

The Historical Work of Burchard of Ursberg, V: The Historian, the Emperor and the Pope*)

Burchard of Ursberg's chronicle is a history, not a treatise in political theory. To describe the Premonstratensian author's point of view on the relationship between empire and papacy or on the nature of either institution from the content of his sole surviving work is difficult; to impute the coherence and internal consistency of a full-fledged political theory to Burchard's ideas as expressed there is unjustifiable. Nevertheless the provost-historian's vehement Staufer partisanship and the historical and political arguments adduced by him in support of the dynasty have provided an important focus for scholarly interest in the *Ursberg Chronicon* (hereafter cited as *UC*)¹). Further exploration of the historian's dynastic allegiance will shed light on his interpretation of earlier and contemporary events, and finally on his historical method. Burchard himself advertises the strongly political emphasis of his work in his second introduction, in closing a summary of the reigns of the Salian kings. He has appended this review to the account borrowed from his most important written source, the universal chronicle of Frutolf of Michelsberg and Ekkehard of Aura. Here the provost comments on the Frutolf-Ekkehard text by comparing his own analysis with the opinion of another respected predecessor, Otto of Freising, on the legitimacy of papal deposition of emperors. The Ursberg author intended that the following independently composed section of his history be read with this discussion in mind.

The Premonstratensian historian relates that Henry IV was called «Malus, eo quod multa mala terris et principibus propter suam excommunicationem et vitam sceleratam intulerit»²). The subject of Gregory

*) The following represents the fifth in a series of articles beginning in the first 1982 fascicle of this journal.

¹) O. von Simson, in Burchard of Ursberg, *Chronicon*, ed. O. Holder-Egger and Simson, 2nd ed., *Scriptores Rerum Germanicarum in Usum Scholarum* (Hanover, 1916), p. xxviii. The *UC* editor, always judgmental, apologizes for the largely derivative contents of Burchard's work while emphasizing its polemical interest: «Obgleich das Werk grösstenteils Kompilation ist, geht doch eine selbständige, einheitliche Grundanschauung hindurch».

²) This and subsequent quotations are from Burchard's discussion of priestly deposition of secular rulers: *UC*, pp. 6-7.

VII's excommunication of Henry had interested his descendant, the bishop of Freising. Burchard, naming his source, copied Otto's historical argument, which compared the crisis to Ambrose's chastisement of Theodosius:

Lego et relego Romanorum regum sive imperatorum gesta et nusquam invenio quemquam eorum ante hunc a Romano pontifice excommunicatum vel regno privatum, nisi forte quis pro anathemate habendum ducat, quod Philippus ad breve tempus a Romano episcopo inter penitentes collocatus, et Theodosius a beato Ambrosio propter cruentam cedem a liminibus ecclesie sequestratus est³).

Otto had been ambivalent about the appropriateness of Gregory's action; he adopted neither the papal nor the imperial point of view, but lamented the resulting destruction. The aftermath of Henry's excommunication, Otto had said in concluding his chronicle's sixth book — although Burchard did not copy this passage — was a symptom of contemporary universal senescence:

Quia ergo regnum in principe suo ab ecclesia preciso graviter percussus fuit, ecclesia quoque tanto pastore, qui inter omnes sacerdotes et Romanos pontifices precipui zeli ac auctoritatis erat, orbata dolorem non modicum habuit. Tanta mutatione, tanquam a perfectione ad defectum vergente tempore, sexto operi finem imponamus ...⁴).

Burchard nevertheless took issue with Otto's attribution of unique significance to the deposition of Henry IV, emphasizing the strength of his argument with a phrase borrowed from the terminology of logical proof, «constat ... ex his»:

Licet prefatus Otto hec scribat, constat tamen ex his, que superius longe descripta sunt, in pluribus locis, quod, imperatoribus sive regibus quarundam nationum vergentibus⁵) in multam perversitatem vel nequitiam sive in desidiam, ut inutiles censerentur, multotiens divino iudicio reprobati sunt, alique in locum eorum substituti sunt, quod plerumque nulla accedente auctoritate Romane ecclesie

³) Cf. Otto of Freising, *Chronica sive historia de duabus civitatibus*, ed. A. Hofmeister. trans. A. Schmidt, *Ausgewählte Quellen zur deutschen Geschichte des Mittelalters* 16 (Berlin, 1960), 6.

⁴) Otto of Freising, *Chronica*, 6.36.

⁵) Burchard here reflected Otto's use of *vergens* (see above), reducing it from a universal to a particular sense.

factum est, sicut frequenter de imperatoribus apud Constantinopolim positum legitur, ut supra descriptum est.

Both the details and the emphasis of the Ursberg historian's denial of papal authority over imperial office are important. Burchard will soon assert his position's compatibility with Christian doctrine; history is for Burchard, as it was for Otto, a series of *exempla* proving theological principles⁶). He points out that kings fall and new ones are raised up because they are rendered ineffective by moral decay. The historian declares, moreover, that such transferral of power takes place through God's direct intervention, not because the pope judges it suitable⁷). In offering this point of view Burchard incidentally supports the legitimacy of secular powers unconfirmed by the Roman papacy, here the eastern empire. He goes on to explain how God has acted and, presumably, will continue to act to topple monarchs. He directly lambastes papal pretensions to power of deposition:

Licet autem Romani pontifices hec sibi ascribant et se fecisse gloriantur, nos tamen animadvertimus hec potius facta fuisse divino iudicio, culpis imperatorum exigentibus animisque principum seu gentium ad resistendum se coadunantibus.

The people or their lesser rulers, princes, are finally roused to overthrow an inadequate emperor; Burchard here comes close to saying that the right to rule — at least the right to rule badly — rests upon the consent of the ruled as an expression of divine consent.

Burchard supports his contention by adverting to Scripture. First he alludes to a verse from Proverbs, showing that God can indeed sway men's hearts⁸). The historian's second Scriptural allusion against the efficacy of papal excommunication of emperors is more important: «In libro quoque Regum non dicitur, quod Samuel Saulem reprobaverit, sed quod a Deo fuerit reprobatus, et iubente Deo per ministerium Samuelis David fuit inunctus»⁹). Burchard stresses that David's unction by

⁶) See the immediately prior article in this series, «Burchard IV», pp. 248-249.

⁷) See E. Peters' discussion of royal failure: *The Shadow King: Rex Inutilis in Medieval Law and Literature, 751-1327* (New Haven, 1970), pp. 135-169, esp. pp. 138-140.

⁸) «Sicut divisiones aquarum, ita cor regis et corda hominum in manu Dei sunt». Cf. Proverbs 21.1.

⁹) Cf. I Samuel 15.11; 16.12. Burchard, in conjoining these allusions to Proverbs and I Samuel, may imply even closer connection between Saul and Henry IV. Cf. I Samuel 18.10, where Saul begins to resent David's greater military prowess: «Post diem autem alteram, invasit spiritus Dei malus Saul...». This perhaps tends to explain Henry's behavior.

The Saul-Samuel analogy had been used by Innocent III, e.g. in warning the newly-

Samuel was only a symbol of God's accomplished will. His reference to later imperial election and coronation is clear, since the historian has just pointed out that God's will expresses itself in the consensus of the people. Burchard makes his position explicit, however. He directly connects Saul and Samuel's example to contemporary events; he then interprets later Hohenstaufen experience as independent proof against the precedential importance of Henry IV's deposition:

Sub temporibus namque nostris Fridericus primus eius nominis imperator Romanorum ab Adriano papa et Alexandro aliisque successoribus excommunicatus, ut ipsi asserunt, nunquam perdidit imperium. Philippus quoque, filius eiusdem Friderici, post mortem fratris sui Hainrici VI, acquirens sibi imperium sive regnum Romanorum propter excommunicationem Celestini pape III., sicut meminimus factum fuisse sub temporibus nostris, nunquam perdidit illud.

As Burchard stresses, the examples of Saul, David, and Henry IV will continue to be relevant throughout the remainder of his work: «Hec omnia in subsequentibus descriptionibus et annotationibus temporum plenius explicabuntur»¹⁰).

THE LEADERSHIP OF CHRISTENDOM: PERSONALITY AND OFFICE

Burchard's independent work, ensuing from his recapitulation of Salian politics, addresses the topics of the interaction between empire and papacy and of the relationships of individual emperors and popes to the requirements and potentialities of their respective offices. Thus, for

crowned Otto IV that he might be punished with deposition: *Patrologiae Latinae Cursus Completus*, ed. J.P. Migne, 216 (Paris, 1855), col. 1036: «Monemus igitur celsitudinem regiam et exhortamur in Domino quatenus spem tuam ponas in illo qui, reprobato Saule, David elegit in regem». Innocent did not exactly assert that Samuel deposed Saul on his own initiative.

¹⁰) As F.-J. Schmale points out, the position adopted by Burchard that only God, not popes, can set aside kings was hardly new: *Deutschlands Geschichtsquellen im Mittelalter vom Tode Kaiser Heinrichs V. bis zum Ende des Interregnum*, ed. W. Wattenbach, rev. Schmale et al., I (Darmstadt), 1976, 119: «Solche Gedanken schliessen unmittelbar, gewissermassen als Umkehrung, an die von Friedrich I. nach Besancon geäusserten Gedanken an und entwickeln die staufische Theorie von der Kaisererhebung folgerichtig zu einer entsprechenden Absetzungstheorie weiter, die es ermöglicht, auch an einem exkommunizierten Herrscher festzuhalten». To trace the course of this theory's development is outside the scope of this study. For a general survey, see R.W. Carlyle and A.J. Carlyle, *A History of Medieval Political Theory in the West*, IV (Edinburgh, 1922), 312-329.

instance, Burchard's evaluative essays on real kings shed light on his view of the ideal ruler. His judgments on the degree of success of various reigns reveal his understanding of the nature of the royal office.

Good kings and bad

Of Burchard's summary descriptions of royal figures, that of Lothar of Supplinburg, the first king for whose reign he offers a complete account, is of special interest. Lothar's kingship was the most remote of those which the historian independently rehearsed. While lack of detail based on contemporary evidence leaves «Gesta Lotharii» only skeletal except for its lengthy *Historia Welforum*¹¹⁾ insertion, this poverty of specific information at the same time causes the historian to formalize his favorable report of the Saxon emperor, making it the more suggestive of his kingship ideal. Burchard's description of Lothar is in fact based closely on a passage from the life of St. Norbert; the historian here yields to written authority because of his lack of personal or hearsay knowledge. There is nevertheless no indication that the hagiographer's view of the emperor was not shared by the later author despite his Stauffer sympathy:

Erat, inquit, vir ille strennuus belli ductor, precipuus in armis, providus in consilio, terribilis inimicis Dei et sancte ecclesie, veritatis amicus, iustitie socius, iniustitie inimicus, cuius probitas patuit in Sicilia, viguit et in Saxonia, qui quamdiu vixit, totum Romanum imperium, quod eius custodie deputatum fuerat, titubare non potuit¹²⁾.

The Premonstratensian author of the Norbert *Vita* indeed had reason to praise Lothar, who sent the order's founder to his archiepiscopal see at Magdeburg and was won to the support of Innocent II by Bernard of Clairvaux. The qualities which he and Burchard, following him, attributed to Lothar are a standard catalog of medieval kingly virtues in which the provost and his source surely both believed: strong military leadership, protection of the church, support of justice and peace within the kingdom.

While Burchard omits any such summary sketch of Conrad III and his tenure, *UC*'s portraits of Conrad's Hohenstaufen successors and his

¹¹⁾ See «Burchard II», pp. 225-251.

¹²⁾ *UC*, p. 15; cf. *Vita Norberti archiepiscopi Magdeburgensis*, ed. R. Wilmans, Monumenta Germaniae Historica Scriptores 12 (Hanover, 1856), c. 21 (B version).

accounts of their careers reinforce the impression of a view of kingly virtue created by his quotation from the order's central hagiographical monument. Burchard's description of Frederick Barbarossa echoes the ideas and the vocabulary of the Norbert *Vita* on Lothar:

Erat enim vir armis strennuus, acer animo, exercitatus in bellis, corpore robustus, in consiliis providus, in negotiis peragendis virilis, affabilis mansuetiis, superbis resistens, ingenio subtilis, memoria excellentissimus ...¹³⁾.

Here Burchard inserts new qualities, new virtues, and his eulogy is tailored to indicate Barbarossa's idiosyncratic traits in both this and the following several sentences. The provost-historian's favored theme of pride and humility here informs a personal description. Frederick is shown to share God's role in chastening the proud, but those kingly qualities which Lothar had already exhibited likewise emerge; Frederick has military prowess, energy in asserting the protective functions of government and, finally, zeal for peace: «... studuit pacem potissimum reformare»¹⁴⁾. The importance of his royal generalship is reemphasized in Burchard's abrupt conclusion to «Hystoria Friderici»:

Hec de bellis imperatoris plenius descripsisse sufficiat exempli gratia ... ut pateat, quam virilem et animosum se exhibuerit in aliis bellis que in annotationibus annorum sive ex descriptionibus sive relationibus, prout potuimus invenire, breviter explicabimus¹⁵⁾.

Other royal characteristics have meanwhile been lauded by implication in the course of Burchard's Frederick-biography. The emperor's paternal relationship to his subject territories is emphasized¹⁶⁾. Closely related is Frederick's praiseworthy and, as the text stresses, specifically royal quality of kindness: «... de regia benignitate ...»¹⁷⁾. Mercy is likewise royal: «Ideoque more regio subditis factus est mitis»¹⁸⁾; Barbarossa shows it often¹⁹⁾.

¹³⁾ UC, pp. 22-23.

¹⁴⁾ UC, p. 23. «Burchard III» has shown that, while some of «Hystoria Friderici» is derived from John of Cremona's lost Lombard history and much of it may show the influence of the earlier work's tenor, all but a few passages under this and subordinate rubrics were shaped by Burchard's own adoption of the pride-humility theme and rhetorically sophisticated rearrangement of available written sources: pp. 31-34. The introductory portrait of Frederick is thus substantially Burchard's own.

¹⁵⁾ UC, pp. 44-45.

¹⁶⁾ E.g. UC, p. 32: «Dissoluta itaque curia imperator paterna visione Lombardie loca visitare cepit».

¹⁷⁾ UC, p. 28.

¹⁸⁾ UC, p. 30.

¹⁹⁾ E.g. UC, p. 25: «... parvulis tamen ac mulieribus iussu imperatoris sine lesione

A king or an emperor may, according to the Premonstratensian historian, expect good behavior from his subjects; the duty which they owe him is part of Burchard's vision of kingship. In *UC* that responsibility finds frequent negative description. At his coronation, for instance, Frederick I is plagued by the *sedition* of Roman citizens²⁰). As he prepares for his second Italian expedition, all the other Lombards taunt his Cremonese allies and — what Burchard says is worse — insult the emperor himself: «... et, quod deterius est, in ipsum imperatorem indigna relatu proferebant verba»²¹). When Henry VI dies Burchard denounces Italian rebellion against his German officers remaining south of the Alps as, again, *sedition*²²). He criticizes the Lombards for behaving *inhoneste* toward Frederick II on his return north from imperial coronation²³). His most emphatic description of treasonable action by a subject against the emperor is, however, his account of the Chiavenna incident, Barbarossa's breach with his Welf cousin Henry the Lion.

As P. Munz has stressed, the Chiavenna account in *UC*, dramatically anti-Welf, «implies quite clearly that the ultimate crux of the matter was the rivalry for the crown»²⁴. Burchard carefully makes mention of many stresses and factors of circumstance and personality in unfolding the story; although even the central detail of a meeting at Chiavenna or Lake Como may have been apocryphal, it had been generally accepted before the end of the twelfth century and Burchard probably had no reason to believe it untrue. His presentation of further details is no less interesting for his political point of view because they may also be invented. The historian half-heartedly attempts to sidestep responsibility for accuracy: «... ut referunt homines ...». Still his condemnation of Henry, whom he says acted *perfide*, is ringing:

In hac obsidione [i.e. of Alessandria] imperator non profecit, nam dux Heinricus de Saxonia, nepos suus, perfide ab eo recessit, sumpta occasione de excommunicatione et forte accepta pecunia. Quem ut

liberatis»; p. 32: «... tam viris quam mulieribus, ultro misertus est»; *UC*, p. 38: «... imperator mitis effectus, utpote vir timens Deum, misericorditer permisit ...».

²⁰) *UC*, p. 25.

²¹) *UC*, p. 27.

²²) *UC*, p. 76: «Ortaque est sedition in partibus illis, maxime contra Teutonicos, qui tunc in partibus Italie demorabantur».

²³) *UC*, p. 114: «... a Bononiensibus et quibusdam aliis civitatibus inhoneste tractatur».

²⁴) Munz, «Frederic Barbarossa and Henry the Lion in 1176», *Historical Studies, Australia and New Zealand* 12 (1965), 10.

referunt homines, secutus est imperator et ad ipsum veniens super lacum Cumanum cum magna humilitate postulavit, ut se non desereret, ita ut videretur pro tali petitione ad pedes eius se velle demittere, quod dux discrete recusavit. Quidam autem ipsius ducis officialis, Iordanus nomine, narratur superbe dixisse: 'Sinite, domine, ut corona imperialis veniat vobis ad pedes, quia veniet et ad caput'²⁵).

Frederick, whose *benignitas* and *misericordia* Burchard has already praised, now reveals his *humilitas*; Henry, like the Milanese suppressed by Barbarossa, is proud. But Burchard establishes more than a moral background for the Chiavenna dispute. He says that Henry justified his action by using Frederick's excommunication as an excuse, though he had perhaps also been bribed; in the *UC* context, there is little doubt that Burchard meant to suggest that the money which may have encouraged the duke was papal or Italian²⁶). Henry's worst offense, worse even than his refusal to answer the emperor's military need, was that he — or at least his henchman on his behalf — coveted Frederick's position. The imperial crown is made the object of Jordanus' sarcasm and desire.

As the historian now clearly explains, Henry was prosecuted and stripped of his possessions specifically for this crime against the king's majesty:

Tandem veniens [i.e. Frederick] in Alamanniam prefatum ducem de traditione et crimine lese maiestatis impetivit. Dux siquidem ipsum preveniens in Suevia fecerat conspirationem contra imperatorem ... Ast imperator ipsum ducem frequenter evocat ad curiam ad obiecta responsurum. Ubi quidam principes et barones, fautores ducis, more Teutonicorum sine lege et ratione voluntatem suam pro iure statuentes, contra imperatorem hoc ius tenere volebant, ut imperator ducem condemnare non posset vel terras suas abiudicare, nisi infra terras ducis placitum statueret²⁷).

Burchard thus widens the problem of Henry the Lion's contumacy; it becomes both a cause and a manifestation of widespread German treason which in turn grows from endemic contempt for law, a defect of the national character. Frederick finally triumphs through judicial process. The theme which Burchard has emphasized in his description of

²⁵) *UC*, pp. 53-54.

²⁶) Cf. *UC*, p. 82: «Gaude, mater nostra Roma ...»; p. 37: «... dataque est immensa pecunia domino Adriano pape ...».

²⁷) *UC*, pp. 54-55.

Henry's fall is central to his political thought. He portrays the energetic effort of a virtuous king to protect peace through the exercise of legal authority inhering in his office; that peace is jeopardized continually by an excessively ambitious papacy and an unruly German people.

The challenges faced by the first Frederick's successors were for Burchard not so remote and his formalization — even fictionalization — of their actions and characteristics was not as thorough as in Barbarossa's case. Nevertheless a royal ideal continues to emerge through the intensifying polemic of *UC*'s record of more recent reigns. When, in Burchard's account, Henry VI dies and is buried *magnifice* in Palermo, the author attributes to the emperor the intelligence and the fierceness which he praised in Barbarossa, though not his father's moral virtue or physical strength:

Erat autem imperator Hainricus prudens ingenio, facundus eloquio, facie satis decora, plus tamen macilenta, statura mediocris, corpore tenuis et debilis, acer animo ideoque inimicis suis erat pavendus et terribilis ...²⁸).

Philip, on the other hand, had Barbarossa's gentleness and benignity²⁹), but not the energy of his father and brother:

... constet ex predictis, quod potenter regnaturus fuisset sicut et alii de parentela eiusdem, si non impedisset mors. Erat autem Philippus animo lenis, mente mitis, eloquio affabilis, erga homines benignus, largus satis et discretus, debilis quidem corpore, sed satis virilis, in quantum confidere poterat de viribus suorum, facie venusta et decora, capillo flavo, statura mediocri, magis tenui quam grossa³⁰).

Philip's beauty is not of special importance to Burchard; the Premonstratensian historian is as yet untouched by the courtly ideal fostered by the same king. Burchard rather apologizes for Philip's fragility, insisting that his strength was adequate. In *UC*'s presentation Philip of Swabia still ruled *viriliter*, as had his Salian ancestor Henry V³¹) and Frederick I himself.

The Welf Otto IV, as Burchard draws him, offers a strong contrast to

²⁸) *UC*, p. 75.

²⁹) *UC*, p. 78: «At ipse Philippus, ut erat mansuetus et benignus, cum audisset de sententia excommunicationis, petivit humiliter ab eodem legato absolvi»; *UC*, p. 84: «... puro corde, sicut erat benignissimus ...».

³⁰) *UC*, p. 91.

³¹) *UC*, p. 7: «... hanc [i.e. the royal position on investitures] viriliter tenuit et propter hoc papam Paschalem captivavit».

the composite of kingly virtues suggested by his Stauffer portraits. Whereas they had been like the Saxon emperor Lothar intelligent and — but for Henry — humble, Otto is «superbus et stultus»³²). The Welf's pride finally brings about his downfall³³). It is so much Otto's salient feature that the rest of his personality is obscured. Against his single great defect, the strength, mercy, pomp, and competence in battle and in council which make up the royal *virilitas* exemplified by the Hohenstaufen are the more clearly marked as aspects of Burchard's kingship ideal.

Frederick II's personal characteristics and Burchard's commentary on his imperial theory are best considered in the context of *UC*'s specific purpose as polemical history. The relationships he describes among secular monarchs do, however, illumine the Premonstratensian's understanding of the duties and prerogatives of such office. Burchard argues for the complete independence of Byzantine from Roman authority. While the German emperor or his deputy may himself create some Western kings, like the king of Bohemia³⁴) Constantinople should be free from interference. On the Latin attack of the city in A.D. 1204 and the ensuing theft of relics, Burchard is scathing: «An furtive sint, iudicet qui legit; an videlicet dominus papa talem rapinam in populo christiano factam potuerit iustificare ...»³⁵). More extraordinary than his affirmation of the power of western Christian rulers outside of papal or imperial authority is his sympathy to Saracen leadership and to Saracens in general. While his account of the siege of Damietta is strongly moralizing and the Moslems are often revealed as morally superior to the Christian forces³⁶), Burchard does not hesitate to remark favorably on Frederick II's support among Sicilian Saracens³⁷). And Al-Kamil is explicitly credited with virtues like a Christian emperor's: «Soldanus tamquam pius et bonus»³⁸). For Burchard, Saladin's nephew

³²) *UC*, p. 81.

³³) «Burchard IV» has shown how Burchard's rhetorical manipulation of that characteristic is compatible with the pride-humility theme which informs all of *UC*'s independent sections: pp. 243-248.

³⁴) *UC*, p. 26: «Eodem etiam tempore ducem Boemorum regio decoravit nomine et dignitate, regium sibi conferens diadema»; p. 74: «Tunc ede mandato imperatoris [i.e. Henry] regium diadema imposuit [i.e. Philip] regi Boemorum Otakero».

³⁵) *UC*, pp. 87-88.

³⁶) *UC*, pp. 116-121.

³⁷) *UC*, p. 126: «Multi namque tam de ultramontanis quam de partibus illis christiani et Sarraceni coadunati sunt ad imperatorem ...».

³⁸) *UC*, p. 120.

was a better king than his papally sanctioned and Christian contemporary, Otto of Brunswick.

Good popes and bad

The kings whom Burchard describes are, with few exceptions, portrayed as good, while his popes are destructive and self-serving. An outline of the historian's standards for the spiritual leadership of Christendom — as for its temporal leadership — may nevertheless be deduced. The behavior of popes often meets with subjective judgment in the *UC* text — indirectly when the opposing actions of kings or emperors are praised, directly when that behavior is exposed as reaction to or stimulus for royal actions. When, for instance, Burchard asserts that Henry V's resistance to ecclesiastical investiture was made *viriliter*³⁹), he implies that Gregory VII and his successors overstepped their prerogatives in asserting it.

The reign of Frederick I provides the Ursberg historian with especially rich material for the description of the papacy. The first occasion for anti-papal invective is the excommunication of Barbarossa by Hadrian IV. Though he attributes the bitterness of his explanation to his source, John of Cremona, Burchard clearly believes the staccato of accusations which he relays: that in 1159 as the Stauffer lay siege to Crema a conspiracy — *coniuratio*, and Burchard means this in the literal sense of oath-swearing in violation of oaths of loyalty to the crowned emperor — of the Sicilian king William, the Italian communes, and cardinals was formed; that Hadrian was further bribed to excommunicate the emperor⁴⁰). He subsequently adds to the lists of the conspirators' objectives that, upon Hadrian's death, the anti-imperial cardinals should elect as pope another of their own⁴¹). Burchard takes macabre delight in — as he labels it — the divine punishment of Hadrian; the pope dies choking on a fly⁴²).

³⁹) *UC*, p. 7.

⁴⁰) *UC*, pp. 36-37.

⁴¹) *UC*, p. 39. As Simson points out, Hadrian never actually excommunicated Frederick, though he was contemplating it when he died: p. 7, n. 1. The central imperial argument against Alexander III was subsequently that he was elected by an illegal anti-imperial conspiracy, just as Burchard alleged. Cf. MGH Legum Sectio IV: Constitutiones et Acta Publica Imperatorum et regum, I, pp. 263-265; Carlyle, IV, 328.

⁴²) *UC*, p. 39.

With the new schism after Hadrian's death, the immediate success of Victor IV's imperially supported party is, according to Burchard, equally the just punishment of their opponents, whom he continues to call conspirators in order to emphasize the anti-imperial motivation for their alliance⁴³). In relating the outbreak of Barbarossa's conflict with Rome and its continuation in schism from 1159, the historian's focus steadily remains on curial and papal greed. He depicts Urban III as motivated solely by hatred for Frederick; his pontificate is like Hadrian IV's lopped off untimely by divine justice:

... dictusque est Urbanus III, quem multi Turbanum vocaverunt, eo quod, cum esset Mediolanensis natione, in odium imperatoris volebat turbare ecclesiam, que iam paulisper quietem acceperat, sed nutu Dei percussus interiit ...⁴⁴).

On papal activities during the reign of Henry VI, Burchard is silent, but Innocent III's opposition to Philip of Swabia offers a further outlet for the historian's condemnation of the Roman see's manipulation of imperial affairs. Again, Burchard assesses hostility to the Hohenstaufen as the pope's sole motivation:

Innocentius siquidem papa III. tunc de novo in sede apostolica sublimatus omni studio cepit adversari eidem, hoc agens, ut ipsum impediret, ne ad sublimitatem culminis imperialis posset ascendere, improperans ei, que frater suus et parentes crudeliter peregerant, que tamen multa nequitia hominum impulsi creduntur peregissee⁴⁵).

The historian argues on Scriptural grounds that Innocent was wrong to blame Philip for his family's excesses. He continues by ridiculing Innocent's correspondence against the Swabian king: «... contra Philipppum multa absurda et quedam falsa describuntur ...», «... frivolis insistere obiectionibus». Burchard finally says baldly that Innocent's real reason for excommunicating Philip was to remove him from the contest

⁴³) UC, p. 41.

⁴⁴) UC, p. 59. As P. Munz (*Frederick Barbarossa: A Study in Medieval Politics* (Ithaca, 1969), pp. 289-290) has emphasized, following A. Hauck (*Kirchengeschichte Deutschlands*, IV (Leipzig, 1913), 258, n. 3), German Premonstratensians generally sided with Victor and the imperial party at the beginning of the schism, while the Cistercians sided with Alexander and were prosecuted for their allegiance by the emperor's agents. The German church was, on the whole, split.

⁴⁵) .. 77. The anti-ecclesiastical attitude of his father and, more especially, the physical brutalities of his brother Henry were only a few among Innocent's arsenal of arguments against Philip: PL 216, cols. 1036-1045.

for empire: «... quatinus ipsum impediret, sententiam obiciens ei excommunicationis»⁴⁶). The Ursberg author's final summary of the pope's intentions toward Barbarossa's son casts Innocent as a rebel against divine order, an enemy of the German church, and an opponent of legitimate secular authority:

Audivi etiam eo tempore, quod tamen difficile est relatu et vix credendum, quia dixerit idem papa, quoniam ablaturus esset Philippo diadema regium, aut ipse sibi pape insigne apostolicum. Ceterum, quamvis non sit credendum, quod voluntatem suam divine voluntati pretulerit, constat tamen, quia omni tempore adversabatur eidem. Deus autem ex alto prospiciens non permisit, ut per totam Alamanniam deperiret cultus divini officii et ecclesiastice dignitatis ... His interpositis de oppositione sedis apostolice, ut regium genus deperiret ...⁴⁷).

Burchard follows up his accusation that Innocent's effect on Germany was morally deleterious with an example. Conrad, archbishop of Mainz, was helpless to act toward settlement of the civil war because of his divided allegiance; he behaved *callide*⁴⁸). When Conrad died, Philip hastened to Mainz to oversee the election of his successor. Here Burchard's attitude toward the Concordat of Worms and its subsequent interpretation emerges clearly; Philip's candidate, Leopold, was rejected by a few papal creatures: «... qui accepta occasione de presentia regis allegabant non posse liberam fieri electionem, potius, quia sciebant papam contrarium esse regi ...». Innocent approved Siegfried, the choice of the dissident electors. Burchard sees the incident as a perversion of papal responsibility: «Super hac electione fecit non iudicium, sed iniuriam»⁴⁹). Intention to injure the Hohenstaufen continues to be the theme which the historian discerns in Innocent's directives to his agents north of the Alps⁵⁰). Burchard comes close to outright condemnation of the pope as the instigator of Crusader excesses, the Latin attack on Zatra⁵¹) and the theft of Byzantine relics⁵². But his most virulent

⁴⁶) UC, p. 77.

⁴⁷) UC, pp. 78-79.

⁴⁸) UC, p. 84.

⁴⁹) UC, p. 85.

⁵⁰) UC, p. 85: «... in iniuriam quoque Philippi deposuit [i.e. Guido, archbishop of Reims] Adulfum episcopum ...».

⁵¹) UC, p. 86: «Attamen navigio contendunt in Greciam, quod multi asserebant de consilio et auctoritate domini pape factum fuisse».

⁵²) UC, p. 87-88: «An furtive sint, iudicet qui legit; an videlicet domnu papa talem rapinam in populo christiano factam potuerit iustificare...».

criticism of Innocent is for the destructive impact of his wobbling between Welf and Hohenstaufen imperial contestants; the natural end to partisan strife as Otto's party was reduced was precluded, he claims, by Innocent's new intervention⁵³).

The only pope for whom Burchard has nothing but praise had a brief and relatively inconsequential career. Gregory VIII, in calling for the Third Crusade and in his general effort to improve clerical and popular morals, fulfilled the responsibilities of his office, in the historian's view:

Hic primum litteras transmisit in orbem pro liberatione Terre Sancte, multa statuens de correctione morum tam in clero quam in populo, utpote de superfluitate vestium et coreis et aliis vanitatibus vitandis⁵⁴).

Gregory had confined himself to spiritual affairs and in this he seemed to the chronicler to have done well. On the other hand Burchard was not entirely opposed to papal intervention in matters of secular politics, at least when that intervention took the form of support for Stauffer ascendancy. Thus he implies that Innocent II was fully justified in his eventual excommunication of Otto IV⁵⁵). He directly acknowledges young Frederick II's debt to Innocent for the success of his imperial collaudation at Rome in A.D. 1212: «... consilio et interventu domni Innocentii pape ...»⁵⁶). Finally, reflecting on Innocent's abandonment of Otto, Burchard allows that the pope might even have been motivated to forgive the Welf emperor if the interests of general peace might have been so preserved, a self-effacing and commendable attitude:

Sane ne tanta turbatio fieret in ecclesiis et populo christiano, voluit dominus papa sustinere omne dampnum, quod sibi imperator in terris ecclesie Romane intulisset aut inferret. Hanc formam compositionis cum recusasset imperator admittere, dominus papa, tamquam vir animosus et confidens in Domino, tria ardua negotia simul explere disposuit ...⁵⁷).

⁵³) UC, p. 88: «Iam principes diuturnis bellis fatigati decreverunt ad concordiam rebelles inter se reges revocare. Sane quia iam maximum impedimentum huius rei fuit dominus papa ...».

⁵⁴) UC, pp. 64-65.

⁵⁵) UC, pp. 98-99: «Cumque super his ad resipiscendum frequenter admonitus a papa fuisset, tandem contumax et rebellis existens ab eo fuit excommunicatus et ubique denuntiatus».

⁵⁶) UC, p. 99.

⁵⁷) UC, pp. 100-101. Carlyle credits Burchard's assertion that Innocent continued to consider the possibility that Otto might reform: V, 228.

While the historian's generally hostile attitude toward the papacy and narrow delimitation of its role in the government of the Latin West, first expressed in his introductory questioning of papal powers of deposition, are thus further exposed in his narrative of papal-imperial conflict from the last Salians to the return of Frederick II to Germany, his point of view is not revealed as inflexible. Rather Burchard, always wary of the pope's meddling in imperial business, responds to instances of interference individually and variously. The governing consideration in his various reactions is the imperial — more specifically the Stauffer — good. So Innocent III is a villain to perpetuate conflict in Germany by aiding Otto when Philip of Swabia is on the point of victory over his rival, but behaves properly in almost single-handedly raising up Philip's nephew as a new rival to Otto. Despite the partisan coloration of Burchard's account, a model for papal leadership thus emerges. Simony, bribery, litigation for profit's sake, and agitation to war against and among secular princes are repugnant to Burchard not only because they are deleterious to imperial authority, but because they are antithetical to the essentially moral and spiritual role which he implies that the pope should fill. To this extent, then, the Ursberg chronicler's criticism of earlier and contemporary popes is constructive; it points to a high standard of moral and spiritual prestige for the office by stressing the degree to which individuals fail to achieve such a standard⁵⁸).

THE EXERCISE OF EMPIRE

The Lombard campaigns and negotiations of Frederick Barbarossa occupy much of *UC*'s narrative. Henry VI's efforts to secure his wife's Sicilian kingdom are likewise the subject of substantial attention. Burchard shows a lively interest in the several Crusading adventures of Hohenstaufen kings and their subordinates; for these he borrows or synthesizes detailed accounts. Germany nevertheless remains for him the source of imperial strength and the major field of royal activity. He consistently depicts Germany's peace and welfare as prerequisite to imperial involvement south of the Alps; equally consistently he perceives German security as threatened. Burchard's assessment of the problems of Germany is, however, unique among contemporary analyses. His sensitivity to and critical perspective on the politics of the kingdom and

⁵⁸) Cf. on Burchard's anti-papalism O. Abel, «Die Ursperger Chronik», *Archiv der Gesellschaft für ältere deutsche Geschichtskunde* 11 (1858), pp. 106-112.

of his native Swabia inform his understanding of German monarchy, the imperial office, and the relationship of the Roman church to both.

The problems of Germany

UC's castigation of German social and political behavior is so bitter that C.W. Schumacher, writing in the eighteenth century, concluded that it was probably written by an Italian⁵⁹). Subsequently, it has become clear that Burchard borrowed some of the text's more vitriolic comments from a Crusader source, *Historia brevis*⁶⁰). He copies that work's

⁵⁹) Schumacher, *Beyträge zur deutschen Reichshistorie* (Eisenach, 1770), p. 50.

⁶⁰) Some distinction is, of course, plausible between Burchard's and his written sources' respective attitudes toward the German kingdom. As T. Lindner suggested, for instance, John of Cremona's contribution to the Ursberg text might be more exactly defined by comparison of usages of names for Germans — *Teutonici*, *Alamanni* — with such usages in other sections of Burchard's history: «Zum Chronicon Urspergense», *Neues Archiv der Gesellschaft für ältere deutsche Geschichtskunde* 16 (1891), 115-134. Although Lindner suspected that John as an Italian might have used *Teutonici* indiscriminately to mean all Germans, while Burchard as a Swabian might have preferred *Alamanni*, a prior article in this series has shown that John's work was probably too little used or too generally obscured by Burchard's editing for such a distinction to retain significance: «Burchard III», pp. 31 ff.

F. Vigener's exhaustive study of the two terms' medieval appearances has tended to minimize the distinction; as he noted, Burchard himself sometimes uses *Teutonici* where no foreign source is suspected: *Bezeichnungen für Volk und Land der Deutschen vom 10. bis zum 13. Jahrhundert* (Heidelberg, 1901, rpt. 1976), p. 62. Vigener noted that Burchard most frequently used *Alamannia* to mean Germany as a whole, *Alamanni* for all Germans: pp. 116, 187. Although *Teutonici* and *Alamanni* were frequently used interchangeably by Italians who did not appreciate differences among the German *Stämme*, the former appeared non-specifically with increasing frequency even in Germany after the Investitures Contest, though *Alamanni* retained local currency in Lorraine and the Rhineland: pp. 251-256.

Usage of *Teutonici* and *Alamanni* by medieval authors has attracted interest because Otto of Freising discoursed on the distinction, saying that *Alamanniareeferred only to southwestern Germany: Gesta Friderici seu rectius cronica*, ed. F.-J. Schmale, trans. A. Schmidt, AQ 17 (Berlin, 1965), 1.8: «A predicto etiam Lemanno fluvio ... tota illa provincia Alemannia vocatur. Quare quidam totam Teutonicam terram Alemanniam dictam putant omnesque Teutonicos Alemannos vocare solent, cum illa tantum provincia, id est Suevia, a Lemanno fluvio vocetur Alemannia populi que eam inhabitantes solummodo iure vocentur Alemanni». C.C. Mierow noticed that Otto sometimes violated his own rule and that his successor Rahewin consistently used *Alamannia* to mean *Germania*: in Otto of Freising, *The Deeds of Frederick Barbarossa*, trans. Mierow, Columbia Records of Civilization 49 (New York, 1953), p. 12. Cf. H.-P. Apelt, *Rahewins Gesta Friderici I. Imperatoris: ein Beitrag zur Geschichtsschreibung des 12. Jahrhunderts*, Diss. Munich 1966, pp. 19-20.

Otto of St. Blasien, Burchard's contemporary, regularly used *Teutonici*, e.g. regarding the siege of Alessandria: *Chronica*, ed. A. Hofmeister, SSRG (Hanover, 1912), p. 33: «... Italici Teutonicorum metuentes audaciam ...». Any attempt to distinguish Italian

description of Germans as doughty but barbaric, for instance, almost verbatim:

Hainrico imperatore procurante Alamanni in terram promissionis venerunt, bellicosi, crudeles, expensarum prodigi, rationis expertes, voluntatem pro iure habentes, hensibus invicti, in nullis nisi hominibus sue gentis confidentes, ducibus suis fidelissimi, et quibus vitam potius quam fidem possis auferre⁶¹).

The provost of Ursberg seems to have agreed with his Crusader source, else he might have moderated the intensity of *Historia brevis*' criticism. Burchard was a German but so, evidently, was the author of his borrowed text; at least the focus of the latter's account is on German activities and the exactitude with which he lists the Germans, especially the Swabians in Barbarossa's retinue, suggests that he may have been of the Ursberg historian's own region⁶²). Neither the Crusader source nor *UC* is here entirely derogatory toward its respective author's people. Although together they castigate German lawlessness and lack of self-control, they praise German courage and loyalty. *Historia brevis* — and here again *UC* follows — offers this portrait of the German personality as a direct contrast to its description of Italians:

De Italicis ergo primi iniurie [*recte*, with *Historia brevis*, in ultionem iniurie] Christi occurrerent homines bellicosi, discreti et regula sobrietatis modesti, prodigalitatis expertes, parcentes expensis, cum necessitas non incubuerit, et qui inter omnes gentes soli scripta lègum sanctione reguntur⁶³).

As the Crusade chronicler saw it, Italians and Germans had only bravery in common; but while Italians were frugal and provident, Germans were thoughtless spendthrifts, and while Italians were ruled by a written legal code, Germans ran amok.

source material in *UC* or elsewhere through national name usage is thus pointless, since Otto of Freising's etymological correction seems only to have acknowledged prevalent misuse and failed to correct it.

⁶¹) *UC*, p. 73; cf. *Brevis historia occupationis et amissionis terrae sanctae*, in *Corpus historicum medii aevi*, ed. J.G. Eckhart, II (Leipzig, 1723), col. 1354. Subsequent references to this edition are as *Historia brevis*.

⁶²) *Historia brevis*, col. 1351; cf. *UC*, p. 62.

⁶³) *UC*, p. 60; cf. *Historia brevis*, col. 1350. The Crusader author did not subject all his national descriptions to the same structure. He lumped together other groups less interestingly: *UC*, p. 61: «... venerunt Daci, Normanni, Goti, Franci, et ceterae gentes insularum ... gentes bellicose, procere corpore mortis intrepide ...»; cf. *Historia brevis*, col. 1351.

Burchard's opinion on national characteristics resonates strongly with — perhaps was influenced strongly by — his Crusader source's⁶⁴). In recounting Frederick Barbarossa's action against Henry the Lion, the Premonstratensian says of the Welf's supporters that they were lawless in typically German fashion. His language here closely reflects *Historia brevis*' analysis of Germans: «... voluntatem suam pro iure statuentes ...»⁶⁵). The historian subsequently departs from close dependence on *Historia brevis*, enlarging on that source's commentary on the German personality and its legal modification. He is still critical, but points to progress through legislation under Barbarossa. Describing the emperor's preparations for his last Crusade, he tells why a *Landfrieden* was needed:

Eu anno Fridericus imperator iam cruce signatus conventum principum apud Nuorinberg coadunavit, ubi de pace terre disposuit et in litteras redigi iussit, quas litteras Alamanni usque in presens 'fridebrief', id est litteras pacis, vocant nec aliis legibus utuntur; sed nec eisdem recte utuntur, tanquam gens agrestis et indomita⁶⁶).

Burchard sees the peculiar remedy of an idiosyncratic legal tool as a response to peculiar German problems; the cure has not yet in his view taken effect, although he asserts that the remedy was well-prescribed.

For the German princes Burchard has even harder words than for the nation in general. He speaks of their *impietas* and *perfidia* in not supporting the imperial candidacy of Philip of Swabia⁶⁷), calling them *iniquissimi*⁶⁸). He denounces the princes' early efforts to elect a king outside the Staufer house as the product of their typical injustice and tendency to internecine strife:

Sed genitrix et nutrix omnium malorum Discordia noluit quiescere, quin potius Alamannos, qui omnem iustitiam detestantur et odio habent et tantum bonis et honoribus suis insidiantur ad invicem et, quod deterius est, his deficientibus, execrabilibus se occidunt vulneribus, ad hoc commovit ...⁶⁹).

«Mala in terris» finally multiplied because the German princes — and

⁶⁴) C.f. Schmale's comment: *Deutschlands Geschichtsquellen*, I, 119-120, n. 63.

⁶⁵) UC, pp. 54-55; cf. p. 55, n. 1. Burchard dismissed the customary basis of Henry's complaint with no argument.

⁶⁶) UC, p. 65.

⁶⁷) UC, p. 76.

⁶⁸) UC, p. 79.

⁶⁹) UC, p. 79. *Historia brevis* had similarly personified *discordia*: cf. UC, p. 29, n. 7; p. 62; p. 82; *Historia brevis*, col. 1352.

here Burchard clearly intends to blame not only Alamannic dukes, since Swabia and the Rhineland were Philip's ancestral strongholds and he met more difficulties elsewhere — continued to deny just authority: «... quod a tali insolentia nollent cessare Alamanni ...»⁷⁰). He returns to the theme of German and princely lawlessness: «Quocirca principes terrarum et barones arte dyabolica edocti nec curabant iuramenta infringere nec fidem violare et ius omne confundere ...»⁷¹).

As T. Lindner noted, the Ursberg historian was not malicious or vindictive in condemning his countrymen, only frank and acutely aware of political realities⁷²). He saw clearly that the self-interested jockeying for power of the German princes, both in the service of their own imperial ambitions⁷³) and simply anarchistically⁷⁴), was the greatest obstacle to strong imperial government and concomitant peace. The Ursberg provost was revolted by physical violence: «... execrabilibus se occidunt vulneribus ...» (my emphasis). This horror of bloodshed, remarkable in a society in which violence was ordinary and emphatically expressed in the highly subjective treatment of incidents of civil strife, is the key to Burchard's perception of the right relationship between church and state, between emperor and subjects. Staufer partisanship, concern for parochially German and Alamannic issues, highly rationalized belief in the efficacy of a legal system based on the ancient, written Civil code: these factors contribute to Burchard's portrayal of the power struggles of his own and earlier times. But the single justification that he adduces for all of the narrower values he advocates as supportive of a better government for imperial Germany and Italy is that they have promoted peace.

Imperial objectives

Burchard's analysis of the differences between Germans and Italians extends beyond national personality to national custom. In describing the outcome of the Diet of Roncaglia, he notes a basic discrepancy between penalties in the Italian and German legal systems. Frederick's

⁷⁰) UC, p. 80.

⁷¹) UC, p. 84.

⁷²) Lindner, pp. 120-121.

⁷³) E.g. in UC's condemnation of Bertold of Zähringen (p. 79) and Herman of Thuringia (p. 83).

⁷⁴) UC, p. 84.

peace was to be maintained after the German fashion, he says, by the assignment of fines for violations: «Exhinc pactum pacis instituit, secundum quod principes Alamannie facere consuerunt, et ne quis contra illud attemptaret venire, bannum id est penam pecuniariam, constituit ...»⁷⁵). The Italians were not content with this system. Burchard's text is here problematic, since surviving manuscripts' «talem velle» is apparently in error, but his emphasis on contrast remains clear: «Non est enim eorum [i.e. the Italians'] consuetudo banna solvere, sed ut secundum leges Romanas iniuriam passis satisfaciant, secundum quod iuraverint lesi se talem velle pati iniuriam»⁷⁶). The sensitivity to conflict between customary and Civil law which the historian thus reveals is characteristic of his portrayal of imperial legal activity⁷⁷). Burchard expresses no clear preference for either system, although he deplores the Lombards' renewed violation of imperial peace. Regarding the trial of Henry the Lion, however, he takes a stand in favor of royal prerogative and, by implication, of Civil law as against Germanic custom; he asserts that Frederick indeed had the right to try Henry outside of the duke's own lands. The provost states that the emperor's legal right was proved by *ratio*, *auctoritas*, and — superfluously — trial by battle⁷⁸). Burchard finds it important to elucidate the legal rationale for the emperor's proceedings against the Saxon duke precisely to affirm the non-customary basis for Barbarossa's action.

Burchard has thus implied that custom is subordinate to the prince's judicial will, and that the king acts rightly when he acts reasonably. The historian nevertheless states explicitly that constant principles of justice and natural right stand above even the just law-giving king and his righteous sanctions. When Frederick suspends Cremonese hostages from siege machines in an effort to prevent the townspeople from damaging his equipment, the response of the besieged violates an even greater right than the emperor's. Burchard lambastes the Cremonese: «Tunc illi immites et omnis iustitie et federis naturalis obliti de castro lapides

⁷⁵) *UC*, p. 31.

⁷⁶) *UC*, pp. 31-32; cf. p. 32, n. 1.

⁷⁷) Lindner's is the most exhaustive survey of *UC*'s legal emphasis: pp. 119-120.

⁷⁸) *UC*, p. 55: «Porro quidam nobilis exurgens in medium proposuit, quod lege duellionum, quod et lege et ratione firmatur, hoc vellet obtinere contra quemlibet secum pugnare volentem, quod imperator quemlibet principem posset evocare pro iustitia ad locum quemcumque vellet infra terminos sui imperii existentem. Cumque nullus isti se offerret ad pugnam, edicto imperatoris prefata sententia pro iure perpetuo statuta est, quam non dubium est auctoritate et ratione firmari».

iacientes mangonibus seu aliis instrumentis illos crudeliter peremerunt»⁷⁹).

The Ursberg chronicler's easy familiarity with legal terminology, initially revealed in his discussion of different kinds of law, contributes to his emphasis on the legalistic nature of imperial rejection of Alexander III's papacy, exactly as it did in the trial of Henry the Lion (terms with technical legal force emphasized):

Tunc *coram* imperatore et patriarcha Aquilegensi et episcopo Cremonensi et aliis quam pluribus episcopis et ecclesiarum prelati*s* *cause* Octaviani *discussa* est, et adhibit*is* *testib*us**, qui presentes fuerunt, *probatum* est, quod ... facta est utraque electio. De *iure* quoque satis adiectum est, ut *reprobata* electione Rolandi Octavianus verus presul Romane ecclesie *iudicaretur*⁸⁰).

But while Burchard declaims against lawlessness and describes juridical procedures in detail to enhance the validity of the Stauffer position, he notices disadvantages in the contemporary surge of litigation. In his polemic against the wealth of the papacy, «Gaude, mater nostra Roma ...», the historian traces bribery and corruption to legal actions:

Vix enim remansit aliquis epicopatus [!] sive dignitas ecclesiastica vel etiam parochialis ecclesia, que non fieret litigiosa, et Romam deduceretur ipsa causa, sed non manu vacua ... Ad te [i.e. Rome] trahit homines non ipsorum devotio aut pura conscientia, sed scelerum multiplicium perpetratio et litium decisio precio compa-rata⁸¹).

Burchard never explicitly says that law should not be a papal business and he surely would not deny a limited jurisdiction to canon law. It is nevertheless clear that he believed that the twelfth-century revolution in legal studies led to destructive developments within the church.

In secular government, on the other hand, justice and its legal vindication — according to the chronicler — were uniformly good. Burchard is highly critical of Bertold of Zähringen's nomination to royal office during Philip's struggle to retain the crown for the Hohenstaufen; the Zähringer duke, he alleges, was improperly motivated to dispense justice:

Bertholdus ... tunc denominatus fuit in regem, non propter hoc,

⁷⁹) UC, p. 37.

⁸⁰) UC, p. 41.

⁸¹) UC, p. 82.

quod iustus posset esse videri aut diligere veritatem cum scriptum sit: «Honor regis iudicium diligit»⁸²), sed propter hoc, quia pecuniosus videbatur, cum esset avarissimus et omni iniquitate plenus⁸³).

The provost holds that Otto IV represented a similar perversion of royal justice. While he was active in prosecuting criminals, he was like Bertold perversely inspired, «potius indignans super eos per superbiam quam amans iustitiam»⁸⁴). In his actions toward the princes of the church, Otto showed himself to be similarly hypocritical: «... simulans zelum iustitie, cum potius ageret superbe; unde a pauperibus et monachis et clericis tamquam defensor collaudabatur iustitie, sed Deus aliud respexit in corde»⁸⁵).

When occasionally Otto did contribute to peace through legal means, Burchard acknowledges it freely⁸⁶). And *iustitia* is a recurring theme in the Ursberg history's account of the reign of Burchard's model king, Barbarossa⁸⁷). The Ursberg author does not, however, leave legislation and litigation unjustified, as self-evidently laudable royal activities; his careful apology for them accounts for his simultaneous castigation of papal litigiousness and support of royal legislation. The product of legislation and legal enforcement, which he repeatedly emphasizes as their justification, is the maintenance of peace.

Recording the conclusion of Frederick Barbarossa's second Italian expedition, Burchard defines the emperor's objectives in describing his partial failure: Frederick returned to Germany «post tantos itaque triumphos et iudicia in Lombardia disposita, licet ad plenitudinem pacis non proficerent»⁸⁸). Similarly, the historian portrays Barbarossa's final effort to dispose Italian affairs at the Council of Constance as directed toward reestablishment of peace: «Sicque pax reformata est»⁸⁹). In his emphasis on peace-keeping as an imperial objective, the Premonstraten-

⁸²) Psalm 98.4.

⁸³) UC, p. 79.

⁸⁴) UC, p. 97.

⁸⁵) UC, p. 97.

⁸⁶) UC, pp. 97-98: «Hi [i.e. barons and knights judged in royal courts] namque in Alamannia plerumque solent esse predones. Favorem vero maximum a popularibus et claustralibus acquisivit».

⁸⁷) E.g. after the capitulation of Cremona: UC, p. 30: «... iustitie redegit ad normam ... quod iustitiam suam recipere et conservarent»; at Roncaglia: p. 30: «Pro reparando itaque iustitie vigore ...».

⁸⁸) UC, p. 33.

⁸⁹) UC, p. 57.

sian provost closely followed Frederick I's own propaganda, as did other writers in the tradition of Staufer court historiography⁹⁰). The most fully-developed statement of his interpretation of Frederick's career and his own relationship, as historian, to imperial goals precedes his copying into the Ursberg text of the *Landfrieden* issued before the Crusade on which the emperor died: «Quarum tenorem huic operi diximus inserendum, quatenus saltem lex tam decurtata non pereat de hominum memoria»⁹¹). So, according to Burchard, Barbarossa continued to the end of his life to fulfill the promise of his own name:

Et ideo, quod cum ex nominis sui interpretatione «pacis dives» vocitaretur, inter principes Alamannie studuit pacem potissimum reformare, ut ad expugnandas maxime Italicarum gentium virtutes bellificas posset efficacius insistere⁹²).

By making peace among the German princes, Frederick — himself a warrior — contributed to his own forceful termination of war among the Italians⁹³).

Exactly how important such peacemaking remains in Burchard's assessments of the reigns of Barbarossa's successors is suggested by the concluding sentences of the Ursberg text — abrupt but nevertheless specifically tailored to their location at the end of the extant version in the clarity of their tendentiousness and their anticipation of coming events:

... tractatum est de pace et concordia inter imperium et sacerdotium et regnum Sicilie et absolutione imperatoris, multis aliis quoque mediantibus, tam de curia Romana quam etiam Italia et Alamannia. Sane hec compositio, cum non posset perfici eo anno, dilata est usque in annum sequentem⁹⁴).

⁹⁰) E.g. Rahewin. Cf. H.-P. Apelt, *Rahewins Gesta Friderici I. imperatoris: Ein Beitrag zur Geschichtsschreibung des 12. Jahrhunderts*, Diss. Munich 1966, p. 92; F. Heer, *Die tragödie des heiligen Reiches* (Stuttgart, 1952), p. 165. Surprisingly, Heer avoids discussion of Burchard's presentation of Staufer propaganda, perhaps because he was not Barbarossa's contemporary.

⁹¹) UC, p. 65.

⁹²) UC, p. 23.

⁹³) Burchard repeatedly stresses the importance of harmony at home for German interventions in Italy: e.g. UC, p. 25: «Sedatis igitur discordiis in Alamannia dispositisque negotiis imperii et rebus pacatis aggressus est iter arripere in Italiam, quatenus et discordias ibidem sedaret ...»; p. 26: «Item discordias sedavit, si que erant in Alamannia inter principes vel barones, et redire parat in Lombardiam, que maximis discordiis tunc efferbuerat»; p. 48: «Imperator namque exercitum contra Romanos movere decreverat et ideo in Alamannia pacem reformavit».

⁹⁴) UC, pp. 126-127.

Papal manipulation of canon law against the emperor has not, in Burchard's view, worked toward peace but rather against it. So he can ignore the growth of the ecclesiastical legal system or, when he addresses it, castigate it. On the other hand, imperial law's progress has helped to support peace on both sides of the Alps, in Italy where written law was already well-entrenched and in Germany where, though novel, it was beginning to be measurably effective. Peacemaking, an imperial function like lawgiving, is so crucially important in Burchard's evaluative judgment of the significance of historical events that he marks his chronicle's premature end with its notice.

HISTORY AND PROPAGANDA

In introducing Frederick's *Landfrieden* Burchard thus enunciates his own assessment of the value of his historical task as preserving and publicizing the peace-keeping legislation of his model emperor. His historiographical work, it is clear, had wider persuasive and tendentious purposes. The provost's partisan support of imperial against papal influence in Germany and Italy as well as his careful rationalization of royal legislation and peace-making had special relevance to the political situation of A.D. 1230. In that year, as Burchard made the last entries in his chronicle, Frederick II was returning from his idiosyncratic Crusade to free himself from excommunication, and was about to turn to the reform of the Sicilian kingdom. Burchard's broad principles for the government of Christendom were eminently compatible with the Hohenstaufen's own objectives. The Premonstratensian's historical work, however, offers specific support for Frederick's position as he approached his temporary reconciliation with the papacy. On behalf of both the dynasty and the individual, the historian adduced directly apologetic arguments.

Hohenstaufen monarchy

Burchard's interpretation of Philip of Swabia's struggle with the Welf anti-king Otto IV and of resulting rebellion among lesser German princes drew him to lend blatant backing to Hohenstaufen hereditary right over the imperial elective principle. On the death of Henry VI, the historian attacks the immediate defection of magnates, accusing them of plotting against Staufer alods. At the same time he praises Philip for his cautious return from the abandoned mission to bring his infant nephew Frederick north from Italy to coronation at Aachen:

Et ipse dux in magno discrimine ab Italia recessit et laboriose pervenit in Alamanniam, ubi iam principes iuramenta sua postponentes de electione novi imperatoris tractare ceperunt, cupientes diripere hereditates, que ad prefatam [i.e. Hohenstaufen] generationem pertinebant. Sed Deus conterens omnem impietatem et perfidiam ipsorum hec fieri non permisit, inspirans cordibus hominum, ut suos nativos dominos non derelinquant et alienis adhereant⁹⁵).

Here Burchard blends several themes of recurring importance in his apology for the dynastic pretensions of Barbarossa's line. First he mentions that the magnates abandoned their oaths; he apparently means their oaths of loyalty to Henry or to Frederick as king-elect⁹⁶), but Burchard generalizes his statement so that the princes seem to have been abandoning oaths to the Hohenstaufen clan as such. Henry VI had already died, however, and the German dukes were released from obligation at least to him. Burchard implies that they should have continued to support his heirs. He then adds a specific charge of encroachment on Staufer possessions; he does not directly point to the crown as a family holding, but his conjunction of oath-breaking and violation of territories implies that crown and lands alike were due to Henry's son or brother. Finally the provost claims that God did not allow the princes' perfidious betrayal of the dynasty to succeed, but rather moved the Germans to support their «nativi domini». So he suggests that heredity of royal office was divinely sanctioned and affirms that the remaining Staufer princes were divinely designated as masters of the German people⁹⁷).

⁹⁵) *UC*, p. 76.

⁹⁶) *Handbuch der deutschen Geschichte*, I: *Frühzeit und Mittelalter*, ed. B. Gebhardt, 9th ed. H. Grundmann (Stuttgart, 1973), 420-422.

⁹⁷) Burchard returns to the same emphatic phrase, «nativi domini», in explaining Otto IV's decision to marry Beatrix, Philip's daughter, after her father's death: *UC*, p. 97: «Timens autem Otto, quod ministeriales spectantes ad Philippum non facile suo subderentur imperio, sed ad suos nativos dominos redirent, filiam Philippi ... accepit uxorem». Abel emphasized the unique vehemence of Burchard in his use of this description: p. 106: «Der Propst Burchard ist von allen deutschen Chronisten derjenige, welcher die Staufische Sache am eifrigsten sowohl, als am geistvollsten gegen Rom wie gegen die Welfen vertritt».

Burchard acknowledges that, while God did not want the Hohenstaufen to be dispossessed of either their lands or their kingdom, neither did He intend that the defense of crown and lands be easy: *UC*, pp. 76-77: «Volebat enim tenere imperium, cum in potestate sua haberet insignia imperialia, utpote coronam et crucem et alia, que attinebant. Non enim cautum esset sibi, ut ad alium transiret imperium, et sic tam ipse quam fratruel

The historian's account stresses that Philip's motivation for pursuing the throne was not selfish, but the product of family loyalty and the desire to preserve the patrimony of his nephew. Thus he averted a royal election at Andernach even before he was himself a candidate for the throne. As Burchard alleges, for family reasons. The election seemed likely to turn «in preiudicium dominationis antique et generationis in regno diuturne». Philip sent envoys to stop the proceedings, Burchard says, for an accumulation of reasons: «... tum propter sui et quorundam principum absentiam, tum propter regie generationis non destituendam prosapiam, tum propter iuramenta principum eidem generationi exhibita»⁹⁸). Again Philip halted an impending election at Cologne but finally, perceiving that the princes were determined to elect a king other than the child Frederick, allowed his own elevation⁹⁹). According to Burchard, Philip had everywhere taken proper action. His defense of Frederick's position as king-elect was appropriate because the princes had already committed themselves to Henry's son; its abandonment in favor of his own succession secured a more important consideration, preservation of Hohenstaufen ascendancy.

Burchard thus refers repeatedly to the Staufer as Germany's ancient and native rulers. Their vigorous fulfillment of the royal mission, in his view, confirmed the validity of their claim. As the historian cannot avoid admitting, Philip's Germany was a kingdom in painful crisis; Barbarossa's younger son would nevertheless have overcome his difficulties and ruled in the strong tradition of his family if only he had survived: «... constet ex predictis, quod potenter regnaturus fuisset sicut et alii de parentela eiusdem, si non impedisset mors»¹⁰⁰). Burchard minimizes the degree to which Philip's legitimacy was disputed, dating the reign of Otto IV, his Welf successor, only from the latter's second election in Frankfurt in A.D. 1208¹⁰¹).

suus, licet tunc parvulus, omni hereditate sua privarentur, quod etiam non placuit altissimo, sicut adhuc eventus rerum manifeste demonstrat, quamvis multa ceperint intervenire impedimenta». The historian avoids direct confrontation of Philip's moral and legal problem in advancing his own claim over the prior election of his nephew. He implies, though (see below), that Philip himself was aware of and troubled by this difficulty.

⁹⁹) UC, p. 79.

⁹⁹) UC, pp. 79-80. Frederick II had been elected king of Germany, though then unbaptized and uncrowned, through his father's pressure in 1196. See HDG, I, 421; for Philip's maneuvers after his brother's death, see pp. 429 ff.

¹⁰⁰) UC, p. 91.

¹⁰¹) UC, p. 96. As Carlyle pointed out, many princes followed the same line of reasoning: V, 224.

The Stauffer partisanship so expressed does not, however, leave Burchard blind to the dynasty's failures or moral and administrative deficiencies. Perhaps to highlight the near-disastrous consequences of Henry the Lion's refusal to assist Barbarossa at Legnano, he dramatically reveals the depth of Frederick's humiliation in his flight from Italy to Burgundy: «... in quibusdam etiam locis adeo angustiat, ut accepta tunica servientis servum se esse simularet et equos tanquam servus procuraret»¹⁰²). Burchard points out that Henry VI was driven by circumstance into equally undignified and more blameworthy actions. Of Henry's betrayal of his Tusculan allies during his attempt to reach Rome in A.D. 1191 for his imperial coronation, Burchard repeats a general condemnation: «Pro qua re imperatori improprium est a multis»¹⁰³). The historian later characterizes Henry as *inglorius* for his difficulties in subduing his wife's kingdom¹⁰⁴). His final summary of the emperor's character denounces him for his apparently harmless interest in falconry¹⁰⁵. But Burchard's most blistering personal assessment, the ugliest burst of allegations in his entire text, is of Barbarossa's son Conrad:

Multi asserebant eum fuisse interfectum a quodam, cuius uxorem adulteravit violenter, sive ab ipsa uxore. Erat enim vir totus inserviens adulteriis et fornicationibus et stupris, quibuslibet luxuriis et immundiciis, strenuus tamen erat in bellis et ferox et largus amicis, et tam sui quam extranei tremebant sub eo¹⁰⁶).

The Ursberg chronicler supports the ruling family; he does not white-wash it¹⁰⁷).

The Stauffer *parentela*, with few such exceptions, approached Burchard's royal ideal, but when Otto of Brunswick married Beatrix of Swabia it was not as the daughter of good kings, rather as the daughter of hereditary monarchs: «... tamquam dominam omnium rerum, que ad generationem illam spectabant»¹⁰⁸). Heredity is for Burchard the most

¹⁰²) UC, p. 54.

¹⁰³) UC, p. 71. As Simson (n. 7) notes, Otto of St. Blasien made a similar comment: p. 48: «... imperium in hoc non mediocriter dehonestavit». The close analogy between the Tusculan incident and Henry's subsequent mutilation of Sicilian hostages renders Burchard's criticism here the more telling: cf. UC, pp. 72, 78.

¹⁰⁴) UC, p. 72.

¹⁰⁵) UC, p. 75. Burchard may here intend indirect criticism of Frederick II, who followed his father in this interest. Cf. C.A. Willemsen's two-volume facsimile edition of his falconry book, *De arte venandi cum avibus* (Graz, 1969).

¹⁰⁶) UC, p. 74.

¹⁰⁷) Cf. Lindner, p. 121.

¹⁰⁸) UC, p. 97.

important and distinctive legitimizing feature, more important than royal prowess or legal election. Even Barbarossa had come to the imperial title more by heredity than by election, «... magis ex delegatione patrum sui quam ex electione principum»¹⁰⁹). On the exact relative importance of inheritance and princely election the historian offers no clear statement. He mentions that Frederick II, «... adhuc in cunis vagientem ...», was elected king, and he emphasizes the formality with which Frederick's father secured ducal oaths of allegiance¹¹⁰). He later associates the Stauffer's infant election with his second election in A.D. 1211: «Tunc principes Alamannie ... convenientes Fridericum regem Sicilie elegerunt in imperatorem coronandum, cui etiam olim, cum adhuc in cunis esset, iuraverant fidelitatem»¹¹¹). For Burchard pledges of loyalty are never so much positive indications of rightful kingship as guarantees of peace.

Burchard is concerned to develop the genealogical pretensions of the Stauffer *Geschlecht* as fully as possible, and here his intention is clearly to strengthen future dynastic security. He is careful to describe the relationship of the Salians, ancestors of contemporary kings, to the ancient Merovingian and Carolingian lines. Quoting from Otto of Freising, whom Burchard emphasizes was himself of the Salian house, the Premonstratensian describes how daughters of Clovises and Charleses married Salian ancestors¹¹²). He offers an independent conclusion to Otto's genealogical excursus which stresses the more illustrious Carolingian link: «In quo [i.e. Henry III] propter maternum genus post multa curricula annorum rediit imperium ad illustrem et gloriosam propaginem Karoli Magni»¹¹³). On the occasion of Barbarossa's election the historian gives an even fuller exposition of the importance of Hohenstaufen genealogical connections:

Hec ideo aliquantulum diffusius scripsimus, ut pateat, quomodo nobilissimi principes Alamannie proxima linea consanguinitatis imperatori adherebant. At ipse [i.e. Frederick] potius gloriabatur se de regia stirpe Waiblingensium progenitum fuisse, quos constat de duplici regia prosapia processisse, videlicet Clodoveorum, de

¹⁰⁹) UC, p. 22.

¹¹⁰) UC, p. 75: «ut ... ei fidelitatem iurarent et litteras de hoc facto cum sigillis suis transmitterent imperatori».

¹¹¹) UC, p. 99.

¹¹²) UC, p. 5: cf. Otto of Freising, *Chronica* 6.28.

¹¹³) UC, pp. 5-6.

quibus legitur supra in gestis Francorum, et Carolorum, de quibus nichilominus eorundum supra narrant hystorie¹¹⁴).

Burchard then emphasizes the continuing importance of descent from Henry IV for Frederick II by noting, on Philip's death, that Frederick subsequently removed his uncle's body from its original grave at Bamberg to the Salian mausoleum at Speyer, «*ibidem sepeliri cum progenitoribus suis*»¹¹⁵).

Frederick II after the Holy Land

The arguments of the Ursberg author for hereditary Stauffer monarchy and strong royal legislative activity and, on the other hand, against papal corruption and manipulation of secular politics are drawn together in his ringing defense of the excommunicate Frederick II on his return from Jerusalem. Here his views find expression in describing Frederick's immediately contemporary and unfinished conflict with Rome. The provost's account overtly takes cognizance of the emperor's own well-publicized reactions to papal maneuvers. So, marking the exacerbation of tension between Frederick and Honorius III in A.D. 1221, when Tuscan counts fleeing the chastisement of the former successfully sought refuge in Rome, Burchard repeats the imperial complaint and identifies its source: «*Quocirca imperator multotiens conquerebatur, quod inimicos suos et hostes publicos sedes apostolica foveret*»¹¹⁶).

In his continuing account of papal anti-Stauffer activity under Gregory IX, the historian echoes the king's propagandizing position. The new pope appears as arrogant and irresponsible: «*Hic tamquam superbus primo anno pontificatus sui cepit excommunicare Fridericum imperatorem pro causis frivolis et falsis et postposito omni ordine iudiciario ...*»¹¹⁷). On the attempt of Gregory and his Lombard allies to block Frederick's *Reichstag* at Ravenna in June 1228, Burchard is accusatory; here he borrows from imperial propaganda, as he says from hearsay:

Nam Veronenses et Mediolanenses non permiserunt aliquos transire per fines suos, spoliantes rebus suis etiam ipsos cruce signatos, ut

¹¹⁴) UC, pp. 24-25.

¹¹⁵) UC, p. 91.

¹¹⁶) UC, p. 115.

¹¹⁷) UC, p. 122. Frederick's encyclical protest likewise touched the pride-humility theme: MGH Const. 2, esp. p. 150.

asserebant, auctoritate domini pape, quod, proch dolor! nefas est dicere¹¹⁸).

And on the pope's activities in the emperor's subsequent absence, he offers increasingly emphatic condemnation, here acknowledging no source:

Papa vero captata occasione de absentia imperatoris copiosum exercitum destinavit in Apuliam et terras imperatoris in servitio Christi demorantis — quod nefandissimum est dicere — abstulit et sibi subegit et cruce signatos, ne transfretarent, omni studio prohibuit tam in Apulia quam in Lombardia. Quis talia facta recte considerans non deploret et detestetur, que indicium videntur et quoddam portentum et prodigium ruentis ecclesie¹¹⁹)?

Burchard continues to heap up grossly calumniating descriptions for Gregory's Italian movements: «nequissimum facinus», «crudelitas sevientium», «furor invadientium», always in clear contrast to his presentation of Frederick's uniformly pious posture of begging forgiveness even though his chastisement is undeserved¹²⁰).

Frederick II, at the time of *UC*'s completion, had not yet assembled and promulgated the classical expression of his own political thought in the Constitutions of Melfi; although they followed in August 1231, not long after Burchard probably died¹²¹). The imperial encyclicals elicited by the Staufer's difficulties with Innocent III's successors presented the emperor's theories in a less fully articulated version, but even if Burchard's work were shaped principally as a political essay, it still could not be expected to bear the weight of close comparison with Frederick's mature thought. To be sure, *Liber Augustalis* was based on early laws of Frederick and, as T.C. Van Cleve has pointed out, its central emphasis, like Burchard's in *UC*, was on the importance of *iustitia* to royal objectives, especially to legal maintenance of peace¹²²). Burchard's community of emphasis with Frederick's earlier and later opinions on

¹¹⁸) *UC*, p. 125.

¹¹⁹) *UC*, p. 125.

¹²⁰) *UC*, p. 126.

¹²¹) *Constitutiones regni Siciliae*, in *Historia diplomatica Friderici secundi*, ed. J.L.A. Huillard-Bréholles, IV (Paris 1854), 1-178.

¹²²) Cf. Van Cleve, *The Emperor Frederick II of Hohenstaufen: Immutator Mundi* (Oxford, 1972), p. 238: «Certainly it was from his Norman ancestors that he derived his concept of the kingship, that the function of the king is, above all, to establish and maintain peace, to punish wrong-doing, and to correct injustice».

definition and separation of legitimate roles of empire and papacy is likewise apparent¹²³). While Burchard's violent polemic against bribery and legal fees growing from the proliferation of canon law procedures bear the stamp of personal disenchantment, they too are compatible with many of Frederick II's contentions¹²⁴).

The Ursberg history, however, goes beyond a superficial and vaguely theoretical congruity with the political thought of the Staufer. O. Vehse's study of Frederick II's official propaganda has noted that only a few thirteenth-century historical authors actually quoted from imperial encyclicals: Albert of Stade and Herman of Altaich on events following Frederick's second excommunication in A.D. 1239. Burchard, in his synopsis of Frederick's response to his first ban on 6 December 1227, is thus unique. While traces of royal propaganda color his generally defensive account of Frederick II's reign throughout, only here does he blatantly defer to specific arguments advanced by the chancery; he does so alone among the central figures of Hohenstaufen court historiography¹²⁵). Burchard describes the 1226 encyclical with the same metaphor as he uses for his own historical work: «... retexens omnem progressum vite sue et conversationem et actionem et innocentiam pro succursu Terre Sancte»¹²⁶). He begins as if to copy the Hohenstaufen letter word for word, then decides that it is too long, but his abbreviated redaction shows close verbal dependence on the original. N. Backmund was thus led to conclude, following O. von Simson, that the central purpose of Burchard's work was polemical, that *UC* is a «Streitschrift für den gebannten Friedrich II»¹²⁷).

The importance of political interest as a factor in Burchard's composition of his historical work is evident from the many tendentious passages described above with their consistent if not rigorously developed point of view. Specific concern for the situation of Frederick II in 1229 was not

¹²³) Again, cf. Van Cleve, p. 535: «Far more important [than his want of military greatness] as a contribution to cultural progress were Frederick's efforts to define and separate the legitimate spheres of action of the *sacerdotium* and the *imperium*».

¹²⁴) O. Vehse, *Die amtliche Propagande in der Staatskunst Friedrichs II*, Forschungen zu mittelalterlichen und neueren Geschichte I (Munich, 1929), p. 186. Vehse notes that criticism of the church's worldly riches had existed from the time of Gerhoh of Reichersberg and «Schritt für Schritt rückte Friedrichs Propaganda diesem Argument näher ...».

¹²⁵) Vehse, p. 202.

¹²⁶) *UC*, p. 122. Subsequent quotations are from the *UC* version of the imperial letter, pp. 122-124; cf. MGH Const. 2, pp. 148-156.

¹²⁷) N. Backmund, *Die mittelalterlichen Geschichtsschreiber des Prämonstratenserordens*, Bibliotheca Analectorum Praemonstratensium 10 (Averbode, 1972), p. 23. Cf. Simson, p. XXVIII.

necessarily the central motivation for the provost's effort. The ostensible reason for Gregory IX's excommunication of Frederick had been the latter's failure to fulfill his coronation vow to go on Crusade. By the time of *UC*'s composition, the emperor had indeed gone to the Holy Land despite Gregory's unsubtle efforts to prevent his success. He had reached a favorable settlement on Jerusalem despite Gregory's continuing refusal to lift his excommunication. Burchard, however, spends little independent effort arguing the injustice of the Staufer's treatment at the hands of the papacy, instead of allowing Frederick's *Encyclica de excommunicatione* and a few oblique references to royal propaganda to speak for him. It seems likely that the historian's premature announcement of papal-imperial settlement in the closing words of his chronicle¹²⁸) was intended to assist Frederick by minimizing Gregory's threat of deposition. Throughout Burchard's chronicle, specifically tendentious responses are made to imperial-princely and imperial-papal collisions, and no incident — even the most recent — can be interpreted as the single focus for the rest of the provost's politically sensitive remarks.

Burchard's last pages show no doubt that Frederick had already effectively won the last round against Gregory IX. Defense of the ruling member of the Staufer dynasty was not at the moment critical, although it remained important. *UC*'s political purpose was broader: a defense of the more general principles of hereditary empire and ecclesiastical divorcement from secular government. This apology was built on historical arguments among which the events of Barbarossa's time were as important as — perhaps, because their consequences were clear, even more important than — the events of his grandson's. Burchard meant to elucidate the pattern of history; political conflicts were at once a part of that pattern and a key to its wider interpretation. *UC* is then a *Streitschrift*, but a *Streitschrift* growing from, not into, an imperial history. The right order which Burchard sought to discern through past successes and failures of general peace in Christendom concerned the relationship of church and state throughout their development, not only in Frederick II's career¹²⁹).

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¹²⁸) *UC*, pp. 126-127.

¹²⁹) As Lindner pointed out, Burchard's pro-imperial posture indicates no basic hostility to the church: p. 121: «Burchard stand daraus auf dem Boden der Kirche, deren Wohl ihm warm am Herzen lag, aber er wagte es auch, gegen die Missbräuchen seine Stimme zu erheben».