Section III: **Compromise in Europe**

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Behind the Facade? Some Remarks on *Consensus* and the Possibility of Other Forms of Decision-Making in Medieval Narrative Sources

1 Introduction

Searching for compromises is challenging, both for those who seek to reach them and for historians who wish to identify them retrospectively in historical events.[1] This also – or perhaps especially – applies to medievalists who want to trace compromises in their medieval sources.[2] It seems to me that scholars of medieval history have a number of conceptual and methodological pitfalls to navigate in this endeavor. This essay aims to address some of them, though without being able to offer conclusive solutions.

First and foremost, medievalists have to decide what they mean by the term "compromise." They could leave this decision to the sources and only speak of compromise where the authors of the sources use words like *compromissio*, *compromissus*. For an analytical approach, however, this method does not seem to be advantageous. *Compromissio* and *compromissus*, which lexically denote a joint or mutual promise, are very unspecific in medieval literature and describe, as far as I can see, a broad variation of multilateral agreements or arrangements (see Antony et al. 1999: 1118–1120).

Therefore, it seems much more productive to differentiate between the language of the sources and the analytical concepts we employ. In order to really open up the potential for new insights into the formation and functioning of compromises in the Middle Ages, it is advisable to start from a clearly defined concept of compromise that analytically distinguishes itself from other forms of agreement in medieval political practice, but that does not necessarily correspond to the language of its sources. Such a concept is offered to us in the understanding

1 This essay is based on the expanded manuscript of a paper I delivered on July 14, 2023, during the workshop "Kompromisse im Mittelalter, Teil III," organized by Jan-Hendryk de Boer, Shigeto Kikuchi, and Jessica Nowak. Therefore, the references in the text are kept very brief. This applies in particular to references to the rich scholarly discussion about the twelfth-century text discussed in this chapter. See also footnote 9 for this.

2 See de Boer and Westphal 2023: 144–145, who point out that compromise has been relatively underexplored in the field of medieval history.

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of compromise formulated by scholars in the project "Cultures of Compromise." Compromise can thus be understood as a form of agreement or collective decision-making based on partial, larger, or smaller concessions being made by all the parties involved, thereby postponing parts of their claims without the parties fundamentally abandoning them. Compromise has been described as a technique of conflict regulation, where the conflicting positions remain, which is why dissent, in its potential for open conflict, is only defused but nevertheless persists in latency (see Schneider and Willems 2023: 3–5; de Boer and Westphal 2023: 144).

It is at this point, from the medievalist's perspective, that another significant challenge arises in the search for compromises. In research on political culture and, in particular, decision-making practices in the Latin Middle Ages, the term *consensus* is much more prevalent in research than *compromise* (de Boer and Westphal 2023: 144). It has found a firm place in the study of medieval political culture, at the latest since Bernd Schneidmüller described consensus or "consensual rule" as a fundamental functional principle of medieval rule and the decision-making processes of medieval elites in a paradigmatic essay published over twenty years ago (Schneidmüller 2000). Schneidmüller compiled a series of sources that demonstrate that every ruler's decisions were inherently dependent on a consensus being reached by specific elites among the governed. The evidence from the sources presented by Schneidmüller and subsequent research associated with him has revealed that rulers in the Middle Ages – not only within the Holy Roman Empire – actively involved the magnates of their domains in their rule and repeatedly sought and obtained their consensus when making decisions. We now know that consensual interaction between all those involved in decision-making was a crucial precondition for peaceful coexistence in a political order that could be fragile and could find itself under threat at times.

Such dependence on consensus among magnates applied to the king of the Holy Roman Empire in particular. In Schneidmüller's terminology, consensual rule in this context means that the king did not hold dominion over the realm all alone, but ruled the realm in consensus with his princes and on the basis of the consensus of the princes (Schneidmüller 2000: 54). The shared participation of the king and his princes in ruling the realm and the princes' right of consensus meant that the king was obliged to constantly ensure that the princes approved of his decisions and his exercise of power. On the side of the princes, this corresponded to a claim to participate in the king's rule and to be heard and involved in decision-making (Schneidmüller 2000: 81). Thus, the king could not make decisions arbitrarily; rather, he could only act in conjunction and agreement with his princes (Schneidmüller 2000: 54). This form of consensual participation by the princes in the king's rule over the realm was also a result of the understanding that the king alone could not ensure the peace and integrity of the realm, but re-

lied on the princes and their participation in its governance. The king and the magnates thus formed a community of consensus that ensured the peace and continuity of the realm (see Schneidmüller 2000: 72).

The status of consensus as a fundamental functional principle of medieval politics, especially in the decision-making of medieval elites, has not been fundamentally questioned since Schneidmüller's paradigmatic essay.[3] However, it has been pointed out that an analytical focus on consensus formation must not be allowed to obscure the competition and conflict that took place among decision-makers (Patzold 2007). Furthermore, it has been suggested that a modern analytical concept of consensus cannot be derived solely from the conceptually undifferentiated language of medieval sources, in which Latin terms such as *consensus*, but also related terms such as *unanimitas* or *concordia*, are used with a wide range of meanings and some ambiguity (see de Boer and Westphal 2023: 144–145). Thus, an analytical concept of consensus that relies too heavily on the terminology in the sources carries the risk of blurring the distinction between different forms of agreement (see de Boer and Westphal 2023: 144–145).

However, as historians, we should indeed differentiate. In order to arrive at an analytical concept of consensus, we can define it as a form of agreement or decision-making in which existing dissent or conflicts are resolved after a successful negotiation process by all parties agreeing on an outcome that the parties involved regard as correct or true (see Schneider and Willems 2023: 3). This is clearly very different from compromise, where all participants make more or less painful concessions to reach an agreement, but fundamentally maintain their own different positions. Therefore, we should not equate both forms of agreement with one another, as consensus and compromise not only represent very different decision-making outcomes but also come about in very different ways.

So, does this mean that consensus and compromise are mutually exclusive? That is, where we encounter the much-invoked *consensus* in the sources, can there be no compromise? Or do we have to draw the conclusion from the aforementioned conceptual ambiguity of the sources that some of the passages in which the authors of medieval sources write about *consensus* might actually be hiding a compromise?

The following considerations aim to explore paths through this field of problems, which is why they do not intend to reconstruct or analyze compromises in the Middle Ages. Rather, I would like to formulate some more fundamental

3 However, evidence of the fact that consensus continues to be intensively discussed in medieval studies is provided, for example, by the 43rd Cologne Mediaevistentagung in 2022, which also focused thematically on "consensus."

source-critical and methodological considerations about how we, as medievalists, can and must deal with the dominance of consensus, both in terms of research paradigms and in the language of the sources, if we want to trace agreements and conflict resolutions going beyond consensus – of which compromise is one variant. To do so, I will first delve deeper into my previous considerations about the possibility of different decision-making and conflict-resolution processes in the political practice of the Middle Ages, which was based on the precept of consensus. In doing so, I aim to draw some theses relating to the task of working with medieval narrative sources. In the second part of this essay, I will put my theses to the test by looking at the *Narratio de electione Lotharii*, a famous and much-discussed text from the twelfth century that impressively captures the dynamics of the precept of consensus and potential conflicts during a royal election in the twelfth century.

2 A Political Culture of Consensus – No Room for Dissent?

Bernd Schneidmüller emphasizes that words like *consensus* or *unanimitas* in medieval sources are not merely rhetorical flourishes. Indeed, if we follow the narrative sources that report on the political events that took place at the gatherings of the realm's elites, we might initially get the impression that the consultations between the king and the princes, as well as among the princes themselves, were generally harmonious. In historiographical texts and in the narrative parts of charters – referred to as *narrationes* – we often not only read about the magnates' *consensus* but also find statements that emphasize that a decision was made by the rulers of the realm *unanimiter* or *concorditer*. Such unanimity corresponds precisely to the definition of consensus as an agreement reached by all decision-makers on a solution that they all equally regard as true or correct.

This raises the question of whether, in a medieval political culture based on the principle of consensus, compromise could not be an acceptable solution for the parties involved. Were political leaders in the Middle Ages actually inherently incapable of any kind of compromise? This seems plausible, at least if we regard compromise, as mentioned above, as a technique distinct from consensus, where the parties fundamentally adhere to their conflicting positions but temporarily suspend the conflict (without resolving it) by partially abandoning their claims. Understood in this way, compromise is not associated with harmonious unity; rather, the term refers to a decision, possibly achieved through tough negotiations and positional struggles, involving certain concessions being made by all

parties, which may be more or less painful. Any potential for dissent among the parties is thus postponed but not fundamentally resolved into consensus. Did the precept of consensus in medieval decision-making practice extend so far as to render such techniques of agreement outside the realm of possibility for the parties involved?

Such considerations should not be dismissed as trivial matters. Analytically, the problem is unlikely to be solved by indiscriminately equating the maintenance of consensus between the king and the princes with the sometimes necessary reaching of compromises, or by merging compromise into consensus. There are good reasons to uphold a conceptual differentiation between consensus and compromise, and to prevent the boundaries between these different phenomena from blurring.

Consultation between the magnates could result in "real consensus" in the sense of a decision unanimously perceived as correct by all, or it could result in the decision-makers realizing that they would not be able to fully enforce their respective claims and therefore agreeing to concessions, leading to a compromise as the second-best solution. This significant difference pertains not just to the specific individual outcome but also to the process of reaching an agreement, as well as any subsequent actions on the part of participants (therefore making it important for further developments). Because a compromise can only temporarily defuse a conflict, without fundamentally reconciling the different positions, the conflict can resurface at any time if the sustainability of the compromise is called into question due to a change in conditions or if one of the parties believes that its chances to realize its claims have improved. In other words, compromise and the containment of conflict that it achieves can only endure as long as all parties consider the compromise to be a better solution than any possible alternatives. However, shifts in power dynamics or a change in circumstances can lead one of the parties to instead consider the continuation of open conflict as the better alternative.

Consensus and compromise are thus not only achieved differently but also lead to different outcomes in terms of their conflict-regulating potential and scope, and they may also result in the participants proceeding to carry out different actions and strategies. As medievalists, if we aim to interpret and contextualize an agreement among the elites in terms of its formation and historical consequences, it is important to clearly understand what form of agreement was reached in a given case. This raises the question of the possibility and location of compromises within the supposedly consensus-based political culture of the Latin Middle Ages all the more urgently. In order to answer this question, we must clarify where consensus-based decision-making processes among magnates harbored the potential for the kind of conflict that would jeopardize consensus, which

could become so significant that consensus failed, necessitating other decision-making and conflict-regulation techniques such as compromise.

In this regard, however, we are confronted with a problem, particularly in sources of a narrative nature – and this applies to purely narrative sources such as chronicles as well as to the narrative elements of other sources such as charters. In such sources, we typically only learn about the decisions made by the elites *ex post facto*, which is why the authors' focus often leans more heavily toward the final result of the decision-making process. How and by what means an agreement was reached is conveyed by the authors less frequently. The specific course that tough negotiations took and how conflicts were actually resolved often go unmentioned in the sources – for obvious reasons, this especially applies to charters, which fixed the results of such decision-making processes for the long term, perhaps even more so than historiography.

Of course, we know from a number of sources that gatherings of the elites were not always as harmonious as they might appear. Nor is it a secret that, in some cases, considering the circumstances and the motives of the participants that can be reconstructed, we must embark on a laborious, conflict-laden search for a decision that could challenge the consensus and that, in some cases, was presumedly much more likely to result in a painful, but nevertheless conflict-regulating compromise.[4]

Do such cases not represent a breach of the principle of consensus? Why, then, do the sources repeatedly report on unanimity among the parties – even when the seemingly irresolvable conflict is explicitly addressed? In some cases, we can harbor reasonable doubt that the negotiation and its specific outcome were characterized by the *unanimitas* of all parties emphasized by the authors. This poses significant challenges when trying to identify processes of compromise and other decision-making methods beyond the feasible limits of consensus in such texts.

One frequently given explanation for authors' insistence on *unanimitas* and *consensus* among participants is the idea that the sources in many cases merely construct "consensus facades" or "consensus fictions," concealing the real processes, conflict, and painful compromises and instead conveying the ideal of harmonious unity advocated by the author.[5] Behind this lies the consideration that,

4 I regard the resolution of the conflict over the Duchy of Bavaria between Henry Jasomirgott and Henry the Lion in the *Privilegium minus* of 1156 as an example of such a compromise involving (very unequal) concessions. On the *Privilegium minus*, see Appelt 1973.

5 For example, this is the rationale that Knut Görich provides for the textual composition of the *Privilegium minus* and the contemporary historiographical reception of the events leading up to it; Görich 2007: 33–35.

in a consensus-based political culture like the Latin Middle Ages, a decision reached amid unresolved dissent or even open conflict had a significant legitimacy deficit. It is therefore plausible that, in their narratives, the authors of chronicles or charters who sought to portray a ruler's actions as legitimate generally emphasized that the nobles had made the decision while adhering to the principle of consensus (see Görich 2007: 35).

Moreover, research has shown that highly charged terms such as *consensus* and *unanimitas* were utilized by medieval authors to portray a positive or negative image of the protagonists in their accounts. The magnates' desire for consensus and concerns for unanimity were thus an ideal that authors were not only aware of but also dynamically employed in terms of the tendency and intent of their texts, just as they did portrayals of the inability to reach consensus or tenacity in conflict (see Patzold 2007: 97 and 104).[6]

Despite the evidence underlying these observations, with this essay I aim to develop another possible interpretation. This interpretation derives its explanatory potential less from the inference that authors were deliberately omitting or distorting their accounts of events. Instead, my thesis is that, for the authors, sustained dissent, open conflict, and even compromise formation did not necessarily disrupt consensus-based interactions between the magnates to such an extent that they had to consciously embellish, conceal, or hide them behind facades. From the perspective of medieval writers, the required consensus could also be realized on a different level than unanimity about the specific decision. In other words, to achieve consensus and unanimity, it was not necessary for all decision-makers to be of the same opinion, or for them to even find a definitive, long-term resolution to their opposing viewpoints. My thesis draws on both existing knowledge about voting and election procedures in the Middle Ages and observations made from a more political-science-based perspective on contemporary decision-making processes.

Historians have been able to demonstrate that medieval election and decision-making processes were, at least until the twelfth century, generally governed by the ideal of *unanimitas*, which was, according to Werner Maleczek, a "moral postulate" that had been already advocated in patristic texts (Maleczek 1990: 81). The demand for unanimity was primarily based in religion: a unanimous election was a sign of divine will or, in the case of theological or canonical decisions, of orthodoxy. Therefore, according to Maleczek, the ideal of unanimous election was

6 According to Patzold, even the discussion of consensus itself has been an instrument of political power bargaining. This is confirmed by Jan-Hendryk de Boer, who demonstrates that popes actively used writing about consensus in their letters to manage their options and agency; see de Boer 2024.

inseparably linked with the idea of divine grace (Maleczek 1990: 82–86).[7] This might have been particularly true in the Holy Roman Empire, where kingship was not inherited according to a dynastic principle; rather, the new king was elected by the princes (see Maleczek 1990: 85–100; Schneidmüller 2000: 83–84).[8] However, unanimity could be achieved in different ways, too. We know of processes where success depended on real unanimity, with dissent posing a serious risk of failure. In addition, there were decisions based on the principle of majority, where it was expected that the losers would adhere to the majority decision after the vote, thereby establishing unanimity among decision-makers in a second step once a decision had been made that was itself non-unanimous (see Maleczek 1990: 88–97). Another way to deal with dissenting voices without violating the principle of unanimity was to appoint a smaller group of compromisers in an *electio per compromissum*, whose decision was binding; or to utilize the principle of *sanioritas*, which assigned different weights to the participants' votes based on factors such as authority or practicality, effectively marginalizing a certain portion of the decision-makers (see Maleczek 1990: 105–109; Flaig 2013: 131–132).[9] Still, in the twelfth century, authors were able to characterize the outcomes of such processes as being shaped by *consensus* and *unanimitas*, and they were apparently accepted as such by participants, long before later chronicles felt the need to whitewash their

7 However, Maleczek has shown that this postulate of unanimity successively lost its binding nature in elections during the High Middle Ages, especially within the Church; see Maleczek 1990.

8 Because the elective monarchy in the Empire certainly created a unique setting for the formation of consensus and compromise between the king and the princes, and since the following considerations in this chapter have been developed based on the specific situation of electing a new king of the Empire, it is important to emphasize that I do not claim that the findings of this study are applicable to other fields; rather, they should be scrutinized. Moreover, it must be pointed out that, in the case of the election of the King of the Romans as well, a majority-based decision with unresolved dissent among the electorate became an accepted outcome in the later Middle Ages, at the latest with the formation of the group of the Electoral Princes. The Golden Bull of 1356 definitively established the majority principle for the election of the king. Unanimity as a governing ideal during the royal election can thus be confidently asserted for the twelfth century, but it was not a binding principle throughout the Middle Ages. This means that there is also a temporal limitation to the theses and findings of this study.

9 This chapter takes up some of the historical and praxeological investigations into majority decisions carried out by Egon Flaig (2013). However, Flaig's contributions to current political and societal debates are not part of the considerations outlined here.

decision-making processes by manipulating or embellishing their narratives (see Flaig 2013: 128–132).[10]

This demonstrates that terms like *consensus* and *unanimitas* in medieval sources are at the very least multifaceted and complex, because both could come off in quite different ways. The development of such diverse methods for translating dissent into consensus also highlights how binding the precept of consensus was in decision-making and electoral processes for both decision-makers and observers until at least the twelfth century. However, transforming processes based on majority or *sanioritas* into a unanimous decision in a manner accepted by both decision-makers and observers required more than just a general obligation to assent based on an abstract idea of the precept of consensus. Rather, we can assume that the same principles that Egon Flaig has emphasized in relation to modern processes of consensus apply here too. Flaig has stressed that consensus should not be equated with the absence of dissent or unanimous decision-making. Instead, consensus arises when a decision reached at the end of deliberations is accepted by all decision-makers to the extent that that they consent to supporting the outcome of the process, even if it does not correspond to their own initial standpoint. This can also be a method based on the majority principle or on the unequal weighting of votes (e.g., going by expertise) – if all participants agree unanimously on the binding character of the outcome of the process for everyone, these procedures can be translated into consensus. According to Flaig, this requires a "disposition to yield" from all participants, which means, on the one hand, that there must be a willingness to abandon one's own standpoint in favor of consensus while, on the other, those yielding must be certain that they will not suffer loss of face, ridicule, or any other kind of disadvantage for yielding (Flaig 2013: 41–51). Yielding and departing from one's own claims often occur performatively and publicly. In order to proceed while maintaining dignity, this aspect must also be institutionalized within procedures and consistently practiced by the participants in their decision-making processes (Flaig 2013: 42).

In Flaig's terminology of consensus, the principle of consensus is not established through unanimity on a matter, but by unanimity on the idea that a particular procedure should lead to a decision that is binding on all and supported by everyone. There is a remarkable opportunity for medievalists to expand their understanding of consensus in this regard. Despite the necessary differentiation, it is worth considering whether we also need to expand our understanding of consensual decision-making in the Middle Ages to include the possibility that *consen-*

10 The principle of open majority, where no final unanimity was required, became prevalent after the twelfth century.

sus among decision-makers, as it appears in the sources, was sometimes only achieved through unanimity regarding the procedure and the binding character of the outcome. Above all in the examples of decision-making and election procedures in the medieval Church compiled by scholars like Werner Maleczek and Egon Flaig, where unanimity was ensured through an obligation on the defeated party to assent, it appears that the first and most important prerequisite for resolving dissent through the yielding of the defeated parties was a consensus on how decisions were going to be made and on the binding nature of the outcome (see Maleczek 1990). If the authors themselves do not inform us about the procedure that preceded the decision, their assertions of *consensus* make it difficult to definitively judge whether and to what extent dissent occurred and how it was addressed in order to achieve consensus.

This makes the sources that do tell us about dissent, the necessary negotiations, and the open conflict that preceded unanimity all the more interesting, as they provide us with an impression of how consensus could be achieved in a situation of prevailing dissent. In other words, they allow us to discern the possibilities that existed to regulate dissent and conflict within an assembly of elites that observers were still able to retrospectively characterize as consensual and unanimous. In this way, we can indirectly gain insights into the extent to which the consensus-based political practice of the Latin Middle Ages was able to integrate dissent, and possibly even ongoing open conflict, as long as there was unanimity regarding the decision-making procedure. This directly raises the question of whether there is a chance for us to identify "non-consensual" decision-making methods such as compromise, which the authors of medieval sources who so often emphasize consensus merely narratively embed within consensus on decision-making procedures.

Finding answers to this question has the potential to make an important contribution to adding further nuance to the concept of consensual rule for the Middle Ages. Moreover, it can help to uncover, within the bounds of the medieval understanding of *consensus* and *unanimitas*, the forms of conflict resolution that we would not analytically describe as consensus-building on the substantive level. At the outset of this chapter, I argued in favor of analytically differentiating between consensus and compromise, and understanding them as different phenomena. On the search for a practice of compromise in the Middle Ages, we must nonetheless ask where it might have its place in narratives focusing on *unanimitas* and *consensus*. To put this approach to the test, I would like to draw on the remarkable testimony of a conflict-laden decision-making process from the twelfth century, which provides us with an exceptionally detailed narrative of the process that led to the final decision.

3 Putting It to the Test: An Assembly of Princes Quarreling for Consensus

The text that I will now discuss is the *Narratio de electione Lotharii* (hereafter referred to as the *Narratio*), an account of the election of Duke Lothar of Saxony to the position of King of the Holy Roman Empire (who was simply called *rex Romanorum*, King of the Romans, in this period) in the year 1125.[11] The *Narratio* presents us with a particularly suitable example through which to examine the narrative portrayal of a situation characterized by the tensions and potential conflicts of consensual decision-making in the High Middle Ages.[12]

Emperor Henry V had died childless in Utrecht in May 1125. In late August of that same year, the imperial princes gathered in Mainz to elect a new king. This election has often been interpreted as a moment that shaped princely power in the Empire, as in late summer 1125, after the extinction of the Salian dynasty, the principle of the king being freely elected by the princes definitively prevailed. Although Henry had appointed Duke Frederick II of Swabia as his personal heir, he probably had not designated him as his successor to the throne. Henry V's death without a designated successor thus gave the princes great freedom to choose the new king. For the electors, this was also an opportunity to put an end to the rule of the Salians, who had aimed to expand royal power at the expense of the princes. Moreover, they had been perceived as crisis-ridden due to ongoing conflicts with the papacy and recurring opposition within the empire (see Schlick 2001: 83). Thus, the initial situation of the 1125 royal election was marked by the role of the imperial princes as potentates in the empire and the significance of their community of consensus in maintaining peace and integrity within it (see Schneidmüller 2008: 171; Rogge 2010: 22–25).

However, this community was also put to the test when the election was overshadowed by a considerable potential for conflict, which, as the following story

11 All page references in citations from the text refer to the edition by Wilhelm Wattenbach (1856) in the *Monumenta Germaniae Historica*. The text is divided into short, numbered chapters. In order to make it easier to consult the quoted passages, the chapter numbers have also been provided before the page numbers.

12 There is extensive research on the *Narratio*, particularly regarding questions of its reliability for reconstructing the events of the 1125 royal election and for situating the reported events within the political history of the Empire in the twelfth century. Because this chapter addresses the narrative aspects of the text and keeps the annotations brief, reference to this research is only made where it addresses these narrative aspects. For a broader political contextualization of the *Narratio*, see Sproemberg 1960; Stoob 1974; Reuling 1979: 143–173; Schmidt 1987: 34–59; and Schlick 2001: 83–95.

illustrates, did not lead to a unanimously supported outcome that balanced the various interests.[13] The – according to the *Narratio* – unanimous election of Lothar of Saxony as King of the Romans by the princes led to the formation of a Staufen opposition to the elected king, culminating in the crowning of a Staufen anti-king, and also sparked a conflict between the Staufen and the Welfs that would go on to significantly shape imperial history in the decades that followed.[14] It was precisely the open-endedness of the election and the political possibilities it entailed that resulted in immense conflict potential. When the princes gathered in Mainz in the late summer of 1125, their consensus was seriously under threat (see Schneidmüller 2009).

For this inquiry, we are lucky to have the text of the *Narratio*, a detailed Latin account of the events that transpired in Mainz written by an unknown author. It not only informs us about the outcome of the election but also describes the nobles' decision-making process leading up to the actual election. This work has been uniquely preserved in a manuscript from Göttweig Abbey in Austria that was created decades after the election took place.[15] While the text itself was long thought to be a report by an eyewitness to the election, it has been suggested based on the manuscript evidence that it was composed significantly later than the events it describes.[16] Bernd Schneidmüller has advocated dating the composition of the *Narratio* to the third quarter of the twelfth century and no longer treating it as an eyewitness account that can be used to reconstruct the actual events, but rather as a product of historical imagination and "guided" or "composed memory."[17]

13 On the election's conflict potential, see Schlick 2001: 89–90.

14 Werner Hechberger has provided significant nuance to the notion of the "Staufen-Welf conflict" that purportedly shaped the twelfth century; see Hechberger 1996.

15 Christian Lackner dated the Codex to between 1150 and 1170. For further discussion on the dating of the manuscript and the work, see Lackner 2015: 243–245.

16 Hermann Kalbfuß initially dated the text to the later twelfth century (see Kalbfuß 1910). Heinz Stoob disagreed with Kalbfuß and classified the *Narratio* as an eyewitness account, possibly written before 1147, likely even before 1137 (see Stoob 1974). The scholarly community has long followed Stoob's assessment. The discussion about the dating of the work and its sole manuscript has been repeatedly fueled by the fact that the *Narratio* contains a conspicuous interpolated text by another scribe who worked on the Göttweig manuscript concerning the Church's freedom from royal interference (see Narratio: 511–512).

17 Due to the negative portrayal of Frederick II of Swabia and the clearly connotated depiction of the relationship between the king and the imperial bishops (including the aforementioned interpolation), Schneidmüller situated the *Narratio* within the context of the conflicts that Archbishop Conrad II of Salzburg had with Barbarossa in the 1160s. According to Schneidmüller, it represents the "memory construction" of a reform-oriented cleric aligned with Conrad (see Schneidmüller 2008: 169, 173; 2009: 42–46).

Thus, how much we can learn about what actually unfolded in Mainz in late summer 1125 from this text – which may have found its way onto parchment decades after the election – remains at least questionable. The value of the *Narratio* in this context has more to do with its retrospective narrative retelling of the election process, which allows us to gain an impression of how its author interpreted the role of the nobles in Lothar III's election as king, their conflict-ridden decision-making process, and the eventual establishment of unanimity. In other words, it shows where and on what level an observer of the political culture of the nobles in the twelfth century saw the possibilities to build and preserve consensus, even when potential dissent seemed to prevail in the matter. Disregarding the question of its credibility in detail, the *Narratio* can be seen as an example that highlights how a medieval author, in his portrayal of a critical decision-making situation, narratively stages the tension between the necessity of a consensual election on the one hand and the significant potential for conflict among the electors of the king on the other hand, while still viewing the process as one ultimately characterized by unanimity. The text thus serves as an exemplary demonstration of how dissent could be resolved and unanimity could be achieved in a manner accepted by observers of the political practices of nobles and kings, and it illustrates to what extent maintaining consensus among all participants about the decision-making process could facilitate tolerance of dissent in a specific matter.

At the beginning of the text, the author informs us that never before have so many outstanding personalities gathered in any other imperial assembly as in Mainz. He lists an impressive array of clerics and laymen in attendance: papal legates, archbishops, bishops, abbots, monks, and provosts, as well as dukes, margraves, counts, and nobles. And, as he states, it is not the emperor's power, as is usually the case, but their shared duty to elect a new king that has brought all these ecclesiastical and secular princes together in Mainz (*Narratio*: 1, 510).

However, it soon becomes clear in the *Narratio* that the community of electors gathered in Mainz is not a unanimous one. The camps are divided, with one side of the Rhine occupied by the Saxons under Duke Lothar, along with Margrave Leopold of Austria and Duke Henry of Bavaria a bit upstream, while Duke Frederick of Swabia, along with the Bishop of Basel and the Swabian magnates, have taken up quarters on the opposite bank. Moreover, the text mentions that Margrave Leopold of Austria and Duke Henry of Bavaria are accompanied by a considerable number of knights. When the princes gather in the city for counsel,

Frederick stays away due to his distrust of the people of Mainz.[18] However, the *Narratio* tells us that he has already secretly been hoping for the crown: he has come not to elect, but to be elected (*Narratio*: 1, 510).

All the princes except Frederick gather in the city and pray for the grace of the Holy Spirit. Following this, ten "principes" [princes] from Bavaria, Swabia, Franconia, and Saxony are put up for negotiation as particularly suitable candidates, with all the others promising to assent to the outcome of the election.[19] However, these individuals do not definitively agree on which candidate to elect. Instead, they nominate three outstanding men as candidates: Duke Lothar of Saxony, Duke Frederick of Swabia, and Margrave Leopold of Austria. All the other princes are to choose which of them will be acceptable to all as king. Frederick is absent, but the other two candidates humbly decline the honor on offer (*Narratio*: 2, 510).

When Frederick hears that Lothar and Leopold have rejected the kingship, he, confident of his own election and blinded by ambition ("ambitione cecatus"), hurries to the assembly without an escort, ready to be chosen as king. Then, Archbishop Adalbert of Mainz stands up asks each of the three candidates whether they would obey "sine contradictione sive retractione et invidia" [without any contradiction or refusal and resentment] whoever is chosen collectively by the princes. Lothar and Leopold readily assure they will, with Lothar even requesting once more to abstain from the election. However, when asked by Adalbert to explicitly commit to the king being freely elected by the princes in the future – and thereby to renounce any right to designate a successor – Frederick does not answer, instead stating that he will first need to consult with his companions in the camp. Having noticed that the princes are not unanimously inclined toward his election, he leaves the assembly and does not return. The princes, for their part, have recognized in his unwillingness to answer Adalbert's question his excessive desire for power, and unanimously refuse to elect such an ambitious and power-hungry duke as their king (*Narratio*: 3, 510–511).

18 This remark alludes to the territorial hostilities that had taken place between Frederick II of Swabia and Archbishop Adalbert of Mainz since the reign of Henry V, which also shape the subsequent course of the royal election in the *Narratio*. On the conflicts between Frederick and Adalbert before and during the election council, see Sproemberg 1960; Stoob 1974; Reuling 1979; Schmidt 1987; and Haarländer 2000.

19 Whether the author of the *Narratio* is referring to a committee of ten from each of the four regions, totaling forty compromisers, or simply ten compromisers from the four regions altogether, is not evident in the wording. In an *electio per compromissum*, as it has been known since the eleventh century in the ecclesiastical context, a large group of forty compromisers would certainly have negated the advantages of the process – minimizing open dissent and securing the success of the process by reducing the number of votes.

Without Frederick and Duke Henry of Bavaria – Frederick's father-in-law, who is also absent – they gather the next day to elect the king. Adalbert then addresses the remaining two candidates again, asking whether they will each accept the election of the other as king and grant "concorditer et benigne" [harmoniously and willingly] their "consensus" on the person desired by the other princes. Both candidates humbly agree to this and sit down together on a seat. All the princes are then admonished to choose a king through common "consilium" [counsel]. Suddenly, a group of laymen lift Lothar onto their shoulders – despite his vehement disagreement and resistance – and proclaim him king (*Narratio*: 4, 511).

This untimely act of elevation inspires anger in many of the princes, especially the Bavarian bishops, who threaten to leave the assembly before a decision has been reached. Adalbert of Mainz and some other princes then order the door to be guarded so that no one can leave or enter. While the laymen inside continue to carry Lothar on their shoulders, the crowd outside, which is not involved in the election, attempts to enter to praise the new king. However, "dissensus" [dissent] begins to grow among the princes in attendance, which eventually also affects Lothar himself, who demands retribution for the attack on him. Meanwhile, the bishops angrily continue trying to break out of the assembly. Only the cardinal legate present and some other more prudent princes are able to calm the crowd and persuade them to return to their seats (*Narratio*: 5, 511).

The cardinal then issues a grave warning to the princes: if they do not return to the election, he will hold them responsible for all the devastation and arson that result from their "discessio" [withdrawal]. The Archbishop of Salzburg and the Bishop of Regensburg eventually seek to restore "concordia" between the parties, declaring that they are not willing to elect a new king without the Duke of Bavaria present. Moreover, the princes who had hastily elevated Lothar are called upon to provide redress to the royal candidate for the insult (*Narratio*: 5, 511).

After those involved have reconciled and Henry of Bavaria is finally summoned, the grace of the Holy Spirit unites the minds of all to one will, and Lothar of Saxony is raised to the throne "unanimi consensu" [with unanimous consent] (*Narratio*: 6, 511).[20]

20 The text subsequently includes a passage written by a different scribe in the only surviving manuscript, in which the author reports that the right of the church to free elections without the influence of the king had now been established. The king was only granted the right to receive the oath of fidelity and service from the elected bishops and to invest them with the staff of their regalia. As mentioned above, the passage and the notable manuscript evidence have given rise to much speculation about the origins of the text, its date of composition, and the intentions of its

Thus, Lothar, preferred by all, is chosen by all ("Denique rex Lotharius electus ab omnibus, expetitus ab omnibus [. . .]."). The following day, he attends the assembly of princes, where the princes present swear him an oath of fidelity, and he also receives the feudal oath and the "hominium" from the secular princes.[21] The princes, for their part, show Lothar due honor and receive their fiefs from him. Duke Frederick of Swabia recognizes that God has united the minds of so many great princes "contra spem" [against all hope] and therefore finally demonstrates due honor and homage to the king as well – albeit without accepting the monetary gift that Lothar had previously offered him for his homage. After everything has been settled, Lothar proclaims peace over the entire realm until Christmas and one year beyond, threatening harsh punishment to any disruptors (*Narratio*: 7, 511–512).

4 Conclusion

At the very beginning of the *Narratio*, the author draws a clear picture of a community of elite decision-makers, whose consensus will determine the fate of the empire. It is not a royal command, but their own shared awareness of their joint responsibility for the empire that brings the princes together in Mainz in unprecedented numbers. This motif of the princes' responsibility for the empire is also found in a surviving invitation to the election, which a number of ecclesiastical and secular princes issued in early June after the burial of Henry V in Speyer.[22] After the emperor's burial, deliberations on the state and peace of the empire were deemed necessary. However, Otto of Bamberg and some other princes were absent. The decision was therefore made to assemble in Mainz on August 24, 1125 (*Encyclica principum de eligendo rege*: 165). In addition to the princely responsibil-

author. However, since the passage is insignificant in my line of argumentation, I will not discuss it in any further detail here.

21 At this point, the author explicitly points out that Lothar does not demand "hominium" (homage). Homage, a ceremonial gesture constituting a feudal bond, would have implied a feudal interpretation of Lothar's relationship with the bishops and raised the question of the bishops' vassalage to the king. Regardless of the truthfulness of the claim that Lothar waived the homage, it is noticeable that the author considered it very important to highlight this point. For Bernd Schneidmüller (2008, 2009), these passages and the interpolation about the rights of the Church and the king were reasons for the aforementioned assumption that the *Narratio* was written by a reform-oriented cleric in the circle of Archbishop Conrad II of Salzburg.

22 The letter was edited as *Encyclica principum de eligendo rege* by Ludwig Weiland (1893) in the *Monumenta Germaniae Historica*.

ity for the empire, another important element emerges here that also plays a repeated role in the *Narratio*: the presence of all members of this community was a prerequisite for deliberations and decisions of such significance to the whole empire. Both in the *Narratio* and in the princes' invitation, one crucial aspect of the consensus principle in the actions of the princes is formulated: it was only through the collective and coordinated action of the decision-makers that peace would be secured throughout the empire and the empire would remain capable of political action (see Schlick 2001: 85).[23]

This was particularly true when the throne was vacant and the princes had to collectively administer the empire and peacefully transition to the rule of a new king. Dissent among the princes could escalate quickly during such critical periods, with devastating consequences for the empire. Thus, the election of a new king by the princes was highly dependent on consensus among the princes. The king's successful election therefore became a central element of the constitutional framework and of fostering a community of consensus between the new king and the princes, as well as among the princes themselves (Schneidmüller 2002: 221, 2008: 170).

A relatively indeterminate election without a designated successor like the one in 1125 also harbored significant potential for dissent and open conflict. The author of the *Narratio* candidly portrays this potential for conflict, with the rift within the princes' community taking literal form in the division of their camps on different sides of the Rhine. By abstaining from the assembly of voters, Duke Frederick of Swabia immediately breaks away from the princes' community of consensus at the beginning of the process.

The procedure that, according to our anonymous author, the attending princes first agree upon is remarkable. Here, for the first time in the realm, we hear of the principle of an "electio per compromissum" [election by compromise] in a royal election (Maleczek 1990: 108–109). The decision regarding the new king is delegated to a smaller commission, which is supposed to represent the tribes of the Empire – notably the Saxons as well, who had sometimes stood at a warlike distance to royal rule during the Salian period. Regardless of the truthfulness of this detail, it conveys the image of a princely assembly where there is no initial unanimity about a specific candidate (see Schlick 2001: 90). If the author of the *Narratio* was aiming for a "consensus facade," we might question whether he needed to mention this detail – especially since, as the subsequent text shows, the

23 In connection with the princes' community of consensus highlighted in the document, Jutta Schlick has pointed out that the letter was signed by both opponents and supporters of Henry V, between whose factions a deep divide had run during the reign of the last Salian (see Schlick 2001: 85).

procedure of compromise does not lead to the desired, clear result, but rather to extended ambiguity. On the other hand, the princes' determination to make a decision supported by all is clearly evident here, as they are willing to subject their vote to the decision of a smaller body. The crucial point in this context is their collective decision regarding this procedure and the commitment made by all of them to adhere to the election result chosen by the compromisers.

As we know, the process fails to achieve its intended goal, but the princes' efforts to establish unanimity regarding the binding character of the process and the election decision also shapes the subsequent course of events. In line with the expectations that voters had for the chosen candidate in a medieval royal election, the two remaining candidates repeatedly express their reluctance to become king, thereby publicly attesting to the fact that they are free of the vice of "libido dominandi" [greed for power].[24] Here, too, Frederick appears as the one violating a binding convention: he misinterprets the humility of Lothar and Leopold, and rushes to the assembly, full of ambition. When Archbishop Adalbert of Mainz demands from all three candidates a commitment to acknowledge the binding character of the princes' election decision, it is again Frederick who disrupts unanimity: unlike the other two candidates, Frederick refuses to agree, instead seeking to consult with his companions first. In doing so, Frederick turns the precept of consensus that characterizes the election upside down: in order to obtain the consent of his companions, he breaks away from the electors' consensus regarding the procedure.

Up to this point in the *Narratio*, we have only learned of the electors' unanimity regarding the decision-making procedure and the binding character of its outcome. We read nothing about the specific support offered by individual voters or even if there was unanimity regarding any of the candidates. The first mention of *unanimitas* regarding a concrete decision is in relation to the non-election of Frederick due to his openly displayed ambition. After Frederick's unanimous dismissal, the remaining two candidates once again promise to grant their consent to whomever the princes elect "concorditer et benigne." Here, consensus is also realized by adhering to an orderly procedure (about which we learn nothing more after the failure of the "electio per compromissum") and by acknowledging the outcome of the election. Again, we do not read anything about the necessity of unanimity among all voters regarding a certain candidate at all.

How quickly a violation of agreed-upon procedures can jeopardize the entire process is illustrated by the portrayal of some of the laypeople tumultuously lift-

24 On the ideal of the reluctant king, who thereby demonstrated that he was not greedy for power, see Weiler 2000.

ing Lothar upon their shoulders. By forestalling the communal election of the king, they destroy the consensus on which the election is based. The looming consequence of growing *dissensus* does nothing less than disrupt the community of consensus, as the first princes attempt to leave the election assembly. It is the disregard of some electors for the orderly electoral procedure, along with the subsequent withdrawal of some princes from this community that holds responsibility for the realm, that lead to the *discessio* of the election assembly that threatens to collapse the entire process. Only the papal legate and other clergy – who remind the princes of their shared responsibility and duty to elect a new ruler, painting a picture of the devastating consequences that their departure from consensus would have – have the ability to hold the community together and persuade the parties to once again achieve *unanimitas*.

When the *Narratio* reports that those responsible for Lothar's untimely election are asked to provide satisfaction to Lothar for their improper behavior (*Narratio*: 5, 511), it becomes evident how insulting and damaging to somebody's honor such a violation of the consensus on which an election was based could be – even for the chosen candidate. Keeping Flaig's remarks on the disposition to yield in mind, it can be inferred that the commitment to mutually respect *honor* was one part of the consensus on procedural norms, especially in potentially controversial and conflict-laden decision-making situations.[25]

Despite the satisfaction provided and the restoration of order in the election assembly, it is not possible to immediately resume the electoral process. Once again, it is the bishops who remind the participants that it is necessary to adhere to certain procedural commitments. The text makes it clear that a decision regarding a new king cannot be made without the absent Duke Henry of Bavaria. It is only after Henry has returned that the election can be brought to a conclusive result. We do not learn anything further about the deliberations or any dissent among the voters thereafter. Instead, the *Narratio* states that, after Duke Henry's return, the grace of the Holy Spirit ultimately unites the minds of all voters on the same will. This can be initially explained by the fact that the election of a medie-

25 The *Privilegium minus* provides a good example of this, as it represents a compromise in my view. After a years-long conflict over the Duchy of Bavaria, Duke Henry Jasomirgott had to yield to increasing pressure from Barbarossa in favor of Henry the Lion, who was finally granted Bavaria. However, to defuse the resulting potential for escalation, Barbarossa separated the Margraviate of Austria from the Duchy of Bavaria, elevated it to the status of duchy, and assigned it, along with a series of privileges, to his uncle Henry Jasomirgott. This action is explicitly justified in the corresponding charter, which states that it preserved "honor et gloria patrui nostril" [the honor and glory of our uncle]. See the edition of the charter by Heinrich Appelt (1975) in the *Monumenta Germaniae Historica*; see also Appelt 1973; Görich 2007.

val king required not only consensus among the princes but also divine will for its legitimacy. In medieval electoral processes, it was generally the *unanimitas* of the voters that provided evidence of the realization of divine will in the election. This is why, for a long time, procedures that did not ultimately resolve dissent with a general commitment to assent or by similar means were avoided (Maleczek 1990: 81–86; Flaig 2013: 128–130).

However, the brevity with which the author of the *Narratio* reports on the electoral community's decision-making process at this point, and the immediate transition to Lothar's actual unanimous election, can be explained not only by this general characteristic of medieval election reports but also by the author's specific style of presentation and the perspective he develops on the events. He does not conceal that there are strong tensions among the princes during the election. The separate camps on both sides of the Rhine, Frederick's absence, and the commitment to an election by compromise do not give the impression of an assembly of electors united on the question of who should be king. However, at no point does he report on the specific attitudes of individual voters or on any details of their deliberations on the most suitable candidate. What interests him is not the advantages or disadvantages of the individual candidates; rather, he directs his attention to the question of how a community of princes acting by consensus fulfill their responsibility for the realm in a situation of impending conflict. Their consensus manifests itself in their shared awareness of their duty to choose a new king in a manner that preserves peace and in their unanimity on the necessity of an orderly procedure accepted by all, where all parties commit to acknowledging the result of the election. Wherever we learn about concrete disputes in the *Narratio*, they arise from the departure of individual participants from the electorate's basic consensus.

After the tumultuous scene following the hasty election of Lothar by some laymen and the return of Henry of Bavaria to the electoral assembly, the framework of consensus is restored for the royal election. For the author of the *Narratio*, there might not have been any reason to describe the electoral process any further after that. More important to him was the restoration of the consensus community, which is expressed in the successful conduct of the election of a new king on whom all can unanimously agree upon. The author leaves open how the path to this decision might have been specifically shaped because it is less relevant to him than the fact that the princes' community of consensus collectively bears the decision and thus ensures peace within the realm.

Whether the election of 1125 also involved compromises between the electing princes, as some suggest, and whether Lothar, as a Saxon duke and former adversary of Henry V, was perhaps a compromise candidate for the princes who wanted to draw a line under Salian rule, are questions for another study. The

Narratio does not portray Lothar as such a compromise candidate. However, the fact that the *Narratio* does not portray him as particularly "expetitus ab omnibus" [desired by all] during the council, but only at the end of the process, is perhaps most evident in the late return of Henry of Bavaria to the electoral assembly.

We can only speculate about when and in what context the *Narratio de electione Lotharii* was written. Of course, this text only allows us to draw very limited conclusions about the actual events that took place in Mainz in the late summer of 1125. Therefore, it is hardly a suitable source for addressing the question of whether the election was actually determined by compromise. However, my engagement with it here has shown that medieval narrative texts reveal opportunities and spaces for forms of agreement and decision-making outside consensus, even when they continually emphasize the decision-makers' *consensus*. The author of the *Narratio* does not hide the potential for dissent of the electorate in Mainz. The fact that he can nevertheless describe the election as a successful act of consensual decision-making proves that the *consensus* reported in our sources could also be the decision-makers' consensus on procedures and observance of certain "rules of the game," without always requiring unanimity regarding the concrete decision.[26] If we want to trace forms of agreement in narrative sources that do not represent consensus in the analytical sense, we must understand those rules of the game and the extent to which *consensus*, so often invoked in the sources, was merely a unanimous commitment to their observance. However, this requires more than just trying to look behind facades.

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26 On the "rules of the game" in medieval political decision-making, see Althoff 1997.

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