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KEHNEL (Annette), « Schiltberg, 13 June 1302. The kidnapping of Duchess Matilda by Duke Rudolf II », *Cahiers de recherches médiévales et humanistes / Journal of Medieval and Humanistic Studies*, n° 39, 2020 – 1, p. 99-118

DOI : [10.15122/isbn.978-2-406-10742-2.p.0099](https://doi.org/10.15122/isbn.978-2-406-10742-2.p.0099)

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RÉSUMÉ – Cet article étudie les possibles mobiles qui poussèrent le duc Rudolf à kidnapper sa mère, son père et l'intendant familial dans le château de Schiltberg en Haute-Bavière à l'été 1302. Des raisons politiques, comme les tensions entre Wittelsbach et Habsburg, ou psychologiques sont examinées. Rudolf a pu hériter de son père une propension à la violence émotionnelle incontrôlée quand il a accusé sa mère d'infidélité. Le "syndrome de Jacob et Ésaü", la rivalité fraternelle, est une autre piste.

MOTS-CLÉS – Haute-Bavière, Wittelsbach, Habsburg, rivalité entre frères, violence familiale

KEHNEL (Annette), « Schiltberg, 13 juin 1302. L'enlèvement de la duchesse Matilda par Rudolf II »

ABSTRACT – Why did Duke Rudolf of Upper Bavaria kidnap his mother, brother and the steward of the family in the castle of Schiltberg in the summer 1302? Besides political reasons, some more psychological motives are examined. Rudolf might have inherited his father's inclination towards uncontrolled emotional violence, when he accused his mother of infidelity. Also the possibility of the so-called "Jacob and Esau-Syndrom" is discussed as a possible background for the abduction.

KEYWORDS – Upper Bavaria, Wittelsbach, Habsburg, rivalry between brothers, family violence

SCHILTBERG, 13 JUNE 1302

The kidnapping of Duchess Matilda by Duke Rudolf II

INTRODUCTION

This case study examines the circumstances and background of a kidnapping in 1302 that took place in the Duchy of Bavaria. The victim was Duchess Matilda herself, including child and steward. The perpetrator was the reigning Duke of Bavaria and Count Palatine of the Rhine, her eldest son, Rudolf II. He moved from Munich to Schiltberg near Aichach, some 50 miles north of Munich, to the Duchess's residence. Then he attacked the castle, had the rooms broken open and plundered, and those present were captured and taken to Munich¹. A clearly illicit action of the Duke, without any legal foundation. He simply demanded by force what he – in his opinion – was entitled to: the renunciation of his mother from all her sovereign rights and possessions. Moreover, he claimed guardianship for his younger brother, Louis.

The story seemed to have passed off smoothly at first since nobody had been harmed: Matilda, the mother, was wise enough to give in to the demands of her eldest son, renounced everything and demanded only 1000 pounds of Munich pennies. She further suggested that this agreement should be confirmed by the King. The bishops of Freising

1 *Handbuch der bayerischen Geschichte, Band 2: Das alte Bayern, Der Territorialstaat vom Ausgang des 12. Jahrhunderts bis zum Ausgang des 18. Jahrhunderts*, ed. M. Spindler and A. Kraus, Munich, Beck, 1988, p. 140-141; G. Schlütter-Schindler, "Regis filia – comitissa palatina Rheni et Ducissa Bavariae. Mechthild von Habsburg und Mechthild von Nassau", *Zeitschrift für bayerische Landesgeschichte*, 60, 1997, p. 183–252, at p. 210-213; M. Schmidberger, "Burg Schiltberg am 23. Juni 1302: Herzog Ludwig der Bayer erleidet Überfall, Burgbrand und Entführung", *Altbayern in Schwaben*, 2011, p. 7-26.

and Landshut supported her and set off with her to the King. However, as soon as the company had reached imperial grounds and the Duchess had thus arrived outside her son's dominion, she revoked all concessions: her son – she said – had forced her to renounce power in a situation where she was a weak woman, held in captivity (*elend wittib und gefangen weibspild*), therefore all her concessions were invalid.

At one blow, Rudolf's plans were ruined. The mother had revoked all concessions, she was outside his power and the legal situation was very clear against him. Now the Duke's entire wrath directed itself at Matilda's steward Konrad Öttlinger, whom he apparently continued to keep in custody in Munich. Rudolf blamed Konrad for the failure of his miserable plan and had him beheaded without further ado – apparently on completely unfounded charges. The end of the story is quickly told: Matilda was angry and asked the king for revenge. After a failed reconciliation meeting in Nördlingen, where the conflicting parties had met at the instigation of the king and where Duke Rudolf refused to renounce the rights wrested from his mother by force, another pawn sacrifice was made: Rudolf's steward, a man named Schluder, was stabbed to death on his way to the king – by the people of Matilda and her son Louis. This end sounds both disappointing and tragic at the same time. Laconically, the chronicler notes finally that the two brothers had to follow the King until they had paid all their debts. And soon afterwards her mother, Duchess Matilda died, on the day before Christmas in 1304. She was buried at Fürstenfeld, at her husband's side, who is referred to as her *hauswirt*.

This is what Aventinus reports about the events at Schiltberg Castle in June 1302². The passage is from the Bavarian Chronicle. This is a

2 *Jobannes Turmair's, genannt Aventinus, sämtliche Werke, Band 5.2: Bayerische Chronik, Buch III-VIII*, ed. S. von Riezler and M. von Lexer, Munich, C. Kaiser, 1886, Book 7, chap. 76, p. 415-417. This is Aventinus' report of the events: *Wie pbalzgraf Rudolf mit seiner mueter, der herzogin Matbild, unains ward. Frau Matbild die herzogin gab etlichen clöstern vil freibait (nemlich unter andern Diessen), die wolt pbalzgraf Rudolpb ir sun nit halten. Und wurden also dermassen der sach uneins, das pbalzgraf Rudolf von München, da er gemainlich haust, das g'schlos Schiltperg bei Aicha, alda sein mueter Matbild haust, überfiel, si mit irem sun herzog Ludwigen, nachmals kaiser, und Chunrad Ötlinger, irem hofmaister gefangen gein München füert. Im geschlos warn überal all gemäch vom Schluder, des herzogen rentmaister, aufgeprochen und geplündert. Nachmals nam pbalzgraf Rudolf all stet und flecken wieder ein, so sein mueter bisher pflugsweis bet inngababt, gab für, er wölt füran seines brueders herzog Ludwigs vormund sein. – Frau Matbild (als ein vernunftige und listige fürstin) lies sich nit merken, das ir sölchs wê tet, fordret gein München pischof Emich von Freising und herzog Otten von Lantsbuet, verzibe sich williglich*

vernacular version of his Latin *Annales ducum Bavariae*, revised in the years 1526-1533, that is more than two centuries after the incident³. We know that Aventinus was able to draw back to sources that are lost today. Whether he could use older chronicles, for example from the *Fürstenfeldbruck Annals*, must remain open here.

The subject of the present study is rather the political, perhaps more precisely, the family policy background of this act. What drives a Bavarian duke to forcibly capture and kidnap his own widowed mother and his little brother? Especially in a situation that doesn't seem really

aller stet und flecken und der ganzen vormuntschaft irs jungen suns herzog Ludwigs, gab's alles irem eltern sun phalzgraf Rudolphen über, begert nit mër dan das ir jerglich ir sun der phalzgraph Rudolpb raicht tausent phunt Münchner pfenning. Phalzgraf Rudolpb verwilligt auch drein und war das die mainung: sie solten bède, mueter und sun, sölchen vertrag zu bestätten zum künig Albrecht, irem brueder seinem veter, ziehen. Und zugen also bin miteinander diser mainung gein Werd, Lauging und Hochsteten. Da die herzogin ins reich, aus irs suns gewalt kam, wolt si von sölichem vertrag nichts halten, si het's tuen müessen wie ein ellend wittib und gefangen weispild; clagt irem brueder dem künig über den sun, der hiet sie geweltigt wider alle pilligkeit. Phalzgraf Rudolpb lies allen zorn am Chunrad Ötlinger seiner mueter hofmaister aus, verdacht in, er wär an sölichem schuldig, zibe in sunst auch ander ding mër, lies in den kopf abschlagen zu München an sant Ulrichs tag, do man zelt von Christi geburt tausent druibundert und dreu jar. – Da ward die mueter noch zörniger über den sun, rueft iren brueder den künig umb rach an. Künig Albrecht fordret bède, sein veter den phalzgraven und sein swester, zu im gein Nördling. Phalzgraf Rudolpb mitsambt seinem brueder, herzog Ludwig, kam dahin. Der künig schuef's seiner swester alles wider, sunst solten all ander sach tod und ab sein. Herzog Ludwig, nachmals kaiser, der hengt der mueter an, swuer ein aid, er wölt nit mër in Bairn komen, man setzt dann sein allerliebste frau mueter wider ein und tet ir sölch schmach ab. Aber sein brueder phalzgraf Rudolpb wolt sölichem seims veter des künigs spruch nit geloben, wolt nit widergeben was er eingenommen het. – Frau Mathild mit dem jüngern sun, herzog Ludwig, zog gein Augspurg. Der künig schuef den reichsteten und amtbleuten, das sie der mueter wider den sun ein beistand teten. Und ward Schluder der rentmaister, sölcher zwitracht ein ursacher, vom künig entsetzt. Do er zum künig sich zu entschuldigen reiten wolt, ward er auf dem weg überrahten und erstochen von dem zeug der herzogin Mathild und irs jungen suns, herzog Ludwigs. Chunrad von Wildenrod (von dem ich oben auch gesagt hab) der war vom künig seinem veter dem phalzgraven zu einem hofmaister geben, aus dem elend erwordert; aber er starb bald in kurzen tagen hernach. – Der künig forderet sein béd veter Rudolphen und Ludwigen mitsambt der swester zu im gein Ulm, befalch das regiment Wiglein von Thrausnit. Die zwèn brüeder muesten irem veter dem künig nachziehen, bis alle geltschuld bezalt war. Und unlang darnach starb ir mueter die herzogin Mathild am negsten tag vor dem weihnachtabend, als man schrieb dreuzebenhundert und vier jar: ligt begraben bei irem hauswirt phalzgraf Ludwig dem andern zu Fürstenvelt.

- 3 For the development of Medieval Bavarian historiography down to Aventinus, see J.-M. Moeglin, "Von Hermann von Niederaltaich zu Aventin. Die Entwicklung der bayerischen Landesgeschichtsschreibung im gesamtdeutschen und europäischen Kontext und Vergleich", *Studien zur bayerischen Landesgeschichtsschreibung in Mittelalter und Neuzeit. Festgabe für Andreas Kraus zum 90. Geburtstag*, ed. A. Schmid and L. Holzfurtner, Munich, Kommissionsverlage CHB, 2012, p. 117-149.

precarious. At first glance, Rudolf seems to have acted “without necessity”. There was no political emergency. Neither was there a war or acute need for succession arrangements, nor was it a matter of resolving urgent inheritance disputes. Why then this violent robbery and kidnapping of mother and brother in the summer of 1302?

This question will be examined below. To this end, events are analyzed as a problem of family politics, which – to speak with Gabriele Schlütter-Schindler – was synonymous with politics at that time⁴. Due to the absence of sources it is of course no longer possible today to clarify the actual reasons. Neither the course of events nor the motives of the actors are clearly described in the sources. Nevertheless, the following levels of motifs are emerging in the sources and research:

Hereditary disputes over power in the duchy are always a latent area of conflict. Dynastic conflicts between the Duke of Wittelsbach and his Habsburg mother, and her brother Albert, king since 1298, continued time and again. Furthermore, the suspicion of adultery plays an important role as a motive since early sources mention the fact that Rudolf assumed his mother was in a relationship with her steward. Finally, sibling competition between the Duke and his eight-year younger brother could have played an important role. For the sake of clarity, these different motives are analyzed from the perspective of the actors involved. Starting from their concrete life situation in the summer of 1302, family relationships, family constellations, individual fates and the personal profile of the actors are examined in order to gain a better picture of the background of this abduction.

THE VICTIM: MATILDA, DUCHESS OF UPPER BAVARIA AND COUNTESS PALATINE OF THE RHINE

We begin with the victim of the violent abduction. What was her status quo at the time of the incident? Matilda was 48 or 49 years old, mother of at least five children, the eldest was probably born in 1274 and the youngest in 1282. She had been widowed for eight years now,

⁴ Schlütter-Schindler, “Regis filia”, p. 186-187.

living on her dower. Thanks to her independent documentary activity, especially as a widow, she is well traceable in the sources. Gabriele Schlütter-Schindler, who meticulously reconstructed Matilda's life from the sources, characterizes her as an active personality who tried, with some success, to influence her environment in family politics, and who succeeded in making her voice heard and influential⁵.

Her career up to the abduction in Schiltberg is briefly outlined here. Born in Rheinfelden in 1253/4, she was the eldest daughter of King Rudolf. A year later, her younger brother Albert was born. At the age of almost 20, she married Louis II the Strict, Duke of Upper Bavaria and Count Palatine of the Rhine on 24 October 1273⁶. On the same day, her father was crowned king in Aachen after he had been unanimously elected in Frankfurt on October 1, 1273. The Count Palatine of the Rhine had received his young wife – it was his third marriage – in reward for his vote in King Rudolf's election. Following the same pattern, Matilda's younger sister Agnes (b. 1257) was married on the same day to Albert II, Duke of Saxony, who was also entitled to vote. One year after the marriage, Matilda gave birth to her first son Rudolf in 1274, followed by several siblings of whom five children were still alive in 1302.

Let us move on to the possible sources of conflict that can be assumed from Matilda's biography in her relationship to her son:

a. Inheritance disputes and dower lands. Matilda had received an impressive dowry at the time of her marriage as well as dower lands, i.e. area allocations for maintenance in the event of her husband's death. These were various estates on the Rhine and in the Palatinate. In 1288, Matilda was 35 years old and the marriage of her stepson – a son of her husband from his second marriage – had led to changes in her dower lands. Instead of Wolfsburg, Winzingen, and Neustadt, she was given Weinheim and some other smaller towns⁷. Shortly after the death of her husband in the spring of 1294, her eldest son Rudolf married the daughter of King Adolf of Nassau. There were again barter transactions

5 Schlütter-Schindler, "Regis filia", p. 187, as well as p. 195-196 regarding Matilda's increased autonomous activities in the time of her widowhood.

6 For Matilda's year of birth, see Schlütter-Schindler, "Regis filia", p. 189, comment. 30. Information on her family is provided by M. Menzel, *Die Zeit der Entwürfe (1273–1347)*, 10th revised edition, Stuttgart, Klett-Cotta, 2012, p. 290-291.

7 Schlütter-Schindler, "Regis filia", p. 191, comment. 40 names the towns in detail.

with regard to the dower lands. Rudolf equipped his bride with areas that had previously been promised to his mother. This time Matilda had to do without her dower lands Heidelberg, Wiesloch and Weinheim, and in return probably received smaller towns in Upper Bavaria and in the Upper Palatinate like Burglengenfeld, Neustadt a. d. Donau, Ingolstadt, Aichach, Landsberg and others, towns in which she resided in the following years as evidenced by the sources⁸. It remains unclear whether these barter transactions gave rise to disagreements in the matter of the dower lands, but it would be quite conceivable that tensions arose in relation to Matilda's daughters-in-law. These, however, cannot be grasped in the sources.

b. Matilda's activities as a benefactress. Proven are Matilda's generous donations to monasteries. Aventinus even cites them as the trigger for Rudolf's offer of aggression in June 1302: Matilda's donations for monasteries, especially for the Dießen monastery, caused the trouble, he says. Indeed, Aventinus' claim can be confirmed from contemporary sources. On June 2, 1300, a series of privileges for the Dießen monastery was issued. The donations make very clear that the Duchess had developed a special preference for the place. Matilda confirms fishing rights to the monastery in Ammer and Ammersee and authorizes Propst Berthold and his people to claim these rights. She also prohibits interference in the rights and freedoms of the monastery. That this could have been a controversial issue is also confirmed by the fact that Matilda arranged further donations to Dießen after the events at Schiltberg, for which she obviously did not receive Rudolf's approval. Instead, she took support from her brother – the king – and arranged for him to present a certificate in favor of her donation. Schlütter-Schindler notes dryly that this action was hardly appropriate to strengthen the ducal tendency to consent⁹.

c. Dynastic conflicts. Matilda was not only the daughter of the Habsburg king Rudolf but also the sister of king Albert, who had come to power in 1298. The intergenerational balance between Matilda's generation and that of her children had been shifted in favor of the Habsburgs with the death of her husband in 1294. Now the Habsburg mother and her brother Albert dominated the parental generation. When Albert moved on the German throne in 1298 this might have further

8 Schlütter-Schindler, "Regis filia", p. 197-198.

9 Schlütter-Schindler, "Regis filia", p. 207-208, comment. 131 and 138.

enforced tensions, especially from the son's perspective, who possibly located himself more on the Wittelsbach side of his deceased father. This issue will be further discussed in the analysis of Rudolf's motifs.

d. Matilda's role as a mother. Another conflict could possibly be sought in the relation between Matilda and her sons, moreover between the two siblings. This question is taken up in the last part of this study on Louis the Bavarian, the youngest son of Matilda.

e. Matilda's love life. This sounds somewhat disreputable at first. However, the earliest contemporary sources of the fourteenth century make this a very strong point. Rudolf is said to have accused his mother of an illegitimate relation with her steward Konrad Öttlinger.

THE PRINCIPAL VICTIM: KONRAD ÖTTLINGER

Contemporary sources provide a very clear explanation for the Schiltberg escalation: Rudolf, the son – they say – accused his mother of adultery. This brings us to the main victim of the events: Konrad Öttlinger, the steward of the Duchess, who was beheaded in the cause of the abduction. Unfortunately, we know next to nothing about his biography. He already was steward under Rudolf's father Louis the Strict¹⁰. His name refers to his origin from Ettling, a castle near Pförring in today's district of Eichstätt.

The accusation of an illegitimate relationship between Matilda and the steward Konrad Öttlinger is only to be found in the oldest sources. A very brief entry in the Annals of the Cistercian monastery of Heilsbronn (diocese of Eichstätt) reports that in this year Duke Rudolf discredited his own mother for an alleged infamous closeness to the knight Öttlinger, *nimis notabiliter infamavit*¹¹. The matter is not

10 Schlütter-Schindler, "Regis filia", p. 211, comment. 156 refers to A. Sprinkart, *Kanzlei, Rat und Urkundenwesen der Pfalzgrafen bei Rhein und Herzöge von Bayern 1294 – 1314 (1317)*, Cologne/Vienna, Böhlau, 1986, p. 12-13, 145-146, 198, as well as p. 123-124 and p. 127-128 for Konrad's activities under Matilda.

11 G. Waitz, "Annales Halesbrunnenses maiores (1126-1313)", *MGH SS 24*, ed. G. Waitz, Hannover, Hahnsche Buchhandlung, 1879, p. 46: "Eodem anno dux Rudolfus matrem propriam de suspecta familiaritate militis dicti Oetelinger nimis notabiliter infamavit." M. Müller, *Die*

explained in detail, only the accusation of an illegitimate proximity between duchess and steward is stated. The continuation of Hermann von Niederaltaich's annals probably written in Regensburg shortly after confirms this event. Here we read that Rudolf seized his mother Matilda, widow of Duke Louis, and her steward Konrad Öttinger from Schiltberg Castle to Munich on the eve of St. John's Day (23 June) and that he had the steward beheaded on Margaret's Day (13 July) because of a certain shameful deed (*propter quandam infamiam*)¹². Rudolf had undertaken the abduction *propter infamiam* and *de suspecta familiaritate*. In the thirteenth century, the term *familiaritas* – before predominantly found to express membership in a monastic or ecclesiastical community – came into use to describe relationships between lay people. The insinuation of a “suspicious familiarity” between Matilda and Rudolf is therefore quite an explicit insult¹³.

It is interesting that the very earliest sources make mention of this insult against Matilda. Quite clearly they do not speak of an infidel widow but rather of a suspicious son. Likewise, the contemporary chroniclers report nothing about a relationship between Matilda and her steward Konrad. They report that Duke Rudolf suspected such a relationship. In fact, one might talk of a hereditary load in the House of Wittelsbach. A certain “hypersensitivity” in this respect seems to exist in the family. Rudolf's father Louis the Strict had his first wife Maria of Brabant executed on suspicion of adultery in 1256 without trial less than two years after marriage. He regretted this deed soon afterwards and founded a monastery, now Fürstenfeldbruck near Munich as an act of penance. Would it be too far fetched to diagnose a family disposition to jealousy? The son sees the honour of the family endangered by a suspected love relationship between his widowed mother and the long-serving steward Konrad.

Annalen und Chroniken im Herzogtum Bayern 1250-1314, Munich, Beck, 1983, p. 190-195. See also Schmidberger, “Burg Schiltberg”.

- 12 G. Waitz, “Hermanni Altahensis continuatio tercia 1273-1303”, *MGH SS 24*, ed. G. Waitz, Hannover, Hahnsche Buchhandlung, 1879, p. 57; Müller, *Annalen*, p. 105-108: “Eodem anno in vigilia Iobannis baptiste Rudolfus captivavit Mechthildem, matrem suam, relictam Ludwici ducis, in castro Schilperg, et Conradum de Oteling. Et ducti sunt in Monacum. Et in die sancte Margarete predictum Conradum de Oteling decollari fecit propter quandam infamiam.”
- 13 R. E. Latham, *Revised Medieval Latin Word-List*, London, OUP, 1965, p. 185; J. F. Niermeyer, *Mediae Latinitatis Lexicon Minus*, Leiden, E. J. Brill, 1976, p. 409.

Whether or not this suspicion was justified is not at issue here. But it might be justified to speculate about a certain similarity between father and son. Perhaps the Schiltberg events of 1302 could be understood as a reenactment of the drama in 1256. Just as the father then let himself get carried away from jealousy to uncontrollable action against his very own beloved wife, so does the son in respect to his beloved mother. Fortunately for the mother, however, Rudolf, spared her life since he found a handy scapegoat in the long-serving steward of the family.

THE PERPETRATOR: RUDOLF I, DUKE OF UPPER BAVARIA AND COUNT PALATINE OF THE RHINE

First of all, to his status quo at the time of the events in the summer of 1302: Rudolf was 28 years old. He had been Duke of Upper Bavaria and Count Palatine of the Rhine for eight years now. Moreover, he was married to Mechthild of Nassau since eight years, and father of two sons aged five and two. Rudolf was born in 1274 as the eldest son of Matilda, thus grandson to King Rudolf I of Habsburg and nephew of Matilda's eldest brother, King Albert I, in power in 1302.

Rudolf was a promising young prince. Even if he did not grow up as crown prince because an older son of Louis from his second marriage was to succeed him, his mother Matilda – third wife of the Bavarian Duke – made sure that her sons would not miss out either. Fate turned even more favorable when in 1288 the older stepbrother died in a tournament in Nuremberg. Rudolf, then aged 14, immediately moved up in the succession. It would take another six years before his father died and he himself became duke.

In these six years between 1288 and 1294, the relations between duchy and empire seem to have shifted. A certain distancing of the Upper Bavarian Wittelsbachs from the Habsburgs became apparent. In 1291, King Rudolf of Habsburg had died. At first, Duke Louis had supported the election of King Rudolf's son Albert. However, very quickly he shifted back to the anti-Habsburg camp, denying his former loyalty to Habsburg. Instead he was forging alliances with Adolf of

Nassau, the increasingly powerful opponent. It was also Duke Louis, who made plans for the marriage between his eldest son and a daughter of Adolf of Nassau. Even though he died in February 1294, before these plans came through, his son fulfilled the paternal will: only two months after his father's death, Rudolf became engaged to Mechthild, Adolf of Nassau's eldest daughter. They got married in September 1294. Now he was also the son-in-law of the king of the German Realm¹⁴.

In brief: things were going fine for young Rudolf. Born as a grandson of the former king, he smoothly moved on the succession of his father as Duke of Upper Bavaria and Count Palatine in the age of twenty. Like his father, he was lucky to engage in an advantageous marriage with the daughter of the king – in his case the daughter of Adolf of Nassau. There seems not much that went wrong in the life of this medieval prince. Quite the opposite seems the case: he made a fine and promising career at quite an early age.

So, what exactly triggered the aggression against his very own family only eight years later? Why the brutal kidnapping of his mother and brother in Schiltberg in June 1302? What were the reasons for this sinister tragedy, the “*düstere Tragödie*”, as Max Spindler and Andreas Kraus in the *Handbook of Bavarian History* coined the incident¹⁵? What had happened in the meantime? What went wrong in the story of “Duke Rudolf's happiness and end”? Shall we call it a variation of Grillparzer's tragedy “*König Ottokars Glück und Ende*” (1823)?

The decisive turning point was the death of Adolf of Nassau in the battle of Göllheim near Worms on 2 July 1298. Rudolf suddenly found himself where he never wanted to be: on the losing side. He had bet on the wrong horse. Adolf was dead. Albert, his Habsburg uncle – to whom his father had sworn an oath of support and broken it – was the winner and the future king. Rudolf was thus in the position of a defector to be rehabilitated. Albert could dictate conditions to the losers. And he seems to have done so, rather unimpressed by family sensitivity – as Schlütter-Spindler puts it¹⁶. The intercession of mother Matilda, who stood up for her son to her brother Albert, seems to have

14 *Handbuch der bayerischen Geschichte* 2, ed. Spindler and Kraus, p. 111, comment. 5.

15 *Handbuch der bayerischen Geschichte* 2, ed. Spindler and Kraus, p. 140.

16 Schlütter-Spindler, “Regis filia”, p. 206, speaks in comment. 126 of a lack of “*verwandtschaftlichem Feingefühl*”.

been of little use. In fact, one wonders whether things could have been much worse for Rudolf.

There was, so it seems, no choice. Rudolf – like all the other electors present – gave his vote to his uncle in the new elections on 27 July 1298. He recognized him as king and served as his seneschal at the royal table at the court council in Nuremberg, 16 November 1298. Even though the principle of “one must be allowed to serve” applied here¹⁷, and the royal court office was a great privilege and actually an act of royal clemency, only a half-hearted reconciliation between nephew and uncle was achieved. We know also that Rudolf accompanied his uncle on his journey to Quatrevaux, between Toul and Vaucouleurs, for marriage negotiations with the French King Philip the Fair¹⁸. Although King Albert had taken his nephew back into favour, he demanded the restitution of all the estates that the late king Adolf of Nassau had bequeathed as dowry for his daughter Mechthild. These were areas on the western borders of Upper Bavaria, Neumarkt, Berngau, Hersbruck and more, and also Donauwörth, Schwabegg, Mering, and Schongau. That was a lot, and, of all things, those lands which had fallen to the dynasty of Wittelsbach as Konrad’s of Hohenstaufens inheritance in the Nordgau, that is at the Danube and at the Lech. So, Rudolf simply refused the surrender.

This was only one of the reasons why Rudolf soon found himself again in opposition to the Habsburgs and joined the party of the “opposition of princes of Heimbach” in October 1300. The king, though, was a man of quick decisions: he mobilized and quickly reclaimed almost all of the castles, estates, and cities. Rudolf, on the other hand, had little luck. Two attempts to recapture Neumarkt in January and April 1301 failed. Rudolf had to retreat. The consequences were devastation and pillage on the royal and ducal sides. Finally, the king himself took part in the fighting when the armies arrived at the Rhine. The royal army conquered Wiesloch, Weinheim, Hofheim near Worms, and besieged Heidelberg in order to finally prepare the next bitter defeat

17 G. Schwedler, “Dienen muss man dürfen oder: Die Zeremonialvorschriften der Goldenen Bulle zum Krönungsmahl des römisch-deutschen Herrschers”, *Die Welt der Rituale. Von der Antike bis in die Neuzeit*, ed. S. Weinfurter, C. Ambos, S. Hotz, and G. Schwedler, Darmstadt, Wissenschaftliche Buchgesellschaft, 2005, p. 156-165.

18 K.-F. Krieger, *Die Habsburger im Mittelalter. Von Rudolf I. bis Friedrich III.*, Stuttgart/Berlin, Kohlhammer, 1994, p. 85-89.

for his opponent Rudolf. On July 20, 1301, he had to surrender and accept widespread territorial losses in the so-called Peace of Bensheim. Also he was obliged to recognize his younger brother Louis as official co-regent. Although King Albert promised to pay the Palatine Count 10,000 marks in two instalments in return for the surrender of the imperial estates and the areas received as the dowry of his wife, the circumstances of the surrender were clearly a fatal defeat for the Duke and Palatine Count¹⁹.

This is where the second notorious problem comes in: Rudolf's duchy suffered throughout and notoriously from lack of money. This was not because the Duke was known for an excessive lifestyle or for disproportionate investments. Quite the contrary was the case: the expenses in the duchy seemed solid, without any irregularities and quite comparable with the financial volume at his father's time. The problem was caused by the changing conditions of territorial sovereignty all over the German Realm. In the course of the process of estate building, *Ständebildung* in the Duchy of Bavaria the urban bourgeoisie became ever stronger. This had an impact particularly in the financial sector. While Rudolf's father as landlord, bailiff, and town lord still had regular income to cover the current expenses and debts, his son had to cope with growing unrest and notorious lack of money. Louis was still fully entitled to the proceeds from the coinage prerogative. When his son Rudolf, as a young duke, wanted to access it in 1295, the citizens of Munich reacted by destroying the ducal mint. The up and coming burgers of the young and growing cities claimed their own rights against sovereign authority²⁰.

After the Battle of Göllheim in 1298 Rudolf had already sold Tölz, pledged Kranzberg, and taken out loans from the citizens of Regensburg to meet the money demands of the victorious new king. The subsequent battles with Albert for the surrender of the imperial fiefdoms dragged on and turned out to be very expensive. The debts increased as the winner of Göllheim made more and more demands for money²¹. To raise

19 *Handbuch der bayerischen Geschichte* 2, ed. Spindler and Kraus, p. 115-116, especially comment. 46; see also "RIplus Regg. Pfalzgrafen 1 n. 1468" which can be accessed via Regesta Imperii Online.

20 "Das Münchner Bürgertum der jungen Residenzstadt meldete sich unüberhörbar zu Wort". *Handbuch der bayerischen Geschichte* 2, ed. Spindler and Kraus, p. 132-133, see comment. 21.

21 *Ibid.* See also comment. 29.

money, Duke Rudolf, together with his brother, raised an extraordinary emergency tax, *gemaine viechsteur* (*exactiones violentiae, steurae inconsuetae*) to which the nobility of Upper Bavaria had to agree.

The local nobility met in Schnaitbach, alias Snaitpach (near Aichach) and did in fact give consent to the tax. However, their approval was linked to another concession. The noble assembly obliged itself to collective resistance in case of any future common tax imposed by ducal authority. In plain words, that means that the duke had to renounce his rights of taxation. Historians have interpreted this incident as another hint to the growing confidence of the rural nobility. As a united political body, they opposed the ducal power and were even able to enforce their claims: on January 2, 1302, the brothers Rudolf and Louis, Dukes of Upper Bavaria and Count Palatines of the Rhine, signed a document confirming the right of the counts, freemen, servants, and all nobles to resist future taxes in return for their approval of the emergency tax.

The story had another sequel: two months later, on March 2, 1302, the bishops of Freising, Salzburg, and Regensburg joined forces to refuse the tax for the purpose of preserving the freedom of the church. They fought against ducal claims to power with the means of the church: Aventinus reports that they banned Duke Rudolf²². Incidentally, the emergency tax did not solve the notorious financial problems either. In 1303, the king himself entrusted an official to carry out measures to cover the debts of Upper Bavaria; this year the dukes also took out a loan from the citizens of Munich to pay debts of 4,000 pounds of pennies to the citizens of Augsburg and in return granted six years of tax exemption to the citizens of Munich. Such measures were just as unsuitable as the proportional abandonment of the ducal coinage prerogative to achieve long-term budget restructuring.

This brief outline of the Bavarian Duke's career up to 1301 might help to understand that Rudolf had moved into a rather unfavorable position in the years prior to the kidnapping of Schiltberg Castle in the summer of 1302. He was dogged by bad luck: following his father's plans, he had taken Adolf of Nassau's side and completed the alliance by marriage. He thus brought himself in opposition to his uncle Albert of Habsburg. With the Battle of Göllheim in 1298 luck turned against

22 *Ibid.*, comment. 31 and 33. *Aventinus Bayerische Chronik*, Book 7, ed. von Riezler and von Lexer, ch. 76-77, p. 415-417.

Rudolf. In the subsequent struggles for his wife's dowry, he loses not only his territories but also his prestige. Additionally, during his rule the Bavarian estates strengthened as a political force in the duchy, which, among other things, had the effect that the young duke was deprived of financial sources his father could naturally dispose of.

In short: the aggressor Rudolf was – looked at in the cold light of day – a poor devil with an unmistakable sense for taking the wrong side at the wrong time. In addition, he was overrun by the developments of his time. Even if the Wittelsbach duke could have moved more skillfully on the political stage of the empire, he would not have been able to prevent the strengthening of the estates and the rising of the cities. In this context, Rudolf has acted in a quite skillful and forward-looking manner, as repeatedly emphasized in research, by endowing the city dwellers, especially the people of Munich, with generous privileges²³.

But that doesn't change Rudolf's serial streaks of bad luck. Above all, Gabriele Schlütter-Schindler attests Rudolf that he was inexperienced and had an unhappy hand in dealing with his uncle, the then very powerful Albert of Habsburg²⁴. He was unable to turn his family ties to politically opportune alliances. Whatever the reasons may have been, it remains to be said that Rudolf had to endure an extraordinary number of failures. And while there are many paths to success, the path to failure is always a lonely one.

We might – and here we enter the realm of speculation – assume that Rudolf, like nearly every human being, tried to find something or someone to blame for all his defeats in the conflicts with the Habsburg king. Maybe his Habsburg mother was a handy target. Of course, we know that Matilda had repeatedly taken a stand for her son against her brother, and even mediated in support of her son at the peace of Bensheim in the summer 1301²⁵. But this could also have been the problem, since from the point of view of the son, his mother had always been involved and therefore was somehow co-responsible for all the territorial losses, or for the fact that he had to share power with his little brother in the future. We might speculate a bit further: Matilda's

23 See A. Schmid's entry on "Rudolf I" in *Neue Deutsche Biographie* 22 which can be accessed via the NDB website.

24 Schlütter-Schindler, "Regis filia", p. 216.

25 Schlütter-Schindler, "Regis filia", p. 210.

kinship with the superior and powerful uncle and king might eventually have been perceived as the ultimate proof of disloyalty from the point of view of a son who ran from one defeat to the next. She could mediate and defend as much as she wanted, sooner or later, the son, who was always on the losing side, would identify her as part of his problem²⁶.

THE REJOICING THIRD: LOUIS, THE DUKE'S YOUNGER BROTHER

Finally, we come to the fourth acting person tangible in the sources: Louis, Matilda's youngest son. He was about 20 years old in 1302, unmarried, childless, co-regent as Duke of Bavaria since last year. Strictly speaking, it is inappropriate to give him an acting part in the event. It seems, he was just there – at least according to the sources available to Aventinus. And he is the only one who mentions Louis' presence in Schiltberg at the time of the abduction. Together with Matilda and the steward Konrad – Aventinus reports – Louis was captured, kidnapped, and brought to Munich. We are also told that Rudolf had also wanted to restore his sole reign in the duchy by claiming guardianship for his brother again, which he had already renounced in the peace of Bensheim in June 1301 (*er wölt füran seines brueders berzog Ludwigs vormund sein*)²⁷.

Practically nothing is known about Louis' prior to the summer 1302²⁸. He was the youngest child of Matilda and Louis II the Strict. When his father died in 1294 he was 12 years old, eight years junior to Rudolf, who together with his mother took over guardianship for the boy. A joint trip to Vienna in 1295 to the court of Albert I seems to indicate an agreement within the family. Perhaps a plan was drawn up in Vienna for Louis' further education at the court of Albrecht, to which Rudolf and Matilda as guardians would both have to agree. No trace

26 *Ibid.* See p. 204 regarding the mediation at the meeting in Pasing prior to the battle of Göllheim.

27 *Aventinus Bayerische Chronik*, Book 7, ed. von Riezler and von Lexer, ch. 76, p. 415.

28 See A. Schütz's entry on "Ludwig" in *Neue Deutsche Biographie 15* which can be accessed via the NDB website.

of opposition to the older brother can be derived from these events²⁹. In 1297, Louis appears in an atonement contract with Augsburg, which Rudolf concludes for himself, his mother, and his brother. Later in the year, he is also named as an ally in a contract which Rudolf concludes with the bishop, chapter, and city of Augsburg³⁰. Also in the spring of 1298, Louis appears in his mother's immediate surroundings in Freising and Weihenstephan, where they meet Uncle Albert who has meanwhile succeeded in winning the princes over and used the growing opposition against Adolf of Nassau for himself. Aventinus reports that Albert took along his sister and his nephew Louis when he met with his nephew Rudolf in Pasing with the aim of winning him. It is not unlikely that Albert wanted to use Matilda and Louis here as a pledge in these negotiations. However, the negotiations failed – according to Aventinus, this was also due to the bad influence of Rudolf's steward Schluder³¹.

Having stated already above that the older brother was not able to forge and use politically opportune alliances at the right time, the exact opposite might have been true for Louis. Maybe he was the one of the two brothers who had a good instinct for the right time early on. Perhaps the often lamented lack of knowledge concerning Louis' youth can be explained by the fact that Louis the Bavarian spent his youth as a nestling, a mother's son who started acting independently quite late in his life and therefore remained politically invisible for a rather long time. In particular, the question of guardianship is repeatedly raised as an example of the older brother's attempt to force Louis the Younger out of the race. It may well, however, have been the other way round. The 'boy' was already 19 years old when, in the summer of 1301, he received the co-regency as Duke of Bavaria in the peace of Bensheim³². Why does he still seal the Schnaitbach Charter in January 1302 with the seal of his mother and sister-in-law? This is explicitly recorded in the *Corroboratio* of the charter³³.

29 Schlütter-Schindler, "Regis filia", p. 202, comment. 108.

30 *Ibid.*, comment. 112 and 116.

31 Schlütter-Schindler, "Regis filia", p. 205, comment. 119.

32 His cousin, Frederick of Habsburg, first appears independently in 1303 at the age of 14. He privileges the Swabian monastery Zwiefalten. See C. Lackner, "Der erste 'österreichische' Habsburger. Friedrich der Schöne und Österreich", *Die Königerhebung Friedrichs des Schönen im Jahr 1314*, ed. M. Becher and H. Wolter-von dem Knesebeck, Cologne/Weimar/Vienna, Böhlau, 2017, p. 149-164, at p. 152, comment. 12.

33 *Monumenta Wittelsbacensia. Urkundenbuch zur Geschichte des Hauses Wittelsbach*, Vol. 2: 1293-1397, ed. F. M. Wittmann, Munich, Franz, 1861, p. 131-132 which can be accessed

Daz ouch disiv sache also stät vnd vnzerbrochen beleiben, geben wir zu vrchund disen brief mit vnserm innsigl, vnd ich vorgevanter Ludwig, wann ich aigens insigels nicht han, an gebilte vnserer lieben frawen und müter frawen Maechbilden und frawen Maechtilten mein vorgesprochen herczogen Rudolfs hausfrawen insigel versiegelten vnd geuestent.

To confirm this issue, we give this charter with our seal, and I, aforesaid Louis, because I do not have my own seal, use the seal of my beloved mother Mechtbild and Mechtbild, the wife of Duke Rudolf.

This passage might be read as the voice of a little brother who is not allowed to have a seal of his own. Maybe, however, this was not Louis concern at all: perhaps the future duke Louis is speaking here. A man who is neither in a hurry nor under pressure to act; a man who saves time and energy. Instead of fighting for his rights in the duchy, perhaps Louis preferred to continue using the resources of his mother and his sister in law. Until his late youth, he became visible mainly in Matilda's vicinity and possibly sailed quite skillfully in the royal Habsburg slipstream. Louis only begins to act independently after his mother's death in 1304.

By this time, Rudolf had already the experience of ten years as a duke behind him. Ten years in which he wanted to do everything right. He wanted to realize his late father's plans. He had assumed responsibility for the duchy, and also for his brother, who was still a minor. The obligation to divide rule in Upper Bavaria and the Palatinate had been pushed forward by Louis II. First, this concerned the eldest son from a previous marriage, who in 1288 was obliged to share power in the duchy with the sons of Matilda³⁴. Later, Rudolf felt obliged by this agreement to share power with his younger brother Louis. He took this obligation seriously by taking Louis on board as co-regent in the summer of 1301 in Bensheim. The little brother, though, did not find it necessary to mint his own seal as he was still in his Mother's care. She had a seal and everything else he needed. Only the entry in the *Chronicon Colmariense* points to a conflict between the brothers at the time of the Schnaitbach Charter. However, the reliability of the text is questionable: Matilda's sons are falsely named Rudolf and Otto, and the entry appears in the construction of oppositions "*iunior se contulit*

via the *Bavarica Digitale Sammlungen* website.

34 *Handbuch der bayerischen Geschichte* 2, ed. Spindler and Kraus, p. 140.

ad regem [...], senior conföderavit se episcopo [...]” to follow poetic literary patterns rather than political courses of events. The text also shows illegibility in the handwriting³⁵. In any case, it seems unsuitable to derive an opposition between the brothers from this passage regarding the power in the duchy or even a “consistent disregard of Louis’ equal rights” on the part of Rudolf. The claim that this enmity between the brothers had been artificially ignited by Matilda, the Habsburg mother, is even less tenable, even if it is repeated in many accounts of the story³⁶.

Surely there was competition! Does it not exist between all brothers? The assumption could be made, though, that the brother conflict between Rudolf and Louis was rather based on what behavioral biology calls “differential parental investment”, also known as the “Jacob and Esau syndrome”: two brothers, two stories. The elder, Esau, is the first born and thus the successor. He has everything it takes. He is Papa’s darling, strong, a good hunter, equal to the rigors of life, the rightful heir. The younger, on the other hand, spends his childhood and youth on his mother’s skirt and seems to be no real competition until he suddenly steps out of the shadow of his mother and cunningly and successfully takes away the birthright of the elder. It was Jacob, the little brother, whom God had picked to be the ancestor of the chosen people. This presents a pattern of sibling competition that turns the “grace of late birth” into the “disgrace of early birth”. The younger one is the blessed. Everything comes naturally to him. The elder, who had to work hard for everything, is denied this grace.

Louis was by far the more successful of the two brothers. When Rudolf died in 1319, at the age of 45, the little brother was already king, had defeated the army of his Habsburg cousin Frederick the Fair at Gammelsdorf in 1313 and was elected king in the following year – without the voice of his brother. In 1315, Rudolf acknowledged his brother as king, then rejoined the opposition around 1317, only to leave the government of Bavaria and the Palatinate to his brother shortly afterwards. Although a compensation agreement was concluded later, Rudolf essentially waived his claims to power in Bavaria and the

35 P. Jaffé, “Chronicon Colmariense 1218-1304”, *MGH SS 17*, ed. P. Jaffé, Hannover, Hahnsche Buchhandlung, 1861, p. 240-270, at p. 268; take for comparison *Handbuch der bayerischen Geschichte* 2, ed. Spindler and Kraus, p. 140.

36 *Ibid.*

Rhineland-Palatinate. He stayed in Heidelberg and in the meantime also in Vienna before he died in 1319. Whether he did in fact spent his last days in England remains uncertain. Aventinus is the first to report this.

This is the end of a truly unhappy fate granted to this hapless older brother. That he stammered during his lifetime cannot be proved, but that he should go down in history as Rudolf the Stammerer. In contrast, his little brother is still known today, simply as Louis the Bavarian, the emperor who defied the Pope. Maybe this story could be read as a further confirmation to the theory of the “disgrace of early birth”.

Only in the *Longue Durée* this theory was refuted. In the house contract of Pavia 1329 the Palatinate and Bavaria were divided: Louis' heirs received Bavaria, Rudolf's heirs the Palatinate. When the Bavarian line of the Wittelsbach family died out in 1777, the Palatinate line stepped in to inherit: Charles Theodore, an 18th century descendant of Rudolf, united the Electoral Palatinate and Bavaria under the Rudolphine rule after 450 years.

CONCLUSION

Back to the question what prompted the Duke of Bavaria and Count Palatine of the Rhine to kidnap his poor old mother from Schiltberg Castle in June 1302. The political motives discussed amongst historians seem to be valid. We here suggested to add some more psychological aspects, such as tensions between mother and son, that resulted out of the genealogical proximity of Mathilda to Rudolf's favorite enemies, the Habsburgs. The generosity of the mother as a benefactress to monasteries seems more of a pretext for Rudolf's violent outbreak. In contrast, the family honor might have had a heavier weight. Rudolf's alleged accusation of infidelity against his widowed mother calls back to mind that already Rudolf's father Louis had had his first wife beheaded on suspicion of infidelity. Finally, there is, what we might call the “Esau and Jacob” syndrome: competition amongst two unequal brothers: Rudolf the Stammerer, the Elder, a young duke pursued by misfortune and failures, rebels against his fate as the eternal loser, in sight of the

younger brother, whose guardianship he had exercised responsibly for years, only to realize eventually that the little one obviously moved much more light-footedly and light-heartedly, and that he was much more skillful in pushing forward the Wittelsbach interests in the slipstream of his Habsburg relatives.

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