must be understood as feuds, in a legal sense," and that all noblemen had the responsibility of defending their rights through feuding; the foe in a feud was considered a brigand, and victory vindicated the winner.\(^6\) Timothy Reuter places less value in distinguishing between legitimate and illegitimate feuds than Brunner, since both were carried out in the same fashion.\(^7\) There is much debate over the significance and meaning of the feud, or private war, in the Middle Ages; this debate is discussed in a later chapter.

Some scholars see the violence of feuds as part of a "dialogue" or "structure of conflict" through which disputes were settled.\(^8\) This widens the arena of the feud to include the spiritual warfare of monks who refused religious services to the

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\(^5\) Brunner, 4-7 & 71. Augustine comments on just wars in *Quaestionem in heptateuchum*, vi,10; the standard edition of this text can be found in *Aurelii Augustini Opera, pars v*, Corpus Christianorum Series Latina xxxiii (Turnhout: Brepols, 1958). On Augustine’s concept of the just war, see also Frederick Russell, *The Just War in the Middle Ages* (Cambridge: Cambridge University Press, 1975), 16-19.

\(^6\) Brunner, 35-36.

\(^7\) Reuter, "Die Unsicherheit," 188.

\(^8\) On violence as a "dialogue," see Halsall, 16-19.
families of their enemies. Stephen White notes that noblemen and knights who suffered an insult or injury were expected to respond to their attacker with physical violence, or they would shame themselves before their peers. Such violent reactions were considered legitimate in a “feuding culture.”

Private warfare and vendettas are of particular concern to historians of the Holy Roman Empire. Brunner’s understanding of feuds and warfare has already been noted. Benjamen Arnold concludes that the medieval German lands were inundated by local and regional feuds to a degree unmatched by the rest of Europe; feuding was an inherent part of life among imperial nobles and knights, and was the principle way of settling disputes among them, since no greater authority could prevent it. German bishops and clergymen had large military followings and took part in warfare to a greater degree than did other northern European bishops. If warfare and violence were so commonplace in the medieval Empire, then it seems to be the paramount choice for a study of medieval attitudes toward violence.

In order to study attitudes of violence in the medieval German lands, a collection of sources is necessary. Narrative sources such as chronicles provide information about the struggles of princes and nobles, but they are not without their difficulties. Writers of histories and chronicles generally have a purpose beyond simply the recording of events. They often desire to judge the participants, and provide their reader with a moral lesson. These sources tend to focus on high politics and war rather than the affairs of lesser knights, burghers, and peasants. Writers tend to use literary topoi about peace or lawlessness in a kingdom in order to praise rulers whom they favor, or to discredit those whom they dislike; they seldom are without a political bias.\textsuperscript{13} It would be possible to develop a statistical database from chronicles about violence, but the findings would most likely be misleading as to the frequency of violent activity.\textsuperscript{14} Some interesting work has been done using chronicles as sources of cultural history. Latin chronicles have revealed that the motives of soldiers for taking part in battles centered on the desire for booty rather than the justice of their cause.\textsuperscript{15} Chronicles also display the use of public anger by nobles which preceded acts of violent retribution upon their enemies.\textsuperscript{16} Considered in this light, chronicles might prove to be valuable sources for the cultural history of medieval violence, especially if they are used concurrently with other types of sources.

\textsuperscript{13} See Reuter, "Die Unsicherheit," 171 &173-174; see also Brunner in note 2 above.
\textsuperscript{15} John Bliese, "The just war as concept and motive in the central Middle Ages," \textit{Medievalia et humanistica} n.s. 17 (1991): 1-14.
\textsuperscript{16} White, 132.
Legislative sources are informative as to what sort of violent behavior was considered tolerable and to be expected in a society. Halsall examines Frankish laws to understand the behavior of Merovingian nobles in a series of vendettas, and shows direct correlation between their actions recorded in narrative and hagiographical sources and legitimate behavior described in the law codes.¹⁷ Christian Krötzl notes that law sources represent violence among a wider spread of society than narrative sources, and can thereby demonstrate the extent of violence in a society.¹⁸

Otto Brunner notes that feuds were regulated in the Empire according to Landfrieden, or “general peace associations.” The Landfrieden were sets of laws or peace regulations, which were issued by an emperor or king with the support of the imperial princes. The purpose of the Landfrieden was to outlaw many forms of violence within a certain period of time (typically two years). Some of them were effective throughout the entire Empire. Although they were only effective over a limited area and for a short duration, the Landfrieden regulated the manner by which a feud might be legally conducted.¹⁹ The Landfrieden introduced capital punishment as a means of penalizing breakers of the peace; and being an agreement between the emperor and nobles, the enforcement of justice was left to local officials though the emperor could become involved. Arnold considers the Landfrieden essentially to

¹⁷ Halsall, 7-10, 19-30.
have failed to stop or even significantly to have diminished feuds in the Empire, because the feuding tradition could not be overcome. This conclusion does not, however, diminish the value of the *Landfrieden* as sources for cultural history. They prescribe the manner by which feuds were to be conducted legally, and they provide specific punishments when the prescriptions were surpassed. The *Landfrieden* also deal with violence which need not be a part of a feud, such as rape. It has been noted, as well, that some of the provisions in the *Landfrieden* seem to have come from unofficially accepted practices among knights as to the conducting of proper and legitimate feuds. *Landfrieden* specify who can be involved in a feud, and when and where a feud may take place. They are the chief laws for feuds, and they demonstrate what may have constituted legitimate and illegitimate uses of force.

An attempt at reconstructing medieval attitudes toward violence is a venture into the realm of cultural history. Chronicles and histories have proved to be informative to a degree in the cultural sphere, as is noted above, but their principle

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19 Brunner, 15 & 81. A good introduction to the *Landfrieden* of the eleventh and twelfth centuries can be found in Benjamin Arnold, *Medieval Germany, 500-1300: a Political Interpretation* (Toronto: University of Toronto Press, 1997), 151-156.
contribution seems to be in examinations of large-scale events, such as wars between kings. Violence between individuals and families receives little attention. Laws contain much information about violence in society, but whether such laws are prescriptive or descriptive is difficult to argue. What is needed is a source that opens up everyday life in the Middle Ages to the modern observer. Such a source could be compared to the Landfrieden, and used concurrently with any chronicles from the same geographic location.

Aron Gurevich argues that many Latin clerical sources contain a wealth of information about medieval popular culture. Sources such as penitentials and exempla were written for parish priests who used them to instruct their congregations in the basic tenets of the Christian faith. An exemplum is a recorded story which is closely related to the oral transmission of medieval culture and deals "with human behavior and its motivations." The focus on the latter typically entails a moral lesson for the listener/reader. Exempla were recorded to be used by preachers in a sermon or to be read to novices in a monastery. Writers of exempla use vivid and "concrete" examples from life to demonstrate their point to the audience in a way that was familiar to them and that they could comprehend. Stories about village or town life with elements of the divine or diabolical are quite normal in most exempla.

24 For this definition of exempla, and the historiography of the genre, see Bronisław Geremek, "The Exemplum and the Spread of Culture in the Middle Ages," in The Common Roots of Europe, trans. Jan Aleksandrowicz et al. (Polity Press, 1996), 41-42. See also Nigel Palmer, "Exempla," in Medieval Latin, an introduction and
Gurevich notes that these real-life examples were used to reach the lay audience, but were also a necessary part of the interaction between the speaker and the hearer. He notes that there was a dialogue between the two in which the latter demanded believable scenarios, or the former would fail in his purpose. This dialogue enables a modern observer to get a glimpse at the culture of the audience of medieval exempla, whether it is secular or clerical.  

The *Dialogus Miraculorum* of Caesarius of Heisterbach is one of the sources discussed by Gurevich. It is a collection of 751 exempla, divided into twelve books. The author lived from around 1180 to 1240, and probably composed the *Dialogus* between 1219 and 1223. He was educated (and probably born) in Cologne, became a Cistercian monk in 1198, and eventually served as prior at Heisterbach, which is situated south of Cologne on the Petersberg along the banks of the Rhine. The format of the *Dialogus* is of a dialogue between a monk and a novice; though not an innovation of the author, the format was a useful means of presenting the exempla,
which were written to edify young Cistercian novices.\textsuperscript{27} In this study, the \textit{Dialogus} is examined comparatively with the \textit{Landfrieden} to investigate medieval violence.

Caesarius' \textit{Dialogus} has long been praised as a valuable source for medieval cultural history. Alexander Kaufmann, writing in 1862, notes: "Es ist ein Zauberspiegel für die Vergangenheit!"\textsuperscript{28} He posits that Caesarius presents a clear picture of his contemporaries, both the clergy and the laity, including the events of everyday life. Caesarius, though living a cloistered life, was not cut off from the world; he was aware of the events and troubles of his time.\textsuperscript{29} Gurevich agrees with Kaufmann, and considers the \textit{Dialogus} to be the single most significant source for the cultural history of its era.\textsuperscript{30} Fritz Wagner also considers it to be a great resource for cultural history, noting that conversations and segments of everyday life are preserved in it; he proposes to explore completely the themes of everyday life in the \textit{Dialogus} in an upcoming work,\textsuperscript{31} and has offered some preliminary findings in a recent article.\textsuperscript{32} He notes the violence in Caesarius' tales of tyrannical noblemen, brutal knights and quarrelsome peasants in constant feuds and vendettas. Wagner, like Kaufmann, categorizes some of the different tales of violence in the \textit{Dialogus}, and comments on the apparent frequency of hostility and conflict in Caesarius' world, but takes the


\textsuperscript{28} "It is a magical mirror for the past!" Kaufmann, 101.

\textsuperscript{29} ibid., iv-ix, 102.

\textsuperscript{30} Gurevich, 21-23.

\textsuperscript{31} Wagner, 62, note 1.
Kaufmann claims that Caesarius portrays cruelty among laymen in particular, and that the feuds were more despicable because of the manner in which they were conducted rather than for their cause. An analysis of the violence in the *Dialogus Miraculorum* cannot be conducted in isolation. The violence it reflects must be compared to other sources, such as the *Landfrieden*, which also describe or reflect medieval violence. This study is the first to examine these sources in this manner.

The *Dialogus Miraculorum* contains stories and reports of medieval violence in everyday life, but can Caesarius be considered a trustworthy reporter? Kaufmann feels that Caesarius is reputable by merit of his religious training and environment.

Brian Patrick McGuire has thoroughly examined Caesarius' use of sources in the *Dialogus*, and has developed some interesting conclusions. According to McGuire, Caesarius used Gregory the Great's *Dialogus* as a model, but was influenced more by Cistercian sources such as the *Exordium Magnum*. McGuire, however, asserts that Caesarius makes extensive use of oral sources, and that he was more interested in presenting an excellent story out of collected conversations, anecdotes and memories.

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32 See note 27.
33 Wagner, 55 & 58-59.
34 Kaufmann, 112-121.
35 The author qualifies this statement by noting that he is not familiar with the French scholarship on Caesarius' work.
36 Kaufmann, vii.
than in retelling stories already written down elsewhere. His stories, McGuire concludes, are valuable in that they portray medieval attitudes along with details of everyday life unavailable in most other narrative sources; Caesarius desired to edify his readers through tales which often show the darker or less than admirable side of both laymen and clergymen. His use of oral sources makes him a recorder of everyday occurrences from various clerical and secular perspectives, making the *Dialogus Miraculorum* an excellent source through which to examine medieval attitudes about violence.

When using the *Dialogus* to this end, the scholar must take care. As Halsall notes, all genres have their demands. Exempla demand a moral lesson, and Caesarius is typically more interested in this lesson and in any miracles connected to it than in the violent disputes themselves. At the same time, however, Caesarius was by no means isolated from the world. He, like the novices he wrote for, had grown up in the secular world, and knew quite a lot about it. Caesarius' personal opinions about violence are influenced by his Cistercian background, but he is not afraid to portray the attitudes of others in the course of the narrative, or in the details contained therein.

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40 Halsall, 6-7.
41 See note 3 above for Leclercq’s analysis of Bernard of Clairvaux’s attitudes toward violence.
This study proposes to reconstruct medieval attitudes toward violence through a critical reading and analysis of carefully selected sources. The numerous acts of violence recorded in the *Dialogus Miraculorum* will be compared to the regulations governing legitimate violence in the *Landfrieden*, which are contemporaneous with the *Dialogus*. As will be evident in subsequent chapters, there is correlation between these sources which should make it possible to reconstruct to some extent what various medieval people living in the Rhineland during Caesarius' lifetime regarded as acceptable and unacceptable uses of physical force.

To aid in this comparison, a number of contemporary chronicles have also been studied. The *Chronica regia coloniensis*, written in Cologne, is from the same region as the *Dialogus*.\(^2\) There are three continuators of the *Chronica*, whose work is referred to in this study as *Continuatio* i (ci), *Continuatio* ii (cii) and *Continuatio* iii (ciii), who recorded events at the beginning of the thirteenth century. The continuators are chiefly concerned with the power struggles of kings and nobles of the Empire, so much of their material has a different focus than Caesarius' material. Three other chronicles from the Empire that discuss events found in the *Chronica* and the *Dialogus Miraculorum* are the *Chronica slavorum* of Arnold of Lübeck, Burchard of Ursberg's *Chronik*, and the *Chronica moderna* of St. Peter's at Erfort.\(^3\) In this

study, the chronicles are examined as sources for cultural history like the *Dialogus*. These chronicles are discussed in the fifth chapter of this work.

The region around Cologne and Heisterbach during the early thirteenth century was the site of a civil war in the Empire. One faction, headed by Otto IV, was supported by the city of Cologne and Pope Innocent III; the other, headed by Philip Hohenstaufen and supported by many imperial princes, devastated the Rhineland on more than one occasion. This civil war, along with many other conflicts, forms the historical backdrop upon which this study is conducted.

For the purposes of this study, violence is defined as any act of physical force which causes harm to persons or their livelihood. This definition includes everything from civil war, which affected many people, to acts of armed robbery which had an impact on the lives of only a few individuals. One purpose of this study is the categorization and definition of different acts of violence from a medieval perspective. Some questions to be considered are: How did a war differ from a feud? How did a legal feud differ from an illegal feud? What kinds of violence were there outside of a feud? Categorization and definition will involve a critical analysis and comparison of the language in the sources. William Ian Miller recommends considering a recorded act of violence from the perspective of the three parties

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involved: the perpetrator of the act, the victim, and the observer or recorder of events. By considering each party’s point of view, we should be able to assess various reactions to a single event.\textsuperscript{45} This requires considering motives (including events preceding and often causing the violence), the act of violence itself, and the reaction of the parties to the event. Timothy Reuter suggests considering yet a fourth: the authority figure responsible for punishing breakers of the peace.\textsuperscript{46} Examining the acts of violence in the chronicles and the \textit{Dialogus} from these perspectives where possible, and then comparing the behavior of the participants with the prescriptions in the \textit{Landfrieden} should yield valuable results. It is expected by the author that legitimate and illegitimate uses of force will be evident from the analysis and make classification and definition possible, though multiple definitions are anticipated.

The second purpose of this study is the reconstruction of the attitudes toward violence of people living in the Rhineland during the early thirteenth century. There might be a complex diversity of attitudes and opinions, for which social class or estate will play a role, but discernable patterns should also emerge.

The study of medieval violence, and of medieval attitudes toward violence in particular, offers an approach to historians. It is the contention of this study that medieval attitudes toward violence can be reconstructed through a careful analysis of sources. It is also hoped that this study demonstrates that violence was an important

element in social and political interaction within the Holy Roman Empire during the late twelfth and early thirteenth centuries; and that, as an historical approach, the study of violence offers valuable insight into the history of that region.

The second chapter of this work examines the concept of the legal feud in the *Landfrieden* and the *Dialogus Miraculorum*. The third chapter examines the clergy's criticism of the violence of feuds and tournaments, and its concept of the crusade as an alternative. The fourth chapter examines violence beyond the bounds of a legal feud. These next three chapters are concerned with violence in times of relative peace. The fifth chapter examines accusations of tyranny and violence in a time of war in the Empire.\(^47\)

\(^{46}\) Reuter, "Die Unsicherheit," 169.

\(^{47}\) See note 44.
Otto Brunner, in his influential work, *Land and Lordship*, contends that during the late Middle Ages the feud was a knight’s most honorable means of avenging an injustice or offense, and further that the feud was (if properly conducted) entirely legal and a legitimate means of redress. The feud was a means of “self-help,” and a preferable alternative to a court settlement. According to Brunner, much of the contemporary criticism, among the clergy in particular, of knightly feuding was directed at the destructive manner in which such feuds were conducted; damage to property and innocent bystanders is lamented in countless entries of medieval chronicles and histories. Such criticism, though not to be ignored, does not

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48 Brunner, 16-20, 28-29. See also Arnold, *German Knighthood*, 14-15, 225, who agrees with Brunner. See also Gadi Algazi, “The Social Use of Private War: Some Late Medieval Views Reviewed,” *Tel Aviver Jahrbuch für deutsche Geschichte* 22 (1993), 253. He agrees on this point with Brunner, although he disagrees with Brunner’s conception of law in the medieval Empire. There was recently an interesting debate in *Past and Present* on feudal violence; see Thomas Bisson, “The ‘Feudal Revolution,’” *Past and Present* 142 (1994): 6-42; Dominique Barthélemy & Stephen White, “Debate: The ‘Feudal Revolution’ I & II,” *Past and Present* 152 (1996): 196-223; and Timothy Reuter, Chris Wickham & Thomas Bisson, “Debate: The ‘Feudal Revolution’ III, IV & Reply,” *Past and Present* 155 (1997): 177-225. The most interesting points are made by White and Reuter. White, 206-207 & 211-212, sees violence as part of a structure of dispute; he warns that situations of violence are typically more complicated than they first appear, and that they usually involve an assertion of the feuding parties’ rights. Reuter, 187-192, agrees with White, and posits that different regions, such as Germany and France, had different understandings of acceptable and unacceptable uses of violence.

49 See note 5.
necessarily prove that medieval people did not consider violence as a legitimate means of redress. In this chapter, late twelfth and early thirteenth century sources are investigated to see if there was a legal means of redress through violence, known as the feud, during the late twelfth and early thirteenth centuries. Then the attitudes of men who engaged in this violence are considered, as is the relationship between feuds and warfare.

The Landfrieden and the Exaction of Vengeance

In the years 1179, 1221, and 1224 Landfrieden or peace agreements were declared in the Holy Roman Empire. The first was issued by Emperor Frederick Barbarossa, the second by Emperor Frederick II, and the third by King Henry VI. The peace of 1179 and of 1221 were each to be in effect for two years, while that of 1224 gives no indication of its duration. Since these three Landfrieden are contemporaneous with the tales of the Dialogus Miraculorum, they have been chosen for analysis.

All three Landfrieden, though declaring peace in the Empire, do not entirely preclude the use of violence. All three permit someone to attack or take vengeance.

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50 This topic will be addressed in Chapter V of the present study.
52 Weinrich, 1179, introduction; 1221, 24.
upon his *inimicum*, enemy, under certain conditions. Before such an attack could legally be made, however, according to the peace of 1221, both parties were required to declare their intention to break the peace before a judge. The peace of 1224 also stipulates that the intended conflict must be declared before a judge, though it does not explicitly require both parties to be present. However, it does require that three days time pass before the commencement of hostilities. This ordinance of the peace of 1224 is the same as one found in a letter circulated by Frederick Barbarossa in 1186. If any of these stipulations were not met, then the transgressor would be considered a violator of the peace. Once the enmity had been openly revealed before a judge, the conflict would be considered public knowledge. This practice of requiring a conflict to be public knowledge did not begin in 1186, as an earlier *Landfrieden* of 1152 also expects a conflict to be “known to all” before any hostilities begin.

The *Landfrieden* use the word *inimicus* to describe the person upon whom the violence is to be inflicted. *Inimicus* typically signified a “private enemy,” while *hostis* usually refers to a public enemy. J.R. Niermeyer gives evidence that *inimicus* can specifically mean “one involved in a blood feud,” and that *inimicitia*, which can

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53 Weinrich, 1179, 2; 1221, 4. Weiland, 1224, 4.
54 Weinrich, 1221, 12.
55 Weiland, 1224, 10 & 13.
56 Weiland, volume I, 449-452. See also Weinrich, 308-315, for German translation.
57 “*inimicum manifestum,*” Weinrich, 1221, 4, and “*inimicum manifestum,*” 1224, 4, and “gwerra manifesta,” 21.
58 “*omnibus manifestum,*” Weinrich, 1152, 1.
indicate “enmity” or “hostility,” can refer to a “blood feud.” Niermeyer’s definitions of inimicus and inimicitia reflect the intended meaning in the Landfrieden, i.e. referring to a violent relationship between two parties that is public knowledge.

There are parallels in the Dialogus Miraculorum. Caesarius writes of “graves inimicitiae” (a terrible feud) between two bands of milites, or knights, and of “tam validae et tam mortales inimicitiae” (a vehement and deadly feud) between two other bands of knights, both feuds occurred in the diocese of Cologne. One of the bands of knights is motivated “timore inimicorum” (by fear of its enemies). Caesarius does not inform his readers as to the causes of the feuds, nor does he indicate that the knights declared their feuds before a judge. He does, however, leave little doubt that the knights considered themselves to be engaged in a manifest feud, that was public knowledge, with their enemies. Caesarius himself recognizes the conflicts as feuds without any difficulty. This leads one to believe that when a feud was underway, it was easily distinguishable from violence outside of a feud even in monastic circles. It is impossible to tell whether the feuds took place during the years of a Landfrieden, though it is unlikely. If this were the case, then feuds were probably no less discernable to observers whether they occurred during years with or without a decreed peace; in order for a conflict to be considered a feud, it must have been necessary for it to have been public knowledge.

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61 DM viii, 26 & iv, 88.
62 ibid., iv, 88.
Caesarius also includes in his *Dialogus* feuds between families of *rustici*. Since one might not expect to find peasants armed and conducting feuds, a careful consideration of the term *rusticus* is called for. *Rusticus* certainly has other meanings than peasant; it can also be used to mean a man of the country, a more ambiguous term. In one of the feuds, Caesarius reports, one of the families of *rustici* retreats to the nearby castle of Hemersbach because it is less powerful than its adversaries. A peasant family could not be expected to have had personal access to a castle, nor could they have been expected to have waged a feud against a family with even greater resources. This would lead one to the conclusion that Caesarius does not intend the term *rusticus* to be interpreted as to mean peasant.

The *Landfrieden* include *rustici* in their ordinances. The peace of 1179 notes that “*rustici* and men of their status should carry nothing more than a sword with them when outside of town.” In town, they were to have nothing, except within their homes where they might have whatever armaments they desired. Such *rustici* were expected to answer the summons of the local judge bearing arms whenever the peace had been broken. The peace of 1221 calls for everyone who hears the call to arms when the peace is broken to assemble or to pay a fine, except “*agricolas et cultores vinearum*” (farmers and vineyard laborers). The exclusion of farmers and laborers,

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63 Only one contains any reference of time, and that is “*ante non multos annos*,” viii, 26.
64 *DM*, x, 7 & 36, xi, 56.
65 ibid., x, 7.
66 “*Rustici et eorum condicionies viri extra villas euntes nulla arma preter gladios ferant*,” Weinrich, 1179, 14.
67 ibid., 1221, 21.
who were entirely protected under the peace, as we will discuss below, indicates a
difference between them and *rustici*, who are permitted to engage in feuds, are
expected to own arms on account of their status, and are not exclusively protected by
the peace.  

68 Susan Reynolds claims that many medieval people probably fell between
the estates of the nobility and peasantry, in that they would not have been considered
“nobles,” yet they were still “free.” They owned arms like the nobility, yet they were
more involved with agriculture than were their noble counterparts. The word
“*rusticus*” is often used to describe them, but they need not necessarily have been
considered peasants.  

69 Perhaps the best working translation of the term is
‘countryman.’

According to the peace of 1179, attacks upon a declared or known enemy
were considered the exaction of vengeance (“*persequi*”), rather than a breach the
peace.  

70 The *Landfrieden* permit vengeance to be exacted upon an enemy’s person,
but not on his possessions or property.  

71 This part of the legislation, along with a
prohibition of plundering, was meant to prevent the feud from being used as a
pretense for legitimized pillaging.  

72 In addition to limiting the feud to the persons of
the involved parties, the *Landfrieden* sought to confine the violence of a feud to
certain people, places and times.

68 ibid., 1179, 1 & 2; 1221, 1 & 4. Weiland, 1224, 1 & 4.
ambiguous. Scott and Bland in their English translation use countryman.
70 Weinrich, 1179, 2.
71 ibid, 1179, 2; 1221, 4. Weiland, 1224, 4.
Included amongst the people protected at all times by the *Landfrieden* were: villagers, clerics, monks, women, merchants, farmers, Jews belonging to the imperial fisc, hunters, nuns, and fishermen; their possessions are likewise protected. The only way any of these people might forfeit this protected status was by breaking the peace, and being thereafter outlawed. Individuals not included on the list were also protected by the peace except on Mondays, Tuesdays and Wednesdays during daylight, when they could be attacked by an enemy. Holidays were also peace days. Outlaws, “plunderers, thieves, robbers and counterfeitors” were never protected by the peace, and always had to fear attack from “princes, nobles, freemen and ministeriales,” who were expected to wreak vengeance upon them under imperial authority. Anyone going beyond the bounds of the law was considered a breaker of the peace. Judging from these prescriptions, we can determine that nobles, knights (whether free or ministeriales), and freemen known as *rustici* would be acceptable participants in a feud. It also seems likely that these men of arms-bearing status would be the typical participants in a feud during the years without a peace, and that people of protected or unarmed status would have been considered defenseless and thereby improper targets of feud violence. The *exempla* of the *Dialogus*

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72 Weinrich, 1179, 8; 1221, 11 & 13. Weiland, 1224, 12, 14 & 15.
73 Weinrich, 1179, 1; 1221, 1. Weiland, 1224, 1.
74 Weinrich, 1179, 1-3, & “predones, fures, latrones, falsarios monetarum,” “principibus, nobilibus, liberis et ministerialibus,” 16; 1221, 4. Weiland, 1224, 1. See also 1224, 24, where it states that excommunicated persons will be outlawed. On the *ministeriales* see Benjamin Arnold, *German Knighthood.*
*Miraculorum* support these assumptions in that no one from any of the protected
groups commits acts of violence in a feud.\(^75\)

Individuals involved in a feud were supposed to wreak vengeance upon their
enemies in the open field ("campo") or countryside. Churches, cemeteries, mills,
villages within enclosures, ploughs (presumably in a field) and roads were all places
and things protected by the peace, and therefore safe havens from feud violence.\(^76\) A
particular concern of the peace ordinances are persons who, in fleeing from an
enemy, enter a village, and the pursuer is unable to prevent his horse from riding
through the town gate. Under such circumstances, the pursuer is to disarm at the gate
and swear before a judge that the momentum of his horse drew him into town;
otherwise he is to be considered a breaker of the peace.\(^77\) The safe havens are all
places frequented by people of protected status, and most were public places in the
sense that they were locations necessarily and frequently visited by all kinds of
people. Churches and cemeteries were holy sites that needed protection. The peace
of 1224 also proscribed violence on all Church lands, making them safe havens as
well.\(^78\)

The *Landfrieden*, though mandating peace for a period of two years, do not
entirely proscribe violence. Restrictions are provided on where, how, and when feuds
are to occur within the law, so that violent acts in a feud are limited to the parties
involved, which are made up of only certain kinds of people (i.e. princes, nobles,

\(^75\) See notes 61 & 64.
\(^76\) Weinrich, 1179, 1-2; 1221, 2-3. Weiland, 1224, 2-3.
\(^77\) Weinrich, 1179, 4; 1221, 6. Weiland, 1224, 6.
freemen or *rustici*, and *ministeriales*), even to the exclusion of their property. Since feuds are regulated but not prohibited in the *Landfrieden*, the emperors and princes who legislated the ordinances must have felt it would be impossible or undesirable to eliminate feuds entirely. The legislation is concerned with preventing them from becoming excessively destructive or from affecting innocent parties. The *Landfrieden* and the *Dialogus Miraculorum* provide evidence that violence, specifically the exacting of vengeance in a feud which was public knowledge, was considered a legal and legitimate means of redress, or conflict resolution. This kind of redress places the erstwhile victim in the role of the authority responsible for punishing the original perpetrator. If feuding was a legitimate and viable means of seeking justice, then what were peoples’ attitudes toward it?

Noble Attitudes Toward the Feud

Regarding late medieval feuds in the empire, Otto Brunner argues convincingly that every noble and knight considered it his legal right and moral duty to avenge an injustice in a legitimate feud that began with a formal challenge. The participants were concerned with maintaining and defending their honor. He cites the

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78 Weiland, 1224, 20.
79 Leopold Auer argues that medieval feuds and wars should be seen as efforts toward conflict resolution, rather than simply as a disruption of the peace. See his article, “Krieg und Fehde als Mittel der Konfliktlösung im Mittelalter,” in *Bericht über den 18. Österreichischen Historikertag*, ed. Lorenz Mikoletzky (Vienna: Österreichischer Geschichtsvereine, 1991), 231-235.
80 See notes 45 & 46.
poetry and literature of the period to support his conclusion. Though formal challenges do not appear in the sources used in the present study, the literature of the twelfth and thirteenth centuries reflect the concerns of honor and the bearing of arms in a feuding culture.

One example that demonstrates these concerns can be found in The *Nibelungenlied*, a poem rife with feuds and vengeance. Following the treacherous murder of Siegfried during a hunt, his warriors and the vassals and warriors of his father, King Siegmund, all rush to find and to slay his killers. That they are unable to exact vengeance upon his enemies, makes his death more tragic. His men declare faithfully that they will avenge him, although his murderer is not slain until the end of the poem.

Benjamin Arnold demonstrates that in the twelfth and thirteenth centuries feuding was only one of the tactics available to imperial nobles in their political arsenal. That is to say that feuding was one means available to nobles or knights who desired to redress an injustice perpetrated against them. Brunner notes that a matter could be settled in court rather than through a feud, though it was considered a less preferable means of settlement since it involved other parties. The peace of 1179 provides the possibility of a court settlement as well. A person capturing his

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81 Brunner, 16-20, 25, 42-43, 63-64, and 90-94.
82 Jackson's entire work deals with this subject, but see specifically 103-107 and 122-126. Compare with White's work on France in note 10 above.
83 The poem was written around year 1200 by an anonymous author. See Arthur Hatto (trans.), *The Nibelungenlied* (New York: Penguin, 1969), 134-135.
85 Brunner, 28-29.
enemy could take him before a judge for sentencing.\textsuperscript{86} Obviously this might delay the exaction of vengeance, and might provide the enemy with opportunities to escape, but it may have been a more attractive option according to the circumstances. Taking an enemy to court could also result in a less than satisfactory verdict. The peace of 1221 warns individuals attacked in a robbery ("schah") to defend themselves or accept the judge’s sentence, indicating that such a sentence might not be satisfactory to the injured party.\textsuperscript{87}

Feuds were a means of seeking justice and maintaining honor in the twelfth and thirteenth century Empire. Yet among scholars there is a debate over the difference between a knightly feud and a blood feud. One argument, maintained by historians of the late medieval Empire, is that the blood feud and knightly feud are two distinct, although somewhat related, phenomena. This line of thinking differentiates between vendetta and private warfare.\textsuperscript{88} Another argument, advanced by historian Guy Halsall, is that knightly feuds did not exist in the early Middle Ages; there was only "customary vengeance," akin to vendetta.\textsuperscript{89} For the period of this study, there is no apparent difference between a blood feud and a knightly feud.\textsuperscript{90} There are only feuds.

The \textit{Landfrieden} indicate that permissible feuds were conducted to exact vengeance upon enemies, who were not considered breakers of the peace and

\textsuperscript{86} Weinrich, 1179, 2.
\textsuperscript{87} ibid., 1221, 10.
\textsuperscript{88} Brunner, 53-56. See also Gernhuber, 170-171, and Algazi, 253-254.
\textsuperscript{89} Halsall, 19-23.
\textsuperscript{90} Arnold, \textit{German Knighthood}, 14-15 and 242, supports this assessment.
therefore had not lost their legal rights as outlaws. The feuds in the *Dialogus Miraculorum* seem to have been conducted over a period of time, since in some cases the parties could not be reconciled. The feuds in the *Dialogus Miraculorum* occur both between bands of knights and between families of countrymen. This is worthy of notice because it demonstrates not only that teams of knights engaged one another in feuds, but also that private families took part in them. Members of the military and of the land owning caste were involved in feuding. This right of legal vengeance was not denied them during the years of a proclaimed peace. Legal and regulated feuds were limited in that they excluded the damaging of property and the harming of innocent bystanders. This does not mean that all feuds were conducted according to the regulations of the *Landfrieden* during years with or without a declared peace.

Caesarius writes of a feud between two bands of knights whose “plundering, burning and murdering” go on everyday.\(^91\) It is precisely feuds conducted in this manner which the *Landfrieden* were intended to end. The knights fight regardless of the day, and they commit violence against their enemies’ property by plundering and burning.\(^92\) Caesarius describes both bands as “equally powerful and noble in number, wealth and honor.” He acknowledges not only that the knights are powerful, but also that they have honor (“*probitate*”). The knights, along with the bishop of Cologne who is their lord, attempt to reach a settlement, but cannot, and the feud continues. Both fighting and negotiation are parts of the structure of conflict; the knights’ lord is

\(^{91}\) “*rapinis, incendiis et homicidiis,*” & “*tam multitudine quam divitiis et probitate fortes satis atque magnanimes,*” *DM*, iv, 88.
only able to suggest a settlement, not to impose one. Caesarius judges the deaths involved in the feud to be murders, but there are no details by which to evaluate his judgement. It is unusual for Caesarius to include such a noble description of feuding knights, and it may have been inserted because he considered the true villain to be the treacherous servant.

This interesting story of knights with honor involved in a feud with pillage, burning and murder, and even treachery, seems to reflect how the knights regarded themselves and how they were seen by their peers. The knights who win the feud by treachery are not punished in the tale. The story suggests that the winners who were conducting their feud as a war consider it no less a victory. It is dangerous to make generalizations about what their contemporaries' attitudes to such success must have been, but as the fifth chapter of this study will illustrate, they probably depended on which side they favored. Unfortunately it is impossible to determine whether this feud occurred during a time of a declared peace, but it seems quite possible that it did not.

The Relationship Between Feuds and Warfare

Though feuds are not outlawed in the Landfrieden, the peace of 1221 contains a prohibition against reysae, or military campaigns. It encourages the victim of one to complain to the emperor or one of his judges. The accused campaigners are to be

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92 On burning, or arson, see Weinrich, 1179, 17; 1221, 22; and Weiland, 1224, 22. On plunder see notes 71 & 72 above.
93 See note 9.
summoned, and if they confess they were to be allowed to settle the damages. Otherwise he could vindicate himself by giving an oath along with six other oath-givers. Failure to answer the summons would cause the accused to be outlawed. It was possible to kill or capture a man involved in a reysa if it could be proved that the man had been in the campaign. Proof was an oath from the man who captured or killed the campaigner, along with six other oath-givers.94

*Reysae* seem to have involved many of the activities proscribed by the *Landfrieden*, i.e. pillaging, burning and indiscrimenat killing, and they were the principle manner of conducting war during the Middle Ages. This “proprietal warfare,” as it has been called, is what is prohibited in the *Landfrieden*;95 feuds are not outlawed. *Inimicitia* and *reysa* were different things. A military campaign might be conducted on account of a feud, but a feud, whether between *milites* or *rustici*, need not include a *reysa*. It seems logical that men with means would conduct their feud as a private war; in other words, men with sufficient economic and military resources would wage a feud in the manner of a war, conducting *reysas* and thereby making war against his enemy and his enemy’s property.

Algazi argues that such feuds, while seemingly directed against an enemy knight or noble, were actually conducted against non-noble peasants and burghers. In this way, feuds were an uncoordinated means by which nobles and knights were able

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94 Weinrich, 1221, 17-20.
to dominate the peasantry and cities.\textsuperscript{96} Algazi’s study is based on fifteenth century sources and is chiefly concerned with class struggle. The sources are quite polemical, whether they are from a burgher or noble author, and require more skepticism than Algazi affords them. The anti-peasant and anti-burgher attitudes described in Algazi’s study are not found in the sources used in this study.

It is not surprising that the \textit{exempla} in the \textit{Dialogus Miraculorum} contain stories of feuds that are conducted beyond the bounds of the \textit{Landfrieden}.\textsuperscript{97} In one feud between two bands of knights, one of the bands enters a church and is betrayed by an old woman. Their enemies arrive fully armed and enter the church. The betrayed knights, being unarmed ("\textit{inermes}"), seek mercy behind the church’s holy images, but are ruthlessly attacked by their enemies, who kill eight of them and cause great damage to the church. Later the victims’ relations avenge their deaths, until only two of the perpetrators survive. The old woman dies of heat stroke during mass. Caesarius notes that it was the destruction of sacred images that caused their punishment.\textsuperscript{98} This particular tale is informative in a number of ways. It demonstrates that the victims do not anticipate being attacked while in a church, and that they feel it proper and safe to be there unarmed even during a feud. Certainly not only clerics considered churches safe havens. The story also illustrates that while the church was a safe location, participants of a feud might not always pass up a chance for an easy victory, even if it meant violating the sanctity of a church. As

\textsuperscript{96} Algazi, 253-257.
\textsuperscript{97} See also the feud discussed above, notes 91 & 92.
\textsuperscript{98} \textit{DM}, viii, 26.
well, this *exemplum* indicates that Caesarius considered the desecration of holy
images a greater crime than the killing of unarmed people, though he certainly did not
approve of the latter.

The *Dialogus Miraculorum* gives evidence that plunderers could be punished
during years of a declared peace. In one story, a knight is outlawed for plundering
after having failed to answer Emperor Frederick Barbarossa’s summons. An official
catches the knight and hangs him.99 According to the peace of 1179, a man accused
of pillaging was to be summoned three times. Failure to answer a summons would
place the man under the imperial ban. If the man still refused to appear after a year
and a day, he would be outlawed. According to the law, the knight in the story could
have redeemed himself if he had made satisfaction to his victims through payment.100

Feud and war were distinct entities in the late twelfth and early thirteenth
centuries, but they were easily combined, and therefore are easily confused by
modern observers. Feuds were not outlawed by authorities even during times of
peace. Military campaigns, the staple of war, however, were outlawed. During years
of peace, men had to refrain from conducting their feuds as wars, or possibly suffer
consequences, as the example from the *Dialogus Miraculorum* in the preceding
paragraph demonstrates. When there was no declared peace, it seems likely that men
of means would carry out their feuds as a war, or risk losing their honor and
livelihood to men who would. An alternative was a court settlement, but such
settlements might not be acceptable. Lords acted as intermediaries rather than judges.

99 ibid., ix, 49.
The *Chronica regia coloniensis* describes a feud between Duke Henry of Louvain and his vassal, the Count of Gelre. Henry was so outraged over certain injuries caused by his vassal that he gathered an army and prepared to ravage the Count's lands. The Count attempted to sue for peace and the negotiations began, but then the Count of Holland attacked the Duke's lands, causing great damage and infuriating the Duke. It was suspected that the Counts were in league together against the Duke. Soon Archbishop Adolf of Cologne and King Otto IV of the German lands became involved in the negotiations, because the local communities feared a large-scale conflict was imminent. No settlement was forced on the participants, although the Count of Gelre was ready to accept any terms. The Duke accepted a good and honorable satisfaction of hostages and payment from the Counts. This example demonstrates how a feud might easily be conducted as a war during years without a declared peace. It is important to notice the use of violence and negotiation by the parties involved, and that the archbishop and king acted as mediators rather than judges.

The *Landfrieden* and the examples from the *Dialogus Miraculorum* and the *Chronica regia coloniensis* reveal that there was a legal means of redress through violence, known as the feud, in the late twelfth and early thirteenth centuries in the Rhineland. This legal violence was an option only for certain kinds of people such as nobles, *rustici*, and *ministeriales*. It was the preferred means by which they could defend their honor, their families, and their property. Such a feud was the exaction of

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100 Weinrich, 1179, 8-10.
vengeance upon a declared enemy, and, during times of a proclaimed peace, was to be conducted within certain boundaries; among the boundaries were that feuds were expected to be public knowledge and noncombatants were to be protected from violence. While these boundaries may have been common practice among conductors of feuds, it was only during years of a declared peace that feuding parties were probably held accountable to the “rules of feuding” found in the Landfrieden. The Landfrieden and the examples from the Dialogus Miraculorum provide evidence that there was a clear difference between inimicitiae and reysae to people of the twelfth and thirteenth centuries. Feuds and warfare were distinct phenomena; however, they could be combined, that is feuds could be waged with full-scale military campaigns, with the result that a private feud would become a private war. Such private wars were at times considered undesirable by imperial and regional authorities and were outlawed in a Landfrieden.

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101 Waitz, Crc, cii, 171-172; ciii, 200-201.
CHAPTER III

FEUDS, TOURNAMENTS AND CRUSADES

It has been established that feuds could legally be conducted by certain kinds of people, who must have considered it their right to do so. This legal exaction of vengeance by private parties was considered acceptable and honorable amongst those members of the laity who possessed the right to do so. But was there any criticism of feuding? This chapter examines clerical criticism of feuds and tournaments, and discusses crusading as an alternative to feuding and participation in tourneys.

Caesarius of Heisterbach and Feuds

In the Dialogus Miraculorum, Caesarius of Heisterbach is always critical of people who go beyond the bounds of a legal feud or break the peace. He does not deny that to feud or to seek justice through violence was a legal right; he also acknowledges that participation in a just war, typically a defensive war, did not jeopardize a person's soul. However, Caesarius preferred mercy and forgiveness to legal violence, which he considered a moral crime and a sin.

Caesarius assumes that God favors reconciliation rather than argument. In a feud between two families of rustici already noted above, the heads of the families would not permit an end to the hostilities. Caesarius describes the two men as

102 DM xii, 15.
magnanimes et superbos (mettle some and proud). To demonstrate that conflict is
wicked, God performs a miracle. The two leaders die the same day and are buried in
the same grave, since they belong to the same parish. Once in the ground, the corpses
begin to attack one another so that one must be removed to end the commotion.
Caesarius notes that this miracle brought the living family members to
reconciliation.  

Caesarius, like St. Bernard of Clairvaux before him, considered
feuds destructive and the product of greed and ambition. Caesarius recognized the
courage of the men, who would have considered themselves to be defending their
family’s honor and livelihood, but he also sees them as prideful, and thereby in the
snare of evil. The miracle serves as a moral reminder to all that quarrelling is
fundamentally wrong in the eyes of God, and that it is better to be reconciled with
your enemies than to hurt them. A death resulting from a feud must have been a
tragic and traumatic event for a family, and certainly might have caused them to
reconsider continuing the struggle. A miracle that revealed divine displeasure would
also have led people to reevaluate their participation in a feud.

Caesarius tells the tale of a local knight who captures his father’s slayer in the
desire to exact vengeance. The slayer begs for mercy in the name of God, and after

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103 ibid., xi, 56.

104 Bernard of Clairvaux, De laude novae militiae, ii, 3, in Opera, volume 3, Jean
translation is In Praise of the New Knighthood, trans. Conrad Greenia, in Treatises
III. The Works of Bernard of Clairvaux Volume Seven (Kalamazoo: Cistercian
Publications, 1977). For an analysis of Bernard’s opinion of secular conflicts, see
Leclercq, 16.
some consideration receives it from the knight. Caesarius wholly approved of the knight's mercy. Another man, a rusticus, is captured by his enemies and can free himself by giving them the money he intends to donate to the shrine of St. James, yet he refuses. He is imprisoned by them, but eventually he escapes with divine aid. The man's faith is unshaken, and to Caesarius this made him worthy of the divine intervention that frees him from his enemies.

In another exemplum, a Frisian and his sons encounter their enemies. In the deadly struggle the sons are killed and the man is mortally wounded. Caesarius labels this event a scelus, crime. The man is found by a Cistercian who enables him to confess and receive last rites before death, and thereby to save his soul. Caesarius did not consider the man especially evil, but argues that without confession his soul would have been in peril. Caesarius includes two other tales of knights who are captured by their enemies, and are contrite about their violent lives. Before they are put to death by their enemies, they ask God for forgiveness. Caesarius may have disapproved of feuds because they often resulted in the death of people who were unable to confess their sins and receive last rites.

Feuds, violent and dangerous by nature, could also be occasions for treachery and betrayal. Such is the case in the two feuds between bands of knights mentioned

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106 *DM, viii, 21.* Caesarius' approval is demonstrated in a miracle that occurs in this same exemplum. See page 45 of the present study.

107 ibid., x, 7.

108 ibid., xi, 22.
in the previous chapter. In one an old woman alerts the knightly band's enemies by ringing a church bell, and in another a servant allows his masters to be slaughtered in their sleep. Treachery is a crime in itself, but the feud creates the opportunity for the betrayal. It is a likely end for participants of a violent struggle.

Caesarius further illustrates his conviction that feuds are morally wrong by connecting them with devils and demons. In one story, a knight fleeing his enemies comes to the edge of a river, and he fears his death. He is able to escape his pursuers with the help of a servant who knows a secret ford across the river. Later, when explaining his knowledge of the ford, the servant reveals to his master that he is a demon. The shocked knight terminates the demon-servant's employment, though he rewards him for faithful service. The knight understood it was wrong to maintain the services of even a helpful demon. The connection of the demon with a feud is unmistakable.

Devils and demons also attempt to cause enmity between friends. Two wealthy citizens of Cologne, Sistap and Godfrey, while on pilgrimage to Compostela nearly begin to fight after a devil, envious of their friendship, breaks Godfrey's staff. The two return to their senses through gratia Dei et meritis beati Apostoli (the grace of God and the worthy efforts of blessed apostle). This story can easily be interpreted symbolically to mean that, in Caesarius' opinion, all the wickedness of discord and quarrels is caused by devils luring men to sin.

\[109\] ibid., vii, 57 & xi, 20.
\[110\] See notes 91 & 98.
\[111\] DM, v, 36.
In another *exemplum*, a devil succeeds in making a priest and a knight into enemies, with the result that for two years the priest is forced to leave his parish.\textsuperscript{113} Caesarius blames enmity on the efforts of devils and the sin and corruption of people. In his opinion, taking part in a conflict or feud, though acceptable according to secular law, is a sin that jeopardizes one’s soul. As we previously noted on page 35, Caesarius acknowledges that some wars are just, and thereby he might have considered some feuds to have also been just, though this is only speculation. Caesarius seems to be ignorant of the causes of most of the legitimate feuds in his *exempla*, a fact that helps to explain the naïvety of his assessment of the feuds.\textsuperscript{114} He is not interested in the details of the conflicts, except when they help him to illustrate a moral or spiritual lesson. This lack of detail certainly makes it difficult to analyze legitimate feuds found only in the *Dialogus Miraculorum*. It is evident that the participants of the feuds were carrying out their right to seek vengeance, and must have felt it was legal to do so; they may have agreed in some instances, however, with Caesarius’ attitude that conflict was morally wrong and a sin, as the earlier example of fighting corpses illustrates.\textsuperscript{115}

\textsuperscript{112} ibid., v, 39.
\textsuperscript{113} ibid., v, 40.
\textsuperscript{114} For a discussion of Caesarius’ naïvety of nobles and knights, see McGuire, “Caesar of Heisterbach and the Cistercians as Medieval People,” 83. While Caesarius’ writing about knights does betray ignorance of their lives, it seems likely, however, that since he was writing for the edification of novices he may have thought it fitting to portray knights as “good” and “bad.” He may not have been as ignorant of knights as his work leads one to believe. For a comparison, see Leclercq, 35, on St. Bernard’s political ignorance.
Caesarius of Heisterbach and Tournaments

For the purpose of comparison, it may be useful to examine the attitudes of Caesarius and others to another form of institutionalized violence: the tournament. In addition to being an important social event for knights and nobles, tournaments served as a military training ground, and a place where young knights could earn a livelihood and gain fame. Tournaments enabled knights to perform honorably in a regulated environment which kept the violence away from villages, peasant fields and churches. Tournaments were havens of the chivalric world, and were also forbidden by the Church repeatedly.\(^{116}\)

Caesarius writes of a servant who sees a tournament of demons while passing through a battlefield. He remarks that the evil spirits were probably rejoicing because so much plunder (*praedam*) had been taken by the victors. He also notes that men who die in tournaments certainly go to hell if they are not contrite.\(^{117}\) Caesarius praises a knight named Allard of Saxony, who after winning fourteen war-horses in a tournament returns them. Caesarius tells the reader that Allard realized his success came from God, rather than from his own strength, and, after returning his winnings, he became a Cistercian.\(^{118}\) Such selfless and unusual behavior impressed Caesarius.

\(^{115}\) See note 103.
\(^{116}\) On the world of the tournaments see Maurice Keen, *Chivalry* (Yale University Press, 1984), 88, and 200-218. See also Jackson, 33 and 103-107, for the German lands. See page 40 for a discussion on the Church’s prohibition against tournies.
\(^{117}\) *DM*, xii, 16.
\(^{118}\) ibid., xi, 19.
Another knight, Walter of Birbech, while travelling to a tournament stops at a church. He asks his fellow knights to hear a mass with him, but they refuse, fearing to miss the tournament, and he remains alone. After mass, Walter discovers that the Virgin Mary has miraculously placed in the tournament a powerful knight carrying his banner, who has achieved great success and renown for him.\footnote{ibid., vii, 38.} Certainly Walter’s preference for mass over taking part in the tournament is the cause of the miracle, and Caesarius thoroughly approves. Brian Patrick McGuire notes that Walter of Birbech is Caesarius’ example of an ideal knight who later becomes a Cistercian. Walter is the opposite of knights who favor tournaments and plunder.\footnote{McGuire, “Friends and tales in the cloister,” 201-207.}

Caesarius goes on to explain that knights dying in tournaments are typically not buried in consecrated ground because they are guilty of disobeying the Church, which prohibits tourneys, and because their participation in a tournament makes them guilty of pride, since success in a tournament brings vanity, worldly praise and gain.\footnote{See note 117 and page 40.}

Caesarius was certainly not the only cleric opposed to tournaments. Maurice Keen examines the Church’s opposition and claims that the clergy regarded them as wasteful and as occasions of pride and greed, which led knights away from their role as defenders of the Faith. Keen, however, argues that tournaments were the recruiting grounds for crusaders and actually helped to further the crusading movement instead of detracting from it.\footnote{Keen, 196-200. See also Jackson, 105, for the Church’s twelfth century prohibitions of tournaments.} The chief opposition of the clergy might have resulted from
its disapproval of secular knightly values; worldly fame and wealth were not worthwhile goals to clerics who devoted their lives to God! In his famous treatise, *De laude novae militiae*, St. Bernard of Clairvaux draws a distinction between the Templars, who devote their lives to both the chivalric and monastic ideals, and secular knights, who were in pursuit of worldly gain.\(^{123}\) Bernard wrote in an era in which the distinction between “good” and “bad” knights had become a common concern of many intellectuals; secular knights were “good” if they devoted themselves to protecting churches and the poor.\(^{124}\) St. Bernard and Caesarius of Heisterbach had a black and white, perhaps naïve view of nobles and knights, in which participation in a tournament, quite like participation in a feud, was willful disobedience of the Church, making a knight “bad,” unless he were willing to give up his winnings or, in the case of a feud, to forgive his father’s killer.\(^{125}\)

The Crusade as an Alternative to the Feud and the Tournament

St. Bernard of Clairvaux and many other clerics of the twelfth and thirteenth centuries saw either participation in a crusade or entrance into the Templars as a more praiseworthy endeavor than taking part in tournaments or feuds. He saw the Crusades as defensive, holy wars, which should be conducted with as little violence as possible.

\(^{123}\) See *De laude*, ii, 3 & iv, 7 for his criticism of worldly knights, and iii, 4-5 for his discussion of the Templars. He contrasts the two kinds of knights in iv, 7-8.


\(^{125}\) On Bernard, see Leclercq, 15; on Caesarius, see McGuire, “Caesar of Heisterbach and the Cistercians,” 83.
He wanted crusaders to be inwardly penitents rather than brutal warriors. Templar knights combined the monk’s life of prayer with the activity of a warrior, thereby uniting the estate of the nobility with that of the clergy. These were the proper devotions of a knight, according to St. Bernard, and they were the moral alternative to feuds and tourneys. Caesarius’ exempla show that he shared the opinions of his illustrious Cistercian predecessor.

Caesarius tells of a young knight, Theoderic, who lay dying of a flux of blood when the Muslims attack the crusaders’ camp. Yet he arms himself and attacks with such force that he inspires his fellow crusaders to drive the Muslims off, thus saving the camp. He dies of his illness three days later. The miracle demonstrates divine approval of crusading. Theodoric’s heroic deed finds no match among non-crusading knights in Caesarius’ exempla, except the two knights involved in tournaments noted above.

Caesarius writes of a crusading army from Friesland and parts of northern Germany which stops at Lisbon in 1217 to help in a local crusade against the Muslim held castle of Alcazar. The Christian forces, according to Caesarius, were much smaller than the Muslim force of 100,000, but in the course of the battle the crusaders saw a heavenly army come to their aid, and drive off the great multitude of the enemy. Joseph Greven has demonstrated that the “heavenly army” was actually

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126 Leclercq, 22-25 & 32-34.
127 DM, x, 12.
128 See notes 118 & 119.
129 DM, viii, 66.
the Templars who saved the Christian forces from defeat. McGuire argues, however, that many of the crusaders may have considered it a miracle and may have seen "men in white who came from heaven" to help them. These crusaders were probably amongst Caesarius’ oral sources for the story. Like Theodoric’s miracle, the miraculous intervention of a heavenly army signifies divine approval of crusading.

In one of Caesarius’ exempla, a knight named Wiger discovers the blessedness of crusading through a miracle. Wiger, a famous knight from the diocese of Utrecht, proved to be a successful and beloved crusader as well. After serving for a year, he planned to return home. Before departing, however, he witnessed his servant’s death in battle with the Muslims and saw the man’s soul go to heaven in the form of a dove (in specie columbae). Fearing his return to Europe would cause him to take up his old vitia, faults, he decided to remain on crusade and died heroically soon after. According to Caesarius, Wiger became aware of his conversion from a worldly knight to a good, crusading knight through the miracle of the dove. Certainly some knights may have undergone such a conversion, but the exemplum also demonstrates Caesarius’ approval of crusading.

Caesarius gives as another example of blessed knighthood the merciful knight who spares his father’s slayer. After releasing and forgiving his enemy, he goes on crusade. While at Jerusalem he sees an image of Christ bow before him, signifying

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divine approval of his mercy and crusading. Crusading could also serve as penance for wicked men. Caesarius tells of men who went on crusade in order to be forgiven for past wrongs and sins they have committed. This element of penance is important because it enabled knights to live a more spiritual life, and it is the cause of both St. Bernard's and Caesarius' approval of crusading.

Caesarius' opinion of the crusade as the worthy enterprise of knights is demonstrated in another set of stories about the miraculous power of crusaders' cloaks and crosses. In one tale, a crusader's house in Soest, in the diocese of Cologne, burns down. In the ashes of his former home is later discovered the unharmed crusader's cross from his cloak. In another story, a pregnant woman from Flanders worries about her husband's decision to go on crusade. When she goes into labor, his cloak is placed over her and she gives birth miraculously without pain.

Like St. Bernard, Caesarius considers the Templars the most exalted of knights. In one exemplum, six Templars in the territory of the Muslims stop to pray their hours. The enemy approaches, and most of the knights want to rise and take flight, but their leader signals them to remain still. Then an army of angels comes to their rescue, attacking and driving off the Muslims, and protecting the knights who have become invisible to their foe. Caesarius notes that the miracle resulted from

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132 *DM*, xi, 23.
133 See note 106.
134 *DM*, i, 16 & ii, 23. See also Leclercq, 32, for his discussion of Bernard's attitudes toward the crusade as penance.
135 ibid., x, 32.
God’s approval of the faith and devotion of the leader, and the discipline and obedience of the knights.\textsuperscript{137}

Caesarius approves of the monastic rigor adopted by the Templars and the only group more worthy of his praise is his own Cistercian Order. He writes of a group of Cistercians travelling by sea with King Richard of England. By their prayers they are able to intercede with God, who calms a terrible storm that threatened to destroy their ship.\textsuperscript{138} A more telling example is a story in which Caesarius writes that Christ desired to destroy the world, but the Virgin Mary interceded on the world’s behalf out of her love for her friends in the Cistercian Order.\textsuperscript{139} According to Caesarius, the preeminence of the Cistercians comes from their strict observance and obedience to the penitential, monastic life outlined in the Rule of St. Benedict. He illustrates this in a tale of a vision in which the Cistercians are crucified like Christ; their Cross is the Order itself, and they are nailed to it by obedience.\textsuperscript{140} Caesarius prefers crusading knights to secular knights; to him, the Templars, by virtue of their monastic life are superior to both, but the Cistercians are the most favored by God and the saints, as his tales of miracles reveal.

Although feuding was a legal right for certain people, this manner of obtaining justice was regarded as immoral and sinful by some, in particular most of the clergy, who disliked them almost as much as they disliked tournaments. Feuds

\begin{enumerate}
\item ibid., x, 22.
\item ibid., viii, 47.
\item ibid., x, 46.
\item ibid., xii, 58.
\item ibid., iv, 18.
\end{enumerate}
were disliked by the clergy because they often resulted in the deaths of people who were unable to confess their sins and receive last rites. Therefore feuds endangered the souls of the participants. To clerics like Caesarius, it was better to forgive your enemy than to attack him. Tournaments were more sinful than feuds in that knights who took part in them were guilty of the sins of pride and disobedience to the Church. Men dying in a tournament were often denied burial in consecrated ground. Clerics preferred either crusading or entrance into the Knights Templar to feuding and tourneying, because the former activities in theory made penitent defenders of the Faith out of knights. The examples from the Dialogus Miraculorum demonstrate how in clerical tales feuds and tournaments were connected to devils and demons, while crusading stories often included miracles. While these attitudes about feuds, tourneys and crusades were clerical, it is quite possible that secular knights came to hold similar feelings as the exempla show.
CHAPTER IV

MURDERERS, ROBBERS AND THIEVES

This chapter discusses violence, whether against people or property, outside of a feud. There is enough correlation between the *Landfrieden* and the tales in the *Dialogus Miraculorum* to indicate that such violence was typically unacceptable, in a legal and moral sense, and warranted punishment.

Murder: Killing Outside of a Feud

An essential element of a legitimate feud was public knowledge of it. The participants declared themselves engaged in a struggle, and the community had been warned to expect violence. The *Landfrieden* indicate that anyone killing a person outside of a feud was to be considered a murderer, and thereafter should receive capital punishment. Someone injuring another would lose his right hand, unless blood was not spilled and then the punishment was a fine of 60 solidi.\(^{141}\)

Examples of murder can be found in the *Dialogus Miraculorum*. A parishoner, angry with his priest for preferring to play dice with a kinsman to giving communion to his dying mother and hearing her confession, came upon the priest’s kinsman in the road and killed him *sine causa*, without reason.\(^{142}\) Caesarius is more critical of the lazy priest, noting that he sees demons awaiting his soul as he lies on

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\(^{141}\) Weinrich, 1179, 5; 1221, 5. Weiland, 1224, 5.
his deathbed, than the murderer, yet he does indicate that the man had no grounds for killing the priest’s kinsman. Judging from Caesarius’ text, we conclude that the man acted spontaneously and that the crime was unpremeditated.\footnote{DM, v, 8.}

Caesarius writes of another murder, this one perpetrated by a man from Münster named Bernard. He had wasted his money on wild living, and then sold his home to his brother-in-law. After moving in with his sister’s family he soon came to feel like a neglected guest, who tried to get his house back either by purchase or threats, but to no avail. Later he encounters his brother-in-law in the market place and kills him with an axe. Realizing he had broken the peace, he flees to the Church of St. Peter and is given sanctuary by the clergy. He is safe for a short while from justice, but is soon told of a fine wine available at a local tavern. Unable to resist the temptation of the wine, he is seized by his victim’s friends while going to the tavern and then suffers on the wheel. He tells people passing by that he sees devils waiting to take his soul.\footnote{Medieval incidents of violence outside of feuds seem to have often been spontaneous and unpremeditated. See A.J. Finch, “The Nature of Violence in the Middle Ages: an Alternative Perspective,” \textit{Historical Research} 70 (1997), 267. Finch’s study focuses on non-lethal violence, and he notes that most individuals were only involved in one incident of violence during their lives.}

Caesarius obviously considers Bernard a wretched criminal getting his just punishment. In both this case and that of the parishoner, the men killed their victims in protected places (in the market place of a town and on the road), thereby breaking the law. Bernard had threatened his victim, and perhaps this suggests that there was
known enmity between them. The parishoner’s victim seems to have been unaware of any danger. Both seem to have been crimes of passion, although this made no difference in the eyes of the law. Bernard used an axe that he may have picked up at the marketplace or that he may have brought with him; the text offers no explanation. Once he had killed his brother-in-law, however, Bernard was aware that justice would be sought and flees to the safety of a church. Perhaps the victim’s friends were fast on his heels, for they are credited with capturing Bernard, and probably either took him before a judge to be sentenced or placed him on the wheel themselves. It is they who were responsible for obtaining vengeance for their friend’s death.

The peace of 1221 and 1224 both proscribe killing someone in secret. Such an act was considered murder. Vengeance in a feud is to be sought out in the open, both literally and symbolically. Fighting openly and thereby under public scrutiny suggests that the participants consider themselves to be acting according to tradition and the law, and also consider themselves to be in the right. Killing someone in secret suggests that the perpetrator is acting against the law, since he wants no one to be aware of his deed.

Caesarius tells of a man named Hildebrand of Holchoim, from the diocese of Utrecht, who murders a fellow villager. They had once been involved in a feud, but

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146 McCall, 52, notes that local communities were “responsible for accusing and for apprehending” criminals.
had reconciled. Hildebrand kills the man in the woods when no one else is present, and then lies about the crime. The victim's friends press him, and take him before a judge, until he finally admits the murder. He is condemned to suffer on the wheel, and Caesarius tells us that after his death he returns from Hell to visit a priest. Had his action occurred in an open feud, Hildebrand would have been justified. As it was, Caesarius writes, Hildebrand acted at the instigation of the devil. It is very possible that he remembered his old hatred from the earlier feud, and that he acted rashly and on impulse, like the parishoner above. The fact that he killed his victim in secret, and not in a manifest feud, is emphasized in the tale. The victim did not expect the attack. All of the parties involved consider the action outside the law: Hildebrand, who hides his deed; the victim's friends, who desire justice for their lost companion; the judge, who sentences Hildebrand to punishment; and Caesarius, who records the tale and considers the act a terrible sin.

Caesarius writes of another case of murder in secret that takes place in the city of Arras. A clerk murders a silversmith with an axe, whom he had invited to his home. He and his sister chop up the body, throwing the pieces in the sewer, and keep the smith's sack of silver. Not much time passes before the smith's family comes looking for him. The clerk and his sister deny knowing anything, but the smith's family finds traces of blood. Judges are sent for; they see the blood and also find the sack of treasure belonging to the victim. The murderers are sentenced to be burnt to

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148 DM, ii, 6.
death, though the sister is unharmed by the flames because she makes a confession.\textsuperscript{149}

The clerk seems to have killed out of sheer greed. Certainly he is aware that his killing the smith was a crime, because he tries to hide the corpse. The family looking for the smith suspects foul play, and holds the suspects by force until the judges arrive on the scene. Both the judges and Caesarius deem the clerk’s action to have been a \textit{crimen homicidii}.

The peace of 1224 contains an ordinance against killing or wounding a person with a knife.\textsuperscript{150} It is likely that many if not all people living in the Empire at that time carried knives with them to use as a daily tool.\textsuperscript{151} Such a proscription might make people think twice about using a knife in a fight or a crime of passion. Knives are also easily hidden and could be used upon an unsuspecting victim. The \textit{Dialogus Miraculorum} contains tales in which knives are used.

In one story, Ensfrid, a dean of St. Andrew’s at Cologne, is threatened by a drunken priest wielding a knife. The priest, aware that a woman had given Ensfrid some money, wants some of it. A canon of St. Andrew’s subdues the priest, and offers to kill him, but the holy Ensfrid tells him it was only a joke and should be forgotten.\textsuperscript{152} The priest seems to have let his wine get the best of him; his crime does not seem premeditated, and he comes across as pathetic. In another \textit{exemplum},

\begin{itemize}
\item \textsuperscript{149} ibid., iii, 15.
\item \textsuperscript{150} Weiland, 1224, 11.
\item \textsuperscript{151} Monks did carry knives as tools. See chapters 22 (regarding how monks should sleep without their knives) and 55 (regarding how the abbot should provide knives for the monks) of \textit{The Rule of St. Benedict}, 5\textsuperscript{th} edition, ed. D. Oswald Hunter Blair (Fort Augustus: Abbey Press, 1948).
\item \textsuperscript{152} \textit{DM}, vi, 5.
\end{itemize}
Caesarius writes of a devil-worshipping servant named Everwach who wishes to kill a crusades preacher named Oliver. Everwach plans to kill him with a knife, but dies before he has a chance.\textsuperscript{153} In another tale, a robber uses a knife to slit a maiden’s throat.\textsuperscript{154}

Killing outside of a manifest feud, especially if the deed was committed in secret or with a knife, was considered murder. The examples from the \textit{Dialogus Miraculorum}, however, may or may not have occurred during years of a prescribed peace. Therefore it seems likely that the laws against killing outside of a feud in the \textit{Landfrieden} were common practice in the area of the Rhine during years without an ordained peace.

\textbf{Robbers and Thieves}

The clerk who murders a silversmith might also be considered something of a robber. The subject of robbers, however, is very complicated. Latin terms contain multiple meanings or may be used rhetorically. Alexander Murray has analyzed many narrative and hagiographical sources from the tenth to the eleventh centuries, and demonstrates that the number of thieves and robbers seems to have been a growing during that period.\textsuperscript{155} The sources used in this study seem to indicate that there was a basic distinction used in the twelfth and thirteenth centuries between various types of seizure of goods. \textit{Tyrannus}, as used by Caesarius, is used to describe

\footnotesize{\begin{itemize}
  \item \textsuperscript{153} ibid., xii, 23.
  \item \textsuperscript{154} ibid., vi, 34.
  \item \textsuperscript{155} Murray, 55-93.
\end{itemize}}
nobles or knights who make exactions upon non-nobles. Caesarius typically uses praedo, robber, to refer to nobles and soldiers who seize or destroy property during times of war; praedones and tyranni will be discussed in the following chapter.

Latro is used to describe violent robbers, but does not seem to refer to a soldier. Fur, thief, seems to be used to describe individuals who take things when the owners are not present, and therefore do not need to use force.156

Caesarius includes only three stories of latrones in his Dialogus Miraculorum. One places three latrones at Cologne, being punished on the wheel. Their crimes are not mentioned, but one confesses to seeing a field full of crows ready to take their souls.157 Another tale concerns a chief of a band of latrones around the city of Trient who becomes penitent through the efforts of a monk. He had robbed and killed many, but began his conversion by stopping all robberies on Saturdays. The details of his violent life are kept to a minimum by Caesarius, and he later dies a martyr.158 The third story of latrones is about eight evil men who murder an innkeeper and his household for their small fortune (destined for a monastery). At first latrones allow a young serving woman to live, and take her with them to another inn. The men, however, seem to have been locals who fear being identified by any survivors of the robbery, so the woman is also murdered. Local fishermen, who find her corpse, are afraid they will be blamed for the crime of murder, and leave it in the river.159 Reuter

156 Reuter, 177-179, advises great caution when interpreting these terms. See also note 66.
157 DM, xi, 55.
158 ibid., vii, 58. On this theme see Murray, 89.
159 ibid., vi, 34.
asserts that inns seem to have been a common location for crimes because transient people frequented them. Robbers seem to have been a problem during this era, but they receive much less attention from Caesarius than tyrants, soldiers and thieves.

*Fures* appear in fifteen *exempla* of the *Dialogus miraculorum*. Three of the *exempla* are stories of thieves who are either hanged or released, without mention of any details of their crimes. Saints sometimes appear in the stories rescuing thieves from death, which was a common theme in saints’ lives.

Churches and shrines in particular seem to have been subject to thievery. This should not be surprising, since they typically had wealth in moveable, precious objects and relics, which in the stories are typically stolen. In one story, thieves steal treasure and a crucifix containing a piece of the true Cross from a shrine at St. Martin’s in Utrecht. The thieves split up as they flee. The bishop of Utrecht and the canons of St. Martin’s send soldiers after them, but they pass the thieves who somehow appear unsuspicious. Caesarius notes that a miracle occurs when Christ confuses the thieves who become stuck in a swamp. The soldiers on their return find the thieves acting suspiciously, and take them to the bishop. The thieves offer to retrieve the crucifix from where they hid it, if the bishop will release them, and all

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161 *DM*, iii, 19 & 20; viii, 73.
162 See last reference of the previous note, and ibid., viii, 58. Murray, 84-89, discusses the theme of saints showing mercy to thieves.
163 *DM*, vi, 33 & ix, 7.
agree. They soon break into another church, however, and are caught and hanged.\textsuperscript{164} While the miracle and the moral lesson of the story are Caesarius' chief interests, the tale demonstrates that authorities (or in this case their agents) did pursue thieves. Obviously it must have been quite possible to escape immediate capture, although the thief would then have to find a person to buy the stolen objects, which may or may not have been difficult to accomplish without attracting the attention of authorities.\textsuperscript{165}

In another story, a thief is chased down a highway and through a woods and is captured by men with nets and dogs. He claims to be not guilty, and blames the crime on an innocent girl to whom he entrusted his bag of stolen goods. They both undergo a trial by red-hot iron, and he is proven guilty (his hand fails to heal) and hanged.\textsuperscript{166} A relation of the thief, who is angry about his kinsman's shameful death (\textit{turpi morte}), seizes and hangs the innocent girl. The girl is saved by a miracle.\textsuperscript{167} This story illustrates that individuals might avenge members of their family who had been proven guilty of a crime; in this case, the kinsman resents the shame that the thief's death brought upon his family and takes out his anger on the young women.

Many of the thieves in the \textit{Dialogus Miraculorum} are drifters and con men.\textsuperscript{168} One thief pretends that he is a pilgrim and joins a band of German pilgrims travelling to Compostela. He tries to steal one of their horses through trickery, but is found out

\textsuperscript{164} ibid., x, 21.
\textsuperscript{165} Reuter, "Die Unsicherheit," 191-192, discusses the need to investigate the medieval black market.
\textsuperscript{167} \textit{DM}, 1, 40.
\textsuperscript{168} ibid., vi, 24 and see previous note.
and hanged. Caesarius describes bands of *viatores*, transients, who seem to have been perpetrators of petty crimes and thefts. In one tale, a *rusticus* hires a *viator* from such a band to burn down the houses of his enemy. Caesarius is mistrustful of transients who join the Cistercian Order, noting that some of them simply come to steal what they can carry, leaving in the middle of the night.

The *Dialogus Miraculorum* leads one to conclude that punishment for theft in the Rhineland was harsh, and that Rhinelanders in the early thirteenth century were quite unforgiving of thieves. In the stories they are usually punished on the wheel or are hanged when caught. The thieves themselves, however, present a problem for scholars, as sources about thieves, such as the *Dialogus*, do not offer much insight into the lives and motives of the thieves themselves.

Caesarius’ opinion of thieves is that they are unsatisfied with their lot, and attempt to go beyond their station. An example is the tale of a Cistercian lay brother who desires to gain an education, and is led by the Devil’s trickery to believe that he will be elected bishop of Halberstadt. He leaves his monastery, becoming apostate, and “borrows” a horse from a priest so that he can travel to Halberstadt in dignity. The priest’s servants catch him, and he is hanged.

Lay brothers unsatisfied with their situation were a concern for the Cistercian Order. Caesarius writes of a lay brother who starts a rebellion at an unnamed monastery because he is jealous of the

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169 ibid., vi, 25.
170 ibid., x, 36.
171 ibid., i, 3 & 10; iii, 53. McCall, 52-53, notes that people who were not a member of a community were suspected of being outlaws. See also Mollat, 246-250.
172 *DM*, v, 16. See also iii, 53 for another lay brother who steals from his monastery.
monks' new building. Because he is in the wrong, Caesarius notes, the lay brother is struck dead by God.\textsuperscript{173} Lay brother rebellions seem to have been a problem amongst Cistercian houses, but Caesarius only describes this one instance.\textsuperscript{174}

One last area of violence to be commented upon briefly in this chapter is rape. The \textit{Landfrieden} from both 1221 and 1224 prohibit the raping or attacking of women on pain of decapitation.\textsuperscript{175} Caesarius includes very few tales about rape, making it a difficult subject for analysis. One worth noting concerns a nobleman named Erckenbald who overhears his nephew forcing himself upon a woman. Erckenbald is old and sick, and unable to confront his nephew about the offense. He orders his servants to kill the young man, but they fail to carry out his order. Caesarius notes that the man is so concerned with the law that when his nephew, whom he dearly loves, comes to speak with him, he slits his throat with a knife, thus administering justice. Erckenbald denies that the killing is murder, and a miracle convinces the local bishop.\textsuperscript{176} This story provides more information about justice and punishment than about rape itself. The correlation between the punishment prescribed in the \textit{Landfrieden} and the one administered by Erckenbald is striking. There is nothing in the story about the victim.

The stories from the \textit{Dialogus Miraculorum} support the notion that killing outside of a feud, especially in secret or with a knife, was considered murder,

\textsuperscript{173} ibid, xi, 57.
\textsuperscript{175} Weinrich, 1221, 7; Weiland, 1224, 7.
corresponding to the prohibitions against such violence in the *Landfrieden*.

Furthermore, the examples of murder and theft from the *exempla* demonstrate that the *Landfrieden* prohibitions against violence outside of a feud and against theft of property were not only enforced at least in some instances, but may have been common practice in the Rhineland during years without a proclaimed peace. The party responsible for obtaining justice or punishing criminals was typically the injured person or his family; a judge might only become involved if the injured party requested his services, and then he would mitigate much like a feudal lord would for his vassals. This form of self-help justice is something like the institution of the feud, although it does not receive the criticism from Caesarius that feuding does. For Caesarius, the punishment for criminals was justifiable, but the violence of feuding knights, who were fighting for reasons unacceptable or possibly unknown to him, was not.

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176 *DM*, ix, 38.
CHAPTER V

WAR AND TYRANNY

This chapter examines first violence perpetrated by men whom Caesarius of Heisterbach labels robbers and tyrants on account of their attacks and exactions upon the poor and the clergy. Second, the chapter examines the problem of violence during wartime. Accusations of tyranny and violence in a period of war are examined together in this chapter because they are related issues; during wartime, it was typical to accuse one’s enemies of being tyrants and robbers. Under closer inspection it becomes apparent that the accusations of tyranny and robbery, whether during times of war or relative peace, must be viewed with skepticism, and that they must be compared to accounts found in other sources when possible. As well, this chapter analyzes the importance of violence in an imperial political struggle that greatly affected the Rhineland as a means of weighing the significance of violence in imperial, regional and local politics in the Empire.

Accusations of Tyranny

Many of the exempla in the Dialogus Miraculorum are concerned with men whom Caesarius labels tyrants. Such men, judging from the exempla, do not seem to have been involved in feuds as defined in the Landfrieden, since their actions were often beyond the bounds recorded therein. Caesarius notes that because of their
crimes, most wicked men tend to die younger than good men, especially princes and nobles who "plunder the poor."\textsuperscript{177} To Caesarius men are tyrants when they cause people who are unable to defend themselves to suffer. The story of a poor man seeking an audience with the duke of Louvain demonstrates this. The pauper is terribly beaten by one of the duke's chamberlains, and is not even permitted to see his lord. A Cistercian lay brother pities the injured man, and later has a vision that he had shown mercy to Christ himself who "continues to suffer in the members of his Church."\textsuperscript{178} This last statement shows that Caesarius considered anyone who harmed members of the Church, in particular the poor or the clergy, to be tyrants, especially knights and nobles who, in his opinion, should defend them. While Caesarius provides us with only a few details, it is easy for us to sympathize with the pauper and to appreciate the kindness of the lay brother; in doing so we are reacting to the story as its author intended. The actions of other apparently cruel men might easily lead us to consider them tyrants as well.

One tyrant is a knight named Ludolph of Saxony who cuts off a man's foot for splattering mud upon his clothes.\textsuperscript{179} Ludolph, the antithesis of the merciful knight who forgives his father's killer, certainly acted beyond the bounds of accepted violence, and he later repents.\textsuperscript{180} Another case is that of Henry Nodus, a knight from the diocese of Trier. He is accused of wickedly regarding the crimes of "rapine, adultery, incest, perjury and similar evils as virtues." Henry is the direct opposite of

\textsuperscript{177} "pauperes depraedantur," \textit{DM}, i, 26.
\textsuperscript{178} "intellexit quod Christus adhuc in suis membris pateretur," ibid., viii, 29.
\textsuperscript{179} ibid., xi, 18.
selfless, crusading knights. He haunts his daughter after his death, and cannot be gotten rid of until sprinkled with holy water by the bishop.\textsuperscript{181} The actions of men like Ludolph and Henry would not be met with any more approval today than they were during Caesarius’ time. There is, however, no more information by which to analyze these actions than that which is in the \textit{exempla}.

In addition to denouncing cruel men as tyrants, Caesarius calls men who take goods or property from the poor or from churches tyrants. An example is Landgrave Ludwig II of Thuringia, who was, according to Caesarius, a “great robber and tyrant.” The causes of Caesarius’ accusations are Ludwig’s “numerous and harsh exactions from the people in his charge,” and his “illegally appropriating many possessions of churches.” Caesarius also notes that he was not the only cleric who faulted Ludwig for his actions.\textsuperscript{182}

Ludwig’s crime was the taking of money and property, rather than murder or assault. Exactions such as his need to be investigated further, if Caesarius’ accusation of robbery and tyranny is to be analyzed. The reader is advised to be skeptical. Reuter notes that tolls are often referred to as robbery by medieval authors; their perspective probably differed vastly from the nobles collecting the tolls.\textsuperscript{183} It seems likely that Caesarius’ portrayal of many of these “tyrants” is colored by his monastic bias. To him the poor, monks and clerics should not be subject to violence or to loss

\textsuperscript{180} See note 106 above.
\textsuperscript{181} “rapinas, adulteria, incestus, periuria, hisque similia, virtutes iudicans,” DM, xii, 15.
\textsuperscript{182} “praedo ac tyrannus maximus,” & “duras et plurimas in sibi commissum populum faciens exactiones, plurimas ecclesiarum sibi usurpans possessiones,” ibid., i, 27.
of property. Caesarius' portrayal may also be colored by personal or political biases that are not stated in the *exempla*. He might also be offering renditions of popular stories about oppressive lords.\textsuperscript{184} Since many of the stories lack details, it is difficult for us to know what really happened.

Caesarius includes other stories of oppressive knights and nobles. One is about a man who has a vision of a knight named Elias of Rheineck. Elias is in Hell riding backwards upon a heifer he had stolen from a widow. The heifer is mad with rage, and gores him constantly in the back. Caesarius explains that this violent punishment is fitting for a man who violently seized the cow. He equates the knight with a robber.\textsuperscript{185} A similar case is that of Frederick, a knight from Kelle. A man from Andernach named Erkinbert encounters the ghost of Frederick riding a demonic steed. Frederick is weighted down with lands that he had stolen while he lived, and his flesh is burnt by the skins of sheep he had seized. Frederick tells Erkinbert that if his sons return what he had taken, then his torments will end. The sons refuse.\textsuperscript{186} Whether taking a cow or lands, the knights in these tales are presented as robbers. The story seems, in fact, to have been directed at the knight's successors who are urged to give up the property.

Caesarius records a similar story about Landgrave Ludwig whose son of the same name desires to know the fate of his father's soul. Through the use of magic he discovers that his father suffers in hell, but can be relieved if certain unrightfully

\textsuperscript{183} Reuter, "Die Unsicherheit," 177. See also Murray, 82.
\textsuperscript{184} Kaufmann, 112-113.
\textsuperscript{185} *DM*, ii, 7.
stolen churches are returned. The young Ludwig does not return the churches.\textsuperscript{187} This story repeats the theme of returning stolen property. One may suggest that such stories were monastic propaganda geared at frightening recalcitrant nobles into giving up their claims to property. If this is the case, then we would do well to be skeptical of Caesarius accusations.

Caesarius provides more information about the circumstances of the crimes of Otto of Sconinburg. Otto plots with his men to extort money from the citizens of Sconinburg while his father is away on crusade. The citizens learn of the plot and refuse to come to a meeting scheduled at Otto's castle. Otto, however, robs their wives and children.\textsuperscript{188} It is difficult to know whether the exactions that Otto desires to collect are unpaid taxes, or if they are unprecedented and unlawful. Caesarius portrays Otto as a villainous robber baron who bullies the people he is to protect, and he tacitly compares Otto to his righteous father who is on crusade when all this occurs.

Caesarius considers men who take from townspeople, churches, monasteries and the poor to be equal to robbers. This attitude can be traced back to the Merovingian era, when seizures of offerings to churches were considered grounds for excommunication. Elizabeth Magnou-Nortier argues, however, that some of the peace measures apparently taken against persecutors of churches have been misunderstood by historians. She interprets Carolingian capitularies as permitting

\textsuperscript{186} ibid., xii, 14.  
\textsuperscript{187} ibid., i, 34.  
\textsuperscript{188} ibid., x, 18.
seizures of property by the army if ordered by the king. *Praeda* and *rapina* meant seizure either through legal requisitioning or through extortion by threats and violence. Peace legislation of the tenth century contains bishops’ rights to plunder their own lands at certain times.¹⁸⁹ Magnou-Nortier’s study indicates that caution must be used in the interpretation of such concepts as plunder and robbery. Caesarius’ *exempla* indicate that he felt his tyrants behaved immorally, sinfully, and wrongfully, but it is quite possible that from their perspective their exactions were just.

In addition to considering their actions just, knights and nobles may have simply chosen to deal with all of their adversaries and competitors in the same manner, regardless of whether they were knights or clerics. Men such as these would certainly have been considered tyrants by monks and clerics. Caesarius records tales of tyrants such as these who troubled Cistercian houses. In many cases, Caesarius does not give the name of the monastery. Knights and nobles take the Cistercians’ "grain, wine and cattle," and burn their granges.¹⁹⁰ In some stories, the attacks or requisitions are labeled as unjust or seem to have no proper cause.¹⁹¹ In one tale, Caesarius connects a knight’s harassment of a monastery with a demon’s evil plan.¹⁹² In another, Caesarius blames a cellarer of the Order who had perpetrated fraud and

¹⁹⁰ DM, iv, 59; v, 41; vi, 2; x, 6.
¹⁹¹ ibid., vi, 2; x, 6.
¹⁹² ibid., v, 41.
thereby incurred God's wrath. This last example justifies the injury suffered by the monastery, but does not excuse the behavior of the attacker. Caesarius also notes secular criticism of the Cistercian Order. His novice remarks that most "worldly people" do not like to have monasteries near them, suggesting that the laity might be envious of successful monasteries, or that the monks' proximity unleashed their baser instincts. It also suggests that secular land-owners might have considered monasteries as rivals, and were perhaps willing to treat them with the same kind of violence they directed at their secular rivals.

Caesarius, not unexpectedly, portrays the Cistercians as fair in their dealings, which often leads to their own loss temporarily. Peter, an abbot of Clairvaux, takes a knight's word that a piece of property belongs to him rather than to the Order. The knight's wife convinces him that the lie could bring divine retribution, so he renounces his claim. At the deliberations, Caesarius notes that the knight has many friends with him, while Peter is on foot and has only a single monk with him. The knight seems to be trying to intimidate the humble Peter. Caesarius approves of Peter's decision, because it leaves justice in the dispute up to God; men who use violence to achieve their own ends fail to do this.

Caesarius recommends his readers to leave judgement up to God when caught up in disputes, and gives an example of another monk who does not fear his enemies.

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193 ibid., iv, 59.
194 ibid., iv, 63.
195 On this see Arnold, Princes and Territories, 234-247, who gives examples of monasteries involved in feuds.
196 DM, vi, 11
because he puts himself in God’s hands. Caesarius demonstrates how the enemies of the Order are punished in a tale of the monastery of Marianstatt. The relatives of Alison of Molsberg do not accept her donation of land to the Order, and harry the new house with “complaints, threats, plunderings and many other irritations.” Caesarius believes that the Virgin Mary protects the house. As a result of her protection, one of the harassing nobles is slain by his servant, another is banished, and still another spontaneously combusts while going on a plundering raid. A priest who is a friend of the final remaining enemy of Marianstatt has a dream that if the dispute is not settled, then the nobleman will die. Unfortunately the conflict cannot be settled in court, and the noble is soon killed by the servants of one of his secular enemies. 

The disputants’ attempt to settle in court reflects the trend at the beginning of the thirteenth century. 

The example of Marianstatt demonstrates Caesarius’ attitude toward violence. The conduct of the tyrants is, in his opinion, unjust, and thereby incurs the wrath of the Virgin Mary. As befits their station, the monks do not fight the nobles, but leave the defense of their house in the protecting hands of the Virgin, who, according to Caesarius, causes the violent demise of the tyrants. Caesarius was not opposed to what he considered the violent punishment of the tyrants, since it brought them to justice. As the latter half of this chapter will demonstrate, the violent punishment of a wrongdoer was also considered acceptable in a political context.

197 ibid., x, 6.  
198 “querimoniis, minis, rapinis multisque aliis incommodis,” ibid., vii, 7.
Constance Bouchard has examined the relationship between nobles and Cistercian houses in Burgundy, and concludes that typically conflict between the two resulted from rival claims to property or to the use of property. Patrick Geary analyzed a similar conflict between nobles and the Benedictine monastery of Saint-Victor of Marsailles. The nobles’ manner of conducting the struggle involved the use of physical force and intimidation against monks, who were unable to respond in kind. The monks, however, were able to deny their enemies’ families religious services and burial in consecrated ground. The Marianstatt struggle seems quite similar to the one discussed by Geary, except that the enemies of Marianstatt were apparently eliminated rather quickly. Geary regards the dispute between parties as their means of defining their social place in the local landowning community during a time of strife. Caesarius is concerned with simple resolutions, and the punishment of those whom he considers wrong-doers by God and the Virgin Mary. Caesarius’ tales of violence indicate monastic fears and concerns about their secular rivals and enemies. Caesarius’ highly critical view of secular rivals of monasteries might also be informed by the contracts signed when a donation was made to a monastery. In

201 Geary, 137-145.
such a contract there is usually a clause that warns anyone from attempting to violate or infringe upon the agreement, on pain of eternal damnation.\textsuperscript{202}

Accusations of tyranny and robbery must be examined carefully. From the perspective of clerics like Caesarius, anyone harming members of the Church either in their persons or their possessions was a tyrant. Caesarius thought such tyrants deserved the same punishments as robbers and murderers. According to the \textit{Landfrieden}, such tyrants were breakers of the peace and therefore criminals. But how did the men accused of tyranny regard their actions? Certainly at least some of them must have felt justified to take possession of another’s property, or to use force against them. Quite possibly they were acting during years without a \textit{Landfrieden}.

The following section of this chapter will examine these issues further, and hopefully will reveal that a person’s opinion about pillage greatly depended upon whether he was the perpetrator or victim of the devastation.

\textbf{Violence in Wartime}

The civil war that lasted from the double election of Otto IV and Philip of Swabia in 1198 to the assassination of Philip in 1208 is a good topic with which to conclude both this chapter and this study.\textsuperscript{203} There are a fair number of sources available through which to study the war, and some of them, including the \textit{Dialogus Miraculorum}, are from the Rhineland. The civil war produced bitter rivalry and

\textsuperscript{202} For examples of contracts that include curses from Caesarius’ own monastery of Heisterbach, see: Ferdinand Schmitz (ed.), \textit{Urkundenbuch der Abtei Heisterbach} (Bonn: Hanstein, 1908), 112-117.
hatred among the participants. The sources reflect the opinions of both sides adequately enough that the events and conduct of the war can be reconstructed without fear that such a picture of events will be wholly one-sided. Such a reconstruction was not possible with Caesarius’ tyrants, discussed in this chapter, since the only available sources were the exempla. An examination of the civil war may be a valuable contribution to this study because it entails considering violence during a time of war when the Landfrieden did not apply, and because it leads us to consider the importance of violence in imperial politics.

The double election of 1198 has been called “the most fatal event in the medieval history of Germany, the turning-point as much in the influence of the Empire abroad as in the internal conflict between crown and particularism.” The election rekindled the old Welf-Hohenstaufen rivalry, opened the door to stronger papal influence over imperial politics beginning with Innocent III, and strengthened the regional princes at the expense of imperial authority. For all of the importance of the civil war that followed the double election, it has received surprisingly little attention from historians. Otto is the subject of a recent biography, but no adequate

203 The best English history of the war is Poole, 44-79.
206 K. Lindt’s, _Beiträge zur Geschichte des deutschen Kriegswesens in der staufischen Zeit im Anschluss an die Kämpfe zwischen Philipp von Schwaben und Otto IV_
counterpart exists as yet for Philip. What scholarship there is about the imperial politics and warfare of these years focuses on the development of the medieval German lands into a European nation and power. Such an approach reveals little about attitudes toward violence and the conduct of the war.

Most of the authors of the sources are explicit in their opinions of Philip and Otto. The first continuator of the *Chronica regia coloniensis* labels Philip as “the originator of all of the misfortunes that later were suffered in Germany,” thus blaming him for the “great war and terrible dissension [that] arose between the German princes of the Empire.” Arnold of Lübeck, while praising Otto for his courage, calls Philip both prideful and disobedient for remaining on the throne once Otto had received Pope Innocent’s support; he and his followers were excommunicated by Innocent in 1201 as a result of his failure to abdicate.

In his *exemplum* about the Templar knights who pray their hours while a Muslim force approaches, Caesarius of Heisterbach portrays Philip as disobedient and

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209 Pertz, 218-220.

a coward. In his account Philip declares that he would certainly have preferred to have run from the Muslims instead of remaining to pray, as the knights’ superior ordered. While Philip’s comment is probably fabricated, it does reveal Caesarius’ low opinion of Philip. Caesarius also includes a story of Philip reproving a Cistercian abbot, while in another exemplum Otto praises a Cistercian abbot for carrying a needle, which was a sign of virtue, according to Caesarius. These two stories may reflect Cistercians’ feelings about their relationships with the two kings.

Burchard of Ursberg, on the other hand, was a supporter of Philip. He notes that it was Philip’s hereditary right to be crowned, while Otto’s election is an abuse that caused the civil war and subsequent schism. The poet Walther von der Vogelweide also supported Philip, praising his election. He wrote that Philip could restore peace and order to the Empire, and called upon the princes to support him. Walther also criticizes Pope Innocent for excommunicating Philip.

Obviously the authors shared in the diversity of opinion that precipitated the civil war. They had their opinions about who the rightful king was, and therefore about whom was to blame for the civil war. This explains which man they considered to be in the right, and who in their opinion was therefore fighting a just war. The fighting of a just war was seen as an acceptable means of resolving the conflict, and thereby restoring order to the Empire.

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211 See note 137.
212 DM, iv, 13, & vi, 16.
213 Holder-Egger & von Simson, 76, 78, 81-82.
215 See note 5 & 102.
Philip and Otto both fought a destructive war. For us the important questions to be put to the sources are: How was the destructive war accepted and reported by the authors? Do the authors reflect the opinions of the people of their time? Unfortunately most of the descriptions of the destruction are quite vague. Caesarius of Heisterbach mentions Philip’s devastation of the diocese of Cologne in 1198 in two exempla.\textsuperscript{216} The first continuator of the Chronica regia coloniensis records Philip’s devastation in the same area in 1198 and 1199. He also describes the destruction caused by Otto and by Archbishop Adolf of Cologne, who burned villages along the upper Rhine. Bishop Leopold of Worms and many nobles were caught up in the war there, and destroyed “all towns, monasteries and churches so that nothing remained unless it was hidden in the cities or a fortified place.” The chronicler was a monastic writer, and he was most upset by the damage caused to religious institutions and clergy. Of all the terrible acts reportedly caused by Philip’s men in 1198, he chose to describe only one in detail. It is a story of some soldiers who cover a nun with olive oil and bed feathers, and parade her riding backwards atop a horse through the camp for a week. Once Philip learns of the crime, he orders the men responsible to be boiled alive.\textsuperscript{217} Certainly such shameful and disrespectful treatment would have been terrifying and humiliating for a nun, and the clerical author condones Philip’s harsh justice. It is impossible to know whether the story was fabricated, but it does

\textsuperscript{216} DM, i, 17, \& v, 37.
\textsuperscript{217} Waitz, Crc, ci, 165 \& “omnes superiorum partium civitates et villas, cenobia et ecclesias pessundant, ita ut nichil usquam reliqui sit, quod non fuerit in urbibus aut in locis munitis absconsum,” 167.
reflect the great fear that most of the clergy had of soldiers’ violence, whether they caused physical harm or humiliation.

While the Cologne Chronicler blames Philip for devastating the Cologne diocese, Burchard of Ursberg praises him for attempting to subjugate his enemies by ravaging their lands. He blames Otto for taking supporters away from Philip with "diabolical craft." \(^{218}\) The Erfurt Chronicler records that Landgrave Hermann of Thuringia, an ally of Otto at the time, devastated many lands and churches in 1198 and 1199; apparently it was his men (praedones) who broke into churches and stole everything of value. \(^{219}\)

Arnold of Lübeck writes of Philip’s attack on Braunschweig in 1200. Henry, Count Palatine of the Rhine and brother of Otto, held the city and was able to drive off Philip’s men. While they were retreating, however, certain raptores and latrunculi, plunderers and freebooters, broke into the Church of St. Egid and attacked the monks. They took everything they could, whether it was moveable or had to be cut loose with axes, although certain quick thinking monks were able to hide the doors to the sacristy and thereby protect many valuables. Arnold labels the besiegers as men sine honore, without honor. \(^{220}\)

These descriptions of the war allow us to come some conclusions. First, clerical writers are always appalled at attacks on religious persons and institutions, and the perpetrators always seem to be the enemy. Attacks upon secular targets are

\(^{218}\) "arte dyabolica," Holder-Egger & von Simson, 83-84.

\(^{219}\) Holder-Egger, 200. Caesarius also notes Hermann’s devastation and attacks upon churches; see DM, xii, 3.
not so reprehensible, and may even receive praise; since the cause of the righteous
king is just, his attacks are construed as acts of vengeance on his enemy, as we saw in
the feuds in chapter one. The enemy is often portrayed as a robber, as the tyrants
were in Caesarius’ *exempla*.

Second, the descriptions indicate that it was standard practice amongst all
participants in this war to devastate the enemies’ lands while on campaign. Laying
waste to the enemies’ property provided supplies and reward for soldiers.\textsuperscript{221} Third, it
can be deduced from the descriptions that the “robbers” and “freebooters” who
attacked churches were most likely soldiers attempting to carry off the spoils of war.
In a time of war, churches were certainly not the safe havens the clergy would have
liked them to be. In fact, an important part of waging war was the attack upon the
enemy’s churches and monasteries. Attacks on the spiritual centers that housed the
dead and the treasures of a community must have been demoralizing and humiliating.
Most medieval soldiers risked their lives in the expectation of economic gain.\textsuperscript{222}
Churches and religious houses on the lands of the enemy were choice targets since it
was there that the greatest wealth had likely been accumulated.\textsuperscript{223} Burchard of
Ursberg laments the coming of war with all of its evils because it opens something of
a Pandora’s Box; once it begins, all men, regardless of their station, are caught up in
its wickedness.\textsuperscript{224}

\textsuperscript{220} Pertz, 221-222.
\textsuperscript{221} See France in note 95.
\textsuperscript{222} See Bleise in note 15.
\textsuperscript{223} See *DM*, viii, 85, for a story about the hiding of relics from ravaging armies.
\textsuperscript{224} Holde-Egger & von Simson, 80.
A particular evil of the civil war was schism. In 1200 a schism erupted when Philip and Otto each supported a different candidate in the election of a new archbishop of Mainz. Philip supported Leopold, bishop of Worms, and Otto supported a man named Sifrid of Eppenstein. Both sides used force to attempt to settle the schism, and Leopold was excommunicated by Pope Innocent III in 1201, along with Philip. In 1202 Leopold appealed to Pope Innocent, but to no avail. The following year he led an army into Italy to settle the matter by force, but failed in this attempt also. Caesarius calls Leopold a tyrant who without authority attempted to excommunicate Pope Innocent and savagely attacked both churches and cemeteries. In a different story, Caesarius records that Otto’s soldiers, upon entering a church near Wizenburg most likely in 1201, attempt to tear a garment from an image of Christ with a lance. This indicates that Otto’s forces were just as likely to have spoiled churches as Leopold’s troops, though Caesarius fails to make the connection.

Caesarius is especially critical of Leopold because he believed that the clergy should not use violence. He relates an anecdote about a French clerk who did not believe that any German bishops could get to heaven; the reason for this is that they

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225 ibid., 200; Waitz, Crc, cii, 170, & ciii, 197-198.
226 Waitz, Crc, cii, 171-173.
227 DM, ii, 9.
228 ibid., x, 20.
229 For evidence that Otto’s troops were at Wizenburg in 1201, see Waitz, Crc, ciii, 198.
wield both spiritual and temporal power.\textsuperscript{230} Caesarius writes in another \textit{exemplum} of a priest who carries a sword for protection while travelling. He illustrates that the priest would be better off relying on prayer for protection by having the Devil attack him on the road.\textsuperscript{231} Caesarius is also critical of Leopold for being disobedient and willful. His excommunication of Innocent is unconscionable and invalid to the Cistercian.

Schisms created by the civil war divided communities and regions. There is more information available on the schism that began in the diocese of Cologne in 1205 than for the Mainz schism.\textsuperscript{232} In 1204 Philip won over Archbishop Adolf of Cologne, according to some sources, by diplomacy, gifts and bribes. Soon many nobles in the Rhineland who had remained loyal to Otto went over to Philip, who was crowned by Adolf at Aachen in 1205.\textsuperscript{233} Adolf was ordered to appear before Pope Innocent to explain himself, and, after failing to appear, he was excommunicated and

\textsuperscript{231} DM, v, 55.
\textsuperscript{232} On the Cologne schism, see H. Hüffer, "Der Denkstein der Burg auf dem Godesberg und das Schisma der kölnischen Kirche von 1205-1216," \textit{Annales des Historischen Vereins für den Niederrhein} 46 (1887), 123-159.
\textsuperscript{233} DM, xi, 44; Waitz, \textit{Crc}, cii, 174-175, & ciii, 218-219; Holder-Egger & von Simson, 84; Pertz, 254. Hampe, 239, notes that Aachen was the appropriate place for a coronation, and the archbishop of Cologne was the proper bishop for the ceremony.
deposed. Bruno of Bonn was elected in his place, and he turned out to be just as inclined to war as Leopold of Worms.\textsuperscript{234}

Burchard of Ursberg is the only author to support Philip and Adolf. He calls Innocent's ruling an injury, claiming that by right he could not decide the matter. He blames the people of Cologne for continuing to support Otto, and he restates the justice of Philip's cause.\textsuperscript{235} Philip gave his support to Adolf, and thereafter a terrible schism broke out in the archdiocese of Cologne. In addition to the destruction wrought by the armies of Otto and Philip in 1205 and 1206, Cologne suffered the depredations of local factions as they fought a bitter, religious war. According to the Cologne Chronicle, churches and villages were robbed and burned, and \textit{praedones} appeared everywhere.\textsuperscript{236}

In the \textit{Dialogus Miraculorum} there are \textit{exempla} that reveal information about these events. Caesarius provides some insight into who the ubiquitous "robbers" were. When the schism broke out, many men left their occupations to fight in the war that raged around them. Caesarius writes of a scholar who deserted his office to become a soldier, and he "robbed and persecuted many."\textsuperscript{237} In another story a bishop's servant leaves his duties in order to join "a band of robbers called a \textit{rutta} in the vulgar tongue."\textsuperscript{238} A \textit{rutta} might also refer to a band of soldiers, so Caesarius is clearly interpreting the term for his readers. Another \textit{exemplum} tells of a Cistercian

\begin{footnotes}
\item[234] Waitz, \textit{Crc}, cii, 175-176, \& ciii, 219-221; Holder-Egger, 204-205; and Pertz, 256-260, who includes Pope Innocent's letter about Adolf's excommunication.
\item[235] Holder-Egger \& von Simson, 85-86.
\item[236] Holder-Egger, 203; Waitz, \textit{Crc}, cii, 176-180, \& ciii, 222-224.
\item[237] "\textit{multos depraedatur et affligit}," \textit{DM}, ix, 20.
\end{footnotes}
monk who became apostate and joined a *rutta*. This man, after being mortally wounded, confesses to a life of murder, rape and pillage; a life that Caesarius expects is inherent to membership in a *rutta*. Caesarius also writes of an abbot from Corvey who is said to have “acted more like a soldier than a monk” during the schism. Obviously Caesarius regards soldiers and robbers as so alike that no distinction between them need be made. We may conclude from these examples, however, that a variety of men took up the life of a soldier in this time of war, driven by the desire for wealth or perhaps by some other motive.

Caesarius also records tales of the danger of the roads around Cologne during the schism. In one story, a servant is afraid to carry money when travelling through the area. In another tale, a group of armed men intend to rob a monk of his horse. A clap of thunder that occurs just as a soldier lays his hand upon the monk’s bridle, signifying God’s disapproval of his action, scares them into letting the monk keep his horse. While the stories are little more than anecdotes, they do corroborate the reports of the *Chronica* about incessant violence and danger during the schism.

Caesarius also records *exempla* about some of the nobles who took part in the civil war during the schism. A follower of Philip named Count William of Jülich, according to Caesarius “persecuted the Church by killing many for their faith.” William in particular vexed “priests obedient to Rome, driving them from their

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238 “*multitudini praedonum, quae rutta vulgo dicitur, se associavit,*” ibid., xi, 53.
239 ibid., ii, 2.
240 “*magis se conformans militi quam monacho,*” ibid., xii, 40.
241 ibid., iv, 71.
242 ibid., x, 30.
churches, mutilating some of them and robbing the churches of their valuables.”

The *Chronica regia coloniensis* also notes that William was a supporter of Philip during the schism. He was involved in the devastation of the Duke of Limburg’s lands, and had his own lands and goods (including a vineyard and winepresses) damaged by Archbishop Bruno’s troops. He is also said to have horribly mutilated a clerk from Cologne by cutting out his eyes, tongue, nose and ears, and then leaving him in a field. The chronicler gives no reason for the attack other than the count’s “diabolical instinct.”

Attacks upon the clergy and churches certainly drew the attention of the authors of the sources. Caesarius gives a possible explanation for some of the attacks on churches, besides the desire to take the valuables from inside them. He notes that Warner of Bonlant attacked a church near Trier because it was situated in such a defensible location. Siege engines were required to attack it, but the attempt was unsuccessful. Stone churches, monasteries and cathedrals, especially when well placed, could make excellent strongholds for friend and foe alike. Attempts at using them for this purpose could certainly have brought violence into their midst.

An important and interesting source from Cologne during the time of the schism that survives is the *Dialogus cleric et laici contra persecutores ecclesiarum*. It is a dialogue composed by an anonymous clergyman between a clerk and a noble

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243 “*Ille persecutus est Ecclesiam, multos pro fide occidendo,*” & “*iste tempore schismatis imperii Romani persecutus est Sedi Apostolicae obedientes, sacerdotes de suis sedibus eiiciendo, quosdam mutilando, et bona ecclesiarum diripiendo,*” ibid., xii, 5.

244 “*diabolico actus instinctu,*” Waitz, *Crc*, cii, 175-179.
layman. The subject matter of the dialogue is who is to blame for the schism and destruction caused by it. The clerk, a partisan for Otto, attempts to convince the nobleman that Adolf committed perjury when he renounced his oath to Otto and joined Philip, and therefore was rightfully excommunicated by Pope Innocent. The nobleman, an opponent of Bruno, blames the pope and his judges, who placed the land under interdict and excommunicated everyone opposed to Bruno, for the terrible destruction of the schism. The Dialogus reveals that the clergy in the area were divided during the schism, in that some secular clerics and monasteries of various orders (including the Cistercians) were opposed to Bruno. The nobleman also boasts about his side’s successes over Bruno and Otto’s forces. Although the dialogue is most likely fabricated, it reveals the anxiety that the schism caused, and it helps one to understand the bitterness that was felt by the opposing sides in this religious conflict.

Cologne was Otto’s most faithful ally until his defeat at Wassinberg in 1206. The sources do not permit a clear picture of the fight to be reconstructed, but it is certain that Otto barely escaped capture and soon fled to England; Archbishop Bruno was not so lucky, and soon found himself in chains. With the help of mediators, peace was established between Philip and Cologne, thus ending the war in the middle

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245 DM, x, 19.
246 Waitz, 316-322.
247 ibid., 317-318. See Leonhard Ennen and Gotfried Eckertz, eds., Quellen zur Geschichte der Stadt Köln, volume 2 (Cologne: DuMont-Schuberg, 1863), 5-6, for the agreement reached between Otto and Adolf in 1202.
248 Waitz, 320-322. See also Waitz, Crc, ciii, 223, for a reference to Innocent’s order that all attackers of churches were to be excommunicated.
Rhineland. In the peace that followed in 1207, Philip absolved his followers for the damages they had caused, including Count William of Jülich, and delivered worthy satisfaction to the aggrieved parties. He ordered all quarrels and fighting to cease, so that everyone might enjoy the peace. He also abjured all “unjust exactions,” and forbade any such seizures in the future. This last point is reminiscent of Caesarius’ tyrant stories, perhaps suggesting that many of these tyrants were involved in the civil war and schism.

Following the peace, the excommunication of Philip and Adolf were lifted by Pope Innocent. Philip had conquered nearly the entire Empire, and it seemed that his reign had only begun. This was not to be. Otto of Wittelsbach murdered Philip at Bamberg in 1208 during a meeting at the bishop’s palace. Otto smuggled a sword in with the help of a servant, and struck the king a mortal wound in the throat. His motive seems to have been a personal grievance. Many of the authors, save Caesarius, lament the deed, and consider Otto to have been a treacherous criminal. Burchard of Ursberg uses terms such as “facinorosus” (criminal), “nefarius” (abominable), “impius” (disloyal), “scleratus” (crime-stained), and “malignus” (wicked) to describe him. After fleeing the scene of his attack, Otto was outlawed and eventually hunted down and killed by Philip’s Marshall, Henry of Katalin, in

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249 Waitz, Crc, cii, 180-182, & ciii, 223-224; Holder-Egger, 204. See also “exactiones indebitas,” Ennen & Eckertz, 26-28, for the peace.
250 Pertz, 262; Holder-Egger, 204.
251 Arnold, Medieval Germany, 108.
1209 near Regensburg. Caesarius of Heisterbach, who does not lament Philip’s death, notes that Otto was a harsh judge all of his life, who never gave his prisoners mercy; likewise, according to Caesarius, he did not ask for mercy from Philip’s Marshal. Caesarius description implies that Otto’s attack on Philip was cruel, but just. Obviously his opinion of Philip did not change with his murder.

This chapter demonstrates that medieval authors did color their portrayal of violent individuals, whether they describe them as someone seeking justice or a mere robber, according to their biases and opinions. It is necessary in such cases to consider the sources with skepticism. The portrayals do reveal, however, that violence, which would normally be considered beyond the bounds of acceptability, was considered legitimate in a war if the cause was just. Activity such as pillage and rapine could be viewed positively if they were seen as punishment for wrongdoers. The sources also reveal that during times of war, or violent religious strife, the institutions and locations regarded as holy by a community, in addition to the community itself, became the target of attack. These attacks served several purposes: they enriched the attacker, and they humiliated, demoralized and impoverished the victim. The sources also reveal that men from a variety of stations must have become soldiers during times of war and schism, motivated in many cases by a desire to become rich at the enemy’s expense.

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252 Waitz, Crc, cii, 184, ciii, 225-227 & 228; Holder-Egger & von Simson, 91-89; and Holder-Egger, 205-206.
This chapter also demonstrates that violence was an important element of conflict resolution in the politics of the Empire. This is due in part to the elective nature of the imperial throne, which created the opportunity for civil war when rival factions were able to crown their own kings. The civil war in turn opened the door for schisms in the Empire as kings and their supporters vied for the support of bishops and for the chance to place their own candidates in episcopal sees. The possibility of schisms resulted from the prestige and power of certain prince bishops, such as the archbishop of Cologne, and from the influence of the papacy in imperial affairs. The civil war and schisms were fought out not only on the imperial and regional levels between the factions of great princes, but also on the local level as the conflict in the Rhineland and the area of Cologne shows. This study does not attempt to argue that violence held greater importance for imperial politics than for the politics of other medieval countries; it does, however, maintain that violence held a unique significance for imperial politics as a result of the particular traditions and circumstances of the Empire.
CHAPTER VI

CONCLUSION

This study has examined different kinds of violence and, as much as possible, contemporary attitudes toward this violence in the Rhineland during the late twelfth and early thirteenth centuries, using sources such as the Dialogus Miraculorum and the Landfrieden that have not been examined this way before. The sources reveal that violence existed as a legal means of redress known as the feud; the right to feud was not denied eligible persons even during years of an ordained peace. In order to be legitimate, a feud had to be public knowledge. Nobles, knights and freemen regarded feud as an honorable means of settlement, and doubtlessly considered it an invaluable right. Many of the clergy, however, considered it immoral and sinful. They preferred mercy and forgiveness for enemies to violence. They felt that punishment was best left up to God. In their opinion, crusading was the proper function of a knight.

Violence outside a feud, whether murder, robbery or theft, was considered a crime, both during years of a peace and at other times. The punishment for breaking the peace was typically death. The close relationship between private feuds and wars, however, makes the distinction between crime and the exaction of vengeance difficult for us to determine at times, because often medieval people either condoned or found culpable acts of violence based upon their opinion of the parties involved. The Landfrieden prohibited men from conducting their feuds like wars, but during years without a declared peace there was little to prevent men of means from doing so. In
fact, the general rule was probably that a dispute would be handled this way until a settlement could be found that was agreeable to all the parties involved.

Wars and feuds conducted as wars exceeded the bounds of violence acceptable by custom and the *Landfrieden*. They involved the community as a whole in the dispute, and this inevitably complicated matters. Such complication does not change the fact that wars were a means of conflict resolution. Attitudes about violence during wartime became entangled with opinions, rumors, biases, religious convictions and political allegiances, making them very difficult to analyze, but no less historically significant. Because when an injury or dispute had caused a breakdown in the functioning and cooperation of some parts of the social system, as in the case of the civil war discussed in the last chapter, violence was deemed acceptable and necessary to most as a means of correcting the problem. Conflicts and wars in the Empire were complicated affairs involving a disruption in both the civil and religious life of the Empire, which demand closer examination by scholars than they have received. Such examinations might help us to understand better the history of the medieval Empire.

This study, by looking at a small sampling of sources reflecting the attitudes of medieval people living in the Empire toward violence, tries to suggest that there were forms of violence which normally were socially and legally acceptable, and even honorable in some circles, while there were other forms of violence which typically were not. It also suggests, however, that medieval peoples' attitudes were also influenced by their opinions of the parties involved in an act of violence to a
degree that even clerics might support violence against other people in the Empire, including their neighbors, if they felt the cause was just. In cases such as these, the violence was viewed as a punishment for the crimes of the wrongdoer. This study shows that examinations involving both legal and narrative sources of various kinds can provide a more complete picture of acceptable and unacceptable violence in medieval society than studies drawing on only one or the other. It also demonstrates that violence was an important element in the society and politics of the Holy Roman Empire on the imperial, regional and local levels on account of the unique political machinery of the Empire. Finally, it is hoped that this essay suggests that the political and social history of the Empire can be fruitfully explored using the study of violence as an historical approach.
Primary Sources


Secondary Sources


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