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WILLIAM'S LAST TEMPTATION

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Služeći se pisanim izvorima i ostacima materijalne kulture, autor nastoji rekonstruirati pogrebne običaje plemstva i građanstva u slovenskim zemljama kasnoga srednjeg vijeka, te tako pokušava dati odgovor na pitanje: što se dogodilo s tijelom poginulog viteza Vilhelma Svibenskog (Scharfänberga), o čijoj sudbini izvori ništa ne govore?

The 14th of March 1293 was the Saturday before Judica Sunday. It was a symbolic name for the battle which happened on that day near the village Ruden in eastern Carinthia. The battle was a decisive act in a lasting conflict between a nobility party under the leadership of Count Ulrich III of Heunburg, archbishop of Salzburg, bishop of Bamberg and Bavarian duke, and the allies of the Carinthian duke Meinhard of Tyrol-Gorizia and Styrian Albrecht of Habsburg.

A division of Carniolan adventurers took part in the battle on the side of Count Ulrich. Their leader was the perpetually-young William I of Svibno (Schärfenberg), a friend of many intriguers, subverters and rebels between the Danube river and the Adriatic.¹ William was a follower of Meinhard until the summer of 1292, when he responded to the recruitment of the Count of Heunburg. He was of a furious character, inclined to imitate the ideal chivalric life and the incredible distortions of

Iwein and Parzival. He was inspired by his own family. His brother, Leopold I, was among the best and most progressive minnesängers in the southwest of the Holy Roman Empire.² The family of Svibno was, from the 12th to 14th centuries, the most respected in Carniola. Formally a ministerial family, they were numerous: a few of the members were in the local monasteries, some in military service, some managing local domains, some were comfortably anonymous.

According to the statements of a well-informed contemporary and chronicler, William came at the beginning of March 1293 with the Carniolan warriors to help Count Ulrich. He lodged in the Griffen castle, above the identically named borough where the rebels had their seat. The arrival of William did not remain unnoticed by the prince, Oto, who ordered the both court Marshall Henry Told and ally Conrad of Aufenstein to attack Griffen. The clash of arms took place on Wallers-

¹ A. Jaksch, *Geschichte Kärntens bis 1335*, II. (Klagenfurt 1929), 123-136.

² A. Janko, *Der von Suonegge, der von Obernburg, der von Scharpfenberg - trije nemški viteški liriki s slovenskih tal* (Obdobje srednjega veka v slovenskem jeziku, književnosti in kulturi, Ljubljana 1988), 171 etc.



berg near the afore-mentioned castle. The mortally-wounded William of Svibno was found on the battle-field, presumably by Conrad of Aufenstein. The united allies then plundered the domains of Counts of Heunburg in all provinces and forced Count Ulrich in June 1293 to surrender to the Habsburgs and Tyrolians.³

This introduction about the battle would not be necessary for discussing death and family if William had not been killed in the battle. He was a thorough-bred, "full-blooded" Carniolan knight who could link entertainment, chivalrous ideals, and life. A spectacular death "became" to his prestige. William's popularity was such that even his ordinary but cruel chivalric death helped to create a legend. According to the legend the dying William gave a miraculous ring which guaranteed him invincibility, success, and fame, to the victorius Aufenstein. He later certainly possessed those virtues, as he was richly rewarded for his fidelity to Meinhard. His family was, to the time of its extinction in the 70-ies of the 14th century, successful in everything - they took over several Heunburg domains in east Carinthia and in county of Savinje. But the last Aufenstein stepped on the path of treason and the family became extinct.⁴

William's pictorial death was in that time and social environment not unusual. But the legend that sprung up immediately after the event, did not connect his death with the usual last wishes of a dying person, apologising, regretting and praying to God for indulgence and redemption, but with the question of fidelity and instructive consequences when breaking it. His remains were not

mentioned (where his corpse was buried). Ideal chivalric heroes did not deal too much with such matters. But in actual everyday life such matters were constantly present in the perception of a medieval knight. The thought of sudden death on the battle-field, without the blessing of a priest and the after-death happening to the soul were not unknown even to the most brave and became in the 12th and 13th centuries painful and rich with images based on bad experiences in life.⁵ The knights understood the images of the eternal curse, and from the 14th century on "Dances of death", which drew attention to death, where death had an image and was even in a mood to speak about the urge of dying no matter what one's status, began to occur in art and literature.⁶ For a safe return from battles it was a habit at the time of William's death to donate to the local Church institutions before going to battle. A known donor was baron Leopold of Žovnek who — before going to the decisive battle against the Czech king Otokar II (Marchfeld - Jedenspeigen, 26th July 1278) — donated patronage rights to the monastery in Gornji Grad "in fear of dying".⁷ A wish for a safe return home is even more noticeable with those going to the Crusades. They would regularly give donations to the Church and frequently they did not return: e.g. Bernard of Spanheim, the Margrave of Podravje, who died in an ambush by Turks in November, 1147 at Laodicea in Asia Minor.⁸ Intensive thought was devoted to death in the context of assuring the salvation of the souls of the whole family, including the knight's relatives.

³ Jaksch, Kärnten (as note 1), 136-143.

⁴ MGH SS (Deutsche Chroniken V/2) Ottokars österreichische Reimchronik, lines 62512-62915.

⁵ For example in the medieval remake of the story of Barlaam and Josafat in the manuscript of Stična from the second half of the 12th century (translation to: Srednjeveško slovstvo. Izbrano delo, Ljubljana 1972, 81-82). Compare P.-J. Schuler, *Das Anniversar. Zu Mentalität und Familienbewußtsein im Spätmittelalter* (Die Familie als sozialer und historischer Verband, Sigmaringen 1987), 90 etc.

⁶ In Slovenia, for example, the famous "Death dance" in Hrastovlje, in Istria from the end of the 15th century, and the German poem from the time after 1431 (Srednjeveško slovstvo, as note 5, 185-189). Regarding the question of notion and experience of death, at least these classic works should be mentioned: J. Delumeau, *Le peche et la peur. La culpabilisation en Occident* (Paris 1983); A. Tenenti, *Il senso della morte e l'amore della vita nel rinascimento* (1957); P. Ariés, *L'Homme devant la mort* (Paris 1977); M. Vovelle, *La Mort et l'Occident de 1300 a nos jours* (Paris 1983); N. Ohler, *Sterben und Tod im Mittelalter* (München 1990).

⁷ Nadškofijski arhiv (Archbishopal Archive) Ljubljana (=N[AL], a document, 1278. Žovnek.

⁸ F. Kos, *Gradivo za zgodovino Slovencev v srednjem veku* 4 (=GZS; Ljubljana 1915), No. 245.



Henry Told ordered the wounded William moved by horse to Völkermarkt, but William died on the way.⁹ The chronicler did not give an explanation of the further fate of the corpse. Simplest is to think that his comrades or members of his family transported him to the mighty family castle Svibno (Schärfenberg) in Carniola. The castle was depicted 400 years later – by order of the polyhistor J. W. Valvasor – from three sides, although it was in ruins by then.¹⁰ The castle had a richly-ornamented chapel, where the corpse of the deceased could be layed. It is possible that he was buried by family, relatives, friends and subordinate knights in the chapel or in the church of St. Cross, which is under the castle and was at that time richly-ornamented with frescoes. In it Valvasor managed to see the tombstone (epitaph?) of William IV of Svibno from 1397.¹¹ The funeral ceremony could have been performed by the priest Berthold (mentioned in 1282) or his successor Conrad (mentioned in 1301 together with his assistant Peter).¹²

This scheme of otherwise undocumented activities of William's family (after his death) is based on logical presumptions. But are the activities at the death of a medieval knight not easier to reconstruct by taking into consideration general habits ruling the noble class? Already with the presumption of localisation of funeral ceremonies we come across the possibility that William could be buried in one of the monasteries nearby, like his brother Ulrich a few decades earlier in the nearest monastery in Stična, 30 km south-west from Svibno (see in continuation). Entering into the unknown should begin from the final act of human fate – the funeral.

The funerals of medieval noblemen differed due to the social and economic capacities of the individual and the family, and partly due to accidental circumstances (e.g. death far from home). Descriptions of funerals in Slovene territory are rare before the emergence of exhaustive testaments

in the middle of the 16th century. We may presume William's funeral was undoubtedly more luxurious than the majority of funerals of Carniolan noblemen of that time, but far less dramatic and mysterious than the funeral of the afore-mentioned Margrave Bernard of Spanheim in 1147 in Asia Minor. It was not comparable with the solemn and symbolic funeral after the last Count of Celje Ulrich II, who was in 1456 buried in the church of the Minorite monastery in Celje. There is written evidence on the event by a contemporary, a Minorite, who wrote about a two-part ceremony in which tears mixed with prayers, politics with symbolism, glamour with emotion. The family of the deceased, his friends and subordinates were present. Count Ulrich was murdered near Belgrade on the ninth of November, 1456 by order of Wladislaw Hunyadi. His corpse was put into a coffin in Belgrade and transported to Celje, where his family buried him in the family tomb. The princely funeral was probably limited to the family, knights, and servants. Thirty days after his death another ceremony took place in the presence of the invited (missions, officials) which had primarily a symbolic meaning: with it the family of the Counts of Celje formally became extinct. Another valuable coffin was made and put into the middle of the church (empty of course), and surrounded with a circle of thick candles. Around the coffin and within the circle of candles stood twelve poor people dressed in black with candles in their hands. In front of them a provisional altar was built, above which the Minorites sung vigils. After the presentation of gifts to the altar the servants brought five flags with helmets and shields representing five counties of the Counts of Celje.

Twelve pages in black mourning covers rode in, before them an armoured man. After the symbolic sacrifice of flags, helmets, shields, and horses, the armoured man threw himself to the ground and someone cried at him: "Counts today and never again!" and broke the flag on the armoured man. The solemn silence was then ceased by the con-

⁹ MGH V/2 (as note 4), lines 62372–62380.

¹⁰ J. W. Valvasor, *Topographia ducatus Carniolae modernae* (Wagensperg 1679), 235.

¹¹ J. W. Valvasor, *Die Ehre des Hertzogtums Crain* (Nürnberg 1689), XI, 498 etc.; VIII, 801.

¹² B. Otorepec, *Gradivo za zgodovino Ljubljane v srednjem veku* (=GZL), VII/5. Arhiv samostana Stična (Archive of the monastery in Stična, =AST), transcript of a document from 1301 I 25.



cealed sadness and crying of the present.¹³ From this description the duality of the funeral ceremonies can be seen: the actual funeral in the family, soon after death, and the symbolic burial and ending of the family only after distant relatives, friends, and others have gathered. For that purpose the ceremonials used the thirtieth day, which concluded the time of deep, even obligatory mourning. Typical of the chronicler, despite his repute and closeness with the family, he did not describe in detail the actual funeral. Obviously the actual funeral and family mourning were limited to a number of people, who did not mention the event to the chronicler; he did not consider it appropriate to write down. Neither did he mention the funeral speech by the famous humanist Johannes Rot, which was among the first public humanist speeches in Central Europe, or even, complicated as it was, resume it. In his speech Rot mentioned the pain over Ulrich's death being distributed amid the rulers, serfs, and the widow, the Church, the anti-Turk crusade army etc. All mentioned were to mourn; his killer was cursed. The speech was full of allegories, exaggerations and praise of the deceased. In the second part Rot comforted them: consolation was interlaced with ancient examples, and finally approached the Bible and God.¹⁴

The after-the-funeral ceremonies for Count Ulrich of Celje were thus completely luxurious, and partly even humanistically conceived. The limitation of mourners to a small number, the "individuality of death," and closing the event behind the walls were, in the middle of the 15th century, fre-

quent among the Slovene nobility. The beginnings may originate from the middle of the 14th century. In 1261 the custom was completely different: the whole Carniolan nobility, with the landlord and Carinthian duke Ulrich III gathered on the funeral of Ulrich I of Svibno, William's brother. The duke's notary eternized the event in a datation formula from a document issued for the monastery in Stična (*in coenobio Sithicensi in sepultura Ulrici de Scherpenberch*).¹⁵ The Austrian duke Frederic I who died in 1198 on his way from the Holy Land, had at his death bed "many noble co-travellers" (noblemen, Church dignitaries).¹⁶

The individualisation or transfer of the relation to God to a more intimate level at the end of the Middle Ages amid the Slovene nobility is demonstrated in apparently practical matters, for example: permissions for private, portable altars which were practical for long journeys. Permissions were rare, given to those who could buy them, for example to the Counts of Celje.¹⁷ A mark of distance from the religious life of the masses, and the transfer of faith into a narrow circle, was permission for personal – that is, family – confessors who usually lived in the castles and were preparing them for the meeting with God. Some of these priests had the right to give absolution for all sins. Family confessors were common among the mid-nobility, but only few of them had license from the Church authorities.¹⁸

The funerals of Count Ulrich II of Celje, Ulrich of Svibno, and of other noblemen of that time had primarily one thing in common with the first description – a wish to be buried in a chosen church

¹³ Kronika grofov Celjskih (The Chronicle of the Counts of Celje) (edited and translated by L.M. Golia, Maribor 1972), 47-48.

¹⁴ P. Simoniti, Humanizem na Slovenskem in slovenski humanisti do srede XVI. stoletja (Ljubljana 1979), 24-37 (publication of the speech on pages 239-244).

¹⁵ F. Schumi, Urkunden- und Regestenbuch des Herzogtums Krain II. (=URBKr II, Laibach 1884 u. 1887), No. 278. It is interesting that in the transcription of the necrology of Stična there are only few persons stated in the section "buried in the monastery church", from Svibno only George. Then again George is written in together with Ulrich I and William I among those, who are to be remembered, although they were not buried in the monastery (Arhiv Republike Slovenije = ARS, Zbirka rokopisov (Archive of the Republic of Slovenia, Collection of Manuscripts), P. Puzel, Idiographia sive rerum memorabilium monasterii Sitticensis, 1719, 601-602, 605).

¹⁶ GZS 4, No. 50.

¹⁷ ARS, Documents of Counts of Celje (=ARS CE) II, 1384 V 3. Celje; 1412 XI 6 Rome; 1439 IV 2. Mainz.

¹⁸ For example for the Auersperger: F. Komatar, Das Schlossarchiv in Auersperg. Mitteilungen des Musealvereins für Krain 18 (1904), No. 78 (pg. 169); the same in: Carniola 1 (1910), No. 499 (pg. 499). For the Counts of Celje: ARS CE II, 1439 IV 2. Mainz; 1451 I 19. Rome.



or monastery. Of decisive impact were one's wishes, not coincidence or traditional possession of a tomb in an object, which all was arranged by contract before one's death.

Up to the 12th century a rule was common – a person could not be buried in the local church or graveyard. When a nobleman died at home he could not hope for a more distinguished church building. The permission of popes to allow burials of laics in monasteries have, from the 12th century, caused massive foundings of family tombs in monasteries. Laics hoped for permanent and efficacious prayers for their sinful souls, and did not forget to tend graves. As the parish churches were thus losing their income, they were in principle allowed to divert a quarter or a third of the funeral incomes from the monasteries. In 1205 the Aquileian patriarch Wolfger gave permission for burials in the building of the provostship in Jurklošter. Half of the incomes donated for the burial would belong to the canons and half to the parish church. In the announcement of the founding of a monastery in Velesovo in 1238, issued by the patriarch of Aquileia, it is mentioned that all laics "who did their duty to their parish church" may be buried in the monastery. Which meant they had to donate to the church as a substitute for its lost funeral incomes.¹⁹

Notices on burials in church buildings are numerous in written sources. There are also many material remains, primarily tombstones, which were subsequently brought from the nearby graveyard, and epitaphs which bore no connection to the actual grave.²⁰ Many Slovene medieval churches were in the New era being rebuilt or newly built. The tombstones shared their fate: at the end of the 15th century, Martin, the abbot of Stična, had some noble tombs transferred from the chapel outside the walls into the monastery church. He ordered the use of some of the damaged tombstones to

strengthen the walls, after the Turks robbed and devastated the monastery in 1471.²¹ Often the tombstones were made when the subscriber was still alive, and they would forget to engrave the date of the death, or they did so many years afterwards. In general the trend went to moving the grave near the altar: at first the Order rules kept the noblemen in the cross passage, then opened the doors of churches and side chapels, and in the Late Middle Ages allowed the deceased the ultimate rest in the main aisle near the altar. The fact is that medieval sources of testamentary character for the territory of Slovenia do not mention these memorials of an individual, one's immortal soul, and the dialogue between the deceased and the observer of the tombstone. Neither are they mentioned in testaments from the end of the 15th century. The tombstones guarded the corpse until Judgment day and reminded the successors and contract trustees (clergymen and monks) of the person they were to take care of. Thus — by their judgment — the soul of the deceased was satisfied.

By analogy from the neighbouring countries the prevailing tombstone form in the territory of Slovenia — with those rare noblemen and Church dignitaries buried there — until the mid-13th century was the simple square one, not necessarily surrounded with an inscription including the name and official titles.²² Their simple substitutes were ornamented death shields, not preserved in our territory. At the end of the 13th century knightly tombstones with coats-of-arms, combined with a sword, a helmet, decorations, and/or a cross, emerged. Until the 14th century they would have Latin — and from the 15th century German — inscriptions (name, date of death), rich with helmet decorations, tendrils, whatever was fashionable at the time. Such was perhaps the tombstone of William IV of Svibno from 1397, in the church in Svibno (by Valvasor only coats-of-arms represent-

¹⁹ F. Kos in GZS 5 (Ljubljana 1928), No. 91. J. Mlinarič, Kartuziji žiče in Jurklošter (Maribor 1991), 115-116, 462. URBKr II, No. 103.

²⁰ Compare classic work: K. Bauch, *Das mittelalterliche Grabbild. Figürliche Grabmäler des 11. bis 15. Jahrhundert in Europa* (Berlin-New York 1976).

²¹ J. Gregorič, *Cistercijani v Stični* (Ljubljana 1980), 65.

²² Cases from the former Austrian part of the monarchy in: *Kunsthistorisches Atlas, X Abt.: Sammlung von Abbildungen mittelalterlicher Grabdenkmale aus der österreichisch-ungarischen Monarchie I, II* (K.K. Central-Commission zur Erforschung und Erhaltung der Kunst- und historischen Denkmale, Wien 1892), tables I (pictures 1-8) and III (pct. 4-6).



ed on it); but certainly the tombstone of his distant descendant Ulrich, who lived in Lower Austria and was buried in 1503 in the parish church at Waidhofen on Ybbs.

Appurtenances of one's family, one's anonymity, as well as the individualisation of a person in the epitaph, were equally expressed on such tombstones. Even in the Newer as such tombstones - in Central Europe - were still significant, as the reputation of a family was more important than that of the individual. The coat-of-arms spoke about a family. Pride contested the portrayal or idealised image of the deceased and symbolically replaced it with the coat-of-arms. Thus epitaphs on such tombstones are about one's hereditary (family) titles and occupations, and not about one's personal merits.²³ Some epitaphs and tombstones in the 14th century were made for the husband and wife together, but many years, or even decades, before or after their death. Particularly from the 14th century on, the wife finally stepped out of anonymity with her own tombstone and in death too publicly proved "equality" with the husband before God and before the public ("memory").²⁴ In the 15th century, autonomous female heraldic,²⁵ and from the second half of the 15th century on autonomous female epitaphs and tombstones, were frequent - with a picture of the deceased in a fashionable outfit and with a small family coats-of-arms.²⁶

The tombstone of the Minnesänger Ulrich of Lichtenstein (†1275), in the parish church in Frauenburg, in Styria, was heraldic too.²⁷ His tombstone was a remanufactured, yellowish, antique Roman stone with a still-visible inscription partly covered

with the coat-of-arms of Lichtenstein and a cross above it. The new epitaph is simple: "Here lies Ulrich, the true inheritor of this house." Nothing about his art activity, reputation, provincial marshall and governor general of a province, even no year of death; what was important was the appurtenance to "the house", that is, family. Considering Ulrich's reputation, more than that was not necessary, as everyone knew him. This phenomena - not emphasizing merits and titles with famous and important persons on their tombstones, and enumerating the mentioned with the less-known (unfulfilled ambition and lesser memory) - is still known today. The obviously deliberate use of Roman stone reminded one of Ulrich's extravagance, as if Ulrich wanted to compare himself with antique heroes; the (already) German language in the epitaph, which reflected the secular and chivalric self-confidence of the poet in popular language. It seems the tombstone was a compromise between the expectations of the family and personal wishes. Belonging to the family and blood prevailed over Ulrich's wishes in agreeing the place of ultimate rest, but not regarding the traditional family tomb. We should consider the tombstone to be a complete reflection of the wishes of the family. In that case we may presume the family had emphasized his blood appurtenance with special pride.

Completely different is the epitaph of the younger poet of Ulrich, Oswald of Wolkenstein (†1445), in Brixen (Tyrol): only supplements - sword behind the belt, spurrs, helmet in the left, and flag in the right hand and three coats-of-arms under the feet - remind one of the knightly status of the bare-headed poet.²⁸

²³ E. Cevc, *Kiparstvo na Slovenskem med gotiko in barokom* (Ljubljana 1981), 48 etc.

²⁴ E. Cevc, *Srednjeveška plastika na Slovenskem* (Ljubljana 1963), 114, 200-201, 298-300, 306 (some knighthood examples in Konjice, Braslovče, Celje, Mekinje, Ljubljana, Tržič, Ptuj, Ptujška gora). More cases in: *Atlas* (as note 22) tables III (pct. 1,2), V (pct. 3, 4), VIII (pct. 1, 2, 3, 5, 6), IX (pct. 1, 2, 5-7), XIII (pct. 4-6), XV (pct. 3, 4), XX (pct. 2, 5), XXVII (pct. 2, 3, 5), XXIX (pct. 1, 2), XXX (pct. 2, 6 - of Pesnica in Ptuj), XXXI (pct. 3, 5), XL (pct. 81), XLIV (pct. 1, 4, 5, 7 - Reitzer in Ptuj), XLV (pct. 1, 2, 4, 5 - Eggenberger in Radgona, 6), L (pct. 1-8), LVII (pct. 3, 4), LVIII (pct. 5 - Svibno in Waidhofen).

²⁵ Examples in: *Atlas* (as note 22), table XXX (pct. 3), XXXI (pct. 1), L (pct. 1, 4).

²⁶ Examples in: *Atlas* (as note 22), table XXVII (pct. 1, 4), XLIV (pct. 2 - Hohenwarther woman in Celje), XLV (pct. 3), XCVI (pct. 1 - two sisters Neuburger in Celje). Compare: E. Cevc, *Poznogotska plastika na Slovenskem* (Ljubljana 1970), 22-24, 234-236.

²⁷ *Atlas* (as note 22), table V (pct. 5).

²⁸ *Atlas* (as note 22), table XXIX (pct. 3).



The occurrence of a full figure of the deceased, in harness and with arms, even with the wife (which could mean a special emotional relation between them) is rare from the 13th century on, and more frequent from the beginning of the 14th century. One such example is in the church of St. Areh (= Heinrich) on Pohorje: a plate is built into a newer pedestal, with no epitaph, presenting a reclining king with a crown and swords in both hands instead of a cross, and in long clothing. The figure is stiff, his eyes dead; thus eternity is emphasized. The tombstone is from the 13th century, and is actually only a memorial plate, an epitaph of no connection with the grave, probably ordered by the knight Henry of Rogatec as a settlement with the monastery in St. Paul in Carinthia, which enforced the cult of St. Kunigunde, the wife of the Emperor St. Henry II (973-1024). The image is supposedly the Emperor.²⁹

From the 15th century on knightly tombstones - reflecting their character or, at least their desired image - spread among the middle class of the nobility. The standing (as real cover of tomb lying) dead figures were usually accompanied by a coat-of-arms in the hand or at the feet as some visual identification mark for the illiterate, a legend in German language, and even mythological animals and those symbolizing knightly virtues (dog - fidelity, dragon - earthly wickedness, angel - soul and heaven etc.).³⁰ The 15th century was the time when the figure began to lose anonymity. The head was frequently without a helmet (or it was open), the faces looking at us are of the live knights, only the eyes are usually without pupils, blind, dead, as with the knights under the tombstones. The change first occurred on epitaphs (standing plates), and later on horizontal tombstones. Such was the tombstone of Frederic, the last lord of Ptuj, who died in 1438 and was buried in the Minorite mon-

astery in Ptuj at 35 years old: a knight with a sad, realistic expression, as if he were aware that with him the family was extinct; he is with shield and has a fashionable cover on his head; he is standing on a dog, on each side of his feet is one family coat-of-arms; in his hand a spear, above the head a skilled gothic baldachin with a male head on each side.³¹ The dog - fidelity, a youthful face with a cover, but in harness - a knightly call, but of pre-renaissance principles; the family is hidden in small coats-of-arms at the bottom of the tombstone. Individuality was at the time of Frederic already developed. Its application into the political life of Styria probably led to the extinction of the family. Similar, but less luxurious and more lively, was the figure of Bernard of Svibno who died in 1513, another member of a family which migrated into Austria, and was buried in Lorch in Upper Austria.³² Such types of images of knights, richer in renaissance style, more realistic, were preserved in the territory of Slovenia far into the New era. As with Bernard, their faces revived - the eyes are lively, as if the dead (their souls) lived in expectation of redeem and eternal life.³³

Traditionally, famous monasteries allowed generous tombs for noble families. They received - and expected to - more and more gifts. A poor nobleman could manage a donation for his funeral and the maintenance of his grave in the monastery, but his descendants could not continue. The descendants of founders of monasteries and other benefactors were not necessarily buried in a traditional institution. The decay of the noble class in the Late Middle Ages was reflected in those forgetting family burial tradition and in the growing individualisation when seeking a place for final rest. In other words, this is one among many marks for the decay of tight kindred connections in the 13th and 14th centuries and the closing into the family in the 15th and 16th centuries.

²⁹ Cevc, Srednjeveška (as note 24), 63-64.

³⁰ Examples in: Atlas (as note 22), table V (pct. 6), XIII (pct. 1), XV (pct. 1), XX (pct. 3, 4), XLIV (pct. 3, 6), LVII (pct. 1, 2 - Hohenwarter in Celje). Compare: Cevc, Poznogotska (as note 26), 71-72.

³¹ Examples in: Atlas (as note 22), table XV (pct. 1), XX (pct. 4), XXIV (pct. 1 - of Ptuj in Ptuj, 2). Similar is the tombstone of Jorg Schweinpeck in Ljutomer, compare: Cevc, Srednjeveška (as note 24), 301-304.

³² Atlas (as note 22), table LXXXVII (pct. 4).

³³ Examples in: E. Cevc, Renesana plastika na Slovenskem. Zbornik za umetnostno zgodovino n.v. VII (1965), 129 etc.; same, Poznogotska (as note 26); same, Srednjeveška (as note 24), 181-182, 246 etc. etc.; S. Vrišer, Renesana viteški nagrobniki v Sloveniji. Zbornik za umetnostno zgodovino n.v. VII (1965), 195 etc.



It was not easy for the mass of the lower noble class to enter reputable monasteries if they were not local inhabitants. The doors of village churches were open to them, or more frequently a respectable place in the cemetery. Reputable citizens would seek final rest in churches of poorer Orders. If titled, they preferred the company of the nobility in monasteries of old Orders in the country. Members of old noble descents from the country would have themselves buried in bigger towns from the 15th century on: such churches were the parish church in Lekofja Loka, and since 1461, the cathedral in Ljubljana. The castle chapels became suitable for burials in the 16th and 17th centuries, possibly among protestants who wanted to await their salvation with the orthodox and not with catholics who opposed their burials in traditional family tombs.³⁴

It is thus understandable that the contemporaries sought and found ideal care for the soul in tombs in monastery churches which they had to reserve during their lifetimes. The family of the deceased could, with difficulty, enforce a better tomb - usually with extraordinary gifts. The "system for ordering" tombs was simple: the donor would ensure a tomb for himself and the family with a donation which was usually a farm, a vineyard, or the value of several farms. The amount of the expense depended on the social status of the nobleman, the reputation of the institution, and the position of the grave. Such system diverted the poorer nobility from reputable old monasteries and directed them to the "low scale" convents and monasteries of poor Orders. The founders of monasteries have assured themselves tombs in the founding documents; *de iure* the act had to be specially reg-

ulated. Consistent performance was, of course, connected with the problem of funeral incomes. With the deceased Herrand of Kamnik, a Black friar in Ptuj, only the allowance of the Velesovo prioress in 1277 enabled his family to bury Herrand in the parish church in Kamnik, and not in the family tomb in the monastery in Velesovo.³⁵

After death of the "claimant," the monks were to transfer, at their own expense, the donor's corpse to the monastery (if the deceased did not die too far away), prepare him for burial, place the coffin in the church, pray at its side and, if possible, bury him in a coffin on the third day, not on a board and dressed in a sheet. The ceremony was accompanied by a mass for the dead, absolution, kindling incense, and sprinkling of the blessed water to diminish the punishment for sins; exposing the symbols of the knight (shield, helmet) on the altar or before the coffin. The procession to the cemetery - when the tomb was not in the church - was solemn, accompanied with prayers and psalms. The final act of the burial - laying the coffin into the grave (sometimes symbols of knighthood were added) - was locally conditioned, for example throwing soil on the coffin three times, blessing the grave and similar acts. Finally the monks performed with the relatives the funeral repast (one seventh and one thirtieth), which meant a formal conclusion of mourning and gave way to arguments on legacy among the relatives.³⁶ The maintenance of the grave was in the documents - settled before or after the burial - and frequently precisely defined, considering the social status of the nobleman and the amount of the donation (eternal light above the grave, rarely eternal mass, usually anniversary). Turbulent changes within the

³⁴ D. Kos, Plemiška darovanja cerkvenim ustanovam (s posebnim ozirom na 14. stoletje). Zgodovinski časopis 47 (1993), 42-43. Dividing the burial grounds to cemeteries and inside churches regarding ranking of the nobility and with this connected social differences are known to D. Rübsamen for the parts of east Germany: Kleine Herrschaftsträger im Pleissenland. Studien zur Geschichte des mitteldeutschen Adels im 13. Jahrhundert (Mitteldeutsche Forschungen 95, Köln-Wien 1987), 453-455, and H. Lentze for Vienna: Begräbnis und Jahrtag im mittelalterlichen Wien. Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung 67 (1950). On citizenry, castle chapels and burials see M. Žvanut, Od viteza do gospoda (Ljubljana 1994), 114 etc.

³⁵ Kos, Darovanja (as note 34), 43. ARS, Zbirka listin (Collection of Documents =ARS ZL), 1277 IV 26. Kamnik.

³⁶ In 1302 Gertruda of Dravograd donated two farms to the monastery in Marenberk under the condition, *swa ich stirbe in der naehe, da si mich volreichen mügen, da schuln si mich in ire selber arbeit und choste in ir chloster bringen und schälln mich da erberlich pivilden und schuln meiner sele tun als ir swester einer* (Monumenta historica ducatus Carinthiae VII =MDC, No. 140). H. Lentze quotes such definitions for Vienna and some Austrian monasteries which he documents precisely regarding the funeral and the pre- and after funeral activities (Begräbnis, as note 34, 329-333, 339-342).



Church in the 16th century obliterated recollection on the principally eternal after-death donations. What remained in the memory of monks were extremely high dotations. Heirs inclined to Protestantism were not willing to refer to any other.

The investigators of church buildings in the 19th century have come across written agreements from the beginning of the 17th century - the time of the counter-reformation and Ecclesiastic Baroque.³⁷

What attracted the nobility families to a certain monastery from the point-of-view of burial? It seems that beside "nearness" (see below), the monastery refers to something else. The oldest Carthusian monastery in Central Europe (since approx. 1160) might have not achieved such repute and wealth if the founder, the Styrian margrave Otokar III (†1164), his wife Kunigunde (†1184), and their son Otokar IV – first Styrian duke (†1192) – were not buried there. Coincidence played an important role as Otokar III chose the Rein monastery during his lifetime.³⁸ The Cistercian monastery in Stična (founded approx. 1136) had its charm in age, extensive property, the graves of the founders, Counts of Višnja Gora (Sophie). The first wife of the Carinthian duke Ulrich III, Agnes (†1295), then married with the mentioned Count Ulrich III of Heunburg, who "bought" a tomb for her in 1257, was buried there too. Viridis Visconti, widow of the duke Leopold III of Habsburg, chose the monastery chapel of St. Catherine for her place of final rest. Under the impression of such "grandeurs" many of the local lower nobility ensured themselves burials on the cemetery at the church, *in coemeterio antiquae ecclesiae*, as the monastery chronicler P. Pucelj wrote in the 18th century. By 1717 more than 1500 persons were written into the

necrology: many among them were monks and laics who were written in only because of prayers.³⁹

Some founders were proclaimed saints and their tombs pilgrimage sites; an example is that of Hemma, who was transferred in 1174 to the crypt in the cathedral in Gurk in Carinthia, and in 1287 beatified.⁴⁰ Particularly the dynasts, whose ancestors were founders of several monasteries, in the 13th century "avoided" their monasteries on the territory of Slovenia, which were out of the official family seats. The reason was not the eventual bad reputation of a monastery, but in a family tradition which presumed burials in the same, usually the oldest institution: the older descents of Carinthians Spanheims were buried in Rosacco in Carnia, and since the foundation of a monastery of St. Paul there, exceptionally elsewhere (in Kostanjevica).⁴¹ Counts of Andechs were constantly being buried in the family tomb in monastery Diessen in Bavaria.⁴² While the Spanheims and Andechs are examples for regarding the tradition of burial, the counts of Celje are an example of frequent change of tombs: as barons of Žovnek they had a tomb in the Benedictine monastery in Gornji Grad (founded in 1140). After their political and social rise in the 13th and in the 14th centuries they would be buried in the Carthusian monastery, e.g. Ulrich II of Žovnek (†1316), the wife Catherine of Heunburg and Frederic III of Celje (son of Frederic II). Some of the Celje Counts found their final rest in the Celje parish (Herman III - the illegitimate son of Herman II, died as bishop of Freising in 1421) or the Minorite church (Ulrich II rested in a tomb before the main altar), and Count Herman II (†1435) in his institution, the Carthusian monastery in Pleterje.⁴³

Precise definitions on family strategy before and after death, on emotional relations inside the fam-

³⁷ Kos, Darovanja (as note 34), 44.

³⁸ Mlinarič, Kartuziji (as note 19), 27–31, 463.

³⁹ For the Counts of Višnja Gora see URBKr II, No. 57, 99, 100. Compare: Kos, Darovanja (as note 34), 43–44. P. Pucelj quotes in a (not complete) list among the reputable Markward "marchio Croniburgensis" and wife Kunigunde, Count Henry IV of Andechs and several reputable Carniolan noblemen (Idiographia, as note 15, 601–602, 617–668).

⁴⁰ A list of miracles from the years 1227–1228 is published in MDC I, No. 512.

⁴¹ GZS 4, No. 196. J. Mlinarič, Kostanjeviška opatija 1234–1786 (Kostanjevica na Krki 1987), 130–131.

⁴² GZS 4, No. 116; GZS 5, No. 77.

⁴³ Kos, Darovanja (as note 34), 45.



ily, on comprehending death, are legitimately expected in testaments. To the end of the 15th century documents with limited testamentary character prevailed in the mainland of Slovenia. They did not include all the regulated formulas, were limited to individual inheritors, and to church recipients considering the legacies for pastoral care (legacies). Settling the legacy with a single document was rare among the nobility in the Late Middle Ages outside the countries of Romanic cultural and legal circle, and frequent among the rich citizenry.⁴⁴ This was not only because of the extent of the (mobile) property, but because of the conceptions by which it was necessary to attend to an organized and decent "withdrawal" from the world. In general, a real testament was a reflection of a solid reception of the Roman law (from 12th century on). In the mainland of Slovenia the prevailing influence in the inheritance documents was the influence of intestamentary mainland inheritance laws, only individual elements were in the 14th and 15th centuries already taken from the Roman law. It was wise to determine in detail one's last will and write it down to prevent unwanted heir from eventually possessing the legacy, especially when there were no sons, to ensure the fair distribution of property, prevent decay of the basic economic family, and to safeguard the legacies to the Church. Thus the Georgenberg privilege for the Styrian ministerials from 1186 envisioned (not obligatory) the writing of a testament. Fear of eventual disagreements among heirs after death due to an unwritten will was because of solid and obligatory common laws (for the nobility), which

settled legacies in territories with no firm testamentary rules prevailing. Presumably fear was stronger with old, ill people, who had enough time to think, but not with the young and healthy as death was frequently sudden and not expected.⁴⁵ The first mention of a noble testament in the mainland of Slovenia is – to my knowledge – from 1204, when the bishop of Gurk announced that his ministerial Oto of Kozje, in expectation of death, partitioned all his property in a will. Later he recovered, and explicitly confirmed a smaller gift to the diocese of Gurk.⁴⁶ This is probably a case of a simple verbal will.

Relatively frequently the place, time, and, indirectly, the motive for a donation – "on death bed" – are mentioned in simple deeds of donation (legacies). At least up to the 14th century one does not think of a detailed ritual of type "Ars moriendi" in the territory of Slovenia. Beside penitence and receiving absolution for sins and the extreme anointing, the happening comprised the uttering of a probably-complex last will, all seemingly verbal up to the 16th century, as the partition deeds for the inheritors were written either subsequently or long before death. This is explicitly valid for notices in "tradition books", which were based on short occasional notes with key words⁴⁷, and for documents, issued by the inheritors, fulfilling their last wishes. It is seen from them, that in the 14th century the last will was not yet limited to the testator, notary and few witnesses; it was (usually) a verbal act performed within the family, relatives and friends, influential noblemen and of course priests, who were present at one's death.⁴⁸ The

⁴⁴ On obligatory testaments in Romanic environment in the neighbourhood see the Statute of Piran, lib. VII, part. VIII-XXVII in edition of M. Pahor and J. Leumrada: Statut piranskega komuna od 13. do 17. stoletja (SAZU, Viri za zgodovino Slovencev 10, Ljubljana 1987). In detail on medieval citizenry testaments with summaric quotation of their number in some European towns and literature in a work: P. Baur, Testament und Bürgerschaft. Alltagsleben und Sachkultur im spätmittelalterlichen Konstanz (Konstanzer Geschichts- und Rechtsquellen XXXI, Sigmaringen 1989).

⁴⁵ A very small percentage of testaments for the 14th century is established by R. Bartsch for the Austrian provinces in: Seelgerätsstiftungen im 14. Jahrhundert. Ein Beitrag zur Geschichte des Testaments in Österreich (Festschrift für Karl Amira, Berlin 1908), 5-13. See: D. Kos, Dediščine, dedno pravo in plemstvo na Kranjskem in slovenskem Letajerskem (posebej v 14. stoletju) (Celjski zbornik 1994, Celje 1994), 35-36.

⁴⁶ GZS 5, No. 68.

⁴⁷ See GZS 4, No. 164, 168, 199, 671, 889.

⁴⁸ When in 1302 the nobleman Medko of Malence gave to the monastery in Kostanjevica a small estate, he did so because his late relative Frederic *an sinem ende enpfolben hat unde hat mit mir geschaffet sinen zehenten ... nach siner sele ze geben* (ARS, Archive of Domain Dolsko = Gr A I, Reigersfeld, fasc. 179., transcription of a document from 1302 VI 2.). Examples in: GZS 4, No. 436, 547; GZS 5, No. 50, 769; URBKr II, No. 276.



realisation of the wishes of the deceased was to the inheritors, executors, and witnesses, law and a matter of respect.

Indirect evidence in verbal or written testaments are numerous as the receivers would have confirmation documents (from the inheritors) subsequently issued. The receiver himself would issue a document in a form of a reverse in which the text of the donor's deed was repeated.⁴⁹ Individual testamentary elements, especially the essence — transfer of ownership to a chosen (legal) person — were present in all various deeds of donation and documents on transfer of property no matter of the status of the receiver. These documents were actually predecessors of the developed testaments.⁵⁰ The difference was in the fact that the donation was usually immediately carried out, and the testament only after the death of the testator, and that the deeds of donation were dull, extremely objective and loose, without statements which would give us any insight into their sensibility. Statistical processing may help clarify the problem.

The system of willing can be clarified first by definitions from various concrete, one-sided (exclusive,) testamentary legacies and agreements, and then from rare real testaments. In principle the testaments and their one-sided surrogates distinguished between hereditary family possession and - with the activity of the testator - the newly acquired. Disposing with the first was regulated in such a manner that the existence of the family property was protected. Thus the sources (simple deeds as well as preserved medieval testaments), give little information on hereditary family possessions. Newly-acquired and personal property were different matters, particularly movable property: most of it was kept by the consort, and clothes and

similar things were given to the children and other relatives by the principle "father's to the sons, mother's to the daughters". Money and valuables (jewellery) were usually given to Church institutions, sometimes to friends. A general hereditary rule is clear: the family must preserve the economic potential, satisfy friends if possible, and always satisfy the Church.⁵¹ Another even more important rule considering the testament itself was that it was limited to partitions of the newly acquired, personal, primarily movable property.

The most important question were: to whom belonged the major part, whose possessions can one inherit, and on what legal basis. The main testamentary definitions (except legacies) were subsidiary to the general definitions from the common (provincial) law which gave priority to the nearest blood relative, the son, or even the provincial prince if the deceased had no legal inheritors. A testament was necessary when the testator deliberately did not want the family to get possession of everything: in 1362 the knight Rudolf Polan of Kacenštajn willed most of his property to his squire, as "he did not know to whom to leave the mentioned possession". Of course he knew that he had relatives - inheritors - but at least with his own property, this was probably a consequence of a hostile political split in the family decades back. Witnesses were from the hired knights, and they confirmed - in their rude manner - that Rudolf was during the act at his full conscience ("capable of riding and walking").⁵² It was common in the Late Middle Ages to merge - under the influence of Roman law - the property of both consorts, contrary to previous periods, when property was divided to special funds. Inheritance was simple if the consorts had a son. The married daughters usually inherited a dowry or special compensations.⁵³ Mostly the female inheritors received

⁴⁹ Thus in 1278 the abbot and convent of the monastery in Gornji Grad who confirmed that the deceased Berthold of Hotunje *in testamento suo nobis et nostro monasterio dederit unum mansum* (NLAL, 1278. Žovnek). See Lentze, Begräbnis (as note 34), 359; Bartsch, Seelgerätsstiftungen (as note 45), 46.

⁵⁰ Bartsch, Seelgerätsstiftungen (as note 45), 14 etc., 51.

⁵¹ S. Vilfan, Pravna zgodovina Slovencev od naselitve do zloma stare Jugoslavije (Ljubljana 1961), 257 etc. Bartsch, Seelgerätsstiftungen (as note 45), 29-33. Kos, Darovanja (as note 34); Kos, Dediščine (as note 45), 40-41.

⁵² ARS, documents from the repertorium III in Haus- Hof- und Staatsarchiv (=HHStA) in Vienna (=ARS III), 1362 VI 9.; 1362 VI 12. D. Kos, Med gradom in mestom. Odnos kranjskega, slovenještajerskega in koroškega plemstva do gradov in meščanskih naselij do začetka 15. stoletja (Zbirka ZRC 1, Ljubljana 1994), 73.

⁵³ D. Kos, Življenje, kot ga je pisala dota. Zgodovina za vse I/2 (1994), 60-61.



smaller shares than the male. Indivisibility of the (mostly unmentioned) core family property was desirable; if it were to come to actual partition among the children, the oldest son was to take over the family allodial property and the brothers kept the pre-emption right and received smaller shares. Grandsons were entitled to shares after grand-parents if their parents were deceased. While the inheritance among the unfree nobility was at first limited to the closest relatives, it became possible in the Late Middle Ages that the principal right for inheritance was given to all relatives to the seventh lineage, which was to the majority of the Slovene nobility no problem - due to interlaced marriages. But in practice it was possible - with intestant inheritance - to inherit to the third lineage.⁵⁴

Inheritance by the closest relative could be evaded in the 14th century, at least partially. The main inheritor could be a non-relative. The concrete definitions are unified in the testator's demand that in case he should later have a son or a daughter, he or she keeps all inheritance, not considering the previous legacies. A special definition was valid with co-dependent contracts, when each party had the right to inherit after the other, if any of them were without descendants. These modern and possibly-less-comprehensible definitions were a basis for family conflicts, which could be settled only with renuncements and compromises. Renouncing were secondly-married women, daughters, children from the first marriage, sisters, etc. but for a symbolic compensation as half-brothers (and semi-sisters) were equal with other testator's children. Kunigunde of Maribor, who was married to George of Svibno, together with her husband and son renounced the inheritance from brother Ulrich for the benefit of cousin Gotfrid in 1357, for which she was given a house in Maribor and a small sum of money. The house she was given was the one to which the impoverished William IV

(married to the widow after the mentioned Gotfrid of Maribor) and his son William V moved from the Maribor castle (there since 1379) in 1386. In two years time they left it — with the rest of the property — to the creditors, the Counts of Celje.⁵⁵ The father of a daughter from the first marriage could renounce for the benefit of his daughter, to whom her mother willed her property: in 1335 Catherine, wife of the Maribor town scribe, willed him her house, which she inherited from her mother. Catherine's father at the same time renounced it in the name of the descendants from the second marriage.⁵⁶ Undoubtedly the father was aware of potential conflicts within both his families. With partial renuncements the sisters would keep the right to equal inheritance with the nephews, if the brothers would not have sons, or even to complete inheritance if the main inheritor would die without children. The sister's children were - for renouncing - allowed to keep the dowry, which was principally returned to her family. Thus the wife of William III of Svibno, Agnes, (her first marriage was with the deceased Albrecht of Viltuš), in 1337 renounced the inheritance from the first husband and her parents to the benefit of her son Albrecht and brother-in-law Henry. She was advised by her second husband, the always-indebted William, who must have been aware that her son would, as a male, have essentially greater chances to inherit than her.⁵⁷ It was necessary to renounce the inheritance to the benefit of a relative when the testator was indebted too much to save the property for the children. If one was married to a woman of a higher class, he had little chance for keeping the wife's property, gained by marrying (dowry).⁵⁸

The providing function of testamentary records is most clearly seen in the care for widows and mothers. Although marriage presents were determined for the providence of the widow, the widow sometimes renounced to them in exchange for compensation. The husband or son could, before his death,

⁵⁴ Examples in: Kos, Dediščine (as note 45), 41-44.

⁵⁵ ARS, a document from Hofkammerarchiv in Vienna (=ARS HKA), 1357 I 7; ARS CE II, 1388 VII 10. Maribor. Kos, Grad (as note 52), 86.

⁵⁶ J. Mlinarič, Gradivo za zgodovino Maribora (=GZM), III/122.

⁵⁷ ARS HKA, 1337 II 2. Graz.

⁵⁸ Examples in: Kos, Dediščine (as note 45), 44-47.



grant her special incomes (a lifelong annuity), which were frequently an issue for conflict with the inheritors. Standard providence comprised lodging, food, small sums of money, and intangibility of personal property for which one of the (main) inheritors (children) was obligated. Similar rights were granted to the testator's illegitimate children. The under-aged children were protected from aggressive co-inheritors by guardians who were usually the agnate relatives. The guardian was determined by the testator: when, in 1388, William IV of Svibno left all his property to the Counts of Celje - due to his indebtedness - he appointed them guardians of his son William V, who explicitly agreed with the choice.⁵⁹

The main heir could not be favourable to real partitions of the family property. Thus one had, together with one's co-inheritors, a common pre-emption right, or the nominal partition did not include the real one. Thus, the main heir kept the unpartitioned legacy. In fact, this was a unified managing and sharing of incomes. In an extreme case, the death of the head of the family led to the occurrence of *ganerb*, that is, contractual common inheriting, living together and preserving the integrity of the family property (primarily the castle). Real contractual *ganerbs* were in the Late Middle Ages rare on the territory of Slovenia. Certain elements are seen from the numerous collective living of the inheritors in one castle and in the common administration of the inherited possession.⁶⁰

On what concrete occasions did this occur, and what are they about - those few rare real written noble testaments from the mainland of Slovenia? The analysis gives an explanation for the last uncertainties on the rarity and late emergence of such records on the territory of Slovenia. Despite this rarity it seems they occurred - up to the 16th century - only if the testator did not have sons, only daughters, or was without children or he renounced his family, out of hatred. Therefore in these records all property, including the inherited, could be partitioned - but only when there

were no close relatives who could enforce the province customs. If the testator had a son, a verbal will and the province law sufficed. Hatred, arrogance towards reality and bitterness are reflecting from the testament of Rudolf Polan from 1362 (see above). In the testament of the knight from Celje and widower Peter Schmalzhofen from 1400, the first part is on guardianship for the daughters and ordering the guardian (friend) to take special care for their marriages. A successful marriage was a fulfillment of a dream for women and the end of nightmares for the relatives, in view of solving the question of their permanent providence and family honour. After that Peter partitioned the real property, being generous to one of the daughters whom he called "my specially beloved daughter." She was given possession of the most important part of the property: the rest and the movables were given to both daughters. They should later divide it to equal shares. Only after that did he take care of his soul by donating to the Minorites in Celje where he wished to be buried and where - according to the diction of the text - he lived.⁶¹ Peter's testament displays another element which is in other tedious legally determined documents rare - emotional reasons, family connectedness and personal affection, which could alter customs, but are hard to recognize.

More "usual", less emotional, and more realistic was the testament of the second knight of the Counts of Celje or/and Ortenburg, the rich Conrad of Ehrenfels who first appointed his cousin as executor of his debts and recovery from debtors. Then he authorised the Count of Celje to partition certain gifts to various Church institutions with precisely-determined requiem tasks. At last he took care of his wife, but with a rationality and an accuracy which were unknown to the aforementioned Peter. The two characteristics prevail in Conrad's testament, for care for the peace of his soul was to him more important than the family. He determined his wife's income and rights as precisely as if it were for his own benefit. Conrad put much time and thinking into his testament, more than Peter, who probably partitioned the

⁵⁹ ARS CE II, 1388 VIII 10. Examples in: Kos, Dediščine (as note 45), 47-50.

⁶⁰ Examples in: Kos, Dediščine (as note 45), 50-51. Kos, Grad (as note 52), 153-154.

⁶¹ ARS ZL, 1400 VII 18. Celje.



property quickly without thinking about the consequences of his decision. Beside alimony, various annuities, and residences, he bequeathed his wife the majority of movables; she was to give some to chosen monasteries. He "took care" of the daughters (he obviously did not have sons) in one sentence, namely, the Counts of Celje and of Ortenburg should see to their marriage and dowry - probably with part of the family property.⁶²

At the end of the 15th century noble testaments became more precise, but usually still limited with the existence of sons - the Roman law was in that sense not enough received. One of the first such testaments occurred before the death of knight Andrew Lamberger in 1473.⁶³ First he took care of his and his family's peace of soul with smaller legacies to Church institutions and to his confessor. Most important among these was his precious mass book. Then he mentioned his debts and legacies to various priests. Then he partitioned the movables, primarily clothes, jewelry and money, mainly to his daughters (he too had no sons). Typical for written sources that time are the "break in" of colours, elementary esthetics ("beautiful", "glorious" and similar) and feeling: not only did Andrew enumerate many beautiful objects (as they would decades before), but he gave a precise description, mainly with colour characteristics of objects. Such rules were established in testaments of the New era. Thus Andrew precisely enumerated the jewelry, considering the colour and type of precious stones. Only after that came the more valuable property, which was given to the "beloved" wife as a rich and lifelong annuity. A brother and a friend received two precious Turkish horses, probably booty from clashes with the Turks; after that he enumerated his debtors and promissory notes. They were to belong to the wife, brother George was to manage the property, he was also to see to his daughters's marriages.

Common to all mentioned testaments is their emergence due to the incapability of transferring the part of family property which was not to be partitioned and alienated to a son who would pre-

serve the family line. Only the testator's movables (promissory notes, jewelry, clothes), which would otherwise be given to the son, were needed to be precisely divided between the daughters and wife. The wife's would eventually belong to the daughters. Another conclusion can be made from the structure and rareness of such testaments - the existence of a written testament was usually a consequence of the end of a (branch) family in the male line, when it was necessary to precisely divide between the daughters the father's personal property, which otherwise the sons would share. Such conclusions fit into the context of evaluating the scarcity of written testaments among the medieval nobility in the mainland of Slovenia and the verbal tradition in wills considering the generally-obligatory provincial law. A series of real testaments in Carniola from the 16th century on is undoubtedly a consequence of enforcement of inheritance provisions of Roman law, new religious notions and rules, as well as the decay of families and real partition of possession. More independent family branches arose, with completely detached property. There were attempts to avoid the dangerous process of partitioning the existing potentials from 1600 on - by few cautious noblemen - with *fidei commisus*.

Legacies in the first real written testaments, deriving from the citizenry of the mainland of Slovenia - the end of 13th and in 14th centuries - were limited to regulating the inner family matters; thus, provisions on donations to the Church, settling debts, etcetera, prevail. The family is mentioned only in the context of the property which was not intended for "the prosperity of soul," or special property, for example, hired estates, marriage receipts, etc. Direct inheritance of hereditary family property was regulated by city law (as provincial law with nobility), but only for direct descendants. Such a system was for the citizenry restrictive, as the core inheritance devolved onto the municipal lord if the citizen died without direct descendants, a will, and relatives. Only in the 15th century did a few municipal lords begin to allow

⁶² A document in HHStA, 1405 III 25. Vojnik.

⁶³ ARS ZL, 1473 XI 6.

⁶⁴ GZM XIII/8. Vilfan, Zgodovina (as note 51), 258.



citizens the right to inherit after parents, for example, Count Frederic II of Celje for Slovenska Bistrica in 1446.⁶⁴ The process was of long duration: the well-known case of Matko Videc, dead in 1466, a wealthy citizen of Ljubljana and a magistrate, died without sons and a real all-comprising testament, so the municipal and provincial lord and Emperor Frederic III took over his property. Settling the inheritance, feuds, debts, legacies, etcetera, was left to the provincial governor (for estates of princes = vicedom). Disagreements between the second wife, daughters, distant relatives, and the Emperor lasted for half a century. From those it is seen that several times wills did not consider the main part of the property, but only legacies to the Church and smaller incomes for the wife.⁶⁵ Rare presentations to a Church of core family property, for example, with a family house in town, could be limited with the right of the relatives to buy it back.⁶⁶ Lineal trouble corresponded to large property without a real testament in settling the inheritance.

In consequence, the expectation that the intestate law, despite a faster reception of the Roman law, withdrew to testamentary inheriting in the mainland towns faster than with the nobility, long "armed" with inheriting privileges, is premature. In this we find all the trouble of incomplete mainland quasi-testaments, different from real testaments from Istria and Littoral in the same period. They expose concern for memory of soul, family members, and friends, in a variety of forms.⁶⁷

More exact ("real") testaments occurred only in the 15th century, and they defined inheritance *within* the family more precisely, as well as the role of guardians. Without exception they are limited to the richer classes, who had *anything* to partition

and consider. Just before the rich citizen of Ptuj Hans Aichhaymer died in 1451, he made a will and appointed for guardians of his children his wife, father-in-law and cousin Frederic, who were to activate it after his death. He showed a great degree of distrust to his two sons (maybe too young?), whom he never told about the 651 gold coins hidden in his room. Frederic later told the co-guardians about the money. In 1452 Frederic wished to finally partition the property to thirds, between the wife of the deceased and the sons, as he felt his end was coming. He issued a special deed on Hans's will and conclusions.⁶⁸ In doing so he discovered that the widow had in the meanwhile self-willingly disposed with the rest of the property of the deceased, about which she partly told him. Some facts came from her relatives: the widow received 200 gold coins from an agent from Venice, probably as a creditor. She told him for another 187 gold coins, found after her husband's death, and for five she found in his clothes. Only her mother told Frederic about the 50 gold coins which the widow found in her husband's wardrobe. The widow informed Frederic about the clothes and bedlinen of the deceased, but not completely about the silver table-ware (which she could not conceal), silver jewelry, decorations, wine stores, number of horses, cows, and pigs, about the state of the house with equipment and gardens, provisions, extensive landed property, and numerous promissory notes. Frederic confessed he did not know about the extent of the property of the deceased in Leibniz, Maribor and elsewhere, as the widow did not inform him. He said with resignation that he should trust in her honour and conscience. The widow's concealments were understandable, as her husband willed her a third of the property. With the concealed

⁶⁵ B. Otorepec, Matko Videc, trgovec, posestnik in mestni sodnik v Ljubljani v 15. stoletju (Gradivo in razprave ZAL 8, Ljubljana 1988), 9–12.

⁶⁶ For example GZM II/49 (a citizen of Maribor Wulfing around 1280), GZM II/50 (a citizen of Graz Walter Dens around 1280), GZL I/66 (a citizen of Ljubljana Konrad Pegam from 1364).

⁶⁷ For example the testaments of the Piran citizenry from the end of the 13th century in: D. Mihelič, Najstarejša piranska notarska knjiga 1281–1287/89 (SAZU, Viri za zgodovino Slovencev 7, Ljubljana 1984), No. 190, 192, 193, 194, 216, 217, 268, 269 and: D. Mihelič, Piranska notarska knjiga 1284–1288 (SAZU, Viri za zgodovino Slovencev 9, Ljubljana 1986), No. 9, 36, 66, 67, 171, 216, 217, 218, 230, 252, 277, 388, 545, 548, 630, 631. On this and on such views about the value and urge of writing testaments: Z. Janeković-Römer, Na Razmeđu ovog i onog svijeta. Prožimanje pojavnog i transcendentnog u dubrovačkim oporukama kasnog srednjeg vijeka. Otivm 2/3–4 (1994), 3 etc.

⁶⁸ GZM VII/42.



amount her share was considerably bigger. Maybe she was greedy, despotic, or just wishing to assure herself a solid standard for her old age. The deceased husband — when making the testament — obviously did not consider that with a such partition they would not be able to continue his successful businesses. Or maybe he did so due to the bad character of his wife, because of which the two under-aged sons could be cheated. The next definition is about that: in the case of death of the sons before their full age (and own testament), the inheritors were to be the “nearest relatives and inheritors”, but not the wife. It was a progressive deed for a rich citizen in the 15th century to refuse to donate to the Church, unless it was in the original testament, which is not preserved. Testamentary and formal equality within a middle-class family is evident from this testament, the role of the widow at the death of her husband and in managing the property was considerably bigger than — at that time — with the nobility. The city air at the end of the Middle Ages did truly liberate her, from rigid patriarchal relations within middle-class families, too.

The testament of a not-so-rich citizen of Ljubljana Phillip Pomnik from 1495 still dedicated a certain, though nearly negligible, material attention to the salvation of his soul with money: to the wife he left 100 gold coins, three silver dishes and a ring. To the under-aged son he left the (family) house, a tithe, silver dishes, three silver belts and 50 gold coins, to the daughter a hundred gold coins. Both were to receive their inheritance from the executors at their full age. If they died, the executors would invest the property for the benefit of the care of the souls of the whole family. To the third son, who may have been from the first marriage or illegitimate, he willed only 23 gold coins. To a certain theologian he willed a smaller sum for the first mass and for constant prayers for his soul. He granted a small sum as well to German knights, as it was his wish to be buried *commenda* of the Order of German Knighthood in Ljubljana.⁶⁹ In comparison with the previous testament things are

put in the “right” place: family is first, particularly the oldest son. The wife gets a small share from the common property, the daughter and younger son only money. Motto: keep the majority of the property together for the successor: do not partition it. The welfare of soul, of which the testament is full, Phillip reduced to realistic small legacies.

The deviation from the prevailing religiosity in testaments first occurred in urban parts of mainland Slovenia, in towns and the upper classes of the citizenry, but not at the same time and not completely. Around 1500 it was still common in the country and in towns to will quite an extent to old, at that time morally loose, monasteries, but with a good intention — the concern for the salvation of soul of the testator and the family. Such was the testament of Martin Koprivc from Lentvid at Vipava in 1497, a totally rural environment, but where — due to nearness of the Romanic milieu — written testament by public notary was common: first, and with enormous presents, the testator took care for his peace of soul to the benefit of the monastery in Bistra, only then of the wife. He ordered that after her death all property belongs to the monastery. Other relatives — obviously he and his wife had no children — were put off with two sentences and “small pieces”.⁷⁰

Another fact, beside the inner family regulations, that absolutely cannot be overlooked in the testaments and similar documents is rewarding the Church and the choosing of the presented Church institution, which had certain (pragmatic) rules. Last but not least, the testaments in the Middle Ages developed alongside the liberalisation of the pastoral legacies in the canon law. Testament, death, and funeral were the last earthly step on the way to heaven or hell after the last Judgement, and since the 12th century, by common belief and by theological doctrine, the soul went first to Purgatory, where it was to be cleansed before receiving eternity.⁷¹ Unexpected parting of the soul from the body at the time of the Turkish raids in the 15th century was always a possibility. Salvation and the

⁶⁹ GZL VI/76.

⁷⁰ ARS, a document of the monastery in Bistra, 1497 V 11. Lentvid.

⁷¹ On the notion of purgatory see J. Le Goff, *La Naissance du Purgatoire* (Paris 1981, in numerous translations).



cleansing of the soul through Purgatory were the most important constants in the understanding of God, which was in concord with theological consideration. Between the 13th and 15th centuries the role of Maria was scholastically important. In art and in the general chivalric mentality she took over the role of an ideal woman in religious sensations and in paintings. No more is she only the queen and mother, but as well the “sweet lady”, generous and lovely, courtly, etheric.⁷² New iconographic motives, supported by contemporary mystics in the 14th century, stressed the intimate connection between the believer and God, visually particularly the senses of love and compassion. But at the end of the 14th century the image of Maria became more “middle-class”, more realistic, even more decisive. The help of such a Maria was in the minds of the Counts of Celje, when they ordered, at the end of the 14th century, a relief tympanon in the Minorite church in Celje. The centre of the portal is Maria with Jesus on the throne, above her two angels, on each side, a kneeling knight with his hands put together for prayer (=Counts Herman I and Herman II or William I), and below Death, twisting towards the viewer. The growing self-confidence of the Counts of Celje reflects in the disproportional largeness of both knights in comparison with Maria, but kneeling and the personified death shows them — despite their magnificence — in fear of God, aware of death and the role of Maria in the salvation of their souls. The famous Maria the Patroness on Ptuj-ska Gora from 1420 has such a protective function; a mass of temporal people of both sexes and all classes, including the Pope, are kneeling under her coat and praying. The faces are expressing a wish for individuality, maybe even the reality of the persons. Such patronage was a common European wish of the contemporaries from the apocalyptic 14th century on, when the christian world was constantly and fearfully waiting for the end of the World.⁷³

At the end of the 15th century a different mentality was present on the Slovene territory as well. The middle-class ideals, pre-humanism, and victorious individuality reshaped the nobles' pre-death feelings. The role of the nobleman in social events were occasionally jeopardized and taken over by the citizenry. Thus an educated, nearly-renaissance, but country nobleman from the end of the 15th century thought about salvation in a different manner than, for example, the anonymous orderer of frescoes in the new country church on Krtina, who in 1500 financed its decoration and had a decisive influence on the programme of frescoes. He is pictured in one of the scenes, a man in nice laic clothing, kneeling before the patron of the church, St. Leonard. Judging from the cyclus of frescoes he had knowledge about the writings of the Christian humanists and understood their manner of convincing believers. Above all he was favourable to the evangelic pre-protestant tradition: he emphasised the role of Christ and diminished the one of Maria, stressed the incarnation of Christ, the sacrifice and possibility of deliverance, and at the same time reminded one of the last Judgement. In between he put some saintly and chivalric scenes.⁷⁴

It was necessary to take care of the individual salvation of soul in the purgatory, one's own and that of one's closest relatives, with the help of Maria or someone else, before death. The bare sponsoring of artistic decorations in a church was not enough. By a contract with a chosen Church institution considering permanent prayers, the eternal memory of the person was kept beside the care of the soul in Purgatory. The way to ultimate salvation necessarily led through material payments, which every family planned in concordance with its material potential. Extreme prestige, competition between donors and belief for a better care of soul with enormous gifts were parts of the knightly life and their notions about life after death.

⁷² Compare the antiphona *Salve Regina* in the so-called Manuscript of *Stična* from around 1428 and other medieval folk songs of Maria in Slovene language (after publishing in *Srednjeveško slovstvo*, as note 5, 53-68).

⁷³ Cevc, *Srednjeveška* (as note 24), 74, 84, 92, 96-100, 141-146. See Schuler, *Anniversar* (as note 5), 92-94.

⁷⁴ L. Menaše, *Cerkev sv. Lenarta na Krtini in cerkev sv. Andreja na Dolah* (Collection of guides *Kulturni in naravni spomeniki Slovenije* 140, Ljubljana 1984), 11-20. Cevc, *Srednjeveška* (as note 24), 116, 202-204.



The care for memory and salvation was at the time of the zenith and decay of the family of Svibno (1280-1400) proportionally constant amid the nobility in the mainlands of Slovenia.⁷⁵ The crisis within the nobility and in Church at the beginning of the 15th century did divert the noblemen from the previous tradition of rich donations. Their donations were limited to precisely defined sums for prayers and decreased in amount in the 13th and 14th centuries except with the rare upper-class nobility. In the 14th century the nobility was joined — for two hundred years — first by the rich and later by the wealthy citizenry until the reformation, which essentially altered the old values. But both class groups in the 15th century gradually diverted from one-way donations to bilateral business cooperation (buying-selling agreements, hypothecaries etc.).

A relatively balanced net of monasteries and a mass of local churches enabled "nearness"⁷⁶ as the most natural element of life in the Middle Ages as well in the strategy for salvation. The average nobleman and his family spent a major part of their lives at home and in the neighbourhood. The local church and monastery offered the nobleman and his family the feeling of local belonging. The donor usually lived in the nearby castle or had a large estate near a Church institution. The nearness of the rewarded institution enabled the family of the donor effective control over the realisation of the agreed-upon ceremonies. Wealth enabled dynastic families to be profligate with gifts even in the time of the latent economic and spiritual crisis of the 14th and 15th centuries. Even more important were their presence and symbolic equalizing with the local nobility in an apparently unified group of donors to a certain Church institution, which brought the dynast additional sympathies of the local nobility, even if they were not his clientele. Another fact was important with the citizenry: the notion of legal, class, political, and economic unification joined the inhabitants of towns into firm

communities, which, through fraternities, partly controlled the Church institutions in their territory. The patricians and citizens felt obliged to give material help. In return they expected redemption for the sins. Only modest, poor Orders were, in their already pre-reformation eyes, capable of offering quality service. The search for the soul's salvation was thus with the citizenry more limited geographically than with the nobility.

The most variable and easiest structure to explain of donors were of the monasteries which were founded for provisioning the nobility daughters (Studenice, Marenberk, Velesovo, Mekinje, [kof-ja Loka]). Their relatives mostly donated for the better provision of nuns (the so-called dowry) than for their own memory, although such motives for donating are sometimes mentioned in the deeds of donation. Of the family of Svibno Agnes, daughter of Henry I, was probably in the monastery Velesovo since it's foundation (1238), who "paid" for her provision. To her nieces Elisabeth and Sophie and their cousin Agnes cells were "bought" in 1260 and 1264 in the Lower Styrian monastery for aristocratic daughters in Studenice.⁷⁷

The aristocracy had — beside nearness — other motives for donating: for example, a special inclination for a distant Church institution because of a person very dear to the donor or special prayers. Accidental inclination was usually limited to the time of one generation. Such was the donation to the parish church of St. Michael in Vienna from Haug of Svibno after the fire (before 1328), as he "during the illness received from it (the priest of that church) spiritual consolation".⁷⁸ The great-grandmother of Haug, Mathilde, donated to the monastery in Viktring in Carinthia before 1235, but only because she was probably a Carinthian.⁷⁹ There were single donations by the family of Svibno as compensations, for example, from Henry II in 1248 for the monastery in Velesovo, and in 1250 for the monastery in Kostanjevica.⁸⁰ Successful

⁷⁵ Kos, Darovanja (as note 34), 25-27.

⁷⁶ Compare similar conclusions from another part of Europe in: Rübsamen, Herrschaftsträger (as note 34), 450-453.

⁷⁷ URBKr II, No. 255, 271, 331.

⁷⁸ HHStA, 1328 VIII 15. Vienna.

⁷⁹ URBKr II, No. 89.

⁸⁰ URBKr II, No. 160, 168.



dynasts as wealthy persons did not have to deal with existential problems and could donate several times.⁸¹

A noticeable portion of rationality in family strategies existed behind the veil of devoutness and fear of death. The family functioned together in the search for redemption of soul, and had a firm strategy. The lesser the repute of a Church institution (fraternities, chapels, branch churches, town monasteries of poor Orders), the less reputable and lower-status the nobility who usually donated. Particularly in towns such institutions were donated to only by the citizenry, or sometimes patricians. The old monasteries of more rigid contemplative Orders had the best "clientele" (i.e. - Carthusians, Gornji Grad - Benedictines), as with their (at least in principle) moderate life they guaranteed for the donor's soul. Even that was not always effective: the Carthusian monastery in Bistrica had donors of low rank, probably because of modest nobility nearby, relatively late foundation (1255/1260), and closer connections with the Istrian citizenry and peasants from the Littoral. They, in contrary to the country nobility, were not willing in the 14th and 15th centuries to give properties to the monks without profit. The pauperisation of the lower nobility in the 14th and 15th centuries was a fact. It was in essence the economic generator of the monasteries.

The family of William of Svibno was, from at least the first half of the 13th century, tightly attached to the Cistercian monastery in Stična. Before 1200 Henry I, with his wife Mathilde, and his brother Conrad donated a small estate to the monks, and later, but before 1250, the son William I did so.⁸² Those donations were undoubtedly to ensure a permanent crypt, which the family had there, considering the afore-mentioned funeral of Ulrich I in 1261. But the relation between the partners was not always idyllic. William and (son?) Ulrich caused before 1274 some damage to the moastery

and thus paid the damages. Still later the relations were diverse, as some members of the family, from the beginning of the 14th century, first sold to the monastery and only then donated parts of the property.⁸³ The first data on *special* pastoral care for the Svibno family, but not the whole family, is from 1260, when Henry II donated to the monastery in Velesovo an estate for the pastoral prosperity of the family. Henry was one of the rare members of the family, who by the value of donations and by choice of institution, exceeded the family tradition. Before 1262 he donated to the Carthusian monastery as well.⁸⁴ The reason for his supporting Velesovo was probably his sister Agnes, who lived in the monastery. Only in 1346 and 1348 did first Ulrich II, and then his brother William III, donate to the monastery in Stična a larger estate for performing the anniversary for the deceased wife (Ulrich) and for his peace of soul and the "peace of soul of the deceased wife" (William).⁸⁵ With their contemporary George the family obviously renounced further donating not only to Stična, but to all other institutions. George, together with his wife, gave rich donations to the monks in Stična twice in 1365, without special demands for ceremonies. Only when his wife died in the same year, did he guarantee her, with a new donation, the anniversary and eternal light on her grave on the territory of the monastery.⁸⁶ The last Carniolan members of the family of Svibno were, in the 14th century, too much indebted to be able to afford donating at least to the traditional family institution, the monastery in Stična.

Constant donations to this monastery for nearly two centuries confirm the assumption, which occurred with the burial of Ulrich I in 1261, and became stronger with general funeral customs, that the family had a traditional crypt in Stična, at least from around 1200, or maybe even soon after the foundation of the monastery in 1136. Thus we must seek the grave of the warrior William in Stič-

⁸¹ Kos, Darovanja (as note 34), 29-31.

⁸² URBKr II, No. 170.

⁸³ ARS ZL, 1274 II 16. Stična; AST, 1302 V 3. and 1384 XI 11.

⁸⁴ URBKr II, No. 273, 300.

⁸⁵ J.M. Grebenc, Gospodarska ustanovitev Stične ali njena dotacija leta 1135 (Stična 1973), No. 196, 199.

⁸⁶ Grebenc, Stična (as note 85), No. 234, 236, 237.



na and in in the local parish church. The majority of the donations of the Svibno to the monastery in Stična were of general character - for all relatives, with no obligations, with the exception of the mentioned anniversaries for deceased wives. Considering the numerous nature of the family it seems that the decay of Svibno, which was coincident with the general economic and social trouble, had the most impact on buying special prayers for the deceased. Just before the decay of the family at the beginning of the 15th century, some members ceased with tradition in burials. That is why (at least) William IV was buried in the local parish church, if Valvasor is not referring merely to the epitaph. The family strategy of Svibno in ensuring pastoral welfare and memory was, thus for at least two centuries, explicitly traditional.

If we disregard general donations in the sense of duties of the receiver, which prevailed in the territory of Slovenia to the 14th century, the most expensive and precise donation was that for the anniversary and eternal light. With such donations the donor would state he was donating for the "welfare of soul", but would define no prayers obligations. The motive for donating could be explained by neutralisation of one's sins, or with special affection to the receiver. The donor would be satisfied with the thought that the gift purified and saved the soul or that the collective memorial prayer of the rewarders had an effect on the soul. In the 14th century it was less frequent, straining, and with their receiver fewer wanted everyday (so-called eternal) masses.⁸⁷ The narration of documents are about the general care for the welfare of the soul but later precisely defined in what manner the receiver should take care for it. The purpose thus went from imprecise, "clear" donating to precisely defined ceremonies at the end of the 14th century. Undoubtedly we perceive in this the move from "blind" to deliberate laic religiosity. To donate for "one's own and the ancestors' welfare of souls" or memory and to trust in the

honesty of the clerics regarding constant performance of after-death prayers was at the time of the moral fall — or better: development of the Late medieval society — no longer enough. The donor demanded a guarantee that as a counter-service something will be done particularly for *his* soul. His religiosity went from the collective in which the individual was drowning in a mass of dead and for which the monks constantly prayed, to the individual, which offered the donor a special status and identity before God as the granter of requests of earthly sinners.

If the receiver would not perform the agreed-upon tasks, a special clause which was to control the rewarder came into effect.⁸⁸ In such a case the donation was taken from the receiver and given to another church institution, legal guardian, landlord, authorised sanctional executor, or even back to the inheritors of the donor. Although there was the danger of extinction and expiration of the control right with the latter, the inheritors were, in most cases, appointed as controllers. Even in cases of disregarding the obligation the receiver would keep the donation, only the representatives were to fast until performing the ceremonies again.⁸⁹ Among liberal sanctions was the provision which tolerated clerical forgetfulness and negligence as long as the ceremony was performed, although not in the agreed term.⁹⁰

When donating for eternal light on the altar, rarely on the crypt of the donor, which was frequent in the 13th century, the receiver of the gift was to permanently take care of the light (candles or oil), but he was not obliged to perform special prayers. The purpose was eternal (silent) memory of the donor. The eternal light was usually added to more important ceremonies, mostly to the anniversary, which was since the 13th, and particularly since the 14th century, the most popular form of prayer for the welfare of soul. The essence of the anniversary was the memorial solemnity for the donor or relatives and friends at the anniversary of the death.

⁸⁷ Bartsch, Seelgerätsstiftungen (as note 45), 26. Rübsamen, Herrschaftsträger (as note 34), 234 etc.; A. Redik, Ablass und Volksfrömmigkeit. Blätter für Heimatkunde 52 (1978), 100.

⁸⁸ Lentze, Begräbnis (as note 34), 359-360; I. Schwarzkogler, Geistliche Schenkungen und Stiftungen in der Steiermark 1308-1330. Blätter für Heimatkunde 52 (1978), 66-67; Bartsch, Seelgerätsstiftungen (as note 45), 34-35.

⁸⁹ GZL II/35.

⁹⁰ Examples in: Kos, Darovanja (as note 34), 37-38. See: Bartsch, Seelgerätsstiftungen (as note 45), 39-42, 47.



The closest members of the family were stated by names, the others only with a collective term (for example "and all my ancestors" and/or "descendants"). Thus the deceased member "had a name" in the prayers of the monks. The anniversary meant also the gathering of the family at least once a year in a collective solemnity, together with the dead, thus a contract and dialogue between the dead and live members of the family. Its power depended on the intensity of the self-confidence, cohesiveness of the family, and their dismemberment. Each generation formed their own lists of the closest family members for the anniversaries or stated their own choice. There were differences in orders within the same generation, primarily because of variability of emotion towards the dead. Deviation from the agreed-upon terms was taken into consideration if the donor wanted the anniversary for the ancestors but did not know the dates of their death. Even if it were for one's own anniversary, the donor decided for any date as the future (not then known!) date of his death could be fulfilled with other obligations, for example obligatory feasts, or anniversaries for other persons. The anniversary for the donor, of course, started to be performed after the death of the donor and for the deceased relatives immediately after making an agreement. Regarding the value of the donation, the number of anniversaries was defined, of which only one would be in direct connection with the donor. When the time of the performance of the anniversary was not precise, particularly the influential noblemen who were losing control over the donated property and obligations of the receivers, they would order the monks/priests to inform them on anniversaries few days before the performance. The motives were to ensure the presence of the descendants at the ceremonies and to control the performing of the ceremonies.⁹¹

It is time we look for the last time back to the deceased William of Svibno and, with the help of established general habits and trends in the pre- and after-death activities in Slovene territory, and with a decent share of imagination, examine the possible—although not provable—handling of his corpse and soul.

Considering the adventurous character of the battle at Griffin and its importance for William, I presume that William, before going to Carinthia, did not donate to a Church institution for his safe coming home. The thought that he would die on a battle-field did not come hard to him, being so sanguine. He did not make a written testament, which was among the Slovene nobility, particularly in the 13th century, not common. There was no previous written will, as William until then never came into a position which would assume his imminent death. If there is little truth in the legend about his death, his pre-death will was limited to the willing of the (miraculous) ring and the warning to the receiver not to make the mistake he did. William had no family of his own, in his numerous mentionings there is no trace of a wife and children. Probably he did not have enough funds and time, or fidelity to one (legitimate) wife did not satisfy him - in comparison with the knightly life. Considering his lifestyle it seems he did not deal with the family economic matters, and did not have much personal property. He probably invested all his funds into military equipment, traveling, and the knightly way of life, which was not cheap. Thus, after his death, the male members of the family, who at that time managed the property together, divided his property between themselves, probably movables and a small estate: Henry III, with his son Haug the main part (the sons Albrecht and Henry IV were priests), William II, Oto, Rudolf and maybe someone else the rest. The nobility inheritance customs, marked with general privileges, were enough to prevent disagreements between the relatives. Instead of Williams' special property the rest of the relatives and their descendants were left with a bare memory of his famous deeds, which were reflected in the popularity of the name until the decay of the family (another four Williams of Svibno are known) until 1400.

Since the family of Svibno had at the end of the 13th century an agreed traditional crypt in the monastery in Stična, the corpse of William was transferred from Völkermarkt in Carinthia, most probably at the expense of the monks, and buried in

⁹¹ Examples in: Kos, Darovanja (as note 34), 38-39. See: Schuler, Anniversar (as note 5), 110 etc.



the monastery chapel beside the deceased relatives, in the presence of the wider family, monks, temporal clergy, friends, relatives and gapers, just as tradition and the notorious fame of the deceased demanded. The ceremony was solemn, accompanied with psalms and a requiem, the blessing of the corpse in the black wooden coffin, perhaps boastfully dressed in black satin with embroidered "kingly" coat-of-arms of Svibno (golden trident crown in blue) — another symbol of the grandeur of the family and imaginary pretensions — imaginations of the whole family in a wish to find its roots in mythology. Maybe then, or maybe at the thirtieth, his "shield, helmet and flag were lifted". Such was the wish of a Carniolan nobleman⁹² in 1550, as the act was a knightly custom (= presenting his symbols of knighthood on the altar). The family probably did not take care of a special tombstone, at the most a wooden plate with a coat-of-arms. The monks did not receive in 1293 or immediately after any new parts of the property of Svibno for special prayers and ceremonies for the peace of William's soul. Despite this his name was already, in 1274, written into the monastery necrology of donors (noblemen) whom the monks kept in permanent memory up to the dissolution

of the monastery at the end of the 18th century. The necrology mentions his distant ancestors, the first mentioned of Svibno, Conrad and Henry I (from 1250), brother Ulrich (from 1274), Ulrich II or III (from 1346), William III (from 1348) and George (from 1365) and cousins from the castle Planina.⁹³ Beside that, he had standard pastoral care guaranteed by the ancestors, and later by his godfearing and wealthy grand-nephews. The base was probably the eternal light, a few days after the funeral requiems. The question is whether he had his own permanent anniversary, probably anniversary masses in the first years after death, and later only the collective (family) anniversary. At the end of 14th and 15th centuries the memory among relatives was alive and they spread William's fame into the other families and nostalgic Carniolan nobility. The memory of the Svibno knights with William I among the common people was limited to the territory around Svibno castle — until, at least, Valvasor (end of the 17th century), medieval glass-works in the parish church were preserved, showing knights in their full battle equipment.⁹⁴ Williams's last temptation thus ended with a (unusually) bitter death; his corpse and soul shared an expected fate.

⁹² Levanut, Vitez (as note 34), 118.

⁹³ Puzel, Idiographia (as note 15), 586-605.

⁹⁴ Valvasor (as note 11), VIII, 801.



Vilhelmovo posljednje iskušenje

S a ž e t a k

U bici kod Griffna u Koruškoj godine 1293. pao je kranjski vitez Vilhelm I. od Svibna (Schärffenberga). Njegova je popularnost doprinijela stvaranju legende po kojoj je slavodobitnome protivniku umirući Vilhelm uručio prsten što mu je dotad osiguravao nepobjedivost. Kroničar šuti o daljnjoj sudbini Vilhelmova trupla, ali je događaje nakon njegove smrti, kao i u slučaju drugih srednjovjekovnih vitezova, moguće rekonstruirati uzimajući u obzir općeprihvaćene običaje. Zato nam posmrtna sudbina Vilhelmova trupla služi kao model i crvena nit istraživanja.

O plemićkim pogrebima i grobovima: među njima su postojale razlike, određene socijalnim i ekonomskim mogućnostima pokojnika i rodbine, a dijelom i slučajnim okolnostima. Zajednička im je bila želja za pokopom u izabranoj crkvi, ili radije samostanu. Laici su se nadali stalnim molitvama za svoje grešne duše, a uz to su htjeli imati grobove o kojima će netko skrbiti i koji neće pasti u zaborav. Može se pratiti trend približavanja grobova u samostanima glavnom oltaru: isprva su pravila zadržavala plemiće u hodniku klaustura, potom su se otvorila vrata crkava i starih kapela, a napokon je u kasnom srednjem vijeku bilo dozvoljeno pokapanje u glavnoj lađi i bliže oltaru. Nisu rijetke vijesti o pokopima u crkvama u pisanim izvorima, ali je još više materijalnih ostataka, ponajprije nadgrobnih ploča i epitafa. Nadgrobnje ploče čuvale su pokojnike do Sudnjega dana i potsjećale potomke i određene skrbnike na osobu o kojoj su se trebali brinuti. Propadanje kasnosrednjovjekovnog plemstva odrazilo se i u napuštanju rodovske tradicije pri pokapanju i u rastućoj individualizaciji izbora mjesta pokopa. U 16. i 17. st. najvažnijim su mjestom pokapanja postale gradske kapele, ali prije svega za protestante. Način pokapanja bio je jednostavan: pokojnik je razmjerno malim darom osigurao grobnicu za sebe i svoje srodnike.

Najdetalnije odluke o obiteljskim strategijama prije i poslije smrti, o osjećajnim vezama u obiteljima, pa i o poimanju smrti opravdano je očekivati ponajprije u testamentima. No, do početka 16. st. na čitavom području Slovenije prevladavale su isprave s ograničenim testamentarnim značajkama, bez svih propisanih formula. Osim toga, bile su ograničene na određene nasljednike, prije svega na crkvene osobe u vezi sa zavjetima za dušni mir. Sustav plemićkog oporučivanja moguće je osvijetliti u prvom redu uz pomoć odredaba iz raznovrsnih konkretnih jednostranih testamentarnih odluka i sporazuma, a uz to i iz rijetkih pravih testamenata. Raspolaganje jezgrom obiteljske imovine bilo je uređeno na taj način da se štitio opstanak obitelji. Većinu pokretne imovine zadržao je zakoniti partner, odjeću i sl. djeca i drugi srodnici po principu »sinovima očevo, kćerima majčino«. Novac i vrednije predmete dobivali su i drugi, najčešće crkvene ustanove. Zbog malog broja pravih testamenata može se zaključiti da su na promatranom području nastajali samo onda kada testator nije imao sinova, odnosno ako je bio uopće bez djece ili se odrekao obitelji. Zato se njima dijelilo sve, pa i baštinja imovina. Ako je testator imao sina, dostajala je i usmena oporuka i zemaljsko pravo. Čak i koncem 15. st., kada su plemićki testamenti postali razrađeni, još su uvijek bili bitno određeni postojanjem sinova. Serija pravih testamenata od oko sredine 16. st. očito je posljedica uvođenja nasljednih odredaba rimskog prava, novih vjerskih osjećaja i pravila, te raspadanja rodova i stvarne podjele imanja. Odredbe u prvim pisanim oporukama iz građanskih krugova s područja Slovenije bile su ograničene na reguliranje unutrašnjooiteljskih poslova, zbog čega prevladavaju one o zadušnim ustanovama, poravnavanju dugova i sl. Obitelj se spominje u kontekstu onih legata koji nisu bili namijenjeni pokopu duše, ili u vezi s posebnim legatima, primjerice za osiguravanje miraza. Nasljeđivanje nasljedne obiteljske imovine reguliralo je gradsko pravo. Osnovna bi imovina pripala gospodaru grada u slučaju da je pokojnik umro bez neposrednih potomaka ili srodnika.

Osim unutrašnjih obiteljskih pitanja, drugi je važni aspekt oporuka i odgovarajućih isprava blo darivanje Crkve i izbor crkvenih ustanova što ih je trebalo nadariti. Testament, smrt i pokop bili su zadnja stepenica na putu u raj ili pakao, a od 12. st., po vjerovanju i teološkom naučavanju, na putu u čistište, gdje se duša



morala očistiti. Razrješenje i čišćenje duše bili su konstanta u tadašnjem razumijevanju odnosa prema Bogu, što se odražavalo i pri naručivanju umjetničkih djela. Krajem 15. st. među plemstvom u Sloveniji prisutan je i drugačiji način razmišljanja, na kojega su utjecali građanski ideali, predhumanizam i pobjedonosna individualizacija.

Skrb za memoriju i odrješenje bila je u vrijeme zenita i propadanja roda Svibenskih (1280-1400) razmjerno stalna među plemstvom na slovenskom području. Kriza je u rodu i Crkvi plemiće od početka 15. st. odvrćala od tradicije bogatih darovanja. Njihova su se darivanja ograničavala na naručene molitve, te im se vrijednost smanjivala, osim u rijetkog visokog plemstva. Razmjerno uravnotežena mreža samostana i crkava omogućavala je "blizinu" kao najprirodniji životni element srednjeg vijeka također i u skrbi za odrješenje duše. Blizina nadarene ustanove omogućavala je rodbini nadzor nad izvođenjem dogovorenih obreda. Kod građanstva je bio važan još jedan čimbenik: svijest o pravnoj, staleškoj, političkoj i gospodarskoj jedinstvenosti povezivala je stanovnike gradova u čvrstu zajednicu, koja je posredstvom bratovština dijelom nadzirala crkvene ustanove na svojem području. Najšarolikiju strukturu darovatelja imali su ženski samostani, nastali zbog brige o plemićkim kćerima. Njihovi su srodnici najčešće darivali radi bolje opskrbe redovnica, manje za vlastitu memoriju. Što je crkvena ustanova bila manje ugledna, to je manje ugledno bilo plemstvo koje ju je darivalo. Rod Vilhelma Svibenskog bio je od 12. st. tijesno povezan sa cistercitskom opatijom Stična. Njegova su darovanja bila nesumnjivo vezana uz dogotavljenje stalne grobnice, koja je postojala već od oko 1200. Zbog toga grob viteza Vilhelma moramo tražiti u Stični, a ne u domaćoj župnoj crkvi.

S izuzetkom legata koji nisu bili precizirani u smislu dužnosti onoga kome su bili namijenjeni, a kakvi su prevladavali u slovenskim zemljama do početka 14. st., najraširenije i najbolje precizirano je bilo darivanje za aniversarije i vječno svjetlo. Trend je išao od nepreciziranja prema točno određenim obredima krajem 14. st. Darivati samo za "pokoje svoje i duše svojih predaka", a u času moralnog propadanja Crkve i društva uzdati se samo u poštenje svećenika, nije više bilo dovoljno. Vjera donatora išla je od skupne, pri čemu se pojedinac utapao u mnoštvu mrtvih za koje su redovnici molili, do individualne, koja je oporučitelju osiguravala poseban status i identitet pred Bogom.

Prema tim odredbama smijemo rekonstruirati zadnji put palog Vilhelma Svibenskog, kao i svih onih plemića o kojima nema nikakvih suvremenih vijesti. Pred bitku očito nije darovao ništa posebno nekoj crkvenoj ustanovi za sretan povratak kući. Isto tako nije sastavio ni pisani testament. Po legendi o njegovoj smrti svelo se predsmrtno oporučivanje na darivanje čudotvornog prstena pobjedniku. Vilhelm nije imao vlastite obitelji ni većeg osobnog vlasništva. Zbog toga su njegovu imovinu među sobom razdijelili muški članovi roda, koji je u tom trenutku upravljao imutkom. Rodacima i njihovim potomcima ostala je uspomena na njegove slavne pothvate. Kako je rod Svibenskih krajem 13. st. imao tradicionalnu grobnicu u samostanu Stična, bilo je Vilhelmovo tijelo dopremljeno u Stičnu i pokopano na tradicionalni način u samostanskoj kapeli u nazočnosti šire rodbine, redovnika i prijatelja. Posebna nadgrobna ploča najvjerojatnije nije bila napravljena. Vilhelm je dobio dogovorenu standardnu skrb o duši, za što su se pobrinuli već njegovi preci, dok pravo na vlastitu godišnjicu najvjerojatnije nije imao.

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VORWORT

Alltagsgeschichte ist ein Forschungsbereich, der nicht nur in starkem Maße interdisziplinären Ansätzen und Methoden verbunden ist, sondern auch im besonderen von wissenschaftlicher Kooperation bestimmt wird. Aus diesem Grunde freut es uns umso mehr, daß wir Ihnen mit diesem Heft das Ergebnis einer solchen Zusammenarbeit präsentieren zu können, die sich im Rahmen der Lehrtätigkeit der Herausgeber an der *Central European University* in Budapest entwickelt hat. *Otium*, die kroatische Zeitschrift für Alltagsgeschichte, und *Medium Aevum Quotidianum*, die in Österreich erscheinende internationale Zeitschrift für Alltagsgeschichte und Geschichte der Sachkultur des Mittelalters, bieten Ihnen hiermit eine gemeinsame Ausgabe, die vor allem Beiträge von Historikern aus dem mitteleuropäischen Raum - aus Deutschland, Kroatien, Österreich, Slowenien und Ungarn - enthält.

Das Generalthema des Heftes bezieht sich auf die Problemkreise "Familie und Alltag" mit besonderem Bezug auf "Familie und Tod". Es werden dabei Fragestellungen angesprochen, die für eine allgemeine Alltagsgeschichte ausgesprochene Relevanz besitzen. Dies trifft besonders auf verschiedene Verbindungen zwischen 'privatem' und 'öffentlichem' Raum zu. Dušan Kos (Ljubljana) setzt sich mit adeligen Begräbnisritualen in Kärnten, Zdenka Janekoviæ-Römer (Zagreb) mit denen des Adels von Dubrovnik auseinander. Erhard Chwoyka (Saarbrücken) behandelt das Motiv des "Ungleichen Paares" vom 15. bis zum 17. Jahrhundert. Michael Mitterauer (Wien) konzentriert sich auf das Problem der Schwagerehe. Elisabeth Vavra (Krems) untersucht die Reflexionen auf Todesfälle in autobiographischen Quellen des Spätmittelalters und der frühen Neuzeit, während sich Dušan Mlacoviæ (Ljubljana), Katalin Szende (Sopron) und Brigitte Pohl-Resl (Wien) Familienaspekten in der testamentarischen Überlieferung widmen.

Wir hoffen mit dieser Ausgabe Anstoß und Anregung zu weiterer und verstärkter wissenschaftlicher Zusammenarbeit im Bereich der Alltagsgeschichtsforschung gegeben zu haben.

Neven Budak und Gerhard Jaritz

PREDGOVOR

Povijest je svakodnevice područje istraživanja koje ne zahtijeva samo u velikoj mjeri interdisciplinarnost, nego je napose određeno međusobnom suradnjom znanstvenika. Iz tog razloga posebno nas veseli da ovim sveskom možemo predstaviti plod takve suradnje, a koji je nastao kao rezultat nastavničke djelatnosti izdavača na Central European University u Budimpešti. Otium, hrvatski časopis za povijest svakodnevice, i Medium Aevum Quotidianum, međunarodni časopis za povijest svakodnevice i materijalne kulture srednjeg vijeka, koji izlazi u Austriji, odlučili su izdati zajednički broj koji sadrži priloge povjesničara/ki iz srednjoeuropskog prostora: Njemačke, Hrvatske, Austrije, Slovenije i Mađarske.

Središnja se tema broja odnosi na “Obitelj i svakodnevicu”, s posebnim osvrtom na “Obitelj i smrt”. Pri tom se obrađuju pitanja od izrazite važnosti za opću povijest svakodnevice. To se odnosi pogotovo na različite veze između “privatnih” i “javnih” sfera života.

Dušan Kos (Ljubljana) bavi se pogrebnim ritualima koruškog plemstva, a Zdenka Janeković (Zagreb) obrađuje istu problematiku u vezi s dubrovačkim patricijatom. Erhard Chvojka (Saarbrücken) obrađuje motiv “nejednakog para” od 15. do 17. stoljeća, a Michael Mitterauer (Beč) problem leviratskog braka. Elisabeth Vavra (Krems) proučava promišljanja smrtnih slučajeva u autobiografskim izvorima kasnog srednjeg i ranoga novog vijeka, dok se Dušan Mlacović (Ljubljana), Katalin G. Szende (Sopron) i Brigitte Pohl-Resl (Beč) posvećuju obiteljskoj problematici u oporukama.

Nadamo se da smo ovim izdanjem dali nov poticaj daljnjem intenziviranju znanstvene suradnje na polju historije svakodnevice.

Neven Budak i Gerhard Jaritz

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