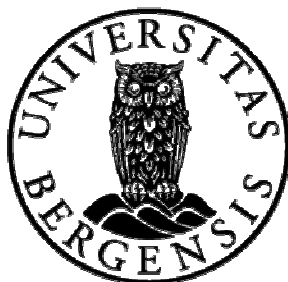


Medieval Political Assemblies

A study of narrative sources pertaining to the period
c.870-1141 in an East-West comparative perspective



Tallak Liavåg Rundholt
Masters Thesis in History
Faculty of Humanities
University of Bergen
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Chapter 1: Introduction

1.1. Introductory notes

From the fall of Rome to the advent of absolutism there was in Christendom a continuous tradition of political assemblies: gatherings great and small convened, conversed and consulted on nigh-on every topic imaginable. Scholarly research on the subject is equally inexhaustible, and any approach to the matter must be undertaken with great care and a measure of humility. Depending on the definition of assemblies, knowledge of them is based on a number of different sources: administrative material in the form of cartularies, writs and diplomas; narratives in the form of chronicles and annals; epics, oral tradition – even archaeology. Different sources have diverse uses; their value changes according to the nature of the inquiry. This thesis will examine five influential narrative sources in order to shed light on a number of scholarly controversies. What functions did political assemblies have in the Middle Ages? To what degree were they avenues of deliberation and active exertion of power, and conversely, how much of what went on in assembly must be considered nothing but a staged political ritual for the benefit of the monarch and the highest nobility?

The weight of historical research on this topic rests firmly on north-western Europe and the Empire; few comparisons have been drawn to developments in east-central Europe. This thesis will attempt in part to rectify this by examining two well-known ‘western-European’ works in the light of three less-examined ‘eastern-European’ counterparts. For this purpose I will use the *Chronicon* of Thietmar of Merseburg, the anonymous *Gesta principum Polonorum*, the *Chronica Beomorum* of Cosmas of Prague, the *Historia Ecclesiastica* of Orderic Vitalis and the *Gesta Hungarorum* of Simon Kéza. It is hoped that this spectrum of written sources, while limited by constraints of time and practical necessity, will nonetheless serve to add a broader European dimension to central theories and assumptions regarding medieval political assemblies. It follows from this selection that for German and Anglo-Norman lands, emphasis will lie on the 10th, 11th and 12th centuries, whereas the 13th century will to a point also be considered for east-central Europe; specifically Hungary. This discrepancy between east and west may present certain challenges, but may equally provide a diachronic perspective in addition to a synchronic treatment of different geographical and cultural areas.

1.2. Political assemblies – attempts at a definition

An attempt to define medieval political assemblies is not an endeavour undertaken lightly. It is not only modern research that languishes in the absence of a commonly accepted definition; medieval chronicles too are devoid of any clear designation, indeed of any concise conception at all. A plethora of concepts are used to describe political assemblies; *parliamentum*, *exercitus*, *conventus*, *placitum* and *synodus*¹, *curia*, *concilium* and *colloquium*.² Their precise meaning and the difference between them can only be guessed at, if such a distinction ever existed; different words may have been employed simply for the sake of rhythm and language, as Marjorie Chibnall attributes to Orderic Vitalis.³ Indeed, it can be argued that even this perceived obstacle is secondary compared to the lack of any contemporary conception altogether. Timothy Reuter writes:

*The problem is not so much that of uncertainty about whether contemporaries meant subtly differing things by their varied terminology, as that of deciding whether we should call something an assembly when we happen to know about it only from kinds of evidence which do not bother to apply a term to it at all.*⁴

When P. S. Barnwell, in conjunction of a series of seminars on the history of assemblies in the middle ages, sought to define the concept under his scrutiny, the result was at best vague: *assemblies were occasions when groups, often relatively large groups, convened for a specific purpose.*⁵ Timothy Reuter has a similar, if perhaps even wider, definition, though specifically associated with the royal office: *In practice we can probably not define assemblies more closely than by saying that we are dealing with one whenever the ruler had in his presence a substantial number of people who were not permanent members of his entourage.*⁶ Barnwell recognises the limitations of his definition, though maintains that for the purpose of the collection of essays that followed said seminars, it was sufficient. Indeed, he expresses the desire to avoid rigid definitions.⁷ It does not require a reader of any singularly hostile attitude to quickly note that a definition under which the Battle of Stamford Bridge is categorised as a political assembly is of somewhat limited use. Barnwell was aware

¹ Barnwell 2004: 3.

² Reuter 2001: 433.

³ Chibnall 1969-80: xv, Volume V.

⁴ Reuter 2001: 434.

⁵ Barnwell 2004: 3.

⁶ Reuter 2001: 435.

⁷ Barnwell 2004: 4.

of this also, and augmented his definition with four distinct criteria, the application of any on a gathering serving to define it as an assembly: commemoration or celebration of an event, jurisdiction and judgement, consultation for the common good and, finally, legislation for this very same purpose. The source material utilised in this thesis and the material's primary occupation with kings and emperors warrant the conclusion that for the purpose of this thesis, Reuter is closest to the proverbial mark. Barnwell will nonetheless be kept in mind; indeed, the source material often plays into his definition quite effortlessly.

In the following chapters I will attempt to identify the primary functions of political assemblies as seen in the source material provided. The thesis will attempt to address central questions presented above, and to provide an analysis as to the value of comparison between 'western' and 'eastern' source material on this topic. Before this task is undertaken however, it is necessary to commit to paper a few words on the source documents themselves, as well as historiography.

1.3. Historiography

1.3.1. A note on historiography

The bulk of research concerning the history of political assemblies, and through this of the early development of representative institutions, have nestled snugly in the embrace of traditional constitutional history for so long that a painless extrication have seemed impossible. This thesis will not set itself such a task, and indeed it is not necessary to completely abandon traditional views on this development – a continuous correction is sufficient. Several historians have attempted to do just that. In this introduction I will attempt not to present the full body of work on the subject, which is far too voluminous to be included here, but rather to illustrate its essence through the works of some important scholars.

1.3.2. Traditional constitutional history

By way of their perceived continuity, it is the study of English political assemblies and institutions that have received by far the most attention, certainly in works available to the Anglophone reader. The first seminal work of the modern period is William Stubbs' *The Constitutional History of England*, first published in 1874. Stubbs presents the development of political assemblies as a continual evolution from its earliest forms into a fully-fledged constitutional monarchy, and reads in the political assemblies of the Middle Ages the seed of the modern political system. He writes:

*The great characteristic of the English constitutional system [...] is the continuous development of representative institutions from the first elementary stage, in which they are employed for local purposes and in the simplest form, to that in which the national parliament appears as the concentration of all local and provincial machinery, the depository of the collective powers of the three estates of the realm.*⁸

Stubbs points to a development of political assemblies from early, primitive assemblies in military gatherings⁹, through a growth in the idea of popular representation¹⁰, and on to the development of Parliament in the late medieval period. Nuances were added as scholarly debate progressed, but the essence remained the same for decades after Stubbs; focus was maintained firmly on the course of a continuous development, and on its outcome.

Scholars on the Continent echo a traditional, constitutional history. Fritz Kern's two general studies on the idea of kingship, primarily concerned with German, French and English examples and made available for English readers originally in 1939 under the title *Kingship and Law in the Middle Ages*, chart a conventional view of constitutional history, of which political assemblies are part. A constitution, Kern writes, is *That part of the general legal order of a State which controls the powers of the government and the mutual relations between the government and the subjects.*¹¹ He proceeds to ask whether there was a constitution in the Middle Ages, and his study replies in the positive to his own inquiry. Kern concerns himself with the relationship between the monarch and society at large, and distinguishes sharply between contemporary theory and applied practice. He writes: *...in theory there resulted a complete control of the monarch, a subjection to the law so thorough that political considerations and reason of State were excluded and out of the question.*¹² Yet in practice a powerful king was nigh-absolute, even if this never developed into absolutism in theory.¹³ Kern contends that the ultimate purpose of the political assembly is to act as a vehicle for the principle of limitation on the power of the king. He cites Germanic, Stoic and Christian ideas as the three sources for this principle of legal limitation, and holds that *What the monarch does, he does in the name of and in accordance with the will of the people...*¹⁴ It was the king's responsibility, in view of the danger of deviation from popular opinion, to

⁸ Stubbs 1891-1903: 584, Volume I.

⁹ Stubbs 1891-1903: 606, Volume I.

¹⁰ Stubbs 1891-1903: 652, Volume I.

¹¹ Kern 1948: 181.

¹² Ibid.

¹³ Kern 1948: 82.

¹⁴ Kern 1948: 188.

obtain consensus for his decisions, either through tacit consent, advice and consent, or judicial verdict. This thesis will show that while dated, in this, Kern is not entirely off the mark. He further adds that there existed certain customary ways of obtaining consent, through which the various functions of political assemblies developed. From political assemblies, limits on royal power developed after an early right of resistance to a king in conflict with the law:

Even if the lands in which representative Estates were developed did not yet do away with the right of resistance, the creation of representative institutions meant above all else a change from merely repressive limitations of monarchical power to preventive measures.¹⁵

Kern imbues the coronation vows taken before an assembly of nobles with great importance, and finds in them the course to a final outcome, namely the constitutional monarchy: *The medieval coronation vows are among the most important precedents for constitutional monarchy.*¹⁶ He emphasises the ‘pact’ between rulers and ruled that he finds in medieval adaptation of Classical ideas¹⁷, and charts a traditional path to modernity through limitations on the king by representative bodies¹⁸, judicial constraint on monarchical power¹⁹ and the development of ministerial responsibility, all featured in their clearest form in medieval England.

1.3.3. *Reform of traditional perceptions*

More recent historians have questioned the reigning paradigm, especially in the last two decades. Chief among them is Timothy Reuter. In his article *Assembly Politics in Western Europe from the 8th Century to the 12th*, Reuter attempts to tackle the problem of anachronism. Traditional constitutional history has imbued the past with qualities of the present in an attempt to chart the course of constitutional monarchy and democracy from early beginnings in medieval Europe to consummate perfection in their own time. Medievalists, Reuter argues, have traditionally been more interested in courses and outcomes of assemblies, rather than their forms and functions.²⁰ He underscores the importance of turning from the ‘who’ and the ‘when’ to the ‘how’ and the ‘what’.²¹ It is also his claim that conventional political history has presented medieval rulers as engaged continuously in political activity due to narrative

¹⁵ Kern 1948: 123

¹⁶ Kern 1948: 81.

¹⁷ Kern 1948: 120.

¹⁸ Kern 1948: 127.

¹⁹ Kern 1948: 125.

²⁰ Reuter 2001: 433.

²¹ Reuter 2001: 437.

strategies in writing.²² A shift from political to institutional history avoids this, because institutional history invests some past activities with more significance than others, and subsequently *recovers the lumpiness of the past*, as Reuter puts it.²³ This too he views imperfect however, since such ‘lumpiness’ derives more from present reification than from past reality. He concludes: *The patterns of behaviour of rulers and ruled – if patterns are what they really were – are abstracted, to be reinscribed in an implicit grand narrative of ever-thickening institutionalality.*²⁴ Reuter’s approach is undeniably less than constructive. The points he make are difficult to ignore, yet he offers little in way of an alternative. Turning away from traditional constitutional history may indeed be necessary, and this thesis will attempt to avoid simply taking the sources at face value and to assuming a ‘path’ where one can be traced only by reification of an anachronism. Yet the search for a path, or a pattern, is ever the goal of such inquiry, and equilibrium must be maintained between the disavowed redundancy of past historiography and the needs of research. Timothy Reuter offers little help in striking that balance.

1.4 .The Sources

1.4.1. *Chronicon*

Central to understanding 10th and early 11th century Central Europe is the chronicler Thietmar (975-1018), Bishop of Merseburg, and his chronicle, the *Chronicon*. Born into an influential noble family in Saxony, Thietmar offers a uniquely well-informed view into his own time, as well as earlier generations. David Warner writes of Thietmar: *...if the period of the tenth and early eleventh centuries is worthy of a closer examination, there could scarcely be a better witness than Thietmar. He is nothing if not well informed, at least in regard to matters of government and high politics.*²⁵ His work ought to be perfectly placed, then, to shed light on how the men of his day viewed the political assemblies so central to their realms, but of which written records omit so much.

Thietmar began writing his *Chronicon* in 1012.²⁶ The work itself is divided into eight books, of which the first begins with the early Ottonian dynasty in 908, and the last concerns matters in the very last year of chronicler’s life. Of the manuscript itself one of the originals,

²² Reuter 2001: 432.

²³ Ibid.

²⁴ Ibid.

²⁵ Warner 2001: 3.

²⁶ Warner 2001: 61.

the work of eight scribes in addition to Thietmar himself, was preserved in the state library in Dresden up until the Second World War, when it was destroyed.²⁷ Fortunately, a facsimile edition prepared in 1905 ensures its continual survival as a much drawn-upon resources for Ottonian Germany. More problematic is the removal of several sections of the document somewhere between its compilation and the preparation of the facsimile edition. To fill in these missing sections, a late medieval copy preserved in the Royal Library at Brussels is used, though it bears distinct marks of ‘improvements’ having been done to the original text. These two documents forms what is known to the modern world as the *Chronicon*, published for the first time in English translation in David Warner’s *Ottonian Germany – The Chronicon of Thietmar of Merseburg*.²⁸ It is from this translation that English quotations below are taken. The potential problem of the late medieval copy diverging from the original is avoided by pure chance; none of the passages missing from the original manuscript deal with political assemblies in any way, and as such will not be used in this thesis. The possibility that the late medieval copy has omitted such references in their entirety is of course still present.

Thietmar drew on several sources for his work, particularly for the period of which he himself had no personal experience. For the first three books he drew heavily on Widukind’s *Saxon History*, as well as the *Quedlinburg Annals*²⁹ and what other works may have been available to him. Presumably however, even passages which may be paraphrased in entirety were subject to Thietmar’s editorial scrutiny in that their inclusion warrants the assumption that Thietmar considered their views and attitudes to be close to his own.

1.4.2. *Historia Ecclesiastica*

Orderic Vitalis (1075-c.1142) was an English monk raised in the monastery of Saint-Évroul in Normandy, where he served all his time. If his life was fairly unremarkable, his work is not. His main historical work is the *Historia Ecclesiastica*, an extensive account that grew in scope from the history of the monastery itself, into a general history of the Normans up until Orderic’s own time. The bulk of the *Historia Ecclesiastica*, as far as it is dateable, was written between 1123 and 1137.³⁰ It ended finally in 1141.³¹ The work is divided into thirteen books, though there is some confusion as to the order of some of them, as well as to whether it was

²⁷ Warner 2001: 62.

²⁸ Warner 2001.

²⁹ Warner 2001: 62f.

³⁰ Chibnall 1969-80: 32, Volume I.

³¹ Chibnall 1969-80: 112, Volume I.

intended to be so divided at all. Given the author's change of scope and focus several times throughout his work, this is unsurprising; moreover corrections and rearrangements show that Orderic himself doubted its composition. The intended structure of the work is a secondary consideration however, as far as Orderic's views on political assemblies are concerned.

Books I and II of the voluminous chronicle take on the familiar style of medieval general chronicles, and chart the history of the world from Creation to the beginning of Orderic's own time.³² Because these books draw heavily on the work of church fathers and established norms³³, do not deal with contemporary political issues, they consequently will not be considered in this study. The same is true for books III through VI, which are primarily concerned with the history of the monastery of Saint-Évroul itself.³⁴ Some wider considerations seep through this early work, but the topic of Norman history in general is taken up in full in books VII through XIII. These are the books with which this thesis will be concerned. These chart the course of Norman history from 1083³⁵ through to the reign of King Stephen (1135-1154). Of this span, the years between 1114 and 1118 receive the least thorough consideration. Marjorie Chibnall attributes this apparent deficiency to a lack of sources on Orderic's part.³⁶ For the remainder of the period however, Orderic was particularly well-endowed with narrative sources. Aside from purely religious texts, he made frequent use of the *Gesta Guillelmi* of William of Poitiers (c.1020-1090) and the *Gesta Normannorum ducum* of William of Jumiéges for the period immediately preceding his own³⁷; for the deeds of Normans in the wider world, he utilised Baudry's *Historia Ierosolimitana*, as well as the *Gesta Francorum* and the *Historia Francorum senonensis*.³⁸ For more local matters, Orderic made use of the knowledge and experience of his contemporaries, as well as his own. Oral tradition played no insignificant part. It is also worth noting that Marjorie Chibnall is quite adamant in underscoring that Orderic Vitalis, while he never turned to outright lies, exhibits a distinct bias towards Henry I and his supporters.³⁹ The work itself survives in a number of sources, and in varying quality.⁴⁰

³² Chibnall 1969-80: 34, Volume I.

³³ Chibnall 1969-80: 49f. Volume I.

³⁴ Chibnall 1969-80: 34, Volume I.

³⁵ See below on missing prologue.

³⁶ Chibnall 1969-80: 33, Volume I.

³⁷ Chibnall 1969-80: 57, Volume I.

³⁸ Chibnall 1969-80: 60, Volume I.

³⁹ Chibnall 1969-80: 88, Volume I.

⁴⁰ Books VII and VIII have not survived in the exact form in which Orderic wrote them. The autograph manuscript is lost; a transcription was made in the third quarter of the 12th century for the abbey of St. Stephen in Caen. A copy of this was later acquired by queen Christiana of Sweden, and now resides in the Vatican library, marked *Vatican MS. Reginensis lat. 703b*. The beginning of book VII is omitted, so it begins abruptly in 1083. A

As it stands, the *Historia Ecclesiastica* is an invaluable source to Norman history, and to how a well-educated and well-informed contemporary approached the form, function and concept of political assemblies. Chibnall writes of Orderic's motives:

*...the purpose of writing it (Historia Ecclesiastica) was to show the works of God through man, but that since the ways of God were often inscrutable the duty of the historian was to describe events as they happened, even those that seemed harsh and strange, in the hope that future generations might have the knowledge to interpret them.*⁴¹

1.4.3. *Gesta Hungarorum*

The *Gesta Hungarorum* is dated to between 1282 and 1285.⁴² However, no medieval manuscript has survived.⁴³ One is known through other sources however, and served as the basis for several surviving 18th century copies.⁴⁴ In 1782, professor Daniel Cornides of Budapest University identified a late 13th century codex. This manuscript also exists in an early 18th century copy in the University Library of Budapest, under *ELTE, Collection Hevenesiana, vol. LXX*.⁴⁵ Further copies were made from this. The original from which these two copies were made was used for the first incomplete printed edition of the *Gesta Hungarorum* in 1781, and a more thorough edition the year later. Contemporary sources described the printing as a diminution of the original however, the printer having 'improved' upon the text by way of 14th century chronicles.⁴⁶ In addition to these, another 18th century copy surfaced in the library of the Hungarian Academy of Science in 1838, archived as *Tört. In 4o 139*, that seems to be a copy of the same medieval manuscript as above, but of greater

14th century copy currently in the British Museum has been used as a corrective when translating the original. Book VII is tentatively dated to have been begun after the earlier parts of Book VI, though this is unclear. Books IX through XIII have survived almost in their entirety, and are archived as *MS. Lat. 10913* in the Bibliothèque Nationale. Some pages have been lost, and the epilogue to the entire work is missing. However, three independent copies were fortunately made when the work was intact. Of these, a copy made by Dom William Vallin between 1503 and 1536 and residing in the Bibliothèque Nationale under *MS. Dupys 875(D)* is considered the best, and has been used to supplement the printed edition where the original is flawed. Of these five books, Book IX is concerned chiefly with the first crusade, and is largely paraphrased from the *Historia Ierosolimitana* mentioned above. The entire work is translated and published in English, with parallel text in Latin, by Marjorie Chibnall between 1969 and 1980.

⁴¹ Chibnall 1969-80: xxvii, Volume VI.

⁴² Veszprémy/Schaer 1999: xx.

⁴³ Veszprémy/Schaer 1999: xv.

⁴⁴ Veszprémy/Schaer 1999: xvi.

⁴⁵ Veszprémy/Schaer 1999: xvii.

⁴⁶ Veszprémy/Schaer 1999: xviii.

accuracy.⁴⁷ Where possible, this copy has been used by Vesprémy and Schaer in their English translation. The medieval copy, now lost, is in itself not the autograph manuscript of Simon Keza, but a copy of less than perfect quality.⁴⁸

Simon Kéza was a court cleric to Ladislas IV of Hungary, and wrote the chronicle between 1282 and 1285. His work is translated into English by László Vesprémy and Frank Schaer, who write of the chronicler: ...*his chronicle is a highly important record of traditions, or fictions, relating to the origins of the Hungarian nation, the Huns and the Hungarians, and of the immigrant noble families in Hungary.*⁴⁹ As seen below however, it can be argued that the work is equally, or even more so, a source for the history of 13th century Hungary.

The translators recount how it has been argued that the work was originally commissioned for propagandistic purposes with an Italian audience in mind.⁵⁰ It can be argued that its purpose was to convey to an international audience that Hungary was a kingdom of considerable age and renown, where the principles of proper government and good law had reigned for centuries. If so, the argument that contemporary custom can be read into the ostensibly ‘historic’ account is strengthened. The chronicle found a central place among later Hungarian chroniclers, and passages from the *Gesta Hungarorum* have been included in works like the 15th century *Chronicon Budense* and the 14th century *Chronicon Pictum Vindobonense*.⁵¹

It has been difficult to distinguish what passages of the chronicle are entirely the work of Simon Kéza, and what are largely copies or paraphrases of older works.⁵² Presumably, Kéza has used both the so-called ‘Anonymus’ chronicle, as well as the *Chronicon Hungaro-Polonicum* of ca. 1220. Whatever the balance between original work and copy, the *Gesta Hungarorum* remains an important source to the political outlook of an astute member of the 13th century Hungarian ‘literati’.

1.4.4. *Gesta principum Polonorum*

The *Deeds of the Princes of the Poles* has no author attributed to it, save an obscure reference to one ‘Gallus’.⁵³ He may have been of Western European origin.⁵⁴ The chronicle itself, written between 1112 and 1118, paints with broad strokes the history of the Polish lords from

⁴⁷ Veszprémy/Schaer 1999: Ibid.

⁴⁸ Veszprémy/Schaer 1999: xix.

⁴⁹ Veszprémy/Schaer 1999: xv.

⁵⁰ Veszprémy/Schaer 1999: xx.

⁵¹ Veszprémy/Schaer 1999: xxi.

⁵² Veszprémy/Schaer 1999: xxiii.

⁵³ Knoll/Schaer 2003: xxvi.

⁵⁴ Knoll/Schaer 2003: xxvii.

Boleslaw I through to Boleslaw III. Unfortunately for the subject of this thesis, it concerns itself chiefly with the military victories and other spectacular deeds of princes whom the author seeks to glorify. Nonetheless, certain references to political assemblies are evident, particularly when Polish dukes and kings interact with other polities and other rulers.

Knowledge of the text itself depends largely on three copies from the late Middle Ages.⁵⁵ The *Codex Zamyscianus*, archived as *Ms. BOZ cim. 28, folios 20v-54v* in the National Library in Warsaw dates from 1380-92 and is considered the best and most complete copy. Another copy in the Library of the Czartoryski Museum in Cracow is made directly from this document and as such bears no textual significance. The third copy is the so-called *Heidelberg codex*, a paper manuscript from around 1469-71, kept in the National Library in Warsaw under *Ms. 8006, folios 119-247*, and reputedly based on a Cracow text from ca. 1330.⁵⁶ This text is incomplete and ends after chapter 15 of Book III, as well as omitting other parts. Its value is consequently limited, though in working with the most commonly used transcription, that of Maleczynski from 1952, it has served as a corrective. It is this transcription that has been used for the English translation.⁵⁷

The value of the text lies largely in its sources; contemporary oral sources have been utilised extensively by the author, thus adding a measure of reliability to a chronicler not native to the country of his chosen subject.⁵⁸ Some written texts and old dynastic legends also feature as sources for this compilation.⁵⁹

1.4.5. *Chronica Boemorum*

The *Chronica Boemorum* consists of three books, and spans two hundred and fifty years of Czech history, from the early times shrouded in myth to the author's death in October 1125.⁶⁰ The first book concerns itself with the time before 1037, and treats the mythical origins of the Czech people as well as its early rulers. As is expected, it is in this part of the chronicle that the author has taken the greatest liberty in his presentation, filling with what is clearly fancy the holes in his leaning.⁶¹ The second book spans from the accession of Duke Bretislav I to the death of his last son in 1092, while the third concerns itself with years more contemporary to Cosmas; 1092 to 1125. The latter part is chiefly occupied with twenty-five years of

⁵⁵ Knoll/Schaer 2003: xx.

⁵⁶ Knoll/Schaer 2003: xxi.

⁵⁷ Knoll/Schaer 2003: xxiii. The translation used in this thesis was published with a parallel text in Latin in 2003 by Paul W. Knoll and Frank Schaer.

⁵⁸ Knoll/Schaer 2003: xlv.

⁵⁹ Knoll/Schaer 2003: xlvi.

⁶⁰ Wolverson 2009: 4.

⁶¹ Wolverson 2009: 7.

succession crises. Book one was completed in 1120 by Cosmas of Prague, a clergyman native to Bohemia but educated at the cathedral school of Liège.⁶² The remainder was produced by Cosmas between 1120 and 1125. The chronicle was widely circulated in his day, and the oldest surviving manuscript date from around fifty years after his death.⁶³ The text used in this thesis is translated by Lisa Wolverton, and transcribed in 1923 by Bertold Bretholz.

⁶² Wolverton 2009: 4.

⁶³ Wolverton 2009: 17.

Chapter 2: Ritual, symbolic communication and the rules of the game

2.1. A quantitative perspective

The emphasis of this thesis will be on comparison between two well-known chronicles from central and western Europe, and three east-central European works considerably less prominent, but no less important, in the field of research. The approach has yielded a discrepancy with regards to quantity; where Thietmar's *Chronicon*, Orderic's *Historia Ecclesiastica* and the *Chronica Boemorum* of Cosmas of Prague contain a considerable number of references to political assemblies, the *Gesta Hungarorum* of Simon Kéza and the anonymous *Gesta principum Polonorum* is much sparser with its information. The work of Cosmas, despite being nominally grouped among the east-central chronicles, exhibits greater similarities with the western evidence in the share quantity of references. In substance too it straddles the chasm between east and west. The table below can serve to illustrate this discrepancy.

Chronicle	Number of separate assemblies mentioned ⁶⁴
Chronicon	65
Historia Ecclesiastica	55
Chronica Boemorum	46
Gesta Hungarorum	11
Gesta principum Polonorum	9

This irregularity is both a find in itself, and a potential problem. While the *Gesta Hungarorum* and the *Gesta principum Polonorum* are both shorter than the other chronicles (the Hungarian chronicle particularly so), the limited number of political assemblies they treat can still serve to shed light on the weight their compilers and – if one assigns to them the ability to represent attitudes prevalent among their contemporaries – their period in general placed on political assemblies. The potential problem presents itself in the former, namely that examples may be too few and far between to accurately position east-central Europe compared to the West. Absence in sources is not necessarily indicative of absence in general when the more limited

⁶⁴ It is important to note that a number of assemblies have been left out of this statistics. All chronicles covered in this thesis make mention of the election of bishop and abbots where no interaction occurs between the institution in question, and the world at large. This is particularly true with the election of abbots, which is usually relegated to a matter entirely confined to the monastery. As mentioned in the text, institutions clearly entirely within the realm of the Church have not been considered. While the remaining four chronicles exhibit a similar number of such elections, this decision skews the results of Thietmar's chronicle, where for reasons treated in the text, interaction between the Church and society at large takes on a much more prominent role.

scope of the narratives is kept firmly in mind. This discrepancy must be factored in when treating the east-central evidence.

Another factor that can benefit from a short excursion into the world of quantitative history is the terminology used. The table below shows what terms are used in the narratives to describe the assemblies listed in the chart above.

Term ⁶⁵	Chronicon	Hist. Eccl.	Chr. Beo.	Gest. Hung.	Gesta. Pol.
Consulto	-	5	-	-	1
Contio	2	2	-	-	1
Consilium	10	19	5	2	5
Congregatio	-	1	-	1	-
Communitas	9	2	6	6	1
Conventus	3	4	1	-	-
Sinodus	5	-	4	-	-
Colloquium	3	-	-	-	-
Curia	-	2	1	-	-

A number of problems present themselves. First of all, almost half of the political assemblies in the *Chronicon*, the *Historia Ecclesiastica* and the *Chronica Boemorum* lack a specific terminology. The event is implicitly described, or simply noted, as is often the case in Thietmar, as an occasion in which ‘the great men gathered’, or where decisions was simply made ‘by all’ (*omnes*). The *Gesta Hungarorum* and the *Gesta principum Polonorum* may be sparse with references to political assemblies, but in turn provide clear terminology for the passages they do include. Secondly, it is difficult to distinguish between what is translated as ‘council’, ‘counsel’, and ‘advice’. All three are referred to as *consilium*, and used in a variety of ways with no immediately discernable pattern.

If this table presents certain problems, they are more than made up for by what can be read from it. Two main points make themselves apparent. First of all, as will be treated below, the east-central narratives sans the Polish chronicle concern themselves considerably more with the extended communal element, compared to other terms used. Secondly, a pattern of development can be found. Thietmar’s *Chronicon*, the oldest of the sources used, presents a large number of terms used seemingly at random.⁶⁶ More than a dozen different appellations

⁶⁵ Terms have been combined and grouped for the sake of clarity. *Consulto*, *congregatio* and *sinodus* remain unedited save for grammar. Under *contio* (assembly) are counted the term itself, as well as variant spelling (*conctio* etc.). *Consilium*, *conventus* and *colloquium* are used in place of a number of variants. *Curia* is used to indicate both this term for royal court, and the *coram rege*. *Communitas* is a catch-all category to encompass a number of different terms to the same effect; underscoring the communal element, often in combination with other terms. *Commune consilium*, *omni populo*, *patriae tocius*, *generali plebis*, *communiter consilium* and *consensus omnium* all fall under this category.

⁶⁶ Interestingly, Thietmar is the only source in which is used the exact term *colloquium publicum*.

are used to describe similar events. Turning to Orderic presents a different picture; a clear majority of events are described as a *consilium*. One must be ever careful not to assume too much, but it is perhaps safe to interpret this as a shift in ideas as well as in language; Orderic Vitalis represents a tradition in which these concepts have found more standardised use, where an increasing institutionalisation has given rise to normalised terms.

Finally, it betrays a lack of terminological distinction so marked as to warrant comment – while the term *sinodus* is used by the *Chronicon* and the *Chronica Boemorum*, only the former confines it to use on ecclesiastical assemblies. Indeed, Orderic makes no terminological distinction between what is clearly a synod, and regular secular assemblies; both are noted as *consilium*.

2.2. The communal element

Throughout this thesis and the examples used, one finds a recurring concept: the idea of community, of the people as a whole, of the entire realm in popular assent or opposition. As a subject it is difficult to approach. The narratives pay frequent lip-service to the idea; decisions are made and ‘approved by all’, ‘by all the people’ or ‘by common consent of all the Saxons’ or Normans or Hungarians or whichever nationality treated. It is closely connected with active deliberation and communal participation in decision-making. It is difficult to ascertain exactly what role and purpose this communal element has, and what, if any, separates the various sources in their approach to the subject. Certainly, assuming any kind of organised or institutional communal representation at assembly is premature for this period. Antonio Marongiu underscores how political assemblies existed for practical, not legal reasons, and that assembly was a means of attaining legitimacy.⁶⁷ No doubt the communal aspect was used as such by political actor and chronicler alike. However, before embarking upon this analysis, where these five chronicles will be extensively compared, it is necessary to treat the comparative method itself.

2.2.1. Comparative method

Comparative method, if such a thing exists, has traditionally been used more by historians of the modern and classical periods than by medievalists.⁶⁸ Many different approaches have been taken. Theda Skocpol and Margaret Somers have contributed three ‘logics’ of comparative

⁶⁷ Marongiu 1968: 28ff.

⁶⁸ Melve 2009: 62.

history; macro-causal analysis, parallel demonstration of theory, and contrasts of contexts.⁶⁹ Charles Tilly in turn holds up four typologies, namely individualising, universalising, over-arching, and variation-finding comparisons.⁷⁰ Ladislav Holy on the other hand differentiates between functional correlation, cross-cultural description, and intra-cultural comparison.⁷¹ They are not alone.

All these approaches are useful to keep in mind when undertaking a comparison between our chronicles. Holy's functional correlation is of particular interest, though it carries over into the problem of functionalism. This will be treated below. Comparison itself however, no matter the approach, carries with it a series of problems. Gravest is the problem of abstraction – in order to be manageable, empirical data must be abstracted, and hence their inherent value is compromised. Hence, a small number of units are traditionally preferred, and a synchronic comparative perspective is often favoured over a diachronic approach.⁷² This in turn detracts from the value of finding similarities; Skocpol and Somers' contextual contrasts come to the fore. However, the nature of the source material of this thesis necessitates both a diachronic and a synchronic approach, and its value lies precisely in establishing common features across the breadth of Christendom. This calls into question the value of comparative method. Marc Bloch has assigned to it three functions; to test hypotheses, to discover the unique quality of different societies, and to formulate approaches to further research.⁷³ The first two are perhaps the most readily useful for this purpose, yet jostles with the above problem of limited synchronic comparison.

The source material also brings into question the value of asymmetric comparison. Clearly, the western material is voluminous to a degree only imagined for east-central Europe. As mentioned above, this may create the impression that political assemblies were a more staple part of society in the west than in the east. The choice to disregard this discrepancy is not without its own problems – for while absence may be attributed to a deficiency in source material, it may just as well be indicative of real absence of political assemblies, or rather, of the same emphasis on them. It is most useful then is to keep the hard numbers in mind, but put the emphasis instead on the nature of the passages that do describe and refer to political assemblies in east-central Europe.

⁶⁹ Melve 2009: 64ff

⁷⁰ Ibid

⁷¹ Ibid

⁷² Melve 2009: 67.

⁷³ Melve 2009: 68.

2.1.2. A historiographical approach to assembly function

There is a set of prevailing assumptions regarding the function of medieval political assemblies. These are in turn intrinsically linked to how these functions were fulfilled, thus imbuing political assemblies with great importance in conflict management and resolution. Political assemblies were, at least in part, carefully staged events.⁷⁴ Timothy Reuter writes:

*The characteristic form of public political action was therefore not that of transparent mediation between divergent interests or claims openly expressed, but that of opaque ritualised behaviour symbolising closure and reaffirming an order which should if at all possible be seen not to have been threatened.*⁷⁵

On their function, Reuter affords medieval political assemblies great scope. Assemblies, he argues, treated most major issues, from legislation and diplomacy to court hearings and military planning; indeed any kind of consultation.⁷⁶ On diplomacy he is especially clear: *Diplomacy was scarcely conceivable in this period without a backdrop of regnal assemblies.*⁷⁷ In this however, Reuter exhibits similarities with traditional constitutional historians like Fritz Kern, who underscored the importance of popular assent in ‘foreign’ matters.⁷⁸ As other historians, Reuter infuses political assemblies with importance in consultation on the state of the realm whenever a ruler required popular support⁷⁹ (whether this support was judicially or pragmatically required), yet his most important assertion is perhaps his partial denial of Habermas’ traditional argument that the ‘public’ did not exist before the Enlightenment – political assemblies, Reuter argues, was the ‘public’ sphere. In his article *Ottonian ruler-representation in synchronic and diachronic comparison*, Reuter writes:

*Agriculturally and liturgically, the year moved continuously, if at varying pace, around its cycle; politically, time froze except on campaigns and at assemblies. It was here, for the most part, that movement and interaction were possible at all. Assemblies were not merely occasions when the ruler could represent himself as ruler in the flesh; they were almost the only occasions when the polity could represent itself to itself. Outside the assembly there were the local politics of feud and ‘convivum’; but only at the assembly could this centreless polity define itself...*⁸⁰

⁷⁴ Reuter 2001: 439f.

⁷⁵ Reuter 2001: 439.

⁷⁶ Reuter 2001: 440.

⁷⁷ Reuter 2001: 441.

⁷⁸ Kern 1948: 82.

⁷⁹ Reuter 2001: 442.

⁸⁰ Reuter 1998: 378f.

In spite of his criticism of traditional constitutional history, Reuter does not depart completely from the idea of institutional evolution. Assemblies, he holds, merged imperceptibly into the parliaments of the Late Medieval period.⁸¹ P.S. Barnwell's general definition of political assembly, that being ...*occasions when groups, often relatively large groups, convened for a specific purpose*⁸² and further conforming to at least one of his criteria, namely commemoration or celebration of an event, jurisdiction and judgement, consultation for the common good and legislation with the same intention, is considered above. In treating political assemblies of the 7th century, Barnwell is more specific than when speaking in general terms. The occasions for the holding of an assembly, he writes, could include the making of kings, swearing oaths of loyalty to that king, announcing judgements in high-profile cases, making laws, and announcing important decisions to a wider public.⁸³ Presumably, he considers these occasions to be not only the most common, but the most important, of events. Indeed, Barnwell considers the promulgation of laws to be the primary function of that most common of assemblies; the routine gatherings afforded little attention in epic chronicles concerned chiefly with the unusual, the extraordinary.⁸⁴

Considering the function of assembly in treating the event itself, Barnwell offers a picture of 7th and 8th century assemblies that is mirrored in later developments:

*At the assembly, the process of decision-making seems to have been divided into two elements. First, either before the assembly itself, or in its early stages, the king and magnates (whether secular, ecclesiastical, or both) agreed upon the matters in hand. [...] Second, the decisions were placed before the assembly as a whole for them to be acclaimed. [...] There is no evidence that the full assembly engaged in active debate...*⁸⁵

Further elaborating on the subject of political assemblies in general, P. S. Barnwell hints by way of example to the one central feature of the medieval political assembly; the ability to create and communicate an agreement, a solution, a consensus.⁸⁶ The assembly was a means by which consensus was reached, and could serve as a vent for public opinion and disquiet in a society where the only other alternative available was violent opposition.⁸⁷ Barnwell writes: *In the period before the rise of bureaucratic literacy, assembly was the best means of*

⁸¹ Reuter 2001: 443.

⁸² Barnwell 2004: 3.

⁸³ Barnwell 2004: 13.

⁸⁴ Barnwell 2004: 24.

⁸⁵ Barnwell 2004: 28.

⁸⁶ Barnwell 2004: 5.

⁸⁷ Barnwell 2004: 7.

*transacting almost any kind of business, of creating a common understanding, a form of consensus...*⁸⁸ Insley, treating the Anglo-Saxon assemblies of the early medieval period, supports this view, and notes that ritual and ceremonial assemblies, whatever their other functions, created a context in which dispute and conflict would be managed without matters getting out of hand.⁸⁹ This view seems prevalent in most treatments of the subject, though in light of Reuter's comment that conflict resolution is one of the best-documented and most-studied functions of assemblies⁹⁰, one must not omit the possibility that it may be invested with disproportionate importance for this very reason. Not all scholarly work supports the notion that the primary function of political assemblies was legislation or conflict management, however, as seen above in the approach of Thomas Bisson. The general trend is nonetheless clear.

A study of research concerning assemblies outside the areas so far touched upon yields results similar to those mentioned above; when listing the five types of occasions for which assemblies were gathered in Catalonia and Aragón from 900 to 1200, Adam Kostos reveals obvious similarities between polities wide apart. He lists general councils, the dedication of churches and cathedrals, judicial sessions, collective oath-taking, and peace assemblies.⁹¹ The resemblance to conclusions drawn on assemblies in France, Germany and England adds credence to the notion that meaningful insight is to be gained from comparing attitudes to political assemblies in chronicles separated by considerable chasms of both space and time.

As is evident from the above, there are, unsurprisingly, some diverging definitions of political assemblies and of their rules and functions. Concern has been expressed that historians deal too much in the course and the outcome of political assemblies, and fail to concern themselves sufficiently with the form and the function of these perceived institutions.

2.2.2. Comparative perspectives on the popular element

While all the chronicles in this thesis speak of political assemblies and communal consensus, they differ on what terms are used to describe this consent. Certainly, all employ concepts of 'great men', 'magnates' or 'nobles of the land', and it is to them that by far that falls the prerogative to attend political assemblies, whatever their role and function. Yet a broader communal element can be discerned, one in which can be read considerable differences

⁸⁸ Barnwell 2004: 9.

⁸⁹ Insley 2004: 50.

⁹⁰ Reuter 2001: 441.

⁹¹ Kostos 2004: 134.

between some of the narrative sources. A short treatment of the concepts employed can serve to accentuate these differences.

First one must dispense with the assemblies where no concrete identity is attributed to the participants. These comprise a large number of assemblies and all chronicles studied. Kings, popes and dukes would convene ‘councils’, ‘synods’ or ‘assemblies’, with little information provided as to whom attended; ‘all present’ would agree or consent or oppose as the situation required.

Of the five chronicles, Thietmar of Merseburg’s *Chronicon* is most clear in the concepts employed as far as the participants are concerned (though he is similarly unclear on the assemblies themselves). With some exceptions where as mentioned above a decision is noted as being ‘approved by all’, or in the case of certain church appointments, ‘by the clergy and the people’, Thietmar refers with consistency to the *principes*, *optimates* or *senatores*, translated as seen below to ‘leading men’, ‘great men’ or simply ‘the nobility’. These men are held to represent the community at large, certainly, but said community is rarely, if ever, explicitly mentioned as engaging the prince in a political assembly. Orderic is close to Thietmar; ‘magnates’ and ‘barons’ (*barones*) are frequently employed, along with the same ‘great men’ of the *Chronicon*, and the occasional ‘wise’ men, or ‘nobles’. The exception is Orderic’s treatment of the Crusades, where the popular element is rhetorically extended to include a less closely-defined group, which will be discussed below, and the election of Lothair III⁹², who is described as being ...*enthroned by a general resolution of the people (plebis)*.⁹³

The Polish chronicle provides the bridge between these two western chronicles, and the east-central evidence. The anonymous chronicler employs *principes* and *magnatorum* to describe those who attend political assemblies, much as Orderic or Thietmar might, but his work provides a few exceptions. When the young Boleslaw travelled Poland to gain support for his claim to the throne, he arrived in a town where the chronicler describes him as calling a meeting, first with the leading townsmen and elders, and then with the people as a whole (*totum populum*).⁹⁴ A meeting on a much smaller scale than the large regional or national assemblies certainly, but also an affirmation of a concept of communal consent and an early urban popular assembly.⁹⁵ In treating the precursor to Emperor Henry V⁹⁶,s invasion of

⁹² Lothair III, King of Germany from 1125, Holy Roman Emperor from 1133 to 1137.

⁹³ Chibnall 1969-80: 361ff, Volume VI, Book XII. ...*generalis plebis edicto intronizatus successit*.

⁹⁴ Knoll/Schaer 2003: 145.

⁹⁵ For more on these early urban gatherings in Poland, see Zernack 1967.

⁹⁶ Henry V, King of Germany from 1098, Holy Roman Emperor from 1106 to 1125.

Poland in 1109, the chronicler attributes to Duke Boleslaw the position that he could not acquiesce to the demands of the emperor save by the common counsel of his men (*commune consilium*) and his own will and decision, though the narrative gives no indication as to the identity of those men.⁹⁷

The works of Simon Kéza and Cosmas of Prague diverge from this pattern. Certainly, they too make use of the ‘leading men’ and ‘princes’, ‘nobles’ and ‘magnates’ of the other chronicles, but the popular element is much more pronounced. The emphasis here is on the myths of origin that the two largely share. The importance of these as it pertains to the political ecclesiology of the compilers will be discussed below. Suffice to say, where Thietmar and Orderic firmly adheres to communal consent being expressed by the ‘great men’ of the realm, Simon and Cosmas include in their works a greater rhetorical emphasis on the people as a whole. The Huns willingly put themselves under the command of princes.⁹⁸ It was the *communitas* that could declare the decisions of a judge invalid.⁹⁹ Simon does not keep to rhetorically implying this popular element either; he explicitly relates how the Hungarians of antiquity were all equal,¹⁰⁰ and how they enjoyed a communal style of government.¹⁰¹ This emphasis abates as the chronicler turns to Christian Hungary, though it was ‘the Hungarians as a whole’ who deposed Peter the Venetian.¹⁰² Where the Hungarian narrative limits this rhetorical emphasis to the mythical origins of the Hungarian people, Cosmas of Prague carries it further. He too has similar myths, where in setting the woman Libuse as judge, he relates how *Since she predicted many proven futures for her people, that whole people took common counsel (commune consilium) and set her up as judge over them after the death of her father.*¹⁰³ The emphasis on the popular element continues into Cosmas’ treatment of Christian Bohemia. When Boleslav II¹⁰⁴ in 967 sought to elect Thietmar as Bishop of Prague, he *...convened the clergy, leaders, and people (populum) of the land and, through his own entreaties and admonitions, he brought it about that everyone by common assent (communi assensu) elected Thietmar as their bishop.*¹⁰⁵ The communal element is most explicitly stated

⁹⁷ Knoll/Schaer 2003: 227.

⁹⁸ Veszprémy/Schaer 1999: 25.

⁹⁹ Veszprémy/Schaer 1999: 29.

¹⁰⁰ Veszprémy/Schaer 1999: 31.

¹⁰¹ Veszprémy/Schaer 1999: 43.

¹⁰² Veszprémy/Schaer 1999: 121.

¹⁰³ Wolverson 2009: 40. *Et quia populo multa et certa predixit futura, omnis illa gens commune consilium iniens patris eius post necem hanc sibi prefecit in iudicem.* Bretholz 1955: 11.

¹⁰⁴ Boleslav II, Duke of Bohemia 972-999.

¹⁰⁵ Wolverson 2009: 73. *...clerum, primates terra et populum convocat atque suis precibus et monitis efficit, ut eum sibi in episcopum omnes communi assensu eligant.* Bretholz 1955: 44.

when Cosmas treats the election of Duke Spitihnev.¹⁰⁶ He writes: *After Bretislav's¹⁰⁷ death, all the Czech people great and small, by common counsel (communi consilio) and like will, chose his firstborn son Spitihnev as their duke...*¹⁰⁸ The terminology used in this passage is quite unique; no other chronicle draw so explicitly on the people as a whole, regardless of station.

The reason behind these differences can find a number of tentative explanations. It may simply be a question of style and language, into which little meaning can be read. Or, when Simon Kéza relegates it to the ancient mythical past of the Hungarians, it may be an attempt to justify the reign of his contemporary princes in ancient privileges. Similar concerns may have led Cosmas to emphasise the communal element, a need to justify not only dynastic but personal rule. Indeed, if one holds that rhetoric hides a specific need for justification, this insistence on wide popular mandates may indicate a contested contemporary view of the birthright and rulership of the dukes Cosmas sought to defend. Given the turbulent struggles over succession in his account, this is a probable explanation. This approach does not explain however why Thietmar of Merseburg, equally preoccupied with challenged rule and civil war, fails to employ a similar rhetorical device.¹⁰⁹

2.2.3. Consent and active deliberation

The arena of medieval life where active deliberation and the consent of a large number of people is most striking, is when the sources treat military campaigns and decisions pertaining to them. As Timothy Reuter has pointed out, the association between political assemblies and armies and warfare is undeniably strong. *Exercitus* (army) is even used to describe political assemblies, if not frequently in these sources then often in medieval narratives in general, though one must be careful not to read too much into such a term – it may very well be the only term available to a chronicler with limited Latin for describing a large gathering of people. Even so, the source material makes this association indisputable. It also serves to highlight a marked difference between the works of Orderic Vitalis and Thietmar of Merseburg. Almost intuitively, a medieval political assembly where the monarch gathered with his vassals must have served at times as an arena in which to plan a military campaign. Indeed, the feudal structure of the medieval state may be a deciding factor in the development

¹⁰⁶ Spitihnev II, Duke of Bohemia 1055-1061.

¹⁰⁷ Bretislav I, Duke of Bohemia 1035-1055.

¹⁰⁸ Wolverson 2009: 131. *Post cuius obitum filium eius primogenitum nomine Zpitignev omnes Boemice gentis, magni et parvi, communi consilio et voluntate pari eligunt sibi in ducem...* Bretholz 1955: 103.

¹⁰⁹ It is an interesting, though not novel, observation that most, if not all sources use the word 'concilium' to indicate both a specific council, and the act of taking counsel and receiving advice.

of political assemblies themselves. Antonio Marongiu, in his monograph *Medieval Parliaments*, writes: *The feudal system was not itself a cause of the rise of parliaments. But where parliaments were born and developed, it influenced their composition and structure and became one of their component parts and co-ordinates.*¹¹⁰ The military structure of the medieval polity is no small part of this. Yet as the following will show, the deliberative element is pronounced in the *Historia Ecclesiastica*, while subdued in Thietmar. When treating war in the context of political assemblies, and political assemblies in light of political ritual, it is interesting to note that Karl Leyser describes medieval battles as ‘highly ritualised events’.¹¹¹ This gives credence to the position that matters of war was as much a part of a web of political conflict resolution as it was in itself the conflict to resolve.

The deliberative element is quite pronounced. An example will be provided below where a large number of knights make unannounced appearances at an assembly in the Anglo-Norman realm. Where chroniclers go into details concerning the popular element, said element often constitutes the army. However, military planning still remain largely an arena for the political elite. William Rufus¹¹² summoned the forces of his barons to Winchester concerning a campaign against Robert in Normandy¹¹³; the conflict that provides a considerable part of Orderic’s story. The chronicler attributes these words to him: *I ask you to meet together in a council (concilium), discuss measures wisely among yourselves, and tell me what you decide should be done in this crisis. If you approve I will send an army to Normandy...* They approved.¹¹⁴ Similar examples can be found in Orderic’s work.¹¹⁵ Examples to the same effect can be found in Cosmas of Prague also. The first Duke Bretislav took counsel with his men, and ordered them to invade Poland.¹¹⁶ Duke Svatopluk¹¹⁷, in his struggle for the throne, took counsel with his warriors and heard their advice on what course to take; subtlety and deception was urged above continued warfare.¹¹⁸ No detail is provided as to the identity of these who are described as nothing but the duke’s ‘men’. That it refers

¹¹⁰ Marongiu 1968: 33.

¹¹¹ Leyser 1994: 197.

¹¹² William II, King of England from 1087 to 1100.

¹¹³ Chibnall 1969-80: 179, Volume IV, Book VIII.

¹¹⁴ Chibnall 1969-80: 181, Volume IV, Book VIII. *Colligite queso concilium, prudenter inite consilium; sententiam proferte, quid in hoc agendum sit discrimine Mittam si laudatis exercitum in Normanniam...*

¹¹⁵ When William Rufus ...called together all his barons of Normandy... and asked them what to do concerning the capture of his rival Count Helias, Orderic recounts how they replied in common consent by urging the king to embark upon a military campaign and conquer the province of Maine. Chibnall 1969-80: 239, Volume V, Book X. ...*conuocatis in unum Normannie baronibus ait...* Similarly, when Stephen is noted as summoning his nobles and asking their council on the enemy advance, and Orderic explicitly notes that he received different counsel. Chibnall 1969-80: 541, Volume VI, Book XIII.

¹¹⁶ Wolverson 2009: 112.

¹¹⁷ Svatopluk the Lion, Duke of Bohemia 1107-1109.

¹¹⁸ Wolverson 2009: 203f.

implicitly to the leaders of the army and not the entire army in itself is reasonable to assume, yet a deliberative element absent from many other types of assembly is explicitly made clear. In Thietmar, the monarch is afforded a less deferential attitude. At a gathering of leading men in Goslar, the emperor simply announced a campaign in the region.¹¹⁹ Similar instances occur in the text, but nowhere is active deliberation explicitly mentioned in the same manner as in Orderic.

In the Anglo-Norman narrative, not only does the king ask for both permission and advise from his magnates, but gatherings of nobles are afforded initiative on their own. When the nobles of Normandy were threatened by the notorious Robert of Bellême¹²⁰, *The Norman magnates grew alarmed when they realized what was happening, and in great anxiety held many long discussions on how best to resist.*¹²¹

The *Gesta principum Polonorum* is for instance concerned chiefly with matters of war, and so it is unsurprising assemblies treat these concerns. When Duke Boleslaw¹²² sought counsel from his magnates as to the right course of action against his rebellious sons, they decreed that he was to seize the towns of Sandomierz and Cracow from them.¹²³ The incident has clear parallels to the gathered magnates of Normandy telling William Rufus to assemble his army and conquer the province of Maine. In the *Gesta Hungarorum* on the other hand, no parallel to this or any other military assembly is found.¹²⁴ The structure of the medieval Hungarian military may very well have rendered such considerations as found in the West irrelevant. Indeed, the absence of a feudal structure akin to that of the West has been given as a cause for a dissimilar development of representative institutions.¹²⁵

A surprising degree of active deliberation is proven in the examples above, sans the works of Thietmar and Simon, but most of these assemblies remain limited to the elite. Examples where this deliberation is extended to include a wider spectrum of individuals can

¹¹⁹ *During this week, at the emperor's orders, our leading men gathered at Goslar. On this occasion, my uncle Siegfried received his brother Henry's countship, a campaign in our own region was announced, and there was discussion of other useful and urgent matters pertaining to the endangered homeland.* Warner 2001: 346, Book Seven, Chapter 54. *In hac ebdomada principes nostri edictu cesaris ad Gosleri conveniunt, ibique tunc avinculo meimet Sigfrido comitatus fratris Heinrici comendatur et expedico in nostris partibus ordinatur caeteraque patriae periclitantis proficua et admodum necessaria disputantur.* Trillmich 1966: 414.

¹²⁰ Robert de Bellême, Earl of Shrewsbury, influential land holder in both England and Normandy.

¹²¹ Chibnall 1969-80: 231, Volume IV, Book VIII. *Quibus uisis Normannici proceres turbati sunt; nomioque merore afflicti de resistendo diu multumque tractauerunt.*

¹²² Boleslaw III, Duke of Poland 1102-1138.

¹²³ Veszprémy/Schaer 1999: 149.

¹²⁴ Attila is described as holding court in Eisenach, where he decides to send a great host against the Danes, Norwegians, Frisians, Lithuanians and Prussians. Presumably the description of the event harkens back to the Hun campaigns in Northern Europe in the 5th century, though if one hypothesises that this part of the chronicle reflects in part the chronicler's contemporary attitudes, one may suggest a certain connection between military planning and a royal court. Veszprémy/Schaer 1999: 51.

¹²⁵ Rady 2000: 5.

be found when Orderic is concerned with the First Crusade. Certainly, his treatment of the crusade, largely not of his own making yet actively edited by him, gives ample proof of active deliberation between various crusading leaders.¹²⁶ A communal element however is also present. Concerns more practical than those treated in Europe find their way to gatherings of great men. Thomas Bisson makes this point when treating the Forth Crusade¹²⁷, but it is no less true in the 12th century. Upon arrival in the Holy Land, Christian leaders met together and by common consent dispatched Hugh the Great as emissary to Emperor Alexius¹²⁸ in Constantinople.¹²⁹ At Antioch, the crusaders discussed among themselves on how to proceed.¹³⁰ Once inside, they gathered to deliberate on how to find the Holy Lance.¹³¹ The same pattern is repeated when the crusaders ‘by common consent’ send envoys to Kerbogha¹³² and the hostile army besieging them,¹³³ or when crusaders were similarly besieged by the Turkish leader Belek and King Baldwin of Jerusalem¹³⁴ asked all his men for advice.¹³⁵ Orderic is careful in noting that he received many different opinions. Outside the gates of Jerusalem, they took counsel with each other and engaged in what Orderic clearly describes as deliberative military planning.¹³⁶ When Robert Guiscard fell while on campaign, he told his men to elect a leader from among themselves.¹³⁷ These are but a handful of examples from the text where men of the crusade deliberate among themselves on practical matters pertaining to a military campaign, but where the author has lost his usual emphasis on ‘great men’ or ‘magnates of the realm’. Deliberation is attributed just as often only to ‘the crusaders’, rather than to their leaders.

Where in the above, Thietmar of Merseburg provided the exception to the rule that active deliberation was often attributed to large gatherings of military men, he also provides a contrast to Orderic when popular participation by the army is concerned. Save a reference to the host gathering upon Otto III’s death¹³⁸, there is no mention in his work of any kind of participation by the larger military community; only the ‘great men’ are afforded any attention. Indeed, if similar examples are to be found in the German lands, it is to Orderic one

¹²⁶ Chibnall 1969-80: 89ff, Volume V, Book IX.

¹²⁷ Bisson 2009: 497.

¹²⁸ Alexius I Comnenus, Byzantine emperor 1081-1118.

¹²⁹ Chibnall 1969-80: 129, Volume V, Book IX.

¹³⁰ Chibnall 1969-80: 89, Volume V, Book IX.

¹³¹ Chibnall 1969-80: 109, Volume V, Book IX.

¹³² Kerbogha, Atabeg (noble rank with gubernatorial responsibilities) of Mosul during the First Crusade.

¹³³ *Ibid.*

¹³⁴ Baldwin II, King of Jerusalem 1100-1118.

¹³⁵ Chibnall 1969-80: 119, Volume VI, Book XI.

¹³⁶ Chibnall 1969-80: 163, Volume V, Book IX.

¹³⁷ Chibnall 1969-80: 37f, Volume IV, Book VII.

¹³⁸ Warner 2001: 187, Book 4, Chapter 49.

must turn, who notes that during the imperial election following the death of Henry V, sixty thousand fighting men were present.¹³⁹

2.3. Reconciliation

The satisfactory resolution of conflicts was central to many aspects of medieval life, and no less so in the chronicles treated here. Reconciliation between feuding parties is a topic subject to much research. It is first necessary to relegate conflict management largely to the domain of politics, rather than law. As Frederic Cheyette writes, before the mid 12th century, conflicts were settled by compromise, not by authoritative courts and objective criteria.¹⁴⁰ The role of assemblies in particular is of interest to this thesis. It can serve to shed light on the ritual aspect of political assemblies, and on the degree of independence and active deliberation taking place in them. Hanna Vollrath underscores how conflict management was a communal responsibility in a society without clearly established judicial institutions.¹⁴¹ Regular courts featured, but remained but one part of the picture. The management of conflicts and disagreements was a political matter for the larger community. Timothy Reuter agrees with Gerd Althoff in that the polities of this period actively feared and shunned open expression of conflict and disagreement.¹⁴² He writes:

*The characteristic form of public action was therefore not that of transparent mediation between divergent interests or claims openly expressed, but that of opaque ritualised behaviour symbolising closure and reaffirming an order which should if at all possible be seen not to have been threatened.*¹⁴³

By this assumption, gatherings where hostile parties were to meet and reconcile must have been subject to a great degree of preparation, and perhaps a great degree of control. Insley too underscores ceremonial role of assemblies, where disputes and conflicts could be managed without matters getting out of hand (albeit referring specifically to Anglo-Saxon England).¹⁴⁴ As shown above, Barnwell considers assemblies the best means of forming a consensus.¹⁴⁵ That does not necessitate the same singular focus on preventing dissent that Reuter has however. Stuart Airlie adds nuance to the positions when he explains how medieval political assemblies were not open, democratic arenas: *...if we should not imagine*

¹³⁹ Chibnall 1969-80: 363, Volume VI, Book XII.

¹⁴⁰ Cheyette 1970: 287-299.

¹⁴¹ Vollrath 2002: 94.

¹⁴² Reuter 2001: 439.

¹⁴³ Ibid.

¹⁴⁴ Insley 2004: 50.

¹⁴⁵ Barnwell 2004: 9.

*such meetings as overshadowed by untrammelled royal authority, it seems that we should also not imagine them as venues for frank speech and fierce arguments.*¹⁴⁶ Prepared ceremonies were hardly all that contemporaries understood assemblies to be.¹⁴⁷ He admits however that the ruling elite rarely risked using language of open hostility.¹⁴⁸

This approach necessitates an analysis of the concept of political ritual in itself. Here the French historian Philippe Buc has carved for himself a prominent position. In his seminal article *Ritual and interpretation: the early medieval case*, and the subsequent monograph *The Dangers of Ritual*, Buc upset the established scholarly order with a fierce criticism of how historians employ the concept of ‘ritual’. He attacks the notions of ritual and consensus that have been central to many historians of political assemblies. His criticism is fundamental to this thesis, in that Buc is concerned chiefly with narrative sources. The approach to assemblies as staged events was thus similarly capsized. Buc argues that where traditional historians have viewed ritual as a specific function, rituals in texts, rather, suggests that the textual rendition of the event had considerably more impact than its performance.¹⁴⁹ Interpretation is about authority and power, and it is in interpretation and reception that meaning is ascribed, not in the event itself. Buc emphasises the rhetoric of religious mystery, and claims that medieval authors imbued favoured events with animation as a rhetorical tool.¹⁵⁰ Rituals in themselves did not shape society; their interpretation did.¹⁵¹

Furthermore, leaning on Warner or Buc yields significantly different readings of these types of conflict resolution; if a ritual of submission, resolution was staged; if a ritual in Buc’s sense, it was more a creation of the chronicler. Buc is not without critics however. Geoffrey Koziol can serve to shed light on what seems a contradiction. Koziol holds that Buc has misunderstood the way historians use ritual, and that its use is far from as rigidly functionalist as Buc claims.¹⁵² While Buc desires to banish the word ‘ritual’ from historical scholarship, he too uses it profusely – if at times under different names. Buc’s approach does not bar from use the concept of ritualised interaction. Other scholars too admit readily the relationship between ritual and audience, without demanding that traditional approaches be thrown overboard entirely. Hanna Vollrath writes: *The essence of rituals seems to lie in the fact that they were*

¹⁴⁶ Airlie 2004: 29.

¹⁴⁷ Airlie 2004: 37.

¹⁴⁸ Airlie 2004: 30.

¹⁴⁹ Buc 2000: 183.

¹⁵⁰ Buc 2000: 186.

¹⁵¹ Buc 2000: 191. Buc even goes so far as to ascribe this desire to influence interpretation to be the very motive for historical writing. Buc 2000: 186.

¹⁵² Koziol 2002: 377

performed by persons in the presence of a knowledgeable audience.¹⁵³ In treating a central conflict in the *Gesta principum Polonorum*, Zbigniew Dalewski points out that:

*Gallus' story proves that ritual's role as a political tool was principally determined less by the completion of a specific set of ritual gestures than by the meaning ascribed to those gestures by the participants and observers – who, taking advantage of ritual's ambiguity, were able to manipulate the sense of these gestures, and to endow them with substantive meaning in accordance with their own interests.*¹⁵⁴

An alternative to Buc does not deny this importance; interpretation is an important part of any political ritual, even if it has a specific function. This foreshadows the general conclusion of this thesis; that both Buc and Althoff maintain a false dichotomy between stringent functionalism and malleable interpretation.

Resolving conflicts is one of the best-documented and most-studied functions of assemblies, Reuter writes.¹⁵⁵ Allow the documentation, then, to shed light on these assumptions.

2.3.1. Reconciling feuding peers

Private feuds were common not least in the Holy Roman Empire, but in Christendom in general. They provide a series of excellent examples of the role and presentation of assemblies in this undertaking. The following will show a marked difference between the Empire of Thietmar's world, and the rest of Europe. Thietmar alone shows an undeniable connection between private feuds and political assemblies. Furthermore, the exact role of assemblies is notoriously difficult to ascertain. Here, as in other passages, the problem of omission of detail is obvious – chroniclers describe matters as settled, but offer little insight into how, or by whom. At times however, considerable detail is provided.

A telling example is when Emperor Otto II¹⁵⁶ convened an assembly in Quedlinburg at Easter, where the dukes of Poland and Bohemia, various foreign dignitaries, and the leading men of the kingdom appeared. Here, Thietmar writes *...matters had been settled peacefully and gifts had been distributed.*¹⁵⁷ Presumably, some prior conflict demanded resolution, and Thietmar seems to be in no doubt that it is here, in the presence of many leading men, that

¹⁵³ Vollrath 2002: 97.

¹⁵⁴ Dalewski 2008: 193.

¹⁵⁵ Reuter 2001: 441.

¹⁵⁶ Otto II, King of Germany from 961, Holy Roman Emperor from 967 until his death in Rome in 983.

¹⁵⁷ Warner 2001: 115, Book 2, Chapter 31. *...consummatisque pacifice cunctis, ditati muneribus magnis...* Trillmich 1966: 68.

such a resolution belongs. The chronicler is careful to note that the assembly is convened ‘at the emperor’s order’. Attendees, or so Thietmar relates, returned home satisfied, though no detail is provided as to exactly what was considered. The connection between the satisfactory resolution of a conflict and a political assembly is further cemented in Book 4, where in 995 *...through good counsel (consilio), a long-running dispute between the¹⁵⁸ Henry (Duke of Bavaria¹⁵⁹) and Gebhard of Regensburg¹⁶⁰ was settled...* at a meeting of the king’s leading men at Magdeburg.¹⁶¹ This meeting too is described specifically as being held by the king. The duke is described as ‘celebrated’ and ‘pious’, and upon his deathbed soon after, he implores his heir never to oppose his king and lord, expressing his regret at having done so himself. Not only is concord achieved between Henry of Bavaria and Gebhard of Regensburg, but Thietmar takes the opportunity to reinforce the impression of subservience to the monarch.

The list of similar events goes on: Abbess Mathilda¹⁶², regent in the emperor’s absence, held an assembly in Magdeburg to resolve a conflict over the kidnapping of a young bride¹⁶³; Henry II¹⁶⁴, when faced with the task of resolving a conflict between Count Herman¹⁶⁵ and his uncle Margrave Gunzelin¹⁶⁶, *...asked the leading men to give their collective opinion (communiter consilium) regarding the many complaints and also to assess the justification suggested by Gunzelin and his supporters.*¹⁶⁷ The build-up to this assembly has the emperor arriving on the scene and investigating the matter of the feud between the two, and assigning all blame to Gunzelin. Thietmar describes the magnates as discussing the matter in private: *After deliberating in private (secrete) for a long time, they offered the following response...*¹⁶⁸ The magnates condemned the man, but urged the monarch to show clemency and spare him punishment.

Interestingly, David Warner, in his article *Thietmar of Merseburg on Rituals of Kingship*, holds up this passage as an example of what he calls a ‘rite of submission’.¹⁶⁹

¹⁵⁸ Presumably this is a typographical error

¹⁵⁹ Henry I, Duke of Bavaria 948-955, younger brother of Otto I.

¹⁶⁰ Bishop of Regensburg 994-1023.

¹⁶¹ Warner 2001: 165, Book 4, Chapter 20. *...cum bono ibidem finitur consilio*. Trillmich 1966: 136.

¹⁶² Abbess of Quedlinburg Abbey from 966 to 999, daughter of Otto I, sister of Otto II, aunt of Otto III.

¹⁶³ Warner 2001: 181, Book 4, Chapter 42.

¹⁶⁴ Henry II, King of Germany from 1002, King of Italy from 1004, Holy Roman Emperor from 1014; last of the Ottonians.

¹⁶⁵ Herman I, Margrave of Meissen from 1009 to 1038.

¹⁶⁶ Gunzelin of Kuckenburg, Margrave of Meissen from 1002 to 1009.

¹⁶⁷ Warner 2001: 275, Book 6, Chapter 54 *Inter tot lamentationes et eiusdem suorumque excusationes principum communiter consilium a rege quaeritur.....* Trillmich 1966: 302.

¹⁶⁸ *Ibid. ...ab hiis diu hoc secrete voluentibus taliter respondetur...* Trillmich 1966: 302.

¹⁶⁹ Warner 1995: 66.

Falling in line behind the likes of Gerd Althoff, Warner describes a practice of carefully prepared rituals of submission, where the assembly acted as a stage upon which was played out reconciliation between liege and vassal. Gunzelin ritually submitted himself to the judgement of the emperor, and he was received back into his grace (and presumably also that of Count Herman), and so the conflict was resolved. The role of the assembly then is not to hear the case and facilitate through negotiation a concord between the feuding parties. Rather it serves as a means to promulgate an agreement reached beforehand – for surely for a ritual to take place, it must have been prepared in advance. One may even go further, and express agreement with Philippe Buc that this promulgation might not even have taken place at the assembly itself, but in the text. If the event itself was carefully staged, Thietmar may have clad the assembly in semblances of active deliberation to support the notion that the outcome enjoyed widespread public support. If so, it assumes a critical public for his chronicle which would look unfavourably on sovereign autocracy, and imbue with greater legitimacy that decision which was made with a sufficient degree of communal consent, even participation. The argument has a major flaw however; it is the very ‘leading men’ who are asked to convene, who do so in private. No larger assembly is ever mentioned, nor does the process indicate that this gathering of leading men was especially small or limited. The identity of these leading men is as usual omitted, as is their number. It plays the part of Althoff’s *colloquium secretum*, but not to a larger *colloquium publicum*. The private nature of this deliberation is thus difficult to ascertain – was it an exclusive group of nobles as Althoff would have it, sans the corresponding public gathering, or was it private in a more general sense, in that the assembly at large deliberated without the accuser or the accused present to disturb them? It is difficult to say.

Regarding the assembly held by Abbess Mathilda, Thietmar makes a point of noting that not only did she assemble a gathering of leading men, she consulted said men on whether to hold an assembly at all.¹⁷⁰ On the one hand, the honourable abbess is described most favourably and noted as being regent of the imperial dignity in the absence of the Holy Roman Emperor. On the other hand, the chronicler appears to expect her to consult not only on the issue, but essentially to consult on whether to consult, or at the very least he desires to showcase her good nature by telling the reader that she did so. Whether the emperor himself would be expected to treat his magnates with the same deference is doubtful, though the

¹⁷⁰ Warner 2001: 181, Book 4, Chapter 42.

Polish evidence does note how the monarch consulted his magnates not only during an assembly, but prior to and in preparation of such a gathering.

These examples from Thietmar stand in sharp contrast to the *Historia Ecclesiastica* of Orderic Vitalis, in which the approach to this matter is decidedly different. Only two private conflicts are resolved in assembly. At Bréval, the feud between Ascelin Goel de Percival and his lord William of Breteuil was resolved, and William's prior imprisonment at the hand of the former is described by Orderic as his involuntary Lenten penance.¹⁷¹ Earlier in the *Historia*, the magnates of Normandy, presumably in a gathering of some sort, played a vital role when ...*Robert duke of Normandy yielded to the petitions of his magnates, pardoned his brother Henry, and freed him from the imprisonment which he had shared with Robert*¹⁷² of Bellême.¹⁷³

It is not that conflict resolution in assembly occurs rarely in Orderic; far from it. It is however almost exclusively concerned with reconciling the king with his rebellious vassals – of which there were many – or it relegates similar events not to reconciliation, but to legal judgement. Where Orderic has but two such incidents, the east-central evidence has none at all. Conflict resolution is featured frequently in the works of Cosmas of Prague; less so in the Polish and Hungarian narratives. Without exception however they treat conflicts involving the monarch, not said prince appearing in assembly and reconciling feuding subjects. This speaks volumes on early medieval Germany; perhaps on early modern Europe in general, if one assumes that presentation reflect ideas and concerns contemporary to the chroniclers. The German polity alone was of such a factitious and fragile nature, and had such a rudimentary form of government in a society so concerned with ties of blood and honour, that even that primary purpose of the monarch, the maintenance of order and peace, necessitated not only popular participation, but popular compromise and ritual displays of concord and harmony.

2.3.2. *Reconciliation between lord and vassal*

Assemblies as venues for reconciliation between the monarch and an errant vassal however are featured predominantly in Orderic, and finds parallels in other works. As this section will show, assemblies appear assigned to a consultative role only, even if initiative often lies with the assembly.

¹⁷¹ Chibnall 1969-80: 178, Volume IV, Book VIII. It is possible that the chronicler sought to abate any resentment the lord of Breteuil or his supporters may have had by imbuing his incarceration with an air of piety.

¹⁷² Robert of Bellême, Earl of Shrewsbury from 1098 to 1102, extensive holdings in Normandy from 1082.

¹⁷³ Chibnall 1969-80: 165, Volume IV, Book VII. ...*Robertus Normannie dux optimatum suorum supplicationibus adquiescens Henricum fratrem suum concessit: et a uinculis in quibus cum Roberto Belesmensi constrictus fuerat absolut.*

Orderic Vitalis is no less concerned with conflict resolution than Thietmar. This role is not restricted purely to the peaceful resolution of conflicts, but extends also to popular approval of measures taken by the crown when conflicts do arise. When William the Conqueror was faced with opposition to his rule from his son Robert and his supporters, he spent much time in Normandy. During this extended stay, he made his brother Odo¹⁷⁴, Bishop of Bayeux, regent of England. Upon return he found that Odo had oppressed the realm, and he turned to his magnates for a resolution.¹⁷⁵ *Give serious thought to what should be done and tell me, I beg you, what you decide*¹⁷⁶, Orderic credits the king with saying. The assembly is at least consultative. Building up to this is a familiar theme in the disparaging of political enemies not only found in Orderic. The chronicler, through William, describes his foe in unsympathetic terms: Odo seized riches, oppressed the poor, tormented the kingdom and had ‘shaken it with unjust exactions’. The passage is interesting, because it appears to provide an example of failed reconciliation – or perhaps failed communal participation in judgement. Of the great men’s response, Orderic writes: *All feared the great man and hesitated to pronounce sentence on him...*¹⁷⁷ Consequently, the king had to take action on his own. If we follow the approach of Philippe Buc and others, this is a conscious choice on behalf of the chronicler – when communal assent to punitive action failed to be expressed, Orderic had to resort to ascribing fear and hesitation to the gathered magnates to avoid painting William as an imperious lord, heedless of popular sentiments. Working from the assumption that private motive attributed to men of the distant past speaks more of the chronicler than it does of the men involved, one is inclined to agree.

Speeches, undoubtedly imaginary, are often attributed to various actors in the chroniclers, and can provide insight into his thought. Orderic utilises heroic speeches and dramatic dialogue entirely of his own invention, yet these passages are not diminished in their capacity to shed light on his own presumption on how matters he chronicled would have transpired. Some accounts may be closer to historical accuracy. Chibnall writes:

Some speeches are more closely related to real debates, and may at times be straightforward reporting. In describing the council of Rheims, Orderic twice

¹⁷⁴ Odo of Bayeux, half brother to William the Conquer, bishop of Bayeux from 1049.

¹⁷⁵ Chibnall 1969-80: 41, Volume IV, Book VII.

¹⁷⁶ Chibnall 1969-80: 43, Volume IV, Book VII. *Quid inde agendum sit caute considerate, et michi queso insinuate.*

¹⁷⁷ *Ibid: Cumque omnes tantum uirum timerent, et sententiam in illum proferre dubitarent.*

*recorded the attempts of the Norman delegates to answer charges levelled against Henry I and Bishop Audoin of Evreux were shouted down...*¹⁷⁸

Direct speech, she also argues, may be simply the quintessence of a debate.¹⁷⁹ Instances like these remain the only ones where a concrete idea of when, where and what is to be settled in assembly is presented to the reader. When the rebellious Ralph of Beaumont sought reconciliation with King William, Orderic attributes these words to him:

*I seek a truce, my lord king, he said, from your highness until you return safe and sound from Le Mans. There the bishop has his seat and the council of magnates (senatorum concio) is established; there every day the welfare of the province is publicly discussed and measures are taken for its safety. We will gladly acquiesce in whatever treaty is made with you there, and will obey your commands in all things.*¹⁸⁰

Many others besides Ralph sought peace with the king. This passage is surprisingly detailed. Emphasis is placed on the public nature of the discussion, and at first glance, this may point to an actively deliberative conference. An alternative explanation can be provided however. If we accept the assumption that negotiations have taken place prior to the assembly, the public nature of the gathering will take up a different function – that of witness, or the *colloquium publicum* of Gerd Althoff. Presumably, an agreement reached in public would bind the king and serve to save Ralph from his lord's eventual wrath, and this agreement was reached beforehand. If Buc's position is heeded however, the inclusion of such detail in the chronicle may indicate contestation concerning the outcome of this assembly, thus also indicting the absence of the very antecedent harmony giving the assembly the function of a *colloquium publicum* in the first place. The central question then becomes: Is Orderic descriptive, or polemic? He may be both. To suggest that the assembly was but a witness, a *colloquium publicum* is premature however. The language employed suggests that Ralph of Beaumont, or perhaps Orderic's 'fictional' Ralph of Beaumont, does not have a specific treaty in mind. Secondly, he only seeks a temporary truce until matters can be resolved following the king's return from Le Mans. Consequently, they were not resolved at the site of impending (but eventually avoided) battle in which Ralph found himself, and at

¹⁷⁸ Chibnall 1969-80: 80. Volume I.

¹⁷⁹ Chibnall 1969-80: 81. Volume I.

¹⁸⁰ Chibnall 1969-80: 241, Volume V, Book X. '*A sullimitate*' inuit '*uestra requino domine rex inducias, donec saluus de Cenomannis redeas. Illic enim presul et senatorum concio consistit, ibique communis cotidie de statu rei publicæ tractatus et prouidentia fit. Quicquid ibi pactum fuerit uobiscum nos gratanter subsequemur, et iussionibus uestris in omnibus obsequemur.*

which he communicated with the king. To draw the above conclusion borders on speculation. It would be even more so however to uphold the position that the treaty of which the vicomte speaks would have been prepared in advance, with no indication in the narrative source to indicate such a process, and indeed with the only interpretive reading, however strenuous, suggesting otherwise.

Turning to Thietmar's text, it provides us with some examples of reconciliation between the king and power holders both secular and spiritual in the German realm – an assembly at Aachen reconciled the monarch with Bishop Dietrich of Metz¹⁸¹ and his brother Henry, with whom he had had a dispute.¹⁸² No information is forthcoming as to the nature of this reconciliation however. Early in his work, Thietmar relates how the future king Henry I was accused of living in sin with his wife, and how he was summoned to a synod by Sigismund, the bishop of Halberstadt.¹⁸³ It is unknown whether the gathering was to pass judgement on the couple, or whether it was to serve as a stage upon which a solution was negotiated. Certainly it indicates an event where the spiritual cross into the realm of the temporal, though the two are difficult to separate, for the emperor desired to have the matter deferred until he himself could be present, and so the synod was not held, at least not to this purpose.

Only one event in the *Gesta Hungarorum* may be described as conciliatory assemblies of this kind. On Peter I's rule¹⁸⁴, Simon writes:

*On seeing the wrongs suffered by their people in contravention of the law of the realm, the princes and nobles of the kingdom took counsel (consilio) and went to the king, begging him to order his followers to cease at once from their vile behaviour.*¹⁸⁵

This is the pretext to the deposition of Peter, treated below. The incident takes the form of a petition to the king, but it is clear that the nobles approach their monarch as a whole, with the intent to reconcile their grievances with him. That the king denied this vocally only serves to underscore the importance ascribed to such an assembly, for Simon Kéza's following passages do not treat him kindly, and as seen below, he is soon deposed by communal assent for his many transgressions. The passage has an air of deference on part of the nobles that fails to find immediate parallel in the western evidence, but it is highly probable that

¹⁸¹ Bishop of Metz 964-984.

¹⁸² Warner 2001: 346, Book 7, Chapter 54.

¹⁸³ Warner 2001: 81, Book 1, Chapter 6.

¹⁸⁴ Peter I, King of Hungary 1038-1041, 1044-1046.

¹⁸⁵ Veszprémy/Schaer 1999: 109. *Videntes igitur principes et nobiles regni mala gentis sua, quae fiebant contra legem, communicato consilio rogaverunt regem, ut suis iniungeret a tam detestabili opera desistere sine mora.*

considerations both political and moral have contributed to Simon Kéza's presentation of this event. If rhetorical support were to rest with the rebellious nobles, it would not do to present them as arrogant or demanding.

Reconciliation the way it is presented in Thietmar and Orderic is not normally featured in the *Chronica Boemorum* either. The passage that mirrors most closely the events described in the western chronicles with such frequency concerns the conflict between Duke Spithnev and his brother. Spithnev had seized his sister-in-law, and returned her to her husband only following the intervention of Bishop Severus of Prague and the magnates of the realm.¹⁸⁶ No assembly is directly mentioned, though it is likely that Cosmas refers to some manner of communal action. Peace assemblies however are afforded some space. During the struggle between Vratislav¹⁸⁷ and his brother Conrad, the latter's wife Wirpirk appeared before Vratislav and his magnates in assembly, and sought reconciliation.¹⁸⁸ The effort was successful, for the king later summoned his brother, gathered the elders of the land, and confirmed that Conrad was his heir.¹⁸⁹ The exact role of the gathered magnates is vague – by Cosmas' words, they appear more tacitly accepting than actively involved, save to swear oaths to what their lord decreed. The deferential language may hide real influence however, and there is no doubt that this communal consent acts for Cosmas as a mark of legitimacy.

As with the other chroniclers, Cosmas is not above giving accounts of failed assemblies. When Vratislav's wrath was not directed against his brother, but rather his own son Bretislav¹⁹⁰, an assembly was convened to bring about reconciliation between the two. Instead, Bretislav's magnates advised him to come away with them and go abroad, for there was no hope for a satisfactory resolution of the conflict.¹⁹¹ It may be argued however that this decision did in fact resolve the conflict, and that it achieved by way of separation what it could not attain by any other means, namely the cessation of hostilities between father and son. Indeed, the central point of Gerd Althoff, namely that assemblies were prepared in advance, is strengthened rather than weakened by this passage, for Bretislav's party appears to know in advance the outcome of such an assembly, and thus decide against attending it in the first place.

An example of a failed assembly outside the Czech lands is provided. Cosmas relates how Henry V commanded that all the princes and bishops of his realm assemble at his court at

¹⁸⁶ Wolverson 2009: 133.

¹⁸⁷ Vratislav II, King (by imperial grant) of Bohemia 1085-1092.

¹⁸⁸ Wolverson 2009: 173.

¹⁸⁹ Wolverson 2009: 175.

¹⁹⁰ Bretislav II, Duke of Bohemia 1092 to 1100.

¹⁹¹ Wolverson 2009: 176f.

Bamberg on the 4th of May.¹⁹² Duke Lothar¹⁹³ of Saxony failed to appear, instead sending representatives, who asked the emperor to intervene in Czech matters and reconcile Sobeslav¹⁹⁴ with his feuding brother. The emperor was decidedly not pleased, neither at the proposed reconciliation nor at Lothar's absence, and consequently obtained from the princes who did attend the support to proclaim war on the Saxons.¹⁹⁵ If this assembly was prepared in advance, it is unreasonable to assume that the duke would have done such a poor job of it as to incite the emperor to war. It is more likely that events did not turn out at all as desired by either or both parties.

In the Anglo-Norman narrative, the connection between assembly and reconciliation is spelt out clearly, and the initiative is even placed squarely with the magnates in common. When Henry I was facing rebellion in his lands, Orderic Vitalis writes that: *...the earls and magnates of the kingdom met together and discussed fully how to reconcile the rebel with his lord.*¹⁹⁶ He continues: *So on a chosen day they all attended on the king and, in an open field, seriously discussed the question of peace, using many arguments in an attempt to soften the stern king.*¹⁹⁷ A clearer description of active involvement by an assembly is rarely provided. This passage is also where Orderic most forcefully accentuates popular participation in a political assembly. As with the election of Emperor Lothair, the army makes an appearance, and three thousand country knights are noted in the passage as intervening and urging the king not to reconcile himself with his enemies.

Stuart Airlie underscores the importance of the army as a political audience¹⁹⁸, while this passage has them as direct participants. Clearly, whatever the effect of these pleas on the decision of the king, Orderic considered it appropriate for an assembly of nobles to intervene in this way in a conflict between the monarch and one of their peers. The popular element has several possible explanations. It is doubtful whether Orderic would have included the passage if such gatherings did not occur. Consequently, it can be reasonably argued that the intervention of the popular element in what is yet another example of a failed political assembly is used by Orderic Vitalis to further legitimise the monarch's unrelenting stance in face of his enemies. The assembly failed, but did so in favour of the king. This reading

¹⁹² Wolverson 2009: 242.

¹⁹³ Lothair III, King of Germany from 1125, Duke of Saxony from 1106.

¹⁹⁴ Sobeslav I, Duke of Bohemia 1125-1140.

¹⁹⁵ Wolverson 2009: 243.

¹⁹⁶ Chibnall 1969-80: 27, Volume VI, Book XI. *Consules autem et primores regni una conuenerunt, et de pacificando discord cum domino suo admodum tractauerunt.*

¹⁹⁷ Ibid. *Quadam ergo die regem omnes simul adierunt, et in medio campo colloquium de pace medullitus fecerunt ac pluribus argumentis regiam austeritatem emolliere conati sunt.*

¹⁹⁸ Airlie 2004: 34.

supports the notion of an actively engaging assembly – the popular element could hardly have intervened if they had no agenda to thwart – even if that engaging assembly may as easily be the literary creation of Orderic Vitalis. Whatever the case, there is little evidence to support the existence of a *colloquium secretum* in the passage, even if the assembly was limited to the great men of the realm before the country knights heralded their appearance.

The conflict between Duke Robert of Normandy and the king continued from the reign of William into the reign of his brother Henry, and a notable passage describes how the two brothers met with many men of high rank behind them, and how this gathering facilitated reconciliation between the warring siblings.¹⁹⁹ This failed to end hostilities however, and the conflict between the brothers continues to be a major theme of Orderic's *Historia*. So too does it continue to provide examples of conciliatory assemblies. In Normandy, Henry faced his defeated brother in a conference where Robert arrived *...in the company of his resident sycophants*.²⁰⁰ Here, Robert consulted his own gathered magnates, and upon their advice sought friendship and reconciliation with his brother. Peace was made.²⁰¹ Peace predictably falls apart quickly, and Henry and Robert assemble armies against each other as Orderic recounts how men of religion call upon peace through Classical examples of the horrors of fratricide.²⁰² This rhetoric is similar to Cosmas of Prague, who also warns against brother taking arms against brother.²⁰³ After consulting with his leading men, Henry heeds their words and offers to his brother peace and reparations in exchange for rule of half of Normandy. Robert in turn summons his counsellors, and Orderic relates how they through seditious speeches rejected the generous offer.²⁰⁴ Henry may spurn offers of peace rhetorically unscathed, but Robert is not afforded such a luxury. Once again, an assembly fails, and nowhere is any secrecy mentioned. Granted, it is an assembly only in a wider sense, for communication is facilitated through envoys and the king confers with his gathering of magnates, and the duke with his, but deliberations still fail, and they do so openly.

The above treatment has brought a number of points to light. The Polish evidence is characteristically silent, but resolution between the monarch and one or more of his vassals feature in the remaining four, though the east-central narratives are less vocal on the matter. Initiative is placed with the nobles in all chronicles, but they seem relegated to a consultative

¹⁹⁹ Chibnall 1969-80: 317, Volume V, Book X.

²⁰⁰ Chibnall 1969-80: 57, Volume VI, Book XI.

²⁰¹ Interestingly, the king is noted as having offered to turn over Henry William, count of Évreux and his county to be the vassal of Robert. Upon complaints by said count, in front of the assembly, this offer was dropped, though peace was still made.

²⁰² Chibnall 1969-80: 87, Volume VI, Book XI.

²⁰³ Wolverson 2009: ?

²⁰⁴ Chibnall 1969-80: 89, Volume VI, Book XI.

role. The Anglo-Norman prince in particular seems at liberty to dismiss whatever advice is offered by the assembly of magnates, even if Orderic provides him with a rhetorical shield against accusations of autocracy. His Hungarian counterpart does so only to his detriment, though it must be pointed out that the assembly sought not to reconcile their king with one of their peers, but with themselves as a group. Examples can be provided of assemblies that seem prepared in advance, but a number of failed assemblies, some disastrously so, point firmly against assuming a general rule in accordance with the approach of Gerd Althoff.

2.3.3. Diplomacy and 'international' relations

The above passages have shown what role political assemblies had in reconciling their feuding peers and in solving conflicts between their liege lord and his errant vassals. As expected, assemblies have a more consultative and deferential role when their monarch is directly involved, but a measure of initiative still rests with them. Assemblies are no less important when reconciliation is sought between feuding princes and belligerent kings.

When Duke Boleslaw I²⁰⁵ of Poland was at odds with the emperor, he sought to resolve the dispute in an assembly of German nobles.²⁰⁶ Indeed, the Polish prince had first refused when asked to justify his hostile actions and offer compensation for his disobedience, adamant in his position that the matter be resolved before the leading men. Although Thietmar confers to the Polish lord the same treacherous motives he often attributes to foreigners, the reasonable possibility of a foreign ruler appearing before a German assembly is never questioned.²⁰⁷ The importance with which Thietmar attributes assemblies of magnates is illustrated by his account that the emperor ...*asked the leading men what he should do in this matter*²⁰⁸, where upon bribery caused the leading men to be divided in their opinions. The Emperor, though his Bohemian vassal, had in his custody Miesco²⁰⁹, Boleslaw's son. A closer look at this passage is necessary. Thietmar writes:

...Archbishop Gero spoke first: 'When there was time, and when it would have redounded to your honour, you did not listen to what I had to say. Now, however, Boleslav is exceedingly hostile towards you because of your long custody and imprisonment of his son. I fear that if you send Miesco back to his

²⁰⁵ Boleslav Chobry, Duke of Poland 992-1025.

²⁰⁶ Warner 2001: 314, Book 7, Chapter 9.

²⁰⁷ However, it is reasonable to assume that Thietmar did not consider the Duke of Poland to be *politically* foreign, even if a clear line is drawn between the Germans of the Empire and the Slavs to the east, the latter being foreigners.

²⁰⁸ Warner 2001: 315, Book 7, Chapter 12. ...*cunctos optimates, quid sibi de hac re esset faciendum, consuluit.* Trillmich 1966: 364.

²⁰⁹ Miesco II, Duke of Poland 1025-1034.

*father, without hostages or some other surety, neither of them will be inclined to render loyal service in the future.’ The majority of those present agreed with this opinion, but the part which had been bribed complained that no great honour could be gained through such a strategy. Gold won out over sound advice.*²¹⁰

Whether this account is correct is of limited importance; what is essential is that Thietmar considered the failure to achieve consensus in assembly to be politically important. One must be careful in order not to read too much into one passage, but if taken to be an expression of the chronicler’s own approach to the subject, a number of points can be made. First of all, the assembly failed to provide the result the emperor desired. Secondly, it failed because a minority of nobles disagreed with the course of action. This serves simultaneously to disprove and affirm the assertion of Timothy Reuter and the like; the assembly was clearly concerned with consensus to the point that minority opposition could thwart its goals, yet it was malleable and subject to modification by outside parties – clearly not merely a staged ritual prepared well in advance. It brings out the inherent contradiction in assuming that political assemblies were both consensus-driven and ritualised spectacles prepared in advance, and as the examples provided above, it presages a central conclusion; only if these concepts are interpreted unnecessarily strict do they contradict each other.

One of the most striking examples of conflict resolution in Cosmas is one where the communal element is vague at best. The passage itself is detailed however, and provides a high-point in the conflict between the Poles and the Czechs. The two peoples, in frequent and violent conflict, made peace during the reign of Duke Vladislav.²¹¹ Cosmas writes:

*In July of the same year, Duke Vladislav and his brothers, Otto and Sobeslav, met with Duke Boleslaw of the Poles near the flow of the River Nysa, at a set assembly (placitum). Having given and received oaths from each other, they confirmed their bonds of peace.*²¹²

In light of other examples in the text, a certain communal element can be assumed, but the chronicler fails to mention it. Timothy Reuter has underscored the vital importance of

²¹⁰ Warner 2001: 315, Book 7, Chapter 12. ...*Gero archiepiscopus loquitur primus: ‘Cum tempus fuit et com vestro honore id fieri potuit, me ista hortantem non exaudistis. Nunc a vobis est mens Bolizlavi ob longam filii retentionem et custodiam aversa, et vereor, si hunc sine obsidibus aut aliis confirmationibus remittitis, ut in posterum fidelis servantii in ambobus careatis’. Talia/loguentem maxima presentium turba consequitur, et pars corrupta id cum honore magno fieri non posse ingeminate. Vicit pecunia consilium est...* Trillmich 1966: 364.

²¹¹ Vladislav I, Duke of Bohemia 1065-1125.

²¹² Wolverson 2009: 230. *Eiusdem anni mense Iulio dux Wladizlaus et fratres eius Otto et Zobeslau iuxta fluenta annis Nizam cum duce Poloniorum Boleslau indictum conveniunt ad placitum atque inter se datis et acceptis sacramentis confirmant federa pacis.* Bretholz 1955: 214.

assemblies in medieval diplomacy, and writes: *Diplomacy was scarcely conceivable in this period without a backdrop of regnal assemblies.*²¹³ As such, it is perhaps conspicuous that Cosmas fails to unequivocally provide this backdrop, beyond stating that a *placitum* occurred, when he so often does so throughout the remainder of his narrative. No ‘great men’ are asked to provide witness or counsel, no *commune consilium* takes place. Practical reasons may have been the cause of this absence; moving a large number of people to what could have been a precarious ad hoc situation is unfeasible. It is perhaps enough that the relationship between diplomacy and assembly, in one form or another, is unequivocally stated.

Cosmas is unique in showcasing the gravity of a failed peace assembly, or rather, a stunted assembly never truly initiated. When faced with an encroaching Hungarian army, Duke Vladislav decided against attending an assembly with them, and so fierce battle ensued.²¹⁴

Thietmar continues the story of the Duke of Poland upon giving account of a general assembly of leading men at Allstedt: *The emperor also agreed to what Boleslav had requested: the leading men would be assembled (convenisse) at the duke’s presence. Should the emperor wish to propose something to his profit, it could then be enacted on their advice (consilio).*²¹⁵ As in the matter of Gunzelin however, this brings up the subject of ritual. If this manner of reconciliation was often a ritual of submission, as Leyser claims, then surely the relationship between the prince of the Poles and the Holy Roman Emperor would be a prime candidate for such a ritual. It seems unreasonable to presume that a sovereign in practice if not in name would approach willingly before a German assembly unless some measure was taken in advance to ensure a favourable, or at least an acceptable, outcome. This passage in Thietmar is also the greatest argument in favour of carefully stage-managed assemblies. After the decision at Allstedt, Thietmar recounts, messengers were exchanged and a truce was reached.²¹⁶ The emperor then travelled to Merseburg, where he stayed with his great men. Through intermediaries, Boleslaw was asked to come to a meeting by the river Elbe.²¹⁷ The assembly was never held, for the Polish prince refused the offer. Thietmar scolds him for his deceit, but this is hardly the point – the passage is tantamount to a formula of how such an assembly would have been prepared, and the parties are given plenty of recourse to prepare

²¹³ Reuter 2001: 441.

²¹⁴ Wolverson 2009: 231.

²¹⁵ Warner 2001: 343, Book 7, Chapter 50. *Imperator hoc, quod ex parte Bolizlavi rogatur, laudat; convenisse ad eum principes suos et, si quid boni vellet sibi exhibere, cum eorum consilio libenter acciperet.* Trillmich 1966: 410.

²¹⁶ Warner 2001: 343, Book 7, Chapter 50.

²¹⁷ Warner 2001: 344, Book 7, Chapter 51.

the reconciliation well in advance; indeed, a truce is made beforehand. While the first part of the story of Boleslaw attests in no uncertain terms that not all political assemblies were staged, the latter indicates that some may easily have been. Gerd Althoff and Timothy Reuter may not always be on the mark, but neither are they regularly off it.

Examples to the same effect can be found in the works of Orderic Vitalis. His discourse on the first crusade, different from the rest of his work in that it remains essentially a paraphrase of the *Gesta Francorum*, does not veer off course as far as the apparent attitude to resolving conflicts through common consent in council is concerned; when faced with a peace proposal from the Turkish leader Belek during a siege, *King Baldwin summoned all the men who were besieged in the tower and, telling them of Belek's proposal, asked them all for their counsel (consiliumque commune)*.²¹⁸ Opinions differed among the men who deliberated on this issue, Orderic writes. This incident naturally exhibits certain dissimilarities with other conciliatory assemblies. It may however be taken to reflect the chronicler's opinions, for surely if he had considered it unreasonable, unlikely or unwise, a note of such would have been included. With a considerable degree of reservation, one might say that Orderic's treatment of the Crusades represents his world-view in miniature – the occasions are different, the proceedings influenced by the necessity of war and danger, but concepts of decision and authority are presumably not significantly divergent from his chronicle as a whole. The assembly in question does not constitute an arena where both parties appear, but rather a place of counsel for one part, similar to the emperor at Allstedt. It highlights however the actively deliberative element, and makes a staged event unlikely.

The sole incident in the east-central European chronicles that approach these western examples occurs when the Holy Roman Emperor Henry III²¹⁹ attacked Hungary in 1051. He was defeated by King Andrew I²²⁰, and is described by Simon as seeking a peace very much to his disadvantage, offering to quit Hungary and leave many possessions in the hands of the Hungarians.²²¹ Such a peace is made, but King Andrew agreed only after taking counsel. With whom he sought this counsel is unknown, and as such the event remains ambiguous. It does not appear unreasonable however to suppose that the *Gesta Hungarorum* refers to a measure of communal assent in assembly required for peace and reconciliation with Andrew's enemy.

²¹⁸ Chibnall 1969-80: 119, Volume VI, Book XI. *Balduinus rex omnes qui in arce tenebantur conuocauit; et mandata Balad enucleauit, consiliumque commune inuestigauit.*

²¹⁹ Henry III, King of Germany from 1028, Holy Roman Emperor from 1046 to 1056.

²²⁰ Andrew I, King of Hungary 1046/47-1060.

²²¹ Veszprémy/Schaer 1999: 127.

Again, agreement is presumably reached in assembly without both parties present, or as was likely, with feuding parties consulting their own respective assemblies.

While mostly concerned with the military exploits of their princes, reconciliation by way of assembly is not entirely absent from the Polish chronicle, though it does not concern itself specifically with the Polish polity. The second Boleslaw²²² seeks peace with his German neighbour following a bitter conflict, and the Holy Roman Emperor is described as ...*acquiescing to the advice (consiliis) of my princes...*²²³ and agreeing to peace. Communal assent in assembly is attributed not to the lands of Poland, but to their German neighbours. There is a difference between an assembly where the gathered nobles are specifically asked to give their opinion or their support to efforts of peace, as with Andrew in 1051 or Henry I of England during rebellion, and assembly noted in the sources as simply constituting the arena in which peace was made, as was the case with Otto II at Quedlinburg. The former is in a clear majority in the sources, and the few instances of this in the east-central European evidence contributes to the impression that all the chroniclers here treated attribute active participation in reconciliation to assemblies of nobles, rather than relegate their role to that of a passive audience.

2.3.4. A short summary

From the treatment above, a number of things are made clear. First of all, political assemblies have a distinct role in reconciliation in all five chronicles treated in this thesis. Though no surprising find, it serves to establish for the assembly a clear sphere of function. Secondly, Thietmar of Merseburg's *Chronicon* exhibits dissimilarities with the others in that private feuds between peers is given copious space and often considered in assembly. The reason for this may be found not only in the nature of the Germany polity itself, but adds a diachronic perspective in that it constitutes the oldest chronicle, and as such may serve to illustrate the primacy which this type of reconciliation may have had in a society where stronger centralised governing functions had yet to develop.

Third, an analysis of a series of passages pertaining to political assemblies concerned with conflict resolution have yielded the conclusion that at least where these are concerned, it is premature to assume as Timothy Reuter does that they did not constitute an arena in which conflicting opinions were expressed. Some assemblies may indeed have been subject to a great deal of preparation and stage-managing, but by the existence of failed assemblies in

²²² Boleslaw II, Duke of Poland 1058-1076, King of Poland 1076-1079.

²²³ Knoll/Schaer 2003: 245. ...*meorum principum consiliis acquiesco...*

several chronicles, a case is made for the assumption that assemblies might as well be malleable occasions on which various interested parties may exert their influence. The familiar process by which a limited circle of nobles convene to decide upon matters to be promulgated in public, as espoused by Gerd Althoff, is also found to be less than obvious. That being said, the one does not entirely exclude the other. Indeed, Althoff himself does not adhere so strictly to what is perceived as his own borderline functionalist approach as some would have him. In his article *The Variability of Rituals in the Middle Ages* from 2002, Althoff adds nuance to his own position. He writes of medieval political ritual: *The actors on medieval political stages did not carry out established rituals in a servile way but rather used the given ritual in a utilitarian-rational way.*²²⁴ Rituals were varied, mixed; even updated to suit the needs of the participants. Althoff too agrees with Buc to some extent. His *colloquium publicum* defends its existence because the spectators assumed the role of witness and thus provided a ‘legally binding’ element to the proceedings.²²⁵ Ritual could be modified according to the situation²²⁶, though in light of Althoff’s larger approach, modified presumably only in advance.

2.4. Law and Assembly

2.4.1. Assemblies as legislative bodies

Legislation for the common good is to P.S. Barnwell one of the primary functions of a political assembly.²²⁷ Timothy Reuter too underscores this role – political assemblies were places to treat and promulgate legislation.²²⁸ Others, like Thomas Bisson, place their emphasis on other functions, such as administration.²²⁹ As this section will show, assigning even a measure of legislative power to political assemblies is far from a simple task. There is scant mention of legislation in connection with assemblies in Thietmar’s *Chronicon*. The chronicler touches upon the subject only once, in Book Six, and then in connection with a synod in Dortmund, at which the king had complained of abuses in the church.²³⁰ The monarch took counsel with them and subsequently declared that these should then be prohibited. Several factors may explain the absence of legislative assemblies. An explanation may be found in the

²²⁴ Althoff 2002: 73.

²²⁵ Althoff 2002: 74.

²²⁶ Althoff 2002: 76.

²²⁷ Barnwell 2004: 3.

²²⁸ Reuter 2001: 440.

²²⁹ Bisson 1989: 29. *Study of the general court of Agenais provides support for the view that early assemblies in Europe were summoned for the administrative convenience of princes...*

²³⁰ Warner 2001: 249, Book Six, Chapter 18.

German political system itself, in that an early medieval state with only rudimentary administrative structures may have had limited opportunities to make active legislation. Alternatively, legislative matters could have failed to catch the attention of a chronicler concerned with the spectacular, the epic. Such an explanation is somewhat far-fetched however, especially in light of the diligence with which Thietmar reports on many other mundane matters. Finally, the absence of legislative assemblies from Thietmar's work can mirror the absence of legislation from German political assemblies themselves, or at the very least, the absence of any relationship between the two as far as the world view of Thietmar of Merseburg was concerned. Fritz Kern writes extensively on medieval law, and holds that:

*We have said that the Middle Ages knew no genuine legislation by the State. The ordinances or laws of the State aim only at the restoration and execution of valid folk- or customary law. The law pursues its own sovereign life.*²³¹

Kern's approach to this matter shows its age, and must not be taken to be authoritative. It is plausible that Thietmar did not consider political assemblies a place to pass new laws, either because 'new' laws were not passed; or because new laws were not passed in assembly, or at least not featured as such in the narrative. If the former is correct, it begs the question why the act of restoring or re-establishing old laws also fails to make an appearance in his chronicle. If the latter is the case, which is more likely, then the *Chronicon* is a vital source on German history indeed, and Germany proves to be an exception to both Timothy Reuter and P. G. Barnwell's approaches on medieval Europe, for legislation rarely falls under the purview of political assemblies. It must be noted that the chronicler seems to pass over written documents in general. An assembly of Regensburg, where the emperor gave the ducal honours to Henry of Bavaria, provided the setting for the issuing of several surviving diplomas, but Thietmar never mentions them.²³² If the chronicler decided to omit these, it is equally possible that he ignored a considerable volume of legal documents drawn up or approved in assembly. This is in contrast to the works of Orderic Vitalis, who as shown below, makes explicit mention of written documents drawn up in and approved by an assembly of leading men. It is one of the most marked differences between the early 11th century of Thietmar, and the 12th century of Orderic Vitalis; literacy had made its mark on political life to a much greater degree.²³³

²³¹ Kern 1948: 184.

²³² Warner 2001: 238, notes.

²³³ See Melve 2003.

Orderic Vitalis, in his *Historia Ecclesiastica*, is ambiguous concerning the matter of legislation through assembly. It is rarely mentioned, and as with Thietmar, it concerns the church, at least to a point. Orderic writes:

In the middle of October the king came to Lisieux²³⁴, summoned all the magnates of Normandy, and held a council (concilium) of great benefit to the Church of God. Here he decreed by royal authority that peace should be firmly established throughout Normandy, that all robbery and plundering should be wholly suppressed, that all churches should hold their possessions as they had held them on the day his father died, and that all lawful heirs should likewise hold their inheritance.²³⁵

Certainly, the assembly is not one of an exclusively ecclesiastical nature, nor does it concern itself solely with the Church. It remains unclear though, to what extent the assembly served as anything other than a stage upon and through which the king presented and promulgated his decrees, and what role, if any, the assembly played in providing the monarch with a popular mandate for the rulings. However, when these matters are concerned there is a decidedly practical aspect to the importance of a critical public in the reception of the event; when legislation is involved, such promulgation to a wider public becomes part of the very purpose of the assembly.

Orderic's views on these matters may be clarified later in the same book. On another assembly, also at Lisieux, he writes: *In March, the king held a council (concilium) at Lisieux, wisely confirmed the decrees necessary for his subjects with the consent of the magnates and, having calmed the tempests of war by his royal might, mastered Normandy for its own good.²³⁶* This time the chronicler leaves no doubt as to his opinion; the king found it prudent, whether through custom or pragmatic politics, to obtain the consent of his nobles for the decrees he had passed, and he did so by holding a council in Lisieux. This view is affirmed with regards to the issuing of charters, when Orderic writes of an issued charter: *This charter was made on the advice (concilio) of provident men as a protection against greedy heirs...²³⁷* Orderic relates how the king and his magnates were celebrating Candlemas at the chronicler's

²³⁴ October 1106.

²³⁵ Chibnall 1969-80: 93f. Volume VI, Book XI. *In medio Octobri rex Luxouium uenit, conctos optimates Neustriæ conuocauit, et utillum æcclesiæ Dei concilium tenuit. Ibi statuit regali sanctione, ut firma pax per omnes teneatur fines Normanniæm ut latrociniis omnio compressis cum rapacitate, omnes æcclesiæ possessiones sicut eas die qua pater euis defunctus est tenebant, aliique nichilominus legitimi hæredes possideant.*

²³⁶ Chibnall 1969-80: 139. Volume VI, Book XI. *Mense Martio item rex concilium apud Luxouium teneuit, et necessaria subiectis plebibus edicta ex consultu magnatorum prouide sanxit, et regali potestate sedatis bellorum tempestatibus Neustriam utiliter edomuit.*

²³⁷ Chibnall 1969-80: 175. Volume VI, Book XI. *Hæc nimirum carta consilio sapientum facta est contra cupidos hæredes...*

own monastery of Saint-Évroul, where the king undertook a thorough examination of the monk's establishment. Upon finding everything in order and to his satisfaction, he is noted as having ordered a charter drawn up. As seen above, this was done on the advice of his leading men. When it was finished, the charter was taken to the king at Rouen, who confirmed it with the sign of the cross, and subsequently handed it to his magnates to be similarly ratified.²³⁸ Given the frequency with which monastic charters and privileges were 'embellished' by the resident monks, Orderic's serene presentation may be called into question. The underlying assumption remains however – after having ratified the charter he had ordered drawn up, the king sought similar acceptance from a gathering of the great men of the land. Indeed, even if the passage was entirely a work of fiction, it speaks volumes as to what process through which the chronicler considered the greatest legitimacy to be ensured. What remains unknown is what reaction dissent would have garnered from the compiler, and from the audience.

These three instances remain the only mention given by Orderic of passing decrees and charters in assembly. As in all chronicles here studied however, a small number of assemblies are attributed with no specific purpose at all. What the chronicler means by assemblies where, as Stephen did in 1140, the king gives *...serious consideration to the state of the realm with his nobles*²³⁹, can only be guessed at. One must allow for the possibility that details may have been omitted not due to constraints or disinterest, but active editing.²⁴⁰

For east-central narratives, only the *Chronica Boemorum* and the *Gesta Hungarorum* contain passages pertaining to legislation in assembly. One notable passage in the latter can serve to shed considerable light on the necessity of consensus however. In his appendix concerning the *udvarnok*²⁴¹, Simon Kéza relates how during the Hungarian conquest, the Magyars captured a great number of prisoners, and made them servile men attached to their households.²⁴² When the realm was Christianised under the reign of Stephen I, Simon notes how the Roman Church issued a decree demanding the restoration of liberty to the Christian captives.²⁴³ The pope was forced into a compromise, for as Simon writes: *...the community (communitas) were by no means united in assent (assensum) to the apostolic decree.*²⁴⁴ Evidently, the *Gesta Hungarorum* assumes communal assent to such a decree to be required

²³⁸ Chibnall 1969-80: 175. Volume VI, Book XI.

²³⁹ Chibnall 1969-80: 537. Volume VI, Book XIII. *...de statu rei publicae cum proceribus suis tractare studuit.*

²⁴⁰ That is cause only for speculation however as far as the scope of this thesis is concerned. A point of interest could be to examine these events in light of all available source material, documentary as well as narrative, and attempt to discern whether such a motive is likely.

²⁴¹ A class of Hungarian peasants attached to royal households.

²⁴² Veszprémy/Schaer 1999: 177.

²⁴³ Veszprémy/Schaer 1999: 179.

²⁴⁴ Ibid. *...nec etiam communitas tota in hoc Apostolico assensum tribuebat...*

for its application, not only in pagan times, but under the reign of Stephen and, if the above argument is taken to its ultimate conclusion; in 13th century Hungary also. His choice of words however (by no means united) may indicate more than minority opposition.

Two such examples are all that is found in Cosmas, but the role of communal assent is unclear. One pertains to the Christianisation process of the chronicler's lands, and the passage treats Duke Bretislav I as he addressed a crowd of people before the relics of St. Adalbert. The duke instituted many new laws before them; laws striking down transgressors and pagans with heavy fines and harsh punishments.²⁴⁵ It is telling that while Cosmas praises these moves and holds Bretislav to be a champion of Christianity, he remains as hostile as other chroniclers to the idea of 'new' laws in general, and paints Henry III as an iron-fisted aggressor when attributing to him a speech where he relates how emperors could add to and change the old laws according to their whim and desire.²⁴⁶ The second example concerns Cosmas himself, who on behalf of his church sent a complaint about the duke's brother Otto, whose rule in Moravia had caused them discomfort, and brought the matter before the duke and his comes, who responded by siding in his favour. The reliability of Cosmas' account of the outcome is questionable, but the passage offers a rare insight into the duke and his magnates as a court of law.

This treatment has served to cast the relationship between legislation and political assemblies in the light of uncertainty and confusion; a vital point when considering the scholarly tradition. Barnwell and Reuter are not alone in underestimating the difficulty with which a connection between them is drawn, or rather, defined. Some assemblies treated legislation, but only the east-central narratives are clear in that assemblies sometimes assented, or failed to do so, to new laws and customs. Reuter himself notes that assemblies could serve as a way to promulgate laws, yet assumes too readily a larger role. The narrative sources presented in this thesis are by no means exhaustive, and they confirm the role of political assemblies as arenas for the promulgation of laws – but that may well be all that they were.

2.4.2. *Assemblies as judicial bodies*

A more straightforward purpose of political assemblies than legislation is their function as a court of law, or at the very least, a place for judgement to be rendered and affirmed. The narratives ought to display changes in time and differences in culture in a way that can shed

²⁴⁵ Wolverson 2009: 114ff.

²⁴⁶ Wolverson 2009: 124.

light on the medieval approach to law. Most scholarly work assumes a connection between legal judgement and a political assembly.

Legal judgement at a political assembly does not feature predominately in Thietmar's *Chronicon*. It is most clearly presented in Book Seven, where Henry II assembles locals to render his judgement on Margrave Werner for his transgressions.²⁴⁷ The passage however is quite telling. Werner, no stranger to conflicts with the emperor, had been captured by his enemies and political necessity demanded a harsh punishment; Werner, Thietmar argues, had broken an oath taken before God. The emperor made his complaint to a gathering of men, and these leading men advised that all of Werner's property should be confiscated, that he surrenders the lady whose abduction was the cause for complaint, and that the authors of this deed were brought to justice. Werner himself was to be executed, unless the lady in question was found to be consenting, in which case he was to marry her. Following this, a public assembly was called at Allstedt, before which this judgement was promulgated.²⁴⁸ David Warner uses this incident to showcase the importance of *clementia*, and cites it as another example of what he calls ritual of submission.²⁴⁹ More important to this thesis however is the mention of the public assembly as which the judgement was to be announced. Reason demands that the former assembly in which the magnates provided their advice was not public in the same manner; a *colloquium secretum* to the larger *colloquium publicum* at Allstedt, as Althoff would put it.

The most detailed passage however deals with Thietmar himself in his capacity as bishop of Merseburg. The chronicler attends an assembly at Seehausen, where Thietmar asked Henry to discuss a matter of his see.²⁵⁰ Evidently, property had been unjustly seized. The king is noted as taking Thietmar under his protection, so that the matter might be resolved through a legal proceeding, or as Thietmar recounts, 'in some other way'. Resolution is promised, but not rendered at the assembly. This too may indicate a private assembly prior to resolution in a larger gathering, and further cement Althoff's approach as reputable at least in face of the German evidence.

Near the end of Thietmar's compilation, the bishop recounts how a complaint of wrongful seizure was brought before the emperor, who on the advice of his leading men ordered the return of property to the plaintiffs.²⁵¹ Book Three relates how a judicial duel took

²⁴⁷ Warner 2001: 311f, Book 7, Chapter 6.

²⁴⁸ Warner 2001: 312, Book 7, Chapter 6.

²⁴⁹ Warner 1995: 69.

²⁵⁰ Warner 2001: 291, Book 6, Chapter 81.

²⁵¹ Warner 2001: 381, Book 8, Chapter 28.

place between the feuding Waldo and Count Gero, at which many men assembled.²⁵² Gero yields, but Waldo succumbs to his wounds, and Henry ‘the Quarrelsome’²⁵³ who oversaw the event sentences the former to execution. Warner attributes this incident to a desire on Thietmar’s part to paint Henry as lacking in royal dignity, bereft as he is of the vital quality of *clementia*.²⁵⁴ In this manner his claim to the throne was rhetorically weakened, Warner argues. Trial by ordeal persisted in the German lands until this time, and as such the passage may serve as an example of a judicial assembly, though the assembly itself takes no active part in the proceedings, and judgement is left to God whose favour is proven through strength of arms, and the final outcome in the hands of Duke Henry. If Thietmar used this event to underscore how Henry was unfit for the throne however, it is unlikely that he would imbue his poor decisions with communal consent.

Some mentions of judgement rendered in the presence of a political assembly are to be found in Orderic’s *Historia Ecclesiastica*, all during the reign of Henry I. During Henry’s feud with his brother Robert, the king met with his vassals in Normandy, where he held a tribunal to judge his brother for allowing Robert of Bellême to roam free in the duchy.²⁵⁵ This is the same assembly noted above as constituting the arena in which Robert and Henry were reconciled. Henry’s just judgement over his brother serves to draw attention to the latter’s subservient role, and to support the view of Henry as the victorious sovereign over a rebellious servant. As such, one may call into question the described proceedings of this assembly. However, that an assembly could indeed serve as gathering in which legal judgement was rendered is underscored by later passages. Orderic recounts further: *In the year of our Lord 1107 King Henry called his magnates together and charged Robert of Montfort with breach of fealty.*²⁵⁶ Clearly, there is a strong connection between just judgement of law and an assembly of magnates, and a direct comparison with Thietmar is not untoward. But what role did the magnates have? Did they deliberate over the outcome, or serve merely as a passive audience imbuing the monarch’s verdict with legitimacy?

No passage in any of the east-central chronicles may in good conscience be described as judicial assemblies in a secular sense, and there comparison reveals significant differences. Particularly with regards to the Hungarian aristocratic assemblies, described as they

²⁵² Warner 2001: 134, Book 3, Chapter 9.

²⁵³ Henry II, Duke of Bavaria 955-976, 985-995.

²⁵⁴ Warner 1995: 58.

²⁵⁵ Chibnall 1969-80: 57f, Volume VI, Book XI.

²⁵⁶ Chibnall 1969-80: 101, Volume VI, Book XI. *Anno ab incarnatione Domini MCVII Henricus rex proceres suos conuocauit, et Rodbertum de Monteforti placitis de uiolata fide propulsauit.*

frequently are as primarily judicial bodies²⁵⁷, this is of some importance. This judicial and legislative nature of the Hungarian diet did not flower until the 13th century at the earliest, and so the absence brings into question the extent to which Simon Kéza's work reflects the prevailing ideas of his own time, or whether the *Gesta Hungarorum* is indeed primarily a source for the period of which it is nominally concerned. Nonetheless, the work remains limited both in scope and not least in size, and attributing mere absence with great meaning is an exercise fraught with danger. The tendency is nonetheless clear, and stands in sharp contrast to legislation. Where legislation in assembly was concerned, the east-central narrative, sans the Polish chronicle, displayed a clearer idea and a definite connection between passing laws and the assent of the public. When judgement according to that law is treated, the opposite is true – though the case is one where the West is vague, and the east entirely silent.

When compared to other roles of the political assembly as seen through these chronicles, passing judgement appears relegated to a secondary role. Still, there can be little doubt that several medieval chroniclers considered the presence of the leading men of the realm in assembly to be one arena in which conflicts could potentially be resolved through exaction of justice. Judicial assemblies in Orderic and Thietmar alike may have fallen victim to that omission of routine which Barnwell warns of – the spectacular and noteworthy are favoured over the drudge of routine administration.²⁵⁸ No less so in the east-central evidence. Arguments are given above for a lack of emphasis on the legislative process itself. Good law was old law, and new laws masqueraded as affirmation of old customs; or so a traditional view would have it. Whatever the case, the absence of due judgement rendered according to that good old law fails to find a similar explanation, and when both Thietmar and Orderic seem to afford a role to political assemblies in legal judgement, the reason for its relative insignificance in their work must perhaps be in the chronicler's discretion. However, it cannot fail to contribute, together with the above treatment of legislative assemblies, to the impression that in the realm of law, political assemblies as presented in the narrative sources of this thesis play an insignificant role compared to other functions – and to the importance with which many scholars have imbued them. Thus, when Barnwell or Reuter draws on legislation as easily as on conflict management or royal election when they treat the primary functions of medieval political assemblies, these narrative sources at least indicate that they may be assuming too much.

²⁵⁷ Bak 1999: xxxix.

²⁵⁸ Barnwell 2004: 24.

Chapter 3: Assemblies, rhetoric and political ecclesiology

3.1. Royal election and acclamation – myths of origin and the popular mandate

Political assemblies are unequivocally afforded a role in royal succession. Yet their exact function is unclear. Did assemblies in fact elect kings, with active deliberation taking place? Or is everything arranged in advance, with public assemblies constituting nothing but the stage upon which the political ritual of royal election is played out? The matter is related also to the concept of power – who had it, when, and why? Antonio Marongiu writes of the medieval ideas of kingship in general that *The prerogatives of supreme authority lay entangled in a web of reciprocal rights and duties, according to the spirit and practice of the feudal order.*²⁵⁹ He writes then of the western lands, but it is just as easily applied to east-central Europe. The relationship of power and influence between nobles or people in assembly and a would-be king is as difficult to discern as that between monarch and subject in general. Narrative sources may serve to enlighten the chronicler's approach to the role of political assembly in making a king.

3.1.1. Royal election

The election of monarchs is given copious space in most chronicles treated in this thesis. Not least in the works of Thietmar of Merseburg²⁶⁰, whose very first mention of a political assembly is concerning the appointment of King Conrad I.²⁶¹ Conrad is described as being made king after all the leading men of the realm had elected Otto; Otto decided instead to support Conrad for the throne, citing his own inadequacies. As usual, little information is forthcoming as to the identity of these leading men, or the nature of this 'election'. Otto however is taken to have *...commended himself and his sons to his (Conrad) faith and power.*²⁶² By all accounts, this was done willingly.

²⁵⁹ Marongiu 1968: 22.

²⁶⁰ A certain principle concerning these elections is also to be found in the *Chronicon*. The Saxon chronicler appears to favour a clear line of succession from one royal bloodline, and presents in Book One what may amount to a governing principle of succession: *Henry's death and burial occurred in the year of the Lord 936. Meanwhile, the excellent character of his remaining posterity brought joy to the sorrowful hearts of the princes and made them certain of an election, according to their will. Woe to the people for whom there is no hope of rule through the succession of their lord's offspring and to whom, with dissension and long conflict engendered among them, neither advice nor solace is quickly offered. If someone worthy of such an office should not be found within the royal lineage, with all hatred put away, a suitable candidate should be accepted from a different one because rule by foreigners is the greatest punishment.* Warner 2001: 81. Book 1, Chapter 19

²⁶¹ Warner 2001: 71m Book 1, Chapter 6. Conrad I, King of Germany 911-918.

²⁶² Ibid.

The accession of Henry I²⁶³, who was crowned king at Fritzlar in 919, is cast in a similar vein. Here, the leading men ...*tearfully commended to him what he was due as their lord and king*.²⁶⁴ Following this is an interesting passage where Henry promises to agree to ...*these and all other demands which they put forward in common (communi consilio)*.²⁶⁵ Thietmar seems to support the notion that such an oath is the proper manner of deference towards an assembly of leading men. The matter of Henry's accession is telling for Thietmar's attitude to succession. Cato is called upon to show how magnanimous a lord Conrad was, and to give weight to his dying wish that Henry be crowned king upon his death.²⁶⁶

If we draw in Philippe Buc however, this passage may not be as straightforward as initially assumed. The chronicler is careful to imbue Henry with all the honours of kingship save one: During his coronation, he refuses to accept the episcopal blessing. Henry is attributed with claiming that he was unworthy, but the chronicler soon establishes that this was indeed a sin, and compares it to a sword in a vision to the holy father Ulrich, in which Henry was symbolised by a sword without a hilt; unfinished, incomplete. Assent in assembly appears to have been prerequisite, or at the very least desirable, but it was not the only requirement of just rule as Thietmar considered it. Gerd Althoff however has a decidedly different take on this event. He holds that Henry consciously used this decline to mark a difference from his predecessor, and that this new understanding of the event was and is only possible if it was staged by the main actors.²⁶⁷ Althoff has a fair point – if the event really happened, it is unreasonable to assume that Henry would have refused the blessing for no reason. If Thietmar has construed the event so as to cast the king in an unfavourable light however, the reality presented in the narrative and what 'really' happened may be subtly different, and no such advance preparation is required. Rhetoric plays no inconsiderable part in the development of narrative. Events in Thietmar following the death of Otto III can serve to illustrate how a chronicler could approach this matter. At Otto's funeral, the majority of the attending German nobles promised their support to Duke Herman²⁶⁸ of Swabia.²⁶⁹ The Lombards on the other hand elected the magnate Arduin as their king, a decision Thietmar makes sure to paint in a most unfavourable light. His bias rests with Henry II, and Henry's enemies are unfavourably portrayed. Duke Herman himself however is described as a God-

²⁶³ Henry I, King of Germany 919-936.

²⁶⁴ Warner 2001: 73, Book 1, Chapter 8. ...*non sine lacrimis, regi tunc et domino commendaverunt*. Trillmich 1966: 12.

²⁶⁵ ...*ad omnia, quae communi consilio expetissent, se assensurum promisit*. Trillmich 1966: 12.

²⁶⁶ Warner 2001: 72.

²⁶⁷ Althoff 2002: 79.

²⁶⁸ Herman II, Duke of Swabia 997-1003.

²⁶⁹ Warner 2001: 190. Book 4.

fearing and noble man, whose mildness leads him to be seduced by evil councillors, and to arm himself against Henry.²⁷⁰ Again the reader is presented with a failed assembly. Herman sent one of his men to the aforementioned assembly at Werla, where the great men of the realm had convened.²⁷¹ Here he sought their loyalty, but their service to Henry is affirmed as the majority of the men ...*responded with one voice...*²⁷² and his hereditary claim called upon. It comes as no surprise when in June Henry is elected king of the Germans: *Then, the great men of the Franks and the region of the Mosel commended themselves to the king and received his favour.*²⁷³ Throughout this struggle Thietmar relates, to paraphrase David Warner, how Henry acquired the ceremonial attributes of kingship, while his rivals did not.²⁷⁴ Assent and recognition in assembly was no small part of this. The events that follow serve to illustrate the importance of political assemblies in acclaiming a sovereign. Henry is acclaimed as lord by the count of Weimar and by the great men of the region.²⁷⁵ He goes on to Merseburg, where he makes promises to uphold the law of the region, and Duke Bernhard, acting for the gathering, committed the care of the kingdom to him.²⁷⁶ Thietmar lavishes much praise upon Henry and his good character in lieu of this.

Otto I²⁷⁷ was elevated following the death of Henry I in a way similar to how his father was elected. This passage too underscores the importance of the wishes of this predecessor: *All the leading men, desiring to alleviate Queen Mathilda's great sorrow, unanimously elected her son, Otto, as their king and lord, this having been the order and request of his father.*²⁷⁸ Again is drawn the dichotomy between 'election' and what is this time not only the request, but the order of his father. Marongiu's words come alive in the sources; the power structure between ruler and assembly is far from clear. The importance of consensus is also noted in the unanimous decision. Thietmar continues, and informs us that the king was acclaimed by all with their right hands raised.²⁷⁹ The assembly accompanied their new lord to Aachen, where they were met by all the nobles who swore fealty and obedience. Then they installed him on the imperial throne and acclaimed him as king, giving

²⁷⁰ Warner 2001: 207, Book 5, Chapter 3.

²⁷¹ Ibid.

²⁷² ...*vox una respondit...* Trillmich 1966: 196.

²⁷³ Warner 2001: 213, Book 5, Chapter 11. *Francorum et Muselenensium primates regi manus tunc applicans gratiam eiusdem meruit.* Trillmich 1966: 204.

²⁷⁴ Warner 1995: 72f.

²⁷⁵ Warner 2001: 215, Book 5, Chapter 14.

²⁷⁶ Warner 2001: 215, Book 5, Chapter 15.

²⁷⁷ Otto I, King of Germany from 936, Holy Roman Emperor 962-973.

²⁷⁸ Warner 2001: 89, Book 2, Chapter 1. *Omnes rei publicae principes magnum reginae Mathildis merorem lenire cupientes, Ottonem, filium eius, patris suis decreto ac petitione uno ore in regem sibi et dominum elegerunt...* Trillmich 1966: 34.

²⁷⁹ Warner 2001: 90, Book 2, Chapter 1.

thanks to God. The solemn occasion is finalised by a consecration in the same church where Charlemagne himself was likewise anointed. This of course does not escape the chronicler's notice, and the whole passage is heavy in glorifying rhetoric. Nobody, the chronicler has made sure, will doubt the legitimacy of Otto I. This, according to Buc, may serve as an indication that doubt was indeed cast. It is unlikely that Thietmar, writing in the early 11th century, would have taken into consideration any opposition to Otto's accession in 936. It is more reasonable to assume that if the passage is indeed intended to dispel doubt, it refers not to the reign of Otto I, but to the legitimacy of the Ottonian line as a whole.

The election and acclamation of a king takes centre stage in Thietmar's work when he recounts the events following the death of Otto II. Despite Otto's son (the future Otto III²⁸⁰) being elected king in his father's lifetime, a fierce struggle for the throne ensued. Duke Henry II of Bavaria assembled *...all the leading men of the region...* at Magdeburg and demanded of them that they submit to his rule and raise him to kingship.²⁸¹ He then went to Quedlinburg for the same purpose,²⁸² and to Bürstadt too.²⁸³ In these events, Thietmar reveals several underlying assumptions, even if Duke Henry himself failed in his attempt. First of all, that the election of an heir-apparent was no guarantee for rulership. Given Ottonian customs concerning inheritance, this is hardly surprising.²⁸⁴ Indeed, Otto II is described as being *...once more acclaimed by all as lord and king...* despite being hailed as such in his father's time.²⁸⁵ It also reveals however that election and acclamation by an assembly of leading men of the realm, while not the sole requirement, was indeed a prerequisite for accession to the throne, and formed a likely path to power for any rival claimants.

Philippe Buc's approach may serve to shed light on Thietmar's treatment of royal elections and acclamations. Assuming there is a connection between a chronicler's use of biblical and religious rhetoric and his attitude towards the events he describes, the *Chronicon* follows a predictable pattern. Where the election of Conrad I is concerned, such use of charged terms and soaring rhetoric is decidedly subdued. Then again, Thietmar passes over this earliest history somewhat hastily. Henry I is described as elected and consecrated before Christ and given the gift of divine grace. Otto I is exalted like no other monarch, and in treating his succession Thietmar draws upon several archbishops, divine consecration under the watchful eye of St. Mary, the stated desire of his father Henry, and even alludes to

²⁸⁰ Otto III, elected King of Germany after his father's death in 983, Holy Roman Emperor 996-1002.

²⁸¹ Warner 2001: 149f, Book 4, Chapter 1. *...omnes regionis illius principes...* Trilmich 1966: 116.

²⁸² Warner 2001: 150, Book 4, Chapter 2.

²⁸³ Warner 2001: 151, Book 4, Chapter 4.

²⁸⁴ Leyser 1989: 10.

²⁸⁵ Warner 2001: 123f, Book 2, Chapter 44.

Charlemagne himself. The succession of Otto II stands in sharp contrast to this, though he is not lacking in praise in Thietmar's work proper. His succession however is merely mentioned in conjunction with his earlier consecration during his father's lifetime, and Otto II's accession drowns in the lament of his father's demise. Buc's position finds most support in Thietmar where the young Otto III's struggle for the throne is concerned. Henry of Bavaria, his principle opponent, is denied divine sanction in its entirety. Indeed, the events mentioned above are imbued with divine disfavour, for while Henry's supporters greet him as a king, other men are described to withdraw from his side out of fear of God.²⁸⁶ The political wrangling following the death of Otto III too lacks any mention of divine support, though neither is the opposite true.

Orderic Vitalis is remote from the early medieval chroniclers of which Philippe Buc writes, yet his approach may well be applied to the *Historia Ecclesiastica*. The passage mentioned above concerning the election of Emperor Henry V is heavy in biblical rhetoric. The monarch's virtues are greatly extolled in religious terms, and Orderic makes sure not to omit the support of the Church for the election. The struggle between William Rufus and Robert of Normandy too receives its fair share of biblical allusion, but rather than praise, scripture is drawn upon to act as a warning against dissent and civil war. The words may be attributed to the followers of Robert, but in context they betray Orderic's disapproval of Norman schemes to wrest the throne from William II. Neither King Stephen nor the Aragonese case is afforded biblical rhetoric and divine favour, and this casts doubt on whether Buc's approach is applicable to the 12th century. Undeniably, religious rhetoric plays a part in painting a picture of the events described, but to attribute its absence to Orderic's disfavour appears to be an ineffectual exercise. It is necessary to balance the impression somewhat; Buc's approach may not be entirely applicable, but rhetoric in a wider sense certainly plays a role.

Thietmar also appears to find it perfectly acceptable that a presumptive royal heir (the future Otto II) is elected and acclaimed by an assembly of leading men during the lifetime of the reigning monarch, as was the case during the reign of Otto I.²⁸⁷ Following Otto's much-lamented death, his son and heir Otto II is described as being both elected and anointed during his father's lifetime. Upon his father's death however, he was once more acclaimed as king. This is not uncommon for the period, but serves to make a number of points concerning political assemblies. Clearly, being acclaimed king while his father was on the throne was not

²⁸⁶ Warner 2001: 149f, Book 4, Chapter 1

²⁸⁷ Warner 2001: 124, Book 2, Chapter 44.

sufficient – decisions were far from set in stone. The same procedure is repeated with Otto II²⁸⁸ own son.²⁸⁹ This process is not alien to Orderic Vitalis either, who attributes the same desire to the king of France. The pope has called an assembly at Rheims²⁹⁰, where the king of France²⁹¹ is in attendance:

*The king and queen and all the nobles of France converged on the city and made their petition to the whole synod (sinodum) by the mouth of Reginald, archbishop of Rheim, namely that the boy Louis should be consecrated king in the place of his brother Philip.*²⁹²

This has parallels in Cosmas of Prague also. However, a closer examination may adjust the picture somewhat. Karl Leyser notes that the coronation of Otto II during his minority was not necessarily a point of custom, but a political necessity.²⁹³ Otto I's son Luidolf, with whom he had had his fair share of struggles, was dead, and no other adult male heir existed. The continuation of the Ottonian line hang in the balance, and strategic expediency may be to blame for the event. Similar considerations may have contributed more or less to the other examples, marking it as a common occurrence throughout Christendom, though whatever the motive, the role of assemblies seems clear; no deliberation took place²⁹⁴ and magnates acquiesced to the wishes of their elected sovereign.

3.1.1.1. *The horrors of divided rule*

Insight into the ecclesiology of Orderic Vitalis is to be gained from his treatment of events following the death of William the Conqueror. His two eldest sons Robert and William Rufus reigned over separate realms, according to the custom of the day to divide a demesne between all heirs. The nobles of the realm decided against such a division however. Orderic writes: *In the first year of the two brothers' government the magnates of both principalities met together (conueniunt) for the purpose of discussing the division of the two realms which had formerly been held by one hand.*²⁹⁵ The magnates subsequently agreed to depose William and place

²⁸⁸ Otto II, King of Germany from 961, Holy Roman Emperor 967-983.

²⁸⁹ Warner 2001: 146, Book 3, Chapter 24.

²⁹⁰ October 1119.

²⁹¹ Louis VI, King of France 1108-1137.

²⁹² Chibnall 1969-80: 423, Volume VI, Book XIII. *Illuc rex et regina et tota nobilitas Franciæ confluxuerunt; et per Rainaldum Remorum archiepiscopum ad totam sinodum suam petitionem fecerunt, peurum scilicet Ludouicum pro Philippo fratre suo regem consecrari postulauerunt.*

²⁹³ Leyser 1989: 26.

²⁹⁴ Nor is it reasonable to assume that it did. To discuss the suitability and the claim of a would-be king is one thing, but to doubt the legitimacy of the one an already established lord holds to be his heir is quite another.

²⁹⁵ Chibnall 1969-80: 121, Volume IV, Book VIII. *In primo anno principatus duorum fratrum optimates utriusque regni conueniunt et de duobus regnis nunc diuisis quæ manus una pridem tenuerat tractare satagunt.*

Robert as king of all, after which a war of succession naturally ensued, in which William eventually won.²⁹⁶ Orderic comes close to revealing his own views through his chosen subject. An imaginary debate is attributed to the assembled magnates, in which the horrors of divided rule are expounded through direct dialogue and biblical allusions.²⁹⁷ The passage was probably written in 1133, while the event described occurred in 1088, and Marjorie Chibnall comments on the fact that while assuredly a widely-held view among the chronicler's contemporaries, whether the men of the 11th century would agree is another matter. The arguments attributed to the men serve primarily to warn Orderic's 12th century contemporaries of the dangers of political divisions. This message is echoed also towards the end of the *Historia Ecclesiastica* when Stephen²⁹⁸ is elected king, and Orderic attributes to the Norman magnates the resolve to serve but one lord, and subsequently giving up their rival candidate for the throne.²⁹⁹ Whatever the case, the passage serves to illustrate Orderic's approach to the matter. Robert's party is condemned, and William Rufus continues to be referred to as the rightful king; action taken against him branded as treason.³⁰⁰ Clearly, this assembly of nobles is not considered sufficient to depose King William in favour of Robert. A good case can be made that this is simply because Robert eventually lost. The passage is detailed to the point of naming several prominent nobles attending however, and this decreases the likelihood of the assembly itself being the fanciful creation of Orderic Vitalis. Even if the chronicler does not entertain the notion that such an assembly might justify the removal of William Rufus, the Norman magnates of the day apparently did. The *Historia Ecclesiastica* of Orderic Vitalis normally stands out as a voluminous source for information on a great many acts of state; not quite so however when communal assent to royal succession in the Norman realm is concerned. The reason for this is difficult to identify. Certainly, Orderic's emphasis is on the Anglo-Norman world, and during the course of his history his own realm sees the reign of only four kings. Nevertheless, his narrative is replete with references to the many struggles between Henry I and his brother Robert for the throne of England, and his treatment of events foreign to his native Normandy, though not as detailed as matters with which Orderic himself would be intimately familiar, gives this subject as much attention as when England is concerned.

²⁹⁶ Chibnall 1969-80: 123, Volume IV, Book VIII.

²⁹⁷ Ibid.

²⁹⁸ Stephen, King of England 1135-1154

²⁹⁹ Chibnall 1969-80: 455, Volume VI, Book XIII.

³⁰⁰ Chibnall 1969-80: 125, Volume IV, Book VIII.

Orderic's treatment of the Crusades also gives cause for comment. Following the conquest of Jerusalem, Orderic notes how the leading men of the expedition chose from among themselves a king to rule them in the Holy Land. He writes: *They also took counsel (consiliati) about establishing a king there, and on the eighty day after the capture of the city they chose Duke Godfrey³⁰¹ as king by common consent (communi consilio).*³⁰² That Godfrey never truly held the royal title is of less importance than the precedent continually set by Orderic Vitalis – royal dignity, as far as he was concerned, derived from a political assembly of great men. Orderic then falls silent on the matter of popular support, until near the end of his comprehensive work where Stephen is treated in the context of popular assent to his accession, and then only in a passing note of being accepted by 'the English', after which the Norman magnates gave up their support of his relative Theobald.³⁰³ The manner in which he was accepted as lord by the English remains without mention. The very last mention of a political assembly is in concert with the French magnates offering their services to the new king Louis le Jeune, and even this passage is sparse with information and vague in its presentation.³⁰⁴

The absence of any mention of communal gatherings in concert with royal accession of Henry I, save a brief reference to certain English councillors³⁰⁵, is conspicuous in a work in which references to political assemblies are otherwise abundant. An answer can be sought either internally or externally; it is possible that political considerations led Orderic Vitalis to largely avoid the issue of right of succession altogether. Doubt could be cast on the legitimacy of Henry I's rule, and while he described the Norman support of Robert's claim following the Conqueror's death as a 'shameless crime', it is plausible that the chronicler found caution to be the better part of valour, and avoided the issue entirely as far as later kings were concerned. However, in treating the question of exactly such political considerations, Beryl Smalley draws on Orderic as an example: *Orderic, sheltered in his cloister, had less reason to fear that great men would notice what he wrote of their behaviour.*³⁰⁶ It is possible, though perhaps in light of the detail with which he seems intimately familiar when other Norman matters are concerned not probable, that Orderic simply did not know what role communal acceptance and political assemblies had played in the accession of Henry I. These are of less

³⁰¹ Godfrey of Boullion, ruler of Jerusalem 1099-1100.

³⁰² Chibnall 1969-80: 175, Volume V, Book IX. *De constituendo etiam ibi rege consiliati sunt, et octavo die post captam urbem communi consilio Godfredum ducem in regem elegerunt.*

³⁰³ Chibnall 1969-80: 455, Volume VI, Book XIII.

³⁰⁴ Chibnall 1969-80: 509, Volume VI, Book XIII.

³⁰⁵ Chibnall 1969-80: 293, Volume V, Book X.

³⁰⁶ Smalley 1974: 92.

importance when faced with the possible external explanation; that Orderic did not mention popular assent to accession in Anglo-Norman England of his time because popular assent to accession did not occur. The latter explanation lies beyond the scope of this thesis however.

3.1.1.2. *The popular mandate*

A tentative conclusion can still be drawn, sans the reign of Henry: both Thietmar of Merseburg and Orderic Vitalis, separated by a century, appears to consider the election and assent of a political body of magnates and great men representing the wider community and the commonality of the realm, to be an essential and necessary, if not the only, prerequisite for royal accession. Both Orderic Vitalis and Thietmar of Merseburg considered communal consent in assembly to be a prerequisite to accession to the royal office. This prevailing presumption is echoed in part in east-central European chronicles. By their nature as compilations of a wider scope or ‘national’ histories, the east-central narratives provide a unique view into the underlying ecclesiology of the authors, for myths of origin serve to highlight an over-arching approach to political power, where popular assemblies and communal consent takes centre stage.

In one of his best known passages, Simon Kéza recounts in his *Gesta Hungarorum* how all the Huns ...*came together (congregate) and put themselves under the command of captains, that is, leaders and princes.*³⁰⁷ As mentioned above it is a matter of debate to what extent the *Gesta Hungarorum* can be taken to reflect the historical facts concerning the matter of which Simon Kéza writes, and conversely, to what extent it simply reflects the ideas of his own time. This thesis is concerned with the latter, and it can be safely argued that whether or not this passage contain a kernel of truth concerning pre-Christian Magyar history, it reflects an idea prevalent in the chroniclers own time, at least to a point.³⁰⁸

A passage in Cosmas echo this almost perfectly. Early in his work, when treating the mythical origins of his own people, Cosmas of Prague relates how the ancient Czechs turned to a wise man for advice and adjudication, and makes a point of noting that they did so of

³⁰⁷ Veszprémy/Schaer 1999: 25. ...*in unum congregate, capitaneos inter se, scilicet duces vel principes praefecerunt...*

³⁰⁸ Simon places this event in the year 700, though the 5th century AD is more likely for such an occurrence to have taken place. Veszprémy and Schaer attribute this to a desire on Simon’s part to bridge the gap between the age of Attila and the Magyar conquest of Hungary.³⁰⁸ To bring the past closer to the present seems to be a general desire on the part of Simon, and adds credibility to the assumption that more is to be gleaned from his work as far as medieval Hungary is concerned, than from the distant, mythical age of which he writes. This is underscored by his use of terms; the word *capitaneos* is used to describe the lords to which the Hungarians swore themselves. Not only is the word of Italian origin, it is also a term used to describe elected leaders on the Italian peninsula.³⁰⁸ Simon Kéza, a high-ranking official of the 13th century Hungarian court, can hardly have been ignorant of this.

their own free will.³⁰⁹ Later, upon one such man's death, the whole people took common counsel and set up his daughter Libuse, as judge over them.³¹⁰ Criticism is levelled at her for ruling without a man, and Libuse consents to accepting as husband and lord whomever they would chose.³¹¹ This passage leads to one of Cosmas' best known accounts, where Libuse's divination powers lead the people to a peasant ploughing with two oxen; the future Duke Premysl, father of the Czech ruling house. Cosmas is specific as to how this decision was entered into however, and writes: *The next day, as was ordered, they convened an assembly without delay and gathered the people; at once, everyone came together into one (omnes in unum).*³¹² In this tale, undoubtedly fictional, Cosmas reveals a great deal of his own sentiments. He has Libuse caution the men of giving up their freedom willingly to a duke³¹³, and explains to them what rights and powers he will then hold over them.³¹⁴ This is tantamount to nothing less than a concrete idea of rulership on Cosmas' part, and he has the woman explain how dukes are easy to appoint, but difficult to depose: *For he who is now under your power, whether you establish him duke or not, when later he is established, you and everything yours will be in his power.*³¹⁵ Though modelled on biblical precedents and echoing Samuel's attempt to dissuade the Israelites from appointing a king, it nonetheless sheds light on the chronicler's attitudes towards the matter – a budding monarch requires popular assent for his ascension, to the point of offering promises and commitment to ensure it. Libuse's warnings are in vain, and Premysl is elected first duke of the Czechs.³¹⁶ The passage shares the problem of Simon's treatment of subjugation to Attila; once a lord is appointed, do future lines of dukes follow in good order with the same ancient legitimacy, irrespective of contemporary sentiments?

Farther into the Hungarian chronicle, Simon Kéza marks that following victory over the Romans under their leader Macrinus³¹⁷, the Huns elected Attila their king according to

³⁰⁹ Wolverson 2009: 38.

³¹⁰ Wolverson 2009: 40.

³¹¹ Wolverson 2009: 42.

³¹² Wolverson 2009: 43. *Postera die, ut iussum fuerat, sine mora convocant cetum, congregant populum; conveniunt simul omnes in unum...* Bretholz 1955: 14.

³¹³ Within the confines of a Czech national chronicle, the 'duke' is comparable to a sovereign prince in most matters.

³¹⁴ Wolverson 2009: 44.

³¹⁵ Wolverson 2009: 44. *...nam qui modo est sub vestra potestate, utrum eum constituatis ducem an non, postquam vero constitutes fuerit, vos et omnia vestra erunt eius potestate.* Bretholz 1955: 14.

³¹⁶ Wolverson 2009: 46.

³¹⁷ Veszprémy/Schaer 1999: 35. Whatever the source of the name Macrinus, this leader appear fictional.

‘Roman custom’. This *Romano more*, Veszprémy and Schaer argue, simply means the voluntary and free delegation of power.³¹⁸

The question then remains whether this willing submission is to be seen as a *carte blanche* for royal rule in the respective polities in that once willingly submitted to one dynasty’s rule, this line has the right to rule forever, or whether it represents a contemporary assumption that monarchs did indeed rule by popular mandate, whatever the nature of that mandate, or the definition of ‘popular’ or ‘communal’. The *Gesta*’s own words may bring us closer to a solution and to a second way of asserting princely power; the appointment of officials to govern one’s realm:

*In addition, they chose from their number one judge, Kádár by name, of the kindred of Torda: he was to mete our judgement among the rank and file of the host, to settle quarrels between those in dispute, and to punish wrongdoers, thieves, and brigands. But if the judge should hand down an inordinate sentence, the community (communitas) could declare it invalid and have the errant captain and judge removed whenever it wanted.*³¹⁹

This judge is entirely fictitious.³²⁰ However, the fictional name may not be a coincidence. Veszprémy and Schaer argue that it derives from the word *karcha*, meaning judge, used during the Hungarian conquest. The office of *karcha*, they hold, exhibited considerable similarities with the medieval office of count palatine.³²¹ As such, it may not be implausible to suggest that the passage reflects the prevailing attitude that this office was answerable ultimately to the will of the *communitas*, expressed presumably in a political assembly. This is supported by the clause in the Golden Bull of 1222 establishing exactly this relationship.³²²

3.1.1.3. *Failing to elect in assembly*

The examples above concerning the aftermath of Otto II’s death is telling – Henry’s bid to secure allegiance through an assembly failed.³²³ Certainly, Thietmar is a chronicler biased in

³¹⁸ Veszprémy/Schaer 1999: xciv.

³¹⁹ Veszprémy/Schaer 1999: 27ff. *Constituerunt quoque inter se rectorem unum nomine Kadar de genere Turda oriundum, qui commune exercitum iudicaret, dissidentium lites sopiret, castigaret malefactores, fures ac latrones. Ita quidem, ut si rector idem immoderatam sententiam definiret, communitas in irritum revocaret, errantem capitaneum et rectorem deponeret quando vellet.*

³²⁰ Veszprémy/Schaer 1999:28.

³²¹ *Ibid.*

³²² Vámbéry 1886: 130. English translation of original text.

³²³ Warner 2001: 152, Book 4, Chapter 4.

his approach, and when facing Otto III, Duke Henry receives little praise. Despite this, it is clear that Henry's purpose was to have the men assembled agree to his request and swear themselves to him. That his attempt failed demonstrates that failure to achieve consensus at assembly was to Thietmar a distinct possibility – particularly so when the author considered the cause unjust. This is in contrast to traditional opinions as held by Barnwell or Althoff. Or so it seems. Althoff's approach, namely that political assemblies were carefully prepared in advance, struggles to come to terms with the concept of failed assemblies. He provides examples of failed assemblies in order to support his point – disagreement could not be allowed to reach the public, or it would have disastrous consequences.³²⁴ The question then becomes however, why they were allowed to do so at all, if decisions were made in private and promulgated only when consensus was reached. An answer that will be examined below is that the larger assemblies must to some extent have been malleable and susceptible to outside influence, no matter the advance planning. Indeed, Althoff himself goes far in admitting this. Using as a case the coronation of Frederick Barbarossa³²⁵, he relates how pardon was refused a ministerial who supplicated himself before the emperor.³²⁶ Althoff claims that this too was a ritual prepared in advance, but admits that it can just as easily have been a failed ritual as a planned scene. Rituals were changed and supplemented, and there can be no guarantee that they were always carefully staged. Althoff's own words paint a picture of malleable political rituals, and through this, assemblies: *In spite of these models for behaviour, rituals could fail if the participants did not engage in them or if they deliberately courted failure.*³²⁷ In dealing with royal election and political assemblies, what weaknesses can be found in P. S. Barnwell's definition of assemblies themselves are underscored; he defines assemblies according to function, and lists commemoration or celebration of an event, jurisdiction and judgement, and consultation and/or legislation for the common good as the four main criteria of which the adoption of any by a gathering warrants the application of the term 'assembly'. Royal election however fails to fall neatly into either of these categories, and can be defined as the celebration of an event as easily, or as strenuously, as it performs the function of consultation for the common good.

³²⁴ Althoff 1997: 166.

³²⁵ Frederick I, King of Germany from 1152, Holy Roman Emperor 1155-1190.

³²⁶ Althoff 2002: 80.

³²⁷ Althoff 2002: 82.

3.1.2. *Explicitly private assemblies*

One passage in Thietmar's *Chronicon* illustrates better than any other the approach of Gerd Althoff as pertaining to medieval political assemblies. A central point in Althoff's collection of articles *Spielregeln der Politik in Mittelalter* is that political assemblies were not, as held by traditional constitutional historians, a venue for genuine political influence and decision-making. Rather, assemblies provided a stage upon which decisions made prior to the gathering by a limited number of people were promulgated. Althoff calls this the *colloquium secretum*, as opposed to the *colloquium publicum* that was the open, general assembly. He points out a contradiction in modern approaches to the matter, in that modern research understands the weight contemporaries placed on personal honour and rank, yet open consultation in common remains a point of emphasis.³²⁸ A major problem for historians, Althoff holds, is that early literacy failed to penetrate this sphere of political life, and so what really went on in these meetings remains unknown.³²⁹ The following passage in Thietmar's work thus remains one of the few accounts of this process.

Emperor Otto III died in 1002 without a presumptive heir. Margrave Liuthar³³⁰ scored a sizable political victory by convincing an assembly of the leading men of Saxony at the royal estate at Frohse to postpone from electing a lord until a meeting could be convened at Werla, thereby thwarting his rival Ekkehard, whose election had been imminent.³³¹ Thietmar recounts how the participants in the general assembly comprised Duke Bernhard, the margraves Liuthar, Ekkehard and Gero, and the 'great men' of the region. Upon hearing that Ekkehard desired the throne, Liuthar called *...the archbishop and the worthier part of the magnates outside for a secret (secretum) discussion.*³³² All save Ekkehard consented to postponing the matter. The passage echoes Althoff's general point; Liuthar invited not only his supporters, but his main enemy Ekkehard, to the secret gathering. This is largely obvious however, given Althoff's main point: Decisions were reached in private, where dissent could be voiced without incurring irreparable damage to honour, and this requiring violent reciprocation.³³³ Consequently, rivals had to appear together.

Orderic Vitalis has a passage comparable to this, also concerning the Holy Roman Empire. The description must be taken with a grain of salt, for as Marjorie Chibnall writes,

³²⁸ Althoff 1997: 162f.

³²⁹ Althoff 1997: 183.

³³⁰ Liuthar, Margrave of the Nordmark 983-1003.

³³¹ Warner 2001: 189, Book 4. Chapter 52.

³³² Ibid. *...archiepiscope predictum et meliorem procerum partem in secretum foras vocavit colloquium...* Trillmich 1966: 168.

³³³ Althoff 1997: 166ff.

Orderic is an unreliable source where Germany is concerned. Nonetheless, Orderic relates how following the death of Henry V, the archbishop of Mainz assembled the bishops and magnates to consider the election of an emperor.³³⁴ The archbishop is attributed with a command that falls perfectly into Althoff's *colloquium secretum*, as does the passage in general. He writes:

*Therefore let forty wise and loyal knights be chosen from your number and go apart, so that, according to their honour and conscience, they may elect the most suitable Emperor, who, being raised to the Empire by his own merits may prove a most able protector of all his subject people.*³³⁵

After having been apart for a lengthy discussion, the wise men appeared and announced to the gathering at large that they had elected three candidates from among those worthy. These men were then confined to privacy by the archbishop, and told to decide by agreement among them who was to ascend to the imperial office. A more explicit example of Althoff's process is hard to come by. The *Gesta principum Polonorum* has a reasonably similar passage. When Boleslaw I stood at death's door, he summoned his princes to him and instructed them as to the disposition of his realm.³³⁶ He did so, the chronicler recounts, in secret (*secrecius*). He is only half way to Althoff's scheme however, for no general assembly accompanies the secrecy.

Althoff cites the assembly of 1002 and other examples to prove his point, though as this thesis will show, this process does not entirely correspond to what is found in these narrative sources. To conclude from a handful of narrative sources a general point on medieval Europe is not without significant problems, but even if a majority of sources at large find themselves in agreement with Althoff, the point remains. Medieval chroniclers were more often than not either in the employ of the king, or at the very least biased in his favour. One must not omit the possibility that assemblies that failed horribly in the monarch's disfavour may have been ignored in entirety, and so even a small number of examples to the contrary as presented in this thesis are enough to cast doubt on a wide-reaching theory of *colloquium secretum*.

³³⁴ Chibnall 1969-80: 361, Volume VI, Book XII.

³³⁵ Chibnall 1969-80: 363, Volume VI, Book XII. *Quadraginta igitur ex uobis sapientes et legitimi milites eligantur et seorsum eant, ipsique secundum fidem suam et conscientiam optimum imperatorem eligant, qui merito uirtutum imperio preferatur, omnique populo sibi subiecto summopere patrocinentur.*

³³⁶ Knoll/Schaer 2003: 69.

3.1.3. *Rex Justus*

The approach of this thesis brings into question the role of assemblies in relation to the concepts of *Rex Justus* and *Rex Injustus*, or *Rex Tyrannus*, the transpersonal quality attributed to the royal office and by which a king was judged just, or portrayed as a tyrant. A king who rules according to the will and law of God, a *Rex Justus*, reigned in relative peace, but a *Rex Tyrannus* found himself accused of being a tyrant, of ruling through arrogance and whim and so left himself open to being deposed, or worse.³³⁷ There can be no doubt that where assemblies and narrative sources are concerned, the emphasis is in the latter, for it is to this concept that they relate, and by way of which they receive an important function. The following examples will demonstrate what role political assemblies played when the chronicler treated the concept of the tyrant, or the unjust king. Curiously, comparably few scholars put great emphasis on this role. This may be due to their approach – by how they define assemblies, such gatherings act in tandem with the monarch, not in opposition to him. Barnwell however identifies this as the flip side of the coin that is kingmaking: *If assemblies had a role in the making of kings, they could also play a part in the procedures used in casting defeated rulers and usurpers down from power...*³³⁸ As will be seen, assemblies could also be the force that defeated them in the first place.

The struggle between brothers exemplified by the Norman narrative is echoed in all other chronicles in this thesis save the *Gesta Hungarorum*. Customs of inheritance cannot alone explain this shared trait. Leyser notes that in early medieval Germany, rebellions occurred only when disaffected nobles could rally behind a member of the royal house.³³⁹ By the examples used in this thesis, this connection is invariably strong. Leyser remarks that this necessity seems to abate in the high middle ages, where the aristocracy is afforded a greater degree of independent action. Regardless, few of the rebellions in either of the chronicles – at the very least, few of the marginally successful ones – lack the context of a rival claim to the throne, and a man with such a claim is reasonably often a kinsman of the king. Little abating seems forthcoming in either space or time.

In no chronicle but the *Gesta Hungarorum* is a single sitting monarch removed by an assembly of nobles. However, rebellions feature predominantly in all of them. When considered in light of assemblies, uprisings in the narratives can serve to provide insight into the political ecclesiology of the men who wrote of them; of their aims, goals and positions.

³³⁷ For an in-depth look at the concept of the unjust king, see Nelson 1995, Pennington 1993

³³⁸ Barnwell 2004: 18.

³³⁹ Leyser 1989: 29.

Orderic too allows for the failure of a political assembly, if not as blatant as Thietmar of Merseburg. When Henry's barons assembled in opposition to their king, they are described as holding 'treacherous conferences' with each other.³⁴⁰ There may have amounted to a degree of acceptance for dissent. While the assembly itself may not have failed, its purpose did. Their desire to depose their monarch, and the manner in which they go about it, is mirrored in the actions the magnates of Peter's Hungary, as seen below. The only essential difference is that the Hungarians succeeded where the Anglo-Norman barons failed.

3.2.2.1. *The case of Peter the Venetian*

In 1041, Peter 'the Venetian', king of Hungary, fell victim to a coup and was ousted from his position of power by an assembly of Hungarian nobles. The *Gesta Hungarorum* recounts the process by which King Peter was twice deposed:

In the third year of Peter's reign on the advice of the bishops, the princes and nobles of the realm of Hungary in great concern came together (convenerunt) against Peter to consider whether a suitable candidate could not be found among the royal kin to seize the throne and to free them from Peter's tyranny (tyrannide).³⁴¹

Following this, the magnates elected the ispán³⁴² Aba³⁴³ as their king. Then, after Peter's return through the military and political power of the Holy Roman Emperor, Simon relates how *...King Peter had begun to oppress the Hungarians as harshly as before. So a general gathering (omnes in unum convenerunt) took place in Csanád, where they took counsel...³⁴⁴*, and deposed Peter a second time, this time in concert with pagan rebels. This account gives credence to the opinion that even to Simon Kéza's contemporaries, the idea of the assent of a political assembly to the just rule of a prince was not only extant, but of sufficient value not to condemn its actions entirely even when linked to a rebellion against Christianity itself. Additionally, Simon described Peter as restored by a faction of Hungarians,

³⁴⁰ Chibnall 1969-80: 309, Volume V, Book X.

³⁴¹ Veszprémy/Schaer 1999: 111. *Anno ergo regni Petri tertio principes et nobiles regni Hungariae episcoporum consilio in unum convenerunt contra Petrum quaerentes solícite, si aliquem de regali genere possent reperire, qui esset idoneus regnum gubernare eosque a Petri tyrannide potenter liberare.*

³⁴² A Hungarian 'military governor'.

³⁴³ Samuel Aba I, King of Hungary 1041-1044.

³⁴⁴ Veszprémy/Schaer 1999: 123. *...Petrus rex Hungaros priori gravamine caepit molestare. Tunc in Chenad omnes in unum convenerunt consilioque...*

together with whom he had grown insolent, yet *So the Hungarians as a whole made (omnes Hungari) anxious plans to depose Peter and invite back the sons of Ladislas the Bald.*³⁴⁵

These two incidents are unique in all the narrative sources examined in this thesis, in that while others offer similar examples of attempts from a gathering of nobles to depose their king and put another in his place, the Hungarians alone were successful. The chronicler's attitude is unmistakable: Peter is described as a tyrant, as oppressing the Hungarian people. The magnates desire freedom, and conspire to achieve it by deposing Peter and rallying behind one among the royal kin – not once, but twice. This echoes the situation in 10th century Germany, where as Karl Leyser points out, rebellions rarely took place unless dissatisfied magnates could gather under the banners of a rival to the throne, a family member of the reigning monarch.³⁴⁶ This had the added benefit to the magnates and the chronicler alike that the action taken did not rob the ancient Árpád dynasty of their rightful place, merely supplanted one of their members for another. Veszprémy and Schaer describe the deposition as a clear recourse against transgression of the law by the lawfully elected king.³⁴⁷ Such was apparently a function of the political assembly, or so Simon Kéza considered it. The subsequent conspiracy against King Aba too points to communal action – while no political assembly is directly mentioned, surely the practical considerations of large-scale opposition must have given cause for one. For as the chronicler writes: *But now that his position was secure, King Aba began to grow haughty, and bullied the Hungarians arrogantly, treating the nobles with scorn and likewise showing no scruples about breaking his oath.*³⁴⁸ Interestingly, the plot devised by the nobles failed, and the pretext of assembly was used to lure fifty of them to one house and have them beheaded.³⁴⁹ As mentioned above, only the intervention of the emperor ensures that Aba is finally removed, and Peter restored to power. The pattern is clear; oppression, oath-breaking and arrogance are treated by the chronicler as the gravest of offences, and provide what justification is needed for a gathering of nobles to depose their own monarch.

These passages stand in sharp contrast to many other chroniclers. Orderic in particular is most clear in his condemnation of any opposition, communal or otherwise, to a legitimate

³⁴⁵ Veszprémy/Schaer 1999: 121. *Qua de causa omnes Hungari solícite intendebant, qualiter ammoto Petro filios Zarladislai reducere potuissent.*

³⁴⁶ Leyser 1989: 29. *Between 938 and 1002 all major upheavals in the homeland of the Saxon dynasty had one common characteristic: disaffected nobles with very few exception rose only when a member of the royal house equally resentful collected and led them or could be inveigled to do so.*

³⁴⁷ Veszprémy/Schaer 1999: 109.

³⁴⁸ Veszprémy/Schaer 1999: 115. *Ex hinc ergo rex Aba securitate accepta caepit esse insolens et saeviebat superbe in Hungaros, nobiles contemens, sicut et iusiurandum pro nihilo reputabat violare.*

³⁴⁹ Veszprémy/Schaer 1999: 117.

and recognised monarch. The foes of William II or Henry I are painted as self-serving and misguided men, no matter their origins, and a desire to supplant the king with one more sympathetic to their cause garners little praise with the Norman chronicler. Simon Kéza is decidedly different. The legitimacy of Peter's first accession is never questioned – the chronicler does not attribute to the magnates any attempt to delegitimise his claim to the throne by birth – yet his character is attacked and his deposition by common council of the magnates of the realm presented as good and just. This adds credence to the assumption that Simon Kéza writes as much about his own times as about Hungary's past, for it serves as a poignant reminder of the power that 13th century Hungarian magnates wielded over their monarchs. To ascertain what other chroniclers thought of this relationship between king and communal will expressed through assembly necessitates a different approach.

3.2. A venue for deliberation between the religious and the secular sphere

Political assemblies as arenas for ecclesiastical matters feature heavily in most of the sources used in this thesis. The terms applied betray the connection: *Sinodus* is sometimes used in medieval chronicles to describe a political assembly, particularly by Cosmas of Prague. However, their treatment differs distinctly from the above functions for two main reasons: assemblies, representation and communal decisions was already an unequivocally established part of the Church; and the chroniclers themselves are churchmen.

The former necessitates less emphasis on the plethora of references to assemblies held within the church itself, be they canonical or political, wherein matters of doctrine or the appointment of church officials were treated. Antonio Marongiu draws on G. de Lagarde in claiming that these very assemblies may have served as models for imitation among secular nobles, and cites the example of medieval Hungary.³⁵⁰ Ernest Baker, too, is positioned among scholars who considered the representative principle of the Dominican order to have made its way to secular authorities.³⁵¹ Marongiu himself disagrees with this position, but not with the general assumption that assemblies in the Church formed a structure of its own parallel to secular assemblies and with considerable influence on them. Maude Clarke, in her book *Medieval Representation and Consent*, seems also to adopt this separation between ecclesiastical and secular assemblies.³⁵² Whatever the exact role of the Church in influencing the development of secular political assemblies, it is clear that the gatherings entirely internal

³⁵⁰ Marongiu 1968: 37.

³⁵¹ Marongiu 1968: 39.

³⁵² Clarke 1936: 293ff.

to the structure of the Church ought not to be included in a consideration of contemporary attitudes towards nascent political assemblies and representative bodies, unless the narrative sources present them with a measure of secular involvement and participation. While not a distinct category in itself, a parallel development between ecclesiastical and popular assemblies cannot be assumed, and the former, an extensive subject in its own right, lies beyond the scope of this thesis.

The second consideration to keep in mind is the identity of the chroniclers themselves. These are almost without exception men of the cloth; abbots, friars, bishops. That they would imbue ecclesiastical assemblies and church matters with disproportionate importance is a distinct possibility. Indeed, David Warner holds in regards to Thietmar that whatever else his works may reveal, it can also disclose much about the needs and interests of the cleric who compiled it, and of the clergy at large.³⁵³ It brings out the question of to what degree the chroniclers used in this thesis can be considered to be representative of the ideas and ideology of their contemporaries in general, or merely those of the Church. The clerical point of view no doubt influenced the men writing, though it can be assumed that a measure of objectivity was more easily maintained when treating matters in which the Church itself was not involved. This is best kept in mind when treating political assemblies as arenas for interaction between monarch, nobles, and the Church.

Additionally, a considerable number of the events described in this thesis occur in conjunction with some manner of religious celebration. Whatever the relationship between assembly and ritual, it is in the medieval world impossible to entirely separate religious ceremony from the political sphere. It plays into the definition of political assembly as held by the likes of Barnwell and Reuter, but also corresponds to a point with Kostos' list of primary functions for assemblies on the Iberian Peninsula; surely, the difference with consecration of religious sites and religious celebration in general is for the purpose of this category minimal. Religious ceremony forms a bridge of political and ritualised interaction between secular and spiritual authorities. Last but not least, it is in these cases that the ecclesiological rhetoric of the compilers is most readily apparent.

3.2.1. *'Church and State' – An avenue of interaction*

The chronicles here covered present assemblies as an avenue of interaction between the secular realm to which such gatherings usually belonged, and the Church. Questions that

³⁵³ Warner 1995: 54.

present themselves are to what extent does this relationship vary in time and space, and how do chroniclers approach the matter? As we will see, there is a marked difference between the western chronicles, and their east-central counterparts – that is to say, between the *Gesta Hungarorum* and the *Gesta principum Polonorum* on the one hand, and the rest on the other. Here too do the Czech narrative displays greater similarities with its western neighbours than its counterparts to the east. Another marked difference announces itself. Thietmar's *Chronicon* was compiled before the Investiture Contest, and this is evident in the narrative. The remaining chronicles are compiled after said conflict, and this too is obvious. When Orderic Vitalis places considerably less emphasis on interaction between the king and the Church in assembly, and certainly when the Polish and Hungarian evidence largely ignores the matter in entirety, it shows how following this conflict, the Church and secular society, while intermingled and symbiotic to a large degree, had settled into somewhat more distinctly different spheres.

In Thietmar, this interaction has an element absent from other chronicles but the Czech narrative – the Emperor's extensive influence over ecclesiastical investiture in his realm by virtue of his position, and the conflict with the Church clerical appointments. Consequently, the *Chronicon* treats occasions in which the monarch attends ecclesiastical assemblies in his imperial capacity, and exerts a measure of legislative and administrative control over the Church. The opposite is also true, with the emperor acquiescing to the will of assemblies ecclesiastical in purpose but mixed in composition, as when *...all the clergy and people...* elected an archbishop not to his majesty's liking, about which Thietmar recounts how only divine intervention ensured his appointment³⁵⁴, or when Gunther of the monastery of St. Emmeram was appointed bishop of Regensburg *...with the advice of the clergy and all of the people...*³⁵⁵

One of the three most defining moments concerning this interaction occurs when Otto III, following a conflict with the archbishop of Magdeburg, went before a synod in Rome and sought his removal: *...the emperor went before the Roman synod (sinodo) and accused Archbishop Giselher of holding two dioceses, ordering, through a legal judgement that he be suspended from office and summoned there by the pope's envoys.*³⁵⁶ Illness prevented discussion, Thietmar writes, and the conflict carries on in his chronicle. *At Quedlinburg, a*

³⁵⁴ Warner 2001: 110, Book Two, Chapter 24. *...a clero et ab omni populo electus est...* Trillmich 1966: 60.

³⁵⁵ Warner 2001: 111, Book Two, Chapter 26. *...cum consilio cleri totiusque populi...* Trillmich 1966: 62.

³⁵⁶ Warner 2001: 182, Book Four, Chapter 44. *Post haec imperator Gisillerum archiepiscopum, eo quod duas teneret parrochias, in sinodo accusans Romana iudicali eum sententiam ab officio suspendi ac per internuntios ab apostolic eundem illo vocari precepit.* Trillmich 1966: 160.

great assembly of the nobility convened in conjunction with the joyful celebration of Easter. On Monday, Giselher was again summoned before the synod (*sinodo*).³⁵⁷ Again, he was absent, and a council reconvened at Aachen, where, addressed by an archdeacon of the Roman see, Giselher demanded to present his case before a general council.

What is interesting is not the resolution of the conflict itself, but how Thietmar presents it. In this alone, it was the emperor who went before an assembly, not an assembly convening at his command, or a gathering of men attending their lord to give their counsel. Furthermore, the lines between the ecclesiastical and the secular are blurred, with the nature of the ‘synod’ at Quedlinburg as unclear as the ‘general council’ in Aachen. Thietmar fails to reveal whether they were ecclesiastical assemblies passing judgement as it fit the church, or ecclesiastical assemblies passing legal judgement on behalf of secular authorities, or perhaps mixed assemblies performing either, or both functions. The lines may be blurred to modern scholars only, or Thietmar himself may have felt a distinction between them to be unnecessary or unnatural. As shown in chapter two also, the terminology employed offer no clear distinction. Furthermore, the very assumption that it was the emperor who came to the synod, at which discussion ostensibly was to have taken place despite the monarch ‘ordering’ specific action, opens the possibility that Thietmar’s take on these events may be skewed in favour of the Church, and consequently render his account less than representative of contemporary opinions on how such a gathering was to play out. Rarely is the possibility of clerical bias as prevalent as when the relationship, and the potential conflict, between Pope and Emperor is concerned, though Thietmar was perhaps as much a Saxon aristocrat as he was a clergyman. One must also keep in mind the nature of medieval lines of authority. Warner writes:

*The notion that hierarchy must inevitably result in either domination or subjection, depending upon the individual’s place in it, reflects a peculiarly modern conception of power. Nor are a belief in hierarchy and a belief in the consensual basis of political authority necessarily in opposition...*³⁵⁸

The rhetoric in Thietmar is nonetheless clear, and while in no way a definite confirmation of Philippe Buc’s approach, it does indicate how the compiler most probably used the nuances of language, innocent enough, to elevate the Church in face of secular authorities. It was the

³⁵⁷ Warner 2001: 185, Book Four, Chapter 46. *Secunda feria archiepiscopus eiusdem loci imperatoris edictu priorem suscipere sedem rogatus, data internuntiis magna pecunia inducias usque ad Quidilingeburg vix impetravit. Fit illuc magnus senatorum concursus; paschalia eciam ibi peraguntur gaudia, et habito in II. Feria sinodo iterum Gisillerus vocatur.* Trillmich 1966: 162.

³⁵⁸ Warner 2001 (II): 275.

emperor who ‘went before’ a synod, as opposed to him ‘holding’ an assembly, or ‘assembling’ a gathering of great men. The distinction is minute, but of vital importance – and no coincidence.

The same relationship is echoed in the work of Cosmas of Prague. In a striking passage also mentioned above, Duke Bretislav I translates the relics of St. Adalbert from their resting place in Poland to his own seat at Prague.³⁵⁹ A holy assembly is announced in Rome following this, where the duke in absentia is censured for his actions.³⁶⁰ Not only does the initiative rest firmly with the Church, but the duke is treated in a subservient manner – at least when matters of religion are concerned. While not in attendance, it is unlikely that he would be treated any differently were he there. At this assembly, envoys from the duke were present and spoke in his defence; bribes from them eased the sentence when the council did render judgement.³⁶¹ The event straddles the inadequate gulf between religious interaction and judicial assemblies, but proves the presence of assemblies in this interaction between the Church and the secular ruler of Bohemia. The connection is strengthened when a papal legate arrives in Prague, and ordered the Duke to ...*convene at a holy synod (synodum) all the princes of the land, together with abbots, provosts of churches, and Bishop John of Moravia.*³⁶² The synod, Cosmas recounts, was to treat the conflict between the sees of Prague and Olomouc, though the Bishop of Prague refused to attend. Despite the matter being at first glance entirely ecclesiastical in nature, the secular magnates of the land were expected to attend, as was presumably the duke himself. Cosmas of Prague was a contemporary to the Concordat of Worms of 1122, which while not ending the controversy, marked a nominal victory for the Church, even if many of the processes remained the same. A man advanced in years, most of Cosmas’ clerical life would have been spent in the context of this conflict, and his experiences likely provided him with the incentive to clearly present the superiority of the Church and the Papal See in his narrative. For the same reason however, Cosmas must have felt keenly the role of the emperor in ecclesiastical matters.

An event in Orderic’s *Historia* comparable to those in the *Chronicon*, mentioned above, involves not the king of the Norman realm, but the king of France. Orderic Vitalis tells how pope Callixtus II³⁶³ held a council at Rheims, to which king Louis VI came and made

³⁵⁹ Wolverson 2009: 119.

³⁶⁰ Wolverson 2009: 121.

³⁶¹ Wolverson 2009: 122.

³⁶² Wolverson 2009: 151. ...*ut omnes principes terre simul et abbates ac prepositos ecclesiarum nec non et Iohannem episcopum Moraviensem ad synodum convocaret sacram.* Bretholz 1955: 125.

³⁶³ Callixtus II, Roman pontiff 1119-24.

charges against his enemies.³⁶⁴ Orderic gives the extensive explanation of an eye-witness to this council, adding significantly to his reliability. King Louis gave a speech to the assembly, and was subsequently supported by the archbishop of Rouen.³⁶⁵ Several similar pleas were heard by the same assembly. Orderic clearly considered the synod to be of an ‘international’ character, for he adds that many Frenchmen were displeased, because ...*some of the clergy coveted the right of electing and establishing the head of the realm.*³⁶⁶ This rather extensive passage provides a rare insight into the role of the king at such an assembly. First of all, it is worthy to note that the king is described as coming to an assembly (*sinodum introiuit*), not holding one himself. Secondly, the speech attributed to the king speaks volumes as to the political ecclesiology of Orderic when the relationship between king and pope, or ‘State’ and Church, is concerned. He writes: *I come, he said, to this holy assembly (sanctam concionem) with my barons to seek guidance (consilio); I beg you, my lord Pope, and leaders of the Church, to hear me.*³⁶⁷ He then presented his case. That the king would take, or be attributed with such a deferential attitude towards the pope himself is unsurprising, but that he would include also the ‘leaders of the Church’ is worthy of note. The assembly, essentially, is given authority over the king of France. The subject to be brought forth makes the passage even more interesting. The king complains about the actions of the king of England against Robert of Normandy, an ally of Louis; decidedly not a purely ecclesiastical matter. The significance of these events is once again not the outcome, but Orderic’s presentation of events. As with Otto III and the synod in Rome, it is clearly presented from the point of view that it is the king who is attending an ecclesiastical assembly, rather than an assembly held by the king, which is the case with other gatherings. Orderic Vitalis may hold the same biases as Thietmar of Merseburg, but a nascent pattern is discernable. The occasion certainly shows that Orderic too considered an ecclesiastical assembly a reasonable place for official interaction between secular and religious authorities – and not limited exclusively to religious matters either. Curiously enough, as this section shows, it is in the ecclesiastical assemblies, as in the military gatherings presented above, that one may say with less hesitation than normal that ritual takes second place to active, engaging deliberation.

The second major interaction as presented in the *Chronicon* occurs in Thietmar’s treatment of the reign of Henry II.

³⁶⁴ Chibnall 1969-80: 257, Volume VI, Book XII.

³⁶⁵ Chibnall 1969-80: 259, Volume VI, Book XII.

³⁶⁶ Ibid. ...*quidam uero clericorum ius eligendi et constituendi principem regni captabant.*

³⁶⁷ Ibid. *Ad hanc, inquit, sanctam concionem pro inuestigando consilio cum baronibus meis uenio, domine papa et uos O seniors audite me obsecro.*

*...a great synod (sinodus) was held in a place called Dortmund at which the king complained to the bishop and all others who were present about many abuses in the holy church and, after taking counsel (consilio) with them, declared that these should then be prohibited.*³⁶⁸

The nature of these abuses is not revealed, nor is the size of the gathering, but the mention is no less significant. A principle of consent, even deliberation, is established by Thietmar in the relationship between the sovereign and the Church. An assembly of local churchmen under their bishop serves as an arena to which the Emperor can bring his grievances and, in counsel with said churchmen, reach a decision regarding the working of the Church.

The third instance comes shortly following this meeting in Dortmund. A general council at Frankfurt, attended by all the bishops from lands north of the Alps, Thietmar writes, is the scene for a synod at which the Emperor prostrates himself before the Church. This in itself is not remarkable, but following this, the chronicler is clear: Attendants engaged in active deliberations concerning the appointment of bishops and other important positions. Presumably, in light of imperial authority over exactly that, this deliberation involved if not the monarch himself then important members of his curia. Clearly, Thietmar affords the Church more influence and greater independence than that of the feudal nobility and the more secular assemblies. Whether this was a view shared by secular men is unknown, though that the Church was afforded a measure of independence that was denied to others is well known. It is perhaps reasonable, then, to assume that Thietmar's views were shared by his contemporaries, and that the synodal assemblies of the Church at times acted as a means of official interaction between secular and spiritual authorities.

Other examples can be drawn from Thietmar's text. In a general council at Frankfurt, Henry II is noted as having treated with the assembled prelates about establishing a bishopric at Bamberg.³⁶⁹ The emperor may be afforded great authority over the appointment of bishops, but even Thietmar of Merseburg seem to deem the consent of an assembly to be a necessary, or at the very least a prudent, path to establishing a new see.³⁷⁰ Later, the chronicler recounts

³⁶⁸ Werner 2001: 249, Book Six, Chapter 18. *...etiam in loco, qui Throtmunni dicitur, magna sinodus, ubi rex coepiscopis presentibusque conctis plurima questus est sanctae aecclesiae inconvenientia et communi eorundem consilio haec statuit deinceps prohiberi...* Trillmich 1966: 260.

³⁶⁹ Warner 2001: 258, Book 6, Chapter ?

³⁷⁰ Curiously, David Warner casts doubt on whether this assembly ever occurred at all.³⁷⁰ There is no mention of it in any documentary evidence. Thietmar may present himself as an eye-witness to this event, but remains our only source to the existence of such an assembly. That being said, such a work of fiction would serve but to underscore the vital importance placed upon such an assembly.

how following the consecration of the new cathedral at this see, a great synod was held in which several matters of contention were resolved.

The works of Orderic Vitalis contains many references to episcopal elections, though the emphasis on interaction between the monarch and these church assemblies as found in Thietmar is not present to the same degree in the *Historia Ecclesiastica*. The Council of Clairmont³⁷¹ and other church assemblies³⁷² are afforded much attention, but they remain largely separated from the concerns of secular authorities. That being said, Raymond of Toulouse, decidedly a representative of the secular powers, is mentioned by Orderic as making his appearance and promising to take the cross.³⁷³ The most common occurrence is for religious assemblies to serve as avenues of conflict resolution or moral judgement. Orderic recounts how the Holy Roman Emperor Henry V attacked Rome, made a treaty with the pope there and was received by the Romans at the basilica of St. Peter.³⁷⁴ Here, Orderic visits his rhetorical wrath upon the German prince when he attempts to arrest the pope, and violence breaks out. The monarch is described as *...taking up his father's tyrannical power...*³⁷⁵ when he succeeded him, and he describes Henry as *...the faithless heir of a wicked sire*³⁷⁶; not a pleasant presentation of neither father nor son. Explicit condemnation of his actions is made positively redundant. Where the Anglo-Norman realm was concerned, Orderic may have had to take his precautions; in treating foreign princes, no such considerations were required. There was no need to drape rhetoric in a shroud of congeniality, and as such, the passage at once becomes less relevant to the points made by Philippe Buc, for at some point, fierce rhetoric becomes indistinguishable from explicit attacks.

Perhaps the most interesting passage dealing with the relationship between Church and king as it pertains to the king of England is the very same council at Rheims where the French monarch appeared, at which a great number of Anglo-Norman prelates also attended.³⁷⁷ King Henry is noted as having issued strict orders to the bishops of his realm not to 'allow unnecessary innovations' to be introduced to his kingdom. As has been noted, the king of France attended³⁷⁸ this assembly, and used it to make his case of complaint against his English counterpart. Orderic notes how the assembled French all vouched for the truth of the

³⁷¹ Chibnall 1969-80: 11, Volume V, Book IX.

³⁷² Chibnall 1969-80: 265, Volume IV, Book VIII.

³⁷³ Chibnall 1969-80: 129, Volume V, Book IX.

³⁷⁴ Chibnall 1969-80: 197, Volume V, Book IX.

³⁷⁵ *...paternam tirannidem arripuit...*

³⁷⁶ *...de perfido haerede scelerosi patris...*

³⁷⁷ Chibnall 1969-80: 253, Volume VI, Book XII.

³⁷⁸ Interestingly, Marjorie Chibnall notes that letters survive from the King of France to Calixtus where Louis refers to his attendance at this assembly as his duty towards the Pope.

king's speech, though he does not divulge exactly who these men were.³⁷⁹ Presumably, they were the men of the cloth similar to those to whom Henry gave his instructions. The same council is noted as hearing the plea of Countess Hildegard of Poitou, whose husband had abandoned her, and so places itself in the denominational marchlands between ecclesiastical interaction and judicial assemblies. Where secular assemblies pass judgement over temporal law, synods adjudicates breaches of religious law, unsurprisingly. The lines between the two are far too blurry to draw a definite boundry, but the picture can serve to accentuate the differences between the two types of political assembly, if distinct types they are. Orderic's account of the council of Rheims ends on a solemn note, where the pope excommunicates the Holy Roman Emperor.³⁸⁰ Whatever the purpose of the assembly as far as other matters were concerned, the passage proves two things; Orderic attributes to the English king the belief that this council might indeed 'allow unnecessary innovations' to occur in his realm, and also that he had the authority to prevent this. It showcases the overlapping lines of authority in the medieval world, and how the role of assemblies, in this instance of ecclesiastical gatherings, interacted in no clear and simple way with the secular realm.

The involvement of the church in electing Stephen king of England³⁸¹ is mentioned elsewhere, and will not be considered further here. It simply underscores the inclusion of church officials among the important magnates of the realm. A measure of interaction between the church and king Stephen becomes apparent however, when the king called a council at which his nobles attended and where a dispute over the appointment of a bishop to the see of Salisbury occurred.³⁸² Who was the source of the dispute is unclear, though it establishes a secular political assembly as a stage on which the hierarchy of the Church was concerned. Far from all connections, then, were severed come the time of Orderic.

Ecclesiastical interaction follows in the same vein as other functions where religious rhetoric is concerned. In Thietmar, St. Adalbert is called upon at the synod at Rome. At Dortmund, the emperor is prostrating himself before the Church and professes his love of Christ. In Orderic's work, such concerns are largely absent, though when the Holy Roman Emperor is disparaged at Rouen he is referred to as a sinful man. That is the extent of Orderic's use of such however, and the remainder of the examples cited see no such use of divine sanction, withheld or freely granted. In the world of Orderic Vitalis, rhetoric need not be religious or biblical to express the severest condemnation. Church and society at large are

³⁷⁹ Chibnall 1969-80: 259, Volume VI, Book XII.

³⁸⁰ Chibnall 1969-80: 275, Volume VI, Book XII.

³⁸¹ Chibnall 1969-80: 455, Volume VI, Book XIII.

³⁸² Chibnall 1969-80: 537, Volume VI, Book XIII.

no longer necessarily two sides of the same coin, as in the world of Thietmar of Merseburg. The same is found to be true for the east-central narratives, and it may be safe to assume, for much the same reasons.

3.2.2. *Celebration*

Thietmar's *Chronicon* is replete with references to religious gatherings. A number of them take place at, or form the basis of assemblies already mentioned above, at which any number of other political concerns was treated. The celebration of Easter in particular provided the occasion for many assemblies in the Ottonian period. So too with Lent and Candlemas. When the emperor settled matters and received envoys and legates at Quedlinburg, he did so during the celebration of Easter.³⁸³ Palm Sunday at Magdeburg provided the context for Henry 'the Quarrelsome' to seek popular support for his claim to the throne.³⁸⁴ When the young Otto III installed his cousin as pope at Pavia with communal consent, he did so at Easter.³⁸⁵ The same was true when the prelate Giselher was accused of holding two dioceses.³⁸⁶ Even matters as seemingly expedient as the hostility of a neighbouring prince, as when Boleslaw I of Poland threatened imperial possessions, was treated while the monarch celebrated Easter.³⁸⁷ In Book Eight, this is even attributed to Henry II as a conscious choice.³⁸⁸ Religious festivals as arenas for political assembly are established. Other festivals provide similar occasions; when an assembly met at Paderborn to celebrate St. Lawrence, the emperor's sister was appointed abbess.³⁸⁹

Other celebrations are noted frequently. A number of them have no other purpose attributed to them than the celebration itself, yet Thietmar is careful in always underscoring the presence of many great men. The translation of relics is one such occasion. When the body of St. Maurice was moved to Regensburg along with other saints, it was done ...*in the presence of all the nobility*.³⁹⁰ As seen below, Cosmas of Prague also attributes communal importance to the translation of relics. At times, fewer details are provided. Bishop Hildesward held a festival at his see, at which ...*all the leading men of Saxony assembled*.³⁹¹ At Aachen, a meeting between the leading men of the Lotharingians and their lord was

³⁸³ Warner 2001: 114, Book Two, Chapter 31.

³⁸⁴ Warner 2001: 149f, Book Four, Chapter 1.

³⁸⁵ Warner 2001: 171, Book Four, Chapter 27.

³⁸⁶ Warner 2001: 185, Book Four, Chapter 46.

³⁸⁷ Warner 2001: 259f, Book Six, Chapter 33.

³⁸⁸ Warner 2001: 365, Book Eight, Chapter 6.

³⁸⁹ Warner 2001: 218, Book Five, Chapter 19.

³⁹⁰ Warner 2001: 104, Book Two, Chapter 17. ...*presentibus cunctis optimatibus*... Trillmich 1966: 52.

³⁹¹ Warner 2001: 164, Book Four, Chapter 18.

arranged in conjunction with the ...*anniversary of his lord and imperial predecessor*....³⁹² Thietmar is careful to note that the love of Christ infused the king with power to carry on the celebration despite his illness. The celebration appears to be a part of a series of similar events. Consecration of new cathedrals, considered by Kostos to be one of the primary functions of the Aragonese assemblies, also features in Thietmar.³⁹³

Orderic Vitalis is sparser with his references to celebratory assemblies, though he does include them. They are however afforded less attention than other gatherings. King Henry I and many leading laymen were present to hear sermons during a religious assembly at Cloucester, but Orderic refrains from going into detail.³⁹⁴ The king and his magnates are noted in Book XI as celebrating Easter in Normandy, but passes over it without further remark.³⁹⁵ The king celebrates Easter again, this time at the monastery of Saint-Évroul accompanied by a great number of his magnates, during which, as noted in chapter 6, the monarch issued a charter concerning inheritance law.³⁹⁶ As in Thietmar, assemblies with specific political purposes are often undertaken in conjunction with some religious celebration or another.

This is the extent of Orderic's treatment of celebratory assemblies. This scant evidence compared to Thietmar is cause for remark. The event at Saint-Évroul is Orderic's most detailed treatment of a celebration, and not only does it occur in conjunction with the issuing of a charter, but also at the chronicler's own monastery, presumably with Orderic himself as witness. That he would afford it a measure of attention is thus unsurprising. The lack of emphasis when compared to the works of Thietmar of Merseburg however can only be cause for speculation. Perhaps the connection between political assembly and religious celebration was weaker in the Anglo-Norman world in which Orderic lived. Perhaps the 12th century saw a decline in this relationship. Or maybe one must allow for the possibility that, echoing the points made by Philippe Buc, Orderic Vitalis did not desire for the political assemblies mentioned in his work to be associated with the divine, to be imbued with spiritual animation and authority, unless he specifically mentions the assembly to be held during one religious celebration or another.. With regards to William the Conqueror or his oldest sons, this is conceivable. Orderic's obvious bias towards Henry I however casts doubt on such an analysis. It is far more likely that the 12th century world in which Orderic wrote had less use for a

³⁹² Warner 2001: 224, Book Five, Chapter 28. ...*ibi anniversarium domni et antecessoris sui*... Trillmich 1966: 222.

³⁹³ Warner 2001: 278, Book Six, Chapter 60.

³⁹⁴ Chibnall 1969-80: 287, Volume V, Book X.

³⁹⁵ Chibnall 1969-80: 65f, Volume VI, Book XI.

³⁹⁶ Chibnall 1969-80: 139, Volume VI, Book XI.

prominent connection between secular authorities and the heavenly order than late 10th/early 11th century Germany. Indeed, Karl Leyser makes a point of noting that ceremony had a much more prominent position in the early medieval society in which Thietmar can be placed.³⁹⁷ Men lived with a sense of danger and perpetual crisis in a manner foreign to a 12th century monk in Normandy. *Early medieval societies lived in a state of fragile balance between oral transmission and literacy, between expressing ideas and abstractions by acting them out in public and so grasping them visually and their literary encapsulation.*³⁹⁸ It is perhaps not surprising then that added emphasis would be placed on those gatherings that did not also serve some other, more immediate or concrete purpose.

It is in the interaction between secular powers and the Church that the east-central European evidence diverges most clearly from the western chronicles – that is, with the exception of the works of Cosmas of Prague. Political ceremonies not of a clear spiritual nature, or assemblies in conjunction with religious celebrations, are no more prevalent. Where both Orderic Vitalis and Thietmar of Merseburg place a great number of political assemblies during or in concert with the celebration of Easter, there is no such connection in either the *Gesta Hungarorum* or the *Gesta principum Polonorum*. Nor is there featured translation of relics or great assemblies where secular authorities and ecclesiastical dignitaries meet, as in both Orderic and Thietmar. Cosmas again proves to the exception.³⁹⁹ Aside from the heavy involvement of secular authorities in the election of bishops, many other passages recount how assemblies served as the arena for such interaction. For instance, Cosmas tells that when Bishop Michael arrived at his see in Prague, he was received by *...all the devoted common folk and magnates and clergy...*⁴⁰⁰

Cosmas treats analogous events in the Holy Roman Empire in a similar vein, and relates how *...a general synod (synodus) of all the bishops and princes of the Roman Empire was ordered for the middle of Lent in the burg of Mainz.*⁴⁰¹ Assemblies in Cosmas follow the ecclesiastical calendar in the same manner as Thietmar and Orderic; out of convenience, presumably, but a symbolic element cannot be dismissed out of hand. A series of more vaguely-described occasions are also treated, as well as celebrations for celebrations own

³⁹⁷ Leyser 1994: 193.

³⁹⁸ Leyser 1994: 194.

³⁹⁹ Cosmas often uses the word 'synod' to describe a large gathering of important people. As such, many of his political assemblies are synods, strictly speaking. Little can be read into this however, for as the likes of Barnwell and Reuter point out, these labels are rarely provided with distinct definition.

⁴⁰⁰ Wolverson 2009: 67. *...plebs universa et proceres atque clerici...* Bretholz 1955: 38.

⁴⁰¹ Wolverson 2009: 185. *...indicta est generalis synodus ab universis episcopis et principibus Romani imperii infra mediam quadragesimam in urbe Magoncia...* Bretholz 1955: 162.

sake. In Mantua, the emperor met with an assembly of Czech bishops.⁴⁰² Duke Vladislav celebrated the Feast of Saint Václav with the entire common folk, though details are scarce.⁴⁰³ The presence the Church is much more keenly felt in the *Chronica Boemorum* than in its east-central counterparts.

The event from the Hungarian chronicle described above where the three sons of Ladislav the Bald enter Székesfehérvár has all the hallmarks of a standard *adventus*.⁴⁰⁴ So too does the event described in the *Gesta principum Polonorum* where Otto III is received by Boleslaw, and the Polish lord's knights and princes are lined up in the most expensive attire available to greet the emperor in ceremonial manner.⁴⁰⁵ In both occasions, the assembled magnates, churchmen and people perform a distinct political function by their mere presence, though no deliberation or decision accompanies the receptions in themselves. Of religious interaction the only mention where secular powers may have played a role is concerning the visit of the papal legate Walo, and the canonical council he held while in Poland.⁴⁰⁶ The passage is vague however, and it remains impossible to discern what role secular authorities may have had in this gathering.

Simon Kéza places the bishops of Hungary among the nobles gathering to depose king Peter I.⁴⁰⁷ That is also the extent of clerical involvement in the few political assemblies mentioned in the *Gesta Hungarorum*. It remains a possibility that the Church may have been represented at the other gatherings referred to, but the Hungarian chronicler affords them no attention. The Polish evidence is even more impoverished, and the Church is not mentioned once in conjunction with any council or assembly save the visit of Walo. Again, that is not to say they did not attend, but the anonymous chronicler did not consider their attendance. Certainly, the *Gesta Hungarorum* is concerned primarily with the realm's pre-Christian history, but not exclusively. Where the east-central European chronicles exhibit significantly less mention of political assemblies concerning other matters than their western counterparts, the near-absence of any mention of the Church save the occasional participation of bishops is difficult to explain. If nowhere else, an answer may be sought in the late Christianisation of these areas.

⁴⁰² Wolverson 2009: 178.

⁴⁰³ Wolverson 2009: 223.

⁴⁰⁴ The ritualised entry and welcoming of a prince into a town or community.

⁴⁰⁵ Knoll/Schaer 2003: 35.

⁴⁰⁶ Knoll/Schaer 2003: 167.

⁴⁰⁷ Veszprémy/Schaer 1999: 111.

3.2.3. *A short summary*

The above treatment has highlighted a number of points. Firstly, several noticeable differences are found between the works of Thietmar of Merseburg and to a lesser degree Cosmas of Prague, and the remainder. When the relationship between Church and ‘state’ is concerned, the former provide a clear contrast and an indication of the change that spanned Christendom with the Investiture Contest of the late 11th/early 12th century. Thietmar tells of a relationship between the monarch and the Church that is decidedly different from that found in Orderic Vitalis. Secondly, the same contrast is found when treating religious celebrations, though Thietmar is accompanied in his solitude by Cosmas of Prague. This brings into question whether the difference exhibited marks a change over time from the 11th century of Thietmar to the 12th and 13th centuries of the others, or simply a peculiarity in the German realm that Cosmas shares by geographic and cultural proximity. The answer is probably a bit of both.

Finally, this chapter also brings to attention another important point. Common to all the narratives that affords it attention is the notion, embedded in careful rhetoric, that when the monarch engaged the Church in assembly, it was he who attended, rather than played the part of the host. Nowhere is this explicitly stated however, and so Philippe Buc is partially vindicated in claiming that rhetoric served to actively form the past as the compiler understood it.

Chapter 4: Summary and Conclusions

4.1. Notes in conclusion

This thesis has sought to answer a number of questions presented in the introduction. What light can a handful of narrative sources, separated from each other in time and space, shed on the role of political assemblies in the early- and high Middle Ages? What contribution can it make to the debate concerning the role of ritual in the same period, primarily of course, of *political* ritual? And can the material used provide insight into the question raised by all generations of medievalists concerning this topic; how much genuine power did the open political assemblies really have? Both a synchronic and a diachronic perspective are productive. The evidence in this thesis points to a pattern of development. Timothy Reuter notes that by the end of the 12th century, assemblies came to be set in a more continuous political activity:

*The growth of courts (meaning permanent or semi-permanent royal entourages) and of residences, the thickening networks of homogenous judicial and administrative institutions, and last but not least the development of transpersonal conceptions of the polity, all meant that the assembly (whether 'representative' or not) were slowly transformed into functional parts of a larger whole, rather than being the occasions at which the larger whole changed from being virtual to being real.*⁴⁰⁸

The quotation above serves to illustrate two of the main points of this thesis. Firstly, a treatment of Thietmar in light of the other works show how the medieval polity managed in time to contain personal feuds in the judicial system of a functioning state, where before such matters were left to be solved in compromise by the community at large. Secondly, a growth of institutions decreases the importance of personal kingship, and it is in this period also that a transpersonal concept of kingship is further developed, to the point where a monarch is explicitly installed to perform a specific function, and similarly justifiably removed if he failed to uphold these standards. It is as we have seen the Hungarian chronicle that goes the furthest in this regard, and while explanations may be found that are unique to Hungary, it is not entirely coincidental that the *Gesta Hungarorum* is also the youngest of the chronicles examined. Third, these conclusions points in the direction of a nascent European state, where informal or ritual assemblies develop into proto-parliament and the judicially required institutions of a centralised polity.

⁴⁰⁸ Reuter 2001: 444.

A thematic approach aside, the main characters of this thesis remains the narrative sources themselves. The thesis has attempted to answer the above questions in a comparative perspective, to include sources from across the breadth of Christendom in order to ascertain what different polities had in common, and where they differed. This approach necessitates an excursion into the scholarly debate concerning the functions of political assemblies.

4.1.1. *The function of assemblies as presented in the narratives*

The sources treated in this thesis paints a somewhat different picture from that provided through the historiography. A number of serious discrepancies make themselves apparent. Where historians like Barnwell and Reuter assign to political assemblies a role in legislation and matters of law fail to question this assumption thoroughly enough, the sources makes this pressingly necessary. The relationship between law and assembly is far from clear. Only in the Hungarian narrative is a legal decision explicitly attributed to communal consent. The remaining instances are few, and the role of assembly mostly unclear – it can be argued that while laws were made *in* assembly, nowhere were they made *by* the assembly. Treating assemblies not as a legislative body but as a court of law yields a different, but no less marked result, and exhibits similarities with assemblies as a means to solve conflicts in general. The world of Thietmar, bishop of Merseburg, is one in which the community at large, often but not exclusively with the monarch at its head, is afforded authority over the resolution of conflicts between their peers. This adds to the impression that early medieval Germany lacked a sufficiently sophisticated system of central government required to deal with these conflicts, for the remaining 12th and 13th century chronicles confine the assembly's role in conflict resolution to dealing with conflicts of a greater magnitude, namely those involving their own monarch. From this a conclusion can be drawn that the subject of law requires a more thorough examination, and that assumptions made to the effect that political assemblies exerted considerable authority over the legal system are premature. Furthermore, in treating conflict resolution a shared trait can be found in the younger narratives, with corresponding dissimilarities in the single source that can be considered to belong to the early medieval era, highlighting the process of centralisation and bureaucratisation that occurred across Europe in this period.

Furthermore, the analysis highlights a fundamental problem in Barnwell's definition of political assemblies; royal election, a frequent responsibility of the assembly (even if the exact relation of power is ambiguous) fails to be categorised with his approach.

Whether assemblies provided avenues for political deliberation and thus asserted a measure of power of their own, or served as nothing but a stage upon which decisions were already made (either by the king or a small group of high nobility), or indeed no decision was required at all, their over-arching functions seem clear. Political assemblies were required when heirs succeeded their predecessors and nominated their successors; when conflicts were to be resolved through judgement or compromise; when decisions were to be made known and points brought across to the wider public; and when the secular authorities interacted with the Church. Whatever their role in these instances, past reality remains interpreted not through direct experience but biased narrative sources, and the rhetoric employed speaks volumes as to how chronicles approached the function of political assemblies.

4.1.2. *The ritual and rhetoric of assembly*

Central to this thesis is the claim put forth by Philippe Buc that it is possible to read in the rhetoric (chiefly religious) of narratives the attitude to specific events as held by the men who compiled them, and that just as important, or even more so, than the events themselves was how they were interpreted by the audience and by posterity through the written word. It ties in with the use of ritual; Buc, in essence, (though denying the utility of the concept itself) infers that 'ritual' is the rhetorical construct of an author's conscious desire to shape the past into conformity with his own views. Heavy praise and carefully supportive rhetoric may serve to indicate a lack of contemporary consensus that saw the need for such measures. Essential to his approach is that chronicles employed biblical rhetoric and allusions whenever they desired to provide an event with an air of sacrality, and kept this from events of which they did not approve. A number of examples to this effect have been provided in the thesis, though the assumption has been expanded to emphasis rhetoric in general. Other scholars also support this approach. Dalewski writes of the above-mentioned conflict between Boleslaw and Zbigniew as it is presented in the Polish chronicle that ritual served for the anonymous chronicler to reconstruct the recollection of the conflict.⁴⁰⁹ The text was propaganda for the royal court.⁴¹⁰ A conclusion can be drawn that while his emphasis on religious rhetoric fails to find clear support in the narratives, the general assumption must be said to be correct. When Simon Kéza relates how the Hungarian magnates rebelled against Peter I, he takes care to paint the king as a *rex tyrannus*, against which a coup was justified. When Henry faced down his brother on the fields of battle, Orderic Vitalis warns of fratricide and portrays those of

⁴⁰⁹ Dalewski 2008: 9.

⁴¹⁰ Dalewski 2008: 6.

Robert's counsellors who advice against peace as evil, seditious men. When the Ottonian hold on power trembled, Thietmar of Merseburg was careful to extol their ancestors, underscore the success and importance of the assemblies they held and present their royal right as beyond doubt.

Buc speaks primarily of early medieval Europe, and it is here too that his approach finds the greatest support. Thietmar's work is heavy in religious rhetoric absent from the other narratives save the *Chronica Boemorum*. Buc is thus partially vindicated; if confined to this period, his theory holds water. If employed on the high Middle Ages however, he is only partially right – rhetoric is indeed used actively by the authors to enforce their own reading of events, but it is not reserved for religion alone, nor can it easily be claimed that absence of praising phrases indicate disapproval.

Events described as political ritual take on a new meaning when read in the light of Gerd Althoff's position. Althoff claims that events like political assemblies were carefully staged rituals where a *colloquium secretum*, a 'secret' gathering of the greatest nobles, decided upon the outcome of the general assembly yet to be held, whether it concerned itself with royal election or conflict resolution, and that the subsequent *colloquium publicum* served as but a stage upon which this decision was played out. The alternative was far too volatile in a society as fragmented and as concerned with personal honour as the medieval world. As such it stands in stark contrast to Buc; where Althoff stresses that decisions were made before the assembly and not in it, Buc holds that what drove society onwards was not the event but the interpretation, which might as well be made after the assembly itself. The two seemingly hold contradictory positions, where Althoff carries the standard of rigid functionalism, and Buc the banners of the 'linguistic turn' and the continually malleable event. Allied to Althoff are such historians as Timothy Reuter, who holds that whether prepared in advance by a small elite or entirely the whim of the monarch, political assemblies in the early and high Middle Ages were not actively deliberative bodies where decisions to a large degree were made. This is a gross over-simplification of their respective positions, particularly concerning Althoff and Buc, though the pair still provides distinct opposites, in the space between which many scholars have placed themselves. The author of this thesis is no exception, though the conclusion of this thesis is no compromise or middle ground, but rather a flat denial of a stringent approach to the question of political assemblies as staged political ritual.

The above has shown how Buc is partially correct concerning narrative rhetoric. This fails to disprove Althoff's approach however. Nonetheless, Althoff himself largely admits the futility of rigid functionalism; examples to this effect are provided in the text. The greatest

argument against his approach is the fact that political assemblies were allowed by participants and chroniclers alike to fail. Confirmation can be sought in Althoff's own definition of ritual. He writes:

*We talk about rituals when actions, or rather chains of actions, of a complex nature are repeated by actors in certain circumstances in the same or similar way, and if this happens deliberately, with a conscious goal of familiarity. In the minds of both actors and spectators, an ideal type of ritual exists that takes on a material form that is easily recognized in its various concrete manifestations.*⁴¹¹

When this ritual takes the form of a political assembly, Althoff ascertains that it is to a large extent prepared in advance. In the analysis above, examples are given that certain assemblies were indeed prepared in this manner, such as the assembly of 1002 in Thietmar's *Chronicon*. Most lack such references however, and Althoff too admits that his *colloquium secretum* is more often than not omitted from sources. As already mentioned however, failed assemblies provide the proverbial spanner in the works of Althoff's theory. While admitting also that failure to provide consensus in larger assembly reflected a similar failure in the private gathering, he remains unsuccessful in explaining why the decision then reached the public at all. Furthermore, he underscores that rituals were essential for medieval communication, and that they had to be simple, to perform an easily recognisable function.⁴¹² Rituals were frequent, and dynamic, and thus required staging beforehand. In ascertaining the value of this approach, it is necessary to employ a much wider perspective. The essence of what Althoff proposes is, to sacrifice accuracy for the sake of making a point, that similar to all other human cultures and societies, the medieval world too operated by a set of social norms to regulate human interaction – political no less than social. This is in no dichotomous relationship to an assertion that at least a measure of the political battle of the day stood on the pages of contemporary chronicles, who vied for the authoritative interpretation of events. Neither does it stand in opposition to a reading that emphasises the malleability of political assemblies, where the actors could influence the outcome through their participation. Then, as now, a prior understanding between individuals involved must not be taken to preclude a political event turning in a decidedly different direction than what was originally envisioned.

⁴¹¹ Althoff 2002: 71.

⁴¹² Althoff 2002: 86.

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Oppsummering

Denne oppgaven stiller et utvalg spørsmål til fem fortellende kilder fra fem forskjellige land. Oppgaven tar for seg Thietmar av Merseburgs *Chronicon*, den anonymt forfattede *Gesta principum Polonorum*, Cosmas av Prahats *Chronica Boemorum*, Orderic Vitalis' *Historia Ecclesiastica* og Simon Kézas *Gesta Hungarorum*. Sentrale spørsmål er hvilke funksjoner man kan tillegge politiske forsamlinger i perioden c.870-1141 gjennom en nærlesing av kildene; i hvilken grad det utspiller seg aktive politiske prosesser i forsamlingene, eller til sammenligning, i hvilken grad handlingen er planlagt på forhånd; og i hvilken grad forfatternes retorikk kan tjene til innsikt i deres egne holdninger og motivasjoner.

Oppgaven viser hvordan politiske forsamlinger er tillagt en sentral rolle i konflikthåndtering, samt å tjene som folkelig legitimitet i kongevalg og opprør. Det fremkommer av kildene at politiske forsamlinger i Thietmars tysk-romerske rike i tidlig middelalder ble brukt i større grad enn andre når konflikter innad i riket skulle håndteres, særlig i konflikter føydaladelen imellom. Et fravær av tilsvarende i yngre krøniker er forsøkt forklart gjennom en gradvis statsdanningsprosess i middelalderens Europa som flyttet et slikt ansvar fra uformelle forsamlinger til et stabilt rettsapparat. Videre viser oppgaven hvordan forfattere kan sies å aktivt bruke både egen retorikk og forsamlingene selv til å legitimere opprør mot kongemakten.

Oppgaven viser også hvordan politiske forsamlinger tjente som møteplass for kirkelige og verdslige makter, og hvordan forfatterne av krønikene ser ut til å ha bevisst vektet egen retorikk for å understreke viktige punkter i forholdet mellom kirkemakt og kongemakt.

Siste men ikke minst tjener kildene som eksempel på at sentrale innfallsvinkler hos historikere som Gerd Althoff og Philippe Buc må modereres i møte med kildematerialet. Althoffs innfallsvinkel til private forsamlinger hvor politiske beslutninger tas (*colloquium secretum*), for deretter å kunngjøres gjennom åpne forsamlinger som et politisk ritual (*colloquium publicum*), viser seg å møte motstand i lys av kildene, hvor feilslåtte politiske forsamlinger får utilsiktede følger. Tilsvarende viser det seg at Bucs vektlegging av litterære trekk og retorikk bare til en viss grad kan tjene som forklaringsmåte.