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Published Version

Arnold, B. (1986) Servile retainers or noble knights? The Medieval ministeriales in Germany. Reading Medieval Studies, XII. pp. 73-84. ISSN 0950-3129 Available at <https://centaur.reading.ac.uk/85199/>

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Publisher: University of Reading

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# Servile Retainers or Noble Knights? The Medieval Ministeriales in Germany

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In 1063 the bishop of Bamberg's *milicia* or knighthood wrote to the regents of the German Empire to apologise for not turning up on campaign against the Hungarians. They claimed that the summons had arrived late, and that most of the knights were away. Times were bad, and there was not enough fodder for their war-horses, which were quite out of condition. These truants were called, not *milites*, but *ministeriales* in the relevant sources,<sup>1</sup> and this word prevailed in the scribal Latin of twelfth-century Germany as the technical term for most knights there. By coincidence we also possess a custumal or list of rules by which these Bamberg knights or *ministeriales* were supposed to function. It also dates from Henry IV's minority, but the version we have may well be a revision done before 1125.<sup>2</sup> The Bamberg *ministeriales* enjoyed the privileges of knightly vassals. They were endowed with hereditary fiefs, and should the bishop prefer not to grant one, then the *ministerialis* in question was free to seek service under another lord as his knight. The Bamberg men fitted themselves out for campaigns north of the Alps, and were then sustained by the bishop while actually in the field, or two *ministeriales* might commute for a third one to go in their place. For expeditions to Italy, the bishop provided extra horses and a substantial cash grant. In the bishop's court, his *ministeriales* enjoyed the right of compurgation for all offences save conspiracy against their lord. In his household administration they had the right of exercising the better offices; seneschal, butler, chamberlain, marshal, and forester.

This early picture of a knightly retinue in operation was confirmed everywhere in the twelfth-century German sources, and approximately reflects the rise of knighthood throughout western Europe. In one important respect the great majority of German knights differed from their neighbours. They were not free men, so that in addition to the restrictions of vassalage, their lords possessed proprietary rights of disposal over their persons which rendered them servile in German law

and custom. In all other respects, *ministeriales*' rights did not differ from those of the much smaller order of free knights in the twelfth-century Empire. In spite of their legal servility, *ministeriales* carried arms, indeed that was their purpose, they fought as cavalry and garrisoned castles. Subject to their lords' curial jurisdiction as vassals, they also had access to all public courts such as the *Landgerichte* or county courts, and sat as magistrates in them. In the imperial court the princes deliberately sought out their juridical expertise and asked them to pronounce in their own cases.<sup>3</sup> *Ministeriales* customarily took oaths of homage and fealty, which strictly speaking they owed by birth anyway. They were entitled to give advice and consent in all their lords' acts, and they were permitted to multiply their vassal allegiances and the fiefs which went with them. They were not debarred from taking holy orders, they filled the cathedral chapters, they rose to bishoprics, abbacies, and to high command in the Teutonic Order, and even to the metropolitan sees.

*Ministeriales* usually resided in stone castles of their own, they enjoyed the label *nobilis* or nobleman, they were addressed as *dominus* or lord, they were identified by dynastic place-names, and applied to themselves the rules of aristocratic nomenclature.<sup>4</sup> They were sustained by heritable patrimonies constructed of fiefs, allods, offices, revenues, serfs, villages, manors with the jurisdictions, tolls, tithes, game-rights and fisheries, fortifications, and in some notable cases, towns, forests, monasteries, county magistracies, and substantial retinues of knights of their own. Richly enfeoffed families provided the officers of the imperial court, who matched their more aristocratic neighbours as territorial magnates in the thirteenth century, and survived as princes of the Empire until later times: the marshals of Pappenheim and Kalden, the advocates of Weida and Gera, the butlers of Limburg, the chamberlains of Münzenberg, and the seneschals of Bolanden-Falkenstein who, according to Gislebert of Mons, already possessed seventeen great castles and scores of vassal knights before the end of the twelfth century.<sup>5</sup>

The features which set German knighthood apart from the rest of Christian Europe were firstly, its fierce unruliness, the noted *Teutonicus furor*, secondly, the name *ministerialis*, and thirdly, the form of vassalage which positively included a personal servile status. The origin of this unfreedom of *ministeriales* is not at all easy to establish. The majority of German historians interested in the subject have adopted genetic or institutional pre-histories which suppose that the *ministerialis* of the twelfth century was descended from one or more

of the ninth and tenth-century social orders which had unfree status,<sup>6</sup> but there is no conclusive evidence about how this came about. Not much is known about these social orders, and it is difficult to show how the chosen post-Carolingian unfree group also came under the rules of vassalage by the eleventh century.<sup>7</sup> Though there are individual attested cases from the eleventh and twelfth centuries where unfree persons were recruited or promoted as *ministeriales*, their servile status was not itself a necessary condition, because there are also a number of cases where free men accepted the new footing as *ministeriales* and were thus transformed into vassal knights, often with fresh fiefs.<sup>8</sup> The search for institutional or biological prototypes into the post-Carolingian past can be rewarding. But the unfree knights of the twelfth century did not necessarily bring servitude with them as a legacy from some previous unfree status, for the restrictions burdening such groups as the *censuales* or *fiscalini* or *liti* were of a financial nature, and were in other respects quite unlike the unfreedoms of the *ministeriales*, who were hardly ever subjected by their lords to fiscal demands of any kind.

More promising is the contention that the *familia* or household or retinue of the greater German lords, with the changes it underwent in the eleventh century, was itself the crucible in which the active status of the new knighthood of *ministeriales* was worked out.<sup>9</sup> The making of household rules was quite common in the eleventh century, the magnates of Salian Germany being preoccupied with disciplining their unruly retinues in which armed feuds, homicide, and other forms of violence were very frequent.<sup>10</sup> The magnates were formidable enough to impose their own understanding of the rules of vassalage upon their expanding retinues of knights, as the surviving customals indicate,<sup>11</sup> and the *ministeriales* ended up with a strict, probably the strictest, interpretation of vassalage in Christendom. Without more positive evidence it may not be safe to assume that this code was descended from, or even very like, the forms of vassalage in the late Carolingian world. But neither Carolingian vassalage nor the vassalage of the German *ministeriales* can possibly have been a servile status modelled upon the serfdom of peasants, the legal basis for which was several hundred years older, and served the quite different purpose of making the agrarian economy profitable for seigneurial landowners. *Ministeriales* were not serf-knights, as is sometimes claimed. They were vassal-knights, whose servitude was an additional restriction.

Before considering these servile constraints, we may ask why the unfree knights were called *ministeriales* rather than *milites*, since knighthood was, after all, their function.<sup>12</sup> *Ministerialis* was not even

a translation or rendering of the knightly function, but a word combining the notion of service with a subordinate legal status, and applicable to all their womenfolk, children, and clerical relatives, who obviously were not knights. Sometimes miles was thought to be appropriate by the scribes; it was applied to unfree knights in the eleventh century,<sup>13</sup> it never quite went out in the twelfth, and came to prevail again over ministerialis after about 1220, when the much smaller class of free knights was gradually dying out in Germany. As a scribal experiment of the eleventh century, the term ministerialis (which had a different and less specific meaning in Ottonian, Carolingian, and late antique times<sup>14</sup>), actually reflects a grappling by clerks with the new social phenomenon of a rapidly expanding knighthood which was servile in status. Other words were tried out in the imperial chancery and elsewhere, notably serviens and minister, both meaning servant and therefore very like ministerialis, and cliens, which simply meant vassal and was not therefore specific enough.<sup>15</sup> Nor did miles offer the precision about legal status which the scribes seem to have been eager to convey. It did, of course, mean 'mounted combat knight', but it had also been appropriated by the free nobility and the magnates as a synonym for vassal.<sup>16</sup> So miles was out or nearly out of the question for the unfree knights, and ministerialis with its useful connotation of service stuck to most German knights in the twelfth century. In this respect it resembled the Old English word cniht or knight, which also meant servant. In the thirteenth century miles regained its ground, since the free knights often were labelled ingenuus or liber, that is, free-born, which the ministeriales could never be. Though miles reasserted itself in the charters, ministeriales was still used with decreasing frequency into the fourteenth century, sometimes as an honorific attribute such as 'ministerialis of the imperial court'.<sup>17</sup>

If unfree legal status was a distinguishing mark of most German knights, it did not appear in practice as much more than a stringent form of vassalage. After all, knighthoods everywhere differed from the northern French paradigm established in the eleventh century.<sup>18</sup> In southern France there were knights who were allodial and owed no feudal duties, in Spain a knighthood without fiefs, to say nothing of the caballeros villanos who were debarred from nobility, in northern Italy an urban knighthood, which astonished Bishop Otto of Freising,<sup>19</sup> in Outremer, Prussia, and elsewhere a knighthood which was celibate and monastic, and in Germany a knighthood which was unfree.

The sources make clear that the unfree legal status of ministeriales was real servitude, not simply the lack of certain freedoms, so that lords

actually possessed their *ministeriales* in proprietary right, almost as though they were chattels. *Ministeriales*' obligations were therefore personal and hereditary, not contractual or dependent upon oaths of fealty and homage, though these were customarily given as well. *Ministeriales* themselves, or more nearly, the rights of disposal over their persons, were objects of real property, and could be alienated from their lords like other appurtenances, by inheritance, donation, exchange, pledge, purchase, or some other transaction. They were adjuncts of the lordships or seigneurial patrimonies upon which they had been born, and could not change residence without consent, nor marry without leave. But here the resemblances to serfdom come to an end. They were not subject to manorial jurisdictions, indeed, they had their own, normally they paid no head-taxes, although there are a few exceptions in the twelfth century which probably reflect promotion from a previous and inferior social condition, heriots became less and less common, they paid no entry-fines upon their hereditary fiefs, for which they paid no rents to their lords, and they were not charged for permission to marry.

In summary, their knightly function was a hereditary, personal, and inescapable obligation, not a feudal contract founded upon or renewed upon an act of homage. They were ascribed to the particular patrimonies of their lords, and were alienated with them as accessories. Changes of residence and service, and the right to marry, required explicit consent from their lords. Yet social reality leavened this disciplined image of a confined, static retinue of *ministeriales*. Apart from wholesale assent to marriages outside the retinue, hereditary ascriptions and obligations were modified because lords permitted mobility of service, and consequently of residence and allegiances. Towards the end of the twelfth century Wernher of Bolanden, the influential Rhineland knight who was the richest *ministerialis* of his day, had forty-five lords, including the king of France, but no one doubted that he was an imperial *ministerialis* belonging to his principal lord, the Emperor Frederick Barbarossa, whose successors his descendants continued to serve as seneschals of the Empire.<sup>20</sup>

Their natal ascription meant that the *ministeriales* were always included in the list of appurtenances when the magnates, be they monarchs, dukes, counts, free lords, or churchmen, transferred property. In practice this is reminiscent of the transfer of the homages of free knights when honours changed hands in France or England. This happened in Germany too. In 1166, when the archbishop of Magdeburg gave Frederick Barbarossa Schönburg Castle on the Rhine, and received

Nienburg Abbey in Saxony in exchange,<sup>21</sup> they agreed to exchange the free vassals as well as the *ministeriales* and serfs dependent upon those lordships, so that the ascription of *ministeriales* may, at the time, have seemed almost indistinguishable from the essentially contractual obligation of free vassals to serve in certain places and castles. Nevertheless, *ministeriales* remained disposable property, and examples have survived of their being given away as gifts or dowries, enfeoffed or pledged to new lords, handed over as entry-fines upon magnate fiefs, or actually sold off for a cash sum or pension, though such cases were rare.

If the retinue was not as rigid as the regulations might at first sight suggest, there were two spheres in which their lords did try to command their *ministeriales'* unconditional obedience as servile dependants, not always with success, basing their authority upon fundamentally pre-feudal or extra-feudal considerations, and these were: in the choice of their brides, and in the alienation of their allodial property.

In the question of matrimony there was another parallel with the custom for free vassals who, in France and England at least, were often required to consult their lords about their brides. But for *ministeriales* the reason was different, for in German law servile status descended in the female line, so that *ministeriales* belonged not to their fathers' but to their mothers' lords. As Frederick Barbarossa spelled out for one of Duke Frederick of Swabia's *ministeriales* in 1155: 'She pertained to him and was his *ministerialis*, and the sanction of the law serves this purpose, that children follow the mother's condition and, where the mother belongs, the children belong also', that is to the duke of Swabia, although the lady had married one of the bishop of Würzburg's *ministeriales*.<sup>22</sup> The consequences of marriages outside the retinue are clear. Unless some sort of division of the progeny was agreed upon, and that is what happened in the above case, then all the descendants of mixed marriages, with the fiefs, offices, allods, castles, and all the other resources they were entitled to inherit patrilineally, would be lost to another lord, he who owned the lady. Extrinsic marriages without consent were therefore an understandable anxiety to the lords of Germany, their complaints against them were loud and frequent, and the threatened penalty was to confiscate fiefs and offices, or to deny the next generation of *ministeriales* the succession to them.<sup>23</sup> In 1254 the bishop of Bamberg sought a ruling from the dukes of Bavaria 'If any of the *ministeriales* of the Church should marry a wife from an alien *familia* or retinue without consent, and without obtaining a division of the children, what shall be the law on this? It was declared and approved



that the fiefs held from the Church should by law be vacated'.<sup>24</sup> Some knights thought it was worth taking the risk if they could marry an heiress. In 1239 the archbishop of Salzburg's *ministerialis* Charles of Gutrat, having secured a wife out of the richest family of Austrian *ministeriales*, at once lost a substantial proportion of his fiefs which his lord transferred outright to another owner.<sup>25</sup>

Why were lords so insistent upon licensing marriages beyond their households? It appears that the strength and integrity of knightly retinues based upon fiefs and castles was the real test of the lords' political standing in so violent a realm as the German Empire, and they could not therefore afford the erosions which would follow from unsupervised marriages into other retinues. Encouraging such marriages was actually a political ruse which magnates employed against each other. The monks of Niederaltaich, for example, complained that Count Adalbert of Bogen 'had alienated the *ministeriales* of our Church from us by extrinsic marriages'.<sup>26</sup>

All lords knew that it was in practice difficult to discipline a far-flung retinue, and choosing a flexible line, drew up numerous treaties between themselves, in which various divisions of offspring and their inheritances were agreed in advance and sometimes in retrospect.<sup>27</sup> These treaties were applied either to specific marriages or to the collective intermarriages of two retinues, with the view that gains would balance losses. Another solution often adopted after the event in individual cases was to give either the lady or one or more of her children to her husband's lord, so that the prohibition upon inheriting fiefs and offices would not come into effect. This is what Frederick II did for the archbishop of Mainz's marshal Siegfried of Frauenstein in 1234, giving his son and heir to Mainz, since 'on his mother's side he ought to be a *ministerialis* of the Empire, and would therefore lose his father's fief, which he (the father) holds from that Church'.<sup>28</sup>

When *ministeriales* married free women, lords were again concerned that the children with their inheritances might escape from servile ascription and obligations by claiming their mothers' free status. There was opinion in favour of declaring such progeny to be free, and there are a few attested cases, but the opposite principle, that in marriages of uneven statuses the children acquired the inferior, prevailed, and was confirmed in imperial enactments more than once. In 1190 Bishop Rudolf of Verden asked Henry VI's court 'whether the children of *ministeriales* of the Church, born of free mothers, ought to belong to the Church through their fathers, or ought to remain free through their mothers'. The answer was that they must follow their fathers' condition, and this was confirmed by Otto IV in 1209.<sup>29</sup>



Another significant respect in which the servitude of *ministeriales* became apparent was in restricting their rights over allod, land possessed in full and real proprietary right, over which they should have had absolute discretion and disposal. But the catch was that since they were themselves servile, the ultimate proprietary right over and above their own actually resided with their lords. Within the retinue, *ministeriales* might do what they liked with their allods. A ruling at Salzburg ran that *ministeriales* 'allods or fiefs under the church of Salzburg cannot, according to ancient law, be devolved into the hands of anyone else unless they belong to the retinue of the church of Salzburg ...'<sup>30</sup> Beyond the retinue they required their lords' permission, because alienation of allod, like mixed marriages, threatened an eventual diminution of the lords' totality of resources. This permission was something like the consent required by all vassals before alienating fiefs, although in law the reason was quite different, since lords were always the real proprietors of their tenants' fiefs, whatever the tenants' personal status. Although fief and allod were not usually confused, the restriction about alienating them worked in the same way for *ministeriales*, and lords were entitled to demand compensation in both cases. This is what happened in 1221, when the bishop of Constance's *ministerialis* Berthold of Bankholzen wanted to sell some of his lands, both fief and allod, to the abbot of Salem: 'He held part of these possessions by proprietary right, and part by feudal title from the hands of the lord bishop. But because he was a *ministerialis* of our church, this Berthold could confer neither allodial property nor his fiefs upon the aforesaid monastery'. So the bishop did it for him, and the see of Constance was compensated with other lands.<sup>31</sup>

For *ministeriales* 'allod a new category called *inwarteseigen* or 'intrinsic property' was formulated in German customary law on land, although it was not known in every region of the Empire.<sup>32</sup> As one lord said of such allod, it was his *ministerialis* 'real property and our intrinsic property'.<sup>33</sup> A curious transaction recorded in 1179 recognised the reality of two proprietors which this theory implied. The abbot of Burtscheid purchased an allod from the four sons of William of Nisweiler for forty marks. The abbot prudently remarked that they could not have had the true ownership or seisin because they were *ministeriales* belonging to Duke Henry of Limburg. The way out was to pay the purchase price to the Nisweiler brothers and to redeem seisin from the duke for four marks, or ten percent.<sup>34</sup> Such scrupulous caution was not usual in acquiring allods from *ministeriales*, but the abbot was right in seeing that in the German legal universe the duke was the ultimate proprietor of his *ministeriales* 'own allods.

As in the case of mixed marriages, lords were often required to defend the principle of intrinsic property because *ministeriales* would not respect it. In 1209 an imperial decree forbade the bishop of Trent's *ministeriales* to alienate allod, and indeed fief, without permission 'because churches are thus reduced to excessive poverty'.<sup>35</sup> At about this time the abess of Erstein tried to prevent unlicensed sales or exchanges of allod by threatening to deny the heirs of her delinquent *ministeriales* the entry to their fiefs.<sup>36</sup> The counts of Tecklenburg sought to forestall similar lapses by declaring that 'our *ministeriales* may no more alienate hereditary property than what is enfeoffed to them by us'.<sup>37</sup> In 1254 the dukes of Bavaria and the bishop of Bamberg attempted, once more, to forbid alienation of 'properties which are called intrinsic allods' without lords' consent.<sup>38</sup>

If *ministeriales* were unfree, then it was possible to emancipate them by enactment of the imperial court. This happened several times during the thirteenth century, when free noblemen with their eye on knightly heiresses would apply for the latters' promotion to free status, so that their children would not automatically be *ministeriales*.<sup>39</sup> There are also a number of cases where male *ministeriales* purchased what look like certificates of emancipation, but they turn out to refer to their ascription to their lords' patrimonies, not to their unfree status as such, and were devices for transferring them from one retinue to another.<sup>40</sup> Since they were already reckoned to be noblemen, *ministeriales* did not agitate for the abolition of their servile status, probably because they outstripped the residual body of free knights in wealth, prestige, and numbers, and because their stricter obligations conferred greater rewards. They counted themselves the pattern of German knighthood, and no doubt frowned upon unscrupulous knights who unsuccessfully claimed free status for devious purposes of their own.<sup>41</sup> In the evolution of German aristocratic society in the fourteenth century the distinctions between free and unfree nobilities began to evaporate,<sup>42</sup> but there is one notable case of emancipation for diplomatic purposes in the last decade of the twelfth century. The Rhineland *ministerialis* Markward of Annweiler, Henry VI's seneschal and architect of the conquest of Sicily in 1194, was rewarded with his liberty and promoted to the dukedom of Ravenna and other high-sounding Italian titles.<sup>43</sup> After the emperor's death in 1197 he made good his claim to the regency of Sicily, ruling as Frederick II's guardian, and successfully opposing Innocent III's pretensions until his own sudden death from dysentery in 1202.

## Notes

1. C. Erdmann and N. Fickermann, *Briefsammlungen der Zeit Heinrichs IV.*, Monumenta Germaniae Historica (hereafter MGH), Die Briefe der deutschen Kaiserzeit v, 35, pp. 233 f.; and 18, pp. 211 f., which shows them to be *ministeriales*.
2. P. Jaffé, *Monumenta Bambergensia*, Bibliotheca Rerum Germanicarum v, Berlin 1869, pp. 51 f.
3. MGH Urkunden Konrads III., 210, pp. 377-9, 1149, and *Aegidii Aureaevalensis Gesta Ep. Leodiensium*, MGH Scriptores xxv, p. 121, 1227.
4. W. Störmer, 'Adel und Ministerialität im Spiegel der bayerischen Namengebung bis zum 13. Jahrhundert', *Deutsches Archiv* 3<sup>2</sup> 1977, 84-152.
5. L. Vanderkindere, *La Chronique de Gislebert de Mons*, Commission royale d'histoire. Recueil de textes, Brussels 1904, p. 162.
6. J.B. Freed, 'The Origins of the European Nobility: The Problem of the Ministerials', *Viator* 7, 1976, 211-41, and the literature discussed there.
7. MGH Urkunden Konrads II., 216, pp. 294-6, 1035 provides a possible example.
8. MHG Urkunden Konrads III., 181, pp. 327 f., 1147, for the abbey of Corvey recruiting both types.
9. For detailed examples see G. Flohrschütz, 'Die Freisinger Dienstmänner im 10. und 11. Jahrhundert', *Beiträge zur altbayerischen Kirchengeschichte* 25, 1967, 9-79, and J.B. Freed, 'The Formation of the Salzburg Ministerialage in the Tenth and Eleventh Centuries; An Example of Upward Social Mobility in the Early Middle Ages', *Viator* 9, 1978, 67-102.
10. See Bishop Burchard of Worm's complaint in MGH Constitutiones i, 438, p. 640, 1023-5.
11. E.g. T.J. Lacomblet, *Urkundenbuch für die Geschichte des Niederrheins* iv, Düsseldorf 1858, 624, pp. 774 f., 1154 for the county of Ahr, and L. Weinrich, *Quellen zur deutschen Verfassungs-, Wirtschafts-, und Sozialgeschichte bis 1250*, Freiherr vom Stein-Gedächtnisausgabe xxxii, Darmstadt 1977, 70, pp. 266-78, c. 1165 for the archbishopric of Cologne.
12. On this function see J. Johrendt, 'Milites und Militia im 11. Jahrhundert in Deutschland' in A. Borst (ed.), *Das Rittertum im Mittelalter*, Darmstadt 1976, pp. 419-36, and J. Fleckenstein, 'Die

- Entstehung des niederen Adels und das Rittertum' in *Herrschaft und Stand. Untersuchungen zur Sozialgeschichte im 13. Jahrhundert*, Veröffentlichungen des Max-Planck-Instituts für Geschichte li, Göttingen 1977, pp. 17–39.
13. As in MGH Urkunden Heinrichs III., 210, p. 279, 1048.
  14. J.F. Niermeyer, *Mediae Latinitatis Lexicon Minus*, Leiden 1954–64, pp. 684–7, and K. Bosl, 'Vorstufen der deutschen Königsdienstmansschaft' in *Frühformen der Gesellschaft im mittelalterlichen Europa*, Munich and Vienna 1964, pp. 228–76.
  15. E.g. MGH Urkunden Heinrichs III., 92, p. 118, 1042 for *cliens*, 113, p. 142, 1043 for *minister*, and 247 f., pp. 330–2, 1050 for *serviens*.
  16. As in MGH Urkunden Heinrichs IV., 271, pp. 347 f., 1074.
  17. As in *Monumenta Boica* xlix, 144, p. 236 and 147, p. 240, 1285, and 352, p. 542, 1305.
  18. G. Duby, *Hommes et structures du moyen âge*, Paris 1973.
  19. G. Waitz and B. von Simson, *Ottonis et Rahewini Gesta Friderici I. Imperatoris*, MGH Scriptores in usum scholarum xlv, Hanover and Leipzig 1912, p. 116.
  20. W. Metz, *Staufische Güterverzeichnisse. Untersuchungen zur Verfassungs- und Wirtschaftsgeschichte des 12. und 13. Jahrhunderts*, Berlin 1964, pp. 52–76.
  21. MGH Urkunden Friedrichs I., 506, pp. 438–40, 1166.
  22. *Ibid.* 153, pp. 263 f., 1155–6, and on this family, G. Beckmann, 'Die Pappenheim und die Würzburg des 12. und 13. Jahrhunderts', *Historisches Jahrbuch* 47, 1927, 17–56.
  23. E.g. *Monumenta Boica* vi, 17, pp. 174–80 and 31, pp. 195–201, early 13th century sources dated 1163 and 1193, for Tegernsee Abbey.
  24. MGH Constitutiones ii, 461, pp. 633 f., 1254.
  25. W. Hauthaler and F. Martin, *Salzburger Urkundenbuch* iii, Salzburg 1918, 944, pp. 496 f., 1239.
  26. *Monumenta Boica* xi, p. 21.
  27. On this and other aspects of marriage; P. Kluckhohn, *Die Ministerialität in Südostdeutschland*, Quellen und Studien zur Verfassungsgeschichte des Deutschen Reiches iv/1, Weimar 1910, pp. 79–91.
  28. K. Menzel and W. Sauer, *Codex Diplomaticus Nassoicus* i, Wiesbaden, 1885–6, 453, p. 303, 1234.
  29. MGH Constitutiones i, 329, pp. 467 f., 1190 and ii, 30, p. 35, 1209.

30. Hauthaler and Martin, *Salzburger Urkundenbuch* iii, 967, pp. 516 f., 1241, and similar instructions for Hamburg-Bremen in MGH *Urkunden Heinrichs IV.*, 120, p. 159, 1064.
31. F. von Weech, *Codex Diplomaticus Salemitanus*, Karlsruhe 1881–3, 122, pp. 160 f., 1221.
32. P. Puntchart, 'Das "Inwärts-Eigen" im österreichischen Dienstrecht des Mittelalters', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Germanistische Abteilung* 43, 1922, 66–102.
33. A.F. Fuchs, *Urkunden und Regesten zur Geschichte des Benedictinerstiftes Göttweig* i, *Fontes Rerum Austriacarum*, 2nd series, 11, Vienna 1901, 234, pp. 245 f., 1303.
34. Lacomblet, *Urkundenbuch* i, 470, p. 330, 1179.
35. MGH *Constitutiones* ii, 30, p. 35, 1209.
36. MGH *Urkunden Lothars I. und II.*, 146, pp. 330 f., early 13th century source dated to 853.
37. F. Philippi, *Osnabrücker Urkundenbuch* ii, Osnabrück, 1896, 123, p. 91, 1220–30.
38. See n. 24 above.
39. E.g. MGH *Constitutiones* iii, 392 f., pp. 378 f., 1289 and iv, 37 f., pp. 33 f., 1298. These cases must have been exceptions. In general the children of free lords did, in such marriages, become *ministeriales*; H.-J. Rieckenberg, 'Leben und Stand des Minnesängers Friedrich von Hausen', *Archiv für Kulturgeschichte* 43, 1961, 163–76.
40. Philippi, *Osnabrücker Urkundenbuch* ii, 101, pp. 73 f., 1218 and 289, p. 230, 1232–8.
41. Cases in Vanderkindere, *Gislebert de Mons*, pp. 209–15.
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