

## *Hendreks saga og Kunegundis* and Consensuality in Marriage

*Reykjahólabók*, the sixteenth-century Icelandic legendary, contains the lives of two Germanic rulers, the one British – King Oswald, who died a martyr's death in 642 – the other German, the confessor saint Emperor Henry II, who died in 1024.<sup>1</sup> Both legends, *Ósvalds saga*<sup>2</sup> and *Hendreks saga*,<sup>3</sup> are translations of medieval German texts that are no longer extant, and both Icelandic legends play a significant role in our understanding of the development of hagiography on the continent.

*Ósvalds saga* attests the existence of a long German legend, now lost except in Icelandic translation, that had incorporated a coronation and bridal-quest narrative into the vita known from Bede. Similarly, *Hendreks saga og Kunegundis* attests the existence of a long German version, now lost except in Icelandic translation, that deviates significantly in the bridal-quest portion of the narrative from all other known versions, both Latin and German, and that is otherwise characterized by a preference for monologue and dialogue over third-person narrative. *Hendreks saga og Kunegundis* transmits a version diverging from that found in the monumental German legendary as well as its presumed source, Eberhard von Erfurt's *Heinrich und Kunigunde*.<sup>4</sup> The German source of *Hendreks saga* was produced by an author who systematically transformed the bridal-quest and marital narratives found in the original Latin vita of the emperor so as to make consent to marriage and consent to conjugal chastity the crucial issues of the legend of Henry and Cunegund.

Within a short time of the death of Emperor Henry II (r. 1002-1024), certain aspects of his life relating to his marriage to Cunegund had become fictionalized and been incorporated into hagiographic and liturgical texts.<sup>5</sup> Report of Henry's virginal marriage already occurs in Leo of Ostia's chronicle of Monte Cassino, which was composed around 1060, and in the *Chronikon Universale*, from the end of the eleventh century, written by Prior Frutolf of Michelsberg, the Benedictine monastery in Bamberg that Henry himself had founded.<sup>6</sup> The legend of the imperial couple's conjugal chastity belonged to the material collected in furtherance of Henry's canonization,<sup>7</sup> and in the bull of 1146 Pope Eugene III proclaimed that Henry "integritatem castimoniam usque in finem vitae conservavit."<sup>8</sup> When Cunegund was subsequently canonized in 1200, Innocent III repeated the claim of a chaste marriage and furthermore cited the words Henry was supposed to have uttered on his death bed: "Qualem eam michi assignastis, talem eam uobis resigno: Virginem eam dedistis et uirginem reddo."<sup>9</sup>

### Notes

<sup>1</sup> The manuscript was edited by Agnete Loth in two volumes: *Reykjahólabók. Islandske helgenlegender*, Editiones Arnamagnæanæ, A, 15-16 (Copenhagen, 1969-70). Subsequent references are abbreviated *Rhb.*

<sup>2</sup> "Ósvaldr," *Rhb.*, I:71-95.

<sup>3</sup> "Hendrek og Kunegundis," *Rhb.*, I:35-70.

<sup>4</sup> Williams-Krapp, *Die deutschen und niederländischen Legendare des Mittelalters. Studien zu ihrer Überlieferungs-, Text- und Wirkungsgeschichte* (Tübingen, 1986), p. 282.

<sup>5</sup> Robert Folz, *Les saints rois du moyen âge en Occident (VIe – XIIIe siècles)*, Subsidia Hagiographica, 68 (Brussels, 1984), p. 87; see also Robert Folz, *Les saintes reines du moyen âge en Occident (VIe – XIIIe siècles)*, Subsidia Hagiographica, 76 (Brussels, 1992), pp. 82–93.

<sup>6</sup> Renate Klausner, *Der Heinrichs- und Kunigundenkult im mittelalterlichen Bistum Bamberg* (Bamberg, 1957), p. 33.

<sup>7</sup> Klaus Guth, *Die Heiligen Heinrich und Kunigunde* (Bamberg, 1986), p. 78.

<sup>8</sup> MGH, *Scriptorum* IV (1841), p. 813b.

<sup>9</sup> Jürgen Petersohn, "Die Litterae Papst Innocenz' III. zur Heiligsprechung der Kaiserin Kunigunde (1200)," *Jahrbuch für fränkische Landesforschung* 37 (1977), 24. Cf. August Potthast, *Regesta Pontificum Romanorum* (Berlin, 1874), I, no. 1000. See also AA SS, March, I:281b-82a.

The bull of canonization furthermore reported that Cunegund submitted to a chastity test in order to prove her innocence of adultery.<sup>10</sup> Compared with historiographical sources, the Latin hagiography produced in furtherance of Henry's canonization, which subsequently nourished his cult, transmitted a revised, touched-up portrait that moved the saintly couple into the realm of the wondrous and miraculous. In the earliest records of Henry's life, produced during his lifetime, that is, in Thietmar's chronicle and the *Vita Heinrici II imperatoris* by Adalbold of Utrecht (ca. 970–1026), the figure of the emperor is still depicted in sober, realistic fashion.<sup>11</sup> In the *Vita Heinrici*, however, that was composed around 1145 and is attributed to a certain Bamberg deacon named Adalbert, Henry's life has entered the realm of hagiography, which is not surprising, given that this vita presumably represents the *relatio de vita et miraculis* demanded in the canonization process.<sup>12</sup> The story of the virginal marriage became extraordinarily elaborated in the supplementary *Vitae S. Heinrici Additamentum*,<sup>13</sup> thought to have been composed around 1200, where it turned into a full-fledged bridal-quest narrative.

The oldest extant German legend of Henry and Cunegund is the metrical version that Eberhard von Erfurt composed around 1220,<sup>14</sup> and his *Heinrich und Kunegunde* in turn was the ultimate source of the short prose legend in *Der Heiligen Leben*<sup>15</sup> and its Low German version in *Das Passionael*.<sup>16</sup> Eberhard's legend was considerably reduced for inclusion in *Der Heiligen Leben*. Although *Hendreks saga og Kunegundis*, like the other translated texts in *Reykjáhólabók*, derives demonstrably from a Low German version, the source of the Icelandic legend was a variant version that espoused a pragmatic view of the disadvantages of conjugal chastity. Political and economic considerations compel Henry's courtiers and Cunegund's relatives to oppose their desire not to get married. In the one case, the argument goes, a lack of heirs will cause division in the empire and be damaging to Christendom; in the other, it will lead to loss of family wealth. The most striking aspect of this legend is that Cunegund's opposition to marriage, indeed, her lack of consent, is given equal weight in the bridal-quest narrative, so that consensuality emerges as a compelling issue in Henry and Cunegund's wedding-night discourse.

The bridal-quest narrative proper in Eberhard's legend (vv. 732-924) is broadly tripartite, consisting of the council scenes in which Henry is advised to seek a wife and Cunegund is identified as an appropriate marital partner; the portrayal of Cunegund and her reluctant agreement to marry Henry; and Henry and Cunegund's conversation during their wedding night. The courtiers' argument for marriage is two-pronged: 1) marriage produces progeny, and 2) the unmarried state is inappropriate for an emperor and will bring about the destruction of the realm. Henry's resistance to marriage obtains from his decision to have

<sup>10</sup> Petersohn, "Die Litterae," p. 24. See also AA SS, March, I:282.

<sup>11</sup> Klauser, *Der Heinrichs- und Kunigundenkult*, p. 71.

<sup>12</sup> Klauser, *Der Heinrichs- und Kunigundenkult*, p. 72. "Adalberti Vita Heinrici II. Imperatoris," MGH, *Scriptorum IV* (Hannover: Hahn, 1841), 792-816. Adalbert was the first to report that the emperor "solum quippe Deum sibi elegit heredem"; that he had not consummated his marriage to Cunegund; and that Cunegund was falsely accused of adultery at the instigation of the devil and consequently underwent an ordeal to clear her name (p. 805).

<sup>13</sup> "Vitae S. Heinrici Additamentum," MGH, *Scriptorum IV* (Hannover, 1841), 816-20.

<sup>14</sup> *Heinrich und Kunegunde von Eberhard von Erfurt*, ed. Reinhold Bechstein, Bibliothek der gesamten deutschen National Literatur, 39 (Quedlinburg, 1860). All references are to this edition.

<sup>15</sup> "Heinrich," *Der Heiligen Leben*, Vol. I: *Der Sommerteil*, ed. Margit Brand, Kristina Freienhagen-Baumgardt, Ruth Meyer, and Werner Williams-Krapp (Tübingen, 1996), pp. 233-44.

<sup>16</sup> "Van Keyser Hinrik," *Das Passionael* (Lübeck: Steffen Arndes, 1492), lviii.a-lx.c. In *Der Heiligen Leben and Das Passionael* the legends of Henry and Cunegund are separate texts. The material concerning the bridal quest and marriage occurs in the legend of Henry.

Christ as his heir. When Henry finally decides to comply with his courtiers' demands, he places his trust in God in the hope that he will nonetheless be able to observe chastity until death (vv. 791-93). He informs his courtiers that they are to find for him a wife suitable to be empress.

*Hendreks saga og Kunegundis* attests that a second German author made Henry and Cunegund the subject of a vernacular vita. This legend conformed to the one transmitted in *Der Heiligen Leben* in respect to the story of Cunegund's chastity test and certain other elements scattered throughout the legend. As far as the bridal-quest narrative itself is concerned, however, the author substantially expanded the matter found in the *Additamentum* and in Ebermand's version by introducing concerns only hinted at in these texts and by additionally modifying and sharpening the focus on the issue of chastity. Furthermore, being dramatically inclined, the author chose to convey the plot not by means of third-person narrative, as Ebermand mostly did, but through monologue and dialogue.

The bridal-quest portion of *Hendreks saga og Kunegundis* commences after Henry has pacified his entire realm, seen to its governance, and held a great feast. He returns to Rome, and his councillors approach him, concerned about his unmarried state. They point out that matters cannot continue as they are, that he remain unmarried and without heirs; they wish eventually to be subject to his heirs; and they are motivated in their support of him by the knowledge that God is with him:

Verðugasti herra, nú eftir því að guð hefir gefið yður so fagan sigur og mikinn, sem þér sjálfir vel vitið, og so hafið þér samið og sett ydvarr ríki nú í góðan máta, þá með yðru góðu orlofi, kærastu herra, höfum vær hugsað um nokkuð efni á yðra vegna að so megi ekki standa að þér eigið ekki drottningu en ríkið erfingjalaust, en vær viljum þó allra helst eiga að vera undirgefmir yðru afkvæmi og vort afspringi, einkanlega þó fyrir þann skyld eigi síður en aðra að vær vitum að guð drottinn er með yður. (I:42.24-32)<sup>17</sup>

At first the emperor is silent and sighs, but then he replies that he has as yet not considered this matter, but that he will respond to their concerns at a later date. The councillors leave and nothing more happens for the time being. The emperor continues to turn the matter over in his mind, however, and remembers what he had promised God – "hugsar hann og um það hverju að hann hefði lofað guði" (43.8–9). Taken out of context, the remark is cryptic, but Henry is referring to an earlier incident, to a dream vision he had experienced before he was crowned emperor.

This incident is reported in Adalbert's *Vita Heinrici* and also included in Ebermand's legend. According to Adalbert, Henry had a dream one night in which he found himself in the church of St. Emmeram in Regensburg, by the tomb of St. Wolfgang. He hears the saint telling him to look at the words written on the wall by his tomb. There he reads: "Post sex" (p. 792). Thinking that this must mean he would die after six days, Henry dispenses alms to the poor. When he does not die, however, he thinks the words must refer to six months, and he begins to fear greatly. Once again nothing happens, and he decides that the reference must be to six years. The years pass and in the seventh year Henry is crowned emperor. He now realizes that the cryptic words had prophesied his consecration as emperor. According to Ebermand, Henry interprets the cryptic message to mean that he should be ready whenever the Lord chooses to call him to Himself. The episode concludes with Henry offering his virginity to God (vv. 281-82).

<sup>17</sup> In respect to orthography, lexicon, and syntax, the language of *Reykjahólabók* is a strange amalgam of early Modern Icelandic and late Middle Low German. The excerpts from *Hendreks saga* have been normalized to correspond to modern Icelandic orthography, although some of the consistent idiosyncracies of the text have been allowed to stand, such as the orthography of the first pers. pl. pronoun, that is, *vær*, rather than *vér*; or the consistent use of *kæri* in the feminine vocative, where one would expect *kæra*.

Ebernard does not permit Henry to reflect on the consequences of his vow of chastity, of which the nobles know nothing. In *Hendreks saga*, however, after the courtiers have broached the subject of marriage for the first time, Henry is given a long soliloquy, expressed in *erlebte Rede*. He is of two minds concerning the decision he should take:

Og væri það so að hann giftist ekki, sem þeir vildu, þá væri það jafn víst að sundurþykki mundi mikið verða í ríkinu, því að þeir sem meglugir væri og af stórum ættum kommir mundu taka sig upp hver í móti öðrum þegar að hans missti við. En þó vist og óvíst hvort það bíði so lengi og væri það þá mikil ábyrgð fyrir sig við guð ef það bæri til af hans völdum að sá hefði síst er helzt ætti. Í annan stað setur hann og í sinn hug ef hann verður þeim samþykktur í þessu að þá mundi hann stygga mjög guð er hann rýfur sitt heit er hann hefir lofað – nema hann gæti því so af stað komið að til þeirrar lofnar yrði heldur tveir en einn. Og með það seinasta tekur hann það upp að eiga allt sitt mál undir guði almáttugum. (43.10-22).

In Henry's ruminations about the quandary he finds himself in and the fact that either decision – to marry or not to marry – will have negative results, the former in his personal relationship with God, the latter in the repercussions to the empire, the author, who of course is writing with hindsight, permits Henry to foresee the political consequences of the virginal marriage to which after his death the lack of heirs was attributed. The problematic nature of Henry's childlessness is reiterated when the courtiers return to inquire what decision the emperor has taken. In Ebernard's version, the encounter between the emperor and the nobles is quite brief; they inform him that it is not fitting for an emperor to be unmarried, for the empire would thereby be destroyed (vv. 778–82). Their succinct reasoning provokes Henry's decision to consent to what they demand and his expression of trust that God will enable him to preserve his chastity until death (vv. 791-93).

Here too, the author of the Icelandic version stages a drawn-out scene in the corresponding episode. He has a spokesman voice the courtiers' concerns; in fact, he reiterates some of Henry's own previously expressed fears about the probable consequences to the empire should he not marry. When the nobles return to demand an answer to the matter they have raised, Henry thanks them but informs them that he cannot acquiesce, for "I have promised God to observe chastity my entire life" (44:2-3). At this point, one of the nobles addresses him:

Verðugi herra, þér vitið það vel sjálfir að ríkinu kemur það ekki vel fyrir margra hluta skuld so framt sem guð með sinni miskunn vilji gefa yður réttan erfingja til stjórnar heldur en yðvart ríki sundur dreifist til ýmislegra höfðingja, og jafn vist til útlandra sem inlendskra, og veit þá enn enginn fyrir nema hellög kristni fái þá jafn mikinn skaða sem nú hefur hún bata, sem oft hefir ákæð að annar hefir bæði eytt og niður brotið guðs kristni sem annar hefir bætt og eft. Og so, verðugi herra, er það ekki heldur alsíða að rómversku keisarar sé hreinlffis menn. Hér með er það og ekki tilheyrilegt að þér einir eigið so ríkið að þér hugsíð ekki líka vel fyrir réttum erfingjum og eftirkomendum hvegjir að þeir megi verða. Og biðjum vær yður, herra keisari, að þér lítið bæði á yöra nauðsyn og so vora. (44.7-19)

Henry's previous, private deliberations concerned his relationship with God and the effect of his vow on the empire. He realized that without heirs power struggles would ensue upon his death. This very issue is expatiated upon above by the spokesman of the courtiers, who addresses, however, not only secular issues, but also the state of Christendom. He makes it clear to Henry that as emperor he has no right to remain unmarried, for he must consider the royal succession. Only now does Henry give his consent and he asks the courtiers to find for him a wife, "whom it is fitting for me to marry and who will be for the good of the empire" (44:25).

Henry's decision to get married, despite his vow of virginity, is prompted by his concern for the welfare of the empire and the church. Henry's very extensive interior monologue on the subject and the argument of his nobles is without precedent in either the Latin or German legends. Indeed, Henry's decision to place his trust in God in the hope that

two and not just one might be able to take a vow of chastity together – "að til þeirrar lofnar yrði heldur tveir en einn" – is unique. It anticipates not only the mutual decision that Henry and Cunegund are to adopt on their wedding night, but also the issue of consent in marriage that Cunegund is to raise.

At the heart of the German bridal-quest narrative that was the source of *Hendreks saga* are two issues: 1) the consequences of chastity for either partner, in the case of Henry to the empire and the church; in the case of Cunegund, as we shall see, to her patrimony; and 2) the issues of mutual consent to marriage itself and mutual consent to a chaste marriage. This latter problem surfaces when Cunegund enters the narrative. The version represented by the Icelandic saga deviates from all other extant redactions of the legend inasmuch as Cunegund is given a much more prominent role; indeed, she forces the issue of perpetual virginity. Henry's ambassadors learn that Cunegund's parents have died and that Cunegund wishes to remain a virgin. They decide to approach her guardians, that is, "þá sem fyrir hennar ráði átti að sjá" (*Rhb*, I:45.25-26), in order to present to them their proposal and the emperor's letter and seal. Upon reading the letter, Cunegund's relatives are receptive but say that they wish to inform Cunegund before giving their answer to the marriage proposal (*Rhb*, I:45.28-29).

Cunegund is summoned and informed of Henry's letter and proposal, but she replies that this is not what she had in mind (*Rhb*, I:45.31-32). Her relatives plead Henry's case by pointing to his great power and majesty, which surpass that of all other kings and lords in Christendom (*Rhb*, I:45.32-46.1). While Cunegund is aware of Henry's eminence, she nonetheless states that if she is allowed to decide for herself, she will have no other bridegroom than the one she has already chosen. Her statement and the ensuing dialogue with the courtiers are extremely significant inasmuch as these touch on the issue of self-determination:

"Ef ég má sjálf ráð vera, þá ætla ég mér ekki annan brúðguma að eiga en þann ég hefir valið mér áður." Þá svara þeir og segja að það megi ekki fyrir sakir hennar stórra eigna og annarra auðæfa er henni til heyrði. Hún sagðist þar öngva hugsan á hafa og öngva veraldlega hluti því að það væri <ekki> annað nema hégómi einn. Af þessum hennar orðum stýggjast þeir og segja að þeir eiga sjá ráð fyrir henni en ekki hún og skuli hún ekki ráða, því að með öngu móti, sögðust þeir, vilja það að hennar arfur og góðs eignist nokkur maður nema hún sjálf og hennar afkvæmi. (46.3-12)

The exchange between Cunegund and her relatives raises a central issue in respect to marriage: whether the woman has the right of choice. Cunegund wishes to have *sjálf ráð*, while her relatives insist that she does not have a right to this, that they are the ones who alone have the decision-making power (*ráð*) and that she therefore may not decide (*ekki ráða*) herself. The author of the legend has constructed Cunegund's disagreement with her relatives and, as will be seen, her subsequent interaction with Henry in light not only of the position of canonists at the time the legend was developing but also the practice of consensual marriage in southern Germany.<sup>18</sup> The above exchange also addresses the material consequences of Cunegund's desire to preserve her virginity. It thus anticipates and hence reflects a real conflict with her brothers, not at the time of the marriage, but subsequently, when she agreed to give up Bamberg, which Henry had presented to her as his morning gift, so that a bishopric could be founded there. Henry announced this at an imperial synod on 1 November 1007, where he declared Christ his heir, since he no longer hoped to have progeny, and announced that his wife's generosity enabled him to do so. This generated not merely protest from

<sup>18</sup> See James A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago, 1987), p. 187; also pp. 183, 194, 264. Cf. Dyan Elliott, *Spiritual Marriage: Sexual Abstinence in Medieval Wedlock* (Princeton, 1993), pp. 138, 157.

Cunegund's brothers, since they therefore had to give up the hope of inheriting her wealth, but also led to protracted feuding between Henry and the Luxemburg house.<sup>19</sup>

That consent in marriage was of vital concern for the author of this version of the legend becomes evident in the first encounter between Henry and Cunegund. After her arrival at Henry's court, his councillors remind him to fulfill his promise of marriage, but he first turns to Cunegund and asks "hvort þetta væri henni til vilja" (*Rhb*, I:46.31). Her reply is frankly negative:

"Verðugi herra, með yðru orlofi. hingað til hefir ég aldrei verið þessu samþykk og eigi heldur jáyrði til gefið, því að ég hefði valið mér annan unnasta, ef ég hefði sjálfráða verið. En nú, kærasti herra, síðan að ég er hér komin. þá legg ég mig og mitt mál á yðvart vald." (46.32-47.3)

It is significant that Henry inquires as to whether Cunegund has given her consent to the marriage. Cunegund's unwillingness to marry was already an issue in the *Vitae S. Heinrici Additamentum*. There we are told that when she hears about the proposal, she becomes exceedingly sad and starts to cry, and because "regi angelorum iam sibi sponsum elegerat, regi Romanorum licet inclito nubere recusabat" (p. 817, a). Her relatives adduce various arguments, however, "ut imperatori tam glorioso nubere non recusaret," and in the end Cunegund commends herself to God in the hope "quod ipse, cui subest cum voluerit posse, etiam in coniugo sibi posite florem pudicitie sue, ne marcesceret, posset conservare." She agrees to the marriage, yet, the narrator adds, "non animo volenti" (p. 817, b). This *non animo volenti* may have inspired the author of the source of *Hendreks saga* to develop the narrative so as to make consent to marriage a central issue not only for Cunegund but also Henry. This happens neither in the *Additamentum*, however, nor in Ebermand's metrical legend, where Cunegund's unwillingness remains just that, a comment by the narrating author. The question of consent is not raised by either partner.

Once the author of *Hendreks saga* – reference to the "author" is also in every case a reference to the author of its German antecedent – permits the emperor to inquire whether Cunegund has assented, and he has received her negative response, the stage is set for pursuing the issue during the wedding night. Henry's first words to her in bed are as follows:

"Kæri jungfrú," segir hann, "ég hefir nokkuð hugsað eftir því orði er þér svöruðuð mér svá látanda að þú hefir útvalið einn annan þér til umnasta ef þú hefir ráðið. Og vil ég að þér viljið láta mig vita hver að sá er. Kann vera að yður skuli það ekki til styggingar vera, þó ég viti það með yður." (47.12-17)

Henry's inquiry, upon meeting Cunegund, whether she has consented to the marriage, and her reply at that time, subsequently provoked the above question. Once the issue of consent has been injected into the legend, the wedding-night conversation perforce proceeds in a manner quite different from that reported by the *Additamentum* and Ebermand. In the Latin legend, which one may consider the prototype, Cunegund is given no voice until the wedding night, but even then it is Henry who initiates the conversation. Addressing Cunegund as "sponsa mea carissima," Henry informs her of his vow of virginity, which then gives her the opportunity to let him know that she has taken a similar vow (p. 817, b). In his response to Cunegund, Henry refers to their mutual will and consent to a virginal marriage:

<sup>19</sup> *Sigeberti chronica*, ed. L. C. Bethmann, MGH SS, 6, p. 354. See Bernd Schneidmüller, "Kaiserin Kunigunde. Bamberger Wege zu Heiligkeit, Weiblichkeit und Vergangenheit," *Historischer Verein Bamberg*. Bericht 137 (2001), 23; Sven Pflöck, "Heilige und Herrscherin – Heilige oder Herrscherin? Rekonstruktionsversuche zu Kaiserin Kunigunde," *Historischer Verein Bamberg*. Bericht 137 (2001), 43–44. See also *Kaiser Heinrich II. 1002–1024*, ed. Josef Kirchmeier et al., Veröffentlichungen zur Bayerischen Geschichte und Kultur, 44 (Augsburg: Bayerisches Staatsministerium für Wissenschaft, Forschung und Kunst, 2002), pp. 257–58, on Cunigunde's donations to the Church after the death of Henry.

O amica mea, sponsa mea, immaculata mea, revera Dominus est in medio nostri, qui nos unius voluntatis et propositi in suo nomine fecit convenire, qui est refugium nostrum et virtus. Unanimi consensu iam ipsi nos ipsos offeramus pollicentes, quod propter eius anorem omnibus diebus vite nostre celibem vitam ducamus... (p. 817, b)

While consent surfaces in the Latin legend, this is an issue solely in respect to the mutual decision to observe conjugal chastity.

Throughout the Latin legend, and this is also the case in Ebernard's version, Henry is given the lead. In the wedding-night scene, Henry tells Cunegund of his vow (vv. 897–903); she responds that she has also vowed virginity; and Henry proposes that they observe conjugal chastity. Surprisingly, Ebernard's legend does not capture the telling phrases *unius voluntatis et proposito* and *unanimi consensu* above. Henry simply says: "My lady, I want to promise you one thing, and you should promise me the same, that we will live chastely" (vv. 942–45). Ebernard's Henry rather peremptorily enjoins Cunegund to promise him to observe conjugal chastity. In *Hendriks saga*, however, the issues of consent and self-determination continue to dominate the narrative so that the wedding-night discourse is quite different. Furthermore, because Henry had inquired as to the meaning of Cunegund's words when she first met him, she is the one to initiate the couple's consideration of conjugal chastity. In other words, the issue of consent to marriage has led to a restructuring of the wedding-night conversation: not Henry raises the subject of chastity but Cunegund. She says:

Minn kærasti herra, með yðru lofi til að segja, þá hefði ég gjarnan hreinlífi halda ef ég hefði so mátt gjöra. En mínir frændur sem fyrir mínu ráði þóttust eiga sjá vildu það ekki, einkanlega síðan þeir fengu yðvart bréf og boð og sendu mig með þessu til yðvar. Og ég er nú komin á yðra náð bæði um þetta og so allt annað á mína vegna. (47.20-25).

Henry replies that he too had intended to preserve his virginity, but that he had consented to marriage because of the urging of powerful nobles and friends. Nonetheless, he continues, "setta ég mitt öruggt traust til míns drottins að hann mundi senda mér þá til handa er ég mætti ráða við" (*Rhb*, 47.28-30). The last clause is problematic; indeed, it makes no sense in the context of all that has gone before. Given Henry's fervent prayer during his earlier soliloquy that God make it possible for two to take a vow of virginity together; furthermore, given his concern that Cunegund give her consent to the marriage, one would expect Henry to have told Cunegund that he had asked God to send him a wife whom he could consult about the possibility of observing conjugal chastity. The most likely explanation for Henry's uncharacteristic statement is that the source text contained the LG cognate *raden* 'to discuss', 'to consult' with someone, and that this cognate in its syntactic context generated the Icelandic *ráða við*, the meaning of which diverges drastically, however, in Icelandic.<sup>20</sup>

One must conclude that in the Low German source Henry tells Cunegund that he had placed his trust in God to send him someone with whom he would be able to discuss the possibility of observing conjugal chastity—and not someone on whom he could impose his will. This becomes clear in what follows, for he now exhorts Cunegund: "Og ef so er, kærri jungfrú, að þín vili er sem minn, þá viljum við bæði lofa guði að halda hreinlífi alla okkara daga meðan við lifum" (*Rhb*, I:47.30-32). The episode concludes with Henry and Cunegund taking each other by the hand and promising "God and each other to preserve chastity while

<sup>20</sup> See *raden* in Karl Schiller and August Lübben, *Mittelniederdeutsches Wörterbuch* (Bremen, 1875-80; rpt. Vaduz, 1986), III:413; also the use of the same verb in the formulaic *raden vnde äden* (I:473). Henry's words during the wedding night must have contained the LG cognate *raden*, which generated Icelandic *ráða*, but which in combination with the verbal particle *við*, rather than a preposition, as must have been the case in LG, generated an unintended shift of meaning.

they both lived, and they praised God and his blessed mother Mary for this, and they stipulated that no one should know about this but only they" (*Rhb*, I:48.5-7). It is not clear whether the final clause is part of the vow or not; even if it is not included, the words nonetheless indicate that Henry and Cunegund are in agreement that their vow should remain a secret. The *Additamentum* does not contain this stipulation; it first appears in Eberhard's legend (v. 951).

It has been suggested that Henry's prayer on his deathbed – "Hanc ecce, inquit, michi a vobis, immo per Christum consignatam, ipsi Christo domino nostro et vobis resigno virginem vestram" (*Vita Heinrichi*, p. 810) – indeed, the story of his virginal marriage, is reminiscent of Gregory of Tours's story of the two lovers, that is, the tale of the chaste marriage of Injuriosus and his wife, both the sole children of wealthy parents.<sup>21</sup> When she precedes him in death, according to Gregory, Injuriosus prayed: "Gratias tibi ago, domine Iesu Christi, aeternae domine deus noster, quia hunc thesaurum, sicut a te commendatum accepi, ita immaculatum pietati tuae restituo."<sup>22</sup> The similarity of Henry's deathbed prayer and Injuriosus's at the grave of his wife is striking. Injuriosus's prayer had already found its way into Henry's legend several decades before the *Additamentum* was composed, for Leo of Ostia cites it in his chronicle of Montecassino.<sup>23</sup> Gregory's tale may have inspired more than Henry's prayer, however; it may also have inspired other aspects of the German legend of Henry and Cunegund that has been transmitted in Icelandic translation.

Gregory's tale consists of little more than the wedding-night conversation between the couple; in fact, the major portion of the dialogue is given to the bride, who remains nameless throughout. The conversation is generated by the fact that the bride starts to cry and Injuriosus asks her the reason for this. There follows a long response in which she tells him that she had determined to preserve her body for Christ, untainted by the touch of any man. In a passionate lament the bride wishes that she had died at birth. Injuriosus responds that each of them is an only child and that their parents wanted them to marry so that their respective families would not die out, permitting strangers to inherit their wealth – "ad propagandam generationem coniungere voluerunt, ne recedentibus de mundo succederet heres extraneus" (I:48). The bride responds, however: "Nihil est mundus, nihil sunt divitiae, nihil est pompa saeculi huius, nihil est vita ipsa quam fruemur" (I:48). Convinced by her fervent words, Injuriosus responds: "si vis a carnali abstinere concupiscentiam, particeps tuae mentis efficiar" (I:48).

There are striking echoes of Gregory's tale in *Hendreks saga*, where Cunegund, like the maiden in Gregory's tale, is given such a prominent role. At issue in the story of Injuriosus is the extirpation of a family through lack of progeny and the question of inheritance. As is the case with Cunegund's family, the parents of Injuriosus and his bride do not wish their wealth to be expropriated. Then too the lovers' conversation concludes with the mutual decision to lead a virginal marriage, the initiative for which comes from the bride, as Injuriosus's final words confirm: "Faciam quae hortaris" (I:48). While there is no certain evidence that Gregory of Tours's affecting tale was a source of this part of the legend of Henry and Cunegund, it nonetheless offers evidence for the existence of a model that may

<sup>21</sup> H.-J. Schröpfer, "Heinrich und Kunigunde". *Untersuchungen zur Verslegende des Eberhard von Erfurt und zur Geschichte ihres Stoffes* (Göppingen, 1969), p. 24, fn. 28.

<sup>22</sup> Gregor von Tours, *Zehn Bücher Geschichten*, Erster Band: Buch 1–5. Auf Grund der Übersetzung W. Giesebrechts neubearbeitet von Rudolf Buchner, 7th ed. (Darmstadt, 1990), I:47–51. The story is repeated in Gregory's *Liber in gloria confessorum*, although the lovers remain nameless, and there the husband says at his wife's burial: "Gratias tibi, rerum omnium artifex, ago, quod, sicut mihi eam commendare dignatus es, ita tibi reddidi ab omni voluptatis contagio inpollutam" (MGH, *Scriptorum rerum Merovingicarum* [Hannover, 1885], p. 767).

<sup>23</sup> According to the *Chronica monasterii Casinensis*, Henry says: "Recipite quam michi tradidistis virginem vestram" (MGH, SS, VII [Hannover: Hahn, 1846], p. 659).



have inspired the author of the German legend represented by *Hendreks saga* to restructure and refocus the legend of Henry and Cunegund as transmitted in the *Additamentum*.

The German legend transmitted in *Hendreks saga og Kunegundis* is unique. It is remarkable for voicing secular and ecclesiastical concerns attendant upon a childless marriage. Both Henry and his courtiers are aware of the potential negative consequences to the empire and the Church should Henry not marry. Similarly, Cunegund's relatives force her into marriage so that her patrimony will not be expropriated. Only the Icelandic version injects the notion of consent to marriage into the narrative; for this reason only in this version is Cunegund given the opportunity by Henry to initiate the conversation during the wedding night that is to lead to their mutual decision to observe conjugal chastity. While it is true that "[m]uch of the familiar rhetoric of consensuality and mutual sanctification resurfaces in the *vita* that was written at the time of Innocent III's bull of canonization,"<sup>24</sup> only the Icelandic version draws the ultimate consequences of consensuality in constructing the story of Henry and Cunegund's marriage.

Alone among the Latin and vernacular accounts of the life of Henry II, *Hendreks saga* transmits a version of the bridal-quest narrative that focuses on consensuality in marriage. The author of the German source of *Hendreks saga* was very much concerned with the consequences of conjugal chastity in respect to government and personal property. Furthermore, the issue of consent – to marriage and to conjugal chastity – was uppermost in his mind, and this concern took center stage in the encounter between Henry and Cunegund. The author of this version undertook a substantial revision of the received legend and recast the bridal-quest and marital narratives so as to focus on Cunegund and the issue of consent in marriage.

The extraordinary German version of the legend of Henry and Cunegund that radically modified the story of Henry's bridal quest and the couple's wedding night no longer exists – except in Icelandic translation. It is not known how Björn Þorleifsson, who produced *Reykjahólabók*, acquired the German sources of the legends he translated; nor is it possible to ascertain whether he had available a Low German legendary or a group of separate legends. What happened to his sources, once he had translated them, is a mystery as is the disappearance of the very works themselves. The long German legend of Henry and Cunegund, with its unique focus on consensuality in marriage, is known today only because by a quirk of fate it fell into the hands of the compiler of *Reykjahólabók*.

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<sup>24</sup> Dyan Elliott, *Spiritual Marriage: Sexual Abstinence in Medieval Wedlock* (Princeton, 1993), p. 130.