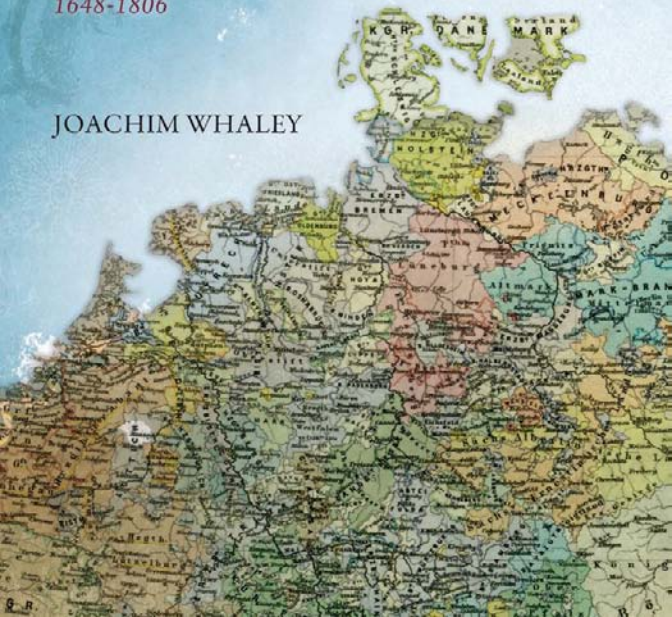
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GERMANY *and the* HOLY ROMAN EMPIRE

VOLUME II: THE PEACE OF WESTPHALIA TO THE DISSOLUTION OF THE REICH
1648-1806

JOACHIM WHALEY



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GERMANY AND THE HOLY ROMAN EMPIRE

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Germany and the Holy Roman Empire

BY
JOACHIM WHALEY

VOLUME 2
FROM THE PEACE OF WESTPHALIA TO
THE DISSOLUTION OF THE REICH 1648–1806

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For Alice

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I have incurred numerous debts during my work on this project and it is my pleasure to record some of them here. The list of institutions may be complete, but I have no doubt that I have overlooked many individuals and I should apologize to them at this point.

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My greatest debt, as the dedication indicates, is to Alice.

Joachim Whaley
Cambridge
31.x.11

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A Note on Terminology and Usage

Even the question of how to refer to 'Germany' in the early modern period has aroused controversy. I have used a variety of forms as they have seemed appropriate. The term 'German lands' was employed with increasing frequency from about the middle of the fourteenth century. In humanist discourse around 1500, 'Germany' is frequently found. It remained in use in political discourse and in literature. The title 'Das Heilige Römische Reich deutscher Nation', which gained currency around 1500, also underlines the identification of the empire as a specifically German polity. The title of the empire was variously abbreviated, but, increasingly, 'Deutsches Reich', 'das Reich', or simply 'Deutschland' were employed. I have referred to the empire as the 'Reich' throughout, and I also frequently refer to the 'German lands' and 'Germany', meaning more or less the same area (including Austria), throughout.

Institutions of the Reich have also been referred to by their German names. I have thus preferred 'Kreis' (plural 'Kreise') to the awkward English term 'Circles', 'Reichshofrat' to 'Imperial Aulic Council', and 'Reichskammergericht' to 'Imperial Chamber Court'. These and other German terms are explained in the Glossary.

I have generally used the German forms for the names of people and places, except where that would impede identification of an individual or place well known in English (for example, Frederick the Great). German names have almost invariably been used for places that also have Polish, Czech, or Hungarian names. The use of German names in such cases has in the past been the subject of bitter argument, a reflection of the troubled history of the relations between the Germans and their eastern neighbours. The use of German names in this work does not imply any position on those arguments, any more than the implicit inclusion of the Austrians in the term 'German' at many points of the book indicates any sympathy or nostalgia on the part of the author for notions of a 'greater Germany'. The same applies to the preference given in this work to the German names of places in Alsace and elsewhere.

Geographical terms such as 'Lower Germany' and 'Upper Germany' have been given in English. 'Upper' and 'lower' normally refer to altitude and river flows, though this can be misleading. The Upper Palatinate, for example, originally a possession of the Rhineland Lower Palatinate, became a Bavarian possession from the 1620s, and it is now one of seven administrative regions of the modern *Land* of Bavaria, to the north-east, next to the Czech border. In other cases, 'Upper' and 'Lower' can refer to the major or stem territory of a principality and a minor exclave, respectively.

The use of the term 'Calvinist' is problematic, for those Germans who were referred to as 'Calvinists' were really the heirs of Zwingli and Bullinger rather than followers of Calvin, whose impact was greater in France. The term 'Calvinist' was used frequently in the late sixteenth century, but it soon acquired pejorative

connotations. The German reformed churches generally referred to themselves as 'Reformed' or, later 'deutsch-reformiert' (to distinguish themselves from the Huguenot immigrants of the late seventeenth century, who were indeed Calvinist and who were generally known in Germany as 'französisch-reformiert'). I have used 'Calvinist' only in contexts where it seems appropriate, and have otherwise generally preferred the terms 'Reformed' and 'German Reformed'.

The vocabulary of the currency, weights, and measures of early modern Germany is characterized by an almost impossible variety. The Reich used both (gold) gulden and (silver) thaler as main denominations throughout the early modern period, though the thaler came to predominate. Lesser coins varied according to region, or even locality. This is also true of weights and measures, where the same word could denote a wide variety of different actual entities. I have not attempted to standardize or to provide equivalents, either contemporary or modern: that would be a formidable task for a single year, let alone over three centuries. The best guides to this profusion are Fritz Verdenhalven's *Alte Maße, Münzen und Gewichte aus dem deutschen Sprachgebiet* (Neustadt a.d. Aisch, 1968) and Wolfgang Trapp, *Kleines Handbuch der Maße, Zahlen, Gewichte und der Zeitrechnung* (2nd edn, Stuttgart, 1996).

The most important square measure for this book is the square mile. I have converted German square miles either into English square miles (1 German square mile, or 'Quadratmeile', is 21.25 English square miles) or into square kilometres (1 German square mile or 'Quadratmeile' is 55.05 square kilometres).

In general, I have simplified German orthography throughout, especially by usually preferring 'ss' to 'ß'. The German and Latin titles of works that appear in the text are normally accompanied by an English translation, except where the sense of the sentence makes the meaning obvious. Date of birth and death or regnal dates have been given where it seems appropriate.

A Note on Maps and Online Resources

Maps are a serious problem for any historian of the Holy Roman Empire. Only the largest formats, far exceeding what is possible in the average-sized book, are capable of reflecting the complexity of the territorial arrangements in the early modern Reich. Even some regional maps would need to be quite large to show accurately the fragmented nature of many territories or the difference, for example, between the boundaries of prince-bishoprics which a prince-bishop ruled as a prince and the diocese of which he was spiritual head.

The maps contained in this work can only provide a very rough general orientation. An excellent collection of maps with greater detail may be found online in the collection commissioned by the German Historical Institute, Washington DC, entitled German History in Documents and Images (GHDI), at http://germanhistorydocs.ghi-dc.org/about.cfm (accessed 4 May 2011). The relevant sections are: volume 1, 'From the Reformation to the Thirty Years War (1500–1648)', edited by Thomas A. Brady and Ellen Utzy Glebe, and volume 2, 'From Absolutism to Napoleon (1648–1815)', edited by William Hagen.

The best historical atlas in print is probably *Putzger: Historischer Weltatlas*, edited by Ernst Bruckmüller and Peter Claus Hartmann (103rd edn, Berlin, 2001). The indispensable seven-volume handbook on the religious and ecclesiastical history of the German territories between 1500 and 1648, edited by Anton Schindling and Walter Ziegler (cited as Schindling and Ziegler, *Territorien*), provides an area map of *c.*1500 for each territory discussed. The best historical atlas for religious and ecclesiastical history is now *Atlas zur Kirche in Geschichte und Gegenwart: Heiliges Römisches Reich, deutschsprachige Länder*, edited by Erwin Gatz, with Rainald Becker, Clemens Brodkorb, Helmut Flachenecker, and Karsten Bremer (Regensburg, 2009). Other useful maps relating to religious history generally, including the Reichskirche, may also be found in *Atlas zur Kirchengeschichte: Die christlichen Kirchen in Geschichte und Gegenwart*, edited by Hubert Jedin, Kenneth Scott Latourette, and Jochen Martin, 3rd revised edition, edited by Jochen Martin (Freiburg, 2004), pp. 64–94.

The Internet has made a wealth of biographical information accessible. The standard German (*Allgemeine Deutsche Biographie* and *Neue Deutsche Biographie*), Austrian (*Österreichisches Biographisches Lexikon*), and Swiss (*Historisches Lexikon der Schweiz*) biographical dictionaries are searchable via the 'biography portal' at http://www.biographie-portal.eu/about (accessed 4 May 2011). Constantin Wurzbach's *Biographisches Lexikon des Kaiserthums Österreich*, 60 vols (1856–91) may be searched at http://www.literature.at/collection.alo?objid=11104 (accessed 4 May 2011). Friedrich Wilhelm Bautz's invaluable *Biographisch-bibliographisches Kirchenlexikon* is available in updated form at http://www.bautz.de/bbkl/ (accessed 4 May 2011).

Images of places and buildings are now also available online: a simple search using either an English search engine or, often much better for searching a German

term or place name, a German-language search engine, such as via www.altavista.de, can quickly yield an image that gives an excellent sense of place. Many a building described in the literature as influenced by Versailles turned out to bear no likeness at all!

Finally, anyone working on German history, or wishing to find further literature on particular points, should be eternally grateful to the editors of the *Jahresberichte für deutsche Geschichte* at the Berlin-Brandenburgische Akademie der Wissenschaften. Their online bibliography, which includes everything published on German history since 1974 and is updated daily, is, quite simply, incomparable. It can be found at http://www.jdg-online.de (accessed 4 May 2011).

Abbreviations

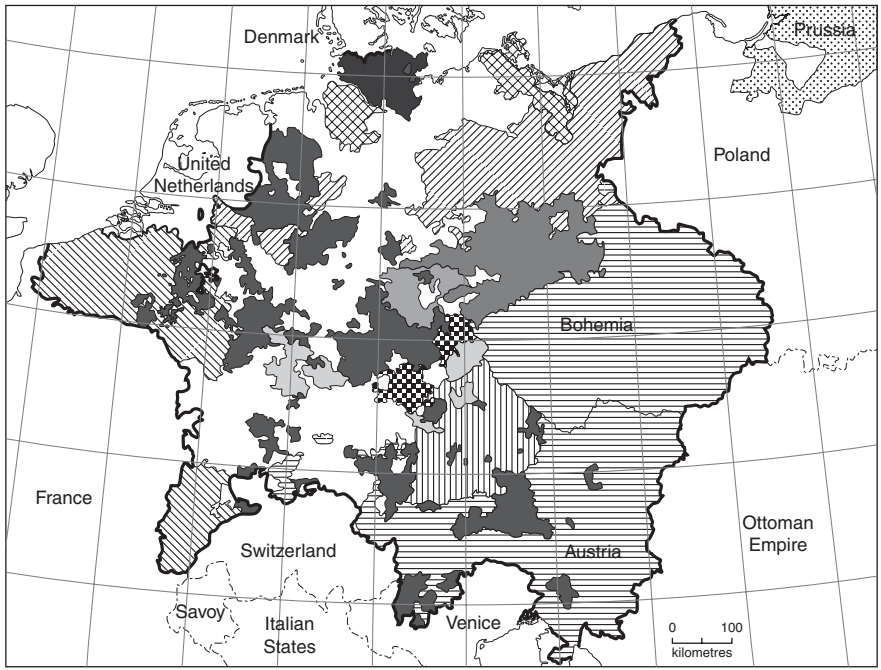
ADB	*Allgemeine Deutsche Biographie*, 56 vols (Munich and Leipzig, 1875–1902).
BWDG	*Biographisches Wörterbuch zur deutschen Geschichte*, ed. Karl Bosl, Günther Franz, and Hanns Hubert Hofmann, 2nd edn, 3 vols (Munich, 1973–4).
DBE	*Deutsche Biographische Enzyklopädie*, ed. Walther Killy and Rudolf Vierhaus, 13 vols in 15 (Darmstadt, 1995–2003).
DVG	*Deutsche Verwaltungsgeschichte*, *Band 1: Vom Spätmittelalter bis zum Ende des Reiches*, ed. Kurt G. A. Jeserich, Hans Pohl, and Georg Christoph von Unruh (Stuttgart, 1983).
HBayG	*Handbuch der Bayerischen Geschichte*, ed. Max Spindler, Franz Brunhölzl, and Hanns Fischer, 4 vols in 6 (Munich, 1967–75).
HdtBG, i	*Handbuch der deutschen Bildungsgeschichte*, *Band I: 15. bis 17. Jahrhundert,* ed. Notker Hammerstein (Munich, 1996).
HdtBG, ii	*Handbuch der deutschen Bildungsgeschichte*, *Band 2*: *18. Jahrhundert,* ed. Notker Hammerstein and Ulrich Herrmann (Munich, 2005).
HbDSWG	*Handbuch der Deutschen Wirtschafts- und Sozialgeschichte*, *Band 1: von der Frühzeit bis zum Ende des 18. Jahrhunderts*, ed. Herman Aubin and Wolfgang Zorn (Stuttgart, 1978).
HDR	*Handwörterbuch zur Deutschen Rechtsgeschichte*, ed. Adalbert Erler and Ekkehard Kaufmann (Berlin, 1964–).
HLB	http://www.historisches-lexikon-bayerns.de/base/start (last accessed 15 November 2010).
HLS	*Historisches Lexikon der Schweiz*, ed. Marco Jorio (Basle, 2002–).
IPM	Instrumentum Pacis Monasteriense (the Peace of Münster 1648).
IPO	Instrumentum Pacis Osnabrugense (the Peace of Osnabrück 1648).
LdM	*Lexikon des Mittelalters*, 10 vols (Munich, 1980–99).
NDB	*Neue Deutsche Biographie* (Berlin, 1953–).
RGG	*Die Religion in Geschichte und Gegenwart. Handwörterbuch für Theologie und Religionswissenschaft*, ed. Hans Dieter Betz, Dan S. Browning, Bernd Jankowski, and Eberhard Jürgel, 4th edn, 9 vols (Munich, 1998–2005).
TRE	*Theologische Realenzyklopädie*, ed. Gerhard Krause and Gerhard Müller, 38 vols (Berlin, 1977–2007).

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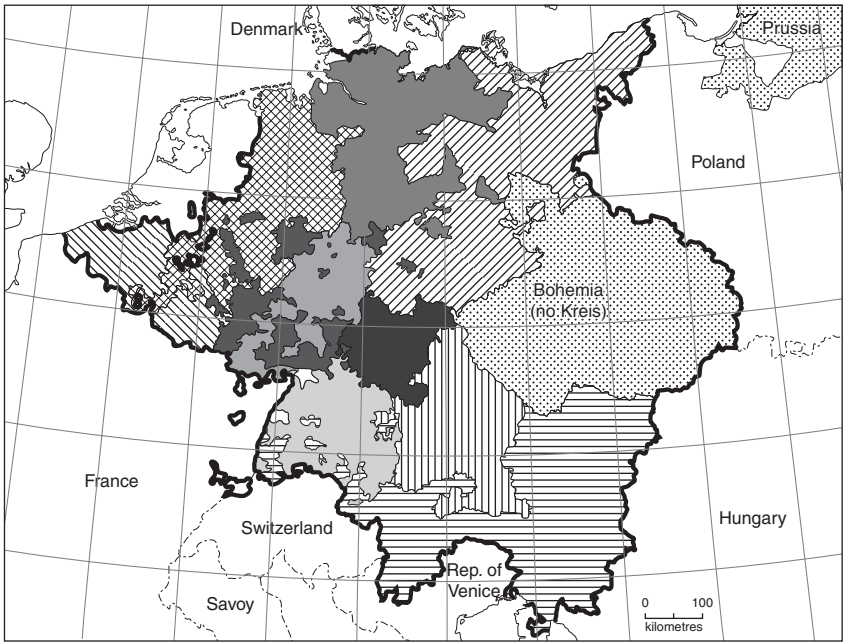
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The Holy Roman Empire: 1648 (major territories)



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The Kreise of the Holy Roman Empire, *c.* 1700



Empire boundary

Kreis

- Electoral Rhine
- Westphalian
- Franconian
- Upper Rhine
- Upper Saxon
- Swabian
- Burgundian
- Lower Saxon
- Bavarian
- Austrian

N.B. Hatching denotes regions with large numbers of Imperial Knights.

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Introduction to Volume 2: From the Peace of Westphalia to the Dissolution of the Reich in 1806

There are both practical and chronological reasons for the division of this study of the early modern Holy Roman Empire at 1648. This second volume is roughly the same length as the first. That volume concluded and this one begins with one of the most important milestones in early modern Germany history: the Peace of Westphalia at the end of the Thirty Years War. The Peace has often been seen as a crucial juncture in German history, and many have argued that it marked the final extinction of the hopes that attended the Reformation, the onset of a lasting authoritarian phase in the development of the German territories, and the beginning of the end of the Reich. The emphasis in this study, by contrast, is on continuity.

The treaty proclaimed the principle of perpetual forgetting and amnesty (*perpetua oblivia et amnestia*), but it embodied the memories of the previous one-hundred-and-fifty years. It marked the conclusion of the constitutional negotiations that had begun with the first proposals for the reform of the Reich in the fourteenth century. By the late fifteenth century, these proposals for reform had been translated into a wide-ranging programme which was the subject of intensive negotiations during the reign of Maximilian I. The outcome was a compromise between the Emperor and the Estates. The Estates agreed to defend the Reich and to promote measures that would pacify the Reich internally, but they refused to grant the Emperor either a standing army or a permanent agency of government. This compromise was both tested and reinforced by the Reformation and various subsequent political compromises, notably the Peace of Augsburg of 1555. The compromises themselves established important principles concerning religious rights which had far-reaching implications for the legal and political culture of the Reich generally. Yet the core constitutional issues remained unresolved: the extent of the rights and prerogatives of the emperor and of the Estates of the Reich, respectively.

The Peace of Westphalia did not resolve these issues in favour of one side or the other. It did, however, create a more satisfactory balance and a framework that endured until the Reich was destroyed by Napoleon in 1806. The balance of power between emperor and Estates remained a central issue, and was the subject of constant renegotiation between 1648 and 1806. The most powerful princes, the Electors, sought to establish themselves as something akin to a ruling oligarchy alongside the Emperor and apart from the other Estates. Brandenburg-Prussia was not the only territory that increasingly jibbed at Imperial overlordship. Like the others, however, it was never seriously in a position to challenge the Habsburgs.

The Reich enjoyed remarkable stability in this period. There was no fundamental challenge to the status quo, such as the Reformation or the Knights' War and the Peasants' War of the 1520s. The profound religious movements and the new intellectual currents of the late seventeenth and eighteenth centuries generated ideas for the reform of the Reich and the territories, but they did not threaten the framework developed in the century-and-a-half before 1648. The most important changes are generally associated with the territories rather than with the Reich, yet the Reich too was not impervious to reform. The German polity as a whole evolved and adapted to the new circumstances in Europe, to new conceptions of the nature and functions of government, to new religious ideas, to the challenge of the German Enlightenment (or *Aufklärung*), and, finally, to the new political ideas that emanated from France after 1789.

The historiographical framework for this study of early modern Germany was outlined in the introductory essay on 'narratives of early modern German history' in Volume 1, and it will not be reiterated here. Several themes predominate in Volume 2, and they are discussed in the opening pages of each section below. The question of the viability of the Reich and its institutions is central, as is the question of the extent to which a sense of German national identity developed either in parallel to or in competition with territorial patriotism. Did Austria's development as a great power lead her to become indifferent to or grow out of the Reich? How far did Brandenburg-Prussia's attempts to join the ranks of the great powers set her apart from the other German territories and make her into a threat to the Reich? How did the political culture of the Reich and its territories change, and how was the central notion of 'German liberty' understood by the late eighteenth century? How did the institutions of the Reich relate to the governments of the German territories, and to what extent did the reforms introduced in the territories account for the apparent immunity of the Reich to the kind of revolutionary upheavals that erupted in France in 1789?

Finally, what did the Reich mean to its inhabitants at the end of the eighteenth century, and what was its legacy in the nineteenth and twentieth centuries? The leading German historians of the late nineteenth and first half of the twentieth centuries were convinced that by 1806 the Reich had become at best meaningless and at worst an obstacle to progress and national unification. This study of the early modern Reich concludes, by contrast, that its political culture and the sense of national identity that developed in it have continued to shape the development of German-speaking Europe to the present day.

I

RECONSTRUCTION AND RESURGENCE, 1648–1705: THE REICH UNDER FERDINAND III AND LEOPOLD I

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1

Historians and the Reich after the Thirty Years War

Negative assessments of the implications of the Peace of Westphalia for German history as a whole have had a particular impact on evaluations of the Reich in the second half of the seventeenth century. Nationalist historians focused on the shame of the fragmentation of the German nation after 1648: the affirmation of the rights of the territories detracted from the potential of the Reich. A passive and ineffective Reich, they believed, became the punchball of Europe, particularly vulnerable to the insatiable ambitions of Louis XIV. Significant territory continued to be lost to France; French armies laid waste to lands east of the Rhine without serious resistance from the Germans. At the same time, the French king also subverted German liberty by means of his bribes and subsidies to numerous German princes. The Reich was abandoned by its emperor, who pursued purely Austrian ambitions in south-eastern Europe. In the north, the heroic emergence of Brandenburg-Prussia was in its early stages; its leadership of Germany was the later product of its mature phase, which began with the accession of Frederick the Great in 1740.

Post-nationalist scholars after 1945 tended to make a virtue out of necessity. The disaster of the recent German past was the disaster of the German nation. Just as there could be no return to the political traditions of the nation state, so there could be no return to its historiographical traditions. German history had to become European history.[1] For many, that meant a renewed emphasis on the role of the Reich in the European state system, its function as the sheet anchor or kingpin of an international balance of powers. In this context, the very passivity of the Reich could be interpreted as a positive feature: the pre-national Reich became a role model for the post-national Federal Republic, the peacekeeping potential and European role of the former presaging the role of the latter in the evolving European integration process. In Heinz Schilling's influential study of 1989, German history after 1648 is European history, the story of the emergence of the concept of the balance of powers, culminating after 1720 in the system of pentarchy in Europe and dualism in Germany.[2]

At the same time, it is generally argued, the major players within the Old Reich sought to aggrandize themselves at the expense of the old system. The triumph of absolutism in the German territories allegedly extinguished the last elements of the

[1] Schulze, *Geschichtswissenschaft*, 160. [2] Schilling, *Höfe*, 12–15, 32–48.

old German republican traditions. In the process, the largest and most ambitious territories inevitably developed aspirations to power that were incompatible with the traditional rules and conventions of the Reich. However, the triumph of absolutism in even the smaller German territories led to a general refeudalization of German society and to the resurgence of the nobility and of noble values. German society of the century-and-a-half after the Peace of Westphalia was court society. Only on a much longer-term view, Schilling suggested, can one see the ironic outcome of absolutism: the creation of a new *Bürgertum* that ultimately undermined the courts. The *Bürgertum* was now reborn as a bourgeoisie with many of the classic revolutionary attributes of the new class.

Both the nationalist and the post-nationalist view of the Reich proved entirely compatible with parallel historiographical traditions that focused on Austria and Brandenburg-Prussia. For Austrian historians the key question was, and remains, the identification of the period of Austria's emergence as a separate power distinct from the Reich. A common language, of course, ensured the survival of a sense of community between 'German' and the Austrian territories into the modern era. But that has not prevented efforts to identify the origins of 'Austria' as a state. Strong claims have been made for almost every period from the 1520s, when Archduke Ferdinand (king from 1531 and emperor from 1556) embarked on systematic reforms of the lands that he inherited from his grandfather Maximilian I. The union of the Erblande with the Bohemian and Hungarian crowns in 1526 has been seen as a crucial turning point. Other arguments identify the emergence of Austria even earlier, many vaguely inspired by events such as the celebration of the Austrian millennium in 1996, dated from the first mention of the term 'Ostarrichi' in a written source.[3]

The various reforms of the Erblande are certainly important: in the 1520s, in the 1560s, and again after 1648 they drew attention to the Erblande as a model for the territories of the Reich generally. But did they represent the desire of the Habsburgs to escape the Reich? The claims made for the period after 1648 seem to be particularly strong. The exemption of the Habsburg lands from the regulations contained in the Peace of Westphalia, especially in so far as their subjects' rights of worship were concerned, reinforced Habsburg separatism. The first of Austria's 'wars of emergence', it is argued, the struggle against the Turks that began in 1683, launched the monarchy on its trajectory as a great power.[4] Did that really make the Reich increasingly irrelevant? If the Austrian lands remained within the Reich to the end in 1806, was any genuine interest in its affairs increasingly neutralized by the ambitions of the German princes and by the frustrations inherent in the system of government by 'Kaiser und Reich'?[5] How significant was the community of language and culture that bound the Austrian territories to the German lands?

[3] Urbanitsch, 'Landes-Bewußt-Sein'. See also Scheibelreiter, 'Ostarrichi'. Gnant, 'Reichsgeschichte', and Fellner, 'Reichsgeschichte', are useful discussions of the attitudes of twentieth-century Austrian historians.

[4] Hochedlinger, *Wars*, 1–3. See also, Winkelbauer, *Ständefreiheit*, i, 394–407, and ii, 307–10.

[5] Klueting, *Reich*, 1–17.

A focus on Austria's continuing belonging to the Reich implicitly challenges the more familiar Prussian historiographical tradition, which assumed that the main theme of German history after 1648 was the growing antagonism between Brandenburg-Prussia and Austria. The 'emergence' of the Brandenburg-Prussian state after 1648 formed one of the key 'birth myths' of modern German nationalism. As in the Austrian case, there were disagreements over details and emphasis, especially the vexed question of which ruler actually 'founded' the emerging state: the Great Elector (Frederick William, r. 1640–88), the first Prussian king (Elector Frederick III, r. 1688–1713, as king from 1701), the Soldier King (Frederick William I, r.1713–40), or Frederick the Great (r. 1740–86). Furthermore, at what stage did the aims and interests of the Brandenburg-Prussian state become incompatible with continuing membership of the Reich? Indeed, did that in fact ever happen before 1806? For all their particular interests and ambitions, the Brandenburg rulers before 1740 all remained loyal to the emperor. Frederick the Great himself was a virtuoso *Reichspolitiker*, working with and within the system as much as against it.

Ultimately, neither Austria nor Prussia destroyed the Reich. Furthermore, the projection of views of the Reich after 1750 back by a hundred years has tended to distort the reality of the period after 1648. Significant research undertaken since the 1970s has begun to reveal a strikingly different picture. The precise contours are still not clear and much fundamental research still needs to be done. There is, for example, still no modern study of the Reichstag after 1681. Little is known about imperial taxes: the kind of work undertaken by Winfried Schulze and Peter Rauscher on aspects of imperial taxation in the sixteenth century has not been done for the decades after 1648.[6] The old view that the Reich was impotent and decrepit, which was common to nationalist and much post-nationalist historiography, long cast shadows over research into the Reich's central institutions and their operation. Only gradually is it becoming clear that, in many respects, the Reich gained a new momentum by 1680. Old institutions were renewed or reinvigorated. The monarchy itself, working within the constraints imposed by the Westphalian settlement, achieved a new authority during the reign of Leopold I, perhaps greater in real terms than ever before, and much of this was sustained through the following reigns of Joseph I and Charles VI.

The significance attached by these emperors to imperial politics makes it difficult to believe that they in fact wished to 'leave' the Reich. The imperial crown meant too much to them for it to be abandoned. Indeed, the period is marked by the emperor's return to the Reich, which was complete by about 1680. By then, the crown had reasserted many of its prerogatives as imperial overlord and supreme judicial authority. The imperial court at Vienna became a more attractive focal point for a wider spectrum of the upper nobility of the Reich than perhaps ever before. The revival inspired a whole variety of schemes for the establishment of 'national' institutions, national economic schemes, and plans for the reunification of Christianity.

[6] Winkelbauer, *Ständefreiheit*, i, 513–15.

That most of these projects failed is less significant than the fact that they existed at all. Of course, the Habsburgs had interests that lay outside the Reich—in Hungary and in the inheritance of the Spanish Habsburgs—and Vienna was the capital city of the various Habsburg territories and kingdoms as well as being the location of the imperial court and of the Reichshofrat and the Reichshofkanzlei. However, the various Habsburg interests were all intertwined with the Reich, certainly with continued possession of the imperial crown, in ways that were impossible to unravel or even evaluate against each other separately. It was not until the later eighteenth century that serious strategy papers reflected on the value of the Reich to the Habsburgs and the question of whether 'Austria' might be better off without 'Germany'.[7] Such calculations cannot be projected back on to the late seventeenth century.

Equally, the traditional focus on the 'rise' of Brandenburg-Prussia underestimates the significance of other major territories, such as Saxony, the Guelf principalities of Brunswick-Lüneburg (Electors of Hanover from 1692, though only finally confirmed in 1708), and Brunswick-Wolfenbüttel, or Bavaria and the Palatinate (now restored as Electors and an ally of the crown). The Brandenburg Electors certainly now firmly stepped out of the shadow of Electoral Saxony, whose lead they had consistently followed during the last century-and-a-half. However, they stepped into a competition rather than a vacuum. They competed directly with the Guelfs and the Saxons, and the emperor's exploitation and manipulation of that competition in the 1680s and 1690s was one of the key factors in the re-establishment of his authority.

Brandenburg-Prussia was by no means the only territory that aspired to enhance its status by means of a royal crown: with the exception of Brunswick-Wolfenbüttel all of those mentioned above did so, though Bavaria and the Palatinate failed. Furthermore, all the major players in imperial politics pursued their own interests both within the legal and institutional framework of the Reich and according to the rules imposed by their feudal hierarchical relationship with the emperor. The treaties of 1648 confirmed the right of the German princes to forge alliances with foreign powers, whether for self-defence or in the pursuit of dynastic ambitions, on condition that they were not directed against the emperor or the Reich. As mere princes, however, even the Electors found it almost impossible to gain recognition at international peace conferences (in itself a powerful motive for seeking royal status). Indeed, ultimately, even the most powerful of the territories found it difficult to achieve anything without the sanction of the emperor or against the law and convention of the Reich.

The competition between leading princes and the successful manipulation of that competition by the crown was more significant before 1740 than the 'emergence' of Brandenburg-Prussia. That competition in turn reflected other major developments. The tension between Electors and princes continued. By the 1680s at the latest the Electors had lost their struggle to maintain their pre-eminent position, to establish

[7] Whaley, 'Habsburgermonarchie'.

themselves as a governing oligarchy, with royal or quasi-royal status, in the Reich. As a result, their solidarity as a group was undermined. The competition for royal status was as much a reflection of that as it was a reaction against the emperor's creation of a ninth Electorate for the Brunswick-Lüneburg princes in return for their support (but also to create a balance against Brandenburg). At the same time, Brunswick-Lüneburg was not the only non-electoral principality that sought to enhance its status. The crucial distinction that emerged for the first time after 1648 was between the armed and the unarmed territories: those that retained a standing army and those which contributed either men or money as required to forces retained or levied by the imperial Kreise.[8] Within a decade of the end of the war, there were perhaps a dozen armed territories with forces numbering between 1,000 and 20,000 men.

This development was sanctioned by imperial law, for after 1654 all subjects were obliged to contribute to the cost of maintaining fortresses and garrisons (interpreted by princes to include troops generally) for the defence of their territories.[9] But it had implications for the development of both Reich and territories. On the one hand, the existence of territorial armies shaped the development of the Kreise and of regional power structures. The owners of such troops were often able to insist on them being regarded as Kreis forces and hence to oblige unarmed neighbours to contribute to the cost of raising and maintaining them; they also obliged their neighbours to provide billets. On the other hand, the maintenance of troops also created domestic imperatives. Maintaining an army was but one of the ways in which princes competed for status and prestige. Cultural competition, most notably the construction of palaces and expenditure on a court and residential capital, was equally ruinous.

The financial burdens were immense. Domanial income could sometimes contribute significantly, as in Brandenburg, where it amounted to roughly a third of central government revenue.[10] Foreign subsidies frequently made a vital difference: another function of external alliances. However, no prince could live exclusively either off his own domains or off foreign benefactors. The main burden invariably fell on the Estates: taxation once more became as important a political issue as it had been in the second half of the sixteenth century.

Yet the 'absolutism' that historians have frequently applied to this state of affairs often implied a degree of control that no early modern ruler in fact enjoyed. In Germany specifically, all rulers, including the Brandenburg Electors, had to negotiate with their Estates. Indeed, the ambition of some to dispense with this necessity was thwarted by the emperor when he vetoed a proposal to remove all constraints on the princes' monopoly on taxation. Once again, the princes were tied into a legal structure which entitled Estates to appeal to the imperial courts if their rights were infringed, and which entitled the emperor to intervene in the domestic politics of a territory to enforce the rights of subjects.

[8] See glossary, p. 653. The origins of the Kreise around 1500 are discussed in Volume 1.
[9] Press, *Kriege*, 339. [10] Wilson, *German armies*, 30.

Competition for status was not confined to the armed and the more powerful. It was also characteristic of the ecclesiastical territories and of the mass of smaller territories, of the imperial nobility, including the Imperial Knights (and the territorial nobility as well). Investment in cultural capital in the form of residences and art collections and the like sometimes had disastrous financial consequences, yet many pursued it undeterred. For most of these ecclesiastical dignitaries, abbots and prelates, and minor dynasts, there was no question of aspiring to sovereign status or of engaging in European politics or participating in international peace conferences. They had a political significance nonetheless for, collectively, they formed the bedrock of the imperial clientele in the Reich. In so far as they had votes in the Reichstag, they represented the core of the imperial party. With or without a Reichstag vote, members of these groups more than others tended to enter imperial service, in either administrative or military functions, and to attend and seek to establish their profile and reputation at the imperial court in Vienna. Some indeed sought promotion to the status of prince, though the cost of such social upgrading in terms of grander residences and all that went with them was often ruinous.

The ties of law and tradition, the participation in and use of imperial institutions, and the integration into a multi-tiered aristocratic value system all contributed to the cohesiveness of the Reich after 1648. The system was, however, also held together by another important factor. As in the sixteenth century, solidarity was generated by the need to defend the Reich from its enemies. Once again, the Ottoman Empire and France played a key role in integrating the Reich, as did Sweden to a lesser extent and for a shorter period of time. External threats posed questions of loyalty and identity; they demanded commitment and solidarity; they posed vital institutional challenges, not least of how the defence of the Reich should be organized. One of the major achievements of Leopold I was to mobilize the Reich, perhaps more successfully than ever before, in the face of its Turkish and French aggressors.[11]

That was reflected not only in actual military responses but also in the effusions of *Reichspatriotismus* that accompanied them. Often dismissed as the work of a minority of idealists, recent research has emphasized that this patriotism was a much more widespread phenomenon and that it reflected a growing sense of identification with the Reich.[12] It was on occasion as powerful a manifestation of nationalism as that found in many other early modern states. The mobilization of hostility against the enemies of the Reich served to promote the definition of what made the Reich distinctive: the qualities of its inhabitants and the extensive catalogue of rights that now came to be associated with the concept of 'German liberty'. Moreover, those rights were now increasingly understood and explicitly articulated as the fundamental rights of all inhabitants of the Reich, rather than just the rights of princes and those immediately subject to the emperor.[13]

[11] Wrede, 'Kaiser', 95–110; Wrede, *Reich*, 66–185, 324–463.
[12] Schmidt, *Geschichte*, 212–33.
[13] Schmidt, *Geschichte*, 234–44.

Domestic and foreign success, and sheer longevity, brought an unprecedented degree of stability during the reign of Leopold I (1658–1705). Yet his achievements were placed in doubt in the decades after his death. This was not due to Austria's abandonment of the Reich once great power status had been achieved, or to the emergence of any Austro-Prussian rivalry. The reasons why the imperial position appeared to falter again in the first decades of the eighteenth century are complex. Joseph I in some ways overplayed his hand, while Charles VI found it difficult to play his hand at all. The latter's reign, without a male heir, was also overshadowed by doubts about the succession.

At another level, Leopold I's very success generated its own problems. Promoting north German princes while playing them off against each other was a successful expedient, yet the promotions in turn ultimately generated expectations and aspirations that strained the traditional framework of the Reich. Those princes who became crowned monarchs (outside the Reich) after the 1690s (the Electors of Saxony, Brandenburg, and Hanover, and the Landgrave of Hessen-Kassel) adopted a different attitude in imperial politics. Those who had aspired and failed (the Electors of the Palatinate and Bavaria, the Margrave of Baden, and others) also changed.

Moreover, the success of the Habsburgs in mobilizing a predominantly Catholic clientele as the core of a pro-imperial majority in the Reichstag increasingly aroused the animosity of the (largely Protestant) old princely houses. At a time when the commemoration of the second centenary of the Reformation (1717) and of the Augsburg Confession (1730) reminded them of the true origins of 'German liberty', a 'party' of opposition to the emperor and to his overweening exploitation of imperial prerogatives began to organize itself. From that emerged, in the last phase of the history of the Reich, both the antagonism of Austria and Brandenburg-Prussia, as Frederick the Great attempted to assume the leadership role of the Electors of Saxony, and a whole series of schemes for the Reich's reform and renewal.

2

The Last Years of Ferdinand III: Western Leagues and Northern Wars

The foundations of Leopold I's success were laid by Ferdinand III, who was elected emperor in 1637. The first decade of Ferdinand's reign was characterized by a relentless series of military defeats, which undermined his political authority. Ferdinand's representative, Count Maximilian von Trauttmannsdorff had avoided the worst in the peace conferences at Osnabrück and Münster of 1645–48. While some prerogatives of the princes were confirmed, it had been possible to avoid an enumeration of the emperor's prerogatives, which meant at least that they were not formally diminished or limited. That was largely responsible for the fact that during the last nine years of Ferdinand III's reign, there were no serious reverses and some ground was recovered.[1] The maxims of imperial policy were clear: strict adherence to the terms of the peace treaties (in particular, avoidance of any foreign involvement) and, in general, the strategy of working with the hierarchical traditions of the Reich to offset the federalist implications of the peace of 1648.

The outlook was not promising at first. Suspicion of the Habsburgs remained strong. At the same time, the desire for security led many into regional alliances that were also anti-imperial in their basic tendency. In Lower Saxony, Westphalia, the Upper Rhine, and Franconia there was an early revival of the existing Kreis organizations, with a particular anti-imperial impetus in Lower Saxony at least. Others formed new leagues and unions. In the spring of 1651, the Electors of Mainz, Trier, and Cologne formed the League of Frankfurt with members of the Upper Rhine Kreis.[2] In February 1652, the Guelf family league formed the Hildesheim Union with Hessen-Kassel, the Swedish territory of Bremen-Verden, and other minor north-western territories. Cologne and Paderborn also soon joined. The following year, Count Georg Friedrich von Waldeck floated a proposal for a grand anti-Habsburg coalition, to be led by the Elector of Brandenburg and to include the princes of the Hildesheim Union as well as a range of Catholic princes, notably the Elector of Cologne. While various schemes for unions of Protestant territories seemed to be viable, it proved impossible to accommodate the interests of the Catholics in them. Thus, in December 1654, the northern and Rhineland Catholics formed their own Alliance of Cologne: Cologne, Trier, Münster, and

[1] Höbelt, *Ferdinand III.*, 295–408. [2] Wilson, *German armies*, 169.

Pfalz-Neuburg, joined the following year by the Elector of Mainz, Johann Philipp von Schönborn.

The various alliances that involved the Rhineland territories were short-lived, but in some ways they were more successful than the Protestant associations in the north. There were three reasons for that. First, many of these territories felt themselves to be acutely vulnerable. They were close to the continuing conflict between France and Spain. Many were also either small or fragmented, which generally made them more dependent on the Reich than larger and more consolidated territories. Second, the most important ruler of such a fragmented territory was Johann Philipp von Schönborn, Elector and Archbishop of Mainz, the Imperial Archchancellor. As director of the administration of the Reich, Schönborn saw himself as the representative of all the Imperial Estates, the figurehead of the Reich in the sovereign constitutional entity of 'Kaiser und Reich'. As the official 'number two' in the Reich, Schönborn was the natural leader of all gatherings and alliances in the Reich that did not involve the emperor.[3] It was therefore logical that Schönborn perennially sought to consolidate the various alliances and leagues in order to provide security against a Habsburg revival and to ensure that the Reich was not dragged into a new conflict on behalf of Spain.

Third, the influence and involvement of France acted as a stabilizing factor during the 1650s. Under Mazarin until his death in 1661, French policy sought influence rather than expansion in the Reich. The key objectives were creating security and stability on France's eastern frontier, preventing the resurgence of Habsburg authority in Germany, and preventing Austrian or German intervention in the ongoing conflict with Spain (concluded by the Peace of the Pyrenees in 1659).

The interests of Mazarin and Schönborn were thus well matched, and reached their most perfect expression in the formation in 1658 of the Rheinbund, or Rhenish Alliance, which was dedicated to collective security and imperial reform. The immediate impetus for its formation was the interregnum after the death of Ferdinand III in April 1657. The election of Leopold I the following August secured the continuity of Habsburg rule, but it was immediately countered by a league formed by Mainz, Cologne, Pfalz-Neuburg, Hessen-Kassel, Brunswick-Lüneburg, and Sweden (in respect of Bremen and Verden), which France was also invited to join as 'protector'.[4] Brandenburg and others joined in the coming years; by 1665, all the leading princes except the Electors of Bavaria, Saxony, and the Palatinate were members.

Schönborn thus succeeded in combining both Catholics and Protestants in a union dedicated to upholding the Peace of Westphalia. To this end, members contributed money or men to a peacekeeping force of 10,000 (including 2,400 French soldiers) that was also intended to block any attempt to send imperial troops to the Netherlands. The fact that the Rheinbund was rapidly undermined when Louis XIV embarked on a more aggressive foreign policy after Mazarin's death in 1661

[3] Gotthard, 'Friede und Recht', 37–9.

[4] Höbelt, *Ferdinand III.*, 382–7.

further underlined the significance of the latter's policies in the west and north-west of the Reich. During the 1650s, at least, France fulfilled its duties as a guarantor of the peace of 1648.

Despite the formation of leagues such as the Hildesheim Union and the inclusion of northern princes in the Rheinbund, the situation in the north was much less secure. This was largely because of the presence of Sweden as a new territorial power in the northern Reich.[5] Neither Saxony nor Brandenburg had evinced much enthusiasm for the Swedish intervention after 1630; they were no more enthusiastic about Sweden as a neighbour and potential competitor after 1648. Sweden's withdrawal and restitution of occupied territories was slow and accompanied by substantial compensation payments that were bitterly resented by the territories that had to pay them. The dynastic ambitions of the Guelf dukes with regard to the Archbishopric of Bremen were frustrated by Swedish possession. The Dukes of Mecklenburg resented the loss of Wismar and of their control of Warnemünde and its customs tolls, as well as the Swedes' efforts to take more than the Treaty of Osnabrück had actually granted. The Elector of Brandenburg only got control of Eastern Pomerania (Hinterpommern), which was allocated to him by the treaty of 1648, by persuading the emperor to refuse to enfeoff Queen Christina with any of the territories that had been allocated to her until it was handed over. Faced with exclusion from the forthcoming Reichstag, the Swedes complied immediately. Even then, however, Brandenburg remained frustrated since, with Western Pomerania, Sweden controlled the mouth of the Oder and thus blocked access to the Baltic, and also claimed ownership of the customs tolls for the whole Mecklenburg and Pomeranian coast.

In general, Sweden's possession of territory in each of the northern Kreise (the Lower Saxon, Upper Saxon, and Westphalian Kreise), with a share in the executive of the Lower Saxon Kreis executive, gave her an influence that she exploited ruthlessly. The Swedes avoided open confrontation with any of the major territories. In 1653, however, they launched an armed offensive against the Imperial City of Bremen in an attempt to revive the ancient rights of the Archbishopric over the city.[6] The immediate support of the Guelf dukes and the emperor forced a compromise whereby the city retained its immediate status but nonetheless agreed to render a rather vaguely formulated act of homage to the Swedish crown. The crisis was resolved by December 1654, but Sweden's reputation in the Reich was badly dented and Sweden lost all interest in any aspect of the Reich beyond its own territories.

A more dangerous situation soon developed as a consequence of the aggressive policies pursued by Charles X, the former Palsgrave of Pfalz-Zweibrücken-Kleeburg, who succeeded to the Swedish crown on his cousin's abdication in July 1654.[7] The new king inherited a dire financial situation that was only marginally

[5] Wrede, *Reich*, 217–22.

[6] Bremen formally became an Imperial City after a long struggle with the archbishops (latterly Protestant dukes of Schleswig-Holstein): Schindling and Ziegler, *Territorien*, iii, 44–57; Schilling, 'Homagium'.

[7] He was a grandson of Charles IX and the son of Gustavus Adolphus's half-sister.

improved following the 'reduction' by which he took back some of the crown lands so liberally sold to the nobility for short-term financial gain by the Regency after 1634 and by Queen Christina after 1650. He was also aware that the army he needed in order to hold together the Swedish territories around the Baltic could only be paid for if it was put to war so that it might live off occupied territory. At the same time, he calculated that a new military campaign would solve the domestic problems posed by a large disbanded soldiery and might defuse the simmering tensions between nobles and commons by channelling their discontents into patriotism.

His decision to attack Poland in 1655 was prompted by the welcome crisis caused by the Muscovite invasion of Lithuania in 1654.[8] The start of the Thirteen Years War between Russia and Poland (1654–67) led directly to the outbreak of the Second Northern War between Sweden and Poland (1655–60). Charles X aimed to secure, and if possible extend, his southern Baltic lands between Western Pomerania and Livonia, in particular by annexing West (Royal) Prussia. Above all, he needed to forestall any attempt by the Russians to establish a presence in the southern Baltic. He also wanted to demolish once and for all the claims of the Polish Vasas to the Swedish throne, which had been reiterated on the occasion of his own accession.

Such plans inevitably threatened the Brandenburg Duchy of East Prussia, which the Elector held as a fief of the Polish crown. The need to defend this territory forced the Great Elector to mobilize troops. However, his attempt to use them to seize West Prussia was thwarted by a speedy Swedish anticipation that soon took the key Polish towns of Thorn and Elbing, leaving the Great Elector and his men surrounded at Königsberg. In the circumstances, they had no option but to join the Swedish cause: by the Treaty of Königsberg of January 1656 East Prussia, now augmented by the enclave of Ermeland, became a Swedish fief, while the Great Elector forfeited half of the East Prussian customs dues and undertook to supply 1,500 auxiliaries for the Swedish army. When the Swedes failed to quell a Polish uprising and the Russians interrupted their offensive against Poland to launch an attack on Swedish positions, Charles turned to the Great Elector and György II Rákóczi of Transylvania for assistance. In return for further territorial concessions (Treaty of Marienburg, June 1656), the Great Elector promised Sweden 4,000 men, boosted the size of his own army, and promptly participated in the successful conquest of Warsaw at the end of July.

Despite this extraordinary victory, the Poles were by no means defeated. Russia continued to exert pressure on the Swedish Baltic provinces. Now also, the appearance of a Dutch fleet commissioned to protect the semi-autonomous port of Danzig threatened to disrupt Sweden's maritime lines of communication, while Denmark also prepared for an attack on Swedish territory. Charles sought to galvanize his allies by offering Brandenburg sovereignty over East Prussia (Treaty of Labiau, November 1656) and Rákóczi the Kingdom of Poland and the Grand Duchy of Lithuania (Treaty of Radnot, December 1656).[9] However, the position

[8] Frost, *Northern wars*, 164–83; Wilson, *German armies*, 35–7.
[9] Frost, *Northern wars*, 178.

of the Poles was strengthened by the fact that Austria began to abandon her neutrality, entering into the first of a series of agreements with Poland in December 1656, which resulted in a promise of active intervention after Ferdinand III's death. By June 1657, imperial troops entered Poland just as Charles was obliged to abandon his allies in order to respond to Danish attacks on Bremen, Jämtland, and Västergötland.

Charles managed to defeat Denmark by February 1658, forcing her to grant independence and sovereignty over some territory in Schleswig to the Dukes of Holstein-Gottorp and to withdraw from the war. Yet by then it was too late to rescue the Polish situation. Rákóczi was forced to capitulate, and his army was annihilated by the Tartars.[10] Meanwhile, the Great Elector, assured that the Poles would accept an 'eternal alliance' in place of their overlordship over East Prussia, changed sides and then exchanged his vote in favour of Leopold I in the imperial election for a promise of significant Austrian military support. Charles X himself brought about the decisive change. In June 1658, he refused to receive a Brandenburg embassy in Flensburg, made public his displeasure at the Great Elector's ambivalent support, and even appeared to threaten an invasion of Brandenburg. Then in July, without consulting his ally, he launched a renewed assault on Denmark in the hope of achieving a decisive victory. While a Dutch fleet thwarted his move against Copenhagen, Charles found himself faced with an advancing army of 30,000 Brandenburg, Austrian, and Polish troops led by the Great Elector himself.

This new turn in Brandenburg policy was accompanied by printed propaganda that justified opposition to the Swedish king and placed Brandenburg firmly at the centre of a determined defence of the Reich and its laws. The key publication, which bore the title *Gedencke, daß du ein Teutscher bist!* ('Remember that you are a German!'), gave an account of the spurned Flensburg embassy and presented Charles and the Swedes as compulsive aggressors.[11] Following the assault on Bremen and on Poland (which, significantly, was styled as the defender of Christendom against the Turks) and the threat to Brandenburg, all Germans now had a patriotic duty to resist the 'foreign crown'. The German nation, German liberty, the law of the Reich, and the Germans as a pre-eminent nation in Europe by virtue of their possession of the Reich, were all involved in a stirring defence of the German cause. The new crisis was compared with the 'national emergency' of the Thirty Years War, in which Germany had been overrun by foreign armies.

The Brandenburg and Austrian propaganda was primarily directed at the courts and chancelleries of the German princes and at educated and informed opinion in the German territories and their foreign neighbours, in particular the Dutch Republic. If it evoked some sympathy for the German cause, it did not either deter Charles X or marshal international support. The Great Elector's northward advance from Holstein, joined by Danish troops, was halted by the Dutch refusal to permit a crossing from Jutland to the Swedish-occupied islands.

[10] Frost, *Northern wars*, 179. [11] Wrede, *Reich*, 229–34.

At the same time, Mazarin began to forge an alliance in support of Sweden. In May 1659, he secured Dutch and English support for The Hague Concert in favour of a mediated peace, in which cause he also mobilized the Rheinbund, with the result that Schönborn offered to mediate between the emperor and his recalcitrant vassal, the King of Sweden. Despite a renewed campaign by the Brandenburg-Austrian forces against Fünen and a decisive victory over the Swedes at Nyborg on 24 November, Charles remained unbowed. However, following the conclusion of the Peace of the Pyrenees between France and Spain in November 1659, Louis XIV threatened to send 30,000 troops to support a peace initiative in the northern Reich.

The Austrians were unwilling to risk a confrontation on German soil with France and wary about supporting Brandenburg plans for the invasion and occupation of Swedish territory in the Reich, since that would contravene the peace of 1648. Furthermore, accepting, or being forced to accept, the Elector of Mainz's offer of mediation risked diminishing the emperor's position in the Reich. Since Poland and Denmark now also wanted peace, the Austrians were obliged to acquiesce in the agreements brokered by France at the monastery of Oliva, near Danzig.

The death of Charles X on 23 February 1660 removed the last obstacle to a settlement that was finalized on 3 May. The territorial status quo in the northern Reich remained unchanged. However, Brandenburg's sovereignty over Prussia was confirmed. The Peace of Copenhagen, concluded on 6 July, left Sweden's position largely untouched except for the return to Denmark of Bornholm and Trondheim. Sweden's prestige had been dented by being exposed as the protégé of France; on the other hand, the King of Poland's resignation of his claim to the Swedish throne and the recognition of Swedish possession of Livonia promised greater security in future.[12] Denmark, by contrast, in addition to the definitive loss of Scania and other territories east of the Sound to Sweden, was forced to recognize the independence of the Dukes of Schleswig-Holstein-Gottorp as princes of the Reich and their sovereignty over certain Schleswig territory outside the Reich's frontiers. The fact that this situation was now guaranteed not only by Sweden but also by a range of German princes and by the mediating powers, France, the Netherlands, and England, made it likely that any future attempt by Denmark to reclaim its lost territory and rights would generate an international conflict. In the short term, however, Dutch and English interests were served by the balance of Danish and Swedish power in the Baltic.[13]

What of Brandenburg and the Reich? The Great Elector had ended up on the winning side, but he had been lucky; despite the confirmation of his sovereignty, his hold over Prussia was far from secure. He had joined the Swedes out of necessity and had benefited from that, but his position immediately became precarious when Charles X faltered. He could only really achieve security and succeed in Prussia with the support of the emperor; his policy was successful when sanctioned by imperial authority and when it could claim to be conducted within the framework of

[12] Frost, *Northern wars*, 183. [13] Frost, *Northern wars*, 227–8.

imperial law and in defence of the Reich. Brandenburg thus 'emerged' as a significant pillar of the Reich, rather than as an independent northern power. The allies had dented Sweden's reputation and the peace settlement thwarted any aspiration to Swedish hegemony in the Baltic. But their position in the Reich remained the same.[14] The Swedes continued to insist on all their rights in respect of their German possessions and to exploit all their entitlements to customs dues for another fifty years. In 1666, they attempted another conquest of Bremen.

The Second Northern War underlined the fragility of the Westphalian peace, but also the extent of French influence on the Reich. It would be easy to conclude that the emperor had become irrelevant, opposed by many Estates and held in check by all of them. That, however, ignores the significant contribution made by Austria to the defeat of the Swedes. Ferdinand III had been reluctant to become involved, particularly in a dispute that did not involve the Reich during his lifetime. He shared the fundamental aversion of many German princes to armed conflict. The initial treaty he concluded with Poland on 1 December 1656 had no real practical implications. Only when the conflict actually impinged on the territory of the Reich as such, did the formal alliance with Poland take shape, as Viennese officials formulated a plan of action that was well in progress by the time Leopold I was elected on 1 August 1658. Leopold gained nothing material from an imperial intervention that placed a severe strain on his resources. Yet the emperor's intervention in defence of the law and custom of the Reich against Swedish aggression and his participation in the peace talks at Oliva sent important signals.

Leopold I's reign thus started with a demonstration of continuity. Ferdinand III may have shrunk back from engaging in an international conflict, yet he worked hard to re-establish his position within the Reich.[15] In 1648, the prospects looked bleak. The Imperial Estates had sent him an ultimatum to assent to the peace treaty. At the Nuremberg congress convened in 1649 to implement the Treaty of Osnabrück, the Swedish general Karl Gustav of Pfalz-Zweibrücken-Kleeburg, then already heir to the Swedish throne, had dictated to the emperor's representatives. The formation of regional leagues and unions, the all too obvious anti-Habsburg stance of many German princes, and the pervasive influence of France seemed to perpetuate a position of weakness. Yet none of this prevented the emperor from taking the initiative. In 1651, an imperial commission successfully mediated in a dispute between Brandenburg and Pfalz-Neuburg over the latter's attempt to favour Catholics in determining the ownership of Church property and rights of worship in Jülich and Berg, the Pfalz-Neuburg share of the Jülich-Kleve inheritance.[16]

Essentially, the Great Elector was forced to back down because Pfalz-Neuburg marshalled more troops and was supported by the Duke of Lorraine, while the Dutch failed to make good their promise of support for Brandenburg. No more than an extended stand-off developed, aptly named the 'Cow War', since the

[14] Wrede, *Reich*, 254–5.
[15] Höbelt, *Ferdinand III.*, 305–10.
[16] Engelbrecht, 'Dreißigjährige Krieg'; Ehrenpreis, *Konfessionskonflikte*, 59–62.

opposing forces more often chased after runaway cattle than after each other. Nonetheless, an extremely tense and potentially dangerous crisis was finally defused by an imperial commission which set the combatants on the path towards the lasting settlement of the full range of territorial and religious issues relating to Jülich-Kleve in 1666 and 1672.[17] In 1653, imperial intervention forced the Swedes to relinquish Western Pomerania to Brandenburg, while it also mobilized effective opposition to Sweden's effort to subjugate Bremen. Ferdinand used his influence to have his brother Archduke Leopold Wilhelm, stadtholder in Brussels, arrest the Duke of Lorraine, who, together with the Prince de Condé, had invaded and occupied the Archbishopric of Liège.[18] Prompt imperial action averted military intervention by the Electors of Brandenburg, Mainz, and Trier on behalf of the Archbishopric's ruler, the Elector of Cologne. The emperor was beginning to reassert his position as feudal overlord and as mediator and peacekeeper between his vassals.

[17] Aretin, *Altes Reich*, i, 166–7.

[18] Aretin, *Altes Reich*, i, 176–7.

3

From Ferdinand III to Leopold I

Even more significant was the early progress made in relation to the succession and the handling of the first post-war Reichstag. In approaching both issues the emperor was helped by the conflict that resurfaced after the war between the Electors and the princes. The former were bent on reasserting their pre-eminent position; many of the latter wanted 'parification', a cancellation of the Electors' prerogatives that would have paved the way to a truly federal system in the Reich.[1] The core of the opposition was a group of Protestant princes (Hessen-Kassel, the various Guelf or Brunswick dukes, Württemberg) with some Catholic support (for example, Pfalz-Neuburg). They objected to the pre-eminence of the Electors (of whom a majority were Catholics), to the Elector of Mainz's position as director of the Reichstag, and to the fact that the directorate of the College of Princes at the Reichstag was held by Austria and Salzburg, all of which, they believed, reinforced the Catholic bias of the Reich. Not unreasonably, they argued that this bias was incompatible with the principle of confessional parity laid down by the peace treaties. Their aim, of course, was not just to extend the parity principle but also to enhance their own status and power in a reformed Reich that would become a true federation of equals. That fundamental tension promised disagreement on many of the most important constitutional issues that the peace treaties had referred to a forthcoming Reichstag.[2]

Two were particularly significant and sensitive. The first was consideration of the procedure for the election of a successor-designate (the King of the Romans). The second was the formulation of a perpetual imperial electoral capitulation (*capitulatio perpetua*), which would serve as a fundamental law that all future emperors would have to swear to abide by before they were crowned. The most radical opposition princes, encouraged by France, envisaged banning elections while the reigning emperor was still alive (elections *vivente imperatore*), which would have resulted in truly open contests without being influenced by a reigning emperor. Furthermore, they argued that since the electoral capitulation was essentially a law of the Reich, it should be formulated and agreed by the Reichstag as a whole. The ultimate implication of their arguments was that all princes should participate in imperial elections.

According to the peace treaty, the Reichstag should have been opened by 18 August 1649 at the latest, but both Ferdinand III and the Elector of Mainz

[1] Gotthard, *Säulen*, 750–60. [2] See Volume1, pp. 626–7.

were wary of the opposition princes. Indeed, Schönborn and his fellow Electors now found common interest with the emperor. But the Reichstag could not be postponed indefinitely. For the stability of the Reich depended on the peace treaties being formally ratified and their provisions being translated into imperial law by a *Reichsabschied*: that is to say, embodied in the final decree that promulgated all the decisions agreed by 'Kaiser und Reich' at the Reichstag. By the end of April 1652, with news arriving constantly of the agitation of the opposition princes, Ferdinand therefore felt obliged to summon the Reichstag to Regensburg for 31 October 1652.

Anxiety about the opposition, however, made Ferdinand determined to resolve the key issue of the succession before the Reichstag was even convened. In the autumn of 1652, he invited the Electors to attend a meeting in Prague.[3] To avoid any suggestion that they were conspiring with the emperor to rule the Reich, as they had tried to do in 1636, the Electors made 'visits' to Prague during which they engaged in secret talks with each other and with the emperor. They avoided a formal session and reached no formal conclusions, but the understanding they formed was sufficient to secure the election of Ferdinand's son as King of the Romans.

The emperor arrived in Regensburg on 12 December, making a triumphant entry with a retinue of three thousand, including some fifty princes and counts, sixty musicians, three court jesters, and three dwarfs.[4] He held court magnificently. Among other splendid events, the emperor's court musicians performed an opera and Schönborn arranged for the Magdeburg burgomaster, Otto von Guericke, to give the first public demonstration of his technique of using an air pump to create a vacuum within two copper hemispheres that two teams of eight horses were unable to pull apart.[5]

The emperor was in no hurry to open the proceedings before another procedure was completed: the election and coronation of his son.[6] This became urgent when the opposition began to debate key reforms in informal meetings during March and April. The Electors were therefore invited to travel to Augsburg, where they duly elected Ferdinand IV on 31 May 1653. They then all returned to Regensburg, where the young Ferdinand was crowned King of the Romans and successor designate in the Reich on 18 June. Even now there was a further delay, for the Great Elector's vote had been bought with the promise that Ferdinand would withhold Queen Christina's enfeoffment with any German territories until Sweden's disputes with Brandenburg over Eastern Pomerania and Baltic customs dues were settled.[7] The news that the Swedes had backed down in the face of the threat of exclusion from the Reichstag only arrived in Regensburg on 28 June. The Reichstag was formally opened three days later.

[3] Gotthard, *Säulen*, 409–13. [4] Aretin, *Altes Reich*, i, 173.

[5] *ADB*, x, 93; *BWDG*, i, 965–6: Guericke later performed his experiment in Vienna (1657) and Berlin (1663—with 24 horses). The opera (*l'inganno d'amore,* by the Imperial *Kapellmeister* Antonio Bertali) alone cost 13,218 gulden for a single performance: Müller, *Regensburger Reichstag*, 71; Brockpähler, *Barockoper*, 11.

[6] Höbelt, *Ferdinand III.*, 310–15. [7] See Frost, *Northern Wars*, 198–9, 201–2.

The opposition had been duped but not subdued. They had been deprived of the opportunity to tackle the question of imperial elections; further consideration of these issues was simply once more deferred to a future Reichstag. That still left other fundamental issues for the Reichstag, which remained in session until 17 May 1654: the composition of deputations and the question of whether imperial taxes should be decided by majority votes. Each was a procedural matter that touched on profound constitutional principles, and the opposition stood on firm ground in relation to each. Moreover, it was soon reinforced when the Great Elector abandoned the imperial-Electoral camp. This was partly due to the influence of the fanatically anti-Habsburg organizer of the Wetterau counts and Brandenburg privy councillor, Georg Friedrich von Waldeck, but also to Brandenburg's bitterness at Ferdinand's refusal to relinquish the Silesian Duchy of Jägerndorf, which had been confiscated from the Margrave of Brandenburg-Ansbach in 1621.[8]

The composition of the deputation was important because it was intended to deal, as a kind of standing committee, with all matters of business that arose between sessions of the Reichstag. By convention, the deputation was divided into two colleges, one formed by the Electors and the second by representatives of the princes, counts, and Imperial Cities. The opposition princes had right on their side when they demanded the implementation of confessional parity in both colleges: parity was, after all, a fundamental constitutional principle set out in the 1648 peace treaties.

Establishing parity in the second college was relatively easy.[9] The two Imperial Cities in the college (Catholic Cologne and Lutheran Nuremberg) already created a confessional balance; after much argument, four other cities were now added in recognition of the formation of a College of Cities in the Reichstag. The 9:4 Catholic majority among the princes was remedied by the addition of four Protestants (a Saxon and a Brandenburg prince, plus Mecklenburg and Württemberg) as well as a representative of the Wetterau counts, who held a collective vote (*Kuriatstimme*) in the Reichstag. The really controversial issue was how to implement parity among the Electors, where there was a Catholic majority of 4:3 (excluding the Bohemian Electorate, which only participated in the election of the King of the Romans).[10] The more radical princes demanded the amalgamation of the two colleges into a single body; failing that, they suggested the creation of a further Electorate. Only days before the end of the session, on 14 May, Ferdinand and the Electors reluctantly accepted a compromise: until the matter could be decided by the next Reichstag a fourth Protestant vote was to alternate between the three existing Protestant Electors (Brandenburg, Saxony, and the Palatinate).

On the issue of majority votes in relation of imperial taxes, by contrast, Brandenburg stood firm with the princes. Though it was debated throughout the session, the emperor failed to prevail, just as his predecessors had failed in the sixteenth century. Decisions relating to taxation were valid only if they were agreed by all. The princes promptly demonstrated their rights in this matter by refusing to

[8] *BWDG*, i, 870–1. [9] Schnettger, *Reichsdeputationstag*, 15–18, 25–9.
[10] Schnettger, *Reichsdeputationstag*, 19–25.

accede to the emperor's request for 60 Roman Months to finance the Reichstag session and by stipulating that the 100 Roman Months previously granted for the costs of the conferences at Münster and Osnabrück should only be paid by those who had assented to them.[11] By contrast, they were unanimous in voting to send Charles II the smaller grant of four Roman Months to help in his struggle to secure the English throne: solidarity with a distant monarch came more easily than with the one nearest at hand.

The controversy concerning imperial elections simmered on through discussion of the terms of the electoral capitulation for the new King of the Romans. That was ultimately agreed along the lines of previous capitulations, with minor concessions to the arguments of the princes, including the insertion of the statement that it was made 'in the name of the Electors and all princes and Estates'.[12] Other key issues were left unresolved. The debate over defence foundered when the Estates refused to support the creation of an imperial army: it was resolved instead that each Estate should be permitted to levy taxes for its own defence, whereby the princes gained the right to impose taxes without the consent of their own territorial Estates.[13] Arguments about customs dues (which the princes wanted the right to levy without the traditionally required permission of the emperor and the Electors) and the staple rights of the Imperial Cities (which the princes wanted extended to their own towns) also remained unresolved.

In general, disagreements about rights and privileges that had constitutional implications or which involved conflicting material interests among the Estates proved intractable. By contrast, some questions that ultimately benefited all were resolved. It proved possible to agree new regulations for the Reichskammergericht, which a deputation had been preparing since 1641, to renew the enforcement statute of 1555 (*Exekutionsordnung*) with all of its subsequent revisions and extensions, and to confirm the 'revival' of the Kreise.

Equally significant was the resolution of the matter of debts incurred during the war. By 1648, almost all Imperial Cities and many of the other Imperial Estates were bankrupt.[14] Some princes had begun to implement regional moratoria on interest payments on debts as early as the 1620s, but most, including Brandenburg, hesitated to take steps locally that went against imperial law. In other parts of Europe, the answer might have been to declare a bankruptcy and simply wipe the slate clean. In the debate over the debts in the Reich after 1648, however, there was a consensus that creditors' capital at least should be protected. The outcome was a

[11] A Roman Month was the unit of account used to assess the contributions the Estates agreed to make to the defence of the Reich. Originally, it represented the monthly cost of maintaining the troops sent to accompany a newly elected Emperor to Rome for his coronation by the pope. The notional value, based on the cost of maintaining 4,202 cavalry and 20,063 infantry, as agreed in 1521, was originally about 128,000 gulden. By the seventeenth century, following the departure of territories and cities that lost their independent status from the 1521 assessment list and taking into account the money due from the various Habsburg territories, the value was about 64,000 gulden. Wilson, *Reich*, 162–4.

[12] Müller, *Regensburger Reichstag*, 139.

[13] Müller, *Regensburger Reichstag*, 387–406.

[14] Hattenhauer, *Schuldenregulierung*, 30. For this whole issue, see also Müller, *Regensburger Reichstag*, 407–27, and Blaich, *Wirtschaftspolitik*, 225–34.

three-year moratorium on capital repayments and a 75 per cent reduction of all accumulated interest due up to 17 May 1654, and a ceiling of 5 per cent on interest payable on loans both old and new thereafter.[15] The case of the Palatinate, whose debts were catastrophic, was referred to the Reichshofrat and thus to the emperor, who granted a moratorium of ten years followed by a 50 per cent reduction of interest payments for a further ten years after that.

The importance of these arrangements for the territories, and the ways they were frequently manipulated and abused, will be considered below.[16] In two ways, however, they were significant as imperial legislation. First, all Estates saw the need to have transparent and clear rules concerning 'public' debts and agreed on the need to regard capital as sacrosanct. Second, they accorded the imperial law courts a key role in disputes over the current debt crisis and in respect of future problems. This meant that, in future, such issues would be dealt with by the emperor. His prerogatives were thus implicitly extended to include the grant of moratoria on the payment of debts and the instigation of debt commissions (in effect, receivership commissions) to rescue bankrupt Imperial Estates.[17] In addition to the existing right (explicitly confirmed in 1648) to despatch imperial commissions to resolved disputes within and between Imperial Estates, the emperor's new role as a kind of 'financial watchdog' with many of the powers of a receiver represented a clear augmentation of his authority.

If the Estates thus helped 'modernize' the traditional feudal hierarchical functions of the emperor and translate them into the framework of the legal system of the Reich, the emperor himself was not diffident about exercising his prerogatives at the Reichstag. Without consulting the Estates at all, he promulgated a new constitution for the Reichshofrat on 16 March 1654.[18] He provided for the appointment of Protestant councillors, but pointedly refrained from complying with the principle of strict parity. The protests of the opposition princes were simply brushed aside: the court was to remain the emperor's personal court, free of the influence of the Estates.

Second, Ferdinand admitted into the Reichstag eight former counts and one former Imperial Knight, on whom he had conferred princely rank. All were loyal servants of the crown, and, with one exception, all were Catholic.[19] This provoked such indignation that he was forced to agree that all future promotions must have

[15] The 5 per cent ceiling for interest charges remained in force until the deregulation of public loans in the North German Confederation in 1867: Hattenhauer, *Schuldenregulierung*, 101.

[16] See pp. 64–5, 205, 208, 549–52.

[17] Schindling, *Anfänge*, 45–6.

[18] Müller, *Regensburger Reichstag*, 233–5; Aretin, *Altes Reich*, i, 183.

[19] Schlip, 'Fürsten', 265–7. Some had actually been promoted by Ferdinand II but were only now admitted. The new admissions were Hohenzollern-Hechingen Lobkowitz, Eggenberg, Salm, Dietrichstein, Piccolomini, Auersperg, Nassau-Hadamar-Siegen, and Nassau-Dietz-Dillenburg. Most had earned their promotion through service in the Thirty Years War, and some did not possess land in the Reich, which aggravated opposition of the 'old princes' to their admission. The Hohenzollern line included in the list was a Swabian Catholic branch of the Hohenzollern dynasty that originated on the partition of the lands of Count Karl I of Hohenzollern in 1575-6 between three sons based, respectively, at Hechingen, Haigerloch, and Sigmaringen. Köbler, *Lexikon*, 293–4.

the princes' approval. Nonetheless, the prerogative had been exercised successfully: the emperor had reasserted his rights as feudal overlord.

Third, Ferdinand successfully defended his own dynastic interests. He parried all efforts by Brandenburg and others to raise the question of the plight of the Protestants in his own hereditary lands. He thereby reaffirmed their exemption from the legislation of the Reich and hastened the process of re-Catholicization there.[20] He also retained all the seigneurial and property rights associated with the Landvogtei of Upper and Lower Swabia, a significant vehicle of Habsburg influence in the Swabian Kreis.[21]

Finally, the elaborate coronation of the Empress Eleonora on 4 August 1653 was a constitutionally meaningless piece of theatre. Yet it served to magnify the aura of imperial majesty and also gave prominence to the Prince-Abbots of Kempten, Fulda, and Corvey, who by tradition officiated at such events, rather than the Electors, who acted at imperial coronations.[22]

The *Jüngster Reichsabschied* ('the most recent imperial decree', so termed because it was the last of its kind, for the next Reichstag of 1664 remained in permanent session until 1806) read out on 17 May 1654 reflected the failure to deal with the agenda set for the Reichstag by the peace treaties. Many key issues remained open, but for all parties that was better than being defeated over their resolution. In general, as many princes realized to their chagrin, the emperor had emerged strengthened. Sweden's influence was diminished by her aggressive behaviour over Bremen and Pomerania. France was still preoccupied with severe domestic unrest (the Frondes). Most German princes wanted peace. Even the formal establishment of confessional *Corpora* at the Reichstag worked to Ferdinand's advantage.[23] The Corpus Catholicorum, directed by the Elector of Mainz and dominated by a majority of Catholic bishops and prelates, was fundamentally loyal to the crown. The Corpus Evangelicorum failed to become an anti-imperial party because, after much debate, it designated the Elector of Saxony as its leader. At Regensburg in 1653–4 and for decades to come, the animus of Brandenburg and the opposition princes was frustrated by the traditional loyalism of the Saxon Electors. Ultimately, Ferdinand's triumph was to have presided in person, to have seen in a series of key legal reforms, and, above all, to have secured the succession.[24]

It was not to last. Six weeks after the end of the Reichstag, King Ferdinand died at the age of twenty (9 July 1654). This time there could be no rapid imperial election, for the next Habsburg in line, the Archduke Leopold, was a minor. On his brother's death, Leopold became the heir apparent in Austria; in 1655, he became King of Hungary; in 1656, King of Bohemia. However, imperial law dictated that a King of the Romans and an emperor, like an Elector, must be eighteen to be eligible

[20] Müller, *Regensburger Reichstag*, 262–6.
[21] Müller, *Regensburger Reichstag*, 245–8.
[22] Aretin, *Altes Reich*, i, 67–8, 176; Conrad, *Rechtsgeschichte*, ii, 78.
[23] Müller, *Regensburger Reichstag*, 256–60.
[24] Höbelt, *Ferdinand III.*, 315–20.

for office.[25] Leopold was born on 9 June 1640; there was no prospect of his assuming the imperial crown for the time being.

While the imperial government was temporarily paralysed, the opposition continued to organize. The 'old princes' took their grievances to the deputation that convened in Frankfurt to continue consideration of the issues left unresolved by the Reichstag.[26] Both Catholic and Protestant princes engaged in hectic talks concerning leagues for mutual defence and protection. Many were unsettled by the emperor's engagement of troops in Italy. The ostensible reason was to defend the imperial fiefdom of Modena, but both France and many German princes believed that Ferdinand was thereby offering covert support to Spain, in contravention of the treaty of 1648. At the same time, French policy was reinvigorated following the successful suppression of the Frondes by 1656. Threats of war against Austria if imperial troops continued operations in northern Italy raised the temperature acutely, while renewed French diplomatic overtures to numerous German courts helped galvanize latent opposition to the Habsburgs and suspicion of Ferdinand's intentions.[27]

Ferdinand III's death on 2 April 1657 initiated a fifteen-month interregnum. The Frankfurt deputation, already hamstrung by tensions between Electors and princes and between Catholics and Protestants, was plunged into a debate about whether it could even continue to sit.[28] Any hope of effective leadership from the Imperial Vicars designated by the Golden Bull as provisional rulers during an interim (the Elector of Saxony for the north and the Palatine Elector for the 'Rhineland', i.e., the south) was dashed by a bitter controversy between the Palatinate and Bavaria over whether Bavaria had inherited the vicariate along with the Palatine Electoral title in 1623.[29] In this confused situation, the Elector of Mainz sought to settle the matter of the imperial succession and to establish a durable system that would contain the Habsburgs and prevent them from controlling the Reich.

Despite the existence of a number of other candidates and the opposition of Mazarin, Charles X of Sweden, and Cromwell to another Habsburg emperor, Leopold was the only realistic prospect.[30] Mazarin first pushed for the young Elector Ferdinand Maria of Bavaria, who declined immediately. Then he turned to the late emperor's brother Archduke Leopold Wilhelm, until 1656 stadtholder in the Spanish Netherlands, and Archduke Ferdinand of Tyrol; an older candidate would at least offer the prospect of a further election in the not too distant future, before which it might even be possible to prepare the way for the election of Louis XIV himself. Philipp Wilhelm of Pfalz-Neuburg (r. 1653–90) was also seriously discussed. However, the Habsburg archdukes declined to stand in the way of their

[25] Conrad, *Rechtsgeschichte*, ii, 72.
[26] 'Old princes' were those whose titles originated before about 1550.
[27] Aretin, *Altes Reich*, i, 186–9.
[28] Schnettger, *Reichsdeputationstag*, 244–68.
[29] The dispute was resolved only in 1724, when they agreed that they would jointly act as Vicars; they amended this in 1745 in favour of an alternating right, which was recognized in Imperial law in 1752. Conrad, *Rechtsgeschichte*, ii, 70.
[30] Aretin, *Altes Reich*, i, 191.

dynasty's designated successor, while the non-Habsburg candidates were simply not viable.

The Elector of Bavaria realized that he did not have either the resources or the power to become emperor; Pfalz-Neuburg was even less qualified in those respects, and he was in any case unacceptable to the Elector of Brandenburg owing to the dispute over the Jülich-Kleve inheritance. Almost from the outset, Schönborn was convinced that Leopold was the inevitable choice. He soon also gained the Bavarian vote, as well as that of the Elector of Brandenburg, who was hoping for support from Vienna in the Northern War. The reappearance of a Turkish threat in 1657 once more reinforced the traditional arguments for a Habsburg emperor as the guarantor of the security of the Reich's south-eastern frontier. Equally fortuitously, the birth of a male heir to the Spanish throne in the same year diminished any anxiety that Leopold's projected marriage to the Infanta Maria Theresa, Philip IV's elder daughter, might lead to him inheriting the Spanish throne and thus reviving the empire of Charles V.

The key objectives as far as the Elector of Mainz was concerned were, first, to delay the election until Leopold was old enough to rule, and second, to use that delay to ensure that Leopold's options as a ruler would be strictly limited. The first was easily achieved; the latter led to intensive bargaining over the electoral capitulation. In the end, Leopold was obliged to agree that he would desist from offering any assistance to Spain in either Burgundy or Italy, that he would withdraw his troops from Italy, and rescind measures that his father had taken against Italian fiefdoms such as Savoy, whose duke was a French ally.[31]

The indignation of the Viennese representatives was only just assuaged by the insertion of a reciprocal clause that prohibited France and her allies from rendering assistance to the enemies of the emperor and his German dynasty, of the Reich or of any Imperial Estate. This was essentially a meaningless gesture, for the King of France could scarcely be bound by the electoral capitulation of the German emperor. Other clauses made the determination of the Electors quite clear: the Reichshofrat was deprived of the right to hear appeals from subjects arising from taxation for military purposes; membership of both the Reichshofrat and the privy council was to be restricted to inhabitants of the Reich, and the emperor could neither form alliances nor outlaw anyone without the consent of the Electors. Only after he had agreed to all conditions was Leopold elected on 18 July 1658 and crowned on 1 August, just under two months after his eighteenth birthday.

Two further forms of insurance against renewed Habsburg ambitions were deemed necessary. First, the possibility of an Austrian succession in Spain was further reduced. Leopold was forced to withdraw from his projected marriage to Maria Theresa; in 1660, following the Peace of the Pyrenees and the Peace of Oliva, she married Louis XIV.[32] Though Philip IV obliged both partners to

[31] Aretin, *Altes Reich*, i, 194.

[32] Spielman, *Leopold I*, 44–7; Ingrao, *Monarchy*, 57–8. The best guide to the complex family history of the Habsburgs, with details of all marriage contracts, is the biographical dictionary Hamann, *Habsburger*.

renounce any future claim to the Spanish succession, he failed to pay the 500,000 crowns compensation that might have made the agreement just a little more plausible, though still by no means legally enforceable. Philip's promise of his second daughter, Margaret, to Leopold was a small compensation, but she was still only twelve when the engagement was formally announced in 1663; indeed, she called the husband she married by proxy in Spain in 1666 'uncle' until her death in 1673 (Maria Theresa survived until 1683). At the outset of Leopold's reign, France therefore had stronger claims to the Spanish throne than the Austrians. The fact that Philip's heir, Philip Prosper, died at the age of three in 1661 made the possibility of a French succession in Spain anything other than hypothetical. The birth of another heir five days later did not bring much relief, for Carlos II (the Sufferer) was weak and sickly, bearing more of the genetic burdens of generations of Habsburg inbreeding than perhaps any other among his extended family.

The fact that Carlos survived until 1700 was in itself a minor miracle, particularly since the exorcisms and other 'cures' to which he was subjected in an attempt to cure his impotence contributed significantly to his demise. Until then, the succession issue overshadowed European politics. Indeed, when Philip IV died in 1665, it seemed for a time that the Habsburgs might become extinct, since the twenty-five-year-old bachelor Leopold and the sickly infant Carlos (II) were the only two remaining males. Leopold produced two male heirs, in 1678 (Joseph) and 1685 (Charles), but the French claims remained bolstered by anti-Habsburg sentiments in Europe generally and by French political power. Meanwhile, for good measure, the German dimension became more complicated, since in 1673 Empress Margaret bequeathed her own claim to the Spanish throne to her only surviving child (out of four), Maria Antonia, who married Elector Max II Emanuel of Bavaria in 1684.[33]

Constructing dynastic claims to the Spanish crown was a potentially long-term game played out on the European stage. Both Schönborn and Mazarin desired a second and more immediate defence against imperial ambitions in the Reich. In this sense the Rheinbund represented both the culmination of the regional league-making of the 1650s generally and the domestic solution to the problems posed in the Reich by the succession of another Habsburg emperor.

Yet the Rheinbund lost its main purpose soon after its foundation. The league was renewed in 1661 and again in 1663; in 1665, Brandenburg joined. Enthusiasm waned, however, as it became increasingly clear that it was little more than an instrument of French policy in the Reich.[34] Following the peace treaties of the Pyrenees in 1659 and Oliva in 1660, the immediate fear of being dragged into a European war between the Habsburgs and their enemies receded. The tension between the Electors and the princes, one of the main themes of German politics at this time, also affected the dealings of the Rheinbund, and renewed confessional tensions soon began to undermine the league's solidarity. The Elector of Mainz himself contributed to this in 1663, when he enlisted the league's forces to suppress the liberties of the town of Erfurt, a Protestant exclave of Mainz, whose forcible

[33] See also pp. 39, 73–4, 109. [34] Gotthard, 'Friede', 25–44.

'reduction' outraged many Protestant princes. In other key issues, such as the dispute over the Brunswick succession in 1665, the league was simply unable to formulate an agreed policy. In 1665, Mainz even took up arms against the Palatinate over the latter's claims to overlordship over certain inhabitants in its neighbours' territories; the action of the ecclesiastical Electors was soon countered by the formation of a broad coalition of Protestant princes.[35] In both cases, imperial mediation proved ineffective, and the crisis was only defused by French intervention.

If France thus far fulfilled the role of a guarantor of the peace of 1648, Louis XIV's attack on the Spanish Netherlands in 1667 signalled a more aggressive approach which was no longer compatible with the peacekeeping aims of the Rheinbund and the interests of most of its members. Many feared that the new French campaign against Spanish power in an area that was legally part of the Reich might easily drag the Germans into the conflict. Distance from France therefore seemed advisable. In August 1668, the league was dissolved. By then, furthermore, the Reichstag, in continuous session since 1663, had become the focus of German politics, and many princes were again beginning to look to the emperor rather than to the King of France as the arbiter of the Reich.

If those who elected Leopold I intended him to be a weak emperor, they were proved wrong. By the end of his forty-seven-year reign in 1705 he had achieved a position of power in the Reich perhaps greater than that occupied by any predecessor or successor. His effectiveness as a ruler in the Reich owed much to his skilful handling of imperial politics and to his astute exploitation of imperial prerogatives. His authority derived fundamentally from his triumph over the two fundamental external challenges to his rule: from the Ottomans in the east and from France in the west. These challenges, and the response to them, are often written about in terms of Austria, rather than the Reich.[36] It is certainly true that by 1705 Austria, as a collection of territories both inside and outside the Reich, had achieved the status of a major European power. It was the major beneficiary of the struggle against the Turks and of the wars against France, while the Reich lost territory to France. Yet the Reich was more than just the victim of collateral damage in a wider power struggle. The attacks launched against the Reich by its traditional enemies during Leopold's reign also had major implications for the Reich itself.

[35] Blickle, *Leibeigenschaft*, 107.
[36] Hochedlinger, *Wars*, 57–75; Winkelbauer, *Ständefreiheit*, i, 423–48.

4

Leopold I and his Foreign Enemies

The external challenges of the decades after 1660 mobilized the Reich again. At crucial points the Imperial Estates rallied around the crown, which once more appeared as their protector. It was not that Leopold himself was either a gifted military leader or much of a military strategist. His victories were won by a series of brilliant commanders: Count Raimondo Montecuccoli, Duke Charles of Lorraine, King John Sobieski of Poland, Margrave Ludwig of Baden ('Türkenlouis' or 'Turkish Louis'), and Prince Eugene of Savoy.[1] That he was able to attract such talents was in itself a tribute to his growing stature as emperor. Where he himself excelled was in the political management of internal conflict and the political exploitation of military success.

The Turkish problem resurfaced in the late 1650s.[2] Since the Peace of Zsitvatorok in 1606, an uneasy truce had prevailed. Yet sporadic skirmishing and the repeated attempts by the Rákóczy princes of Transylvania, though under Ottoman suzerainty, to exploit their position between Austrian, Polish, and Ottoman territories, constantly underlined the vulnerability of the Habsburgs' position in the east. They occupied only a few western provinces of Hungary and the loyalty of the Hungarian Estates, with a strong Protestant element, was not strong: the Pressburg diet was always liable to turn to Transylvania or to the Porte when it believed its ancient rights to be under threat from Vienna.

During the reign of the weak Sultans Murad IV (r. 1623–40) and Ibrahim (r. 1640–8) the situation in south-eastern Europe remained relatively stable. Until 1639, the Porte was in any case tied down by ongoing conflicts in Persia, and then, from 1645, it engaged substantial resources in the struggle to win Crete from Venice, which lasted until 1669.[3] After Ibrahim was deposed, however, in favour of his seven-year-old son Mehmed IV, and once the young sultan's mother had asserted her authority, a new energetic regime emerged with the appointment in 1656 of Mehmet Köprülü as Grand Vizier. A wide-ranging programme of reforms was accompanied by a new desire to extend Ottoman authority in the north-west. Köprülü denounced György II Rákóczy's alliance with Charles X of Sweden and his independent action against Poland in 1658 as a breach of his obligations as a

[1] Hochedlinger, *Wars*, 112–13.

[2] Neumann, 'Developments', 48–50; Shaw, *Ottoman empire*, i, 188–215; Goffman, *Ottoman empire*, 213–22; Duchhardt, *Altes Reich*, 67–72.

[3] The last Venetian outpost, Spinalonga, fell only in 1718, but most of the island was in Turkish hands after the successful conclusion of the twenty-one-year siege of Candia (Iraklion) in 1669.

Turkish vassal, and launched a swift military response, deposing the prince and installing Ákos Barcsay in his place. Rákócy appealed in vain to Vienna and perished in battle in 1660. The Transylvanians then elected János Kemény, who was able to deal with Barcsay but was then forced to flee to Habsburg Royal Hungary in the face of a renewed Turkish invasion that installed Apafy Mihály as prince.

While Vienna had been indifferent to the pleas of Rákóczi on the grounds of his previous attack on Poland, Kemény was deemed worthy of support. However, the despatch of an army of 15,000 men under Marshal Montecuccoli proved ineffective. By 1662, Kemény had been killed and Apafy confirmed as prince of a Transylvania now fully under Turkish control. The following year, a substantial Ottoman army began to advance through Royal Hungary into Moravia and towards Vienna. Much of the population of Vienna fled, and panic spread throughout southern and eastern Germany.[4]

The threat to Vienna and the Reich generated alarm to a degree that the long Turkish conquest of Crete had never done. Almost immediately, the rhetoric and images generated by the Turkish wars of the previous century were revived.[5] Indeed, technically, the new crisis simply required a continuation of the previous campaigns: the renewed Ottoman attack was a breach of the long-running truce. There was no need to declare war. The emperor was able to appeal to the governments of Europe generally to support him as the saviour of Christendom and to the German princes specifically to support him as the protector of the Christian German Reich. The German princes were reminded of their historic duty as members of the German nation to rally round their emperor in the face of the infidel. Most of them agreed that it was their Christian duty to act, but, as in the previous century, their support was not unconditional: once again, they were mindful of the domestic political implications of any assistance they might give.

It was fortunate that, having invaded Royal Hungary, the Ottoman forces set up winter camp in preparation for a renewed campaign in 1664. For that gave the Austrians the opportunity to regroup their own forces and to complete their negotiations with the German princes. These were complicated by the fact that some princes now had standing armies, by the existence of the Rheinbund with its own military arrangements, and, above all, by the fact that both imperial defence and taxation were prominent among the issues that the Reichstag had failed to resolve. As a first step, Archchancellor Schönborn demanded the convocation of the Reichstag, which Leopold had in any case already been considering for other reasons as early as August 1661.[6] The Turkish crisis now lent the matter urgency, and it dominated the early stages of the session, which opened at Regensburg in January 1663.

What emerged after over a year perfectly reflected the political situation of the Reich.[7] The Reichstag agreed to provide financial support to the emperor for the duration of the war. It was also agreed to raise an imperial army (Reichsarmee) of

[4] Wilson, *German armies*, 40. [5] Wrede, *Reich*, 72–110.
[6] Aretin, *Altes Reich*, i, 214, and see pp. 53–6.
[7] The most reliable figures are those given by Wilson, *German armies*, 40–3.

30,000. However, Brandenburg, Saxony, and Bavaria refused to contribute their troops to it, preferring instead to conclude separate agreements with Vienna, as a result of which they provided troops under contract against additional payment. The Rheinbund also insisted on fielding an independent force of some 10,000 men; this was to include a French contingent of 2,400, which Louis XIV increased to 6,000 in order to underline the emperor's embarrassment at being dependent on French help. By despatching his troops as part of the Rheinbund force, moreover, Louis was able to live up to his title of Most Christian King and simultaneously to avoid a formal breach with the sultan.[8] When all the troops sent under other heads were deducted, some 21,000 remained to be raised as the Reichsarmee proper from the various Kreise. In the event, just over 32,000 German troops complemented the 51,000 Austrians and 9,000 Hungarians who faced the 50,000–60,000-strong Ottoman army near the monastery of St Gotthard on the River Raab on 1 August 1664.

The impact of the decisive victory of the imperial forces was diminished by the new twenty-year truce that Leopold concluded at Vasvár (Eisenberg) nine days later.[9] The Turks remained in possession of key fortresses, while the Austrians agreed to destroy one. The Austrians also relinquished Transylvania, recognized Apafy as its prince, and undertook not to intervene in its internal affairs. Leopold agreed to pay the Sultan 200,000 gulden in return for gifts from the Porte appropriate to his own status.

It was not much of a reward for victory. Yet the common suggestion that the truce was a hasty and shameful betrayal of the trust of the German princes is misplaced. In reality, most of the German princes were relieved that the conflict, and hence their own input, ended so speedily.[10] From the Austrian point of view, there were also advantages. They lacked money and were uncertain about how long the Germans would continue to fight; and they wished to see the French leave Hungary and thus avoid the risk that they might fraternize with the Hungarian opposition. If anything, it was the Hungarians who deeply resented Vasvár as a betrayal: the emperor had not even tried to push into Turkish Hungary. Leading magnates now began to think of securing the reunification of their nation in league with Versailles or the Porte, rather than under the aegis of the 'foreign' emperor.[11] The discovery of the magnates' conspiracies led to the Ten Dark Years from 1671, which sought to extinguish the opposition by brute force and to integrate Hungary more completely into the monarchy.[12]

The elections to the Polish throne in 1669 and 1673 gave this ongoing crisis an international dimension. Louis XIV's attempts to secure the election of a French candidate failed in 1669, when Michał Wiśniowiecki became king. In 1673, however, the 'French party' prevailed with Jan III Sobieski, who owed both his election and his ability to raise troops to pursue the war launched against Poland by a Turkish-Cossack alliance in 1672 to French subsidies. In 1674, France duly made continuing financial support conditional on Sobieski's supporting the Hungarian

[8] Duchhardt, *Altes Reich*, 69. [9] Wagner, *Türkenjahr*, 439–42.
[10] Wrede, *Reich*, 126–7. [11] Wrede, *Reich*, 127.
[12] Ingrao, *Monarchy*, 67–71; Spielman, *Leopold I*, 61–73.

opposition and also brokered a peace between Poland and the Porte to leave both free to meddle in Hungary. The death in the same year of Ahmet Köprülü, son of Mehmet and just as capable as Grand Vizier, ensured that this scheme failed. Sobieski was in any case more interested in a war against Brandenburg to regain Ducal Prussia than in intervening in Hungary and he went on to play a key role in the rescue of Vienna in 1683.[13] Even without significant foreign aid, however, the rebellion of the Hungarian *kurucok* (crusaders) very nearly led to the loss of Upper (northern) Hungary, where their leader, the Calvinist Imre Thököly, was even acclaimed as King of Hungary.[14]

While Hungary continued to tie down major resources, a serious threat to Habsburg interests also developed from the west. The Reich as such played no significant role in Louis XIV's plans.[15] By the late 1660s, however, he was ready to abandon the role of protector of German liberty that France had played since the 1640s. His experiences with the Rheinbund had sorely tried his patience, and following its dissolution in August 1668, the aggression that he brought to bear in his foreign policy generally also increasingly prevailed in his attitude to the Reich. From now on, bilateral treaties with selected German princes served French interests better than membership of a league that committed Louis to maintain the peace and uphold the law. While the king's initial targets were first the Spanish Netherlands and then the Dutch Republic, their immediate proximity to the Reich made it inevitable that the Reich would be drawn into a conflict. Indeed, both Spain and the Dutch sought support in the Reich against France, while France also aimed to secure the support of key princes and to neutralize potential opposition from others.

Louis XIV's insistence on securing marriage to the Infanta Maria Theresa following the Peace of the Pyrenees merely strengthened fears that he was determined to inherit Spain and her European and colonial empire. He first asked his father-in-law, Philip IV, to cede the Spanish Netherlands to him and then opened talks with the Dutch over a possible partition. When Philip IV died in 1665, Louis exploited a local Brabant law that gave precedence to the inheritance of the children of a first marriage (the 'law of devolution') to claim immediate ownership on behalf of his wife, the sole child of Philip IV's first marriage. With England and the Dutch at war from March 1665 and Spain distracted by ongoing hostilities with Portugal, French troops invaded the Spanish Netherlands in May 1667.[16]

The sheer speed and success of this operation, complemented by the French invasion of the Franche-Comté in February 1668, provoked the formation of the Triple Alliance of England, the Dutch Republic, and Sweden to thwart the French king, aiming to offer mediation but with the threat of force if the offer was spurned. Since Spain now also made peace with Portugal by recognizing its independence, Louis had no option but to agree to the Peace of Aachen in May 1668, by which he relinquished Franche-Comté, Cambrai, St Omer, and Aire, keeping only certain fortresses in the southern Spanish Netherlands. The subsequent French invasion of

[13] Stone, *Polish-Lithuanian state*, 237–8.
[14] Evans, *Making*, 263–4.
[15] Duchhardt, *Altes Reich*, 16–18, 53–62.
[16] For the following, see: Lynn, *Wars*, 105–59; McKay and Scott, *Rise*, 23–33.

Lorraine in 1670 in some measure compensated for the setback of 1668, but was also an indication of Louis's determination to prevail, since it created a wedge of French-held territory between the Spanish Franche-Comté and the Spanish Netherlands. It also represented another step towards the realization of Louis XIV's determination to destroy the Dutch Republic, which he held fundamentally responsible for the frustration of his designs to acquire the Spanish territories on France's northern frontier.

The attitude of the emperor and the German princes was crucial to French plans. In view of the problems in Hungary, it was not difficult to persuade the Austrians to desist from assisting Spain in the war of 1668. Indeed, Leopold's leading minister, Prince Wenzel Lobkowitz, even secretly abetted a secret partition treaty with France: in the event of the death of Carlos II, Leopold was to inherit the Spanish throne with the American empire and the north Italian territories; the French Bourbons would acquire Navarre, the Southern Netherlands, Franche-Comté, Naples, Sicily, and the Philippines.[17] The treaty was never formally signed, and, although it was even tacitly accepted by Madrid, Carlos II's survival made it irrelevant anyway. More significant was Leopold's lack of response to the invasion of Lorraine in 1670 and his agreement in 1671 to remain neutral in relation to the planned attack on the Dutch Republic.

This Austrian complaisance in the face of French aggression has often been criticized.[18] However, Leopold and his advisers were simply making realistic choices in the face of stark necessities. As ever, Leopold was obliged to juggle several roles: King of Hungary, prince of the Reich, Holy Roman Emperor, and key member of the Spanish–Austrian Habsburg dynasty. His priority in the 1670s was to deal with Hungary and to consolidate his Austrian territories generally.[19] Defending the Reich was problematic, because the issue of how to organize imperial defence was unresolved. Maintaining Spanish dynastic interests was not an acute issue while Carlos II lived, and in any case would have involved a conflict with France that Carlos did not have the resources to fight. Finally, in view of the continuing widespread suspicion of the Habsburgs in the Reich, it was unlikely that Leopold's authority as emperor could be asserted effectively until he proved himself either against the Turks or against France: the German princes feared a strong emperor, but that did not mean that they would acclaim a weak one either. The ideal was an emperor who would defend the Reich against its enemies but abstain from exercising undue power in the Reich itself. Leopold was still some way from approaching that position, though the challenges of the next decade or so brought him much closer to it.

The attitude of the German princes was equally complex. In myriad combinations, each dependent on a mix of constantly fluctuating regional security issues and dynastic interests, the German territories concluded alliances they believed would guarantee their security, promote dynastic interests, or simply secure them financial

[17] Spielman, *Leopold I*, 56.
[18] Duchhhardt, *Altes Reich*, 53–62; Burkhardt, *Vollendung*, 98–105.
[19] Spielman, *Leopold I*, 60–73.

gain in the form of subsidies. It is often difficult to define clear groupings, for most continually adapted their policies, changing course as events unfolded, often hedging their bets by simultaneously pursuing, with varying degrees of openness, mutually contradictory options. A French party, orchestrated by the Grand Chamberlain Hermann Egon von Fürstenberg prevailed in Bavaria and secretly envisaged the marriage of the Elector's daughter to the Dauphin and, in the event of Leopold's death, the election of Louis XIV as Holy Roman Emperor and of the Elector Ferdinand Maria as King of the Romans. Fürstenberg's brother, Franz Egon, the chief minister in Cologne, ensured that the Wittelsbach Elector Max Heinrich entered into an offensive alliance with France, as did Bishop Christoph Bernhard of Münster, eager for any opportunity to enlarge his territory at the expense of his Dutch neighbours and to continue his campaign against the town of Münster with foreign subsidy.[20] Pfalz-Neuburg, Württemberg, Hanover, and Osnabrück committed themselves to varying degrees of neutrality or tacit support for France.

Archchancellor Schönborn, together with a variety of other princes who were fearful of a French invasion if war broke out, aimed to form an alliance dedicated not only to neutrality but also to brokering a peace. Schönborn's first attempt at such a union in 1670 was prompted by a desire to restore the Duke of Lorraine, with a view to making his army the core of a new Rhineland alliance. Significantly, this scheme envisaged Leopold as a member in his capacity as King of Bohemia and ruler of the Erblande (with two votes to reflect that), rather than as emperor. The league itself was to be run by the Elector of Mainz from Frankfurt and Leopold's role largely restricted to defence against the Turks.[21] The scheme was elegantly written up by the young Leibniz, who served the Elector of Mainz between 1668 and 1676, but it was impractical. By 1672, all that Leibniz could offer his employers was his *Concilium Aegyptiacum*: the suggestion that the Reich might be spared and peace preserved in Europe if Louis XIV diverted his aggression to the conquest of Egypt.[22]

Brandenburg's approach was more down to earth. In 1670, the Great Elector had promised to support Louis XIV over the Spanish succession. By 1672, he was receiving Dutch subsidies in return for a commitment to defend the Dutch Republic against any aggressor. If Prussian hagiography praised this commitment as evidence of the Great Elector's selfless dedication to the Protestant cause and to German liberty, sound material and political calculations complemented feelings of Calvinist and family solidarity with the homeland of his great-grandfather William of Orange and of his own wife, Luise Henriette of Orange.[23] The subsidies were helpful to a perennially cash-strapped ruler. A French victory over the Dutch might well threaten German liberty, but that included his own liberty, as well as his vulnerable territories in Jülich and Kleve on the Lower Rhine. French machinations with his rival Pfalz-Neuburg over the Polish election of 1669 left the Great Elector under no illusions about the potential threat that a victorious France also posed to Brandenburg's territories in Prussia. Furthermore, a Dutch alliance was always a potentially useful insurance policy against Sweden.

[20] See pp. 38, 235, 302.
[21] Wilson, *German armies*, 174; Press, *Kriege*, 415–17.
[22] Wrede, *Reich*, 337.
[23] Duchhardt, 'Friedrich Wilhelm', 97, 104–7.

The essential pragmatism of the Great Elector's thinking is underlined by the fact that, as early as 1673, he agreed to a French demand that he withdraw his support for the Dutch (Peace of Vossem). That, in turn, was reversed a year later in favour of an alliance with Vienna to support the Dutch, though Brandenburg troops in fact ended up being sent to south-west Germany before being recalled to defend Brandenburg itself from attack by Sweden in 1675.

In spring 1672, the long-awaited French assault on the Dutch Republic seemed to promise an early victory.[24] The French made easy progress, and the Dutch leadership almost immediately talked of peace. However, popular discontent at this defeatism generated an uprising against the regime of the Grand Pensionary Johan de Witt and led to the installation of William III of Orange, first as Captain-General and Admiral-General, then as Stadtholder of the Republic.[25] The return of the house of Orange stiffened resistance to France and encouraged foreign support. Within a year, the French king's German allies had more or less all abandoned the fight to join an anti-French coalition formed by England, Spain, and Austria. Even so, although the new coalition frustrated Louis XIV's plans, German forces were unable to push their way into Alsace in January 1675. Moreover, key partners were handicapped by French exploitation of rebellions in Sicily (Spain and elements of the Dutch fleet) and Hungary (Austria) and by a French-inspired Swedish attack on Brandenburg in 1675. The French, by and large, held the ground they had secured early on in the conflict and even managed to extend their gains. As a result, Louis XIV was in a commanding position in the peace negotiations and effectively dictated many of the terms.

As predicted by many, France had violated the neutrality of the Reich at the outset of the war in 1672 by using Liège as an invasion route. Worse still, in 1674, French armies began a systematic devastation of the southern Rhineland in an attempt to undermine the German allies of the Dutch. Anti-French propaganda proliferated again with a flood of pamphlet literature, with many voices demanding action against the French aggressor.[26]

From Leopold's point of view, however, the whole issue was fraught with difficulties. On the one hand, he wanted to avoid a war with France in order to ensure he had sufficient resources to deal with Hungary. On the other hand, for political reasons, he could not afford to allow any other German prince or combination of princes to lead the Reich against France either. Furthermore, by 1670–2, Schönborn and others were increasingly looking to the emperor for leadership: the Marienburg Alliance formed in August 1671, for example, included the emperor, the Electors of Mainz and Trier, as well as the Bishop of Münster. The practical and military significance of this defensive league was minimal; the fact that Schönborn now agreed to have Leopold as its director was, however, indicative of the emperor's gradual re-emergence as a leadership figure. In September 1672, the short-lived Brunswick Union of Leopold with Brandenburg, Denmark,

[24] McKay and Scott, *Rise*, 28–31.
[25] Israel, *Dutch Republic*, 791–802.
[26] Wrede, *Feinde*, 330–2.

Brunswick-Celle, Brunswick-Wolfenbüttel, and Hessen-Kassel was another demonstration of political solidarity, though it too had little military significance.

For some time, the Austrians clung to their strategy of avoiding a confrontation with France. In May 1672, when 12,000 Brandenburg troops gathered on the Lower Rhine and entered Cologne, in which the French had a vital strategic interest, Leopold signed a military convention with the Elector.[27] Montecuccoli was sent with 15,000 men to lead the joint force, with instructions to desist from anything except purely defensive action, while Leopold's adviser Wenzel Lobkowitz assured Louis XIV there was really nothing to worry about.

By the following year, such passivity was no longer viable, for the French had regained control of the Lower Rhine. While Brandenburg made peace with France to secure the return of its territories there from the French invaders, Vienna gradually moved into a more offensive mode. Leopold forged a new alliance with Spain, the Dutch Republic, and the deposed Duke of Lorraine, shortly joined by Denmark, the Palatinate, and the Dukes of Brunswick-Lüneburg. This was reinforced when the English Parliament forced Charles II to abandon his alliance with France and to make peace with the Dutch in February 1674. Meanwhile, a much stronger imperial army had linked up with a Spanish-Dutch force led by William III and regained control of the Lower Rhine. France's main regional ally, the Cologne chief minister, Wilhelm Egon von Fürstenberg, was kidnapped, which put paid to the peace conference that had begun to meet in Cologne. An attempt to assassinate the Bishop of Münster failed, but both Cologne and Münster were now obliged to renounce their alliance with France.

The stalemate on the Lower Rhine merely encouraged Louis to redirect his forces further south, with attacks on Trier and the Palatinate in 1674. There was no formal declaration of war, but a broad consensus that the Reich must be defended. At the request of the Reichstag, Leopold issued a mandate declaring that the French had made themselves enemies of the Reich, asking for assistance and prohibiting any support for the enemy.[28] The French ambassador was expelled from the Reichstag, and more or less all the Imperial Estates now rallied to the cause.

Brandenburg too hastily abandoned the peace it had concluded with France the previous year. The Peace of Vossem had expressly permitted the Elector to fulfil his duties to the Reich and the Great Elector had no wish to be left isolated from, or even opposed to, the emperor and the Reich.[29] He was also once more exercised by the extension of French power across Europe generally and anxious about the potential threat to Brandenburg interests posed by the election to the Polish throne of the French candidate, Jan Sobieski, in 1673. In January 1675, a new front opened up in the far north when France persuaded Sweden to launch an attack on Brandenburg. The Swedes were decisively defeated at Fehrbellin in June 1675, but the hostilities in the region continued until 1678 as Brandenburg joined Denmark, Münster, and the Brunswick dukes in an attempt to oust the Swedes from their German possessions.[30]

[27] Wilson, *German armies*, 46.
[28] Burkhardt, 'Verfassungsprofil', 172.
[29] Aretin, *Altes Reich*, i, 248, 253–4.
[30] Duchhardt, *Altes Reich*, 19.

The decision to defend the Reich against an aggressor, rather than to declare war was more than just a nicety, since it had important political implications. For one thing, the question of who should have the right to declare war or to conclude peace terms remained contentious. The Peace of Westphalia granted all Imperial Estates the right to participate in the formulation and ratification of peace treaties, provided the Reich as a whole was at war.[31] Since the 1630s, the Electors had linked their traditional rights to be consulted over matters of war and peace with the claim that they should be accorded the status of kings and admitted to international peace conferences. Since the 1640s, the princes generally had increasingly contested the exclusive claims of the Electors, while some of the armed princes began to make the same claims as the Electors. By avoiding a declaration of war, Leopold sidestepped this contentious issue. Indeed in 1675–6, when the Reichstag considered accepting Louis XIV's invitation to send a delegation to the peace talks at Nijmegen, Leopold immediately blocked it.[32] He thus asserted his own exclusive right to negotiate on behalf of the Reich, setting a precedent that dictated subsequent practice until 1806.

More serious for the immediate conduct of the defence of the Reich was the continuing disagreement over how imperial defence should be organized, perhaps the most important of all the *negotia remissa* of 1648.[33] The failure to agree on defence reform meant that the Reichstag could only mobilize the forces of the Imperial Kreise in the traditional manner. This worked reasonably well in the Kreise nearest the front line, which were in any case dominated by small and relatively defenceless Estates. Hence, Swabia and Franconia, the two most vulnerable of the so-called 'Forward Kreise' (Vordere Kreise), were conscientious in raising their share of troops from the outset. In Kreise that contained one or more 'armed princes', the system did not work so well: initially because some of those princes sympathized with France, then because they preferred to send their troops as auxiliaries under contract in return for much-needed cash, rather than as part of a regular Kreis contingent. Some even argued that these contingents should be dispensed with altogether and that their auxiliaries should serve as the official forces of the Reich. Relieved of their obligation to raise troops themselves, the unarmed territories would then make cash payments to support the troops of their armed neighbours.

The Kreise mustered between 15,000 and 20,000 men in 1675, 1676, and 1677, but the total raised by eight major armed princes in the same period was between 50,000 and 60,000. Their costs, moreover, were not adequately met by subsidy payments, even where the subsiding power did not delay or even default. The far greater contribution made by the armed princes and the immeasurably greater costs they incurred led some to argue that the burden of defence was being unequally distributed and to demand billets and contributions from their neighbours.

[31] Duchhardt, *Altes Reich*, 7–8.
[32] Wilson, *German armies*, 47; Duchhardt, *Altes Reich*, 19; Gotthard, *Säulen*, ii, 750–99.
[33] For the following, with references to the relevant literature in German, see Wilson, *German armies*, 47–57. Wilson's is the only detailed study in any language.

Faced with an urgent need for troops, Leopold was obliged to acquiesce in the practices of the armed princes. The only way he could hope to retain the initiative was by exercising his right to assign billets and to mediate in inter-territorial disputes. Even so, his scope for action was limited. While the kind of anarchy that had prevailed during the Thirty Years War was avoided, arguments inevitably arose over the heavy-handed behaviour of some overbearing princes. In the north, the major armed territories of Celle, Wolfenbüttel, Münster, and Brandenburg vied for superiority and used billeting as a means of promoting their regional influence, each hoping to acquire a slice of Sweden's German territory. In Middle Germany, in particular, a growing number of medium-sized territories also opted to develop their own armed forces in order to evade the imposition of quotas or billets. All of that in turn placed an increasing burden on the smaller territories of Swabia and Franconia. Members of both Kreise found themselves hit by a new version of the contributions paid during the Thirty Years War. The Swabian Kreis's total war costs came to 21 million gulden. Of that, over 8 million gulden went on billeting, compared with only 500,000 gulden per annum for the maintenance of the Kreis contingent of 3,000 men.[34]

In addition, 1675 saw the beginning of a new and costly system of defences east of the Rhine: the so-called 'lines' or field fortification systems designed to block river crossing points and Black Forest passes.[35] The lines reached their most elaborate articulation from the 1690s with lookout posts, ditches, and banks and the like, in some cases stretching over 90 kilometres. Even the construction of the initial versions in the 1670s, however, required huge material resources and manpower, as well as the formation of considerable militias to man them. It was hardly surprising that in 1667 the Swabian and Franconian Kreise decided to withdraw from the conflict and unilaterally declared their neutrality.

It was fortunate that the larger anti-French coalition began to weaken as the German defence effort began to flag. The Peace of Nijmegen, the complex of nine treaties which concluded the war in 1678–9, brought but a brief respite. The very fact that Louis XIV could conclude separate treaties with all his opponents underlined the scale of his military achievement and his undisputed position as arbiter of Europe.[36] France kept the southern Spanish Netherlands fortresses and the Franche-Comté. As for the Reich, the treaties of 1648 were confirmed, with the proviso that France acquired the right to garrison (hitherto Habsburg) Freiburg and Breisach in return for relinquishing the Philippsburg fortress further north. Leopold was obliged to withdraw his own troops back into Austria immediately. The Duke of Lorraine was offered the restoration of his territories, but under such humiliating conditions that he declined, and they remained in French hands until the Peace of Rijswijk in 1697.

Despite this positive outcome for France, Louis remained dissatisfied. Indeed, he now turned his attention to the full subjugation of Alsace.[37] Special courts, the Chambres de Réunion, were established at Metz, Besançon, Breisach, and Tournai, and charged with 'reuniting' the territories that France had gained in northern and

[34] Wilson, *German armies*, 51.
[35] Wilson, *German armies*, 55–6.
[36] Aretin, *Altes Reich*, i, 265–71.
[37] Duchhardt, *Altes Reich*, 20; Lynn, *Wars*, 161–71.

eastern France in 1648 and 1678–9 with others that had formerly been dependent on them in one way or another. The legal basis of this procedure was often highly dubious—though perhaps no more so than the Habsburg cession to France in 1648 of a 'Landgravate Upper and Lower Alsace' (which had never existed as such) or the attempts by various German princes to 'reduce' the autonomy of towns in their territories. The attempt to translate old secular and ecclesiastical jurisdictions into territorial rights was a stock-in-trade of many aspiring early modern governments. The effective result was the annexation of those parts of Alsace not already in French hands and some significant incursions into the territories of German princes west of the Rhine. The culmination came with the reduction, tantamount to annexation, of the Imperial City of Strassburg in September 1681, though the French acquisitions continued through to the occupation of Luxemburg by 1684.

Effective German resistance to this process was hampered by other implications of the peace. The pacification of the northern Reich left a legacy of discontent, as France was able to ensure that Münster, Brandenburg, the Dukes of Brunswick, and Denmark were obliged to restore all territory to the Swedes. One of the most dangerous regional discontents was Bishop Christoph Bernhard von Galen of Münster who, on his election as bishop in 1650, set about imposing his will on the town of Münster, removing the remaining occupying forces from his territory and exploiting any means possible, including an alliance with England in 1665 and with France in 1667, to attack the Dutch Republic in the hope of giving his territory access to the North Sea coast. Since he provided troops for the Turkish campaign in 1663 and 1664 and himself served successfully as a military commander (Reichskriegsdirektor), and in 1675 served the emperor against the French in Alsace, he could generally count on the goodwill of Vienna. The brutality of his regional activities, however, carried out with an army of up to 20,000 men earned him the nicknames 'Kanonenbischof' and 'Bommen Berend' (the 'canon bishop' and 'bomber Bernhard'). As far as many subjects and neighbours were concerned, the bishop's death in 1678 ended a dangerous reign of terror.[38]

The other northern princes were left alienated from the emperor, whom they accused of having failed to represent their interests. Denmark particularly resented the international guarantee of the rights of Holstein-Gottorp. Brandenburg had played a major role in the war, but gained only a thin strip of land on the east bank of the Oder and the Swedish half of the East Pomeranian customs tolls. Leopold was unwilling to grant the Great Elector any reward for his services, not even the recognition of his entitlement to any Silesian territory taken by the Habsburgs before 1648 or to Brandenburg claims to the succession in East Frisia. Hardly surprisingly, Brandenburg promptly realigned herself with France. This temporarily gave impetus to a more general movement back towards France. First the Palatinate and Saxony and then Bavaria each promised in 1679–80 to vote for Louis as the next emperor. In Strassburg, the pro-French Archbishop Franz Egon von Fürstenberg was succeeded

[38] Lahrkamp, *Krummstab*, 20–9, 35–6; Wilson, *German armies*, 29. See also pp. 33, 235, 302.

in 1682 by his equally pro-French brother, Wilhelm Egon, which considerably facilitated the execution of French policy in Alsace.[39]

Despite the fact that all seven non-Habsburg Electors were either drawn to France by disaffection or, in the case of the ecclesiastical Electors, by fear of French military power in 1679, Leopold was nonetheless soon able to achieve a stronger position in the Reich than ever before. By 1682, he had constructed a new system of pro-imperial alliances and achieved a major breakthrough in imperial defence reform. His stolid refusal to accept the French Réunions made a favourable impression at the Reichstag, which had become an important forum for the public opinion of the Reich. In 1680, Leopold built on the connection to the Wittelsbachs forged by his marriage to the daughter of Philipp Wilhelm of Pfalz-Neuburg in 1676, when he agreed the marriage of the daughter of his first marriage to the new Bavarian Elector Max II Emanuel (r. 1679–1726). The fact that the young bride's late mother had passed on to her a claim to the Spanish throne made the match a particularly enticing argument for Bavaria to switch loyalty from Paris back to Vienna. The succession of new pro-imperial rulers in Hanover and Saxony in 1680 also helped Leopold's cause.[40]

The links Leopold forged with the lesser Estates, the network of minor rulers, concentrated in the west and south-west, who were vulnerable not only to French attack but also to the aggressive and expansionist tendencies of the armed princes, were also vital. The key here was the formation by Count Georg von Waldeck of a Wetterau Union (also known as the Frankfurt Alliance) of ten rulers of small territories whose lands had been attacked either by France or by the Bishop of Münster.[41] The union envisaged the creation of a central military force under the command of Waldeck himself. This union proved so attractive that others began to join, first Protestants but then Catholics as well, and by 1681 Waldeck was proposing to extend it over the whole Reich. In the context of the continuing crisis of the Réunions and growing German agitation against them, Waldeck's activities prompted two successful imperial initiatives.

The first was a new approach to the issue of imperial defence reform at the Reichstag.[42] The discussion had become deadlocked around three conflicting views. The monarchical camp proposed the creation of a single standing imperial army, paid for by the Estates and under the emperor's command. The armed princes did not want to relinquish their own forces. On the whole, they favoured the ad hoc constitution of an imperial army in response to specific crises, which would be composed of the existing forces of the armed princes and paid for by the unarmed princes. The third proposal, favoured by the unarmed Estates, was for an imperial army composed of contingents supplied by all Estates.

[39] Press, 'Fürstenberg', 147–9.

[40] Ernst August (r. 1679–98) of Hanover had been Prince-Bishop of Osnabrück since 1662; he became Elector in 1692. In Dresden the successor was Johann Georg III (r. 1680–91).

[41] Menk, *Waldeck*, 65–7.

[42] Schindling, *Anfänge*, 208–15; *HMG*, i, 263–43.

At the start of 1681, Leopold published proposals that abandoned his original preferred solution, outflanked the armed princes, and embraced a modified version of the third solution. An army composed of contingents supplied by all the Estates would have involved a thorough revision of the 1521 matricular list to take account of current size and resources of the Estates. Given that this would have entailed talks with every single Estate, such a revision was inconceivable. Instead, Leopold proposed to devolve the contingents to the Kreise, leaving them to decide how to allocate their quotas between their various members.

After sixteen months of negotiation, and despite the best efforts of Brandenburg to scupper any agreement at all, a compromise was achieved. The basic strength of the army was to be 40,000 men, though this *Simplum* could be doubled (*Duplum*) or tripled (*Triplum*) if necessary. The total number of troops was divided between the ten Kreise, which would distribute obligations among their members according to the matricular list of 1521 pending its revision; it was agreed that territories might make cash payments (*Reluitionen*) rather than provide men, if they wished. Financial offices were created both at Kreis level and centrally to administer the ongoing funding of an army when it was called into being. It was agreed that the army should be under the unified command of the emperor, though the question of the appointment of generals was left open. Finally, the obligation of territorial subjects to pay taxes to finance such a force, first stipulated in §180 of the *Jüngster Reichsabschied* of 1653, was confirmed.

The imperial defence system thus created has often been criticized. The Reich did not have a standing army, and the force envisaged, even if doubled or trebled, was cumbersome to mobilize and inadequate for anything more than basic defence needs. Furthermore, major rulers, who often had territories in more than one Kreis, and who would therefore have been obliged to send several contingents to different regional commands, were generally inclined to ignore the system altogether. They continued to prefer to conclude bilateral agreements with the emperor for the despatch of their own troops as separate forces paid for by the imperial treasury directly. For Swabia and Franconia, Kreise that were both dominated by lesser Estates, the new system did not offer sufficient security, and they were continually reliant on mobilizing additional resources for their defence. The lack of provision for generals avoided a difficult wrangle between the emperor and the Imperial Estates in the short term, but in fact worked to the advantage of the emperor. By default, he ended up appointing imperial generals and field marshals himself, avoiding accusations of partisanship by observing the general constitutional requirement of confessional parity, so that imperial armies were always commanded by a pair of generals, one Catholic and one Protestant.[43]

The military defects of the system were to be fully revealed when French armies again attacked the Reich in 1688–9. In 1681–2, however, the reform had immense political significance. The fact that anything had been achieved at all was testimony to the new quality of communication between emperor and Reichstag. That was

[43] See Neuhaus, 'Problem'.

underlined by Leopold's inclusion of Reichstag representatives in the Frankfurt talks held with French negotiators in 1681–2 in an attempt to resolve the Réunions crisis.[44] This failed, but the Estates appreciated being given the opportunity to participate in international talks over the interests of the Reich, a role accorded to the Reichstag by the 1648 treaties.

The compromise over the army also paved the way for a new imperial alliance. In June 1682, Georg von Waldeck reached agreement with Leopold on the Laxenburg Association.[45] Leopold was designated head of a league of all the Upper Rhine Kreis and Franconian Estates that had hitherto joined Waldeck's Frankfurt Alliance. The association was dedicated to the defence of the Reich against French aggression and was to remain in force until such time as an acceptable peace was concluded with France. A common army was envisaged, comprising three contingents dedicated to defending the Reich's western frontier. Further members were to be sought, and Saxony, Hanover, Bavaria, Saxony-Gotha, and Saxony-Eisenach all soon joined. The association acquired an international dimension by being embedded in the Dutch-Swedish alliance of 1681. William III of Orange's family links with the Wetterau counts (of whom Waldeck was one) were initially instrumental in connecting the various elements of this new set of agreements. As it made headway, Leopold himself increasingly took a leading role.

The emperor had returned to the Reich. Any notion, however, that there might now be a determined counter-offensive against the French was dashed by a new crisis in the east. Some princes, such as Max Emanuel of Bavaria, were increasingly vociferous in demanding military action. In September 1684, however, Leopold had no option but to conclude the Truce of Regensburg, which recognized Louis XIV's Réunions, including the reduction of Strassburg and his occupation of Luxemburg for a period of twenty years.

[44] Schindling, *Anfänge*, 200–8; Aretin, *Altes Reich*, i, 286–94; Plassmann, *Krieg*, 32–8.

[45] Wilson, *German armies*, 180–1; Aretin, *Altes Reich*, i, 298–302; Schindling, *Anfänge*, 216–17; Papke, *Miliz*, 248.

5

A New Turkish Threat

In July 1683, the Turks had entered the Reich and laid siege to Vienna, for only the first time since 1529.[1] Prague, Dresden, and Munich also now seemed to be in immediate danger. This extraordinary attack on Leopold's capital marked the culmination of an eastern crisis that had been brewing for some years. Mindful that the Peace of Vasvár was due to expire in 1684, Leopold had sent a special envoy to Istanbul in 1681 to request its extension, but the Ottoman Porte had declined. The strategy of the Grand Vizier, Kara Mustafa, the brother-in-law of Ahmet Köprülü, was now influenced by the progress of the Thököly rebellion in Hungary, which reached its climax in 1682, and by the tacit encouragement given by France. As in previous crises of the sixteenth century, there was no formal Franco-Turkish alliance, but French connivance was crucial, as was the diversion created in the West by the invasion of Luxemburg in September 1683.

The threat had been anticipated. The Austrian army had been doubled in size to some 60,000 men during 1681. From January 1683, various other forces were also mobilized. The Reichstag voted a triple quota, though in 1683, the Kreise themselves ended up sending no more than about 10,000 men, far short of a single quota.[2] The rest of the German force of some 33,000 was composed of Bavarian and Saxon troops raised following separate bilateral agreements, with each ruler negotiating significant concessions in return for fielding troops, partly on behalf of the Kreise and partly as auxiliaries. Brandenburg was asked to participate but, mindful of its still valid treaty with France, set such an outrageous price of 600,000 thaler for 12,000 men plus a whole series of territorial concessions for itself and religious guarantees for the Hungarian Calvinists that a deal was impossible.[3] Brandenburg's recalcitrance and loyalty to France also induced the Brunswick dukes at Hanover, Celle, and Wolfenbüttel to remain passive. Hugely significant in the gathering crisis was the fact that the pope mediated an agreement between Leopold and his former enemy Jan III Sobieski for the supply for 40,000 Polish troops.

By 12 September 1683, the Austrian, German, and Polish forces had gathered at Vienna, where the defending force had declined to no more than about 4,000 men.[4] On the Kahlenberg ridge above the city, the Turkish force was defeated; in

[1] Hochedlinger, *Wars*, 153–73; Ingrao, *Monarchy*, 75–83; Wilson, *German armies*, 68–86.
[2] Hochedlinger, *Wars*, 156–7; Wilson, *German armies*, 68–70.
[3] Aretin, *Altes Reich*, i, 303–4.
[4] Hochedlinger, *Wars*, 157–60.

the subsequent pursuit, the Turks were driven out of Royal Hungary and the Christian forces took the Turkish-held city of Gran (Esztergom), the seat of the Catholic Primate of Hungary. Leopold's first inclination was once again to conclude a truce. However, Pope Innocent XI was now determined to deal with the Turks once and for all. With a substantial financial input of 1.2 million gulden, he was instrumental in forming a Holy Alliance of Austria, Poland, and Venice in March 1684.

This marked the beginning of a long and ultimately successful series of campaigns, beginning with the capture of Buda in 1686, that culminated in the Peace of Carlowitz in 1699. By 1688, the Alliance controlled the whole of Turkish Hungary and Transylvania; in October 1687, the Hungarian-Croatian Estates convened at Pressburg agreed to relinquish their right to resistance and to recognize the Habsburgs as hereditary monarchs of Hungary, which they duly confirmed by accepting the coronation of Leopold's heir, Joseph, as their new King.[5]

The French attack on the Rhineland caused the eastern war effort to falter; indeed, William III and others urged Leopold to make peace with the Turks at that point for the sake of the struggle in the West.[6] The years 1690–6 saw a number of serious setbacks, not least because of the incompetence of the commander-in-chief, the young Elector Friedrich August of Saxony. The latter's election to the Polish throne following Sobieski's death allowed the appointment of Eugene of Savoy, who was able to achieve decisive victories in 1697 and 1698, which placed the Austrians in a commanding position at the peace talks that had begun as early as October 1688 under English and Dutch mediation.

While Poland and Venice received almost nothing for their efforts, Austria made massive gains. The Peace of Carlowitz sealed the decisive Austrian victory over the Turks, formalized Turkish control over the whole of Hungary, and recognized a permanent frontier between Austrian and Ottoman territory for the first time. Vienna ceased to be a frontier city and now lay at the centre of a vastly extended complex of Habsburg lands. Though there were further Turkish wars in the eighteenth century—the last was 1788–91—the peace of 1699 marked the end of the crusading period for both sides. It formally ended the long war driven by the Ottoman ambition to conquer Christendom that began in the 1520s and that had only ever been punctuated by limited truces.[7]

It is difficult to assess the contribution made by the Reich to this Habsburg victory.[8] The significance for the Reich of the last anti-Turkish wars has not been fully evaluated. This partly reflects the intractability of the sources, but it also reflects a view deeply entrenched among many German and Austrian historians that the Reich played no role and that Austria's 'wars of emergence' established her as a great power and thus took her out of the Reich.[9] Certainly, much of the

[5] Ingrao, *Monarchy*, 84. [6] Hochedlinger, *Wars*, 160–4. [7] Wrede, *Reich*, 185–210.
[8] Hüttl, 'Beitrag', esp. 148–50, 154–8, provides a balanced assessment. See also Hochedlinger, *Wars*, 92–5.
[9] Klueting, *Reich*, 76; Duchhardt, *Altes Reich*, 20–1, 67–70; Hochedlinger, *Wars*, 7–77; Winkelbauer, *Ständefreiheit*, i, 514–15.

Habsburgs' Central European territory lay outside the Reich; the possibility of making Hungary into a principality of the Reich was discussed between 1686 and 1699, but not taken further.[10] At the same time, the expansion of the Austrian territories brought new strategic concerns that had nothing to do with the Reich. On the other hand, to refer even loosely to the Habsburg territories as an 'Austrian empire' risks overlooking the fact that the imperial title derived from the Reich, rather than from the Habsburg lands. In some ways, the situation after 1699 could be regarded as a variation on the position that had prevailed ever since the Habsburgs began to seek special status for their territories in the Reich.

Just as the Habsburgs were dependent on the Reich for their imperial title, so there is strong evidence to suggest that they also depended on the Reich's contributions to the Turkish wars. Indeed, the Turkish war was not just a Habsburg matter.[11] It was also a war of the Reich, for which no formal declaration of war was necessary, since both the defence of the Reich and the defence of Christendom were regarded as perennial duties, all the more imperative when both were combined. The key commanders were Germans and princes of the Reich: Margrave Ludwig Wilhelm of Baden, the Electors Max Emanuel of Bavaria, and Friedrich August of Saxony. Duke Charles of Lorraine and Prince Eugene of Savoy were also princes of the Reich, albeit of the wider Reich, rather than the Reich defined by participation in the Reichstag. German troops also played a key role throughout.

The fact that German princes provided many of these troops under bilateral arrangements reflects the emergence of the armed princes after 1648; their sixteenth-century forebears would have provided troops following Reichstag decisions according to the matricular list of 1521. Leopold was obliged to work with the new realities: a series of princes with standing armies that they were constantly looking for ways of financing. Leopold paid for the Saxon contingent in 1683, for example, by authorizing the Elector to take over the contributions from the other members of the Upper Saxon Kreis.[12] He offered Duke Ernst August of Hanover the right to collect 16,000 thaler a month from the unarmed territories of the Lower Saxon Kreis plus an initial payment of 50,000 thaler from Austria. The Franconian and Swabian Kreise sent men in every year between 1683 and 1688; the Bavarian Kreis did so too, though the Elector of Bavaria sent his own troops separately under a bilateral agreement.[13] When Brandenburg rejoined the imperial cause in 1686, it immediately sent 8,000 men to the Hungarian front, and it supplied a regular contingent between 1693 and 1698.

The crisis on the western front in 1688 ended the regular contributions of the Bavarian, Franconian, Swabian, and Upper Rhine Kreise to the eastern front.[14] Their forces were now urgently needed for the defence against France and remained at full stretch until the end of the war. The troops of the German princes were also

[10] Klueting, *Reich*, 37.
[11] Lorenz, *Türkenjahr*, 312–13; Goloubeva, *Glorification*, 143–54. Schumann, *Sonne*, covers similar ground.
[12] Wilson, *German armies*, 70.
[13] Hartmann, *Reichskreis*, 427–32.
[14] Wilson, *German armies*, 72–3.

much diminished between 1689 and 1691. Some preferred increasingly to transfer their troops directly to the Austrian army, rather than continue to bear financial responsibility themselves. Even so, after 1691, the various German princes continued to send between 15,000 and 24,000 men each year until the conclusion of hostilities.

In addition to troops, the Reichstag also contributed money. Much less is known about this aspect of the war. However, in 1686 the Reichstag voted the sum of 2.76 million gulden, of which no less than two-thirds actually seems to have been paid.[15] The evidence of local studies suggests that even small territories such as Lippe in Westphalia, for example, which was in no sense directly affected by the Turkish threat, struggled earnestly to contribute quite serious sums of money throughout the 1680s.[16] Their efforts were motivated at least partly by the hope that paying imperial taxes conscientiously would earn them exemption from contributions to neighbouring armed territories, which had potentially serious implications for their continuing independence. Leopold's agents even placed the Hanseatic Cities of Bremen, Hamburg, and Lübeck under considerable pressure to pay their share.[17]

The emperor's successes reinforced the new bond between him and the Imperial Estates that developed after 1679. Leopold himself did not appear on the battlefield, but pictorial propaganda nonetheless portrayed him on horseback triumphant against the background of raging battles.[18] Most of the German Estates regarded participation in the war as a patriotic duty. The armed princes often drove a hard bargain for their participation, but none of them actually made a profit out of supporting the imperial cause. Likewise, the unarmed Estates also sought to find ways of contributing that were at least not harmful to themselves. Some, such as the city council of Lübeck, might complain that they could not afford to pay anything at all, but even they did not deny that, given the resources, they had an obligation to support this common cause of 'Kaiser und Reich'. The war unified the Reich.

[15] Lorenz, *Türkenjahr*, 314.
[16] Benecke, *Society*, 5–26; Gschließer, *Reichshofrat*, 297–8.
[17] Jörn, 'Versuche', 418–23. See also Jörn, 'Steuerzahlung', 340–55, 387–9.
[18] Wrede, *Reich*, 161–2. See ibid., 135–85, for a detailed analysis of the pamphlet literature devoted to the conflict. For images of Leopold in relation to the Turkish wars, see Goloubeva, *Glorification*, 143–54.

6

Renewed Conflict with France

The domestic dividend of the successful struggle against an old foe in the east took two forms. First, it placed Leopold in a stronger position in his attempt to coax Brandenburg back into an alliance. Brandenburg relations with France were unsettled by the Brandenburg-Dutch treaty of 1685, whereby Dutch subsidies reduced Brandenburg's reliance on French payments. At the same time, Louis XIV's revocation of the Edict of Nantes on 18 October 1685 provoked the Great Elector to respond with the Edict of Potsdam on 8 November, which offered sanctuary to those whom Louis expelled. Once the Great Elector's honour was satisfied by Leopold granting him the Silesian district of Schwiebus, the offer of a subsidy of 100,000 gulden sealed a Brandenburg-Austrian alliance in March 1686.[1]

Second, in the face of growing fear of a new French attack, and in view of Brandenburg's obstruction of any discussion of defence at the Reichstag during 1684 and 1685, Leopold seized the opportunity presented by the need to renew the Laxenburg Association in 1685 to form a new and extended alliance. The Augsburg Association of July 1686 included the Bavarian, Franconian, Burgundian, and Upper Rhine Kreise and the Thuringian duchies. Sweden and Spain were also affiliated, though only in respect of their German territories, since the emperor's representatives wanted to preclude the possibility of Kreise claiming the right to conclude treaties with foreign powers that had been given to princes in 1648.[2] Like the Laxenburg Association, its purpose was purely defensive, and although an army was envisaged, none was actually formed. Indeed, the troops promised by Austria and Bavaria were already in service in Hungary and were thus of no use in the western defences. Even though the Augsburg Association was essentially a demonstration of political solidarity, the Swabian Kreis and the Rhineland ecclesiastical Electors refused to join, for they warned that such a union would merely provoke France. Those first in the line of a French attack hoped that careful neutrality might tide them over until French ambitions waned.

The Elector of the Palatinate had no such hopes, for his territory was already under threat from the moment Louis XIV laid claim to a substantial part of it on behalf of his sister-in-law, the Duchess of Orléans. The case was as dubious as any legal claim Louis had made since the War of Devolution in 1667.[3] The duchess was

[1] 'Honour' really was the operative word, since the deal involved the Great Elector's heir signing a secret agreement to return the territory to the emperor immediately on his succession. Aretin, *Altes Reich*, ii, 19–20.

[2] Aretin, *Altes Reich*, ii, 23; Burkhardt, *Vollendung*, 128.

[3] Erdmannsdörffer, *Geschichte*, i, 723–4. Part of the problem was that, had the claim been upheld, the Duke of Orléans would have acquired a vote at the Reichstag as Palsgrave of Simmern and Lautern.

the second child of the Elector Karl Ludwig. Her brother Karl II succeeded in 1680, but died heirless five years later. The Electoral title went to Philipp Wilhelm of Pfalz-Neuburg, a Catholic and a steadfast ally of the emperor since 1676. On behalf of the Duchess Elizabeth Charlotte of Orléans ('Lieselotte'), Louis laid claim to all of her late brother's private property and all of the allodial lands of the Electorate (i.e., the estate directly owned by the Electors, largely on the left bank of the Rhine) as her private 'family' inheritance. After much argument, Elector Philipp Wilhelm conceded the former in 1687, but adamantly refused the latter. Louis launched a formal appeal to 'Kaiser und Reich', which relegated the matter to endless futile discussion at the Reichstag. Only a French suggestion that the pope be asked to mediate the case provoked a clear and instant decision: that the papacy had no standing in matters concerning the Reich.

The Palatine inheritance assumed a more burning significance in 1688 as a result of the frustration of French policy in relation to the election of a new Elector of Cologne. Following the death of the Wittelsbach Elector Max Heinrich, Louis was determined that Wilhelm Egon von Fürstenberg, currently Bishop of Strassburg, should be elected both in Cologne and in Max Heinrich's other sees of Liège and Hildesheim. The Bavarian Elector, supported by the emperor, was equally determined to ensure the succession of his own brother, Joseph Clemens. A confused double election, in which neither candidate won the necessary two-thirds majority of the Cologne cathedral chapter, ended up with Fürstenberg claiming possession on the basis of a simple majority, but Joseph Clemens (still only seventeen but already bishop of both Freising and Regensburg) was confirmed by the pope and recognized by Leopold and all the other Electors.

Not unreasonably, Louis took the election of a minor against his own candidate, who was, after all, a theologically trained fifty-nine-year-old, a bishop since 1682 and a cardinal since 1686, as an affront.[4] On 24 September 1688, he ordered his troops into Cologne and the Palatinate.[5]

The French king had apparently seized a favourable moment. Leopold's forces were still tied down in Hungary. The crisis of the Stuart monarchy and the rebellion against James II resulted in William III travelling to England to secure the English throne just as French forces overran the Rhineland. However, the sheer speed of William's takeover in England soon turned the tide against France: by the end of December, the French ambassador had been expelled and England joined the Dutch Republic in the coalition of powers hostile to France.

By May 1689, a Grand Alliance of England, the Dutch Republic, Spain, Austria, and Savoy was in place. The English crisis added a costly new front to the war. Louis's attempts over the next few years to effect the restoration of James II were futile. The Battle of the Boyne in July 1690 and the fall of Limerick in October 1691 marked the end of any hope that James might be helped by an Irish uprising. The decisive defeat of the French fleet at La Hogue in May 1692 condemned James to permanent exile and redoubled the focus on the land conflict, with William free

[4] *ADB*, vii, 297–306. [5] Lynn, *Wars*, 193–9.

to devote his energies to helping the Dutch prevent France from taking the Spanish Netherlands. Meanwhile, lesser fronts opened up in the Pyrenees and in northern Italy following French attempts to strike blows at Spain and at the vulnerable Spanish Habsburg Duchy of Milan.

The outcome of the conflict was essentially decided elsewhere, yet events in Germany remained significant. The initial French invasion had been countered by the formation in October of the Magdeburg Concert of Saxony, Brandenburg, Hanover, Osnabrück, and Hessen-Kassel. This resolved to send one army to the Lower Rhine to help protect the Dutch Republic, while William went to England. It also determined to expel the French from Cologne, and to despatch another force to expel the French from the Middle Rhine region. Though the Germans enjoyed some success in pushing the French forces back, the French now launched a campaign of ruthless destruction: if they could not hold the territories they had invaded, they were determined to ensure that they were of no use to the Germans either. From the Cologne region down the Rhine to Heidelberg, fortresses were razed, towns burned, and palaces destroyed. Heidelberg itself, along with other cities such as Worms, Speyer, and Mannheim, was almost completely destroyed.[6]

In February 1689, the Reichstag resolved to declare war on France as an enemy of the Reich ('Reichs-Feind') that had without provocation subjected the Reich to 'more than un-Christian hostilities'.[7] A formal declaration was published on 4 April. The problem was how this resolution was to be carried out. When the French invaded in 1688, the troops of the Kreise had been deployed in Hungary. Initially, therefore, the Reich depended on the forces sent by the northern armed princes. Already in the first winter of the war, however, the issue of providing winter billets led to such friction between the troops and the local authorities that, in January 1689, Leopold was moved to assume responsibility for the allocation of quarters and contributions for the upkeep of troops.[8]

During the next months, a Reichsarmee was formed under the command of Charles of Lorraine, which was able to recapture Mainz in September 1689. Bonn fell to the Elector of Brandenburg the following month. Neither commander, however, was able to capitalize on his victory to push the French further back. For the next seven years, the opposing forces pushed each other back and forth to no avail. Both sides incurred heavy losses of men, and in the German territories that formed the battlefields, there were substantial civilian casualties and continuing major damage to cities, towns, villages, and countryside. The French ravaged the town of Heidelberg for a second time in May 1693: this time, the city walls and earthworks were systematically dismantled, while a detachment of several hundred French soldiers set about turning the Elector's castle itself into the ruin that still dominates the old town skyline today.[9]

[6] Vetter, 'Heidelberg', 39; Vetter, *Zerstörung*, 21–8.
[7] Burkhardt, 'Verfassungsprofil', 172–3.
[8] Wilson, *German armies*, 89.
[9] Press, *Kriege*, 437–8; Vetter, *Zerstörung*, 113–26.

Managing the defence efforts, and maintaining the unity of purpose of the wide range of political interests involved in them became a major preoccupation of imperial politics. On the one hand, the war generated such solidarity—at least initially—that in 1690 Leopold was easily able to achieve the election of his son Joseph as King of the Romans.[10] The usual large sums of money were paid out to the Electors, but none of them hesitated to cast their votes in favour of the Habsburg succession. On the other hand, reconciling the conflicting interests of the Imperial Estates proved more challenging.

Most of the armed princes found themselves considerably overstretched. While the Magdeburg Concert supplied troops for the defence of the Rhine, its members were also committed to supplying troops to reinforce the English, Dutch, and Spanish armies west of the Meuse.[11] Other armed princes also tended to try both to fulfil their obligations to the Reich and to supply troops as auxiliaries. Arguments over the distribution of billets and the nomination of military commanders quickly led to threats to withdraw troops from imperial service or to demands for special favours. Leopold found himself constantly having to make concessions to buy the continuing loyalty of key princes.

In December 1691, the Elector of Bavaria's loyalty had to be reinforced by his appointment as stadtholder of the Spanish Netherlands. This gave him hopes for the Spanish succession and meant that he diverted most of his troops to Luxemburg and later even deployed some of them in Catalonia.

The price that had to be paid to secure the continuing support of Ernst August of Hanover in 1692 was even higher. In 1691, he became a key member of a group also including Saxony, Münster, Sweden, and Denmark that discussed the formation of an armed third party and received overtures from France concerning the conclusion of a favourable peace. When Leopold sought to intervene, Ernst August immediately demanded to be made an Elector.[12] Even though it was doubtful that Leopold had the right to do this at all, he assented in return for a 'perpetual union' between Hanover and the house of Habsburg. That immediately provoked bitter protests from the existing Electors and from many princes. Ernst August's own kinsman, Anton Ulrich of Brunswick-Wolfenbüttel, emerged as leader of a league of princes dedicated to opposing the creation of a new Electoral title. Even a loyalist such as the imperial commander Ludwig of Baden joined the league of those who opposed the elevation of Hanover. The Hanoverian Electoral title was finally recognized only in 1708, but Leopold's agreement in 1692 to create it was decisive.[13]

Relations with the unarmed Imperial Estates were also strained by the war. The reliance of imperial defence on the contribution of the armed princes made the unarmed territories vulnerable from the outset to the costs of billeting and paying for the upkeep of troops. The problem persisted even after the troops of the Swabian and Franconian Kreise were recalled from the Hungarian front in 1689. By the autumn of that year, both Kreise had sent the emperor long lists of complaints and of suggestions for the best means of their defence.[14]

[10] Aretin, *Altes Reich*, ii, 54–5.
[11] Wilson, *German armies*, 183–4.
[12] Aretin, *Altes Reich*, ii, 54–66.
[13] See also pp. 73–6, 126.
[14] Plassmann, *Krieg*, 129.

While at first they were unwilling to contemplate raising either more men or more money, they gradually developed a more active approach. In 1691, they concluded an association, renewed and extended in 1692, dedicated to resisting further billeting, and resolved to create a corps of 20,000 men to reduce their dependence on the armed princes. In 1693, the appointment of Ludwig Wilhelm of Baden, the hero of the Turkish war ('Türkenlouis'), as imperial commander in the Reich further concentrated the efforts of the two Kreise, which now initiated concerted efforts to construct defensive lines through the Black Forest.[15] By 1695, they formally constituted themselves as the Association of the Forward Kreise. Though defence was their main purpose, maintaining their continuing independence within the Reich and gaining a voice in its politics were also key objectives. The movement rapidly gained ground. The Elector of Mainz, Lothar Franz von Schönborn, soon began to take an active interest, and in January 1697 the Bavarian, Electoral Rhine, Upper Rhine, and Westphalian Kreise also joined.[16] Ludwig Wilhelm of Baden was retained as overall commander.

No effective third party ever emerged during the conflict. The savagery of the conduct of the war ensured that France was unable to forge useful alliances among the German Estates. The armed German princes remained under the umbrella of the Grand Alliance to the last. The association movement of the Kreise also remained firmly dedicated to the imperial cause. In doing so, each group had pursued its own interests but neither succeeded in its main political aim, which was to achieve participation in the peace talks. For the entire duration of the war, Leopold and his advisers had worked relentlessly to frustrate this ambition and to exclude members and institutions of the Reich from formal membership of the Grand Alliance. They were duly excluded from the talks that concluded the peace at Rijswijk between May and October 1697.

The Reich played no part in the end of the war.[17] In August 1696, Louis XIV had opened up a first crack in the Grand Alliance when he persuaded the Duke of Savoy to conclude a separate peace in Italy. In October, Leopold likewise agreed to cease hostilities in Italy. This allowed France to achieve renewed success in Catalonia and the Spanish Netherlands. With the these last victories behind him and with the Grand Alliance severely fractured, Louis agreed early in 1697 to restore Luxemburg and Lorraine and to recognize William III as rightful King of England. The Rijswijk peace talks could begin.

Leopold was the last to agree terms, over a month after the general peace was agreed on 20 September. The Dukes of Lorraine and of Luxemburg were restored to their territories. The Palatinate claims of the Duchess of Orléans were referred to the pope for mediation.[18] Louis also undertook not to pursue Wilhelm Egon von Fürstenberg's claims to Cologne, though Leopold agreed to restore the latter's rights as a prince of the Reich. Furthermore, Louis relinquished the lands taken

[15] Plassmann, *Krieg*, 244–69. See also p. 37 above.
[16] Wilson, *German armies*, 187–9; Gotthard, 'Friede', 44–63.
[17] Lynn, *Wars*, 253–66.
[18] He decided in 1702 that she should be paid 300,000 scudi in compensation.

from the Palatinate and the fortresses that he held on the right bank of the Rhine, so that Freiburg and Breisach returned into Habsburg ownership; Kehl and Philippsburg were returned to become imperial fortresses.[19]

On the other hand, Louis achieved his key war aim in the Reich: recognition of his ownership of Alsace and of Strassburg, with dissenting inhabitants given one year to leave. The most controversial aspect of the treaty was the clause negotiated in secret by the Catholic Elector of the Palatinate with Louis: Article 4 stipulated that Catholics should continue to enjoy freedom of worship in all Palatine lands now returned by France.[20] Twenty years later, this clear breach of the peace of 1648, under which the Palatinate was designated a Protestant territory, was to cause a major political crisis in the Reich. In 1697, it prompted leading Protestant princes to refuse to sign the treaty when it was presented to the Reichstag. Within two years, the seeds of the future controversy germinated when the French government submitted a list of nearly two thousand places in which Catholic worship had to be permitted.[21]

The losses sustained by the Reich at Rijswijk in 1697 might seem to contrast with the gains made by Austria at Carlowitz in 1699. The differing outcome of the two settlements reflects both the timetable of the conflicts and the nature of the enemy. The Turkish threat was a clear priority because it directly threatened Vienna, and Prague, Dresden, and Munich as well. Moreover, after the campaign of 1683 the Ottoman state was in inner turmoil. The relentless pursuit of the Turkish war did not reflect a shift of Habsburg interests away from the Reich. The decision to pursue both wars was not driven by heroism. Talks were indeed initiated with the Turks in 1689, but the struggle between a 'Reich faction' and a 'Hungarian faction' in Vienna undermined them so that Leopold was obliged to fight on both fronts.[22]

From the perspective of a government that had dealt with the Turkish threat for the best part of two centuries, it was logical to seize the opportunity to deal with the problem once and for all. The Peace of Carlowitz brought the Habsburgs closer to that than ever before. The next Hungarian uprising, Ferenc II Rákóczi's rebellion of 1703–11, was the last major challenge to Habsburg rule. It prospered because of Austria's distraction by the War of Spanish Succession; it was crushed once the threat to imperial interests in Germany and Italy had been averted.[23] The next Turkish war (1716–18) underlined just how much had changed: Austria seized the opportunity presented by a Turkish attack on Venetian interests in Morea and Dalmatia to seize the last pieces of Ottoman Hungary. Hungary itself was never under threat, either from the Turks or from internal rebellion.[24]

[19] Hochedlinger, *Wars*, 173. The Prince-Bishop of Speyer and the Margrave of Baden were recognized as lawful owners of Philippsburg and Kehl respectively, but their rights were henceforth exercised by the Reich, with garrisons provided by the Kreise and by Austria.
[20] Aretin, *Altes Reich*, ii, 41–51.
[21] Press, *Kriege*, 441. See also pp. 152–6.
[22] Klueting, *Reich*, 80.
[23] See pp. 115–16.
[24] Ingrao, *Monarchy*, 110–11, 115–17, 119–20; Ingrao, *In quest*, 123–60.

The situation in the West was fundamentally different. France could not conquer Europe, but no other power or combination of powers was capable of conquering France. The best that could be hoped for was containment. Following the Réunions, the French already held Alsace. The main French war aim had thus been achieved even before hostilities began. Moreover, leading German princes had repeatedly urged Leopold to recognize all the Réunions. In the circumstances, it was a triumph for the emperor that France had been obliged to hand back the Palatine lands and other property on the right bank of the Rhine.

The problem of France resurfaced in a different form even before the Rijswijk settlement was concluded. The illness of Carlos II of Spain from 1696 brought the matter of the Spanish succession to the forefront of European politics. The issue had overshadowed the whole of Leopold's reign, and in 1701 it precipitated another European war, which preoccupied the last four years of his life.[25] Yet, though it once more pitted France against a coalition that included Austria, this conflict too differed from its predecessors. For one thing, the notion of a balance of powers, originally formulated by William III, now consciously informed the strategy of all the major participants. Second, the issue of the succession became linked with the question of maritime interests and zones of commercial influence, which meant that England and the Dutch Republic had as much interest in the matter as France and Austria. Third, the Spanish succession crisis opened up new opportunities for the Austrian Habsburgs in Italy. All of that had profound implications for the reigns of Leopold's successors, Joseph I and Charles VI. After four decades as emperor, Leopold had at least ensured that his successors were well placed to tackle the challenges they faced.

[25] See pp. 108–19.

7

The Emperor, the Perpetual Reichstag, the Kreise, and Imperial Justice

The threats posed by France and the Ottoman Empire strengthened the unity of the Reich. A mass of pamphlet literature reinforced this. The emperor's success against the Turks made him a hero in the eyes of many. If some grumbled that he had not achieved more against France, his defence of the Reich in the West was nonetheless widely appreciated and further enhanced his standing. Admittedly, the solidarity of the German Estates, especially the princes, was rarely easily achieved or unquestioning. However, even the Great Elector of Brandenburg in the last resort abandoned his alliance with Louis XIV and rallied to the cause of the Reich. Like many others, he persistently pursued independent policies, making full use of his right under the treaties of 1648 to form alliances with foreign powers. Yet it was unthinkable that he should actually oppose 'Kaiser und Reich' or remain allied to a power that was at war with the Reich. Indeed, the Great Elector's alliance with the emperor in 1686, the last before his death in 1688, was also his most durable alliance and, through his son and grandson, it held into the 1730s. This fundamental loyalty to the system owed much to the way that Leopold conducted himself as emperor and to his effective employment of the full panoply of imperial powers.

The most striking constitutional innovation of his reign was the permanent session of the Reichstag. Political, fiscal, and military necessity dictated summoning a new Reichstag. One of Leopold's first acts was to demand the relocation of the deputation commissioned to continue the work of the previous 1653–4 Reichstag from Frankfurt to Regensburg.[1] Imperial advisers believed that the proximity of the deputation to the directorate of the Rheinbund placed too much power in the hands of the Elector of Mainz and gave too much leeway to French influence. Regensburg was closer to Austria. The deputation had already been paralysed by the dispute over whether it was entitled to continue during the interregnum, and now the farcical situation developed a new deputation meeting at Regensburg at the invitation of the emperor, while a rump session continued at Frankfurt. Each body refused to recognize the other. The only way out of this deadlock was to summon a Reichstag, which would make the deputation redundant anyway. By the autumn of

[1] Schnettger, *Reichsdeputationstag*, 269–80.

1661, it seemed likely that the emperor would need to appeal for help against the Turks, and a Reichstag was finally convened at Regensburg in January 1663.

In several other respects, this Reichstag differed from the kind of 'Türken-Reichstag' summoned during the sixteenth century. Leopold attended between December 1663 and May 1664 to push through the all-important grants of money and men for the war. However, for the opening and for the period after 1664, he was represented by the Archbishop of Salzburg as his *Prinzipal-Kommissar*, an office created by Rudolf II in 1603–8 to represent the emperor at the Reichstag. The Imperial Estates also sent representatives rather than attending in person, which made the Reichstag into a congress of ambassadors.

The other difference was that the Reichstag continued after the war grants had been agreed. The reason for this was essentially that the agenda still contained the issues that had been left unresolved in the peace treaties of 1648. The most intractable point remained the question of the imperial electoral capitulation, which formed the subject of a continuing controversy between Electors and princes.[2] At root, the whole debate revolved around the question of who had the right to formulate legislation; by the 1660s, the princes were demanding that the whole Reichstag should be involved in drawing up a perpetual capitulation that would be valid for all future emperors (*capitulatio perpetua*), while the Electors insisted that it was their prerogative to draw up a new contract for each emperor. By 1671, a compromise draft was agreed that was acceptable both to the Electors and princes and to the emperor. It succeeded largely because it accommodated all interests and passed over all controversial points and because it was agreed to leave it as a draft to be finalized at some future date. In fact, it was only in 1711 that a final framework document was agreed, though even then it did not become law, since the emperor did not ratify it.[3]

The key second issue was defence, again part of the agenda of unresolved issues set by the treaty of 1648.[4] Two problems lay at the heart of the discussion of this matter: the defence system itself and the question of the obligation of subjects to pay for it. On the first issue, the question was whether simply to reform the existing mechanisms established in 1555 for maintaining the peace and to extend the mobilization system of the Kreise to cope with foreign attacks, or to create something new. The lesser princes favoured reform of the existing system because it ensured their continuing participation in the political process. The armed princes wanted a new system in which their own forces would form a collective army financed partly by their own subjects and partly by the unarmed territories, whose political standing would be reduced accordingly. The emperor and his advisers essentially wanted a permanent imperial army, financed by taxation of all subjects of the Reich, under central imperial command.

As in the case of the electoral capitulation, failure to agree led to the issue being postponed repeatedly. After the Turkish crisis of 1663–4, the whole matter became

[2] Neuhaus, *Reich*, 12–14; Schindling, *Anfänge*, 91–6, 134–56.
[3] Kleinheyer, *Wahlkapitulationen*, 78–99. See pp. 126–7.
[4] Aretin, *Altes Reich*, i, 219–22.

less urgent for a time. When the French attacked the Spanish Netherlands in 1667–8, Leopold decided to raise it again and to press for the revision of the existing mobilization system. In January 1669, a notional strength of 30,000 was agreed for an eventual Reichsarmee, but discussion of the revision of the implementation system of 1555 was now delayed by the intervention of a group of princes who insisted on clarifying the issue of exactly how troops were to be paid for.

In 1654 and 1658, it had been agreed that subjects had an obligation to pay for all fortifications and garrisons 'necessary' for defence and maintaining the peace. The group of so-called Extensionists, essentially those princes who had armed forces, wanted to drop the qualification and thus to make it possible for them to oblige their subjects to pay for any military expenditure, including anything they incurred by making use of their right under the treaties of 1648 to form foreign alliances.[5] The wider implications of this were instantly clear: the costs of standing armies were to be foisted on to subjects. The Extensionists' amendment, adopted by the Reichstag as a whole in October 1670, would have removed all constraints on taxation in the territories. For that reason, Leopold firmly refused to ratify the proposal. Defending the rights of subjects against unreasonable taxation gave them the right to appeal to the imperial courts, which meant in turn that the emperor retained the power to intervene in the territories in the event of a judgment in favour of the subjects.[6]

In rejecting the Extensionist proposal, Leopold affirmed his duty to maintain the laws and traditions of the Reich and reserved his right to continue to act as guardian of the constitution. It was a reflection of just how Leopold's stature had grown that the majority at the Reichstag immediately accepted his decision. Equally, however, it was typical of the way that the Reichstag conducted its business that a revised draft of the implementation edict was prepared by 1673 but simply not proceeded with.[7] The settlement reached in 1681 under the continuing pressure of French aggression represented another compromise. There was no attempt at a systematic reform of the implementation system, but simply an agreement on the size of the army and on the devolution of responsibility for levying it to the Kreise. Here again, tradition had prevailed over innovation.

Paradoxically, even in the process of failing to agree on the constitutional issues, the Reichstag gradually assumed important new functions. There was never a decision to extend the session indefinitely.[8] Over the decades, consideration was repeatedly given to bringing matters to a conclusion, and into the eighteenth century many commentators clearly thought there was something abnormal about a meeting that went on for so long.[9] At first, the Reichstag continued because it failed to reach a conclusion on the electoral capitulation and on defence. Its

[5] Wilson, *German armies*, 31.

[6] Erdmannsdörffer, *Geschichte*, i, 428–30. It was typical that Cologne, Bavaria, Brandenburg, Pfalz-Neuburg, and Mecklenburg-Schwerin promptly formed a 'perpetual defensive alliance' dedicated to subverting the emperor's decree, promising to support each other in the event that their subjects ever resisted any taxation for military purposes.

[7] Schindling, *Anfänge*, 180–2.

[8] Schindling, *Anfänge*, 7.

[9] Burkhardt, 'Verfassungsprofil', 152–9.

continuing session was reinforced during the 1670s by the growing threat of French aggression. Leopold then recognized and confirmed its constitutional role as the institutional representation of 'Kaiser und Reich' when he turned to it to ratify the Peace of Nijmegen in 1679 and the Truce of Regensburg in 1684.

By then, the Reichstag's permanent session was more or less taken for granted and the Viennese authorities came to appreciate it as an institution that could facilitate imperial policy. Through his representative, the *Prinzipal-Kommissar*, the emperor now had instant access to the Imperial Estates in emergencies without going through the cumbersome system of summoning a Reichstag and negotiations with the Electors over its agenda. Indeed, the position of the Electors, who had aspired to be co-regents during the Thirty Years War, was somewhat diminished as they took their place in a hierarchical institution presided over by the emperor.[10] Through his second representative in the College of Princes—his envoy in his capacity as ruler of Austria—Leopold also had the opportunity to exercise direct influence on the debates.

The emperor's critics were forced to represent their views at Regensburg; misunderstandings and disputes that previously might have escalated into serious political problems could be solved or at least tackled by discussion. Disputes between Imperial Estates or conflicts between Electors and princes were now increasingly concentrated on this single institution and the emperor was able to act as mediator, in the process often enhancing his own authority playing opposing sides off against each other. The assembled representatives of the Estates also formed an invaluable source of information and a sounding board for the imperial authorities. The Reichstag became a forum for the 'public opinion' of the Reich, an assembly to which pamphlets were addressed and where they were discussed.[11]

The innovation was so striking that some have been tempted to describe the Perpetual Reichstag ('Immerwährender Reichstag') as Europe's first standing parliament.[12] The hyperbole needs to be qualified. Those assembled at the Reichstag represented the Imperial Estates—princes, city magistrates, and the like—and not their subjects; the idea that they might do so only appeared in enlightened reform proposals from the 1760s onwards.[13] Furthermore, the continuing ('perpetual') session of the Reichstag resulted from the inability of the Reich to reach decisions on the key constitutional issues. While there were repeated discussions of the desirability of reaching a conclusion, the debate in the Reich had a rather different character from the debate in England. There, the Triennial Act of 1694 marked a break from early experiments with a system of standing parliaments that had favoured royal authority in favour of a system in which the king was obliged to dissolve (and summon) parliament after a specified period. The English parliament thereby developed an institutional independence of the monarchy that the

[10] Press, 'Kaiserliche Stellung', 68.
[11] Burkhardt, *Vollendung*, 90–8.
[12] The discussion is summarized by Kampmann, 'Reichstag'; see also Burkhardt, 'Verfassungsprofil'.
[13] Burgdorf, *Reichskonstitution*, 39–41, 475–86, 507.

Reichstag never did. Significantly, the opposition princes after 1640 frequently demanded biennial or triennial Reichstag sessions precisely to pre-empt oligarchical and monarchical tendencies. The Reichstag's permanent session after 1663 in fact worked against both oligarchical and aristocratic tendencies, but to the advantage of the crown.[14] Nonetheless, the Reichstag did gradually evolve from a constitutional congress into an early modern parliament of the Imperial Estates.[15]

It is difficult to form a clear picture of the Reichstag's legislative activity. The collection of laws (*Reichsschlüsse*) published by Joseph Pachner von Eggersdorf in 1740 records some two thousand resolutions. Only 10 per cent of these were formally promulgated as laws, but many more represented decisions that had legal force, though for various technical reasons they were not actually promulgated. Between 1701 and 1711, for example, no legislative proposals (*Reichsgutachten*) were sent to the emperor because his *Prinzipal-Kommissar* from 1699, Johann Philipp von Lamberg, the Bishop of Passau, was made a cardinal and the Protestant Estates could not agree on how he was to be addressed.[16]

In the early decades of the Perpetual Reichstag, proceedings were frequently disrupted by disputes over ceremonial and matters of rank and procedure.[17] Deliberations generally tended to progress slowly, since the envoys worked on the basis of written instructions and constantly had to refer back to their employers. It took up to a month for a proposition submitted to the Mainz chancellery to reach the three colleges. Six to eight weeks then had to be allowed for the envoys to seek instructions from the courts they represented. Each college had to reach a decision; the three written decisions were then compared and further talks were conducted to harmonize differences. The resulting *Reichsgutachten* was sent to Vienna, whereupon the emperor, after due consultation and deliberation, approved the law. After his approval had been communicated back to Regensburg, the law was then promulgated.

The work of some envoys was complicated by the fact that they represented several courts, for not all princes wanted to afford the expense of maintaining their own representative. The Imperial Cities were generally represented by Regensburg magistrates. Once all instructions were received, the discussions in the three colleges, which generally took place in twice-weekly sittings, could be quite focused. The College of Electors was small anyway, with seven active votes until 1708.[18] In the College of Princes, roughly a hundred votes held by about sixty

[14] Gotthard, *Reich*, 115–16. [15] Aretin, *Altes Reich*, i, 130.

[16] Burkhardt, 'Verfassungsprofil', 164.

[17] In 1678, the Reichstag was paralysed for months by the 'legitimation controversy', which arose because a new representative from the court of Brunswick-Celle sent his credentials to the directorate office of the Elector of Mainz via one of his officials, who refused to accept them on the grounds that only the representatives of new Electors could present their credentials in this way; the envoys of princes were required to attend in person. Gotthard, *Säulen*, ii, 810–11.

[18] The active votes after 1648 were Mainz, Cologne, Trier, Saxony, Brandenburg, Bavaria, and the Palatinate. Hanover was elevated in 1692, but only admitted to the college in 1708. Bohemia was admitted in the same year, having been excluded traditionally from all business except Imperial elections. The admission of Bohemia gave the Habsburgs an additional Reichstag vote and their first active vote in the College of Electors.

princes were generally represented by between twenty and twenty-five envoys. The College of Cities generally comprised between ten and fifteen Regensburg magistrates. While it could take years to resolve some trivial technical matters of procedure, the imposition of a ban on French imports in 1676 was agreed within four months.[19]

In general, the proceedings of the Reichstag in the decades after 1664 show a high degree of activity. At a time when roughly 70 per cent of all legislation submitted to the English Parliament failed, the Reichstag succeeded in a number of key areas.[20] In general, the kind of broad regulatory legislation attempted in the sixteenth century with general legislation in the form of *Polizeiordnungen* and *Münzordnungen* to regulate the currency and the like was not repeated. These statutes remained valid, except where specifically amended, and they continued to provide the framework within which much territorial legislation was developed. It proved difficult to agree new general statutes: a proposal made by the Imperial Cities in 1671 for the improved regulation of craft guilds, a specific aspect of the earlier *Polizeiordnungen*, was only implemented in full in 1731, but a law promulgated in 1672 significantly limited the autonomous rights of guilds and liberalized entry to them.[21] The extended discussion of the wider proposal itself generated communication between rulers, a considerable body of territorial legislation, and, in due course, a variety of regional initiatives to harmonize legislation across groups of territories.

Much of the activity of the Reichstag was, of course, prompted by the almost continuous military conflicts of the period. The reform of the imperial defence system in 1681–2 represented a major piece of framework legislation that remained in force until 1806.[22] Considerable effort was also devoted to economic initiatives. The elaboration of mercantilist schemes for the promotion of productivity and growth and the strengthening of the Reich as a 'common market' was a distinctive feature of the Reichstag's permanent session after 1664. Of course, many initiatives arose from the submissions of the territories prompted by specific local or regional problems. A campaign to ban indigo dyes, driven exclusively by Saxony's desire to protect its indigenous woad industry from cheaper foreign imports, failed to gain wider support in 1671. A more widely supported campaign against new ribbon-making machinery led to bans in 1685 and 1714.[23] Yet it was significant that these kinds of specific issue were now increasingly interpreted in a wider framework of economic policy. Indeed, thinking about these matters was led

[19] Burkhardt, 'Verfassungsprofil', 162–3.

[20] Hoppit, *Failed legislation*, 4. The failure rate was 71.8 per cent for 1660–88 and 49 per cent for 1689–1714. The rates of failure for social and economic legislation were around 80 per cent throughout the period 1660–1705: ibid., 7.

[21] The Peace of Westphalia had already prohibited the exclusion of anyone from guild membership on grounds of religion (IPO § 35); the subsequent regulations curtailed the rights of guilds to exclude the children of those whose occupations were considered dishonourable and to exclude illegitimate children, and established the employment rights of religious refugees (*Réfugiés*), who by definition arrived without formal guild qualifications: Blaich, *Wirtschaftspolitik*, 171–82. See also Winzen, *Handwerk*.

[22] See p. 40.

by imperial advisers such as Johann Joachim Becher (1635–1682; he was particularly active 1670–76) and Philipp Wilhelm von Hörnigk (1640–1714), two of the most important mercantilist theorists of the time, and Cristóbal de Royas y Spínola (*c.* 1626–1695), formally the Spanish envoy to Regensburg from 1664, but a constant adviser to Leopold from 1660 and the author of several schemes for the economic and religious unification of the Reich.[24] Both Spínola and Hörnigk (Spínola's protégé as well as Becher's brother-in-law and collaborator) remained influential through the 1680s.

In 1667, the Reichstag considered a wide-ranging set of proposals for the 're-establishment of the trades and manufactures in the Reich'. By 1671, a comprehensive catalogue of laws had been prepared for the abolition of illegal domestic tolls, the reduction of the staple and warehouse rights of cities, the improvement of roads and waterways (including the regulation of prices and services provided at wayside inns), and the regulation of prices and practices at markets and fairs. The discussion of ways of promoting domestic commerce took on a new dimension in the context of hostilities with France.[25] In 1674, a ban was imposed on the export of German goods to France. In 1676, Austria and Brandenburg jointly sponsored an import ban on French goods. In 1689, the Reichstag agreed a comprehensive trade embargo with France. This was lifted in 1697 but imposed again in 1702, remaining in force until 1714.

Despite the increasing refinement of the bans, they were never entirely effective. The Swiss cantons were notorious for providing passage to contraband goods and commercial centres such as Hamburg and Lübeck, remote from effective monitoring by the emperor or any other authority, continued to trade with France throughout all the wars.[26] It is impossible to quantify the impact of the embargoes precisely. However, while in 1648 commentators complained bitterly of the ubiquity of French products in the Reich, within fifty or sixty years the Reich had achieved a positive balance of trade with France.

The failure to agree on a single currency is often cited as evidence of the incapacity of the Reich.[27] It is certainly true that the reforms of 1559 and 1566 left the Reich with two official currencies: the gulden in the south and the thaler in the north. On the other hand, the previous division between a southern kreuzer area and a northern groschen area gradually disappeared as the kreuzer also became established as a common unit of calculation throughout the Reich. The devolution of responsibility for the regulation of the quality of coins to the Kreise had also provided a basic infrastructure of currency management that worked reasonably well and had responded effectively to the currency crisis of 1618–23 (*Kipper- und Wipperzeit*).

[24] Bog, *Reichsmerkantilismus*, 7–18. See also pp. 80–7.
[25] Bog, *Reichsmerkantilismus*, 76–148.
[26] Bog, *Reichsmerkantilismus*, 150–66.
[27] Christmann, *Bemühungen*, 89–124; Blaich, *Wirtschaftspolitik*, 27–66; Gömmel, *Wirtschaft*, 51–3; Dotzauer, *Reichskreise*, 448–54; Conrad, *Rechtsgeschichte*, ii, 151–4; Schneider, *Währungspolitik*, 38–44.

On the other hand, a new period of monetary instability after 1650 generated a plethora of reform proposals both for establishing a lead currency for the Reich and for limiting the production of debased coins. The greatest obstacle to reform was the fact that the number of mints increased again after 1648 as almost all territories wanted their own and the larger territories wanted to ensure that any general reform was not detrimental to their own interests. Leopold himself, for example, minted debased coins to raise money for his military endeavours; many others followed suit. While the values of the largest coins remained steady, subject to periodic and generally agreed adjustments, the debasement seriously affected the lesser coins worth 10 kreuzer or less used in everyday transactions, the so-called *Landmünzen* or *Scheidemünzen*, whose production cost was often greater than their metallic value. With several hundred active mints, it is perhaps not surprising that there were a total of some twelve hundred types of coin by 1692.[28] Many were used exclusively in everyday local and regional contexts; they did not thus generate a 'Münzwirrwarr' (currency chaos), as nationalist scholars obsessed with symbols of national unity later complained.

More significant, however, was the continuing stability of the system as a whole. In 1665, the Swabian, Franconian, and Bavarian Kreise asked the Reichstag to undertake a review of the currency. The idea of a general inspection of all current coins ('Universalprobationstag') soon foundered, since it was not clear who might have the authority to oversee such a thing. While the Reichstag discussed the best way of regulating the currency over several decades without coming to a firm conclusion, the two regional systems of the gulden and the thaler continued to work towards stabilization. Pending a general agreement for the Reich, Brandenburg and Saxony concluded a currency pact at Zinna in 1667, which Brunswick and the territories of the Westphalian Kreis also joined. In 1690, this was superseded by the Leipzig Convention, which remained in force until 1738. Meanwhile Leopold, who had declined an invitation to accede to the Zinna pact, concluded a monetary treaty with Salzburg and Bavaria in 1681. From 1695, a third system emerged in Lower Saxony, where some mints began producing thalers of a slightly different value, which followed the Dutch standard.

In some areas, relatively stable conditions developed and 'currency conferences' were convened even where the Kreise themselves were inactive. One such area was the north and east, where the Leipzig system prevailed; another was formed by the Austrian system. In south Germany, by contrast, cooperation between the Swabian, Franconian, and Bavarian Kreise faltered after 1700, with particularly dire implications for the smaller territories of Swabia and Franconia. In 1736, they once more petitioned the Reichstag, and in 1738 it was agreed to extend the Leipzig convention to the whole Reich, though this decision was never formally promulgated as law. Consequently Austria, Brandenburg, Saxony, and Bavaria continued to pursue their own divergent policies, and by 1806, there were seven distinct currency zones in the Reich.[29] It thus proved impossible to establish a single currency for the

[28] Wilson, *Reich*, 196. [29] Dotzauer, *Reichskreise*, 454; Gömmel, *Wirtschaft*, 53.

Reich. Yet each of the seven zones, like their various predecessors, formulated its monetary policy within the framework established in 1559 and 1566: a basket of seven currencies each defined in relation to the two official 'reserve currencies', the gulden and the thaler, which in turn were linked by a fixed rate of exchange.

If some legislation failed and the impact of what was passed was sometimes uncertain, the legislative process itself was highly significant. In these decades the Reichstag sustained continuing debate about common problems. There was a continuing process of negotiation characterized by orderly procedures and which on occasion yielded balanced conclusions. Generally, agreed laws were often translated into effective action through the activity of the Kreise and of the individual territories. Framework legislation agreed in the Reichstag shaped the legislative and regulatory practice of the territories. Even failed legislation entailed consultation processes—between Regensburg and the territories and Kreise, between the Reichstag envoys, between Regensburg and Vienna—that spread common practice and often led to regional cooperation and harmonization initiatives.

The absence of a law at the level of the Reich did not preclude regulation at the level of the Kreis or the territory. The different development of the various Kreise did not alter that: Kreise such as the Swabian or the Franconian, which were composed of numerous smaller territories, developed communal and legislative functions; those dominated by larger territories such as the Lower and Upper Saxon Kreise ceased to function as such, but the legislative functions were carried out by territorial governments, sometimes in inter-territorial collaboration. Of course, there were disagreements and conflicts, but these were by and large contained at Regensburg. Most remarkably, perhaps, in view of the experience of the decades before 1648, the Reichstag was not disrupted by confessional conflicts before about 1700. By the time confessional problems did resurface, they appeared as problems in a political process that had been institutionalized in the Reichstag for several decades.

The permanent session of the Reichstag gave the emperor a new presence in the Reich. Leopold himself made only five journeys from his Austrian Erblande into the Reich during the forty-seven years of his reign. None took him further north than Frankfurt, where he was elected and crowned in 1658.[30] Yet his representatives at Regensburg sent him a continuous flow of reports, in addition to the formal papers which required his decision.

The work of the Regensburg envoys was complemented by a growing network of permanent agents maintained throughout the Reich.[31] The first imperial envoys were appointed in Hamburg (1628), Bremen (1640), and Lübeck (1653), in response to the appearance of Sweden as a power in north German politics. The activity of French agents at many German courts in the 1650s and 1660s prompted

[30] Schindling, 'Leopold I', 178. After the Frankfurt election and coronation of 1658–9, he visited Regensburg to attend the Reichstag in 1663–6, Passau in 1676 for his marriage to Eleonore von Pfalz-Neuburg, Altötting in 1681 to meet the Bavarian Elector, Passau again in 1683, when Vienna was besieged, and Augsburg in 1689–90 for the election and coronation of his son as King of the Romans.

[31] Müller, *Gesandtschaftswesen*, 69–80.

the appointment of envoys at Dresden and Berlin (1665), Mainz (1673), and Munich (1674). Soon a formal network of permanent ambassadors and residents began to develop, with imperial representatives in the Swabian and Franconian Kreise and key Imperial Cities such as Nuremberg, Cologne, Frankfurt, Ulm, and Augsburg. The French war against the Dutch Republic in 1672 also saw the beginning of efforts to monitor the postal system in the Reich, with instructions to the Hamburg postmaster to intercept 'damaging correspondence'.[32]

All of these initiatives proceeded piecemeal, and their effectiveness was undoubtedly limited. The network of ambassadors and residents only reached its fullest extent after 1700, with a more systematic coverage of the main courts and cities and the regular appointment of envoys to the various Kreise. Similarly, covert postal monitoring only became better organized and more continuous with the establishment of 'post lodges' in the key sorting centres at Frankfurt, Augsburg, and Nuremberg.

However, these operations need to be considered in relation to the small size of the central Reich institutions in Vienna generally. In the 1670s, for example, the Reichshofkanzlei employed no more than about fifteen clerks and other officials (with another eighteen in the Austrian chancellery); the Reichshofrat comprised some twenty-five members (effectively, the judges, though by no means all had legal training), supported by a chancellery of just over thirty employees.[33] It is the number of initiatives taken to improve both the extent and the quality of communication during the reign of Leopold I that conveys once more the sense of an increasingly active imperial government in the Reich.

Just as striking as new forms of information-gathering and ways of exercising political influence was the way older instruments of monarchical rule were adapted to the new circumstances. Sending permanent envoys into the Reich was to an extent inhibited by the perennial shortage of money to pay for them. The sense that the Reich, or rather the imperial vassals, should come to the emperor was also still strong. Indeed, the relationship between the emperor as overlord and the nobility and cities of the Reich as vassals formed the basis for the conduct of imperial government during much of Leopold I's reign.

The Reichshofrat at Vienna played a key role.[34] For much of its existence before 1648 the Reichshofrat had combined the roles of a council of state and a supreme court.[35] In its judicial functions it had competed with the Reichskammergericht at Speyer, the other supreme court that was paid for and appointed by the Imperial Estates. The multiple functions of the Reichshofrat had also led to it being used by successive emperors, notably Rudolf II and Ferdinand II, as an agency of Catholic politics in the Reich. Indeed, judgments of the court on important and sensitive matters were generally referred to the emperor (*votum ad*

[32] Grillmeyer, 'Habsburgs langer Arm', 56.

[33] Duindam, *Vienna*, 81. The problems of defining 'employees' of the Reich are discussed by Wendehorst and Westphal, 'Reichspersonal'.

[34] Press, 'Reichshofrat'; Press, 'Kaiserliche Stellung', 69–75; Hughes, *Law*, 32–59; Haug-Moritz, 'Reichshofrat'.

[35] See Volume I, pp. 364–5, 415–16.

imperatorem), and his privy councillors reviewed them before he gave his own final judgment. The Reichshofrat had consequently become distrusted by most Protestant princes, and its activities became one of the main sources of their grievances both before and during the first decade of the Thirty Years War. In 1648, the princes had attempted to curb the powers of the court and to impose the principle of confessional parity on its membership. However, without consulting the Estates, Ferdinand III had promulgated a new statute for the court in 1654 which simply ignored their demands.

Though the Reichshofrat clearly remained the emperor's court and always contained more Catholics than Protestants, its standing grew steadily in the decades after 1648. To a large extent this reflected the commitment of both Ferdinand III and Leopold I to the constitutional framework of the 1646 peace treaties. It also reflected problems at the Reichskammergericht: its proceedings were often hampered by the delinquency of the Estates in the payment of their dues; in 1689, it closed altogether following the French invasion, and only resumed in 1693 in Wetzlar; it was closed again from 1704 to 1711, owing to a dispute over Leopold's dismissal of the Catholic president of the court.[36] In general, there was now also less call for judgments in its core area of competence, the maintenance of the public peace.

The Reichskammergericht did, of course, revive and continued to play an important role. It seems also that it remained particularly attractive to some kinds of appellant from north Germany, while southern German appellants tended instinctively to turn to Vienna. At the same time, however, it seems clear that the Reichshofrat gained ground at the expense of the Reichskammergericht.[37]

For all the Catholic bias of its membership, the Reichshofrat by and large maintained strict impartiality. Between 1663 and 1788 seventy-four complaints were made to the Reichstag about its judgments, but in no case could confessional bias be proved. Judgments at the Reichshofrat were generally much quicker, and cases brought to it consequently much cheaper than at the Reichskammergericht. The enforcement of its judgments was also often more effective, for it frequently despatched imperial commissions to resolve issues locally. Such commissions, which often remained *in situ* for several years, were themselves important agencies of imperial influence and authority, as well as a means by which the emperor could intervene in the internal affairs of a territory or a city.

The court combined the functions of a supreme constitutional court, a supreme feudal court, and a supervisory authority for all territories for which the emperor was the immediately overlord, such as the Imperial Cities, the Imperial Knights, and the Italian fiefdoms. In those capacities, it developed competence in a wide range of areas of great political significance. Seven types of case were most common:

[36] Franz Adolf von Ingelheim was the nephew of the Elector of Mainz, whose refusal to accept the dismissal led to an extended and acrimonious review of the court's operation: Aretin, *Altes Reich*, ii, 175–9. On the general problems of the Reichskammergericht, see Feine, 'Verfassungsentwicklung', 94–7. See also Baumann and Ortlieb, 'Netzwerk'. See also pp. 125–6.

[37] Sellert, *Zuständigkeitsbegrenzung*, 124–7.

subjects against their rulers; territorial Estates against princes; chapters against bishops and prelates; inheritance disputes in noble dynasties (including matters relating to guardianship or illegitimate offspring); indebtedness or bankruptcy of princes and lords; citizens against magistrates in Imperial Cities; and finally, confessional disputes, often in the form of complaints of subjects against their rulers.[38] In some of these areas, there were published laws of the Reich, according to which pleas could be adjudicated. Many disputes, however, especially those that involved often contradictory arguments which invoked tradition and privileges, required the court to formulate solutions that would enable all sides to accept imperial writ as binding.

There were, of course, limits. The larger territories, including the lands of the Habsburgs themselves, were effectively exempt from the court's jurisdiction. These were generally the same territories that were also formally exempt (either by virtue of a 'privilegium de non appellando' or because they were exempt from all laws of the Reich) from the jurisdiction of the Reichskammergericht.[39] Many noble dynasties also continued to resolve disputes either within their own dynasty or with other dynasties by recourse to various forms of ad hoc arbitration tribunals.[40] Frequently, Imperial Cities also resorted to this traditional form of justice. The arbitration tribunals were constituted according to the statute governing the Reichskammergericht or according to dynastic or regional compacts, agreements between two or more dynasties or Imperial Cities. The operation of such tribunals was, however, frequently cumbersome and costly, and while they continued to exist until 1806, the Reichshofrat increasingly assumed many of the functions they had traditionally exercised.

In general, recourse to the Reichshofrat became an established feature of the political and judicial practice of all but the very largest territories. In some cases, it made decisive interventions. Imperial debt commissions effectively suspended the rule of a prince, while his finances and his administration were in the hands of a commission of 'receivers', who were often headed by a neighbouring prince. The use made of the Reichshofrat by the Thuringian Ernestine dukes, an exceptionally numerous profusion owing to high fertility over several generations and a reluctance to adopt primogeniture, shows that the court fulfilled a vital 'governmental' role.[41] The region was pacified and stabilized. Conflicts that might earlier have erupted in violence were now resolved by negotiation. The Reichshofrat regulated tax regimes, managed bankruptcies and restructured territorial finances, determined property distributions and inheritance rules within dynasties, and mediated

[38] Press, 'Kaiserliche Stellung', 70–1.

[39] Conrad, *Rechtsgeschichte*, ii, 159–60, 164, 166; Sellert, *Zuständigkeitsbegrenzung*, 22–45; Jessen, *Einfluß*, 33–40.

[40] Westphal, *Rechtsprechung*, 97–103; Conrad, *Rechtsgeschichte*, ii, 160; *HDR*, i, 273–4. The *Kammergerichtsordnung* of 1555 specified that disputes between, on the one hand, prelates, counts, lords, nobles, and cities and, on the other hand, Electors, princes, and those with princely status should be referred in the first instance to a court of arbitration (*Austrägalgericht*) consisting of nine members, of whom at least five were to have the status of Knights at least.

[41] Westphal, *Rechtsprechung*, 433–43.

between their members in disputes. Many cases were never finally concluded by means of a formal judgment of the court, but they were often successfully resolved by local mediation, sometimes by imperial commissioners. These individuals were chosen more for their suitability to a particular case than for their role in any imperial patronage system. On the whole, every effort seems to have been made to achieve settlements based on justice, rather than on politics.

Appeals by territorial Estates against unjust taxation, encouraged by Leopold's refusal to sanction the Reichstag's proposal to extend the tax powers of princes in 1671–2, frequently resulted in imperial interventions to safeguard the rights of Estates. The fact that over a quarter of all cases that came to the Reichshofrat between 1648 and 1806 involved complaints by subjects against their rulers was a powerful incentive to rulers to govern moderately. For, in the worst cases, the emperor could even cause a prince to be deposed. Overall, this happened five times between 1683 and 1698.[42] Such cases were relatively rare, but the fact that they occurred at all encouraged most territories and cities to try and avoid the indignity of external intervention in their affairs. The court thus contributed to the sense that common traditions, laws, and values prevailed throughout the Reich.

Most of the business of the Reichshofrat came from the less powerful members of the Reich: bishops and prelates, minor princes and Imperial Counts, Imperial Knights, and Imperial Cities. The decades after 1648 were marked by an intensification of the relationship between the monarch and these groups in other ways too. Leopold I, in particular, cultivated the noble groups in the same way that he cultivated relations with the nobility of the Reich generally. That in turn highlights the role of the court in Vienna as a focal point both for the nobilities of the Habsburg lands and for many nobles in the Reich.

[42] Marquardt, 'Aberkennung', 87. Three cases involved Counts of Hohenems, the other two were the Count of Neuwied (1687) and the Count of Sayn-Wittgenstein-Wittgenstein (1698). For eighteenth-century cases, see: Trossbach, 'Fürstenabsetzungen'.

8

Imperial Networks: the Reichskirche and the Imperial Cities

The prince-bishops and prelates of the Imperial Church were the emperor's most natural allies in the Reichstag. Since 1648, their position was secured in imperial law. The twenty-four prince-bishoprics and twenty-six immediate Imperial Abbeys were a key presence in the Rhineland (and sometimes referred to as the *Pfaffengasse*, or 'priests' alley', on account of the string of bishoprics that ran up its left bank from Chur and Constance to Trier and Cologne), in southern and Middle Germany and in Westphalia. The prince-bishoprics were elective institutions dominated by the aristocracy: elections were made by cathedral chapters that were frequently composed of Imperial Knights or the offspring of counts. Those whom they elected were almost invariably of high noble birth, either from dynasties of Imperial Knights or various princely houses. While the Habsburgs themselves had attempted to develop a network of bishoprics dominated by family members, a dearth of male Habsburgs from the 1660s necessitated other strategies.

The most successful dynasty in the Reichskirche were the Wittelsbachs of Bavaria. Their younger sons ruled as Archbishops and Electors of Cologne continuously for two centuries from 1583, and they also managed to gain control of a string of minor bishoprics in Westphalia and north-west Germany. Their most successful accumulator of benefices was Clemens August (1700–1761), who combined Münster, Paderborn, Cologne, Hildesheim, and the dignity of *Hoch- und Deutschmeister* of the Teutonic Order.[1] Wittelsbach success in the Imperial Church extended Bavaria's influence up into north Germany, and that made relations with Austria particularly sensitive, especially in view of the Bavarian tendency to seek freedom from Habsburg domination by cultivating alliances with France.

Lacking candidates from his own family, Leopold frequently used relatives of his wife, Eleonore von Pfalz-Neuburg, as surrogates. The Pfalz-Neuburg dynasty held key territories in the Lower Rhineland, and in 1685 it inherited the Palatinate as well. Elector Philipp Wilhelm's fourth son, Franz Ludwig (b. 1664), became *Hoch- und Deutschmeister* of the Teutonic Order, Bishop of Breslau, Elector Archbishop of Trier, then Elector Archbishop of Mainz.[2] Later, the house of Lorraine played a similar role as quasi-adopted relatives of the Habsburgs.[3]

[1] Wilson, *Reich*, 203; Weitlauff, *Reichskirchenpolitik*.
[2] Reinhardt, 'Reichskirchenpolitik'.
[3] Wolf, *Reichskirchenpolitik*, 296–303. See also p. 301.

Parallel to the Pfalz-Neuburg and Lorraine dynasties, the Schönborn family also developed into a fundamentally pro-Habsburg dynasty, which occupied important positions in the Imperial Church in successive generations.[4] Originally a family of officials with a tradition of service at the courts of Mainz and Trier, their breakthrough came with the election of Johann Philipp von Schönborn as Elector Archbishop of Mainz in 1647.[5] Promotion of his relatives followed, and the dynasty produced another Elector of Mainz and a number of ecclesiastical and imperial office-holders over the next century. Though Johann Philipp initially worked with France to diminish Habsburg influence in the Reich, he became a reliable ally of the emperor after the dissolution of the Rheinbund in 1668, thus establishing a tradition followed by successive generations of Schönborns.[6]

During Leopold's reign, imperial commissioners were despatched to all episcopal elections: even those in remote sees such as Liège or in the Protestant Bishopric of Lübeck, where only members of the house of Holstein-Gottorp could be elected. In this respect, too, the Thirty Years War had brought the Habsburgs into contact with areas of the Reich where they previously had little involvement and had generated experience of local conditions and contacts on which it was possible to build. The emperor had no formal right of veto, yet his commissioners were often able to ensure that candidates hostile to the Habsburgs were declined. Their presence symbolized the imperial dimension of such elections, and a key part of the elaborate ceremonial that attended the commissioners' participation was the presentation of the regalia to the newly elected incumbent. This enabled a new prince-bishop to assume the secular government of his lands immediately before receiving the papal confirmation that completed the election process. That also gave the emperor leverage in the case of unwelcome candidates. In 1688, the imperial commissioner at the election of a new Archbishop of Cologne informed the chapter that if the French candidate, Wilhelm Egon von Fürstenberg, were elected, the emperor would refuse to invest him with the Electorate of Cologne.[7] Fürstenberg's candidature was wrecked.

In the case of Münster, by contrast, Habsburg influence reached its limits when confronted by the determination of the Dutch Republic to secure its eastern frontier. After their disastrous experiences with the warlike Bishop Christoph Bernhard von Galen (d. 1678), the Dutch began to take an active interest in all elections to Lower Rhine and Westphalian sees.[8] In 1706, the Dutch even managed to sink the imperial candidate, Karl Joseph of Lorraine, Bishop of Osnabrück and Archbishop of Olmütz, to secure the election of the pro-Dutch Franz Arnold Josef Wolf von Metternich (r. 1706–18).[9] Such failures, as well as periodic conflicts between individual prince-bishops and the crown, underlined again that it was influence, rather than control, that the emperor exerted over the Imperial Church.

[4] Schraut, *Haus Schönborn*, 15–19; Forster, *Catholic Germany*, 106–7.
[5] Gotthard, 'Friede', 21–44. [6] See pp. 10–12.
[7] Klueting, *Reich*, 91–2. [8] See pp. 38, 235, 302.
[9] Duchhardt, *Altes Reich*, 64–5; Aretin, *Altes Reich*, ii, 185–7; Press, 'Großmachtbildung', 141; Klueting, *Reich*, 92.

The emperor's influence was also exercised in the cathedral chapters through the revival of the old right to nominate the first new canon or prebendary in any ecclesiastical foundation following the accession of a new emperor.[10] Imperial influence among the abbeys and non-episcopal foundations was generally indirect. Many of the prelates were commoners and were thus not tied into the emperor-orientated aristocratic networks that dominated the cathedral chapters.[11] On the other hand, like the Imperial Cities and the Imperial Knights, they relied on the emperor for protection.

The heavy concentration of these foundations in Swabia also provided another link with the crown. Following the extinction of the independent Habsburg line of the Tyrol in 1665, the scattered Swabian and Breisgau territories of Further Austria, governed from Freiburg after 1651, reverted to Leopold, who thus 're-entered' the Reich as territorial ruler in a region where imperial influence had traditionally been strong.[12] It is true that the relationship between the emperor and the Swabian prelates was now different from what it had been in the sixteenth century. Then, they had been willing to advance vast loans that were never repaid. Now, the prelates were more reluctant to give money unless they got something significant in return, and if they embarked on ambitious building programmes, which many of them did after 1648, they often preferred to give nothing at all.[13] Yet these minor ecclesiastical territories nonetheless helped strengthen the territorial and cultural presence of the Imperial Church in the Reich. In the Reichstag, both the Swabian and the Rhineland prelates (the latter included all that did not belong to the Swabian bench) could always be relied upon to support imperial policy. Their informal co-ordinator and notional spokesman in the Reich was the Swabian abbot of Weingarten, who generally served as director of the Swabian bench.

One particular ecclesiastical institution directly combined the spheres of Church, Imperial Knights, the Austrian Erblande, and a leader who was either a Habsburg or an imperial nominee.[14] The Order of Teutonic Knights, with its headquarters in Mergentheim in Franconia, comprised the eight bailiwicks in the Reich that survived the secularization of the Duchy of Prussia and of various other north German possessions. The loss of the bailiwick of Utrecht during the Thirty Years War was balanced by the purchase of lands in Moravia and Silesia, which created a new territorial base in the Austrian lands, in addition to their existing estates in Austria and their properties in Vienna, notably the Deutsches Haus behind St Stephen's Cathedral. The confirmation of the Order's possessions in 1648 ensured

[10] Press, 'Kaiserliche Stellung', 63; Klueting, *Reich*, 91.

[11] Neuhaus, *Reich*, 30–1; Reden-Dohna, 'Problems'. Braunfels, *Kunst*, iii, 353–422, surveys a good sample of such foundations. The female institutions, mostly on the Rhineland bench, were generally aristocratic.

[12] Press, 'Schwaben', 54–8; Quarthal, 'Vorderösterreich', 44–7.

[13] Reden-Dohna, *Reichsstandschaft*, 36–7.

[14] Evans, *Making*, 280–1; Schindling and Ziegler, *Territorien*, vi, 224–8; Boockmann, *Deutscher Orden*, 229–31, 291. From 1591 until 1664 the *Hoch- und Deutschmeister* were all Habsburgs; Johann Kaspar von Ampringen (r. 1664–84) was a loyal servant of the Habsburgs from a Breisgau family; his successors until 1806 were two Pfalz-Neuburgs, a Bavarian Wittelsbach, a prince of Lorraine, and further Habsburgs. On Ampringen, see *BWDG*, ii, 1316–17.

the survival of its scattered patrimony and of the association of priests and knights that owned it. Its solid Catholic credentials were diluted only in Hessen, where the Landgrave secured admission for Reformed and Lutheran nobles, in addition to Catholics. That did not, however, compromise the Order's pro-imperial orientation, which was strengthened by the role that it played in the struggle against the Turks after 1663.

In general, the crown's relationship with the Reichskirche was characterized by the revival of traditional prerogatives and by the maintenance of good communication with its ruling princes and principal institutions. That also characterized relations with the Imperial Cities. Significantly, Leopold I revived the old practice of sending imperial commissioners to receive the homage of the cities on his coronation.[15] This affirmed the traditional imperial patronage of the urban communes and also provided a welcome opportunity to extract handsome financial tributes. Above all, however, these acts of homage helped establish a network of communities loyal to the imperial crown that extended across the whole Reich.[16]

At the same time, the expansion of the activities of the Reichshofrat meant that, with increasing regularity, imperial commissioners became involved in the internal conflicts and in the financial crises that afflicted many cities in the century-and-a-half after 1648. Even a city as far removed from Vienna as Hamburg, whose status as an Imperial City was not even formally confirmed until 1768, regularly marked imperial births, marriage, coronations, and deaths, often with elaborate costly ceremonies and had its late seventeenth-century domestic turmoil sorted out by an imperial commission between 1708 and 1712.[17]

Church, knights, and cities formed the traditional clientele of the emperor in the Reich. The traditional geographical focus on the south and south-west was still pronounced, but the net of contacts had now also spread up as far as the North Sea and Baltic coasts. Similarly, Catholicism remained an important bond between the crown and some networks, but neither Protestant nobles nor Protestant cities were excluded on grounds of religion.

[15] Aretin, *Altes Reich*, i, 105–12. [16] North, 'Integration'.
[17] Whaley, *Toleration*, 19, 179–85; Berbig, 'Kaisertum'.

9

The Imperial Court at Vienna and Dynastic Elevations in the Reich

For some sections of the German nobility, the court at Vienna assumed a new attractiveness during the reign of Leopold I. To speak of that court as the imperial court is slightly problematic, for it combined three roles.[1] First, it was the centre of the Archduchy of Austria. Second, Vienna also occupied a special position among the various Habsburg centres as the capital of the Austrian territories as a whole. Residences were maintained at Graz, Innsbruck, Prague, Brünn, and Pressburg (and later the courts of the stadtholders in Brussels and Milan as well); and Graz, Prague, and Innsbruck remained important administrative centres, but no formal court was maintained in these places by 1700.

Third, Vienna was in some senses the 'capital' of the Reich as well, the location of the Reichshofrat and the imperial chancery, though it was not an Imperial City in the sense that Regensburg, Augsburg, or Frankfurt, and others were. As an administrative centre serving all three functions, Vienna experienced a significant growth in the number of officials. Yet the increase from some 225 to about 400 officials employed in the various central bodies and chanceries by 1700 was modest in relation to the vast area for which they were in theory responsible.[2] Of course, most actual administrative and governing activity took place at the territorial level and, in the Reich, at the level of the Reichstag and in the Kreise. Even so, the contrast with the number of court officials is striking: by 1700, the court comprised over a thousand office-holders, still relatively modest compared with the Louis XIV's court at Versailles, which was roughly ten times bigger.

From the 1620s, the court was dominated by the Austrian-Bohemian nobility. At its core were families that had been loyal in the great crisis of 1618 and which had been richly rewarded by the grant of land confiscated from the Protestant rebels. Though their primary bases were outside the Reich, efforts were made to enhance their status still further by promoting them as princes of the Reich.[3] Families such

[1] Klueting, *Reich*, 94–5.
[2] Winkelbauer, *Ständefreiheit*, i, 183.
[3] Press, 'Kaiserliche Stellung', 61; Schlip, 'Fürsten'; Evans, *Making*, 169–74; Winkelbauer, *Ständefreiheit*, i, 194–6; Wilson, *Reich*, 44–5. In the case of Thurn und Taxis in 1753, the Imperial postal service was deemed to be an Imperial fiefdom, a privilege granted by Emperor Matthias in 1615 and confirmed by Ferdinand II in 1621, though by 1786 they had qualified themselves by the purchase of the county of Friedberg-Scheer, which was then promptly deemed to be a *gefürstete Grafschaft*, a county notionally elevated to the status of a principality so that its ruler could be included among the

as the Liechtenstein, Auersperg, Dietrichstein, Eggenberg, Portia, and Schwarzenberg were all elevated to princely status in the Reich. Their elevation, along with a number of Imperial Counts, aroused strong opposition from the older princely families, who fought successfully to ensure that new creations were suitably qualified by means of property in the Reich before they were admitted to the Reichstag. The process sometimes took several decades and had to be helped by the legal fiction of conferring quasi-princely status on a county or district purchased in the Reich. The Liechtenstein acquired their princely title in the early seventeenth century, but Vaduz and Schellenberg were only purchased in 1699 and 1712, respectively.[4] The initial grant of title by the emperor was, however, invariably crucial, and was used by the beneficiaries from the outset.

There were fewer constraints on the creations of counts (*Grafen*) or barons (*Freiherren*), since they did not require the ownership of property in the Reich at all and could be elevated as so-called 'Personalisten'. Some needed no encouragement to invest in property in the Reich anyway. For a long time, land purchased there was perceived to be more secure than land in Hungary or even in Bohemia. Some also soon discovered that owning land in the Reich was the only way to recruit colonists to settle territory newly acquired from the Turks, particularly at a time when German rulers were trying strenuously to build up their own populations and thus prohibiting the export of people.[5]

If the Austro-Bohemian magnates were dominant, the Vienna court also offered numerous opportunities to nobles from the Reich.[6] Service in the imperial armies was particularly important for many in the reign of Leopold I. Others held prominent positions in the Reichshofrat or in the various chanceries. Both the imperial army and the Reichshofrat employed Protestants, even though the latter did not follow the principle of strict confessional parity.

Just as some Austrians acquired property in the Reich, so after 1650 some Swabian, Franconian, and Rhineland families acquired property in the Habsburg lands, a process that was facilitated by the Habsburg conquests in the south-east. German families such as the Salm-Neuburg, Salm-Reifferscheidt, Löwenstein-Wertheim-Rochefort, Oettingen, Fugger, or Fürstenberg all established themselves in Austria and Bohemia.[7] German nobles with estates in Croatia and elsewhere became a common feature of the Habsburg system from the later seventeenth century.

Imperial princes. See also pp. 374, 557. Philip IV of Spain had granted the Taxis family the right to style themselves Counts de la Tour et Valsassina by 1635, recognizing the family's claim to be descended from the Torriani in Milan, the main opponents of the Visconti in the twelfth and thirteenth centuries. In 1649, they were permitted to use the double name Thurn und Taxis in Spain, a permission that was also granted in the Reich in 1650. By this time, they had already been created hereditary *Freiherren* (1608) and Imperial Counts (1624). See Köbler, *Lexikon*, 712 and Grillmeyer, *Habsburgs Diener*, 26–8, 32–3.

[4] Noflatscher, 'Liechtenstein', 149–51.

[5] Schilling, 'Ansiedlung', 46–9.

[6] Schindling, 'Leopold I', 178–9. Pečar, *Ökonomie*, 31–41, estimates that in the reign of Charles VI no more than 15 per cent of all noble chamberlains at the imperial court, 26 per cent of privy councillors, and 33 per cent of councillors appointed to the Reichshofrat were from the Reich.

[7] Winkelbauer, *Ständefreiheit*, i, 196, 199, 407; Klueting, *Reich*, 92–5.

Germans from the Reich were also well represented among the growing number of largely honorific privy councillors and noble court chamberlains. The number of privy councillors increased from ten in the sixteenth century to 110 by 1700; only a small number actually served on the inner council (Konferenz) itself. Similarly, the increasing distinction after 1600 between paid and unpaid officials was integral to the growing size of the court. A smaller group of paid officials actually performed the necessary service functions (for example, in the chamber or the chapel, at table—so-called chamberlains without keys), while the title of chamberlain, and the key that symbolized access to the monarch, was conferred on ever greater numbers of nobles: between 1654 and 1685 alone, Leopold I created over six hundred chamberlains.[8] Honorific titles such as that of Arch-Marshal to the Empress, conferred on the Swabian nobleman Rupert von Bodman, the Prince-Abbot of Kempten, in 1683, also strengthened existing loyalties. The same was true of the grant of the predicate 'noble', along with the right to co-opt further patrician families, to the Nuremberg patriciate in 1697.[9]

The question of whether the court under Leopold I became more Catholic to the disadvantage of Protestant nobles from the Reich is difficult to answer. There is little doubt about the significance of Catholic piety, both for the emperor personally and for his rule in his own lands.[10] In 1684, the papal secretariat commissioned an annotated list of the princes of the Reich, with a view to targeting individuals for conversion from Lutheranism to Catholicism.[11] There is no evidence, however, that this *dénombrement*, as it was called, was ever seriously acted upon, and the small, though sometimes extremely controversial, wave of conversions of princes was really a feature of the first half of the eighteenth century, rather than of Leopold's reign.[12] The biconfessional Reich imposed constraints upon imperial policy. These rules seem to have been respected by Leopold, the Archbishop of Mainz, as Archchancellor, and by other leading imperial officials. The emperor and the Elector of Mainz may have relied on the princes of the Reichskirche and the Catholic secular princes in the Reich, but they also needed to secure allies among the Protestant princes at all times.

German nobles at court in Vienna and the establishment of Austro-Bohemian nobles in the Reich enmeshed the Habsburgs and their lands with the Reich. It was also characteristic of Leopold's active rule in the Reich that he sought, wherever possible, to use the conferment of titles to the advantage of the crown and to exercise his prerogatives as supreme overlord. This was not always successful: the elevation as princes of the Heiligenberg line of Counts Fürstenberg in 1664 failed

[8] Winkelbauer, *Ständefreiheit*, i, 189–90. Ferdinand II created 670 chamberlains between 1617 and 1637; Ferdinand III created 280 between 1615 and 1657. Duindam, *Vienna*, 69–89, is a useful survey in English.

[9] Schindling, 'Leopold I.', 177.

[10] Evans, *Making*, 283–6, 419–46; Winkelbauer, *Ständefreiheit*, ii, 185–239. The following also elaborate the theme in various ways: Coreth, *Pietas*; Goloubeva, *Glorification*; Pons, *Herrschaftsrepräsentation*; Schumann, *Sonne*.

[11] Peper, *Konversionen*, 30–44 (35–44, for the *dénombrement*).

[12] Christ, 'Fürst', and p. 153.

to dissuade the brothers Franz Egon and Wilhelm Egon from their lifelong support of the French cause in the Reich.[13]

The case of East Frisia, by contrast, demonstrates a masterly exploitation of imperial prerogatives. In 1662, the Lutheran counts of the Cirksena dynasty were created princes and admitted to the College of Princes as a quid pro quo for the simultaneous admission of the Catholic Fürstenbergs. Then, in 1678, Leopold granted a coat of arms to the mixed Lutheran and Reformed East Frisian Estates, enhancing their status and giving them imperial protection. In 1681, the Elector of Brandenburg was commissioned to station a small imperial garrison in Reformed Emden. Ten years later he refused to recognize a Cirksena-Guelf inheritance treaty, and in 1694, Leopold conferred the right of succession to East Frisia on the Elector of Brandenburg. The cumulative result of these imperial actions was to create a delicate balance of internal powers and of external interests with endless possibilities for future imperial intervention, both as supreme judge and overlord, in a hitherto peripheral territory. That Charles VI was later unable to exploit that potential in the crisis of the 1720s reflected his more limited scope for pursuing certain kinds of imperial policy, which contrasted with the more confident decades of Leopold's reign.[14]

Finally, like most noble dynasts, Leopold used his own family as an instrument of rule and began to devote attention to developing marriage alliances with leading members of the upper nobility of the Reich.[15] The last Habsburg marital union with a princely dynasty in the Reich had been the marriage between the later Ferdinand II and the daughter of the Duke of Bavaria in 1600. That had taken place when Ferdinand was Archduke of Inner Austria, and there was little thought that he might ever become emperor. In general, the Habsburgs had long sought to avoid any union that might generate claims to the imperial throne from the German nobility. Leopold himself followed his father in marrying first a Spanish princess and then an Innsbruck Habsburg. Thus Leopold's own third marriage to Eleonore von Pfalz-Neuburg, which formed an alliance with a key Catholic dynasty, was a significant departure. The Pfalz-Neuburg courts at Neuburg on the Danube, at Düsseldorf on the Lower Rhine, and, after their succession to the Palatinate in 1685, at Heidelberg became significant pillars of support for imperial policy.[16]

The links forged with the Bavarian Wittelsbachs were similarly important: the Elector Max Emanuel was both a loyal imperial commander in Hungary and Leopold's son-in-law from 1686 (married to Archduchess Maria Antonia, Leopold's eldest child). This marriage not only made sense in terms of imperial politics: from the Hapsburg point of view, it had the additional advantage of laying potential foundations for a future acquisition of Bavaria.[17] Equally significant from a geopolitical point of view was the marriage of Leopold's heir, Joseph, to Wilhelmine Amalie of Brunswick-Lüneburg, the niece of Ernst August. This was followed by the marriage of Leopold's second son, Charles, to Elisabeth Christine of Brunswick-Wolfenbüttel, the line that was aggrieved by the promotion of its Hanover kinsmen as

[13] Mauerer, *Reichsadel*, 309–15.
[14] Schindling, 'Leopold I', 177; Wilson, *German armies*, 223–4; Hughes, *Law*, 123–55, 240–58, 265–8; Kappelhoff, *Regiment*.
[15] Klueting, *Reich*, 89–90; Schindling, 'Leopold I', 174–5.
[16] Schnettger, 'Kurpfalz'. See also p. 67.
[17] Bernard, *Joseph II*, 7; Hanfstaenlgl, *Amerika*, 15–35.

Electors. Significantly, the marriage took place in 1708, at the same time as the Hanoverian Elector was admitted to the College of Electors. Again, regardless of the actual outcome (Maria Antonia died in 1692, and Max Emanuel joined France in the War of Spanish Succession), these marriages to leading princely dynasties were clearly intended to bolster the imperial position in the Reich.

The unions with the Brunswick-Lüneburg dynasty were particularly significant for they betoken another important disparity between intent and outcome. Joseph's bride had been a Catholic, and Charles's bride converted before her marriage. But they both belonged to the predominantly Protestant dynasty that Leopold viewed as a potential counterbalance to both Sweden and Brandenburg in North Germany.[18] This was not an uncomplicated prospect, for the dynasty was historically divided between a number of fiercely competing lines that had owned the principalities of Wolfenbüttel, Calenberg, Grubenhagen, and Lüneburg in varying combinations since the thirteenth century.[19] The last redistribution of territory in 1634–5, following the extinction of the Wolfenbüttel line, had left all four principalities in the hands of the Lüneburg line, though a new redistribution of lands was soon agreed between the diminished principality of Wolfenbüttel on the one hand and the principalities of Calenberg (Hanover) and Lüneburg (Celle) on the other.[20]

Calenberg and Lüneburg were ruled from 1641 by the four sons of Duke Georg (r. 1636–41), though under the latter's will they remained separate principalities. The youngest son, Ernst August, Prince-Bishop of Osnabrück from 1661 and Duke of Calenberg from 1679, emerged as the dominant figure. At the start of his upward rise he had contrived to secure the hand in marriage of the intended bride of his elder brother Georg Wilhelm of Celle, Sophie of the Palatinate, granddaughter of James I, through whom the Hanover line eventually won the succession to the English throne. That was not a serious possibility until the late 1690s. Until then, Ernst August applied himself to establishing his Calenberg (Hanover) line as the owner of the three senior Brunswick principalities, to establishing primogeniture for his own line, and to securing the status of his lands in a region that was overshadowed by Brandenburg and its relations with the Dutch Republic.[21] A key element of his strategy was a strict policy of loyalty to the crown, and in 1688 he personally led a considerable force of troops to assist in the defence of the Reich against the French.

By then, Ernst August had already made clear his ambition to become an Elector.[22] In 1648, the number of seven Electors specified by the Golden Bull had been breached anyway. Then, in 1685, the succession of a Catholic line in the

[18] Press, 'Kurhannover', 53–7; Römer, 'Kaiser', 43–52.

[19] There was a fifth principality of Göttingen 1345–1495, thereafter amalgamated with Calenberg.

[20] Grubenhagen was joined with Lüneburg in 1617, then with Calenberg in 1665. The town of Brunswick was held jointly by all the lines until 1671, when it went to Wolfenbüttel. From 1635, Wolfenbüttel's co-directorate of the Lower Saxon Kreis was allocated to the most senior ruling prince of the dynasty at any given time. See Köbler, *Lexikon*, 88–92; Sante, *Geschichte*, 366–9.

[21] Celle fell to Hanover in 1705.

[22] Aretin, *Altes Reich*, ii, 54–66. See also p. 49.

Palatinate gave rise to the argument that the creation of a further Protestant Electorate would redress the confessional balance. Brandenburg and Saxony were suspicious, though Brandenburg proposed the matter on the election of Joseph I as King of the Romans in 1690. Leopold himself was initially reluctant. Georg Wilhelm of Celle's violent seizure of the lands of the house of Saxony-Lauenburg, which became extinct in 1689, represented a serious infraction of Leopold's right as emperor either to cause a vacant fiefdom to revert (escheat) to the crown or to have the Reichshofrat decide among the various claimants.[23] Ernst August flirted openly with a French alliance and made moves to form a third party against the emperor. At the same time, he promised 6,000 troops for the Hungarian front, indicated that he would grant freedom of worship to Catholics in Hanover, and undertook to give up the Prince-Bishopric of Osnabrück in return for his elevation. By 1692, the price was right, and Leopold signed the agreement.

In some ways, it was a stroke of genius. Leopold gained a partner in North Germany and an 'eternal' ally in the Reich, who promised both to support the Austrian claim to the Spanish succession and to grant religious freedom to Catholics in his own lands. On the other hand, the elevation of Ernst August aroused fierce opposition among his Wolfenbüttel kinsmen and in the Reich generally. In 1700, Anton Ulrich of Wolfenbüttel even wanted to invoke France and Sweden as guarantor powers of the Peace of Westphalia in order to thwart the promotion of Hanover. The Duke of Württemberg protested bitterly that the grant of the honorific title of Arch-Imperial Standard Bearer to Hanover deprived his own dynasty of a title that they had held since time immemorial.[24] It took until 1708 to secure Hanover's admission to the College of Electors (accompanied by the simultaneous 'readmission' of Bohemia, which further strengthened the imperial position), and much longer for the title to be accepted both in Wolfenbüttel and by the other princes. Then it was not long before the relationship between Vienna and Hanover became problematic. For the succession of the Elector Georg Ludwig to the English throne as George I in 1714 created a new situation, in which serious divergences of interest became apparent, despite efforts on both sides to build on common interests.

The root of the problem was that the Hanoverian Elector became a sovereign monarch. What Leopold's successors experienced with George I some twenty years

[23] In this case, there were also claims from Mecklenburg, Anhalt, Baden, and Sweden.

[24] In the event, the new Elector was given the title of 'Imperial Arch-Treasurer', since the Palatinate regained its original title (lost to Bavaria in 1623) of 'Imperial Arch-High Steward' when the Elector of Bavaria was outlawed in 1706. On Bavaria's restitution in 1714, the Hanoverians were forced to relinquish the title, for which they received no replacement, since they turned down as unworthy the dignity of Imperial Arch-Master of the Horse. They finally regained the title of Imperial Arch-Treasurer in 1779, when the Elector of the Palatinate also inherited Bavaria and made do with the single (and original) Wittelsbach title of Imperial Arch-High Steward. The titles were of purely ceremonial significance, but they meant a great deal to the Electors nonetheless, since they appeared in these ceremonial capacities at Imperial coronations. The order of precedence started with the Imperial Archchancellor of the Reich (Mainz), followed by the Archchancellors for Italy (Cologne) and Burgundy (Trier), the Arch-Marshal (Saxony), the Arch-Chamberlain (Brandenburg), the Arch-Cupbearer (Bohemia), the Arch-High Steward (the Palatinate, but Bavaria from 1623), and the Arch-Treasurer (created 1648 for the Palatinate). Conrad, *Rechtsgeschichte*, ii, 95; Aretin, *Altes Reich*, i, 66–7. The Württemberg claims are illuminated by Burr, 'Reichssturmfahne'.

after the creation of the ninth Electorate, Leopold himself had begun to experience with some of Ernst August's contemporaries. On the one hand, the frustration of the Electors' aspirations to monarchical status had never been finally resolved. On the other hand, the growing power of the armed princes became increasingly evident. They were all too well aware of the crucial military contribution they made both in the Reich and to the foreign powers from whom they received substantial subsidies. Most of them deeply resented being excluded from European peace talks, or at least not being able to deal on equal terms with the various crowned heads. At a time when both the Venetian and Dutch Republics were making determined bids for parity with Europe's monarchies, it was logical for the more powerful German princes to follow suit. The last years of the seventeenth century saw a number of attempts to achieve royal status, some of which were clearly encouraged by Leopold's own inflation of titles, notably the creation of the Hanoverian Electoral title in 1692 and the grant of the title 'Royal Highness' to the Grand Duke of Tuscany (1691) and the Duke of Savoy (1693).[25]

Marriages between German princely dynasties and foreign royal houses were at best an uncertain long-term strategy. Owing to their lesser status, the German princes rarely married into the direct line of succession. Even so, a Palgrave of Pfalz-Zweibrücken-Kleeburg had become Charles X of Sweden and in the eighteenth century, in addition to the Hanoverian succession in England, a Landgrave of Hessen-Kassel became King of Sweden in 1720, and the marriages of children of Peter the Great of Russia into various north German dynasties produced both Peter III (of Holstein-Gottorp) and Catherine the Great (of Anhalt-Zerbst and Holstein-Gottorp).[26]

The more urgent ambitions of the 1690s had to be satisfied in other ways. In 1696, several German princes showed interest in being elected to the Polish throne, among them Ludwig Wilhelm von Baden-Baden (the Brandenburg candidate) and the Elector of Bavaria, in addition to the initial Habsburg candidates from the houses of Pfalz-Neuburg and Lorraine.[27] In the event, Vienna settled on Friedrich August of Saxony, whose election was secured by means of huge bribes and the Elector's conversion to Catholicism. The problem of the simultaneous election of the French candidate, Prince Conti, was solved by the Saxon swiftly taking up residence before Conti had even left France.

Friedrich August's conversion had no consequences for his Saxon Electorate; indeed, the congregations in Dresden gave thanks for their ruler's elevation by vigorous singing of Luther's hymn 'Ein' feste Burg ist unser Gott' ('A Mighty Fortress is our God'). Saxony remained Lutheran, and the Elector even retained his directorate of the Corpus Evangelicorum in the Reichstag.[28] Despite Catholic hopes and Lutheran fears, the Elector's Catholicism as King Augustus II of Poland

[25] The Duke of Savoy in fact became a king in 1713. Duchhardt, *Altes Reich*, 26–7.

[26] Admittedly, Catherine the Great had to depose and then murder her husband Peter III to become ruling monarch.

[27] Erdmannsdörffer, *Geschichte*, ii, 86–95, is a lively account. See also: Stone, *Polish-Lithuanian state*, 247–8.

[28] The Electoral Saxon vote at Regensburg was administered by a team of Lutheran councillors from Dresden.

made little difference in the Reich at first: yet another tribute to the solidity of the legal framework of 1648, which explicitly prohibited rulers from changing the confessional identity of their territories. In the longer term, however, it inevitably weakened the traditional Saxon leadership of the Protestants and gave greater prominence to the Electors of Brandenburg, who until the reign of the Great Elector (r. 1640–88) had generally followed the Saxon line.

Three other princes also made bids for royal status around the same time. Elector Johann Wilhelm of the Palatinate's schemes for a kingdom in the Spanish Netherlands, in Armenia (1698–1704), or in the Middle Mediterranean (combining Sicily, Sardinia, and the Balearic islands) were clearly rather fanciful.[29] The Bavarian and Brandenburg schemes were more serious; indeed, the two Electors signed a pact in September 1696, promising that they would support each other in their efforts to secure royal thrones.[30] Max Emanuel of Bavaria failed in Poland, and his success in having his son Joseph Ferdinand adopted as Carlos II's heir in Spain in 1698 was undone by the Joseph Ferdinand's death the following year. The stadtholdership of the Spanish Netherlands, which he had been given in 1691 and which enabled him to live like a monarch in Brussels, was little consolation. Leopold's refusal in 1701 to accede to Max Emanuel's demand for a share of the Spanish inheritance (possibly Naples and Sicily or the Spanish Netherlands), with a royal title attached, finally drove him into the arms of the French. But Louis XIV's promise of a royal title attached to new territories in the Reich led to disaster for Bavaria during the War of Spanish Succession.[31]

Brandenburg's approach to the problem was more successful.[32] The Elector was already sovereign in the Duchy of Prussia since 1660 and in the small Brandenburg colony of Grossfriedrichsburg, on Africa's Gold Coast, from 1683.[33] From the start of his reign in 1688, Frederick III made no secret of his desire for a royal title. He was the first German prince to initiate an elaborate 'royal' building programme. On his ascession, he immediately halted his father's planned extension to the existing residence in Berlin in favour of designing a completely new palace, and began to plan the foundation of the Academy of Arts (1696) and the Society of Sciences.[34]

The royal title proved more elusive. Leopold had turned down Frederick's request in 1694. A new approach in 1700 emphasized that Leopold's own status would be enhanced if he were seen to be creating monarchs. In the event,

[29] Meyer, *Rhein*, 35–40; Müller, 'Kurfürst Johann Wilhelm', 10–11, 13–14, 20. The Armenian project was set in motion by an Armenian military supplier who found himself in custody in the Palatinate in 1695 and who persuaded the Elector to send him on a mission to Armenia. He returned with a plea from a group of Armenian Maliks for assistance in liberating them from Turkish rule. The Elector planned to send a military force of several thousand men via Bohemia, Poland, Moscow, and the Caspian to Tabriz. The plan was dropped in 1704 owing to lack of support from Leopold, who deemed Armenia to be a Russian sphere of influence.

[30] Aretin, *Altes Reich*, ii, 70.

[31] Duke Eberhard Ludwig of Württemberg also tried to have himself crowned 'King of Franconia' with French assistance in 1711, an echo of similar schemes of the Swedish period in the 1630s: Wilson, *War*, 22. See also pp. 114–15, 117, 122–4.

[32] Duchhardt, 'Königskrönung', 82–5.

[33] Duchhardt, 'Afrika', 122–3. See also p. 271.

[34] Benedik, 'Architektur', 103–6; Braunfels, *Kunst*, i, 109–17. See also p. 271.

Frederick III decided to press ahead with his coronation anyway, but he maintained strict legal propriety as far as the Reich was concerned by crowning himself 'King in Prussia', rather than 'King of Prussia', since the Duchy of Prussia was a former Polish fiefdom that lay outside the Reich.[35] As Elector of Brandenburg, the title which he and his successors retained in the Reich until 1806, he then nonetheless sought Leopold's retrospective approval, which he gained in return for renewing his 1686 alliance with the emperor and for promising to recognize both the ninth (Hanoverian) Electorate and the readmission of the Bohemian Electorate.

Frederick the Great later wrote that his grandfather had merely sought the crown to satisfy his own personal vanity and his love of ostentatious display. Yet, considered in the context of Brandenburg policy since 1648, and in relation to the similar aspirations of other German princes of the time, it was a supremely logical progression. Just as logical, and much emulated by others, including the Habsburgs, was the investment in new 'programmatic' buildings that communicated the ruler's status and aspirations as effectively as any letter, communiqué, or pamphlet.

It was not that Frederick III of Brandenburg (Frederick I as King in Prussia) wanted to escape the Reich or the overlordship of the emperor. In the Reich, the Elector remained the loyal vassal of the supreme imperial overlord; he even sought his approval for what he had undertaken outside the Reich. The emperor's legitimation of the royal title was clearly vital to Brandenburg. Equally, it was important to Vienna that the emperor should be seen again to be acting as overlord. At the same time, however, the Elector's enhanced status, like the royal titles acquired by others, subtly changed the relationship between the emperor and his vassal. Around 1700, the most disruptive force in the Reich was not the Elector of Brandenburg but the Elector of Bavaria. The latter's deal with France based on the promise of a kingdom created within the Reich amounted to nothing less that an act of high treason; several decades later, his successor made a successful, if short-lived, bid for the imperial throne.[36] By comparison Brandenburg, at this stage at least, was a loyalist territory in the Reich.

Overall, the inflation of titles during the reign of Leopold I served to strengthen his hold on the Reich, and it was certainly a key feature of his management of the Reich as supreme overlord. Almost inevitably, however, the acquisition by some of royal titles made it more difficult for his successors to manage things in quite the same way. Even the previous solidarity of the Electors as a group was disrupted by the efforts of those with royal crowns to assert their superior status within the Reich.[37] Leopold's successors found the Reich less tractable than he had at his zenith, and none again achieved the authority that came from a forty-seven-year reign characterized by significant military victories in the east and a creditable defence of the Reich in the West. Their aspirations were no less ambitious. It was just that the context in which they pursued them was rather more difficult.

[35] Duchhardt, 'Königskrönung'; [36] See pp. 77, 114–15, 122–4.
[37] Pečar, 'Höfische Gesellschaft', 188–97.

10

The Nature of the Reich: Projects and Culture

The second half of the seventeenth century saw the emergence of a wide-ranging literature devoted to the reform and further development of the Reich. The debate was now more continuous, and more writers participated in it than in previous eras. It also self-consciously transcended the confessional divide. Protestants continued to dominate writing about the Reich. Teaching of public law did not begin in Catholic universities until after about 1720, and, in Vienna itself, the old idea of the *translatio imperii*, the theory that the Roman imperial title had been transferred via Byzantium to the Franks and the Germans, remained influential into the eighteenth century.[1] Catholic authors nonetheless now began to participate in the wider debate about reform, and Catholics were responsible for some of the more ambitious schemes for the further development of the Reich. Important initiatives to promote the unity of the Reich were launched first in Mainz and then in Vienna. Indeed, some of those reformers who began at the court of Johann Philipp von Schönborn at Mainz in the period before 1665 either reappeared at Vienna or were present in their ideas through pupils and associates thereafter.

By elaborating a list of issues to be considered at a future date—the *negotia remissa*—the peace of 1648 made a wide-ranging debate about the reform of the Reich almost inevitable. Three further factors were important. First, the debate became focused on the Reichstag, which turned into a permanent institution after 1663. Indeed, pamphlets played a key role in its discussions.[2] The twice-weekly sessions were relatively short and filled not so much with debates as by the comparison of instructions or opinions sent by the various Estates. The envoys could only conduct business in so far as they were instructed, and they frequently had to refer back to their employers. In this process, the printed pamphlet came to be an important mode of inter-governmental communication. Second, the foreign wars both generated specific reform proposals and raised fundamental constitutional issues. Third, the emperor's self-presentation in Vienna and in the Reich generally was itself part of a reform programme. For the projection of the image of the emperor as a unifying force in the Reich attracted a number of key intellectuals and project-makers to Vienna and encouraged many to envisage him and his court at the centre of a reinvigorated and extended imperial system.[3]

[1] Stolleis, *Öffentliches Recht*, i, 248–51; Aretin, *Altes Reich*, i, 38–9.
[2] Burgdorf, *Reichskonstitution*, 30–7.
[3] Evans, *Making*, 287–308.

The themes of the reform debate after 1648 extended beyond the obvious political and constitutional issues to proposals for military and economic reform, the question of the reunification of the Christian confessions, and plans for the formation of national or imperial academies. Many writers combined an interest in more than one of these aspects. Leibniz, one of the most prolific commentators on the Reich in this period, regularly combined all of them in his wide-ranging reflections.[4] Indeed, he was by no means alone in believing that the various specific reform issues were all aspects of the general question of the nature of the Reich and its potential. However, in view of the striking novelty that they represented, it is worth examining the economic, religious, and academic issues separately before considering the general interpretations of the Reich and its constitution that were based on them.

Proposals for the economic reform of the Reich were directly associated with Vienna and the early stages of the reign of Leopold I. The need to revive economic activity after three decades of war and the consideration of broad measures to promote post-war reconstruction formed the wider context of an intensive preoccupation with what has been called *Reichsmerkantilismus* from the mid-1660s.[5] The leading figures in this movement were Johann Joachim Becher (1635–1682), Philipp Wilhelm von Hörnigk (1640–1714), and Wilhelm von Schröder (1640–1699). All three originated from Middle Germany and ended up in Vienna, though Hörnigk later moved to Passau on the election of his employer, Count Lamberg, as prince-bishop; each also converted from Lutheranism to Catholicism. An important patron in Vienna, especially for Becher but also for the others, was the Spanish Franciscan Bishop Cristóbal de Royas y Spínola, confessor at the imperial court from 1660 and repeatedly commissioned as imperial envoy to various German courts to promote political, economic, and religious initiatives.[6]

Becher was the most prolific of all the reformers. There was scarcely an aspect of human existence that he did not have plans to improve: currency reform; projects for manufactories, trading companies, and colonies; recipes for elixirs or designs for the *perpetuum mobile* and submarines; a proposal for transforming sand from the Danube into gold; schemes for educational reforms and new languages.[7] Becher not only wrote extensively about all these issues, but also actively promoted their realization, first in various German courts during the 1660s and then, from 1670, at Vienna, until his fall from grace in 1677. In the 1660s, for example, he was responsible for some of the earliest German colonial projects.[8] A Munich plan to purchase land in Guyana from the Dutch West India Company in 1664 came to

[4] Schneider, 'Leibniz'; Haase, 'Leibniz'; Totok, 'Leibniz'; Hammerstein, 'Leibniz'; Dreitzel, 'Zehn Jahre', 395–475.

[5] See pp. 58–9.

[6] *BWDG*, iii, 2712–14; *ADB*, xxxv, 202–4. His original Spanish name was Cristóbal de Gentil de Rojas y Spínola.

[7] Hassinger, *Becher*, 246–7. Good modern surveys of Becher's various enterprises are Frühsorge and Strasser, *Becher*, and (in English) Smith, *Business*. For an assessment of Becher as a German patriot, see Dreitzel, 'Zehn Jahre', 475–534.

[8] Bog, *Reichsmerkantilismus*, 13–14.

nothing. In 1669, Becher then encouraged Count Friedrich Casimir zu Hanau-Münzenberg to acquire land from the company to establish a German coastal colony between the Amazon and the Orinoco, which swallowed vast sums of money before the count's relatives deposed him and the project collapsed.[9] Such schemes were doomed to failure from the outset, much as the project launched in 1660–61 on behalf of the emperor and the Elector of Brandenburg by Margrave Hermann of Baden, Spínola, and Admiral Gijsel van Lier, which envisaged establishing a colony on land owned in South America by Spain. Failure, however, merely spurred Becher and his disciples on to tackle what they increasingly perceived to be the root of the problem: the lack of unity and coordination in the Reich. Given the inherent weakness of German foreign trade, the first priority was to focus on the protection and promotion of domestic manufactures.

Such ideas and endeavours assumed an immediate political significance in the context of the Reichstag discussions on the regulation of the guilds and the state of manufactures and commerce between 1666 and 1672. The developing war crisis after 1672 and imposition of the first ban on the import of French goods in 1672 gave the schemes of Becher, Spínola, and the others a real urgency and national significance. In 1677, Becher himself was sent on a mission through the Reich to try and enforce a complete embargo on commerce with France.[10] His promise to generate 5 million gulden for the emperor by confiscating French goods proved to be his undoing.[11] When the money failed to materialize, Becher's enemies in Vienna accused him of dishonesty and he was obliged to leave. He resumed his work in the Dutch Republic, then drifted to England, and died in London in 1682.

By then Spínola, Hörnigk, and von Schröder had taken Becher's place in Vienna. Spínola, in particular, had an unrivalled experience in the formulation of imperial reform schemes: in 1665, he had presented his 'Project for the Economic Unification of the Reich' in Munich, essentially a protectionist customs union plan. In 1674–5, Leopold had sent him on an extended tour of the Reich and its major courts; in 1677, he was sent to Berlin to discuss a Habsburg–Brandenburg marriage project.[12]

The high point of Spínola's endeavours came in September 1678, a year after Becher's failure, when he was sent on a mission that lasted nearly twelve months to solicit support for new proposals designed to generate tax revenue and to promote both economic and religious unity. The idea of a general inheritance tax to provide revenue in perpetuity for the emperor had been floated after the Turkish war of 1663–4. In 1678, the plan was revived, along with a wide-ranging programme for the coordination of raw materials production, manufacturing, the establishment of state-sponsored factories such as the Sinzendorf silk works at Walpersdorf in Lower Austria or Becher's manufactory in the Vienna Taborstrasse, and the foundation of new import controls and export promotion schemes.[13] Even the education of

[9] *ADB*, xxiii, 38–41; Duchhardt, 'Afrika', 120–2.
[10] *ADB*, ii, 201–3; Hassinger, *Becher*, 216–30.
[11] Bog, *Reichsmerkantilismus*, 93–4.
[12] Bog, *Reichsmerkantilismus*, 100–1.
[13] Bog, *Reichsmerkantilismus*, 102–3.

young nobles abroad (the *Kavalierstour*, a precursor of the eighteenth-century Grand Tour) was to be curbed so as to prevent the export of money. The tyranny of changing fashions, particularly the insatiable hunger for French fashions, was to be undermined by the introduction of uniform costumes for men and women that would be approved by all the German courts and then not changed without the consent of all.

Spínola met with great interest, especially in Imperial Cities such as Augsburg, but also among the Rhineland ecclesiastical princes, in Franconia and Hessen, and among the Brunswick and Saxon dukes. In Bamberg, Bishop Peter Philipp von Dernbach contributed the further suggestion that the production of all goods should be licensed by the Reich. That would encourage all Estates only to manufacture things for which they also had the raw materials. Despite the respect and enthusiasm with which he was received, however, Spínola's proposals came to nothing. The Great Elector's renewed alliance with France prevented him from travelling to Berlin. The inheritance tax plan soon disappeared, as did any thought of ambitious schemes to manage the economy of the Reich. In the following decades, the wars with France produced further trade embargoes, some more wide-ranging than the first of 1676. However, the transition from wartime restrictions to peacetime regulation was never made.

It was the failure of these initiatives in the Reich that inspired Hörnigk's tract *Österreich über alles, wann es nur will* ('Austria above all if only it wants to'), of 1684. Hörnigk's tract went through twenty-four further editions over the next hundred years, and later generations often read it as a manifesto for Austrian nationalism, an assertion of an Austrian identity distinct from the Reich.[14] Yet its fundamental concern was with the Reich, and with the contribution that the Austrian territories could make to it. Hörnigk's title itself was a reference to a recently published anonymous pamphlet *Teutschland über Frankreich wenn es klug seyn will* ('Germany above France if it Thinks Smartly').[15] His point was that, so far, attempts to develop a trade embargo with France for the whole Reich had been unsuccessful. The time had come for Austria to lead the way. 'Austria' stood for all the lands of the Austrian Habsburgs inside and outside the Reich, including Hungary. The balance between agrarian production in Hungary and commercial-manufacturing activity in Bohemia and Austria would offer a model of integrated economic activity that others could emulate. Austria should be the 'primum mobile' ('prime mover') whose example would persuade the other German territories to follow suit.[16]

It is difficult to assess the impact of the *Reichsmerkantilisten*. Their grand plans for the Reich failed. Even in the Austrian territories, few of their projects survived.[17] On the other hand, their restless projecting and their tireless travel and proselytization of their cause undoubtedly did much to spread awareness of economic issues throughout the Reich.[18] Becher was perhaps the most radical

[14] Klueting, *Reich*, 74–5; Heiss, 'Ökonomie'.
[15] Wrede, *Reich*, 608.
[16] Winkelbauer, *Ständefreiheit*, i, 399–400.
[17] Evans, *Making*, 163–4.
[18] Dammann, 'Modernität'; Krauth, 'Gemeinwohl'.

propagandist of the period for the Reich as the nation state of the Germans.[19] He and his fellow reformers helped generate a climate in which territorial governments formulated policies designed to promote economic growth. They contributed to an awareness of what might be achieved by trade regulation and the promotion of commerce and manufactures. At the level of the Reich, their arguments were only accepted in relation to wartime legislation. At the level of the Kreise, the territories, and the cities, many drew the consequences for peacetime economic management.

Schemes for the religious reunification of the Reich were no more productive, though talks about them lasted longer. Such ideas had existed ever since the Reformation and had played a role in the various religious colloquies of the sixteenth century. During the Thirty Years War, Georg Calixt (1586–1652), a Lutheran theologian at Helmstedt, had developed an influential theology that attempted to reconcile the Christian faiths on the tenets of Apostolic Christianity.[20] His aim was to promote mutual recognition and acceptance of diversity on the foundations of a commonly agreed corpus of Christian belief. While Calixt strove for reconciliation and toleration generally, the initiatives of the period after 1648 aimed more specifically at reunification within a single Church in the Reich.

The constitutional basis for such ideas was provided by the clause in the Treaty of Osnabrück (IPO Art 5§1) that the stipulations concerning the 'normal year' would remain valid 'until such time as by God's grace one will have reached agreement in religion'. The initiatives came largely from Catholics and, while they aimed at bringing the Protestants back into the Catholic Church, they were willing to contemplate concessions in order to achieve this. The initiatives were essentially political and had little theological foundation. While they were driven by leading members of the German Reichskirche, they were by and large opposed by the papacy, which saw its prerogatives threatened. Leopold I, however, saw the prospect of forging religious unity both as a way of reinforcing political unity in the Reich and as a way of exercising the traditional imperial role of *advocatus ecclesiae*.[21]

The first plans were formulated at the Mainz court of Johann Philipp von Schönborn and were associated with the general reform and union schemes prepared between 1650 and 1664 by his minister, Johann Christian Boineburg (1622–1672).[22] Boineburg was a former student of Conring and Calixt at Helmstedt who converted to Catholicism from Lutheranism in 1656. At Mainz, he came to stand at the centre of the Elector's various schemes for the unification of the Reich, notably the Rheinbund of 1658, and also of plans to restore religious unity that were supported and encouraged not least by a network of converts to Catholicism like himself. An important ally of Mainz in the religious plans was Elector Max Heinrich of Cologne, a Wittelsbach whose pro-French sympathies and known determination to curb papal authority in the Reich made him deeply suspect to

[19] Dreitzel, 'Zehn Jahre', 496–500, 521–34.
[20] Wallmann, 'Union'. For the following, unless otherwise indicated, see: Aretin, *Altes Reich*, i, 323–38; Peper, *Konversionen*, 44–8; Heckel, 'Wiedervereinigung'.
[21] Schnettger, 'Kirchenadvokatie'. 167–8.
[22] Peterse, 'Boineburg'.

Rome. In the Reich, however, he was a powerful ally, with influence both in Bavaria and in Vienna.

Further support came from idealistic advocates of religious reconciliation such as Landgrave Ernst of Hessen-Rheinfels (1623–1693), who had organized a religious colloquy at his Rheinfels castle in 1651, converted to Catholicism, and organized further colloquies in 1652 (Kassel) and 1653 (Giessen).[23] Landgrave Ernst has generally been noted as the author of *Der discrete Catholische* ('The Discreet Catholic'), a unification tract much cited in the scholarly literature.[24] It had little real impact, however. Only forty-eight copies were printed and sent to selected 'learned and distinguished individuals': when it was furiously denounced by both Catholics and Protestants, the Landgrave did all that he could to regain possession of the copies he had distributed. Apart from anything else, his 1666 proposals presupposed the secularization of the Reichskirche, which the ecclesiastical princes, or indeed the Catholic princes and nobility generally, would never have accepted, even if the idea might have aroused interest among Protestant rulers. Landgrave Ernst's real significance is rather that he was a key figure in the network of politicians and theologians that included Boineburg and Leibniz.

Specifically, it was Landgrave Ernst who formulated the so-called 'Mainz plan' of 1660.[25] This essentially returned to proposals that had been aired in the mid-sixteenth century. It envisaged the Mass being read in German and communion in both kinds, the abolition of confession and of clerical celibacy, though not for monks and nuns. The prerogatives of the pope in the Reich would be reduced to a minimum. Meanwhile, a synod of twenty-four Catholics and Protestants would deliberate on the procedure for the full reconciliation and union of all German Christians.

Nothing came of the Mainz projects. The implacable opposition of the papacy was a serious obstacle. Boineburg's dismissal in 1664 disrupted continuity in various areas of policy, including the discussion of confessional issues. The gradual collapse of the Rheinbund and the reorientation of Mainz towards Vienna also shifted the basis for the formulation of new policies of any kind. The emergence of Regensburg as a centre of political activity also created a new political framework.

Then, Spínola emerged as a new proponent of unification. Spínola seemed to have considerable authority in the matter. He acquired at least the tacit support of the papacy on a trip to Rome in 1677, though he was not formally commissioned to negotiate on behalf of the pope, and he was forbidden to promise any concessions to the Protestants and sworn to keep his efforts secret.[26] He had the ear of the emperor, for whom he had acted on various missions at Regensburg and elsewhere in the Reich. Significantly, Spínola's actual instructions did not at first explicitly include the promotion of religious unity at all; the main aim of his early missions was always political and economic, but Leopold seems to

[23] Raab, 'Discrete Catholische'.
[24] Burgdorf, *Reichskonstitution*, 65–8; Aretin, *Altes Reich*, i, 325.
[25] Raab, 'Sincere et ingenue'.
[26] Schnettger, 'Kirchenadvokatie', 145–6.

have tacitly accepted the religious dimension. Finally, in the instructions for Spínola's great tour of 1678–9 the promotion of religious reunion was appended to the main objectives of securing support for economic and military reforms.[27]

Spínola approached a variety of princes in the Reich. The Protestant Estates generally were inclined to listen, especially following the success of their pleas, in conjunction with England and the Dutch Republic, to Leopold to adopt a more moderate policy towards the Hungarian Protestants in 1676. The emperor was also able to rely on the interest of Duke Johann Friedrich of Brunswick-Lüneburg, an early and influential convert to Catholicism in 1651, and patron of the University of Helmstedt, where syncretic traditions remained strong in the decades following Calixt's death in 1656. In 1673, Duke Johann Friedrich had appointed Calixt's and Conring's student, Gerhard Molanus (1633–1722), as head of his Lutheran church administration, as well as Abbot of the Lutheran monastery of Loccum from 1677.[28] In 1674, the Duke had also hired Leibniz as librarian and councillor in Hanover, who brought with him from Mainz his interests in the whole spectrum of reform and unity plans. Both Molanus and Leibniz were commissioned to engage in talks with Spínola about the possibility of a Protestant–Catholic union in 1678–9.

There were profound differences, however, even between Spínola, Leibniz, and Molanus. Spínola was essentially working for the reunification of the Protestants with the Catholic Church. Leibniz's approach was essentially political at this stage, and it was not until the 1690s that he developed his vision of global unification.[29] Molanus felt a Christian obligation to respond to Spínola's ideas, though, ultimately, his insistence on the basic tenets of Protestant theology doomed the project to failure.[30] Despite extensive and passionate discussion, the three were unable to reach agreement in 1683. Spínola's precondition for reunification was the recognition of the decrees of the Council of Trent and of the pope's primacy as of divine right. Molanus insisted on the suspension of the decrees of the Council of Trent and the convocation of a new Church council, led by the pope. Neither then nor later was there any prospect that Rome would accept Molanus's view or that the other Protestant courts in the Reich would accept Spínola's preconditions. The involvement from 1683 of Bossuet, with whom Leibniz had first corresponded in 1679 and whom he now approached again at Spínola's suggestion, did not change that. For Bossuet also believed that the Protestants should compromise. As he put it to Leibniz, 'On est ou on n'est pas catholique': one is either a Catholic or not.[31]

For a variety of reasons other than the undoubted commitment and engagement of its main protagonists, the discussion continued through to about 1700. As early as 1679, it became clear to Spínola that Protestant princes would only sponsor talks if they were given some reward. The Elector of the Palatinate openly demanded the secularization of Worms and Speyer. Further discussion in 1679 was halted by the death of Duke Johann Friedrich. In 1681, another approach to the courts of Berlin

[27] Schnettger, 'Kirchenadvokatie', 146–7.
[28] Ohst, 'Molan'.
[29] Rudolph, 'Reunionskonzept', 229–30, 240–2.
[30] Ohst, 'Molan'.
[31] Rudolph, 'Reunionskonzept', 237.

and Hanover led to a new protracted round of talks, particularly at Hanover. Duke Ernst August's interest was, however, purely secular: he was prepared to support the talks, even indicate that he might be inclined to convert, or at least to throw his weight behind the reunion project, for as long as he could see significant advantage in doing so. His support for the endeavours of Leibniz and Molanus was little more than another bargaining counter in his campaign to have himself made an Elector.

The project stalled between 1683 and 1688, but it gained a new momentum around 1690. On the one hand, Leibniz made a further approach to Spínola and visited Vienna for several months in 1688–89. On the other hand, the emperor himself now appeared to take a more direct interest. The replacement of a Reformed dynasty by a Catholic line in the Palatinate and the revocation of the Edict of Nantes later that year had made German Protestants suspicious again, and their anxieties were intensified by the accession of James II in England and rumours of his alleged militant re-Catholicization plans for England. By 1690, the Glorious Revolution, the war with France, and the conclusion of the Grand Alliance transformed the outlook. Now also Spínola was encouraged to look beyond the Reich and to include the Hungarian Protestants in his plans, and possibly the Polish and Swedish crowns as well. Nothing came of this new round of talks. Ernst August of Hanover lost interest as soon as the matter of the Electoral title was settled in 1692. In Rome, Popes Alexander VIII (r. 1689–91) and Innocent XII (r. 1691–1700) were more pro-French than their predecessor Innocent XI (r. 1676–89) and consequently more critical of the emperor. In Vienna, the war with France also dictated other priorities. The fact that no Saxon theologians were invited to a planned conference in Frankfurt in 1693 confirmed many in the belief that Spínola's real aim was simply to divide the Protestants.

For the last two years before his death in 1695, Spínola continued to promote his mission by means of his extensive correspondence with Molanus and Leibniz. Surprisingly, in view of the emperor's hesitation to give the reunion plan his public and official support, the matter was not simply dropped when Spínola died. It is true the bishop's papers were sealed so that no one might misuse their sensitive contents; a suggestion from Hanover in the summer of 1695 that talks might be resumed went unanswered. Three years later, however, Spínola's successor as Bishop of Wiener Neustadt, Count Franz Anton von Buchheim, was despatched to conduct further talks.[32] These were held in conditions of strict secrecy: Buchheim even travelled under an assumed name. The initially sceptical Buchheim was impressed by the willingness of the Protestants to compromise, yet nothing came of the meeting. The project was finally dropped after Leopold invited Leibniz to Vienna in 1700. The outbreak of the War of Spanish Succession left no time for further initiatives.

From Leopold's point of view, the idea of a religious reunion was always essentially part of a wider strategy of uniting the Reich. For the most part, he did not support the plans openly and repeatedly swore Spínola and others involved to

[32] Schnettger, 'Kirchenadvokatie', 166.

secrecy. Given the intractability of the underlying theological problems, that was probably prudent. The fact that Mainz in the 1650s and Vienna for decades thereafter attracted numerous prominent converts encouraged some to believe that there was hope. Yet it was inconceivable that the German Protestants as a whole would ever contemplate returning to the Catholic Church.

Equally, Leopold's own position was constrained. He had a deep personal piety and loyalty to Catholicism. Calling a new Church Council, as Spínola at times urged, might have won him applause from the German Protestants, but it would have meant collaborating with Louis XIV and openly defying the papacy. Politics precluded the former, piety the latter. Even so, the very fact that the discussions took place at all was significant, for it added another dimension to the communications between Vienna and influential courts in the Reich.

Links between the emperor and the various projects for imperial academies were rather tenuous. Leopold himself had little to do with their inception, though he was subsequently inclined to give his approval and was willing to confer privileges. Many of these schemes never came to fruition, and none matched the great foreign models of the Royal Society in London (1660) or the Académie des Arts et des Sciences in Paris (1666). Yet the proliferation of projects for societies dedicated to a variety of purposes illustrates the magnetic attraction exerted by Vienna for many German intellectuals during the reign of Leopold I and also reflected a new phase in thinking about the Reich as a unified polity after the Thirty Years War.

Understanding this phenomenon also requires some comment on the fate of the *Sprachgesellschaften* or sometimes for the promotion of the German language and the role of the universities in the Reich after 1650. The war had disrupted many earlier developments. Some of the *Sprachgesellschaften* survived and continued to function after 1648; a few new ones were founded. Yet, removed from the wider political context of the early seventeenth-century constitutional crisis of the Reich, they ceased to have the wider sense of patriotic mission that had characterized the Fruchtbringende Gesellschaft.[33]

The war had also destroyed the networks that had generated and sustained the mystical, philosophical, and scientific ideas of Andreae and his correspondents into the 1620s. In 1623, Joachim Jungius (1587–1657) had founded a Societas Ereunetica sive cetetica (Reseach or Investigation Society). It was modelled on the Accademia dei Lincei and was strongly influenced by Andreae's pansophical ideals and by Wolfgang Ratke's pedagogical schemes; it was dedicated to refuting the philosophy of the Jesuits, the cultivation of mathematics, and research into nature.[34] But it probably actually only existed until Jungius himself moved to Helmstedt in 1625; though he returned to Rostock the following year, he moved permanently to Hamburg as Rektor of the Johanneum school and the

[33] Hardtwig, *Genossenschaft*, 207–24; Evans, 'Learned societies'. See also Volume I, pp. 467–71.
[34] The key title words meant 'inquiry' or 'search' and 'the subject of inquiry' or 'problem'. Wollgast, *Philosophie*, 426–7; Hardtwig, *Genossenschaft*, 261–3; Dickson, *Tessera*, 91–1. See also pp. 464, 468.

Akademisches Gymnasium in 1629. Jungius remained in Germany, but he did not found another society.

Many others who might have done so fled the hostilities and contributed to developments elsewhere. Andreae's pupil, Samuel Hartlib, from Elbing and Comenius's disciple Theodore Haak of the Palatinate both migrated to England and played a key role in the origins of the Royal Society. The Society's first secretary, Henry Oldenburg of Bremen (1619–1677), probably first visited England as a diplomat in 1653, though he had tutored and travelled with young Englishmen in the 1640s.[35] Once in London, he soon made contacts with Hartlib and Boyle, among others, that led him to settle there permanently. In the decades around 1600, Germans had contributed significantly to the international development of natural philosophy and the new sciences. By the mid-seventeenth century, many of those impulses had fed into developments that bore fruit outside the Reich.

The Reich was not devoid of academic or scientific endeavour or cut off from the intellectual world of Western Europe. The German post-war intellectual scene has often been portrayed as desolate and incurably provincial, yet there is much evidence of continuing vitality and inventiveness. As secretary of the Royal Society, Oldenburg maintained an active correspondence with a wide range of Germans, notably the young Leibniz from 1670, as he did with scientists from other European countries.[36] The correspondence of members of the Royal Society generally transcended national and confessional boundaries and certainly included the Reich. Leibniz, with over a thousand correspondents in 169 locations in Europe and Asia, was exceptional, but even for many lesser scholars extensive letter-writing was part of the *raison d'être* of the scholarly life.[37] The pansophical traditions survived the war, as did the German university system. In their separate development and in their interaction, they generated a distinctive intellectual ferment in the Reich and contributed to the consolidation of the imperial idea during the reign of Leopold I.

The reputation of the German universities after 1650 has suffered from the myths generated by Thomasius's biting late seventeenth-century criticism of the academic world of his time, from the importance attached to the foundation of Halle in 1694 for the emergence of the German Enlightenment, and from the glorification of Humboldt's reforms around 1800.[38] In fact, while universities in England, France, Spain, and Italy progressively declined during the seventeenth century, the German institutions prospered.[39] As a whole, they experienced a rapid recovery from the war: total student numbers, which had reached about 8,000 by

[35] Hall, *Oldenburg*, 5–8, 10–11. See also Evans, 'Learned societies', 134, 140.

[36] Hall, *Oldenburg*, 223–33. On correspondence generally, see Gierl, 'Korrespondenzen', and Schindling, *Bildung*, 90–1. On correspondence and also on scientific links with England, see Kempe, *Wissenschaft*, 73–87, a study of the Zurich scholar and scientist Johann Jakob Scheuchzer (1672–1733).

[37] Gerber, 'Leibniz'; Gierl, 'Korrespondenzen', 426–9.

[38] See pp. 173–4, 522–4.

[39] See the survey in Hammerstein, 'Relations'. For the following, see Evans, 'German universities', 169–73.

1618 recovered to between 6,000 and 7,000 during the 1650s, with some 7,800 in 1660. Many undoubtedly deserved the epithet 'provincial'. They were, after all, territorial institutions, part of a governmental structure dedicated in the first instance to the service of a dynasty and its lands. Most were relatively small, with between 150 and 300 students and about 20 professors; none exceeded 1,000 students. Most were located in small towns. Only Leipzig and Königsberg (the latter technically outside the Reich) were linked with major commercial centres; only Vienna was located in the same city as the court of a ruler.

On the other hand, it would be wrong to view the German universities merely as a collection of isolated institutions, or even as a diaspora struggling to survive in a harsh and hostile environment. Too much can also be made of the religious divisions between the sixteen Catholic, thirteen Lutheran, and six Calvinist or German Reformed institutions.[40] Though they were subject to the control of princes (and urban magistrates in the case of Cologne and the Nuremberg university at Altdorf), all of them were privileged by the same imperial charters. The Lutheran institutions at Leipzig, Wittenberg, Jena, and Helmstedt were the leading lights of the system, and the Protestant universities generally continued to dominate the new field of public law.[41] A strong post-war recovery by Heidelberg was undermined by the renewed destruction of the city in 1689 and 1693; Halle made an immediate impact after its foundation in 1694. The Catholic universities also shared the same four-faculty structure as the Protestant universities and their continuing commitment to the humanist scholarly ideals established during the sixteenth century.

Communication within the university system remained strong, though in this respect there is admittedly more sense of the confessional divide between Protestant and Catholic institutions, which really created two parallel systems of communication, each linked into its own international network. Both the *peregrinatio academica* of students and the tradition of scholarly travel remained active, as did communication by letter.[42] Professors were expected to uphold the official religion of their territory and faced instant dismissal if they deviated in public.[43] Yet the non-confessional and supra-confessional tendencies that characterized much German academic interchange in the sixteenth century also persisted. The history of the German universities in the century after 1650 is, fundamentally, a history of convergence.[44]

Thomasius and others later complained that the German universities remained committed to Latin and to the traditional curriculum. They also mocked the almost anarchic encyclopedism that characterized much late humanist scholarship: the production of vast compendia of all kinds of knowledge, or even of all knowledge.

[40] The Catholic university of Erfurt was located in a predominantly Lutheran area and accepted some Lutheran students.

[41] Stolleis, *Öffentliches Recht*, i, 237–52.

[42] Asche, 'Peregrinatio'; Dickerhof, 'Traditionen', 195–8; Siebers, 'Bildung', 180, 183–4; Gierl, 'Korrespondenzen'.

[43] Maurer, *Kirche*, 20–1, gives some examples.

[44] Schindling, *Bildung*, 49.

One of these scholars, Daniel Georg Morhof (1639–1691), coined the term 'polyhistor' to describe them.[45] Yet, for all the obsession of the polyhistors with accumulating factual knowledge, apparently for its own sake, they were nonetheless capable of innovation and of engaging with new learning from abroad or from the natural sciences.

Both tradition and innovation characterized the *Acta Eruditorum* ('Reports of the Scholars'), the first German scholarly review journal, founded at Leipzig in 1682 by the professor of philosophy Otto Mencke. It was inspired by the scientific and medical *Journal des Sçavans* (founded in 1665, with a Latin edition printed in Germany from 1667), and material was initially supplied by Mencke's own contacts in the Netherlands, England, France, and Italy. The reviews themselves were written by his Leipzig colleagues, though there were some external correspondents, such as the English astronomer John Flamsteed and the French doctor Jacques Spon.

The *Acta Eruditorum*'s range was universal, with 30 per cent of all reviews and 94 per cent of all original articles on the natural sciences.[46] It reviewed contributions to knowledge from all over Europe, by Protestants and Catholics alike; some 70 per cent of the books reviewed were non-German.[47] Under Otto Mencke's editorship alone (1682–1706), over 4,000 contributions were published, including some 300 original papers and over 150 articles in translation. Nearly 200 contributors participated from 69 different cities, including London, Leiden, and Paris. Leipzig was exceptional in many ways. Mencke's success was undoubtedly aided by the fact that, from the 1670s, the city overtook Frankfurt am Main as the largest centre of book production, which was another long-term consequence of the damage the war had wrought in the Rhineland. Yet the *Acta Eruditorum* were widely disseminated and rapidly established themselves as required reading in universities throughout the Reich.

The German universities remained alive and active, playing a vital role in the evolution from sixteenth-century humanism to eighteenth-century *Aufklärung*. In their reception of new learning from abroad they realized their continuing aspiration to be part of an international republic of letters. At the same time, they also constituted an increasingly discrete German sub-system of communication within the Reich.

The Protestant universities, for example, had particularly important supra-regional functions in theology and law. For they were the main source of legal and theological opinions, which were increasingly in demand as the territorial governments consolidated their administrative structures and sought to extend their

[45] Grimm, *Literatur*, 223–32, 303–13; Grafton, 'World'.

[46] Evans. 'Learned societies', 140–1; Evans 'German universities', 180–1; ADB, xxi, 312–13; Fläschendräger, 'Rezensenten'; and Laeven, *'Acta Eruditorum'*, 241–6, and 267–374, for a full statistical analysis. Over the next hundred years, 117 volumes were published; Mencke's own family retained ownership and editorial control throughout. A German parallel journal, the *Deutsche Acta eruditorum oder Geschichte der Gelehrten, welche den gegenwärtigen Zustand der Litteratur in Europa begreiffen*, was established in 1712. It dealt primarily with historical and literary texts, and continued until 1759.

[47] 31 per cent were German, 28.5 per cent Dutch, 15.5 per cent British, 12 per cent French, and 9 per cent Italian. The articles published included pieces by Leibniz, Boyle, Huygens, and Newton.

competence over both society and Church from the 1530s onwards. The Protestant legal faculties developed the principles of the public law of the Reich in the late sixteenth and early seventeenth centuries. Furthermore, academic legal experts played a key role both in the imperial courts of justice and the Reichstag, where they were frequently called upon to participate in policy formation or to arbitrate and pass judgment on the actions of princes. Theological faculties also advised governments, frequently providing opinions on political arrangements, government decrees, and treaties. In the century after the end of the Thirty Years War, for example, a huge literature—legal, political, theological—was generated by the interpretation of the Peace of Westphalia and its implications for state, Church, and society in the Reich.[48]

Criticism of the universities and their studies did not begin with Thomasius. There were the perennial complaints about student behaviour and the lack of diligence, immorality, and ungodliness that universities allegedly bred. Equally perennial, perhaps, was the accusation that the universities studied and taught nothing that was of any practical use. This was in some senses a continuing echo of Johann Volentin Andreae's pansophical ideals.[49] It was also stimulated by awareness of the progress being made in England and France. German attempts to emulate the kind of academies that were developing elsewhere were faltering at best.

The beginnings of the first imperial academy, the Academia Naturae Curiosorum, were modest. In 1651, Johann Lorenz Bausch, the city physician of the Imperial City of Schweinfurt, invited a small circle of 'Naturae Curiosi' to join an association modelled on the Italian academies and on the Fruchtbringende Gesellschaft.[50] Starting with just four Schweinfurt doctors as members, numbers climbed to twenty over the next decade; most were from south Germany and were not academics. There is little indication of what its members did, though Bausch gave himself the name Jason and likened the progress of his society to the voyage of the Argonauts. Even so, the wide geographical distribution of members, lack of money, and lack of direct contact with university medical faculties cannot have been helpful.

Things only took a more decisive turn after Bausch's death when his successor, Johann Michael Fehr (1610–1688), and the Breslau doctor Philipp Jacob Sachs von Lewenhaimb (1627–1672) made contact with the court at Vienna. In 1669, the academy adopted new statutes that mentioned the prospect of experiments and discoveries. The following year, they began to publish a journal, under the title *Miscellanea Curiosa sive Ephemerides Medico-physicae Germaniae Academiae Naturae Curiosorum*. In 1677, they gained approval from the emperor and adopted the title Sacri Imperii Academia Naturae Curiosorum (Imperial Academy of Researchers in Nature). By 1686, membership exceeded one-hundred-and-fifty, and in 1687, the academy received a formal imperial privilege. The president and the 'Director Ephemeridum' were appointed physicians to the emperor and *comites palatinae*,

[48] Kremer, *Friede,* gives numerous examples. See also Gantet, *Paix*, 301–64.
[49] See Volume I, pp. 462–4.
[50] Berg and Parthier, '*Leopoldina*'; Toellner, 'Leopoldina'; Winau, 'Frühgeschichte'; Hardtwig, *Genossenschaft*, 264–6; Evans, 'Learned societies', 135–8; Herrlinger, 'Collegium'.

which gave the academy the right to confirm adoptions, legitimize illegitimate children, and rehabilitate 'dishonourable' people.[51] Much later, following a grant of money from Charles VI, the academy assumed its final title in 1712: Kaiserlich Leopoldinisch-Carolinische Deutsche Akademie der Naturforscher.[52]

One should not overestimate either the degree of imperial involvement or the stature of the academy in its first century. It changed location five times before 1750 but never settled in Vienna, and it only really came near to being a truly German national academy in the 1870s. It sought the prestige of imperial recognition, but it never achieved a central status in the Reich. Its scientific profile was also modest. Bausch certainly knew Bacon's works, and from the 1670s references to Bacon are common in its correspondence. Its initial concern was public health, but the *Miscellanea Curiosa* also reveal much wider interests and a fascination with *mirabilia*, alchemy, and other arcane disciplines. In this it was not so different from the Royal Society and other scientific associations of the time.[53] Alchemy was not an exclusively German activity, though the variety of German courts that became interested in it created a rare competitiveness in the 'discipline'.[54] And in Germany it did at least produce something tangible of extraordinary value: porcelain.

The academy was undoubtedly an important vehicle for the dissemination of scientific discoveries, some of them German, and its imperial aspirations provide evidence of the attraction of the imperial idea and of communication under the auspices of the Reich. Yet Leibniz noted in 1671 that no foreign body had yet taken much notice of it and that nothing much of note happened in it anyway.[55]

Leibniz was, of course, also a competitor, and he himself pursued a variety of ambitious projects. From the late 1660s until the end of his life, he tirelessly promoted schemes for academies that would reinforce the links between German intellectual life and the new philosophical and scientific movements of Western Europe.[56] The range is quite extraordinary, starting with the outlines of a religious–scientific Societas Philadelphica (Philadelphian Society) of 1669, then projects for academies dedicated to the sciences combined with arts, language, or mathematics. He also enthusiastically supported Hiob Ludolph's plan for a Collegium Imperiale Historicum at Vienna, though he declined to become a member himself.[57] The first—more a utopian outline than a practical project—was conceived as a truly international body based in the Netherlands. A much later project envisaged St Petersburg as a location. The Berlin academy, established in 1700, was the only one that had any real substance; a 1704 project for an imperial academy in Vienna came to nothing, despite the support of the influential Prince Eugene. Yet the plans themselves are revealing.

[51] For the rights of 'court count palatines', see Conrad, *Rechtsgeschichte*, 78–9; Trunz, 'Späthumanismus', 151.

[52] The society still exists in Halle as the *Deutsche Akademie der Naturforscher Leopoldina*, see http://www.leopoldina-halle.de/ (accessed 14 April 2010).

[53] Dickson, *Tessera*, 241–5; but a contrary view can be found in Evans, 'Learned societies', 137.

[54] See: Smith, *Business*; Nummedal, *Alchemy*; Moran *Alchemical world*; and pp. 281–2.

[55] Hardtwig, *Genossenschaft*, 265–6.

[56] For the following, see Totok, 'Leibniz'; Hardtwig, *Genossenschaft*, 267–71.

[57] Evans, *Making*, 289.

Leibniz later assured Peter the Great that he was not someone 'bent on his own fatherland or any particular nation' and many of his plans had an ultimately universal Christian intent. The unification of the world through knowledge was an enduring theme in his thinking, which perhaps became increasingly explicit with age.[58] Yet Leibniz devoted much of his life to promoting schemes which would strengthen the Germans and enhance their contribution to the world, and these plans were focused on the Reich. While in the service of the Elector of Mainz between 1668 and 1672, he proposed that the Elector should establish a Societas eruditorum Germaniae (Society of Learned Germans) that would promote true learning in the Reich. His stay in Paris in 1672–6 reinforced his conviction of the need for such a national academy. In Hanover from 1677, he devised a scheme for a national academy to be based there, financed by the income from the duke's mines in the Harz, for the improvement of which he also submitted detailed proposals. From then on Leibniz seems to have envisaged a network of such regional academies, all dedicated to the promotion of knowledge in Germany as a whole.

Leibniz's commitment to Germany is perhaps most apparent in his essays on the German language of 1682–3 and 1697.[59] They combined the linguistic concerns of the Fruchtbringende Gesellschaft with the desire to promote the new sciences and to apply them to practical ends in society. The Thirty Years War had set the Germans back, Leibniz argued, and led to their government by the friends of France (*Franzgesinnte*).[60] Now, however, they must look to the promotion of their prosperity and cultivate a pure German language in order to progress. The Germans, he wrote in 1682–83, have hitherto cared more about Latin and art than about German and nature.[61] Their scholars have written merely for each other; the old *Sprachgesellschaften* simply wrote sonnets and pastorals.[62] What they really needed were works of practical science. There was nothing wrong with the Reich; the 'Emperor's majesty is great and his government sweet'; Leopold had persuaded even the most sceptical and suspicious that he had the fatherland's best interests at heart.[63] Language and science were combined with patriotic intent to promote the welfare of the Reich.

The failure of almost all Leibniz's plans is as significant as their motivation. Despite the emperor's apparent interest in them, there never seemed to be money to spare. After all, Vienna itself was nearly lost to the Turks in 1683, and there was scarcely a year of real peace throughout the whole of his reign. Even an initially modest project such as the academy of art established in Vienna in 1692 was run on

[58] See Dreitzel, 'Zehn Jahre', 395–475.

[59] The two texts are *Unvorgreiffliche Gedanken betreffend die Ausübung und Verbesserung der Teutschen Sprache* (*c.* 1697) and *Ermahnung an die Teutschen, ihren Verstand und ihre Sprache besser zu üben, samt beigefügtem Vorschlag einer deutschgesinnten Gesellschaft* (*c.* 1682–3).

[60] Leibniz, *Unvorgreiffliche Gedanken*, 15.

[61] Leibniz, *Unvorgreiffliche Gedanken*, 63.

[62] Totok, 'Leibniz', 311.

[63] Leibniz, *Unvorgreiffliche Gedanken*, 51–2.

a shoestring. Furthermore, though it announced itself as an 'imperial' academy, it was 'kaiserlich' rather than a 'Reichsakademie': its public announcement of 1705 advertised its concern to develop the arts of drawing, sculpture, fortification, and architecture in the Austrian 'Erb-Königreich und Landen' (the Austrian hereditary kingdom and lands) without once mentioning the Reich.[64]

Even though it failed to come to fruition, the idea of the national imperial academy was another significant indicator of the growing enthusiasm for the Reich in the second half of the seventeenth century. It also reflected a desire to flesh out the political institutions that were beginning to function so effectively. As Leibniz said, there was nothing wrong with the Reich; it just needed to develop further. That the first academy was realized in Berlin in 1700 is also indicative, though not perhaps in the most obvious sense. It bore the imprint of Leibniz's ideas, including the commitment to the cultivation of the German language.[65] It was the first of many that were founded in the German territories during the eighteenth century. That has often been viewed as evidence for the emergence of Prussia's leadership in Germany or for the triumph of the princes over the Reich in 1648. In fact, it surely reflects something that is characteristic of the Reich since the Middle Ages: the execution of many of the key functions of government at regional level.

[64] Wagner, *Akademie*, 17–21. The academy folded on the death of its founder Peter Strudel von Strudelsdorff in 1714; it was then revived on rather different terms in 1725–6.
[65] Totok, 'Leibniz', 311.

11

Interpretations of the Leopoldine Reich

The reign of Leopold I also produced major new interpretations of the Reich. These sought to describe and define the polity, but also to promote its reform. The profusion of this kind of literature is in many ways hardly surprising. The Thirty Years War had generated texts that set out the conflicting views on the nature of the Reich in stark form. In 1619, Dietrich Reinkingk had produced a powerful analysis of the Reich as a monarchy. His views were all the more influential for the fact that Reinkingk himself was a Lutheran, and his book enjoyed three further editions during the war (1622, 1632, and 1641).[1] His arguments were answered by Bogislaus Philipp Chemnitz (writing under the pseudonym Hippolithus a Lapide), whose strongly anti-Habsburg statement of the case for the Reich as an aristocracy first appeared in 1640, and was republished at the height of the peace negotiations in 1647.[2] Though Reinkingk published a fourth, revised edition of his book in 1651, his specific arguments were rendered obsolete by the Peace of Westphalia, whose terms quite deliberately precluded the possibility of a true monarchy in the Reich. In its reticence on what exactly the powers of the emperor might be, however, the treaty positively provoked further debate about Chemnitz's aristocratic theory.

At the same time, the participants in the debate after 1648 shared much common ground. Hermann Conring's research into the origins of German law, published in 1643, confirmed definitively what other writers on politics had frequently asserted: despite the use of the word 'Roman' in its title, there was no link between the Roman Empire and the German Reich; consequently, Roman law had no compelling validity for the Reich, and a proper understanding of the Reich could only be achieved by the study of its idiosyncratic traditions and practice.[3] Conring thus liberated the Reich from a mass of ideological ballast and focused interest on the way that it functioned as a polity.[4] He himself did not contribute further to this field of study. In 1650, he moved from his professorship of natural philosophy to the chair of politics at Helmstedt, and until his death in 1681 he concentrated on the history of the various territories, rather than on the history of the Reich. He did not explicitly reject the *superioritas* of the emperor. On the other hand, his failure to produce a satisfactory explanation of the relationship between

[1] Stolleis, *Öffentliches Recht*, i, 218–21.
[2] Stolleis, *Öffentliches Recht*, i, 218–21; Burgdorf, *Reichskonstitution*, 56–62.
[3] Stolleis, *Öffentliches Recht*, i, 231–3; Gross, *Empire*, 255–86.
[4] Willoweit, 'Conring', 144.

territories and Reich fully reflected the ambivalence of the Peace of Westphalia and the early post-war attempts to limit the emperor's powers.

The following decades saw a number of new attempts to define the Reich. The most important academic contribution was probably that of Conring's student Ludolf Hugo (1630–1704), whose *De statu regionum Germaniae* ('Of the Constitution or Legeal Status of the German Territories') of 1661 defined the Reich as a state composed of states.[5] Like others before him, Hugo distinguished the Reich from the Swiss or Dutch model of a confederation which arose from treaties concluded among equals. In the Reich, he argued, power was divided between the empire and the territories. The princes exercised supreme power over some areas, yet in others they were subject to laws agreed upon by both emperor and Reich. While Hugo achieved considerable academic recognition in his own lifetime, his work failed to make the kind of impact achieved by Pufendorf and Leibniz, whose writings were direct contributions to the debate about reform. Hugo's definition was, however, to become fundamental to the theory developed by Johann Stephan Pütter after 1750.[6]

Few treatises on the Reich have been more frequently cited than Samuel Pufendorf's *Severini de Monzambano Veronensis de statu imperii Germanici* ('The Present State of the German Empire by Severinus de Monzabano Veronensis') of 1667. Presented as the work of an Italian visitor to Germany, it was written in a non-academic style, and its criticism of the Reich immediately provoked furious debate.[7] The phrase that many contemporaries focused on—the description of the Reich as 'monstro simile'—has also provided a leitmotif for many modern historical accounts of the Reich. In fact, many contemporaries and subsequent historians simply misunderstood Pufendorf's intentions. His critics accused him of insulting the Reich. Pufendorf insisted that his aim had merely been to point out its singularity, and to avoid confusion he subsequently modified the phrase to read 'tantum non monstro simile' ('all but similar to a monstrosity') and finally removed it from the text altogether.[8]

Written when Pufendorf was professor of jurisprudence at Heidelberg (1661–68), the book set out to examine the Reich as it was. It paid homage to Conring, and presented a comprehensive history of the Reich. At the same time, it also sought to answer the questions thrown up by the view of Bodin and Hobbes that sovereignty was indivisible. Pufendorf suggested that the present German system originated in the decision of the dukes to elect a king from among their number on the extinction of the Carolingian dynasty. While the feudal system had usually involved a king conferring rights on nobles who then remained subservient to him, the German nobles had conferred rights on their king and had retained their dignities and powers.

[5] Gross, *Empire*, 359–62; there is a modern edition: Hugo, *Rechtsstellung*.
[6] See pp. 441–4.
[7] For the following see: Hammerstein, 'Pufendorf', 188–95; Aretin, *Altes Reich*, i, 346–50; Stolleis, *Öffentliches Recht*, i 233–7; Burgdorf, *Reichskonstitution*, 68–77; Gross, *Empire*, 311–28; Roeck, *Reichssystem*, 24–74.
[8] Gross, *Empire*, 322.

The Reich, Pufendorf argued, was neither a true monarchy nor a true federation. Its inherent weakness was exacerbated over the centuries by the limitations placed upon royal power by capitulations, laws, and customs and by the princes' increasingly vociferous assertion of their rights, all of which explained the problems of the present. The Reich had no army and no finances.[9] The emperor and the princes were suspicious of each other; the Imperial Estates were divided among themselves, and many sought to further their ambitions by engaging in foreign alliances. All of these divisions were intensified by the religious discord in the Reich. Internal security was precarious; the threats posed by the Turks and France had revealed how vulnerable the Reich was to external attack.

Pufendorf drew two conclusions from his analysis of the Reich. The first was a definitive answer to the question about the nature of the German polity. For Pufendorf, it was clear that the Reich could not be accommodated within the conventional categories of democracy, aristocracy, or monarchy. In that sense, it was 'monstro simile', for it was an irregular body. From Hobbes, Pufendorf derived the term 'systema irregularis', a union of bodies of unequal power, as opposed to a 'regular' system where 'one man or assembly of men' is constituted 'representative of the whole number'.[10] The Reich was a unique polity *sui generis* or, as he later explained, something midway between a monarchy and a federation.[11] It was quite unlike the Swiss Confederation or the Dutch Republic, just as it was unlike the French monarchy.

Pufendorf's second objective was to present a series of remedies for the malaise of the Reich. Here, it is striking that he took great pains to reject the anti-imperial proposals of Chemnitz. Though he was critical of the Habsburgs, he rejected Chemnitz's demand for their expulsion. For anyone else elected emperor would surely simply seize the Habsburgs' lands and seek to establish their own dominion over the Reich. Far better, he concluded, to do everything possible to strengthen inner unity. There should be a general guarantee of all the Imperial Estates; future disputes should be resolved by independent arbitrations. The fundamental principle is that 'everyone's rights should be preserved and that no one may oppress the weaker [Estates], so that despite inequalities of power all should have the same freedom and security'.[12] Alliances between German princes and foreign powers should be avoided. Since it was unlikely that the Habsburgs would accept a central advisory council of the Estates, the princes should appeal to them to limit the powers they were given; the princes themselves should, however, strenuously resist any attempt to diminish their own rights.

The same anxiety about the extension or abuse of royal powers led Pufendorf to reject outright any proposal that the Reich should develop a standing army. His suggestion that such a thing would not be needed as long as the Reich restricted itself purely to defence was to become an enduring theme in the eighteenth-century literature on the Reich.[13] In relation to the defence debate of his own day, he clearly

[9] Pufendorf, *Verfassung*, 122.
[10] Roeck, *Reichssystem*, 36.
[11] Gross, *Empire*, 324–6.
[12] Pufendorf, *Verfassung*, 128.
[13] This had previously been suggested by Reinkingk: Link, 'Reinkingk', 96.

stood on the side of those who wished to see a system of ad hoc forces mobilized in response to specific emergencies and composed of contingents supplied by the Estates.[14]

In much of his diagnosis, and in many of his remedies, Pufendorf did not differ much from other contemporary reformers. However, his perspective on the confessional situation was more anti-Catholic than most. Almost all works devoted to either reform or interpretation after 1648 proceed from an acceptance of the confessional division, though the possibility of overcoming it also formed an important theme.

Pufendorf too aimed at harmony, but he held the Catholics largely responsible for the current discord, and his cure for the ills of the Reich sought to curb them. It was not surprising, he wrote, that many believed the Church had become like the Leviathan described by Job.[15] It had merely accumulated wealth for its clergy, hidden the divine truth from the laity, and developed a papal ruler with God-like authority. The monasteries should now be disbanded and the Jesuits driven out of Germany; the resulting funds would be more than enough to finance an army that all Germany's neighbours would fear. As for the bishops, doing away with them might create more problems than it solved, for their lands might fall into the hands of either emperor or princes, which would disrupt the equilibrium in the Reich. Better that they should mend their ways and remember that they owe their bishoprics to Germany and that, as German princes, they should love Germany more than Rome.[16] It would have been best, Pufendorf concluded, if all Germans had converted to Protestantism following the Reformation, for there was nothing in either Lutheranism or Calvinism that was contrary to the teaching of politics and hence to the harmonious coexistence of emperor and Estates in the Reich.[17]

Pufendorf's sneering anti-Catholicism accounted for much of the outrage that his work generated. Some focused on the supposed insult delivered to the Reich by the use of the term 'monstro'. Others sought to re-establish the theoretical foundations for the emperor's monarchical authority in the Reich.

Yet Pufendorf's influence endured. That was partly because of the sheer readability of his text. He also revised it repeatedly. He excised overtly anti-Catholic and anti-Habsburg passages and, finally, in the last edition he prepared, and that appeared posthumously, he dropped the guise of an Italian traveller and moderated the ironic-satirical tone. He also updated his text, suggesting in the final version, for example, that the Reichstag in permanent session had taken the place of the central advisory council he had initially thought desirable.[18] Above all, Pufendorf's decisive rejection of Chemnitz, his affirmation of the Reich as a legal order, as well as his assertion of its unique character that did not correspond to any theoretical categories, made his work into one of the key patriotic tracts of the late seventeenth century. His description of the

[14] Pufendorf, *Verfassung*, 129–30. See also pp. 39–41, 54–5, 100.
[15] Pufendorf, *Verfassung*, 138. [16] Pufendorf, *Verfassung*, 143–4.
[17] Pufendorf, *Verfassung*, 133–4, 144. [18] Schmidt, *Geschichte*, 189.

Reich as a 'system' remained part of the political vocabulary of the Reich until 1806.[19]

Johann Georg Kulpis (1652–1698) was the most influential among the many Protestant critics who castigated Pufendorf for having denigrated the Reich. His disapproval of Pufendorf inspired him to build on Conring's work and to elaborate an historical account of imperial law and tradition as the basis for the current constitution of the Reich. His *De observantia Imperiali, vulgo Reichs-Herkommen* ('Of the Custom or Traditions of the Reich') of 1685 soon established itself as the standard work. Kulpis himself entered the service of the Duke of Württemberg in 1686 and launched a number of initiatives designed to re-energize the Reich, notably through the military organization and association of the south German Kreise in the Palatinate war of the 1690s.[20] The work of Kulpis and others, such as Gabriel Schweder (1648–1745), of Tübingen, formed a link between Conring's great discoveries of the 1640s and the systematic analysis of German imperial law by Johann Jacob Moser (1701–1785), who had been influenced by Schweder as a student.[21]

Pufendorf's critics also included perhaps the most prolific of all late seventeenth century commentators on the Reich: Gottfried Wilhelm Leibniz (1646–1716). Then aged only twenty-one but already a doctor of both laws, Leibniz immediately denounced Pufendorf's essay because he believed it made the Reich into a meaningless and empty system. Pufendorf was 'not enough of a lawyer and barely a philosopher'.[22] In particular, Leibniz seems to have been disturbed by Pufendorf's divorce of law from morality and by his apparent denial that the Reich was a state. His own writings on the Reich were characterized by persistent attempts to reconcile the differences between emperor and princes, and to present the Reich as a unity. At the same time Leibniz, unlike many other, if not most, German commentators after 1648, always viewed the Reich in European perspective and in some senses as the potential starting-point for the unification of Christendom and the creation of a new world order. In this respect, he espoused an idealized version of the medieval universal view of the Reich which he believed might be translated into a new rational world system in the future.[23]

The starting-point for Leibniz's reflections on the Reich was similar to that of Pufendorf and others. During his lifetime, the Reich was perennially threatened by France, and many of his proposals for the Reich were concerned with the need for it to defend itself against the French.[24] At the same time, Leibniz was generally writing from the perspective of his princely employers: the Elector of Mainz between 1668 and 1672 and various rulers of the house of Hanover from 1677 until his death in 1716. During his long service in Hanover, in particular, he worked tirelessly to promote the concerns of the ruling house, and produced a stream of pamphlets that

[19] Roeck, *Reichssytem*, 30–6; 64–7.
[20] Roeck, *Reichssystem*, 88–101; Burgdorf, *Reichskonstitution*, 100–2; Gross, *Empire*, 288–90; Plassmann, *Krieg*, 292–330.
[21] Gross, *Empire*, 290–2, 400; *ADB*, xxxiii, 323–5; Walker, *Moser*, 16–18, 25–6.
[22] Gross, *Empire*, 327; Roeck, *Reichssystem*, 41–5.
[23] Hammerstein, 'Leibniz', 94–5; Gross, *Empire*, 350–1.
[24] For the following, see Hammerstein, 'Leibniz'; Schneider, 'Leibniz'; Gross, *Empire*, 329–53; Wolf, 'Idee', 133–68; Dreitzel, 'Zehn Jahre', 395–475.

were quite shameless in their advocacy of causes such as the creation of the Hanoverian Electorate. At the same time, however, he repeatedly asserted the identity of interest between the emperor and the princes. As he wrote in Mainz: 'I start from the assumption that Electoral Mainz and the Reich share a common interest.'[25] He expressed similar sentiments repeatedly throughout his career.

The attempt to reconcile the interests of emperor and princes informed both the numerous reform projects that Leibniz pursued and, rather less successfully, his constitutional analysis of the polity. The need for unity gave rise to initiatives in six areas: military reform, political unity, religious reconciliation, a new code of law, economic reform, and cultural renewal. The religious, economic, and cultural dimensions of this agenda have been treated already.[26] Leibniz's legal reform proposals did not advance very far.[27] As early as 1666, he had proposed a thorough revision of the Justinian *corpus juris civilis* that would eliminate all controversies and provide a modern legal code for the Reich. The revised text was to be translated into German.

On three occasions (1671, 1677, and 1688), Leibniz wrote to the emperor offering to produce such a *Codex Leopoldinus*.[28] On each occasion, however, the response was negative. Quite apart from the distraction of military crises at the time of each approach, it would have been extremely difficult to persuade all the Estates to adopt such a general reform. Indeed, the Habsburgs themselves would not have been keen to subject their lands to a uniform code of imperial law. Leibniz eventually concluded that a new system of law for the Reich would only emerge once the larger territories produced a new system based on natural law: eventually a synthesis of those systems would be adopted for the Reich as a whole. Proposals Leibniz made for a comprehensive legal reform of Hanover and Brandenburg were conceived as a first step towards this end.

As a military reformer, Leibniz first intervened in 1670 with a proposal for an alliance of German princes with an army of 20,000 men to defend the western frontier of the Reich.[29] In 1681, he argued for the creation of an imperial army composed partly of a citizens' militia and partly of mercenaries under the command of a general appointed by the emperor. The proposal was based on the conviction that the Reich could survive only if the emperor allied himself with the more powerful princes. Leibniz's ideas here clearly reflected the position of his employer Duke Ernst August of Hanover, one of the armed princes who believed that the unarmed Estates should provide quarters and money for forces such as his own.[30]

The political and constitutional problems inherent in Leibniz's approach were glaringly apparent in his one work on imperial public law that appeared in 1677. The work advanced the claim of his then master Duke Johann Friedrich of Brunswick-Lüneburg to send ambassadors to the peace talks at Nijmegen and to have them accorded full recognition. In his *Caesarini Fürstenerii tractatus de jure suprematus ac legationis principum Germaniae* ('On the Law Pertaining to the Rule of German Princes and their Right to Send Ambassadors'), Leibniz sought to justify

[25] Schmidt, *Geschichte*, 190.
[26] See pp. 79–94.
[27] Gross, *Empire*, 331–4.
[28] Gross, *Empire*, 332–3.
[29] Gross, *Empire*, 335–40.
[30] See pp. 39–41, 54–5.

the case by developing a federal theory of the Reich that harmonized the interests of emperor and princes.[31] On the one hand, he defined the position of the emperor as God's deputy on earth and defender of the universal Church on earth, who possessed full majesty in the Reich. On the other hand, he argued that the Electors and the more powerful princes enjoyed what he called *suprematus*, or real sovereign power, over their lands. For that reason, he reasoned, the Electors should have equal status to crowned heads or to the Dutch Republic or Venice, while the Electors in turn should recognize the other German princes as equal in status to the Italian princes. The compromise was designed to resolve the tension between Electors and princes that had run through German politics since 1648, as well as to give both the right to be fully represented at international peace negotiations.

Two problems immediately presented themselves. First, Leibniz had to distinguish between those Imperial Estates that he believed enjoyed sovereignty or *suprematus* and the less powerful Estates that merely exercised internal supremacy and jurisdiction, which he termed *superioritas territorialis*. Second, he needed to reconcile the idea of the sovereignty of the Electors and princes with their obligations to the emperor. Here, his solution was to contradict Hobbes and to argue that sovereignty was in fact divisible.[32] The Reich, he suggested, was more than just a confederation; it was a union that had developed a personality that was not simply the sum of its various parts. The emperor was the supreme feudal overlord; he enjoyed authority, though he did not wield absolute power. The Electors and princes had originally entered into a feudal relationship with the emperor and thus still owed him allegiance.

Leibniz never managed to square the circle. Between 1677 and 1691 he produced no fewer than sixteen draft revisions of the (slightly simplified) French version of the *Caesarini Fürstenerii*.[33] With each successive draft, he strengthened the emperor's authority and emphasized the obligations to the Reich imposed on princes by virtue of their oath of fealty to the emperor and by reason: in international affairs the princes were sovereign actors; in the Reich they were obliged to act as loyal subjects of the emperor. In the last resort, he argued, it was simply rational and logical for the princes and others to want to be loyal to the Reich, because it represented the best model of a Christian community. That was also partly the point of promoting religious reunification or national academies devoted to language and science: to reinforce the ethos of the Reich and to strengthen its inhabitants' sense of living at the centre of what might yet again become a universal Christian world order.

Leibniz's analysis of the Reich focused exclusively on the relationship between the limited number of 'sovereign' princes and the emperor. It was silent on the subject of the rights of the less powerful Estates, such as the Imperial Cities, the Imperial Prelates, or the Imperial Knights, and he had nothing to say about the Kreise, which played such an important role in southern Germany. He was also

[31] Gross, *Empire*, 341–8. '*Caesarinum Fürstenerium*' was a pseudonym.
[32] Gross, *Empire*, 344. [33] Gross, *Empire*, 348.

unusual in that he retained in his vision something of the mystique of medieval universalism and remained squarely in the tradition of Central European encyclopedism.[34]

Yet, for all their inadequacies and idiosyncrasies, Leibniz's reflections, taken as a whole, formed a powerful statement of the unity of the Reich and of its continuing relevance in the modern world. It is difficult to assess his real impact. Many of his projects were never published, but merely discussed with friends.[35] Almost none actually succeeded. He undoubtedly helped promote the political interests of his various masters, but the house of Hanover would surely have gained its Electoral title without his support. In some ways, both Leibniz and Pufendorf were significant for having encouraged a focus on the historical origins of the rights of the territories that bore fruit after about 1690 in a series of major publications by various authors.[36] In the longer term, each contributed to the development of German natural law theories of the state. In the short term, over nearly sixty years, Leibniz's distinctive voice was a constant presence in imperial politics that worked to reinforce the revival of the Reich after 1648 and to ensure that it became something more than just a loose confederation.

[34] DaCosta Kaufmann, *Court*, 258–9.

[35] Drcitzel, 'Zehn Jahre', 475. Much of Leibniz's philosophical work, some of which was published in articles and some of which remained in manuscript, remained known largely to those with whom he corresponded until long after his death in 1716. Some key ideas were popularized when Christian Wolff used them to develop his own system in the 1720s. Despite the appearance of his *Theodicy* in 1710 and of the *Monadology* in 1721, serious engagement with Leibniz's ideas in Germany did not begin until after the publication of the first editions of his essays in 1765 and 1768. See Wilson, 'Reception', 442–4.

[36] See pp. 192–201.

II

CONSOLIDATION AND CRISIS, 1705–1740: THE REICH UNDER JOSEPH I AND CHARLES VI

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Two Wars and Three Emperors

The last years of Leopold I (d.1705) saw the outbreak of two major international conflicts that had a profound impact on the government of the Reich by his successors, his sons Joseph I (r.1705–11) and Charles VI (r.1711–40). Neither the War of the Spanish Succession (1701–14) nor the Great Northern War (1700–21) was actually about Germany as such: the Spanish conflict revolved around the future of Spain and her possessions following the death of Carlos II in November 1700; the northern conflict was the final act in Sweden's attempt to establish hegemony in the Baltic. Both conflicts marked the culmination of a major issue that had overshadowed European politics since 1648, and their resolution created a new framework for international politics. Both, however, also had profound implications for the Reich.

The Reich was drawn into the Spanish conflict in a major way with a formal declaration of war against France in September 1702. It did not become formally involved in the northern war, though the major north German powers of Hanover, Brandenburg-Prussia, and Saxony played a key role, and the emperor was intermittently active as a mediator. Each conflict also illustrated key features of the status quo in the Reich. The Spanish war was characterized by a tension between the various Habsburg roles as rulers of Austria, as Holy Roman Emperors, and as Habsburg dynasts.[1] The northern war marked the effective end of the Swedish presence in north Germany and the emergence of Russia as a European power, and it also illustrated the problems posed for the emperor by the activities of powerful princes who combined their German imperial fiefdoms with foreign crowns.[2]

The overall result of these events was a further consolidation of imperial authority in the Reich. Leopold had relied largely on influence and on the authority that derived from his long years on the throne and his success in warding off the assaults of the Turks and the French. In a different international and military context, both Joseph I and Charles VI sought to wield power more directly and forcefully. A difference of personality between Leopold and his sons certainly played a part: the succession of Joseph saw a new energy and imperiousness in imperial government; the transition from Joseph to Charles again brought different perspectives. The changing imagery of imperial majesty is suggestive: Leopold employed symbols that suggested him as mediator between heaven and earth, between humanity and deity; Joseph favoured the image of the sun in imitation

[1] Hochedlinger, *Wars*, 174–93; McKay and Scott, *Rise*, 54–63.
[2] Duchhardt, *Altes Reich*, 73–8; McKay and Scott, *Rise*, 77–93: Frost, *Northern wars*, 226–300.

of his arch-enemy, Louis XIV; Charles adopted the image of the Pillars of Hercules, the symbol of Habsburg power once used by Charles V.[3]

Some have argued that Leopold's sons were driven by different imperatives and that the Reich no longer mattered to them as much as it had to Leopold, that the tension between the Austrian monarchy and Reich had now been resolved in favour of Austria.[4] Certainly, the consolidation of the Habsburg position in Italy allowed for the revival of visions of a wider empire that had inspired Maximilian I or Charles V, of which the German Reich was but a part. Yet, at the same time, the acquisition of the Spanish Netherlands revived the possibility of other initiatives in the Reich itself, for it renewed the imperial presence in the north-west for the first time since Charles V. Both Joseph and Charles continued many policies originally developed by Leopold. Their roles as rulers of Austria and Holy Roman Emperors were not incompatible. They did not consciously choose between them. It was only in relation to Spain that they, like Leopold, were forced, during the War of the Spanish Succession, to choose between their roles in Austria and the Reich on the one hand and their roles as Habsburg dynasts on the other.

Any consolidation of Habsburg authority in the Reich was inevitably problematic: consolidation always generated resistance to a strong German monarchy. This was exacerbated after 1720 by the increasing self-assurance of the 'royal' princes, notably the Electors of Hanover (King of Great Britain) and Brandenburg (King in Prussia). German historians traditionally focused on the emergence of a Prussian challenge to the Habsburgs, and Frederick the Great's seizure of Silesia in 1740 certainly represented that. Yet in the 1720s the Prussian case was essentially one among several, in fact a German manifestation of a wider European problem for the emperors. Ever since 1648, other European rulers had been increasingly unwilling to recognize the emperor's precedence among his fellow monarchs: the English court was not alone in refusing to grant the emperor's ambassadors and envoys a more elaborate ceremonial than any other ambassadors; the emperor's insistence on the traditional ceremonial forms in Vienna was countered by the refusal of Britain, Sweden, Denmark, and France to send ambassadors at all.[5] Such ceremonial issues were important because they made real political statements.

Yet one should not conclude that the emperor's position was undermined or even seriously threatened. The claim to precedence was still made forcefully, and plausibly, in the 1720s. The imperial title was still crucial to the Habsburgs, and it carried great weight both in the Reich and, although perhaps to a lesser degree than in the sixteenth century, in Europe more generally.

Charles VI undoubtedly faltered in the 1730s, and by the end of the decade little remained of the commanding position he had enjoyed in the 1720s. Traditionally, this has often been ascribed to mistakes that Charles made, particularly in his foreign policy.[6]

[3] Schmidt, *Geschichte*, 262–3; Ingrao, *Monarchy*, 122–3; DaCosta Kaufmann, *Court*, 289–303; O'Reilly, 'Lost chances', 68.
[4] See, for example, citing others who support his view, Klueting, *Reich*, 97–123.
[5] Pečar, 'Symbolische Politik', 291–2.
[6] Aretin, *Altes Reich*, ii, 333–50.

His engagement in the War of Polish Succession of 1733–8 was ill judged. Yet it was not the kind of national crisis from which his predecessors had so often benefited: there was no threat to the Reich from either the Turks or the French.

More important than that was the simple fact that Charles had no male heir. While he continued to govern the Reich effectively, his efforts to secure the succession of his daughter to his Austrian and other territories advertised the fundamental problem of his reign all too clearly. From the early 1720s, the succession and the need to guarantee it by securing the support first of the various Estates of his own lands, then of the Reich and the various European powers, became an increasingly dominant policy objective. None of that, however, could alter the fact that the imperial crown, which the Golden Bull specified could only be worn by a man, would inevitably be lost. Ironically, the brief tenure of the imperial crown by the Wittelsbach Charles VII (r.1742–45) subsequently demonstrated that there was no viable alternative to the Habsburgs, to whom the Electors then turned again.

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Leopold I, Joseph I, and the War of the Spanish Succession

The Spanish succession had preoccupied the courts of Europe since the 1650s.[1] The fact that the sickly Carlos II lived unexpectedly long had merely postponed the issue and multiplied the options. The two strongest claims were those of Austria and France. The Austrian case was based on the principle of the dynastic unity of the house of Habsburg and on Leopold's first marriage to the Infanta Margaretha Theresia, Philip IV's younger daughter. The French case was based on the marriage of Louis XIV to her elder stepsister, Maria Theresa, following the Peace of the Pyrenees in 1659. While as part of the marriage settlement the latter had formally renounced any right to the succession, France could claim that the agreement was nullified by Philip's failure to pay the dowry that Louis XIV had been promised under the terms of the treaty. The secret Franco-Austrian compact of 1668 had envisaged a partition, with Spain itself and the north Italian territories going to the Habsburgs, while France was to receive the Franche-Comté, Navarre, Naples, and Sicily, and the Spanish lands in North Africa and the Philippines. By the 1690s, both France and Austria had moved on from that plan, but the fact that Austria had assented to the principle of partition remained important.

In Spain the idea of a partition was unpopular. Until the early 1690s, Carlos II inclined to leave the entire Spanish inheritance to his Austrian relatives. But then a promising compromise option gained ground in the person of Elector Max Emanuel of Bavaria, who had married Archduchess Maria Antonia, the sole child of Leopold's Spanish marriage. The fact that she too had renounced her claims to the Spanish succession on her marriage did not dampen Max Emanuel's ambitions. In 1691, he was appointed stadtholder in the Spanish Netherlands, and the birth of his son, Joseph Ferdinand, in October 1692 immediately created a new pretender to the Spanish throne.

Austria's insistence on its right to the undivided inheritance undermined several attempts to find an acceptable solution. These efforts were renewed after the conclusion of the Palatine war in 1697, with William III emerging as the main broker in an effort to avert a further international conflict. William's engagement was by no means disinterested, for Spain and the Spanish Indies were key export markets for both Britain and the Netherlands, which both powers were anxious to

[1] The best brief account of the conflict is Hochedlinger, *Wars*, 174–93. See also Aretin, *Das Reich*, 119–27.

protect and, if possible, extend. Louis XIV was now also willing to compromise provided that France received compensation in recognition of its rights. In October 1698, William III and Louis XIV concluded the First Partition Treaty, which gave the Spanish crown to Joseph Ferdinand of Bavaria, Milan to Leopold's younger son Charles, and the rest of Spanish Italy (Naples, Sicily, Tuscany, and the marquisate of Finale) and the Spanish province of Guipúzcoa, south of the Pyrenees, to France. Only four months later, this plan was undermined by Joseph Ferdinand's sudden death. A Second Partition Treaty, concluded in June 1699 between England, the Netherlands, and France, gave the Bavarian inheritance to Archduke Charles but, in addition to confirming the Dauphin's inheritance in Italy, ceded Milan to France. The intention was that Louis XIV might use Milan to compensate the Duke of Lorraine, whose territory could then finally be integrated into the French kingdom.

This new development was wholly unacceptable to Vienna. Although Archduke Charles stood to gain the Spanish crown, and Leopold fully believed in his son's right to the inheritance, his own priority as ruler of Austria lay in Italy. It was in Italy that Leopold had made the most elaborate preparations for the Spanish succession crisis from the 1660s, pursuing a more active Italian policy than any emperor since Rudolf II in the 1580s.

The problem had not changed over the intervening century. In Italy there was a network of some 250–300 fiefdoms of the empire, remnants of the Italian *regnum* of the Holy Roman Empire, whose heyday had been in the thirteenth and fourteenth centuries. That had always overlapped with and conflicted with the feudal network of the papacy, and a further complication was added when Charles V assigned his Italian possessions to Spain in 1556, which left the King of Spain holding Naples, Sicily, Milan, and Genoa as a vassal of the emperor. Following the bitter disputes between Rudolf II and Philip II over spheres of influence and authority in Italy, the Austrians had been content to accept the Spanish presence.[2] They were also content to allow Spain to carry the main burden of the defence of Italy from France during the Thirty Years War. As late as 1678, Leopold simply invested the governor of Milan with the powers of a plenipotentiary for Italy, an office that had not even been filled since the reign of Emperor Matthias and whose functions had been exercised rather haphazardly by the Reichshofrat. The Italian territories still legally came under the authority of the Reichshofrat in Vienna, and many of the smaller fiefdoms continued to regard Vienna as their protector against more powerful territories such as the papacy, Naples, Tuscany, Milan, or Savoy.

The increasingly evident decline of Spanish power, and continued French interference in northern Italy, prompted renewed efforts to re-establish Austrian control. Lists of fiefdoms were drawn up with the help of Spanish officials. In 1687, a new imperial plenipotentiary was appointed. In 1690–1, Prince Eugene tried for the first time to levy an imperial tax in Italy to support the war effort.[3] Then, in 1696, an edict ordered all vassals to present their deeds of enfeoffment and to renew

[2] Aretin, *Das Reich*, 106–11. [3] Aretin, *Altes Reich*, ii, 87.

their oaths of allegiance within a year and a day on pain of forfeit. At the same time, a year before the end of the Palatine war, and without consulting England or the Netherlands, successful efforts were made to secure the agreement of France and Savoy to the neutrality of Italy. The neutrality treaty incensed William III, who wanted Leopold to continue the war against France in Italy. The renewal of fiefdoms incensed the papacy, some of whose own vassals now dug out ancient documents signed by Otto IV or Charles IV, ostensibly proving them to be vassals of the emperor. Even more important, and directly relevant to the Spanish succession issue, was the question of vacant fiefdoms. For in Vienna there was a growing determination that Milan, which would become vacant on the death of Carlos II, should revert to the crown.

This priority led Leopold to reject the Second Partition Treaty and to seek an agreement directly with Louis XIV that would have given almost everything to the Dauphin in return for the assignment of all the Italian territories to Austria. However, all calculations were upset by Carlos II himself, who had secretly drawn up a will shortly before he died on 1 November 1700. Respecting the strong feeling in Spain that the kingdom should remain undivided and united with all of its dependent territories, he left everything to Louis XIV's grandson Philip of Anjou, the second son of the Dauphin. Archduke Charles figured as the eventual heir only if both Philip and his younger brother, the Duc de Berry should die without heirs. The shock and outrage this generated in Vienna was balanced by apparent acceptance elsewhere as the young prince ascended the throne as Philip V in February 1701.

Buoyed up by the unexpected turn of events in Spain, Louis XIV proceeded to provoke all interested parties. He promptly contravened the terms of Carlos II's will, which prohibited the union of Spain with France, by affirming the new Spanish monarch's right to the French succession. Philip V soon made trade concessions to French merchants, which alarmed Britain and the Netherlands, who feared that France would now dominate the Spanish domestic and colonial trade. He advanced his forces against the Spanish Netherlands and Milan. In September 1701, for good measure, on the death of James II in French exile, he formally recognized James's son, James Edward Stuart, as James III, the legitimate King of England.

By then, a new Grand Alliance had been formed. The initial agreement fully reflected Leopold's Italian priorities. Philip V was to be allowed to retain Spain, but the Spanish Netherlands and all of the Italian territories were to go to Archduke Charles. Britain and the Netherlands were to be compensated with trade concessions made by Philip V, as well as by all conquests in the West and West Indies. Though in 1701 the alliance treaty left Spain to Philip V, the entry of Portugal into the war on the side of the Grand Alliance in 1703 brought about a change of course, for King Pedro insisted on the expulsion of the French. Leopold responded by devising an internal dynastic partition treaty (the *pactum mutuae successionis*), which installed Joseph and Charles as heads of two new Habsburg lines, each with the right to succeed the other, with Joseph's daughters given priority over Charles's daughters should there be no male heirs. Significantly, while both Leopold and

Joseph renounced their rights to Spain and its subsidiary territories, they retained ownership of Milan and the Marquisate of Finale as escheated imperial fiefs. Once that agreement had been concluded, Archduke Charles was despatched to Spain. In March 1704, he finally arrived in Portugal, though it was over a year before he was able to take Barcelona, from where he henceforth conducted his precarious rule over a realm that never in fact extended beyond Catalonia and Valencia.[4]

Leopold had decided to go to war and also dictated the strategy. Yet the pursuit of the war and the execution of the strategy owed much to the energy of his heir, Joseph. If at the outset of the Spanish crisis the Austrian response was clear, translating it into action was hampered by a sclerosis in the decision-making circles that surrounded the emperor, by administrative and fiscal incompetence, and by the general sense that things would come right in the end.

The failure of an early military initiative by Prince Eugene in Italy in 1701–2 and the beginnings of a campaign in the Netherlands and along the Rhine soon led to the emergence of a group dedicated to energetic reform and decisive action. Joseph himself was recognized as the leader of this 'young court', and Leopold appointed him head of a resources committee (Mittelsdeputation) charged with finding more revenue to revive a war effort that seemed doomed by lack of funds. The reformers suffered a setback in summer 1704, when Joseph was excluded from meetings of the war council and sidelined on all policy matters. When he succeeded his father, in May 1705, however, he was soon able to assemble an inner cabinet of leading reformers, over which he presided as first among equals.[5]

The fiscal and administrative reforms initiated in the first months of Joseph's reign fell short of a revolutionary modernization of the Habsburg system. He died before they could be completed. Yet they were almost certainly crucial in preventing a complete disaster before the upturn of the war itself brought new revenues from Italy and elsewhere.[6] In the meantime, the reforms made it possible for Joseph and his advisers to coordinate their response to events on the various fronts. For the obvious challenges faced in Italy, Spain, and the Spanish Netherlands were intensified by the outbreak of a new Hungarian uprising in 1703 and by the attack launched on Austria by the Elector of Bavaria in the same year. The nature and extent of the Austrian commitment in these various theatres differed, and scholars have disagreed sharply over the degree of significance attached to Germany and the Reich as opposed to the pursuit of Austria's interests as a great power.[7] Joseph's early death in 1711, at the age of thirty-three, precludes a definitive answer; after all, he never ruled the Reich in peacetime conditions. It seems likely that the dichotomy between Austria and the Reich is a false one. Joseph's reign was characterized by a more energetic approach to the government of the Reich, rather than a loss of interest in it.

The policies pursued by Joseph were frequently criticized by his alliance partners at the time. The Maritime Powers on the whole remained focused on the original

[4] O'Reilly, 'Lost chances', 54–61; Aretin, *Das Reich*, 255–322; Klueting, *Reich*, 97–111.
[5] Ingrao, *In quest*, 15–23. [6] Ingrao, *In quest*, 28–9.
[7] Schmidt, 'Joseph I', 194–8; Klueting, *Reich*, 97–111.

war aims in France and in Spain. Joseph was repeatedly deflected by other concerns and sometimes, in their view, failed to fulfil his obligations to the Grand Alliance. Yet, from the point of view of Vienna, each theatre of action imposed a different and compelling logic. The Reich was only one of several fronts.

The most important front was Italy.[8] This was the object of Prince Eugene's first successful campaign in 1701–2. When that faltered owing to lack of resources, attention was diverted to the north by problems in Germany. The situation in Italy was ameliorated in November 1703, when the Duke of Savoy, Victor Amadeus, was persuaded to change sides and conclude an alliance with the emperor in return for substantial territorial gains. The intervention of problems in Germany, however, allowed Philip V to establish his authority in both Milan and Naples. A major counter-offensive was required. In September 1706, Prince Eugene took Turin, and by March 1707 Bourbon troops had been driven out of all of northern Italy except Savoy, which French troops occupied until the end of the war. After the fall of Turin, the Maritime Powers urged Joseph to launch an attack on Toulon, but the response from Vienna was half-hearted, for the emperor also insisted on devoting a substantial force to an assault on Naples.

When Naples fell, Austrian hegemony in Italy was complete. By then, the imperial government had already taken decisive steps to extend its hold over northern Italy using methods reminiscent of the French Réunions of the 1680s. Old legal titles were revived; punitive measures were taken against those who had initially declared their loyalty to Philip V. In 1708, the Duchy of Mantua was confiscated following the prosecution of its ruler for treason; the lands of other rulers outlawed or found guilty of high treason by the Reichshofrat were sold. Even the pope was not immune: in 1708, imperial troops occupied the presumed imperial fiefdom of Comacchio, initiating hostilities that prevailed until 1711.[9]

The Italian campaigns were clearly designed to enhance Austrian power by creating a further territorial block alongside the Erblande, Bohemia, and Hungary. The revival of imperial prerogatives was, however, also carried out in the name of the Reich. Indeed, the policy of re-establishing imperial fiefdoms and of reasserting the authority of the Reichshofrat in northern Italy was encouraged by the Electors. Its architects were the Reichsvizekanzler Count Friedrich Karl von Schönborn, the Austrian Chancellor, Seilern, and Prince Salm, the influential lord high steward, though their aggression towards the papacy aroused the opposition of the Catholic Electors and prince-bishops, as well as a majority of the emperor's own councillors. Clearly, invoking the rights of the Reich and the emperor's coronation oath, which obliged him to seek to return all alienated fiefs to the Reich, was a pretext for the creation of a new Austrian sphere of interest. On the other hand, to have allowed Philip V to secure Italy for the Bourbons would have severely weakened Austria, both as a 'great power' and as the leader and sheet anchor of the German Reich.

A much lower priority was accorded to Spain and the future of Archduke Charles as Charles III of Spain. On the one hand, it was important to Joseph that Charles

[8] Aretin, *Altes Reich*, ii, 128–34, 194–215. [9] Press, 'Josef I.', 287

should succeed in Spain, for Leopold had promised that he should be granted the Tyrol and Further Austria if he failed. This would merely have revived the old problem of competing dynasties in Austria and formed an obstacle to the legal consolidation of the Habsburg lands. On the other hand, Joseph and his advisers seemed content to allow Britain, the Netherlands, and Portugal to bear the brunt of actually supporting Charles in Spain. In 1707, they preferred to take Naples, rather than focus on a mission to support Charles by invading Provence. Joseph's subsequent insistence on appointing the Bohemian aristocrat Count Martinitz as viceroy, sweeping aside Charles's nominee, Cardinal Grimani, was but another indication of his lack of regard for his brother's rights in southern Italy.[10]

When Austrian troops were finally sent to Spain under the command of Count Guidobald von Starhemberg, it was too little and too late to secure victory for Charles. By January 1711, French forces had captured Gerona and Catalonia was surrounded.[11] Charles was saved only by his brother's death, which necessitated his departure for Vienna to claim his Austrian inheritance. A year later, the conclusion of armistices by Britain and the Netherlands undermined Starhemberg's position completely. In September 1714, Barcelona itself finally capitulated, and the era of Habsburg rule in Spain was over for good.

Some have argued that concentration on Italy meant that Germany and the Reich were neglected: Joseph supposedly failed to secure the Reich's western frontier and to recapture for the Reich territory that had recently been lost to France. In fact, that was probably never a realistic option, but the German situation was also more complex from the outset. For one thing, the kinds of aggressive policy pursued in Italy were inconceivable there: they would probably not have made much impact against France, and the German Estates would not have accepted them anyway. Much has been made of the treatment meted out to the Reichsvizekanzler Friedrich Karl von Schönborn, the twenty-one-year-old nephew of the Elector of Mainz (Lothar Franz von Schönborn), who nominated him for the post in January 1705.[12] First, Leopold refused to confirm his appointment; then, Joseph confirmed him but progressively excluded him from all decisions except those that specifically concerned Germany. However, Schönborn's bitterness over the apparent diminution of his office should not disguise the influence that he continued to wield in German politics. In the longer term, it is true, the Austrian and Bohemian chanceries gained in importance. During Joseph's reign and through the first part of Charles's, however, both the Reichsvizekanzler and the Archchancellor in Mainz continued to play a crucial role.

Most of the German princes had joined the imperial cause, though some had initially jibbed at being drawn into what they saw as an Austrian war. Those with military forces preferred, as usual, to engage the bulk of their forces in the service of the various alliance partners in return for subsidies. Both Hanover and Brandenburg joined the Grand Alliance in their own right. Each was also obliged to support

[10] Press, 'Josef I', 286. According to the succession pact of 1703, Naples belonged to Charles.
[11] Hochedlinger, *Wars*, 185–6.
[12] Ingrao, *In quest*, 34–8; Klueting, *Reich*, 106–7.

the emperor by the grant of the Electoral title, in the one case, and the recognition of the royal title in Prussia, in the other. In addition, Hanover wanted to enhance its prospects of inheriting the British throne if Queen Anne died without heirs, while Brandenburg aspired to inherit at least some of the Dutch and German lands of William III.[13] Saxony remained preoccupied with Poland; the Elector's determination to secure his throne there involved him in several attempts to undermine Swedish power in the Baltic. Before long, however, he himself was driven out of Poland in 1705 and only returned in 1709, though it was several years before the kingdom was pacified.[14]

In south and Middle Germany, the Forward Kreise, together with the Austrian Kreis, formed the Nördlingen Association in 1702.[15] This appointed Margrave Ludwig Wilhelm of Baden (Turkish Louis) as its commander and had also formally joined the Grand Alliance. Though this association was based on the model of previous leagues, it was much broader than any before. Its prime function was defence against France, but it also gained support from many who saw it as a defence against the impositions of the armed princes. Indeed, many minor rulers who had previously sought to emulate the armed princes and play an independent military role now sought safety and security within an armed alliance. At the same time, there was from the outset a clear aspiration that the Association should not only play an independent military role but that it should also represent its interests directly in any eventual peace negotiations. The minor Estates of the Reich thus formed a block with aims and aspirations similar to those of the more powerful princes, except that their purpose was essentially defensive, rather than expansionist. This led to suspicion and some friction between the Association and the emperor. While the Association insisted from the outset that it viewed itself as being under the patronage of the emperor ('sub auspiciis caesaris'), it was also suspicious of Austria as a territorial power. This identification with the Reich rather than with the emperor as ruler of Austria was underlined by the fact that the Elector of Mainz, Lothar Franz von Schönborn, emerged as the de facto leader of the Association, though he did so in his capacity as Prince-Bishop of Bamberg, rather than as Imperial Archchancellor or Archbishop of Mainz.

At first, some of those who refused to join the war effort posed as much of a threat as France. The Wittelsbach Electors Max Emanuel of Bavaria and Joseph Clemens of Cologne negotiated with France, and the Catholic convert Duke Anton Ulrich of Brunswick-Wolfenbüttel refused to support the emperor because he was still deeply opposed to the creation of an Electoral title for his kinsmen in Hanover.

[13] William III, who died in March 1702, had in fact named Count Johann Wilhelm Friso of Nassau-Dietz as his Dutch-German heir and appointed the Dutch government as his executor. That did not prevent King Frederick I, basing his claim on the inheritance rights of his mother Louise Henriette of Orange, daughter of Frederick Henry of Orange-Nassau (1584–1647) and William III's aunt, from seizing the Counties of Lingen and Moers after William's death. He later acquired the principality of Neuchâtel in the Swiss Jura. An attempt to bargain for Orange as well in the peace negotiations after 1709 failed. See: Köbler, *Lexikon*, 383, 433, 461, 497.

[14] Stone, *Polish-Lithuanian state*, 249–53.

[15] For the following, see: Plassmann, *Krieg*, 366–473; Gotthard, 'Friede', 56–63; Wilson, *German armies*, 192–201; Wines, 'Imperial circles', 13–29.

Anton-Ulrich was easily dealt with when Leopold sanctioned the invasion of his lands by his cousins Georg Ludwig of Hanover and Georg Wilhelm of Celle. The Wittelsbachs, by contrast, were more dangerous. The Elector of Cologne allowed French troops into his territories in Cologne and Liège in May 1702, partly to prevent Dutch and north German troops from occupying them instead. This forced the hand of Max Emanuel of Bavaria, who hoped that his stadtholdership of the Spanish Netherlands might yet reap the reward of a share of the Spanish inheritance from either Leopold or, failing him, Louis XIV. His attempt to exert pressure on Leopold by seizing some Swabian cities in September 1702 in fact merely encouraged the majority of the German Estates to rally behind the emperor, so that the Reichstag formally declared war on France on 30 September 1702.

Military operations against France in the West had begun favourably. While British and Dutch forces took Roermond, Venlo, and Liège, Joseph himself led imperial troops against the French fortress of Landau in September 1702.[16] For the rest, however, Ludwig Wilhelm's Nördlingen Association forces opted to strike up a defensive position behind the elaborate land fortifications or lines that had been developed along the Upper Rhine since the 1670s.[17] Financial problems, policy disputes in Vienna, and the priority of other theatres then distracted attention away from Germany. Yet when Bavaria and France sought to exploit this, minds were soon concentrated again. In September 1703, the French crossed the Rhine and took Breisach to join the Bavarians in defeating an imperial army at Schwenningen-Höchstädt on the Danube. Max Emanuel then took Augsburg, invaded Passau, and advanced into Upper Austria as far as Linz.

The allied response decided the war. Marlborough marched an Anglo-Dutch force down the Rhine to join imperial and Kreis troops under the command of Prince Eugene and Ludwig Wilhelm of Baden on the Danube; together they inflicted a decisive defeat on the Franco-Bavarian army at Höchstädt-Blindheim (Blenheim) on 13 August. Max Emanuel fled to the Spanish Netherlands, and the French withdrew from south Germany, to which they only returned briefly twice again, in May 1707 and September 1713. Bavaria itself was subject to a harsh Austrian administration regime which managed to extract so much money and manpower from the territory that it provoked a serious peasant uprising within a year.[18]

Victory in south Germany immediately allowed Vienna to deal with a serious uprising that had developed in Hungary in the summer of 1703.[19] The Hungarian Ferenc II Rákóczi, the stepson of Imre Thököly, leader of the kurucok rebellion of the 1670s, hoped for French assistance to exploit the distraction of the Spanish war. Blenheim meant that neither Louis XIV nor Max Emanuel could send assistance, but Rákóczi gained ground nonetheless. His agenda of tolerant Catholicism stirred up the entire Hungarian opposition: the loss of both Transylvania and Hungary threatened, and, in 1704, Hungarian raids close to Vienna necessitated the rapid construction of earthworks to protect the suburbs. Britain and the Netherlands offered mediation and were irritated when Joseph refused to compromise. While he

[16] Hochedlinger, *Wars*, 180.
[17] Wilson, *German armies*, 55–6.
[18] Wilson, *German armies*, 116–17.
[19] Ingrao, *In quest*, 123–60; Hochedlinger, *Wars*, 174–93.

did not share his father's dogmatic Catholicism, he was unwilling to relinquish anything that Leopold had achieved and could certainly not accept Rákóczi's demands for international guarantees and an independent Transylvania.

The threat of secession became a reality in 1707, when a group of rebel Transylvanian Estates appointed Rákóczi prince of Transylvania and then the Hungarian diet at Ónod formally deposed Joseph and declared the Hungarian throne vacant. Both the Maritime Powers and the German Protestant princes objected to the Habsburgs' treatment of their Protestant subjects. Yet it was vital constitutional issues, rather than religion, that motivated Joseph's uncompromising position and which was underlined by the way that he avoided the concurrent north European conflict becoming linked either with the problems in Hungary or with the War of the Spanish Succession. By 1704, Charles XII of Sweden had driven King Augustus out of Poland back into his Electorate of Saxony and had installed Stanislas Leszczyński as king in Poland. In doing so, he had marched through Silesia. The Hungarian rebels looked to him with hope, while the Elector of Brandenburg calculated what might be achieved by an alliance between Sweden, Hanover, and Brandenburg.

Joseph was anxious to take no chances and effectively bought Charles XII off with the Second Treaty of Altranstädt on 1 September 1707.[20] The key point was that he made substantial concessions to the Silesian Protestants, which resulted in the restoration of their rights under the Peace of Westphalia and the reversal of the illegal re-Catholicization of Silesia implemented by the Habsburgs after 1648. It was fortunate that even the Turks refused to come to the aid of the Hungarian rebels. A crushing military defeat by imperial forces in August 1708 dented Rákóczi's movement, and the dispute finally ended with the Peace of Szatmár, concluded in 1711, shortly after Joseph's death. For the sake of securing the hereditary succession in Hungary and Transylvania, the Habsburgs agreed to rule according to the laws of the Hungarian kingdom.

Despite the vast resources poured into Hungary, the campaigns in Italy proceeded relentlessly. Meanwhile, the focus of the Spanish war shifted to the Spanish Netherlands. Marlborough's victory at Ramillies in October 1706 ended the stadtholderate of Max Emanuel; Brabant, Malines, and most of Flanders were taken by the end of the year. Eighteen months later, Marlborough and Prince Eugene repulsed another French counter-offensive at Oudenaarde (11 July 1708) and then took Lille. A final victory over France did not prove possible; a further attempt at that following the breakdown of the preliminary round of peace negotiations resulted in an allied victory at Malplaquet (11 September 1709), which was so costly that it probably undermined the allies' bargaining power.[21]

Yet, after Oudenaarde, the French were willing to negotiate for peace, which brought all the conflicting interests of the Grand Alliance to the fore.[22] At The Hague in May 1709, the French seemed willing to contemplate a complete Bourbon withdrawal from Spain, a security barrier for the Dutch, recognition of

[20] Press, 'Josef I.', 281–3.
[21] Lynn, *Wars*, 331–5.
[22] Aretin, *Altes Reich*, ii, 229–48.

the Hanoverian succession in Britain, and the expulsion of the Old Pretender from France, as well as the return to the Reich of Strassburg and those parts of Alsace taken by France during the Réunions between 1679 and 1681. On the other hand, they refused to accept an obligation to take military action against Philip V in the event that he refused to relinquish his lands.

A second round of negotiations at Gertruydenberg advanced no further, and soon afterwards allied solidarity began to crack when a new, peace-minded Tory government in Britain recalled Marlborough and entered secret talks with France. All calculations were then overturned by Joseph's sudden death on 17 April 1711. Since he had only two daughters, his inheritance went to Charles, which raised the spectre of a union of the Spanish and Austrian lands and the creation of an empire larger than that of Charles V. Despite the efforts of Louis XIV, Pope Clement XI, and the two outlawed Wittelsbach Electors (who were not finally admitted to the election), Charles was elected emperor with relative ease on 12 October 1711. He was the last remaining male Habsburg, which in itself encouraged some of the other Electors to vote for him.

While the British and the Dutch were content to support Charles's election as Holy Roman Emperor, they viewed the possible extent of his territories—from the Indies to Hungary and from Spain and Italy to the Spanish Netherlands—with alarm. Yet the British government urgently wanted peace, and after a devastating defeat at the hands of the French at Denain on 24 July 1712, the Dutch did too.

Within a year Britain, the Netherlands, Savoy, Portugal, and Prussia had concluded peace with France at Utrecht. The main point here was the decision to confirm the rule of Philip V rule in Spain, while the Habsburgs were confirmed in the Spanish Netherlands and in most of Italy, except that Sicily was awarded with a royal title to Savoy, and Sardinia was reserved for Max Emanuel of Bavaria. British commercial interests were satisfied with the possession of Gibraltar and Minorca and the grant of a thirty-year monopoly on the Spanish American slave trade. The Dutch were promised a security barrier, largely at the expense of the Habsburgs, though the precise terms remained to be agreed. Brandenburg-Prussia was confirmed in Neuchâtel, Moers, and Lingen, to which part of Guelders (henceforth to be known as Orange) was added. Frederick William I was also given the title and arms of a Prince of Orange, though he relinquished all claim to the Franche-Comté and the French principality of Orange itself. France also successfully insisted that Savoy should acquire Sicily with a royal title and that the Wittelsbach Electors should be restored to their lands and titles. Max Emanuel remained in possession of Luxemburg, Namur, and Charleroi until he was restored.

The emperor rejected the peace on the grounds that the Spanish settlement was unacceptable. Furthermore, the concerns of the Reich remained unaddressed. The demand for a defensive barrier to protect the Reich against France (*Reichsbarriere*) and the desire of the Protestant princes for the rescission of the infamous Article 4 of the Treaty of Rijswijk had been ignored.[23] Another round of military confrontations with

[23] Article 4 of the Treaty of Rijswijk (1697) had granted religious rights to Catholics in areas on the right bank of the Rhine (primarily the Palatinate) occupied by France during the war. This contravened the Peace of Westphalia and was bitterly opposed by German Protestants. See pp. 51, 151–6, 166.

France, during which French troops once more breached the Black Forest defence lines, failed to alter the treaty's substance.

At Rastatt in March 1714, Austria achieved the return of Breisach, Freiburg, and Kehl and the destruction of all French fortifications on the right bank of the Rhine. Charles VI was obliged to implement the full restoration of Max Emanuel, including the return of the Upper Palatinate, which had been transferred to the loyal Pfalz-Neuburg Elector of the Palatinate in 1706.[24] Since there was now no need to compensate Max Emanuel, Sardinia was assigned to the Habsburgs, though the Bavarians did not forget that they had been deprived of a royal title. No further progress was made on the *Reichsbarriere* or the Rijswijk stipulations; the treaty concluded with France on behalf of the Reich at Baden in Switzerland in September 1714 simply confirmed what had been concluded at Utrecht and Rastatt.

Did Joseph and Charles betray the Reich while pursuing their own aggrandizement in Italy and the Spanish Netherlands? The Reich itself was not formally part of the Grand Alliance, so it was in no position to make demands at all, and by 1714 there was little international interest in the views of the Reichstag on the war anyway. The Nördlingen Association, however, was a member of the alliance and the only one that emerged from the war with nothing.

Placed in a wider perspective, the question of Austrian policy takes on a rather different light.[25] Fundamentally, both Joseph and Charles agreed with the Netherlands and the Nördlingen Association that a barrier against future French aggression from Switzerland to the North Sea would be desirable. At the same time, Austria wanted to guarantee the security of Lorraine, which some believed could only be achieved by regaining not only Alsace, including Strassburg, but also Metz, Toul, and Verdun.

This went much further than simply insisting on the sanctity of the Peace of Westphalia: the bishoprics had been held by France since 1552 and were formally ceded in 1648. The Duke of Lorraine even wanted to have the Franche-Comté and other territories to form a defensive barrier that would secure him against future French aggression.

The northern barrier was relatively straightforward. Agreement on this was reached in treaties between Britain and the Netherlands in 1709 and 1713. These effectively renewed an undertaking entered into as part of the Grand Alliance in 1701 for a barrier to be created largely out of Spanish Netherlands territory (and partly funded by money from there too). This was, in fact, implemented by the Third Barrier Treaty concluded between the Netherlands and Vienna and guaranteed by Britain in 1715, which in turn allowed the transfer of the Spanish Netherlands back into Habsburg hands.

The *Reichsbarriere* plans went back to the 1690s, but they were all excessively complicated and, above all, they presupposed French compliance in undoing developments of the last one-and-a-half centuries.[26] Nothing would have been

[24] It had been transferred from the Palatinate to Bavaria in 1623.
[25] Aretin, *Altes Reich*, ii, 150–61; Wilson, *German armies*, 125–7, 199–201.
[26] Plassmann, *Krieg*, 343–5.

more congenial to the imperial government than a France contained by a ring comprising Savoy, Lorraine, and the Netherlands.[27] Schönborn's attempts to forge an alliance with the Dutch inevitably provoked the hostility of the imperial government, but it was unlikely to have produced results anyway. There were simply too many conflicting interests, and France, though exhausted by the war, had not been comprehensively defeated. On the other hand, the Nördlingen Association had at least achieved its primary war aim: the survival of all its members without loss.[28]

The outcome of the War of the Spanish Succession for the Reich was the restoration of the status quo, while Austria had undoubtedly gained significantly. The Spanish Netherlands, Naples, Milan, and Sardinia were ceded to Austria. Sicily and parts of the duchy of Milan went to Savoy, which also received Sardinia in 1718. Concessions subsequently had to be made to the Bourbons in Italy but, ultimately, a consolidated block of Habsburg territory was created in the north. Of direct relevance for the Reich was the acquisition of the Spanish Netherlands. Its significance was twofold. From the outset it was perceived as an asset that might be exchanged for Bavaria at some point, which became a key issue under Joseph II.[29] Also, this acquisition gave imperial policy a new focus and influence in the north-west of the Reich in the 1720s and 1730s. Not least, the Habsburgs now had a vested interest in the Reich as a transit route for their troops between the Austrian Erblande and Flanders: an 'Austrian Road' replaced the 'Spanish Road'.[30]

[27] Aretin, *Altes Reich*, ii, 157–8.
[28] Plassmann, *Krieg*, 473.
[29] Hochedlinger, *Wars*, 187. See pp. 399–400, 423–4.
[30] Hochedlinger, *Wars*, 186–7. On the Spanish road, see Parker, *Army of Flanders*.

14

Joseph I and the Government of the Reich

Joseph's reign was so dominated by the War of the Spanish Succession that his management of the Reich has often been viewed simply as yet another facet of the war effort. Clearly, the protracted struggle on several fronts against the 'devilish French', as Joseph liked to refer to them, was his prime preoccupation.[1] Yet, just as Joseph developed a distinctive policy in Italy, so he also pursued a distinctive policy in the German Reich. The contours of his approach were perhaps less clearly defined in Germany than in Italy. If 'Austrian' interests clearly prevailed over 'imperial' concerns in Italy, the different framework in Germany required a more nuanced approach. The obstacles to the unfettered exercise of imperial power were much stronger in Germany, for they were anchored in the law and custom of the polity itself.

Tension between 'Austrian' and 'imperial' interests and roles in the Reich was not, of course, new; indeed, they had lain at the heart of many of the major political problems in the Reich since the reign of Maximilian. As the Habsburgs' lands grew in size, however, and as their grip over them became more secure, the matter became more sensitive. Many in the Reich became increasingly aware of the sheer disparity in terms of size and power between the Habsburg lands and the majority of the territories within the Reich. This anxiety was further intensified by the imperial recovery brought about by Ferdinand III and Leopold I, which greatly enhanced the emperor's authority and extended the reach of his real power in the Reich.

It is significant that many contemporaries believed that this revived imperial power developed a new quality under Joseph I. Indeed, Rupert von Bodman, the Prince-Abbot of Kempten, who had served Leopold loyally for thirty years before he entered Joseph's service, believed the reign of Joseph to be a high point in the history of the Reich.[2] Others were more critical, and wary of the energetic exercise of royal prerogatives. Yet their response too is testimony to the new vigour that Joseph brought to the imperial role.

Despite the friction between Joseph and both the Reichsvizekanzler Friedrich Karl von Schönborn and the Imperial Archchancellor, the Elector Lothar Franz von Schönborn, the three had many attitudes in common. If the Reichsvizekanzler complained that he was excluded from decision-making on anything but purely German affairs, he was an enthusiastic ally of the emperor in attempts to breathe new life into the Reich. The problems between Joseph and Lothar Franz arose when the latter sought to promote the interests of the Estates, especially those included in the

[1] *NDB*, x, 614. [2] Press, 'Schwaben', 60.

Nördlingen Association, against 'Austria' and a powerful crown. However, both the Imperial Archchancellor and the emperor were fundamentally at one in their concern that the Reich should function and that it should be able to defend itself against attack.

Joseph was the beneficiary of the success of Ferdinand III and Leopold I. Yet he also seemed to aspire to exercise his powers in a less restrained and discreet manner than they had. To some extent that reflected the attitudes of a new generation. Unlike Ferdinand and Leopold, Joseph was not haunted by the trauma of the Thirty Years War. His attitudes were shaped by memories of the dynasty's flight from Vienna in 1683 and by the threat of France.[3] Leopold had defeated the Turks in the 1690s. In Joseph's mind, and in the minds of the members of the 'young court' that formed around him, the Spanish war offered the opportunity to deal with the French equally decisively. That, they believed, was essential for the emperor to be able to wield real power. As Joseph's tutor, Hans Jacob Wagner von Wagenfels, had taught in his *Ehrenruff Teutschlands, der Teutschen und ihres Reichs* ('In Praise of Germany, the Germans, and their Empire', 1691), the imperial dignity rested on the possession of power and territory; it was nothing if its bearer could not actively enforce it.[4] Significantly, Wagenfels's appeal was made to Germany and to the Germans, just as his teaching instructed Joseph in his prerogatives in the German Reich as well as in other parts of his diverse inheritance.

Wielding power in the Reich was never straightforward. The recognition in 1648 of the princes' right to conclude treaties with foreign powers, the emergence of 'armed' princes who used this right to engage in complicated subsidy arrangements, and the aspirations of some of them to acquire royal status and participate in international peace negotiations in their own right (and to their own advantage) added a new degree of complexity to the traditional problems. Even so, Joseph was able to execute some decisive moves that more than justified both the admiration and the distrust that he aroused.

Even without the war, the conditions for developing a purposeful policy were not good. For the first decade of the eighteenth century, the Reichstag was preoccupied and divided by a bitter wrangle between Protestants and Catholics over the religious implications of the Treaty of Rijswijk.[5] When the treaty was ratified, both the emperor and the Catholic princes had promised that they would not apply the religious stipulations, but the Elector of the Palatinate nonetheless persisted in granting freedom of worship to Catholic communities, in clear contravention of the Peace of Westphalia.

Elector Johann Wilhelm's actions amounted to little short of a blatant attempt at the re-Catholicization of the Palatinate. Furthermore, after 1701 there was no real legal basis for them, for the outbreak of the War of the Spanish Succession effectively nullified the Rijswijk treaty. Vociferous complaints by the Protestant Estates eventually brought about a rather ineffective commission of enquiry, and

[3] Ingrao, *In quest*, 31–3.
[4] Gross, *Empire*, 95–6, and for other Imperialist arguments of the 1690s, ibid., 353–6.
[5] Aretin, *Altes Reich*, ii, 163–72. See also pp. 150–6.

the problem was finally resolved by an agreement brokered by the Elector of Brandenburg in November 1705. This settled the question of the rights of the various confessional communities in the Palatinate and their claims to Church property, at least for the time being. It did not, however, remove the issue from the agenda. The Protestant Estates continued to agitate for the rescission of the Treaty of Rijswijk long into the negotiations for the conclusion of the Spanish war, and long after it was realistic to expect the allies to do it.

To some extent the issue was a real one and important in its own right, certainly to the communities whose right to worship and whose Church property were at stake. Its significance in the context of Reichstag politics was also partly symbolic. Neither Leopold I nor Joseph I even attempted to restrain the Elector Johann Wilhelm (their brother-in-law and uncle, respectively). After the agreement of 1705, Joseph refused a request from the Palatine Reformed communities that he should guarantee their rights, and in doing so he passed up an opportunity to prove his neutrality in imperial politics.[6] Joseph was known to be less pious and less dogmatic in religious matters than his father; his tutors had all been opponents of the Jesuits, another characteristic of the 'young court'. Yet here he seemed openly to affirm that he was as biased towards Catholicism as Leopold had been.

At the same time, there was more to it than simply religion. The Elector of Brandenburg's successful mediation was a minor stroke of political genius. He both usurped the Elector of Saxony's traditional role of protector of the German Protestants and the emperor's ideal role as mediator between the Reich's officially recognized confessions. It was an early example of the kind of Brandenburg-Prussian mimicry of the imperial role that Frederick the Great later specialized in. Joseph's stance was also based on sound power-political calculations. The Palatine Elector was not only a close relative and a Catholic but also one of his most dependable German allies, a key member of the imperial clientage in the Reich.

Joseph's treatment of the Catholic Wittelsbach Electors demonstrated little evidence of policy being shaped by Catholic solidarity. By siding with France after the Reichstag had declared war, Joseph Clemens of Cologne and Max Emanuel of Bavaria both contravened imperial law. In November 1702, the Reichshofrat considered their case and recommended that the Electors be asked to agree to them being outlawed. Prudently, they advised waiting until after Max Emanuel had been defeated; then there was a further delay while Brandenburg refused to act until the religious dispute in the Palatinate was resolved. Finally, in November 1705, the Electors (minus Cologne and Bavaria) unanimously voted in favour of action and the Reichstag was formally notified that the emperor had outlawed the rebels. The contrast between what then followed in Germany and the outcome of similar actions against the Duke of Mantua and others in Italy is instructive.

The case of Cologne was complicated by the fact that the emperor could merely confiscate his lands. Only the pope could deprive him of his episcopal titles, which

[6] Aretin, *Altes Reich*, ii, 170.

never happened. As for his territories, these were occupied by various forces at different times, but their administration remained in the hands of the cathedral chapters. Bavaria was of far more direct significance to the Habsburgs. While Leopold had agreed relatively benign terms of surrender with the Bavarian Estates, Joseph immediately imposed a much harsher regime, which soon provoked a serious peasant uprising. During the period of Austrian administration, some 22 million gulden were extracted from the Electorate.[7] Continuous Austrian occupation of Bavaria was to some extent a default position.[8]

Other solutions to the Bavarian problem were also discussed. The idea of integrating it into the Austrian Erblande was certainly considered, and the plans formulated at this stage were the foundation of later schemes Joseph II attempted to implement.[9] However, Joseph I's advisers apparently concluded such a move would have aroused intense opposition. It was clear that the Elector of Bavaria would have to be reinstated at some point. If Austria took Bavaria, that meant the emperor would have to be compensated for its loss.

Ideas of a Wittelsbach kingdom in Naples and Sicily were clearly fanciful. Unwittingly, Louis XIV helped by making Max Emanuel sovereign of the Southern Netherlands in January 1712, but this 'kingdom' was really a sham consisting of Luxemburg and Namur and 'ruled' by Max Emanuel from the comfort of a residence near Versailles.[10] Louis and Max Emanuel had hoped to secure more than just the restitution of Bavaria, but that was all they achieved.

Parallel to speculations about the future of the core Bavarian Duchy, other parts of Max Emanuel's territory had been subject to a process of what was referred to as 'Dismembration'.[11] The Upper Palatinate, acquired from the Palatinate in 1623, was returned to the Elector Johann Wilhlem, one of those who most resolutely encouraged Joseph to destroy the Bavarian Electorate. Other formerly independent counties and lordships were now also awarded to Habsburg favourites and high court officials. The small County of Leuchtenberg, which the Wittelsbachs had inherited in 1646, was given to Count Leopold Matthias Lamberg, one of the emperor's notorious favourites.[12] In 1705, Mindelheim was awarded to Marlborough, who thus became a prince of the Reich.[13] Donauwörth became an Imperial City again.

The strategy was to reduce Bavaria, to reverse the process of territorial consolidation whereby her rulers had integrated formerly independent enclaves or smaller neighbouring territories. Some of the newly acquired territories (for example, Mindelheim and Donauwörth) belonged to the Swabian Kreis, but most lay in the Bavarian Kreis, where the revival of independent territories meant more votes in the Kreis assemblies, which would undermine Bavaria's ability to dominate the Kreis. It was hardly surprising that the princes generally, especially the 'old princes',

[7] Aretin, *Das Reich*, 235 (fn 70); *HBayG*, ii, 449–53. Max Emanuel supported the rebel nobles in Hungary but treated the uprising of his own peasants with indifference, though he later wrote to his wife that his heart bled when he heard of what they had suffered on his behalf.

[8] Press, 'Bayern', 510–11; Press, 'Josef I.', 292–3.

[9] See pp. 399–400, 405, 408, 423–4.

[10] Aretin, *Das Reich*, 234–5.

[11] Press, 'Josef I.', 292–3.

[12] Aretin, *Altes Reich*, ii, 182.

[13] Press, 'Schwaben', 60.

who habitually formed the core of any opposition to the crown, feared that Joseph intended to undermine them by elevating new princes from among his own clientage.[14]

The Treaty of Utrecht reversed all of these changes without compensation. Marlborough's days as a German prince ended in 1713. In Germany, the emperor could not simply confiscate territories as in Italy. In Mantua, the ruling family was swept aside; the claims of the junior line were ignored, and the emperor granted the dukedom to himself.[15] That itself sent a chill down the spines of the German princes. Yet it was inconceivable that such actions would be tolerated in Germany, where the system of imperial law was much more robust. In Italy, the Reichshofrat's writ was only restrained where it could not be enforced militarily. In Germany, the emperor's prerogatives were not clearly defined, but they were at least limited in significant respects by law and custom. Furthermore, the armed princes, who themselves so often aimed to subjugate minor territories, were quite capable of springing to their defence if meant curbing the emperor.

Even so, Joseph's reign saw royal power used more forcefully than ever before. Faced with the recalcitrance and fractiousness of the Reichstag, Joseph did not hesitate to threaten to dissolve it when the war ended.[16] In February 1708, Imperial Estates who had not fully paid for their contingents in the war against France were threatened with punishment, starting with having to appear before a commission to account for their failure to fulfil their duties to the emperor. In general, Joseph adopted an exceptionally harsh tone in his communications with the German princes: even the Prussia-King was not exempt from being admonished for not making his contributions.[17]

Alongside this went a number of initiatives to revive imperial prerogatives that had lapsed. Many were relatively minor and most affected the smaller—especially ecclesiastical—territories of south and Middle Germany.[18] Consideration was given to further exploiting the right of the emperor to grant lay prebendaryships, which obliged monasteries to provide a lifelong stipend for a layman nominated by the emperor (*Panisbrief* or *panis littera*).[19] The equally arcane traditional right of the emperor following his coronation to assign the first benefice that fell vacant in every bishopric and ecclesiastical foundation (*preces primariae*) was reactivated.

In October 1705, Christian Julius Schier von Schierendorf was commissioned to investigate what other fiscal prerogatives might be revived in the Reich.[20] He concluded that Reich revenues had been neglected for two hundred years, to the extent

[14] Aretin, *Altes Reich*, ii, 182.
[15] Aretin, *Altes Reich*, ii, 183.
[16] Feine, 'Verfassungsentwicklung', 87.
[17] Feine, 'Verfassungsentwicklung', 106–7.
[18] Müller, 'Reichscamerale', 158; Feine, 'Verfassungsentwicklung', 80; Feine, 'Erste Bitten', 84–9.
[19] Dickel, *Reservatrecht*, 154–6. Despite all claims about ancient origins, this practice seems to have been an invention of Charles V or his administration between 1521 and 1530. It was not systematically used either by him or his successors and fell into disuse after 1648; it appears that Charles VI did not act on this suggestion by the Reichsvizekanzler Friedrich Karl von Schönborn: ibid., 135–56. See also Reden-Dohna, 'Reichsprälaten', 160–1.
[20] Müller, 'Reichscamerale', 153–5.

that at Brandenburg universities legal scholars even debated the proposition that the 'regalia and rights of the emperor are now merely a figment of the imagination'. The Jews alone were several million gulden in arrears; proper attention to these matters in future, Schierendorf suggested, might yield as much as a million gulden per annum. In fact, the annual yield ultimately turned out to be under 20,000 gulden.

The significance of the Vienna Reichshofrat as an instrument of justice and imperial government was enhanced by the paralysis of the Reichskammergericht between 1703 and 1711.[21] Throughout the war and despite the massive increase in business relating to Italy, the Reichshofrat continued to consider and take action on German issues. In 1707, the Reichshofrat deposed Wilhelm Hyacinth of Nassau-Siegen: the cathedral chapter of Cologne was commissioned to expel the Catholic prince from his territory following appeals by his Reformed subjects about his oppressive and intolerant policies, especially his exceptionally harsh taxation regime.[22] The following year, the Reichshofrat intervened to restore law and order in Hamburg, where the Senate, or city council, was locked in conflict with its citizenry and guild representatives in the Bürgerschaft. The city was occupied by troops of the Lower Saxon Kreis and then an imperial commission headed by Damian Hugo von Schönborn set about a comprehensive reform of the urban administration, which culminated in the promulgation of a new constitution in 1712.[23]

While a strong Reichshofrat was very much in the emperor's interest, the absence of an alternative was problematic.[24] The Vienna court was perceived by many to be too much the tool of the emperor and to be fundamentally pro-Catholic in its sympathies. Large and smaller territories responded to that situation differently. Many of the larger territories were content to use their aversion to the Vienna court and the paralysis of the Reichskammergericht at Wetzlar to place pressure on their subjects to take their appeals to their own territorial appeal courts.[25] A number of these had been founded around 1700, and the problems at Wetzlar were perceived as helping them become established. Many smaller territories, by contrast, were keen for the Wetzlar court to resume.

The court's crisis in 1703 began when Leopold I suspended its presiding judge, Count Franz Adolf Franz Ingelheim, on the grounds of his incessant disputes with his protestant colleague Count Freidrich Ernst von Solms-Laubach. Ingelheim was the nephew of the Elector of Mainz, who in any case disputed the emperor's right to intervene in the supreme court of the Imperial Estates. The conflict effectively closed the court, but it was symptomatic of its general malaise over many decades

[21] Feine, 'Verfassungsentwicklung' 94–7.

[22] Marquardt, 'Aberkennung', 86; Troßbach, 'Fürstenabsetzungen', 430–41. The prince's removal did not solve the problems. If anything, matters became steadily worse under a succession of administrators. This unsatisfactory state of affairs continued until 1739, when Wilhelm Hyacinth was reinstated, though stability owed much to the fact that he never in fact returned to his lands. In 1742, he designated as his heir William IV of Orange, who inherited in 1743 and integrated Nassau-Siegen into his territory of Nassau-Diez-Orange. See also Köbler, *Lexikon*, 451, 453–4.

[23] Whaley, *Toleration*, 16–21. Count Damian Hugo von Schönborn was the brother of the Reichsvizekanzler Friedrich Karl von Schönborn. See pp. 140, 143, 313–14.

[24] Aretin, *Altes Reich*, ii, 175–9; Feine, 'Verfassungsentwicklung', 94–6.

[25] Hughes, *Law*, 37–9.

resulting from the failure of many territories to pay their dues to support it, disruption of its work during the Palatinate war, and accusations of incompetence and corruption. The regular visitations of the court envisaged in its ordinance of 1654 never took place. Of course, once the court was in crisis, it came to be in the emperor's interest to revive it as a demonstration of strong and impartial imperial government. In 1707, an imperial commission under Rupert von Bodman, the Prince-Abbot of Kempten, began inspecting the court, and by January 1711, it was able to reopen. The reforms that Bodman subsequently recommended were not implemented, but the restoration of the court during the war was in itself a significant achievement. As a result of its profound crisis, however, the court lost some of its independence and was henceforth perceived to be subordinate to the emperor.

Two further developments during Joseph's reign were also significant. First, in 1708, it proved possible to resolve the sixteen-year dispute over the admission of Hanover to the College of Electors. This had provoked the formation of a princes' party, led by Duke Ernst August's own kinsmen in Brunswick-Wolfenbüttel, who opposed the advance of Hanover. A further complication of the issue arose because since 1693 the issue of the Hanover title had been linked to the question of the 'readmission' of Bohemia.[26] The King of Bohemia (i.e., the emperor himself or his heir) had traditionally only taken part in imperial elections or elections of a King of the Romans as heir apparent during the lifetime of an emperor; he had not participated in the ordinary business of the College of Electors. The proposal to 'readmit' him was a response to the argument that elevating Hanover would give undue weight to the Protestant Electors. Rather than entertain the thought of creating another Catholic Elector, Leopold seized the opportunity to enhance his own power by securing a place in the College of Electors himself.

The other Electors were uneasy about this, since with an imperial 'spy' in the chamber their deliberations would no longer be private. Cologne and Bavaria vehemently opposed the idea for many years, but once this obstacle was removed, the Wittelsbach Electors were outlawed. Remaining unease about questions of confessional parity was dealt with by the agreement that, if the Palatinate were to revert to Catholicism, then Mainz would be awarded a second, supernumerary vote. On 7 September 1708, both Electors were formally admitted to the College of Electors in Regensburg. As usual, enormous care was taken over symbolism and ceremony: Joseph himself presided over a fourteen-hour ceremony, which began with the admission of Count Franz Ferdinand Kinsky as envoy of the King of Bohemia (i.e., Joseph) so that he could give, as his first official act, his formal consent to the admission of the new Elector of Hanover.[27] Even in the midst of a major war it was important to take time to observe proper rank and hierarchy.

The second issue involved the resumption of serious work on the Perpetual Electoral Capitulation (*capitulatio perpetua*), one of the items of unfinished business

[26] Begert, *Böhmen*, 442–76, contains a full account of this complex issue. See also Gotthard, *Säulen*, i, 467–75. On Hanover, see pp. 49, 73–6.

[27] Aretin, *Altes Reich*, 181.

remitted to the Reichstag by the Peace of Westphalia. Outlawing the Wittelsbach Electors and dealing with the Hanoverian and Bohemian Electorates touched on key constitutional issues. The princes had objected to the outlawing, not because of any sympathy for the individuals concerned, but because they had not been consulted. Many critics of the Hanoverian elevation moved from outright opposition to the specific proposal to a position that protested against the lack of consultation.

After over a decade since the title had originally been granted, it was clear that the Hanoverian Elector would be admitted. But one might at least prevent a recurrence and, above all, ensure that this did not become a precedent for the establishment of a new imperial prerogative. In 1707, Joseph himself pre-empted the formation of an opposition on these issues by proposing that discussion of the perpetual electoral capitulation be resumed. On the two current issues he promised in future to consult the princes as well as the Electors before outlawing any prince and before creating new Electors. By 1711, a final draft, including these concessions, was ready. Joseph's death intervened before all parties had given their formal consent, so that it never became law. Even so, it served as a template for all subsequent imperial capitulations.[28]

Despite his energetic approach, Joseph was not, however, able to overcome the natural limits of imperial authority in the Reich. His influence was greatest among the smaller territories of Swabia and Franconia. While contributions for the war were levied throughout the Reich, albeit sometimes with considerable difficulty, his political authority was much weaker in the north. The full extent of the obstacles to imperial authority in the north became apparent only under Charles VI. During Joseph's reign the problem was illustrated by his inability to thwart one of the last Dutch interventions in German politics. His attempt to influence the election of a new Bishop of Münster in 1706 was a spectacular failure.[29] After much bitter wrangling, the Dutch candidate, Franz Arnold von Wolff-Metternich, Bishop of Paderborn, prevailed against the Habsburg nominee, Karl Joseph of Lorraine, Bishop of Osnabrück and Olmütz. Brandenburg's agitation on behalf of Franz Arnold also helped tip the balance in his favour.[30] A desperate appeal to the papacy failed to move Clement XI to intervene, and nearly two years after the election Joseph had no option but to invest Franz Arnold with his principality.

The emperor's sensitivity in this case reflected a deeper anxiety about Dutch influence in the Reich. This generated tensions when the Nördlingen Association attempted to form an alliance with the Dutch Republic as part of its campaign to create a *Reichsbarriere* and when the Dutch made moves to draw the Nördlingen Association into an agreement that would continue after the peace. Count Sinzendorf's allegation that the Dutch aimed to turn the ten Kreise into ten cantons and

[28] Conrad, *Rechtsgeschichte*, ii, 71–2, 359; Kleinheyer, *Wahlkapitulationen*, 86–99.

[29] Duchhardt, *Altes Reich*, 64–5; Aretin, *Altes Reich*, ii, 185–7; Press, 'Österreichische Großmachtbildung', 141; Klueting, *Reich*, 92; Feine, 'Verfassungsentwicklung', 98–9; Press, 'Josef I.,', 293–4.

[30] Press, 'Josef I.', 293–4.

seduce them away from the Reich was absurd, and it certainly misunderstood the fundamentally loyalist attitudes of Lothar Franz von Schönborn.[31] Lothar Franz was no more a republican than Joseph was. Yet the claim revealed the anxiety in Vienna about the growth of Dutch influence at a time when the emperor had manifestly failed to fulfil his role as protector of the Reich as far as many members of the Nördlingen Association were concerned.[32] In fact, the Dutch showed little desire to pursue the matter, and after Utrecht they gave up any attempt to exercise influence in the Reich, which left Charles VI, now also in possession of the Spanish Netherlands, in a much stronger position in the north-west.[33]

Joseph's early death makes a final evaluation of his reign impossible. So much of what he did was dictated or shaped by the war. He never ruled in peacetime conditions, and many of his initiatives never had time to come to fruition. In Vienna, his great monument was the Schönbrunn palace, albeit a scaled-down version of the grandiose plan that Johann Bernhard Fischer von Erlach drew up around 1692. This was initially commissioned by Leopold I, but the realization of the project after 1696 was firmly associated with the hopes invested in the young heir to the throne. Even its reduced version embodied the aspiration of the initial plan to be grander than Versailles, not simply a copy of the Gallic model but a distinctive version that drew on Italian styles.[34]

What became known as the 'imperial style' reached its fruition under Charles VI; its early development, however, owed everything to Joseph. One of Fischer von Erlach's first 'imperial' designs was for a series of Roman-style triumphal arches for the young Joseph's entry into Vienna following his election as King of the Romans in 1690. Alongside Wagner von Wagenfels, he was Joseph's tutor in architecture, and Joseph appointed him inspector of court buildings in 1705. It was for Joseph that he extended the usual range of Habsburg symbols to include images of Hercules and (an innovation in the repertoire of Habsburg imagery) of the sun, in direct response to the French images of royal descent from the Gallic Hercules and representation of the sun.

Fischer von Erlach's greatest works came to fruition during the following reign. Even Schönbrunn was not quite finished by the time Joseph died. These projects might stand for the reign as a whole. The hopes that Wagner von Wagenfels, Fischer von Erlach, and the 'young court' placed in the emergence of an Austrian 'sun king' were frustrated.

[31] Wines, 'Imperial circles', 24.

[32] Plassmann, *Krieg*, 469–71; Gotthard, 'Friede', 56–63; Ingrao, *In quest*, 203–4; Wines, 'Imperial circles', 22–5; Aretin, *Altes Reich*, ii, 188–94.

[33] See pp. 145–6 below.

[34] DaCosta Kaufmann, *Court*, 289–94; Spielman, *City*, 188; Braunfels, *Kunst*, i, 74–6; Aurenhammer, *Fischer von Erlach*, 46–57, 107–8. The building was subsequently significantly modified by Maria Theresa.

15

Charles VI: Fruition or Decline?

Charles VI was initially a reluctant emperor. Though he had never really gained control of his Spanish kingdom and never returned to it after 1711, he remained attached to the idea of what it might have become. As late as 1736, he noted in his diary the thirtieth anniversary of the lifting of the siege of Barcelona; and 'Barcelona' was the last word he ever uttered.[1] In Vienna, he inherited a diverse collection of strategic priorities. Yet he also inherited a dire financial situation and a chaotic administration that was woefully inadequate to deal with the challenges that he faced. Ultimately, there seems little doubt that he failed. When he died, in 1740, he left the monarchy virtually bankrupt, its army demoralized, its territories in Italy and Hungary much reduced, its authority in the Reich diminished, and its system of alliances in Germany and Europe as a whole in chaos.

Was this his fault? Some have ascribed Charles's failure to his difficult personality, to an indecisiveness that cancelled out his undoubted courage, enthusiasm, and strong sense of duty. Others have argued that he was simply overwhelmed by the diverse challenges that he faced. In addition to Italy and Hungary, a new dimension was added by the acquisition of the Spanish Netherlands, which gave access to the North Sea (and potential for conflict with the maritime powers, Britain, and the Netherlands). This created a front with France, however, but also opened up new potential for Habsburg engagement in the north-west of the Reich.

Charles's early inheritance of Spain led him to adopt much of the symbolism and imagery of his namesake, Charles V.[2] There were, of course, key differences. Charles VI never enjoyed anything like the level of power and authority that Charles V enjoyed at various points during his reign. Charles VI operated in a comparable range of theatres, yet the resources at his disposal were much more limited and the circumstances much less favourable. If the War of the Spanish Succession had been a war to contain France, the notion of a European balance of powers could just as easily be applied against Austria. In the Reich, things became more complicated because of the new status of Saxony and Hanover, linked with the Polish and British crowns respectively, and of Brandenburg-Prussia. Increasingly, the larger territories were no longer willing to accept the emperor's writ; German politics became inextricably linked with European politics.

Did that lead Charles to turn his back on the Reich? Did Austrian great power politics now take precedence over an increasingly unrewarding game in the Reich?

[1] Redlich, 'Tagebücher', 145, 147; Ingrao, *Monarchy*, 149.
[2] O'Reilly, 'Lost chances', 54, 68–9.

Undeniably, choices had to be made. Charles was surrounded by a variety of advisers who pushed for different priorities. His favourite from his time in Barcelona, Count Michael Johann Althann, and the Spanish advisers he brought with him to Vienna focused on Italy and the Mediterranean, sought reconciliation with Philip V in Madrid. Prince Eugene and the Austrian advisers he inherited from his brother generally pushed for the priority of purely Austrian interests and promoted the advantages of an understanding with Britain. Prince Eugene also had a personal interest in that, since he was governor-general of the Netherlands from 1716 to 1724.

The Reichsvizekanzler Friedrich Karl von Schönborn continued to advocate an active policy in the Reich and the use of imperial prerogatives, if necessary against both Hanover and Berlin. Schönborn's exclusion from any policy-making that did not exclusively concern the Reich was formalized in 1719. The Austrian chancery (Hofkanzlei) was reorganized and two chancellors appointed for diplomatic and internal affairs, and the Reichsvizekanzler was excluded from membership. Yet that marked the culmination of a long development over the course of a century of the distinction between the imperial chancery and what started as an Austrian department within it around 1620. What drove the gradual emergence of the Austrian chancery, was not a desire to abandon the Reich, but rather the desire to limit the ability of the Elector of Mainz as Archchancellor of the Reich, and formally the Reichsvizekanzler's superior, to intervene in the internal affairs of the Habsburg lands.[3]

The Reichsvizekanzler's own personal ambitions sometimes conflicted with his duties in Vienna from the late 1720s.[4] In 1729, he was elected Prince-Bishop of Würzburg. On the death of his uncle Lothar Franz, Archbishop of Mainz, in the same year he also inherited the bishopric of Bamberg, where he had been coadjutor with the right of succession since 1709. Yet a scheme to use his new bishoprics in a new attempt to reinvigorate the Reich did not find favour. In 1730, Charles turned down Schönborn's proposal for a new alliance in the Reich that would create a chain of fortresses stretching from Vienna to the Austrian Netherlands and that would form the foundation for the restoration of imperial power in the Reich.[5]

The Reichsvizekanzler's frequent and prolonged absences from Vienna were exploited by his enemies, who also undermined his attempt to secure election to the Archbishopric of Mainz in 1732 after the three-year tenure of Franz Ludwig of Pfalz-Neuburg. Finally, in 1734, the emperor pressured him into resigning. His successor in Vienna, the eighty-year-old Johann Adam Count Metsch, previously vice-president of the Reichshofrat, was both indolent and ineffective. Even though he was supplied with a deputy, Rudolf Count Colloredo, in 1737, the imperial chancery ceased to play a significant role during Metsch's tenure of office until 1740.[6]

[3] Fellner and Kretschmayr, *Zentralverwaltung*, 150–67; Hughes, *Law*, 25–6.
[4] Hantsch, *Schönborn*, 313. [5] Hughes, *Germany*, 137; Hantsch, *Schönborn*, 329–30.
[6] Aretin, *Altes Reich*, i, 126–8, and ibid., ii, 332.

That the emperor's 'Austrian' policy sometimes conflicted with his 'Reich' policy was inevitable: each group of officials maintained contacts throughout the Reich; each inevitably had a rather different perspective; and each competed for the emperor's favour. Charles VI's frequent indecision exacerbated the problems. It is, however, unlikely that either Charles or any of his advisers saw 'Austrian policy' and 'Reich policy' as mutually exclusive alternatives. The Reich remained important; its loss would have reduced Austria immeasurably.

And yet the Reich lay at the heart of perhaps the most intractable problem of all: the fact that Charles had no male heir. This posed a twofold threat. First, the lack of a male heir to the various Habsburg lands raised the spectre of a war of succession. The Pragmatic Sanction was designed to solve that issue by affirming the female succession in favour of Charles's daughter Maria Theresa. But that did not fully lay to rest the aspirations of the Saxon and Bavarian husbands of Joseph I's daughters, nor deal with the longstanding, though in fact dubious, claims of Bavaria that were based on an erroneous reading of a 1546 Habsburg-Wittelsbach marriage treaty and a 1547 codicil of Ferdinand I's will.[7] Second, and above all, the Pragmatic Sanction could not secure the imperial throne itself. Some simply assumed that the crown would go to Maria Theresa's spouse, and opposed agreeing to the Pragmatic Sanction for that reason alone, but this was by no means certain.[8] From about 1724–5, securing general agreement to the Pragmatic Sanction in the Reich and in Europe became the dominant policy objective in Vienna. Nothing did more to undermine the standing and authority of the emperor.

At the same time, unlike his predecessors Leopold I and Joseph I, Charles VI did not benefit from the 'solidarity effect' generated by any elemental threat to the Reich that rallied the German Estates to the crown in defence of German liberty. At key points over the previous two centuries, external threats had united the Reich and rescued its Habsburg emperors from mounting opposition. The Reich was, after all, essentially a polity whose *raison d'être* was the collective defence of its members. The absence of a serious external enemy in the middle decades of the eighteenth century was one of many factors that destabilized the system.[9] When defence ceased to be a necessity, politics and political ambitions took over.

To a greater extent than Joseph I, Charles VI has been judged in the light of subsequent developments. His death in 1740 brought about a crisis in the monarchy and in the Reich, and Frederick the Great's challenge to the Habsburgs has always been viewed as a defining moment in German history: the point at which Brandenburg-Prussia supposedly emerged to claim the leadership of Germany, after which the Reich allegedly had no future. Yet the shadows cast by historians over the reign of Charles VI are difficult to reconcile with contemporary assessments. In 1733, for example, the Venetian ambassador in Vienna reported that no prince of the house of Austria had ever enjoyed such a position of power as the current emperor.[10]

Charles VI certainly lived more imperially than any of his predecessors. During his reign, the Habsburg court grew to number some two thousand, and the number

[7] Hartmann, *Karl Albrecht*, 164–6.
[8] Aretin, *Altes Reich*, ii, 296–7.
[9] Wrede, 'Der Kaiser', 110–15.
[10] *NDB*, xi, 216.

of nobles appointed annually to honorific offices such as chamberlain reached unprecedented levels.[11] The ritual of the court, with its seasonal progression from the Vienna Hofburg (October to April) to Laxenburg (May–June) and Favorita (July–October), was as grand as any in Europe.[12]

The most distinctive feature of Charles's imperial programme was, however, his building. Since Leopold I had built his massive extension to the Hofburg, the so-called Leopoldine Tract, around 1600, the Habsburgs had built remarkably little.[13] Even after 1683, most of the grand new building in Vienna was commissioned by the noble dynasties who vied with each other to establish a representational presence in Vienna that reflected the splendid palaces they developed on their vast estates in Bohemia and elsewhere. By 1730, some 240 such noble palaces had been constructed, the grandest possibly being Prince Eugene's Belvedere (1716–23), with its lower and upper palaces divided by ornate gardens.[14] Apart from the first phase of building at the palace at Schönbrunn, the Habsburgs themselves planned much but built little in this period.

Charles inherited those schemes but gave them a distinctive new emphasis.[15] Like his predecessors, he left the core of the Hofburg untouched. Building a new palace in the centre of Vienna would merely have lowered the Habsburgs to competing with the other courts in the Reich and Western Europe. The Hofburg's old medieval core symbolized better than any new palace could the Habsburgs' claims to precedence over all other rulers. Charles embellished that core with a new library (partly modelled on the Escorial library), a winter riding school and a wing to provide new offices for the Reichshofkanzlei. He also constructed a range of new functional buildings such as hospitals (including a Spanish hospital to cater for the needs of the numerous Spaniards at Charles's court), homes for military invalids, churches, and monastic institutions.

His wider imperial vision becomes clearer in two other projects. Charles's major residential project was for the transformation of the Abbey of Klosterneuburg in Lower Austria into an Austrian Escorial.[16] That plan was only partially realized, but the construction of the Karlskirche between 1716 and 1739 was a triumphant statement.[17]

Work on the Karlskirche was begun as a votive offering, marking the survival of both Vienna and the emperor from the plague epidemic of 1712–13. It was named after Carlo Borromeo, the late sixteenth-century Milanese Tridentine reformer and guardian saint against the plague, who had allegedly cured numerous of its victims; yet it also deliberately linked Charles VI both with the saint and with the tradition

[11] Duindam, *Vienna*, 73; Müller, *Fürstenhof*, 30.
[12] Pečar, *Ökonomie*, 158–61.
[13] Benedik, 'Architektur', 98–102.
[14] Ingrao, *Monarchy*, 125. The Belvedere passed to Eugene's niece, Viktoria of Saxony Hildburghausen, on his death in 1736; Maria Theresa bought it in 1752, and Joseph II installed the Imperial art collection there in 1775 (open to the public from 1781). Between 1894 and 1918 the Belvedere served as residence for the heir to the throne; since then it has been an art gallery.
[15] Vocelka, *Glanz*, 222–4; Pečar, *Ökonomie*, 255–65; Braunfels, *Kunst*, i, 76–82; Benedik, 'Architektur', 109–12.
[16] Matsche, *Kunst*, i, 13–14, 40–1, 184–5; Braunfels, *Kunst*, i, 26–8, 80–1.
[17] DaCosta Kaufmann, *Court*, 300–2; Matsche, *Kunst*, i, 201–5.

of piety cultivated by the Habsburgs. Its most extraordinary, and most programmatic, feature was the pair of pillars constructed between 1724 and 1730. Initially it had been planned to embellish them with scenes from the lives of Charlemagne and Charles the Bold, just as the central plan of the church echoed Charlemagne's Palatine Chapel in Aachen.[18] As they were in fact executed, they embraced a variety of meanings: the pillars of the temple of Solomon, the Pillars of Hercules, the Roman columns of Trajan and Marcus Aurelius, even the minarets of Constantinople. Symbols of Old Testament kingship and Greek mythology were combined with those of the Roman Empire in a manner that was deliberately reminiscent of the emblems adopted by Charles V. The programmatic statement was clear: Charles VI aspired to the same universal ideal empire as Charles V, the only other emperor who had combined the Spanish and Holy Roman crowns.[19]

Several interpretations have been suggested for this programme. Some have viewed the imperial buildings as manifestations of a *Friedensstil* or 'peace style'.[20] That certainly reflects the fact that the dominant builders in the period 1680–1720 were noble rather than Habsburg. It is also true that the first building boom followed the liberation of Vienna in 1683 and that a renewed burst of activity accompanied the peace in the 1720s following the end of both the War of the Spanish Succession and the renewed offensive against the Turks from 1716 to 1719. Yet to see the imperial schemes as part of a noble-dominated peace style, or even as a belated attempt by the crown to emulate the nobility, fails to capture the political agenda implicit in the schemes of Fischer von Erlach from the 1690s or Charles's commissions for Fischer von Erlach and his son and for their rival, Lucas von Hildebrandt.

The terms *Reichsstil* or *Kaiserstil* seem far more appropriate. The former was coined by Hans Sedlmayr in 1938 and has been criticized for its resonances with the *Anschluss* ideology of its time and for the fact that Sedlmayr located it in the period after 1683, in which almost no imperial buildings actually appeared.[21] The term *Kaiserstil* avoids political incorrectness, but with its emphasis on the emperor, rather than the Reich, it perhaps introduces an ambiguity that can be misleading. Franz Matsche, the main exponent of the *Kaiserstil* concept, argued that it was a response developed specifically by Charles VI to the changed position of the Habsburgs: it supposedly reflected the limitation of their powers in the Reich and the diminution of their standing in Europe through the balance of powers.[22] The Habsburgs responded, it is suggested, to the challenges posed specifically by France, Saxony, and Brandenburg-Prussia with an aggressive policy of territorial or Austrian *Grossmachtpolitik*, albeit accompanied by old claims to a primacy that no longer existed in fact.

What is sometimes overlooked in discussions of the *Kaiserstil*, however, is the extent to which this was echoed and emulated not only in the Austrian territories

[18] DaCosta Kaufmann, *Court*, 301–2.
[19] On Charles VI as 'Novus Carolus V' and heir to Charlemagne, see Matsche, *Kunst*, i, 242–8.
[20] Braunfels, *Kunst*, i, 47–64. See also p. 128.
[21] Sedlmayr, 'Bedeutung'; Lorenz, 'Reichsstil'.
[22] Matsche, *Kunst*, i, 25–6.

but also in the Reich more generally. In Austria, the plans for Klosterneuburg inspired the redevelopment of numerous monastic foundations, notably Göttweig, Kremsmünster, Melk, and St Florian.[23] Almost all incorporated variations on the *Kaisersaal* (imperial hall), the *Kaiserstiege* (imperial stairway), together with a suite of rooms installed for eventual visits of the emperor and a library modelled on the new imperial library at the Hofburg. Typically, the grand *Kaisersaal* would incorporate a series of ancestral portraits of the Habsburgs (the *Ahnengalerie*) and decorative schemes that referred to the current emperor as Apollo, sun god, and guardian of the arts and sciences, as Jupiter the conqueror of the Turks, and as the new Constantine.

The same pattern of interior space and decoration spread throughout much of the Reich. Brandenburg-Prussia and Saxony-Poland, of course, developed their own quite distinct styles, as indeed they had in the later sixteenth century; Bavaria and the Wittelsbachs reflected their disagreements with the Habsburgs and their perennial flirtations with French political patronage by adopting French styles.[24] By contrast, in the ecclesiastical foundations of southern Germany, in the major prince-bishoprics, especially those held by members of the Schönborn family in the 1720s and 1730s, but also in secular territories such as Baden-Baden (Rastatt) or the Palatinate (Mannheim), important elements of what should properly be called the *Reichsstil* prevailed.[25] There were differences of emphasis: in the Reich, the *Ahnengalerie* emphasized the progression of the Holy Roman Emperors and their predecessors in Rome, rather than simply the genealogy of the Habsburg dynasty (as in the Austrian monastic foundations).[26] Yet the style was self-consciously similar, and the message was equally clear: identification with the Habsburgs as Holy Roman Emperors and identification with the Reich. Despite all problems and disagreements, there was a continuing fundamental commitment to the Reich.

The reign of Charles VI in many ways saw the culmination of the imperial revival that had begun under Ferdinand III and Leopold I. If the loyalty of the traditional clientele in the south also reflected a significant degree of confessional solidarity, it is significant that the emperor's authority was respected by many Protestant courts in the north as well. Some Protestants incorporated a *Kaisersaal* and other elements of the *Kaiserstil* in their palaces. Protestant princes provided the emperor with military assistance. They continued to use the services of the Reichshofrat and to view the emperor as the supreme judicial authority. When Duke Ernst August of Weimar established a knightly order 'von der Wachsamkeit' ('Of Vigilance'), the statutes specified that no one should be admitted who was 'not properly patriotically minded and who would not sacrifice his property and blood' for the emperor.[27]

Of course, Charles also had to deal with the increasingly problematic legacy of Leopold I's policy of supporting the royal ambitions of Saxony, Brandenburg-Prussia,

[23] Vocelka, *Glanz*, 195–208; DaCosta Kaufmann, *Court*, 303–5.
[24] DaCosta Kaufmann, *Court*, 307–33.
[25] DaCosta Kaufmann, *Court*, 316–23; Müller, 'Kaisersäle'.
[26] Braunfels, *Kunst*, i, 79.
[27] Schmidt, *Geschichte*, 263.

and Hanover. As the lack of a Habsburg heir became a central political problem, he also had to deal with the instability and uncertainty generated by the growing competition to find a non-Habsburg emperor. That reflected hostility to the Habsburgs, rather than to the imperial office itself. If by 1740 the future of the Habsburgs as Holy Roman Emperors was seriously in doubt, the future of the Reich itself was not.

16

Conflicting Priorities, *c.*1714–*c.*1730

The visual propaganda of Charles VI suggested a universal empire. In reality he was perpetually forced to juggle his over-stretched resources between several fronts that imposed different imperatives. Although these issues are often presented as purely Austrian matters, the Reich itself was involved in most of them to varying degrees.[1] Furthermore, the emperor's success or failure inevitably affected his standing in the Reich.

The first challenge was a new war against the Turks.[2] This originated in the Turkish declaration of war on Venice in December 1714, which led to the Venetian empire in Greece being destroyed by September 1715. Despite attempts by the Turks to keep the Austrians out of the conflict, the prospect of being able to take Belgrade and the Banat of Temesvár, which had remained in Turkish hands, was too tempting. By 1716, an alliance had been concluded with Venice, which prompted the Turks to start hostilities from Belgrade. Prince Eugene halted their advance at Peterwardein (5 August 1716) and then besieged Temesvár, which fell in October. Within a year, the Turks were willing to sue for peace, and with the mediation of the Maritime Powers, a peace was signed at Passarowitz in July 1718. This gave Austria control of the whole of Hungary for the first time and pushed the border south-eastwards across the Danube into Serbia.

Although this war did not directly concern the Reich, since it was offensive rather than a defence of the Reich against Turkish attack, the prospect of expelling the Turks from Europe for good generated considerable goodwill for the emperor's cause in Germany. Though no Kreis contingents were formally mobilized, the Reichstag agreed to contribute some 6 million gulden. Eight princes also sent troops. That included the Elector of Bavaria, who was anxious to improve relations with the emperor. Though the Elector's restitution had been agreed by the Peace of Rastatt (6 March 1714), Charles was refusing to reinvest him with his lands following the renewal of the Franco-Bavarian alliance in 1714. At the same time, Max Emanuel was already scheming to secure the marriage of his eldest son to one of Joseph I's daughters. To this end both Max Emanuel's heir, Karl Albrecht, and his younger brother Ferdinand Maria accompanied the Bavarian contingent of 5,000 to Hungary, making sure they paid their respects to Charles in Vienna en route.[3] The victory over the Turks considerably enhanced Charles's standing in the Reich. Certainly, it made Prince

[1] See, for example: Hochedlinger, *Wars*; Ingrao, *Monarchy*; or Vocelka, *Glanz*.
[2] Hochedlinger, *Wars*, 194–6; Vocelka, *Glanz*, 154–9; Wilson, *German armies*, 214–18.
[3] Wilson, *German armies*, 215–16.

Eugene into a folk hero, eulogized in the popular ballad the 'Prinz-Eugen-Lied' as 'the noble knight' of the Battle of Belgrade.[4] Charles himself entered the pantheon of victors of the Turks alongside his father, Leopold I.

By the time peace had been concluded in the east, the situation in the Mediterranean had become acute, and the issues here were more complex. On the one hand, the Spanish Bourbons refused to relinquish their claims to the former Spanish Italian territories. On the other hand, Charles VI refused formally to renounce his claim to the Spanish crown. The problem was brought out into the open by the determination of Philip Vs second wife, Elizabeth Farnese, to secure Italian possessions for her sons Don Carlos (b. 1716) and Don Felipe (b. 1720). Initially, the Triple Alliance of Britain, France, and the Dutch Republic sought to mediate between Vienna and Madrid, but Charles's determination to exclude Spain from Italy frustrated any hopes of a resolution.

In 1717, Spain attacked first Sardinia and then Sicily, and simultaneously sought to distract France and Britain by supporting noble discontents in the first case and a new initiative by the Jacobite Pretender James III in the second. This merely prompted the enlargement of the Triple Alliance into a Quadruple Alliance, including Austria, and the formulation of a peace plan that was forcibly imposed on Madrid following the British destruction of the Spanish fleet and the emperor's reconquest of Sicily and Sardinia. Charles agreed to renounce his claim to the Spanish throne and was able to acquire Sicily in exchange for Sardinia, which went to Savoy with a royal title. Parma-Piacenza and Tuscany were confirmed as imperial fiefs, and Charles agreed to nominate Don Carlos as heir on the (imminently anticipated) extinction of the two ruling ducal houses.

Since the two duchies had been declared fiefs of the Reich, it was logical that the Reichstag should be consulted about the succession arrangements.[5] Despite the fact that Don Carlos was rapidly confirmed as heir apparent, Charles VI continued to do everything in his power to block a Spanish return to Italy. His recalcitrance drove France and Britain to sympathize with Madrid. At the same time, the growing isolation of Vienna was reinforced by Britain's intense hostility to Austria's establishment in December 1722 of the Ostend Company (the *Compagnie Impériale et Royale des Indes*) in the former Spanish Netherlands.[6]

While a conference at Cambrai in 1724 failed to resolve the issue of the succession in Parma and Tuscany, an unexpected twist of Spanish policy brought temporary relief from isolation. Spanish plans for a marriage between Don Carlos and Maria Theresa (and between her younger sister and Don Felipe), which might unite Spain with the imperial crown and the Austrian Erblande, promised far richer rewards than the Italian inheritances. Secret negotiations culminated in a series of Austro-Spanish treaties in 1725, which included Spanish support for the Ostend Company and a subsidy of 3 million gulden in Spanish silver, but avoided any open mention of the marriage project itself.

[4] Wrede, *Reich*, 188–93. [5] Aretin, *Altes Reich*, ii, 361. [6] See p. 161.

The agreements reached between Vienna and Madrid in 1725 were unrealistic. Spain was in no position to pay the money. It was inconceivable that a Bourbon should ever be crowned in Vienna, let alone in Frankfurt. Charles VI remained determined to thwart a Spanish return to Italy, if at all possible. Nonetheless, even the details that were published—most remained secret—were enough to provoke an instant reaction from Britain (with Hanover) and France in the form of the Herrenhausen Alliance, which included Brandenburg-Prussia, in September 1725.

This immediately transformed the Mediterranean issue into a political problem in the Reich. For a while, it seemed likely that Europe was on the brink of another major war and that the Reich itself would be split between the major Protestant territories on the one hand and the emperor's clientele on the other. The fact that Count Sinzendorf spoke openly of a grand Catholic alliance, to include both France and the Catholic Electors, to suppress Protestantism, merely added fuel to the fire. It also gave credence to the allegation made by George I, that Vienna and Madrid had secretly agreed to bring about the restoration of the Stuarts in Britain.[7] France, meanwhile, remained firmly tied to Britain. Indeed, Charles was so alarmed by this that he urged the Reichsvizekanzler to mobilize the forces the Frankfurt Association of the Forward Kreise in 1727 so as to secure the Reich against an eventual French attack on the Rhine.[8]

Although Charles was soon able to secure an alliance with Russia and to persuade Brandenburg-Prussia to leave the Herrenhausen alliance, the situation remained precarious. It was defused only by the death in 1727 of Catherine I, which diverted Russia away from Europe for a while, and of George I, which made possible a rapprochement with Britain.[9] Spain's interest in the Austrian alliance waned as it became clear that Vienna had no intention of forging the planned marriage alliance. Furthermore, it became increasingly obvious that Charles could not count on the loyalty of Bavaria, the Palatinate, or Saxony.

Since he now wanted nothing more urgently than peace and stability to secure general acceptance for the Pragmatic Sanction, Charles was now willing to suspend the Ostend Company in order to end his isolation. That opened the way for French mediation in a new round of talks at Soissons in 1728. By 1731, he had agreed to abandon the Ostend Company for good in return for Britain's guarantee of the female succession in Austria. He also agreed to permit Spanish garrisons in Tuscany, Parma, and Piazenza and to invest Don Carlos with Parma-Piacenza, whose ducal line was finally extinguished on the death of Duke Antonio in that year.

By 1732, Vienna had more or less returned to the 'Old System' of the Grand Alliance against France and had asserted Austria's position as the leading power in Italy. The loss of Parma and the promise of Tuscany, together with the abandonment of the Ostend Company, were major concessions, but neither affected the overall position of the Habsburgs in Europe.

[7] Aretin, *Altes Reich*, ii, 302–3.
[8] Wilson, *German armies*, 201–14.
[9] Aretin, *Altes Reich*, ii, 311.

Conditions were very different in the north of the Reich, where imperial influence and authority had traditionally been weak but where a new situation emerged during the course of the Great Northern War from 1700 to 1721. Austria had no direct territorial interest in this conflict. On the other hand, the continuing existence of the Reich and the emperor's authority in it depended on his ability to defend it from external aggression and to manage the ambitious northern territories. By and large, this was successful, though the conflict also strengthened the political ambitions of both Hanover and Brandenburg-Prussia.

Initially, the conflict did not directly involve the Reich at all.[10] It originated in the concerted attack on Sweden by Denmark, Saxony-Poland, and Russia. The Danes wanted to recover the losses they had incurred in the 1660s. The Saxon King of Poland aimed to secure his kingdom against eventual Swedish aggression and to establish his dynasty in Poland by acquiring Livonia as a hereditary dukedom. Peter the Great wanted to secure Baltic access for his empire, which was blocked by Swedish possession of Karelia, Ingria, and Estonia. Brandenburg-Prussia had a natural interest in joining the coalition, for it too was anxious to secure direct access to the Baltic and had longstanding claims to Western Pomerania.

However, the Berlin Elector was committed to supporting the Habsburgs in return for their agreement to his assumption of the title of King of Prussia in 1701, which ensured that he refrained from engaging in the conflict on his own doorstep. In the short term, that allowed Brandenburg to pursue the policy that had prompted the Elector to seek a royal title in the first place: Saxony's advancement from Elector in the Reich to King in Poland. Standing by while Saxony exhausted itself by pouring resources into Poland was another way of ensuring Brandenburg's regional security. Hanover too was content to watch while Saxony over-extended and was also tied to the emperor by the continuing question of its Electoral title (promised in 1692 but not confirmed until 1708).

The anti-Swedish coalition was based on the assumption that Sweden was a spent power and that it was particularly vulnerable following the accession to the throne of the fifteen-year-old Charles XII in 1697. The three-pronged attack on Holstein-Gottorp, on Livonia and Riga, and on Ingria met with initial success, but Charles XII soon mounted a counter-offensive, concentrating on Poland, and by 1707 he had been able to make peace with Joseph I, whereupon he withdrew his troops from the Reich.[11]

Peace in the West enabled the Swedish king to turn east. Peter the Great had exploited the Polish–Saxon conflict to occupy Ingria, where he started building his new capital, St Petersburg, in 1703. The respite for Germany lasted several years, for in July 1709 Charles suffered a crushing defeat at Poltava, following which he fled into Turkish exile until 1714. During this time, however, the political landscape in north Germany changed significantly.

Both Hanover and Brandenburg manoeuvred to fill the vacuum created by the collapse of Saxony as the major regional power. Then, in 1711, Danish, Saxon, and

[10] For a full account, see Frost, *Northern wars*, 226–300.
[11] See pp. 114, 116.

Russian troops resumed operations against the Swedes in north Germany with attacks on Mecklenburg and Western Pomerania. Attempts by the imperial authorities, spearheaded by Prince Eugene, to maintain the neutrality of north Germany were initially successful. Efforts to forge an international settlement, however, at a protracted peace conference in Brunswick from 1712, under the management of Count Damian Hugo von Schönborn, brother of the Reichsvizekanzler, who had just successfully resolved the internal conflict at Hamburg, failed.[12]

The reappearance of Charles XII at Stralsund in November 1714 did not result in his inclusion at the negotiating table. Ultimately, his refusal to accept defeat, or even compromise, made peace impossible while he was still alive. His attack on Prussian troops on the island of Usedom brought Frederick William I (r. 1713–40) into the conflict. Danish action against Swedish possessions in Bremen and Verden in the north-west provoked Hanover, which had long held ambitions to acquire those territories. At the same time, Hanover's political significance was enhanced by the Elector's succession to the British throne in 1714, which gave him the added authority of being a crowned head of a major European state and the command of the British fleet. Meanwhile, Peter the Great forged an alliance with Duke Friedrich Wilhelm of Mecklenburg (r. 1692–1713) and his successor Karl Leopold (r. 1713–47). Their drive to arm their territory against predatory neighbours had led to a bitter conflict with their nobles over illegal taxation and they now rightly feared both adverse judgments from the Reichshofrat in Vienna and intervention by Hanover and Brandenburg, both of whom had longstanding claims to their duchy. Following French mediation, Russian troops left Mecklenburg in 1717, and beneath the surface of the coalition George I began to manoeuvre to limit Russia's advance in the Baltic.

The enlarged anti-Swedish coalition was, however, sufficiently durable to undermine fatally the position of Charles XII.[13] Two last-ditch attempts to launch an assault on Norway failed to reverse the Swedish king's fortunes and his death during the siege of the fortress of Fredriksten in the autumn of 1718 finally opened up the possibility of peace negotiations. Almost simultaneously, Russia replaced Sweden as the main problem: with Russian troops strung out along the southern Baltic from Jutland to St Petersburg, the erstwhile ally was now perceived as a threat by all her coalition partners. In the Treaty of Vienna in January 1719, Britain, Austria, and Saxony agreed to limit Russia to her old borders and to place pressure on Prussia to conclude peace.[14]

The new status quo in the north of the Reich was achieved by Hanover–Brandenburg cooperation, rather than by imperial mediation. Crucially also, Swedish policy was now guided by Friedrich I of Hessen-Kassel, the German consort of Charles XII's successor, Ulrika Eleonora, who became king after she abdicated in his favour in February 1720. As a German prince, Friedrich was perhaps not averse to seeing the eclipse of Swedish power in the Reich. The decisive talks were initiated by George I following the Treaty of Vienna. In November 1719 the British king,

[12] Wilson, *German armies*, 142–3.
[13] Frost, *Northern wars*, 295–6.
[14] Frost, *Northern wars*, 296.

acting as Elector of Hanover, concluded peace with Sweden in return for the acquisition of Bremen and Verden; several weeks later, Frederick William of Brandenburg followed suit in return for Western Pomerania up to the Peene, including Stettin. Sweden was left with Wismar, Riga, and Stralsund, which she retained until 1806, but her position in Germany was effectively destroyed.

Shortly afterwards, Denmark was obliged to agree to a peace that allowed the annexation of Holstein-Gottorp and the forfeiture of all Danish claims to territory across the Sound. Augustus the Strong, who had been reinstated by Russian forces in 1709–10, but who had remained powerless to prevent repeated incursions into his kingdom by Russian and Swedish forces, now also reached agreement with Sweden.[15] George I had successfully isolated Russia, but underestimated Peter the Great's military strength, which allowed him to conclude the Peace of Nystad with Sweden in August 1721. He acquired Estonia, Livonia, Ingria, Kexholm, and most of Karelia, in return for withdrawing from Finland.[16] The Czar had been successfully excluded from Germany, but he had firmly established himself as a European power with clear access to the Baltic and virtual hegemony over Poland, whose king owed his survival to Russian arms.

Imperial intervention had diverted conflict from the Reich in 1707. Thereafter, the maintenance of peace and stability in the north of the Reich, apart from two periods of major fighting, in 1712–13 and 1715, owed more to the efforts made by Hanover and Brandenburg-Prussia to promote their own interests than to the direct efforts of the emperor. Both were well aware of their enhanced regional power. Each was able to put the emperor under pressure, and the rapprochement between the two in opposition to the emperor's confessional policy in the early 1720s posed a major threat to his authority in the north.[17]

On the other hand, neither was willing to risk rejecting the emperor's writ outright. Within a few years, the Mecklenburg question provided another opportunity for Vienna to revert to the old policy of playing Hanover and Berlin off against each other, and by the late 1720s both were once more in the emperor's camp. Ultimately, for all their growing power and international ramifications, both Hanover and Brandenburg continued to abide by the rules of a system whose stability they believed to be in their own best interests. During the Northern War, George I had sought to enlist British power and prestige on behalf of his German Electorate. However, there was an increasing separation thereafter and the indigenous nobility pursued the traditional policy of loyalty to the Habsburgs and to the Reich.[18] In Brandenburg-Prussia, Frederick William I pursued policies that were entirely consonant with his duties as a prince of the Reich, and, until the late 1730s, he remained fundamentally loyal to the pro-Habsburg policies that Brandenburg had pursued since 1686.[19]

[15] Stanislas Leszczyński had agreed to leave for exile in France in return for a substantial indemnity from Saxony and the right to call himself 'king'. Stone, *Polish-Lithuanian state*, 252–3.
[16] Frost, *Northern wars*, 296.
[17] Duchhardt, *Altes Reich*, 27. See pp. 150–7.
[18] Press, 'Kurhannover', 59–60.
[19] Baumgart, 'Friedrich Wilhelm I.', 155–8.

17

Charles VI and the Government of the Reich

Many of the initiatives pursued by Leopold I and Joseph I were continued vigorously under Charles VI. The Reichshofrat remained extremely active. Efforts to improve the flow of revenue from the Reich were renewed. The emperor issued a stream of decrees that underlined his determination to exercise his rights and maintain order in the Reich.[1] In January 1715, for example, the Prussian plenipotentiary Cocceji reported to Berlin that the emperor was concerned to exercise his authority and all the rights conferred on him by the laws of the Reich to the fullest extent. In particular, he had apparently resolved to administer justice in the Reich without regard to the individual, to force those Estates who had in recent years taken unilateral action to respect the law, and to support the victims of such excesses.[2]

An early public signal of a vigorous resumption of an active imperial policy in the Reich after the conclusion of the Peace of Rastatt was the publication of an imperial decree in July 1715 on books and newspapers. It not only renewed the traditional strictures against publications that contravened the religious peace and were in any way defamatory. The emperor now specifically banned any works that contradicted the 'government and fundamental laws of the Holy Roman Empire', including university 'theses or disputations on civil and public law' that undermined the published laws and statutes of the Reich and might therefore generate disorder.[3]

Issuing decrees from the 'plenitude of his imperial power' ('kaiserliche Machtvollkommenheit') was all very well. Just how effective the efforts of Charles VI were and how long he persisted with them has been disputed. Some argue that his interest in the Reich was limited from the outset; others have suggested that he successfully exercised imperial authority until about 1730 and lost both influence and interest thereafter.[4] Much hinges on the interpretation of Friedrich Karl von Schönborn's gradual withdrawal from Vienna after 1729.[5] Schönborn was certainly pushed to resign as Reichsvizekanzler in 1734; yet his duties in Vienna were scarcely compatible with his duties in his bishoprics of Bamberg and Würzburg.[6]

There is, however, no evidence of a rift between Schönborn and the emperor. Throughout the 1720s, he had been rewarded with estates in Austria and Hungary;

[1] Müller, 'Reichscamerale', 156, 167.
[2] Feine, 'Verfassungsentwicklung', 81.
[3] Eisenhardt, *Aufsicht*, 39–41.
[4] Klueting, *Reich*, 113–23; Hughes, *Germany*, 136.
[5] Hantsch, *Schönborn*, 325–45.
[6] Aretin, *Altes Reich*, ii, 332.

substantial grants of money had enabled him to construct a summer palace at Göllersdorf, near Vienna. His bid to be elected Archbishop of Mainz in 1732 seems to have been the real turning point: the emperor had good reason to prevent an election that would have created an energetic leader of the German Estates. Despite the rebuff, Schönborn remained a loyal supporter of the Habsburgs as emperors, though his primary loyalty was to the Reich as an institution: in the war of Austrian succession, after 1740, he insisted on steering a neutral course and did his best to persuade other minor Imperial Estates to do likewise.[7]

The various initiatives launched before 1730 enjoyed mixed success. Imperial intervention in the internal affairs of the Imperial Cities of Hamburg (1708–16) and Frankfurt (1712–32) was certainly dramatic and decisive. A combination of imperial commissions and decrees both stabilized a potentially revolutionary situation and, to a degree at least, modernized the oligarchic or aristocratic constitutions that had given rise to the unrest in the first place.[8] Yet that did not necessarily make it any easier to extract money from the cities. In Hamburg, for example, there was ample reason to be accommodating to the emperor following an anti-Catholic riot in 1719 which destroyed his envoy's house and its Catholic chapel. Yet in 1720, the Senate refused to pay either a tax on the Jews or a contribution towards the upkeep of the imperial fortresses of Kehl and Philippsburg on the Rhine.[9]

The tax on the Jews was one of a range of traditional imperial revenues that the authorities in Vienna were keen to revive, and following his coronation Charles VI had demanded that the Frankfurt Jews render him an act of homage to reinforce his claim to ultimate authority over them. It did not, however, prove possible to take the next step of introducing a general tax for all Jews living in the Imperial Cities and the lands of the Imperial Knights. In the case of the majority of territories, the local rulers had long since assumed responsibility for the Jews and established the right to tax them. Now, both the Imperial Cities and the knights cited their example in arguing that they too should be exempt. In 1721, for example, the knights flatly refused to impose a tax on the Jews in their lands for the emperor's benefit, and, after a lengthy dispute, the Vienna authorities finally gave in. In 1733, they recognized the Imperial Knights as territorial rulers like the princes: ultimately the emperor was in no position to insist, for he was dependent on the Knights' willingness to continue paying the so-called *subsidia charitativa*, a regular (and vital) contribution made by the knights as a body to the imperial finances.[10]

Renewed attempts to assert imperial prerogatives in episcopal elections were no more successful. Just as Joseph I had failed to ensure the election of his candidate at Münster in 1706, so Charles VI failed to secure the election of Reichsvizekanzler Friedrich Karl von Schönborn at Würzburg in 1724.[11] Once the chapter got wind of

[7] *ADB*, xxxii, 269–70.

[8] Duchhardt, *Verfassungsgeschichte*, 206–7; Lau, 'Reichsstädte'; Feine, 'Verfassungsentwicklung', 101–4. The Reichshofrat intervened in no fewer than 221 disputes in Frankfurt between 1706 and 1784: Lau, 'Reichsstädte', 151.

[9] Ramcke, *Beziehungen*, 89.

[10] Duchhardt, *Verfassungsgeschichte*, 207–8; Duchhardt, 'Karl VI.'.

[11] Feine, 'Verfassungsentwicklung', 99–100; Aretin, *Altes Reich*, ii, 386–7.

the emperor's intentions, the canons swiftly elected Christoph Franz von Hutten before the imperial election commissioner Count Wurmbrand even arrived in the city.

The Reichshofrat subsequently reviewed the emperor's presumed rights of recommendation and exclusion and his powers to deny an elected bishop investment with his territory. The councillors concluded that these rights really did still exist, but urged extreme caution in their future use. In fact, they were never again employed. Informal influence proved more effective. Friedrich Carl von Moser noted in 1787: there were examples of an 'election being influenced in favour of . . . a known idiot simply because he was committed body and soul to the service, will and aims of the imperial court, or rather the house of Habsburg'.[12] In general, however, this was a field in which the Wittelsbachs dominated until their two main lines died out after 1750. The Habsburgs were most successful at the lower level of appointments to canonries, which also had the effect of oiling patronage networks and maintaining the pro-imperial slant of the Reichskirche.

Reviving long-defunct prerogatives proved impossible. Other initiatives were more fruitful. In 1731, it was possible to implement a new guild ordinance for the Reich: the initiative of 1672 to regulate the guilds across the Reich had been dropped in 1680 and subsequent attempts to revive it (for example, in 1707) had failed.[13] In 1726, a serious uprising of journeymen from the shoemakers' guild in Augsburg prompted a new demand from the magistrates of that city for action. In 1727, the emperor asked the Reichstag to review the draft ordinance of 1672. When he had received no reply after three years, he threatened to promulgate a decree without consultation. On 4 September 1731, a text agreed by the Estates was ratified. This relied substantially on the draft of 1672, with the significant addition that journeymen were prohibited from seeking refuge in a neighbouring territory, and it obliged all rulers to extradite miscreants: the Augsburg rebels had escaped justice by fleeing into land under Bavarian jurisdiction.

The successful negotiation of a new imperial currency ordinance between 1732 and 1737–8 was also evidence of a continuing commitment to reform in the Reich.[14] Though the final regulations were never formally promulgated, they provided a framework for regulation at the regional level, either between two or more rulers or within and between various Kreise.

The reign of Charles VI also saw a new engagement in the Kreise themselves. Military distractions elsewhere in Europe meant that the emperor depended on the Forward Kreise for the continuing defence of the Rhine. Relations with these Kreise were cultivated carefully: by direct involvement in respect of Habsburg territories in the case of the Swabian Kreis and by correspondence and consultation in the case of the others.[15]

[12] Feine, 'Verfassungsentwicklung', 100.
[13] Winzen, *Handwerk*, 177–83; Stürmer, *Herbst*, 54–71, 153–4, 184–96; Conrad, *Rechtsgeschichte*, ii, 149–51; Dotzauer, *Reichskreise*, 453–4; North, *Kommunikation*, 85–6.
[14] Schneider, *Währangspolitik*, 85–108. See also pp. 59–61.
[15] Wilson, *German armies*, 210–14.

The Bavarian Kreis was problematic in that it was dominated by the Elector of Bavaria, who was at best lukewarm in his support for the imperial cause and, on occasion, outright hostile and in alliance with France. However, the Elector's co-director in the Kreis, the Archbishop of Salzburg, provided a balance and ensured that Bavaria did not simply dictate policy. Nonetheless, in 1727, when the Bavarian Kreis was invited to join the Nördlingen Association to step up defence against France, it declined, which left Karl Albrecht of Bavaria free to conclude a secret treaty with France for the sake of the subsidies it would bring.[16]

The other Kreise, however, rallied to the cause. In general, those that were not dominated by a major power worked best and proved the most reliable allies of the emperor. In the Swabian Kreis, Württemberg was held in check by the emperor's support for the duke's rights to the succession in Mömpelgard. In the Upper Rhine Kreis, efforts were made to ensure that Ernst Ludwig of Hessen-Darmstadt (r. 1678–1739) was able to resolve his dispute with Pfalz-Neuburg, with the result that in 1722 he was elected commander of the military forces of the Kreis (*Kreisoberst*).[17] In the Franconian Kreis, the members themselves ensured its continuing viability and pro-imperial stance when they thwarted Brandenburg's attempt to join the Kreis by seizing the County of Limpurg when its ruling house died out in 1708: an appeal to the Reichshofrat secured a judgment against Brandenburg in 1713, which the king decided to comply with when the emperor let it be known that he was about to issue a commission for its execution by military force.[18] A decade later, the members of the Kreis contributed financially to ensure that Bayreuth went to a cadet Kulmbach line, rather than to Brandenburg, when the ruling Hohenzollern margraves died out in 1726.[19]

The Habsburgs' acquisition of the Spanish Netherlands in 1714 brought new potential for influence in northern Germany, particularly in the Westphalian and Lower Saxon Kreise. The Spanish Netherlands themselves still formally constituted the Burgundian Kreis, though it had been exempt from obligations to the Reich and from its jurisdiction since the Treaty of Burgundy in 1548. Under Spanish rule, it had developed more as a discrete state than as a region of the Reich, and by the eighteenth century some questioned whether it really belonged to the Reich at all.[20] Whatever the precise legal situation of the western areas of Flanders and Brabant, the Duchy of Luxemburg in the east was at least contiguous with core territories of the Reich.

The Habsburg presence there, and the desire to secure these new territories against France and the Dutch Republic and against the ambitions of powerful territories such as Brandenburg and Hanover, generated a natural interest in the neighbouring Westphalian Kreis. This was reciprocated by many of its members, who were keen to escape domination by Brandenburg-Prussia, which held eight territories in the Kreis in 1715.[21] In May 1715, the minor rulers of the Westphalian Kreis asserted themselves against Brandenburg in the Kreis assembly by resolving to

[16] Hartmann, *Reichskreis*, 454–8.
[17] Dotzauer, *Reichskreise*, 237.
[18] Marquardt, 'Aberkennung', 88.
[19] Dotzauer, *Reichskreise*, 129.
[20] Dotzauer, *Reichskreise*, 390–439.
[21] Dotzauer, *Reichskreise*, 298–300, 325–9. See also Just, 'Grenzsicherungspläne' and Just, 'Westpolitik'.

supply their own troops for self-defence rather than to provide cash for Brandenburg troops. Even the Abbess of Essen now broke off her previous arrangements with Berlin and formed her own force of forty-four men.[22] In December 1715, the emperor obliged the Archbishop of Liège to rejoin the Kreis, which he had left in 1713 to evade paying for collective defence.

Habsburg influence was further reinforced by the fact that several of the smaller Westphalian counties had been inherited either by Austrian families, such as the Kaunitz or the Sinzendorf, or by families such as the Catholic Counts of Salm, or the Counts of Arenberg or Löwenstein, who belonged to the Habsburg clientele.[23] Some, such as the Counts of Gronfeld, Aspremont-Linden, and de Ligne, also owned land in the Spanish Netherlands and now simply served the emperor, rather than the King of Spain. Others, such as the Counts of Lippe, enhanced imperial authority by regularly using the Reichshofrat to resolve internal conflicts. Many more cases went to the Reichskammergericht, but its judgments too were promulgated in the emperor's name.[24] The relationship between the emperor and the ruling house of Lippe was further reinforced by its elevation to princely status in 1720.[25]

The overall strategic aim of imperial policy was to limit the influence of Brandenburg, not least through exploiting the continuing tensions between Brandenburg interests in Kleve and Mark, and Palatinate interests in Jülich and Berg that had persisted ever since the two dynasties had jointly inherited those lands in 1614. On the other hand, efforts were also made not to alienate Berlin completely. In the long-running dispute over the County of Tecklenburg, for example, the emperor ultimately supported Frederick William I, who asserted his right to purchase the territory from the Count of Bentheim in 1729.[26] The need to secure the Elector's support for the Pragmatic Sanction overrode any concern for the rights of the Counts of Bentheim and Solms, both of whom had claimed Tecklenburg since the sixteenth century.[27] In this instance, the judgment of the Reichshofrat was clearly skewed by political expediency and by the dynastic interests of the Habsburgs.

In the Lower Saxon Kreis, Habsburg influence was less immediate, and the emperor had to resort to the traditional policy of relying on Hanover to block Brandenburg ambitions. Austro-Hanoverian pressure was successful in inducing

[22] Wilson, *German armies*, 219.

[23] Arndt, *Reichsgrafenkollegium*, 265–86. Some were also tied into the Imperial system by virtue of younger sons in the Reichskirche: ibid., 286–307.

[24] Benecke, *Society*, 260–1, 332–3.

[25] Klein, 'Erhebungen', 183–4. The fees payable for this procedure were so great that the title could not be formally registered until 1789.

[26] Klueting, *Reich*, 119–20; Klueting, 'Grafschaft'.

[27] In 1577, the Reichskammergericht had awarded three-eighths to Solms and the rest to Bentheim. The controversy flared up again in 1694, when Brandenburg intervened first on behalf of Bentheim and then on behalf of Solms, from whom Frederick I bought the county in 1707. Brandenburg's initial interest was in ensuring that neither Bentheim nor Solms could lay claim to the County of Lingen, which had been linked with Tecklenburg until the sixteenth century, and which Brandenburg hoped to acquire along with the other lands of the house of Orange on the Lower Rhine. Once that aim was achieved, Tecklenburg became a Brandenburg target for its own sake.

Brandenburg to withdraw from the Imperial City of Nordhausen, which it had occupied under the pretence of protecting it from Saxony since 1703.[28] However, imperial authority reached its limits when faced with the growing assertiveness of Hanover itself, especially after the Hanoverian succession in Great Britain in 1714. Attempts to curb Hanover by delaying the formal investiture of newly acquired territories such as Lauenburg, Hadeln, or Bremen and Verden simply aggravated matters: in 1722, George I declared he would keep his new lands 'whether the emperor grants the investiture or not'.[29]

The examples of major Reichshofrat intervention in Mecklenburg (Lower Saxon Kreis) and East Frisia (Westphalian Kreis) illustrate both the potential for, and the obstacles to the exercise of imperial authority in the north after 1715. In Mecklenburg, a long-running dispute since 1664 over taxation was aggravated by the aggressive tyrannical behaviour of Duke Karl Leopold, who succeeded in 1713. The Reichshofrat soon added to a long succession of court judgments against the ruling house, but the question of execution was complicated by the Duke's attempts to secure his position by allying himself with Peter the Great.[30] That made imperial intervention even more of a priority.

However, a plan to commission Hanover with the execution of the court's orders was further delayed by the King of Prussia's insistent offer of assistance. He ended up claiming this as his right, which made the Reichshofrat even more adamant that he should not be involved. In 1719, troops from Hanover and Wolfenbüttel finally invaded the duchy, and a Hanoverian commission was established to take over its administration. For several years, an uneasy stalemate prevailed as Karl Leopold sought to re-establish his government from his remaining strongholds in Schwerin and Dömitz, while the occupying forces remained to reinforce the Hanoverian commission, which enjoyed the support of most of the territorial Estates.

The commission rapidly became a problem itself, raising fears that its prolongation would result in the duchy's outright annexation. Only after the death of George I in 1727 did it prove possible to dissolve the commission, and then, following the formal suspension of Karl Leopold in 1728, his brother Christian Ludwig was appointed interim ruler.[31] Now Brandenburg-Prussia was nominated to guarantee the rights of the nobility, which the Reichshofrat once more confirmed. The appointment of Brandenburg was clearly motivated by Austria's efforts to secure Brandenburg support for the Pragmatic Sanction, and it aroused protests from George II, the Duke of Brunswick-Wolfenbüttel, and other princes, as well as a complaint by the Mecklenburg Estates that no lasting territorial settlement

[28] Wilson, *German armies*, 133–4, 220.
[29] Wilson, *German armies*, 221.
[30] Hughes, *Law*, 102–4. See also pp. 140, 198, 246.
[31] Christian Ludwig was initially appointed administrator to rule as heir presumptive in the name of the emperor, but following protests from several quarters that this contravened the law of the Reich, he was appointed Imperial commissioner ruling on his brother's behalf in 1732. Contrary to what had been announced in 1728, Karl Leopold was now not declared permanently unfit to govern, which theoretically opened up the possibility that he might be restored: Hughes, *Law*, 206–8, 239–40; Feine, 'Verfassungsentwicklung', 111–12; Troßbach, 'Fürstenabsetzungen', 441–3.

had been achieved. An attempt by Karl Leopold to lead an uprising of the peasantry in 1733 led Hanover and Wolfenbüttel as well as Brandenburg to intervene. Both Hanover and Brandenburg now retained Mecklenburg territory to cover the costs of their intervention, and, in the case of Hanover, the debt accrued in respect of the whole affair to date.

In 1735, Christian Ludwig (r. 1728–56) was able to drive his brother out of Schwerin, from where he fled to the Swedish port of Wismar; though Karl Leopold returned to Dömitz in 1741, his career was over, and he lived there quietly until his death in 1747. Ironically, no sooner had Christian Ludwig finally succeeded his brother than he introduced his own repressive regime. It was Frederick the Great who finally resolved the conflict by intervening in 1755 to impose a domestic settlement first devised by imperial lawyers in 1701.[32]

In the case of East Frisia, the Cirksena dynasty's equally long-running dispute with its Estates was complicated by the involvement before 1700 of Dutch, Münster, Celle, and Brandenburg troops. Here a period of relative peace and prosperity was ended by a series of natural disasters after 1715, culminating in a catastrophic flood in December 1717 that destroyed many of the sea defences. The resulting financial crisis led the prince and his Chancellor, Enno Rudolph von Brenneysen, to launch a case against the Estates on the grounds of their financial mismanagement. With some truth, it was alleged that the Estates had driven the country into ruin by their persistent habit of calling in foreign troops to support their cause. Behind it all was a small group, consisting largely of burghers of the city of Emden, who still followed Althusius's revolutionary politics and aimed to establish a despotic oligarchy, to which all, including the prince, would be subject.[33]

While the Reichshofrat struggled to find a solution, both sides armed. Brandenburg-Prussia sided with the Estates, since they recognized the Brandenburg Electors' claim to succeed the Cirksena. A violent confrontation was only avoided by the fact that neither Brandenburg nor the Dutch Republic felt it was worth going to war with Austria. In 1727, when Charles sanctioned the intervention of Danish troops to help Count Georg Albrecht (r. 1708–34), law and order were restored, though the rebels effectively remained in control of Emden and the surrounding area. This uneasy equilibrium permitted a series of protracted negotiations between the Reichshofrat, the prince, the Estates, the Dutch, and Brandenburg that were only resolved in 1744 on the death of Carl Edzard (r. 1734–44). The dynasty became extinct, and East Frisia fell into the hands of Frederick the Great, who initiated a return to the constitutional arrangements that had prevailed before 1721.[34]

Ultimately, the imperial authorities failed in both Mecklenburg and East Frisia. Yet the very fact of an ongoing legal process was perhaps more significant than the outcome. If Mecklenburg showed that subjects could appeal against their princes, East Frisia showed that princes could appeal against their over-mighty subjects. Imperial justice would be brought to bear against the tyranny of the mob, as much as it would against the tyranny of individuals. In these particular cases, the legal

[32] Hughes, *Law*, 95, 264–5.
[33] Hughes, *Law*, 125–35; Kappelhoff, *Regiment*, 151–75.
[34] Hughes, *Law*, 267–8.

process seems to have been free of political interference, though, of course, the execution of decisions was dependent on Austrian relations with the external powers involved.

The tyranny of the Mecklenburg dukes was stopped and the grievances of the East Frisian princes extinguished on Carl Edzard's death. Charles VI would not have approved of the fact that Brandenburg was the beneficiary in each case. For, during the course of his own reign, he had worked hard and, within the limits imposed by the various regional scenarios remote from Vienna, fairly successfully, to negotiate a path for imperial justice between the competing ambitions of the major regional powers.

18

The Return of Confessional Politics?

The efforts of Charles VI to exercise his supreme judicial functions won him applause from many of the middling and less powerful Estates in the Reich. They were by and large reassured that the emperor would guarantee their independence. The more powerful princes, however, simply regarded him as irksome and threatening.

As early as 1716, Frederick William I of Brandenburg-Prussia was sure he knew what the emperor intended: 'He wants to subjugate us all and make himself sovereign, that's what he wants, and we'll have to call the Swedes in again to put a bit into his mouth.'[1] Frederick William's perennial flouting of imperial law led him into constant conflict with the imperial authorities. At one stage, he had over forty separate cases pending against him in the Reichshofrat, and matters were not improved by his attitude to the court's judgments: 'I do what Wallenstein did when he received orders from the Emperor', he once wrote, 'he kissed them and threw them out of the window without even having opened them.'[2]

The attitude of Hanover was scarcely more positive, with the English minister in Vienna reporting mockingly that Charles had ambitions to 'imitate Caesar Augustus and the grandeur of the first Roman Empire'.[3] It was all very well for Charles to accuse Frederick William I in 1720 of wishing to 'form a *statum in statu* in the Reich, to dictate to your fellow Imperial Estates, and even to resist the emperor himself, and to deny his most high office all respect and obedience'.[4] The fact was that, by the time Charles VI came to the throne, it was manifestly implausible to treat the Elector of Brandenburg or Hanover in the same way that one might the Abbot of Ellwangen or the Count of Nassau-Siegen. Those German princes who had achieved royal status outside the Reich simply were no longer inclined to be treated as delinquent vassals of the emperor; and their example inspired others to think of resistance as well. Indeed, during the 1720s, both Württemberg and Hessen-Kassel began to demand that they be given electoral titles as their price for continuing to support the crown.[5]

Nowhere did the resulting tension express itself more acutely than in the religious controversy that at times in the early 1720s seemed likely to plunge the

[1] Feine, 'Verfassungsentwicklung', 108.
[2] Hughes, *Law*, 62; Erdmannsdörffer, *Geschichte*, ii, 377.
[3] Hughes, *Law*, 10.
[4] Feine, 'Verfassungsentwicklung', 109.
[5] Wilson, *German armies*, 209.

Reich into war. The immediate cause of the crisis was provided by the Catholic Elector of the Palatinate, Karl Philipp (r. 1716–42). In April 1719, he banned the Calvinist Heidelberg Catechism of 1563 on the grounds that it denigrated the Catholic Mass as 'an accursed idolatry'; in September, he ordered the demolition of the wall that since 1705 had divided the Church of the Holy Spirit in Heidelberg for joint worship by Calvinists (in the nave) and Catholics (in the choir) and expelled the Calvinists from the building. There were several reasons why these actions sparked a major political crisis in the Reich.

The general context was a growing sense among many European Protestants in the late seventeenth and early eighteenth centuries that confessional tensions were rising again and that Protestantism was under attack.[6] The expulsion of the Huguenots from France in 1685, tales of the vicious repression of the Camisard uprising in 1702–5, news of Catholic persecutions in the Habsburg lands, and the perennial threat of a Jacobite uprising in Britain all contributed to a sense of insecurity and fear of a Catholic-Jesuit threat to the status quo. In the Reich specifically, a series of continuing wrangles over the interpretation of the terms of the Peace of Westphalia in respect of specific towns or districts assumed a wider significance after 1697. There were four distinct yet related dimensions to this.

First, the Elector of Saxony converted to Catholicism in 1697. That did not initially arouse much controversy: under the rules that prevailed in the Reich, his territory remained Lutheran and his position of Director of the Corpus Evangelicorum was simply transferred to the Protestant cadet Weissenfels line, and business was conducted by the Saxon privy council.[7] However, the Saxon Elector's conversion and his assumption of the Polish throne threatened his regional neighbours Brunswick and Brandenburg and provoked them to aspire to a similar advance in their status. Brandenburg, in particular, challenged Saxon leadership of the Corpus Evangelicorum and assumed the role of Vice-Director. It was not only the title that was at stake, but also the style of leadership. Saxony had never exploited the political potential of its position. On the contrary, it had maintained a consistently loyalist stance, and, whenever possible, the Electors had exerted their influence to defuse confessional tensions and to undermine the agitation of activists.

Brandenburg was foremost among the activists of the period after 1648, and after 1700 she was joined by Hanover. Leopold I's policy of building up Hanover as a regional power against Brandenburg backfired. Although George I remained allied to Vienna, he simultaneously aligned himself with Brandenburg as presumptive joint leader of the German Protestants. Indeed, nervous that a Jacobite revival might deprive him of his newly acquired British crown, he was even more outspoken than his colleague in Berlin about the Jesuit conspiracy which allegedly planned to subvert first the Reich and then the whole of Protestant Europe. French diplomats spoke of two parties: the 'zélés' ('zealots'), led by Hanover and Brandenburg, and the 'politiques', who remained loyal to the Saxon directorate.[8]

[6] Ward, *Awakening*, 15–26. [7] Haug-Moritz, 'Parität', 467.
[8] Haug-Moritz, *Ständekonflikt*, 159–60.

Second, the terms of the Peace of Rijswijk injected new fire into a longrunning series of disputes in the Palatinate and endowed them with wider political–constitutional significance. The confessional status quo in the Palatinate had been disputed ever since the restitution of a Calvinist Elector to lands that had been comprehensively re-Catholicized by the Bavarian occupation after 1623. In 1685, when the Catholic Neuburg line inherited the Electorate, the Protestants soon complained that they were being disadvantaged. The Brandenburg Elector, Friedrich III, immediately saw the opportunity to exploit the issue in order to weaken a ruler with whom he was still in dispute over ongoing legal and power-political issues arising from their joint inheritance and fractious partition in 1614 of the Duchy of Jülich-Kleve.[9] Under French occupation between 1688 and 1697, the Palatinate Catholics gained further ground, and in Article IV of the Rijswijk treaty France was able to insist on the formal recognition of any new rights granted to Catholics in territories on the right bank of the Rhine that were now returned to the Reich. The Protestant princes protested vigorously at the time against what they understood as a clear breach of the Peace of Westphalia.

The 'Rijswijk clause' rapidly became a shibboleth for Protestants in the Reich. They assumed that it was nullified along with the whole Rijswijk treaty on the outbreak of the War of the Spanish Succession, and they later claimed that they had supported the emperor in the war on that assumption. They were incensed when it subsequently became clear that the emperor had failed to lobby for its rescission at the Peace of Baden in 1714. The fact that the papacy, which still refused to recognize the Peace of Westphalia, was known to have lobbied strongly for the retention of the Rijswijk clause, and that Clement XI was now determined to support all attempts to regain ground for Catholicism was an especially aggravating factor.[10] Just what might have been achieved if the clause had been formally nullified is not entirely clear. By 1714, however, the clause had come to stand for a range of regional and national issues.

The third strand of the development unfolded regionally. Once back in control of his Electorate, Johann Wilhelm of the Palatinate (r. 1690–1716) not only observed the Rijswijk clause, but exceeded its terms by creating new rights of Catholic worship wherever possible. Indeed, in October 1698 he decreed that all churches in his territory should be used by all three confessions simultaneously, in so far as the Peace of Rijswijk did not imply exclusive Catholic use. The Brandenburg Elector, who had offered his services as protector of the Palatinate Calvinists as early as 1694, now once more sought to mediate and, when he was again rebuffed, threatened retaliation against the Catholics of his own territories of Magdeburg, Minden, and Halberstadt.[11] They in turn appealed to the Palatine Elector to reach an understanding with Brandenburg, which resulted in the Treaty of Düsseldorf in November 1705. This abolished the *Simultaneum*, guaranteed the religious freedom of all, and divided Church revenue between Calvinists (five-sevenths) and

[9] Haug-Moritz, 'Parität', 468. See also Thompson, *Britain*, 61–96.
[10] Ward, *Awakening*, 17–18.
[11] Borgmann, *Religionsstreit*, 27.

Catholics (two-sevenths); the Lutherans received nothing. The following years saw bitter controversies between Lutherans and Calvinists, while the Elector reneged on the promise he made in 1705 not to touch the Calvinist University of Heidelberg and systematically appointed Jesuit professors.[12]

Meanwhile the Palatine Elector's example seems to have emboldened other Catholic rulers in the region. The Archbishop of Mainz, for example, inherited the town of Kronberg after the extinction of the local dynasty of knights in 1704. This had been reformed by Philip of Hessen in 1526, after he had driven out Hartmut XII von Cronberg following the Knights' War. The town was returned to the (Catholic) family in 1541, on condition that it remained Protestant. In 1626, Catholicism was reintroduced but, since this was after the normative year of 1624, the Reichsdeputation ordered a return to Protestantism and the limitation of Catholic worship to the castle chapel. When the Archbishop of Mainz inherited, he immediately began to promote Catholicism.[13]

Such activities intensified after the Peace of Baden (1714), and the Archbishop was himself quick to apply the terms of the Rijswijk clause both in his own lands and in the Prince-Bishoprics of Worms and Speyer.[14] Indeed, the Catholic rulers now claimed that clause 3 of the Peace of Baden provided that in any place where there had been Catholic services during the French occupation, all churches should now be open to all three confessions: in practice, this meant the introduction of a *Simultaneum* that benefited Catholics in a number of places where either Calvinists or Lutherans had previously held exclusive rights under the Peace of Westphalia.[15]

Increasingly, many Protestant observers believed that the cumulation of such cases, frequently the subject of protracted legal proceedings, raised serious political and constitutional issues, the fourth strand in the growing confessional crisis of the years after 1700. Slowly, the whole drift of German politics seemed to fall into an ominous perspective. The imperial revival generally, the increasing influence of the Reichshofrat in particular, and the apparently growing number of conversions of princes to Catholicism were all taken as evidence of a massive and pervasive Catholic counter-offensive.[16] Protestantism, it appeared, was under siege in the Reich, and the Protestant rulers began to use every political weapon available to them to resist. With increasing frequency, they appealed to the Reichstag against judgments of the Reichshofrat.[17] In almost every form of imperial institution, from

[12] Erdmannsdörffer, *Geschichte*, ii, 380–1.

[13] The campaign culminated in the demolition of the town hall in 1737 and the construction of a substantial Catholic church alongside the Lutheran one; Mainz even obliged the Protestants to contribute to the cost. The project was prohibited by the Reichskammergericht in 1768, and the church was turned into a guest house. The wrangling over the case continued through to the second half of the eighteenth century. Ward, *Awakening*, 19–20. Ward identifies the town as 'Cronenberg': Kronberg or Cronberg is the more usual usage. The dates for the church-building episode are given in Sante, *Handbuch*, 279.

[14] Aretin, *Altes Reich*, ii, 272, 518.

[15] Aretin, *Altes Reich*, ii, 275. The problem of the *Simultaneum* is discussed by Schäfer, *Simultaneum*, 9–23.

[16] On the political significance of conversions, see: Christ, 'Fürst'; Schmidt, 'Konversion'; Peper, *Konversionen*, 29–44.

[17] Haug-Moritz, 'Parität', 473.

the Kreise upwards, they began to insist more and more vociferously on confessional parity. Discussions at regional level that had nothing to do with religion suddenly assumed a confessional significance.[18] The Corpus Evangelicorum at the Reichstag became increasingly active, and its two informal deputy leaders, Hanover and Brandenburg, formed an activist party that ignored the moderate Saxon leadership. Lists of complaints in matters concerning religion (*Gravamina*), reminiscent of those of the Reformation era, were drawn up and presented. The first printed collection, comprising 432 cases, was published at Regensburg in 1719.[19]

It was an indication of how bad things had become that Protestants and Catholics could not even agree on the terms of reference for a mixed commission that was proposed in 1699 to examine the complaints that had arisen from the Rijswijk clause. In 1705, after six years of wrangling, the Protestants simply withdrew from the negotiations. Increasingly, it was evident that the two sides had a very different view of what constituted a religious issue. The Protestants insisted that pretty well any matter could be treated as a confessional issue if it involved individuals who were Protestant or Catholic. That in turn meant that they claimed the right to apply the constitutional mechanism of the *itio in partes* to any disputed question: the clause of the Peace of Westphalia (IPO Art V, §52) that prohibited majority votes in religious matters and provided for each Corpus to deliberate separately before reaching an amicable agreement (*amicabilis compositio*).

Of course, the *itio in partes* also implied that no decision might be reached at all, which essentially became the Protestant view of it around 1700. It was often threatened, but the *itio in partes* was first used in 1712 in the matter of the Abbot of St Gallen's appeal for assistance from the Reich to recover land lost following an uprising of his subjects in Toggenburg, which had been supported by the cantons of Berne and Zurich. No one disagreed that help should be given: the Protestants merely wanted to insist that any commission that was despatched comprised both a Catholic and a Protestant prince. Five years later, the Imperial City of Cologne applied to have its contributions to the Reich reduced on the grounds that it could no longer afford them. The Catholics agreed, but the Protestants refused on the grounds that the Catholic city council discriminated against Cologne's Calvinist merchants.[20]

In extending the range of issues on which confessional solidarity was required, the Protestants were acting more like a political party than the loose confessional association envisaged by the corpus system. Indeed, the driving forces behind the radicalization of Protestant tactics were precisely those old princely houses that had formed the core of the opposition in the Reich in the 1660s and 1670s. To that extent, the new confessional opposition that crystallized after 1700 was simply another version of the anti-imperial tendency that had defended German liberty for much of the previous century. Now, however, it was a much more implacable

[18] Vann, *Swabian Kreis*, 120–31. For other Kreise, see Luh, *Reich*, 70–9.

[19] Luh, *Reich*, 27–8. Two further major annotated collections followed within three years: Hoffmann, *Gründliche Vorstellung*, and Struve, *Ausführliche Historie*.

[20] Luh, *Reich*, 97, for both St Gallen and Cologne.

force than it had been at any time since the end of the Thirty Years War. What is more, it was spoiling for a fight with the revived Habsburg monarchy in the Reich.

Matters came to a head in 1717. The dispute over the Cologne contributions reached an impasse when Charles VI declared the behaviour of the Protestant Corpus to be unconstitutional. The Electors became embroiled in the controversy over their honorary court titles once the formal restitution of the Elector of Bavaria took effect.[21] The fact that the controversy pitched the Palatinate against Hanover, squabbling over who should have the title of Arch-Treasurer, made the whole dispute particularly bitter. Losing face over the title made George I even more implacably opposed to the Palatine Elector. This dispute paralysed the Reichstag for nearly two years. The Reichshofrat contributed to the growing crisis by ordering the Protestant Landgrave of Hessen-Kassel to return the fortress of Rheinfels to the Catholic Landgrave of Hessen-Rheinfels, which the Corpus Evangelicorum inevitably claimed was yet further proof of the court's Catholic bias. The publication of the news that the crown prince of Saxony had also secretly converted to Catholicism in 1712 and that he was about to marry Maria Josefa, the elder daughter of the late Joseph I, further unsettled the Corpus, and beset many of its members with anxieties about the true intentions of the Saxon directorate. In October 1717, Protestant Germany celebrated the bicentenary of the Reformation, which gave rise to defiant declarations of militant solidarity against the dark forces of Catholicism.[22]

Tension remained high, and the Palatine Elector's action against the Heidelberg catechism and the Calvinist community of the church of the Holy Spirit in April 1719 precipitated the explosion that many had been expecting for some years.[23] Only weeks later, the destruction of the Catholic imperial resident's chapel in Hamburg put all governments on high alert.[24]

Hanover and Brandenburg responded on various levels. They called for an immediate response from the Corpus Evangelicorum, and a list of grievances was sent to Vienna. They also agreed that it was high time the Saxon directorate was ousted in favour of an alternation between themselves. Meanwhile, in clear contravention of the Peace of Westphalia, which permitted the resort to violence only after all peaceful avenues had been explored, they made good their threats of reprisals, and Hessen-Kassel followed suit. George I closed the Catholic church at Celle. Hessen-Kassel ordered the closure of Catholic churches in the County of Katzenelnbogen.[25] Frederick William of Prussia refused to lend Hessen-Kassel troops to assist in closing the Catholic churches, but then went further himself: he sent grenadiers to drive the monks out of the monastery of Hamersleben in the Prince-Bishopric of Halberstadt along with three other monasteries and closed the Catholic cathedral at Minden. A letter of rebuke from the emperor

[21] See p. 75.
[22] Whaley, *Toleration*, 189–92.
[23] For the detail, see Schmidt, *Karl Philipp*, 114–49. Borgmann, *Religionsstreit*, is a detailed study of the crisis of 1719.
[24] Whaley, *Toleration*, 55–63.
[25] Borgmann, *Religionsstreit*, 55.

provoked such a blunt response from Frederick William that Prince Eugene was moved to remark: 'If I was Emperor and the King of Prussia had written such a letter, I would certainly declare war on him if he denied me satisfaction.'[26] As late as 23 April 1723, Prince Eugene informed the privy conference in Vienna that one must either allow the Protestants to dictate the law or, if necessary, counter them with armed force.[27]

The denouement did not match the overture. The Palatine Elector returned the church to the Calvinists and moved his capital to Mannheim. Hanover and Brandenburg-Prussia revoked their anti-Catholic measures. Confessional tensions remained high for some years, nonetheless.

In 1724, the execution of ten Lutherans after an anti-Jesuit riot in the Polish city of Thorn provoked heated discussion among the German Protestant Estates.[28] The alliance between Vienna and Madrid in 1725 further fuelled fears of a Catholic conspiracy against the Protestants in Germany.[29] As late as 1727, the Corpus Evangelicorum insisted on another *itio in partes* vote in the matter of the dispute over the ownership of the lordship of Zwingenberg between the Palatine Elector and the relatives of the last owner.[30] The dispute really had nothing to do with religion: the property had been annexed in 1634, and the putative heirs had been pursuing legal action since 1651. They finally achieved a crucial Reichshofrat judgment in 1725, against which the Elector appealed to the Reichstag. The Catholics refused to deal with the matter; the Protestants pursued it because of their hatred of the Palatine ruler. After a year of deadlock, the political crisis simply evaporated; in 1728, Zwingenberg was returned to its lawful owners, who sold it to the Palatinate in 1746.

Despite dark fears, war was averted. At no stage was the rift total. In August 1716, the Reichstag had unanimously voted money for the war against the Turks. Throughout the whole period from 1717 to 1724 negotiations over the maintenance of the Reichskammergericht and the imperial fortresses on the Rhine proceeded quite amicably.[31] The attempt to create a confessional party was far from successful. The extremism of Hanover and Brandenburg soon created dissension and unease in the Corpus Evangelicorum. By the end of 1721, many minor Protestant rulers wanted to make peace with the emperor; they certainly did not want to risk an armed conflict.

Neither, in fact, did any of the key players. France, which had authored the hated Rijswijk clause in the first place, was no longer willing to pursue it if it led to confessional conflict: in 1723, its ambassador to Regensburg was instructed to support the Peace of Westphalia as a way of limiting Habsburg influence.[32]

[26] Aretin, *Altes Reich*, ii, 281.
[27] Borgmann, *Religionsstreit*, 129.
[28] Weintraub, 'Tolerance'; Whaley, *Toleration* 64–5.
[29] See pp. 137–8.
[30] Luh, *Reich*, 97–8; Aretin, *Altes Reich*, ii, 298–9; Marquardt, 'Aberkennung', 88; Köbler, *Lexikon*, 750.
[31] Luh, *Reich*, 106.
[32] Ward, *Awakening*, 28.

Hanoverian policy began to change once Walpole took charge in London in 1721.[33] George I remained militant, as did his representative at Regensburg until 1726, Rudolf Johann von Wrisberg, who became a hate figure in Vienna in the early 1720s.[34] But after 1726, a more conciliatory tone prevailed in London.

That Hanover and Brandenburg concluded the Charlottenburg mutual defence pact in 1723 and that both joined the Herrenhausen alliance in 1725 was evidence of continuing solidarity based on common political and confessional interests. Increasingly, however, Walpole sought to distance London from Hanover, which tended to neutralize the position of Hanover in the Reich, or rather turn its back towards the traditional pro-imperial policy that had won it promotion to electoral status in the first place. Brandenburg was back in alliance with Vienna from 1726, albeit secretly until 1728. Finally, whatever the inadequacies of imperial policy-making, Charles VI was acutely aware of the fact that confessional peace was an essential precondition of his authority in the Reich. His role as supreme judge and arbiter of conflicts presupposed a fundamental willingness among both Protestants and Catholics to accept a higher authority. He also needed to secure the agreement of the Reich to the Pragmatic Sanction.

[33] Press, 'Kurhannover', 60–1. [34] Borgmann, *Religionsstreit*, 23–4

19

The Problem of the Austrian Succession

The lack of a male Habsburg heir became a problem for the dynasty long before it became a significant political issue.[1] In 1703, Leopold I reached an agreement with his two sons whose terms were partly kept secret. By the so-called *pactum mutuae successionis* the brothers agreed that Joseph should inherit Austria while Charles should have Spain. If neither brother produced a male heir, and if Leopold had no third son, female lines would be entitled to inherit, with Joseph's daughters taking precedence over those of Charles. The three sisters of Joseph and Charles were excluded from the line of succession, though their mother, who ruled as regent briefly after Joseph's death before Charles returned from Spain, knew nothing of that.

Two things obliged Charles to engage with the matter. First, the Hungarian magnates indicated that a female succession would entitle them to resume their right of election, since their agreement with the Habsburgs rested on the constitutional status quo of 1687, which excluded a female monarch. Second, shortly before Charles's wife, Elisabeth Christine, arrived in Vienna, Joseph's widow demanded to know what the status of her daughters would be at court. If they were to be recognized as heirs, then they should take precedence over the emperor's sisters. Thus, on 19 April 1713, Charles clarified matters by issuing a new decree that gave precedence to his own eventual female heirs if he failed to produce a son.

At the time all this was hypothetical, since Charles had no children at all. However, a son born in April 1716 died after only seven months, and the birth of two daughters (Maria Theresa in May 1717 and Maria Anna in September 1718) made the female succession a distinct possibility. Protracted negotiations with the Estates of the various Habsburg lands secured their agreement to the succession between 1720 and 1725. Steps were also taken to negate the rights of Joseph I's daughters. When Maria Josefa married Friedrich August, the crown prince of Saxony-Poland, she was forced to renounce her rights under what was for the first time referred to as the Pragmatic Sanction.[2] Similarly, in 1722, when Maria Amalia married Karl Albrecht of Bavaria, both the bride and groom, and the Elector Max Emanuel, were obliged to renounce any expectation of the succession. That did not pose a problem for the Bavarians, since their own potential claims to the Austrian succession were based on much older agreements.

[1] Rill, *Karl VI.*, 177–87; Klueting, *Reich*, 120–2; Kunisch, *Staatsverfassung*, 41–62; Kunisch, 'Hausgesetzgebung', 50–70; Schulze, 'Hausgesetzgebung', 267–70.

[2] The term itself simply meant 'Imperial decree' and was used by the Roman emperors of late antiquity and by Castile and Aragon to describe a decree put before the Estates for their approval.

In some senses, the Pragmatic Sanction merely followed a wider trend. Around 1700, numerous German ruling houses took steps to ensure the survival of their territories by introducing primogeniture agreements.[3] Securing legal recognition for them from the Reichshofrat was also considered essential; indeed, negotiating disputes arising from such agreements was one of the court's main functions at this time.[4] In the later sixteenth century, the Habsburgs had suffered from Ferdinand I's division of his lands between his sons.[5] The Pragmatic Sanction was designed to avert the far greater threat of fragmentation that loomed in view of the absence of a male heir. If one of the long-term consequences of consolidating the unity of the Habsburg lands was to make the distinction between the interests of the Habsburg monarchy and the Reich much clearer, that was not its primary intention. Prince Eugene's much-quoted dictum that Charles must try to make 'a *totum*' of his 'extensive and glorious monarchy' seems apt but is often taken out of context. The statement was in fact made in January 1726, in an attempt to persuade the emperor of the need to institute weekly joint meetings of the privy conference with the Spanish and Flanders councils in order to coordinate the flow of income from the various lands needed to pay for the army.[6]

In a number of respects, however, the Habsburg case differed from that of other German dynasties. First, it envisaged a deviation from the principle of male succession that was the norm in the Reich: generally, a female succession was permitted only if it was explicitly included in the terms under which the fiefdom was originally granted. Second, fiefdoms that became vacant in the Reich on the extinction of a male line usually reverted to the Reich or, subject to imperial approval, were inherited by the nearest related dynasty.[7] Third, as many in the Reich pointed out, if the Reichstag guaranteed the Pragmatic Sanction, it would also implicitly be guaranteeing arrangements that related to territories outside the Reich, such as Hungary or Sicily. The traditional reluctance of the German princes to become involved in the defence of Habsburg interests outside the Reich once more came into play. Finally, a guarantee of the Pragmatic Sanction by the Reichstag might be held to predetermine the question of the succession to the imperial crown in favour of a future husband of Maria Theresa, provided, of course, that he was a German.

Prince Eugene advised that only a well-endowed treasury and a strong army would really secure the Pragmatic Sanction.[8] That would have helped. Others were convinced that international guarantees alone would avert a war of Austrian succession like the Spanish one. Furthermore, only an explicit guarantee from the Reichstag could ensure that Maria Theresa would hold on to the Austrian lands in the Reich against all tradition and custom. This was certainly the view of the 'Austrian' party at Vienna, strongly promoted by the rising star Johann Christoph Bartenstein

[3] Neuhaus, 'Chronologie', 388–9.
[4] Westphal, *Rechtsprechung*, 88–96. These functions are analysed in relation to the counts of the Lower Rhine and Westphalia by Arndt, *Reichsgrafenkollegium*, 208–17.
[5] Fichtner, *Protestantism*, 48–9.
[6] Braubach, *Prinz Eugen*, iv, 116, and v, 212–13.
[7] Conrad, *Rechtsgeschichte*, ii, 238–41.
[8] Hochedlinger, *Wars*, 207–8. Interestingly, Prince Eugene felt himself to be too much of a 'foreigner' to express a view on the Pragmatic Sanction: Braubach, *Prinz Eugen*, v, 212.

(1689–1767), councillor from 1724, secretary of the privy conference from 1727, and privy state secretary in charge of all external affairs from 1733.[9]

The first guarantee was from Spain, achieved in 1725 in the context of the vague agreements over the Spanish–Austrian marriage projects. In 1726, Russia was won over with a promise that Austria would support Russian expansion plans in the south-east. The others were significantly more problematic. In 1726, an agreement was reached in secret with Brandenburg-Prussia; and in 1728, Frederick William I formally agreed to support a Reichstag guarantee of the Pragmatic Sanction and pledged his vote in the next imperial election for Maria Theresa's eventual spouse. For Frederick William, the Habsburgs were preferable as emperors to any alternative: the elevation of either the Saxon or the Bavarian Elector would have posed a threat to Brandenburg's position in the north. The outbreak of a major international war would also threaten Brandenburg, as would the acquisition of significant Habsburg territory by Saxony-Poland, or any elevation in the position of Hanover-Britain. Self-interest, rather than German patriotism, turned the Prussian king into a Habsburg loyalist.

In return, Charles VI undertook to support Brandenburg's claims to the succession in Jülich-Berg. This issue, in which both Brandenburg and the Palatinate had a burning interest, illustrates the complexity and potential danger that attended the extinction of a male line of succession.[10] It arose from the mutual inheritance clause contained in the treaty concluded in 1666 between both ruling houses over the government of the Jülich-Kleve-Berg territory that they had jointly inherited and partitioned in 1614. Since the Great Elector had two daughters and six sons and the Palatine Elector Philipp Wilhelm was outlived by six sons and six daughters, it seemed inconceivable that this clause might ever become relevant.

Remarkably, however, when Karl Philipp (1661–1742) succeeded his brother Johann Wilhelm in 1716, he was in effect the last surviving male Neuburg, since both his brothers were bishops (Franz Ludwig in Trier and then Mainz, and Alexander Sigismund in Augsburg). This meant that the Electorate and other lands would eventually go to the related Sulzbach line, to whose heir apparent he had married his own daughter. By 1733, both she and her husband and her husband's younger brother were dead, and the Palatine heir apparent was the nine-year-old Karl Theodor of Pfalz-Sulzbach. In the Palatine view, Karl Theodor's claims to Jülich-Berg were reinforced by the fact that he too was descended from Anna von Neuburg, one of the original four female heirs to the Jülich-Kleve inheritance on the death of Johann Wilhelm of Jülich-Kleve in 1609. Brandenburg vigorously opposed all of Karl Philipp's numerous schemes to ensure the retention of Jülich-Berg on the grounds that the 1666 treaty envisaged mutual inheritance by the two signatory lines and contained no mention of related dynasties.

Whether Charles VI ever seriously intended to promote the Prussian claims to this predominantly Catholic territory is another matter. As early as the summer of 1732, it was made clear to Frederick William that the emperor would not after all broker a deal over Jülich-Berg. The fact that he did nothing at all to advance the Brandenburg claims ultimately led Berlin to conclude a treaty with France in 1739

[9] Braubach, *Prinz Eugen*, v, 204–8; Klueting, *Reich*, 121–2; Aretin, *Altes Reich*, ii, 333–5.
[10] Schmidt, *Karl Philipp*, 155–9.

and largely explained Frederick the Great's turn against Austria on his accession in 1740. In 1728, however, the emperor's promise secured him the invaluable support of the Prussian king for his own succession plans.

Hanover-Britain had more to bargain with. Not only did London object to the Ostend Company as a threat to British trade. The emperor prevaricated over the promises made to Spain in 1725, and he continued to refuse to permit Spanish garrisons on territory of the Reich in Parma and Tuscany, on the basis of agreements made with the Reichstag in 1722. Consequently, following the Treaty of Seville of 9 November 1729, he was confronted by a hostile league of Britain, Spain, France, and the Dutch Republic.[11] By 1731, Vienna was willing to pay the price that London demanded. The Ostend Company was dissolved, and, even more painfully, Charles permitted Spanish garrisons in Parma and Tuscany. Thereupon Britain guaranteed the Pragmatic Sanction, followed promptly by the Dutch Republic and Denmark. The agreement with the Reichstag, the first ever treaty between the Reich and the Habsburgs, was formalized by imperial approval on 3 February 1732.

That marked a defeat for the opposition party that Bavaria had worked hard at enlarging. In 1724, Max Emanuel had negotiated a Wittelsbach dynastic union signed by the Electors of the Palatinate, Trier, and Cologne.[12] One aim was to resolve the dispute between Bavaria and the Palatinate over who should exercise the rights of vicar for the southern Reich in the event of an interregnum, for which a joint administration of duties was agreed. A wider aim was the establishment of a Catholic league in the Reich that would counteract the activities of the Corpus Evangelicorum. The signatories agreed on mutual defence, on a coordinated approach to the Reichstag and to the meetings of other bodies, and on a concerted defence of the prerogatives of all Electors. The Protestant Wittelsbach lines were excluded, though the Wittelsbach Bishops of Regensburg and Augsburg signed alongside the four Wittelsbach Electors.

The prominence of the pro-Habsburg Schönborn dynasty in the Reichskirche in the 1720s thwarted the further extension of the Wittelsbach union. Faced with a lack of general support in the Reich and with the distrust of Vienna, Bavaria and the Palatinate had no choice but to seek a renewed understanding with France and to try at least to maintain the solidarity of the Wittelsbach Electors. However, Franz-Ludwig von Pfalz-Neuburg became a supporter of the Pragmatic Sanction following his translation from Trier to Mainz in 1729.[13] Furthermore, though the Wittelsbach union was successfully renewed in 1728, its solidarity was weakened by the fact that Karl Philipp of the Palatinate was fundamentally pro-imperial and, more than anything else, obsessed with the question of the Jülich-Berg succession.[14]

Bavaria refused to support the Pragmatic Sanction, as did the Palatinate, even though Karl Philipp's price—the conferment of the title of princess on his morganatic third wife (officially his 'mistress'), Countess Violanta von Thurn und

[11] Auer, 'Vertrag von Sevilla', 64–5.
[12] Aretin, *Altes Reich*, ii, 317–25.
[13] *BWDG*, i, 729–30; *ADB*, vii, 307–8.
[14] Schmidt, *Karl Philipp*, 155, 161.

Taxis—was in fact paid in 1733.[15] Saxony also protested against the Reichstag's decision, but the support of Brandenburg and Hanover proved crucial.

In marked contrast to their tactics over the religious dispute in the Palatinate in 1719, Berlin and Hanover now worked hard to prevent another, potentially more serious, confessional issue getting in the way of the Pragmatic Sanction. News of Archbishop Firmian of Salzburg's decision to expel his Protestant subjects from his territories reached the Reichstag just a few weeks after the first discussion of the Pragmatic Sanction in October 1731.[16] Though the terms of the Peace of Westphalia technically allowed him to do this, the expulsion of some twenty thousand inhabitants provoked extraordinary publicity in the Reich.

There was widespread indignation among Protestants. Yet the management of the crisis by Brandenburg and Hanover both permitted the guarantee of the Pragmatic Sanction and provided a home for most of the refugees in Brandenburg itself. Of course, the Prussian king benefited economically from this influx of population, which was largely settled on sparsely inhabited or uninhabited land in Brandenburg and East Prussia. Yet the speed with which the two leading Protestant governments moved to defuse the crisis owed much to their determination to prove the worth of their new understanding with Vienna. The Reichstag resolution itself emphasized that the continuing unity of the Habsburg lands was important for the defence and security of the Reich as a whole.[17]

[15] Schmidt, *Karl Philipp*, 221–3. She died in April 1734.

[16] Walker, *Salzburg transaction*, 107–43; Aretin, *Altes Reich*, ii, 330–1; Leeb, 'Emigration'. On Britain's role, see Thompson, *Britain*, 133–67. See also pp. 292–3.

[17] Kunisch, *Staatsverfassung*, 56–7.

20

The Ebb of Imperial Power, 1733–1740?

Securing the guarantee of the Reich for the Pragmatic Sanction marked the high point of Charles VI's power as emperor. The following years further guarantees were negotiated. In 1733, Friedrich August of Saxony lent his support in return for the emperor's backing of his own desire to succeed as King of Poland after the death of his father on 1 February. In 1738, France followed suit. Only Bavaria and the Palatinate remained elusive. Correspondence with Karl Philipp in Mannheim dried up at the end of 1732. Karl Albrecht of Bavaria tried to tempt Vienna in 1734 with a proposal that the seventeen-year-old Maria Theresa should marry his eight-year-old son Maximilian: even by the unusual standards that often applied to dynastic marriages this was a bizarre proposal which did nothing to overcome the belief that Bavaria was fundamentally untrustworthy.[1]

The Pragmatic Sanction was so well anchored in guarantees by 1732 that the fickle Wittelsbachs scarcely seemed to matter. Only the consent of France was significant. Yet the fact that this was achieved as part of the Peace of Vienna at the end of the War of Polish Succession underlined as nothing else had done the fundamental flaws of the policy that Austria had pursued with such determination for over a decade. Developments after 1733 also showed that Prince Eugene had been at least half right in insisting that abundant funds and a good army were worth more than promises on paper. The guarantees were absolutely essential. Ultimately, however, they were worth little without the resources to defend them.

The emperor's new position of strength did not last long. If the Vienna Treaty of 1731 concluded between Austria and Britain marked a return to the 'old system' of an alliance between Austria and the Maritime Powers, it did not bring stability. France, which had been isolated by the treaty, was increasingly concerned at the progress of marriage plans between Maria Theresa and Francis Stephen of Lorraine, who succeeded as Duke in 1729.[2] This would have dashed French hopes for the permanent acquisition of those lands: Lorraine was virtually an enclave in French territory, and its union with Austria would have created the basis for a strong Habsburg presence on the western frontier of the Reich that threatened France. During 1731, Cardinal Fleury, the French chief minister, became convinced that the threat could be averted only by a war against Austria. By the autumn of 1732, a strategy had been devised that involved supporting Spain's desire for Naples and Sicily in the hope that Lorraine might fall to France as part of a general territorial reorganization. The pretext for such a conflict

[1] Aretin, *Altes Reich*, ii, 341.

[2] Aretin, *Altes Reich*, ii, 335; Hochedlinger, *Wars*, 208.

soon presented itself with the crisis that unfolded in Poland following the death of Augustus the Strong in February 1733.

During the 1720s Russia, Austria, and Prussia had developed a kind of protectorate over the Polish kingdom, which culminated in December 1732 in the formal Alliance of the Three Black Eagles.[3] They were initially unwilling to back the King's son, Friedrich August; Prussia was particularly keen to break the link between Saxony and Poland. It soon became clear, however, that their preferred candidate, Prince Emanuel of Portugal, was not electable and, to the dismay of Prussia, the Saxon was put forward after all. At the same time France, which had promoted 'free' elections in Poland since the late sixteenth century, pushed its own candidate, Stanislas Leszczyński, who had been king briefly from 1704 to 1709 and who had become Louis XV's father-in-law during his subsequent exile in France. Following a clandestine journey from France, Leszczyński made a dramatic appearance in Warsaw on 8 September wearing a Polish kaftan, rather than Western European dress. A week later, he was acclaimed king by a gathering of 13,000 nobles. This provoked the immediate intervention of Russian troops, who forced a second election on 5 October, in which only 1,000 Polish nobles acclaimed Friedrich August of Saxony as Augustus II. The war in Poland was brief: Russian troops soon took most of Poland for Augustus; France sent a force to secure Danzig, where Stanislas reigned briefly as king; before long, however, he was once more back in French exile.

France made little effort to retain Poland, but concentrated on the Rhine and on Italy, the real objects of French interest. Having announced that she would not tolerate military intervention in Poland, France declared war on the emperor in October, occupying Lorraine and taking the imperial fortress of Kehl on the Rhine. At the same time, French forces joined a Spanish and Sardinian assault on Habsburg positions in Italy. The help that Vienna expected from Britain and the Dutch Republic failed to materialize—both offered to mediate, rather than to fight—so that the Austrians were forced to rely on their own limited resources. In Italy they completely underestimated the threat; the Habsburg position in the north rapidly collapsed, and, within a year, Spanish forces had taken Naples and Sicily.

The defence of the western frontier of the Reich was rather more effective. The Association of the Forward Kreise mobilized in the autumn of 1733. In April 1734, the Reichstag formally declared war on France. Some 50,000 troops were raised in the Reich by means of the web of bilateral agreements between Vienna and the German courts; some 35,000 troops were raised by the Kreise to form an imperial army.[4] The war effort was impeded by the refusal of the Wittelsbach Electors of Bavaria, the Palatinate, and Cologne to support it. Prince Eugene's movements on the Rhine front during 1734 were constrained by anxiety about the Bavarian enemy at his rear, though in reality the Bavarian army was in no state to cause much trouble. As a purely defensive operation, however, the defence of the Rhine was on the whole successful; the French only once seriously broke through German

[3] Stone, *Polish-Lithuanian state*, 259–61. [4] Wilson, *German armies*, 227–31.

lines, and though France took both Kehl and Philippsburg, German forces made several impressive advances. Since the French devoted most of their resources to Italy, they were obliged to fight a largely defensive campaign along the frontier with the Reich.[5]

Ultimately, the belated arrival of Russian troops in Swabia in August 1735, begrudgingly supplied under the Austro-Russian mutual defence pact of 1726, proved decisive, though Germany remained a subsidiary theatre.[6] More significant was the fact that in Italy by the autumn of 1735 only the fortress of Mantua remained in Austrian hands, and the imperial army, hopelessly outnumbered, was forced to retreat northwards to the Trentino.[7] The Russian threat to France and the French-Spanish-Sardinian threat to the Habsburgs in Italy induced both sides to enter negotiations.

The outcome was a preliminary peace treaty signed at Vienna on 3 October 1735. Austria ceded Naples, Sicily, and the strategically important ports of the *Stato dei Presidi* in Tuscany to Don Carlos, while Lombardy was restored to Vienna, with two provinces—Novara and Tortona—given to Sardinia. Austria was also given Parma and Piacenza, but the right to the succession in Tuscany was transferred from Don Carlos to Francis Stephen of Lorraine. He was to relinquish his Duchy (minus its entitlement to a vote in the Reichstag) to Stanislas Leszczyński, who also received Metz, Toul, Verdun, and the Duchy of Bar immediately. On his death, all of his territories would fall to the king of France.[8] Friedrich August was confirmed as Augustus II of Poland, though Stanislaus was permitted to retain the title of 'King of Poland and Duke of Lithuania'. Finally, France returned Kehl and Philippsburg to the Reich and agreed to confirm the Pragmatic Sanction.

The implications of the peace were greatest in Italy. The Habsburgs lost their struggle to exclude the Spanish, though their dramatic loss of territory was offset by the fact that they were able to consolidate their hold on northern Italy. A Habsburg bloc was of more use in the long term than a scatter of territories from north to south divided by the Papal States. The consequences for the Reich were apparently less severe. Lorraine was lost, yet since 1648 it had more often than not been in French hands, and its relationship with the Reich had been ambivalent since the fifteenth century. Whether its formal cession really left the Reich more exposed is doubtful. It is true that there was now no hope of constructing an effective military barrier against France west of the Rhine. To that extent, those in the Forward Kreise who still believed in the barrier schemes of the period before 1715 felt betrayed again. The fact was, however, that Lorraine, virtually surrounded by French territory, was itself highly vulnerable. The German defences on the right

[5] Wilson, *German armies*, 233–4.
[6] Wilson, *German armies*, 225, 232.
[7] Hochedlinger, *Wars*, 211.
[8] The marriage between Maria Theresa and Francis Stephen took place in February 1736, and the exchange of territory occurred after the death of Grand Duke Gian Gastone of Tuscany in July 1737. In 1765, it became a Habsburg secundogeniture. In Lorraine, Stanislas transferred the income from the territory to the French crown in 1738 but managed to build extensively at Nancy and Lunéville on a generous French pension; the territory was incorporated into France on his death in February 1766. See Köbler, *Lexikon*, 392, 717.

bank of the Rhine, by contrast, constructed at vast cost over the previous fifty years, proved largely effective and France was not able to wreak the kind of destruction on German territory that had characterized all previous confrontations.[9]

In general, it seems that the hostilities of 1734–5 did not revive the anti-French propaganda of the past: France clearly dominated the peace negotiations and the years thereafter, but the acquisition of Lorraine satisfied French ambitions and appeared to lay the foundations for a period of normality and stability on the Franco-German border.[10]

More irritating to the German Protestant princes was the fact that they had made it a precondition of their support for the war that the emperor resolve the matter of the Rijswijk clause and that he failed even to broach the question. This was really little more than a symbolic issue by the 1730s; the alleged injustices perpetrated in its name were now several decades old and unlikely to be reversed. Yet the Rijswijk clause continued to rankle. In 1738, the Corpus Evangelicorum protested against the final text of the peace treaty; when it was presented to the Reichstag for ratification in March 1740, the Protestants refused to sign it. The death of Charles VI on 20 October 1740 meant that it was never actually ratified.[11]

The emperor's problems were compounded by a disastrous run of events in the east. Once the Russians had sent troops to Swabia, it was impossible to resist a Russian call for assistance against the Sultan, who had repulsed an attempted invasion of the Crimea in 1735 and declared war on Russia in May 1736. Habsburg finances and military resources proved hopelessly inadequate to the task. The Reichstag voted financial assistance to the tune of 50 Roman Months (some 3 million gulden); bilateral agreements raised further troops, while the imperial government also made active use of its right to recruit anywhere in the Reich. A combination of troops provided under bilateral treaties and troops recruited directly in the Kreise, key territories, and the lands of the Imperial Knights accounted for some 30 per cent of the forces deployed in Hungary.[12] Ultimately, however, the emperor was unable to pay the debts, both political and financial, that he thus incurred.

Although the Reich made a significant contribution to the Turkish war of 1736–9, the conflict failed to rouse the patriotic enthusiasm of previous campaigns.[13] It is not known how much of the money voted by the Reichstag was actually paid, but even some of the loyalist prince-bishops of the Schönborn dynasty believed that this was a purely Habsburg war which had nothing to do with the Reich. News of Austrian reverses and defeats soon reinforced the muted attitude of the German princes: for once there were no famous victories

[9] Wilson, *German armies*, 55–6, 210–14. This is the best discussion of German defences in any language, though to characterize the loss of Lorraine as a severe blow (ibid., 233) rather echoes the views of German nationalist historians before 1945 more than it reflects the geopolitical realities of the eighteenth century. For an older view, see Just, 'Lothringen'. See also pp. 37, 50.

[10] Wrede, *Reich*, 489–94.

[11] Erdmannsdörffer, *Geschichte*, ii, 458–9. See also pp. 51, 150–6.

[12] Wilson, *German armies*, 236–7.

[13] Wrede, *Reich*, 193–200.

to celebrate.[14] When Franz Georg von Schönborn, the Elector of Trier, heard that the population of Vienna was in a panic, fearing a new Turkish attack, he could only comment that it served the emperor right for failing to come to the aid of the Reich in the War of Polish Succession.[15]

What had gone wrong? Prince Eugene, the key Austrian military commander, had died in 1736; he found no adequate successor. More fundamentally, the Austrians had failed to notice the Turkish military and administrative reforms since 1718.[16] Their own financial and military resources had declined as those of the Sultan had improved. By 1738, the Austrians were willing to accept French mediation and they concluded a separate peace with the Turks the following year. This confirmed gains the Turks made in northern Serbia and Little Wallachia. Compounding a string of tactical errors committed by the military commanders, the emperor's chief negotiator, Count Neipperg, then managed to commit Austria to razing the all but impregnable fortresses of Belgrade and Šabac, which he had been instructed to retain at all costs. Much of what had been won in 1718 was now lost.

Vienna blamed the generals for the defeat and, with more justification, blamed Neipperg for the loss of Belgrade. However, the arrest and trial of the key commanders could not disguise the deeper problems of the Habsburgs and their over-extended and under-resourced dominions. Even Prince Eugene in his prime would have been hard pressed to snatch victory from the yawning jaws of defeat in the late 1730s.

The run of reverses since 1733 tarnished the reputation of Charles VI and gradually eroded his authority in the Reich. The traditional view that the Habsburgs alone could defend the Reich from its enemies was undermined. The decline of the imperial chancery after Friedrich Karl von Schönborn's resignation in 1734 did not help. Even worse was the cynicism with which Vienna seemed to enter agreements and make promises, only to renege on them immediately afterwards. So many conflicting promises were made to both the Palatinate and Brandenburg-Prussia over the question of the succession to Jülich-Berg that by January 1739 the emperor entered into a secret treaty with France in which both parties agreed that Pfalz-Sulzbach should be given possession for two years while the Reichshofrat decided on the legal situation.[17] It is typical of the shifting diplomatic sands of the period, of the cross and double-cross, insurance and reinsurance, that shaped the formation of policy in Europe as a whole, that Fleury promptly concluded another secret agreement with Brandenburg guaranteeing her Berg and a sliver of land ('une lisière') along the Rhine.

Was Charles VI finished? Could the continuity of the Habsburg succession in the Reich have been assured if he had lived for another decade? His sudden death at the age of fifty-five on 20 October 1740 and the military disaster that followed the Prussian attack on Silesia on 16 December clearly precipitated a major crisis for the Habsburg dynasty. It also had profound implications for Germany. Yet this was

[14] Vocelka, *Glanz*, 159–62; Ingrao, *Monarchy*, 147–9; Hochedlinger, *Wars*, 212–18.
[15] Aretin, *Altes Reich*, ii, 347.
[16] Hochedlinger, *Wars*, 212–17; Wilson, *German armies*, 239–40.
[17] Aretin, *Altes Reich*, ii, 349.

by no means the beginning of the end of the Reich. A longer life and a direct male heir would have permitted the weight of pro-Habsburg tradition in the Reich to prevail. Indeed, by 1745 it had done so again, with the election of Charles VI's son-in-law and Maria Theresa's spouse, Francis Stephen of Lorraine, as Francis I. Before then, however, the determination of Austria's critics in the Reich to challenge the Pragmatic Sanction resulted in a brief non-Habsburg reign that changed the landscape of the Reich over which Francis Stephen ruled. For many in the Reich, the succession crisis of 1740 began as an opportunity for reform and renewal.

21

The Reich in Print

Charles VI inscribed his vision of the Reich in architecture.[1] In the German universities and chancelleries, others continued to define and to describe the Reich in publications that reached a new quality during his reign. This marked a further stage in the evolution of German public law, and it fully reflected the developments of the period since 1648. Indeed, the continuing growth of the culture of print in German law and politics was itself an important factor in the stabilization of the political system.

The universities played a key role.[2] They were primarily, of course, territorial institutions dedicated to the training of personnel for the administrations of their princely patrons. The demand for legally trained officials was higher than ever after 1648, when virtually every aspect of the existence of a territory was enmeshed in law, from the inheritance arrangements of the ruling house to the territories' confessional status under the terms of the peace of 1648. Yet the universities also operated under imperial charters that made them part of a system that was closely tied into the institutions of the Reich. Their law faculties not only trained officials but also provided opinions on a wide range of policy issues. They shaped domestic policy, and they provided the advice on which the instructions for a territory's representative at the Reichstag in Regensburg were based. They prepared cases for presentation at the imperial courts, and university professors were frequently called upon by the courts to provide opinions that would guide the judicial process.

Some academics remained tied to a university career.[3] Many, however, moved frequently between formal university positions and periods of employment as councillors, envoys, syndics, or judges, often in more than one territory, or in the service of the imperial government or imperial courts. Many combined two or more roles simultaneously. Everywhere, university professors played a key role in the war of words and paper that accompanied disputes at every level in the Reich.

Academic experts thus inevitably became drawn into the political issues of the day, and the study of German law was a highly political discipline. As the great legal commentator of the period after 1750, Johann Stephan Pütter wrote: if one is studying Roman law it matters not where or when a given author lived, but if one is studying German law, then it is essential to know whether an author lived before or after 1648, whether he was an academic or a layman, whether he gained his

[1] Matsche, *Kunst*; Braunfels, *Kunst* i, 76–81. See pp. 132–4 above.
[2] Stolleis, *Öffentliches Recht*, i, 252–5; Schindling, 'Universität'.
[3] Stolleis, *Öffentliches Recht*, i, 255–8.

knowledge from books or other sources, whether he was Catholic or Protestant, whether he was employed by the emperor, an Elector, or a prince.[4]

In the decades after 1648, the study of German constitutional law remained dominated by Protestants. There was a general consensus on the German origins of the Reich; by 1700, there was not a single serious legal scholar who still subscribed to the old idea of the continuity between Rome and the contemporary Reich. At the same time, there was also broad agreement on the validity of the 1648 peace settlement and acceptance of the political–constitutional arrangements brokered during the 1650s: the *Jüngster Reichsabschied* of 1654, the Electoral capitulations of Ferdinand IV (1653) and Leopold I (1658), and the new ordinance for the Reichshofrat of 1654 that had been accepted in fact, even though it was promulgated by imperial decree without prior consultation of the Estates.

Two main issues emerged to dominate the legal-political literature until the 1730s. First, how much imperial authority did the constitution permit? This question became increasingly important as the imperial revival gathered pace under Ferdinand III and Leopold I. The forthright ruling styles of Joseph I and Charles VI provoked equally forthright responses. The second question, to some extent implicit in the first, was how much leeway the peace settlement of 1648 permitted. Imperial prerogatives had not been specifically enumerated either in 1648 or subsequently; the extent of the emperor's authority was thus open to debate. The confessional status quo had been defined in 1648, but now the question of whether it was permissible to deviate from the strict letter of the law became significant. Were rulers entitled to grant religious rights that were not specified by the peace treaty? Was it permissible, for example, to do so in pursuit of genuine religious toleration? Was a ruler who changed his own faith entitled to grant privileges to his new co-religionists? Was the principle of parity (the *aequalitas exacta mutuaque*, the practice of *itio in partes,* and the *amicabilis compositio*) applicable as a general political–constitutional principle, or did it merely pertain to differences of opinion between the Corpus Evangelicorum and the Corpus Catholicorum over matters specifically concerning religion?

Most of these issues were in the first instance Protestant issues. The growth of imperial power favoured Catholicism. Conversions of rulers almost always involved a conversion from Lutheranism to Catholicism. The most ambitious of the German rulers after 1648 and those who had most cause to define their relationship with the emperor and their role in the Reich were the Protestant dynasties of the north, notably Hanover and Brandenburg-Prussia. It was not that Catholic rulers lacked territorial ambitions. The Bavarian Electors Max II Emanuel (r. 1679–1726) and Karl Albrecht (r. 1726–45) and their Palatine contemporaries Philipp Wilhelm (r. 1685–90), Johann Wilhelm (r. 1690–1716), and Karl Philipp (r. 1716–42) were as ambitious as any ruler of Hanover or Brandenburg. Neither did the ecclesiastical Electors of Mainz, Cologne, and Trier lack aspirations. Many had serious differences with the emperor; Bavaria and Cologne even went to war against

[4] Stolleis, *Öffentliches Recht, i, 257*.

him in 1701. Yet it was in religious matters that the political–constitutional issues were most clearly laid bare, and here the Catholics shared the basic drift of imperial policy.

For the Protestants, by contrast, these issues necessitated the ongoing defence of German liberty. Indeed, the Halle professor Johann Peter Ludewig (1668–1743) claimed that the 'German freedom', which had flourished since ancient times had ensured that the Germans had never been the subject of (imperial absolutism); the popularity of the study of public law in Germany, he suggested, was simply the latest manifestation of the Germans' desire to defend their liberty.[5] Jakob Brunnemann (d. 1735), who had studied in Frankfurt an der Oder and Halle and who taught briefly in Halle before becoming president of the courts of justice in Stargard (Mecklenburg-Strelitz), placed the phenomenon in international context. Public law cultures flourished in Europe wherever Estates lived in political tension with the crown: Germany was like Britain and Poland; France, with an absolute monarchy and no culture of public law, was the great exception that proved the rule.[6]

If the core issues and the defining rhetoric remained similar to those around 1600, the academic disciplines had evolved. Two contrasting tendencies crystallized by 1700. First, some universities took up the new study of natural law that developed from Hugo Grotius's ground-breaking work *De iure belli ac pacis* ('On the Law of War and Peace') of 1625. In general, the study of what became known as universal public law tended to encourage a focus on the territories, rather than on the Reich. That circumvented the logical problems that arose if one tried to explain the complex character of the Reich as a whole. Natural law was only seriously applied to the wider framework of the Reich after about 1750. Before then, its main function was as a foundation for the consolidation and intensification of territorial government.

Second, others continued to foster the historical approach to the understanding of the Reich. This involved further research and the formulation of new interpretations of the Reich's development. It also prompted the publication of new collections of documents and of compendia of imperial law and practice. By the 1720s, the early handbooks that Melchior Goldast von Haiminsfeld and others had published around 1600 were supplemented, and in many cases superseded, by new collections that remained in use until the end of the Reich in 1806.[7]

The two strands interacted and overlapped continuously, and if by the early eighteenth century they had bifurcated into discrete disciplines with distinctive interests and emphases, the period 1700–20 saw a number of significant attempts to combine their fruits. Finally, the obvious political thrust of most academic study of the Reich and its history prompted a reaction against what was increasingly perceived to be plain bias. The most important result of that response was the work of Johann Jakob Moser (1701–1787), which turned its back on both natural law and history and described the Reich as it was. Moser's vast fifty-three-volume *Teutsches Staatsrecht* ('German Public Law', 1737–54), just part of his astonishing

[5] Stolleis, *Öffentliches* Recht, i, 254.
[6] Stolleis, *Öffentliches Recht*, i, 254; ADB, iii, 445.
[7] Whaley, 'German nation', 320–1.

oeuvre of some 500–600 books, reflected the stabilization of the Reich since 1648 and its development into a complex and individual system of law. 'Germany', Moser declared in a later work, 'is ruled in German and in such a way that no single academic term or brief form of words or the form of government of any other state can make our mode of government comprehensible.'[8]

The study of public law flourished in several Protestant universities. Jena, one of the most important centres for the study of politics and law around 1600, remained prominent after 1648. Regular lectures on Grotius were held there from 1674; other branches of law also flourished, and several key teachers promoted the historical approach. Jena's position as a university supported jointly by the reforming Ernestine Saxon-Thuringian princes was largely responsible for its openness to outside influences and for the relative freedom enjoyed by its professors.

In many other institutions, the curriculum, and the research published by the teachers, remained more conservative. Leipzig and Wittenberg in Electoral Saxony were particularly resistant to change, maintaining the same conservatism and traditionalism in academic matters as the Electors did in imperial politics.[9] In Helmstedt, the active scholarly interests of the Wolfenbüttel Dukes, August II (r. 1635–66), Rudolf August (r. 1666–1705), and Anton Ulrich (r. 1685–1714, co-ruler until 1705) ensured that theology, philosophy, and politics played more of a role than law.[10]

The most striking developments in both universal public law and in the public law of the Reich, and the most fruitful interaction between the two fields, took place in the universities of Brandenburg-Prussia: first in Frankfurt an der Oder, and then in the new university of Halle from 1694. Indeed, Halle soon became the leading university in the Reich for the study of imperial law, a position that it retained until it was eclipsed by Göttingen from the mid-1730s.[11] Two other higher education institutions scarcely deserved the epithet *Landesuniversität*. Königsberg in East Prussia, founded in 1544, remained small and remote, firmly in the hands of traditionalist Lutherans, as well as technically outside the Reich. Calvinist Duisburg in Kleve on the Lower Rhine, founded in 1655, was closely linked to the academic institutions of the Dutch Republic. However, although it was the first German university to adopt Cartesianism, it too remained small, and its development was constrained by being surrounded by Catholic territories.[12]

The Great Elector's efforts focused on building up Frankfurt. A long list of distinguished appointments culminated in that of Heinrich von Cocceji (1644–1719) in 1690. Cocceji brought his studies at Leiden and Oxford and his experiences at Heidelberg (where he succeeded Pufendorf) and Utrecht to bear on the historical study of the public law of the Reich. His main aim, as befitted an employee of the Elector of Brandenburg, was to explain the origins, contemporary significance, and

[8] Moser, *Neues Teutsches Staatsrecht*, i, 550.
[9] Schindling, *Bildung*, 31–2.
[10] Schindling, *Bildung*, 25–6; Stolleis, *Öffentliches Recht*, i, 238.
[11] Hammerstein, *Jus*, 149–50.
[12] Hammerstein, *Jus*, 151, 153; Stolleis, *Öffentliches Recht*, i, 240; Schindling, *Bildung*, 37–8.

prerogatives of the special position of the Electors in the system.[13] He identified the origins of the Kreise in the territories of the original Germanic tribes and argued that the Electors were originally the rulers of these provinces who had been given special privileges by Henry I (r. 919–36).

The range of studies at Halle, founded in 1694, was broader and more self-consciously modern but no less politically directed. Here, Thomasius Christia (1655–1728) was the key figure in the early years, and both the faculty personnel and the curriculum reflected his wide-ranging interests in public law, natural law, politics and the general theory of the state, world history, and the history of the Reich and literary history.[14] The rationale of all the institution's activities was to supply the needs of the Brandenburg-Prussian administration. Indeed, its very foundation was prompted by the desire to establish a moderate Lutheran institution that would keep candidates for clerical positions in Brandenburg away from Leipzig and Wittenberg, the militant orthodox Lutheran universities of Electoral Saxony.[15]

The same kind of rationale motivated the study and teaching of imperial law at Halle. Thomasius himself insisted that, while the study of law should be based on a sound understanding of the principles of natural law, it was meaningless unless it was also founded on an understanding of history.[16] The study of imperial law, in particular, must be a historical study based on the analysis of its historical sources and on the history of the Reich. As in other areas of the curriculum, Thomasius and his legal colleague and former teacher at Frankfurt an der Oder, Samuel Stryk (1640–1710), insisted on a fundamentally empirical approach. The study of actual human experience was then illuminated by the precepts of natural reason.

Thomasius and Stryk, together with their students Johann Peter Ludewig, Nicolaus Hieronymus Gundling (1671–1729), and Justus Henning Boehmer (1674–1747), made Halle into the leading centre of a new historically informed approach to the study of German law. Their success soon prompted other institutions such as Frankfurt an der Oder and Jena to follow their lead. By 1700, even ultra-conservative Leipzig, which had expelled Thomasius in 1690, was beginning to adopt the new methods and themes.[17]

What remained distinctive about the Halle scholars was their focus on the territory. Without craven subservience to the ruling house and with very different interpretations of history, all of them remained extraordinarily dedicated to the interests of Brandenburg-Prussia and its rulers. Thomasius was no vulgar propagandist, yet much of his work was dedicated to elaborating the duties and prerogatives of the sovereign state, which he understood as the territory, whose task it was to ensure the happiness of its subjects, peace, and order. By implication, he viewed the Reich as little more than a framework of law, to which the territories agreed to subscribe because it was in their own interest; its laws were pacts or agreements between sovereign rulers, he believed, rather than statutes imposed upon them. He accorded the emperor no higher or sovereign monarchical power; the emperor was bound by the same fundamental laws of the Reich as the princes.[18]

[13] Gross, *Empire*, 363–7; Hammerstein, *Jus*, 181–4.
[14] Hammerstein, *Jus*, 148.
[15] Schindling, *Bildung*, 38–9.
[16] Hammerstein, *Jus*, 139.
[17] Hammerstein, *Jus*, 267–91.
[18] Luig, 'Thomasius', 237–41.

Thomasius emphasized that he was 'not sick with hatred for the Emperor', as previous writers such as Limnaeus and Chemnitz had been. His historical understanding of the development of the Reich simply led him to realize the preeminence of the territorial state in the modern era. Others at Halle translated this understanding into more polemical forms of historical study of the Reich (*Reichshistorie*). The term was coined by Stryk's pupil, Johann Peter von Ludewig.[19] He was professor at Halle from 1695 to 1743 and court historiographer from 1704, and occupied a number of judicial and administrative positions. He was ennobled by the emperor in 1719.

During the course of his many administrative and political duties, Ludewig wrote tracts providing historical arguments to justify pretty well every aspect of Brandenburg-Prussian policy. In his major academic writings, he built on the work of Cocceji. He went further, however, in claiming that the current position of the Electors was based on the fact that sovereignty had reverted to them on the extinction of the Carolingian dynasty in 911 and that the rulers of the stem duchies or provinces had transferred only limited powers to the German king they subsequently elected.

Even in Halle, Ludewig's partisan view of the ancient constitution of the Reich did not go unchallenged. Nicolaus Hieronymus Gundling, for example, denounced Ludewig's cavalier handling of sources, though his own history of the evolutionary development of territorial sovereignty arrived at the same implications for the Reich in the present.[20]

Elsewhere, among learned subjects of princely and other territories, the blatantly pro-Elector and pro-Brandenburg tendencies of Halle *Reichshistorie* prompted a plethora of alternative accounts. In Leipzig, Johann Jacob Mascov, who had studied law in Halle, developed the view that the Reich was a unitary state that had evolved over time in a singular way, but in a manner that suited the particular 'genius' of the German people, with their common interest in the preservation of the political commonwealth and their liberty.[21] In Helmstedt, Johann Wilhelm von Goebel (1683–1745) used the new historical approach to justify the Pragmatic Sanction in terms of the 'custom of the Reich' (*Reichsherkommen*).[22] Like the arguments of other exponents of *Reichshistorie*, Goebel's views were fully consonant with the politics of his princely employer the Duke Ludwig Rudolf of Brunswick-Wolfenbüttel, whose sister was Elisabeth Christine, wife of Charles VI and mother of Maria Theresa. Historical sources, if used creatively, could justify virtually every contemporary political viewpoint.

The debate and the continuing political relevance of the study of law in both Reich and territories stimulated a demand for handbooks, guides to literature, and documentation.[23] In 1722, Johann Jakob Schmauss (1690–1747), another Halle

[19] Hammerstein, *Jus*, 169–204; Gross, *Empire*, 367–72.
[20] Gross, *Empire*, 373–5.
[21] Gross, *Empire*, 375–81; Hammerstein, *Jus*, 284–8; Stolleis, *Öffentliches Recht*, i, 307.
[22] Roeck, *Reichssystem*, 108–10; ADB, ix, 297–9.
[23] Gross, *Empire*, 396–8; Stolleis, *Öffentliches Recht*, i, 308–9, 360–1; Pütter, *Litteratur*, i, 305–24.

alumnus, published a *Corpus juris publici Germanici academicum*, the first clear guide to imperial public law, including texts of fundamental laws and *Reichsabschiede* for students. The text went through no fewer than seven editions by 1794.[24] Vast compendia of fundamental laws, proceedings of the Reichstag and the Kreise, treaties, especially the Peace of Westphalia and material relating to its subsequent interpretation, and every conceivable kind of political document also appeared. In 1697, Christian Leonhard Leucht (1645–1716) began his *Europäische Staats-Cantzley*: two volumes annually, which reached over 200 volumes by 1803.[25] Leucht gathered material almost indiscriminately, concentrating on Germany, though he included the whole of Europe in his brief. Johann Christian Lünig (1662–1740) was more selective in his twenty-four-volume *Teutsches Reichsarchiv* (1710–22).[26] Even more specific was the five-part 'historical and political archive' published in 1718 by Burkhard Gotthelf Struve (1671–1738). This included unpublished documents relating to 'ecclesiastical, constitutional [i.e., public] and feudal law, amongst others', and a two-volume historical documentation of the disputes between Catholic and Protestants in the Reich, published in 1722 and intended to illuminate the legal historical context of the religious controversy in the Palatinate.[27]

So much came out that even the experts felt overwhelmed. Despite the publication of some guides for students and some shorter surveys, the need for an impartial practical guide or handbook was frequently reiterated. It was this that Johann Jacob Moser dedicated himself to supplying.[28] Moser was a native of Württemberg and studied at Tübingen, where he was influenced by Gabriel Schweder (1667–1731), an alumnus of Jena, and Christoph Matthaeus Pfaff (1686–1760), a student of Thomasius at Halle and, like Justus Henning Böhmer, an expert in ecclesiastical law. An early attempt at an academic career in Tübingen failed, and Moser subsequently spent several years in Vienna, where he made an impression on Reichsvizekanzler Friedrich Karl von Schönborn and gained first-hand experience of the Reichshofrat. Moser himself was so impressed by Schönborn that he named his first child, the later reformer Friedrich Karl, after him.[29]

In 1726, Moser returned to Württemberg, where he held a number of governmental and teaching posts. His early career, which included a brief spell at Frankfurt an der Oder from 1736 to 1739, was restless and rather unsuccessful, though from 1722 he had published regular reports on the literature of public law, as well as a three-volume guide to its history (1729–34), in addition to a general textbook guide to public law and a number of technical works on specific issues. Between 1728 and 1738, he had been converted to Pietism, and, following his dismissal from Frankfurt in 1739, he moved with his family to a Pietist community

[24] *ADB*, xxxi, 628–31; Stolleis, *Öffentliches Recht*, i, 309.
[25] *ADB*, xviii, 475; Gross, *Empire*, 396.
[26] *ADB*, xix, 641.
[27] *ADB*, xxxvi, 671–6; Gross, *Empire*, 392–5.
[28] For the following, see: Walker, *Moser*; Rürup, *Moser*, 96–152; Gross, *Empire*, 399–422; Roeck, *Reichssystem*, 114–21; Stolleis, *Öffentliches Recht*, i, 258–67.
[29] Hammerstein, *Jus*, 300.

at Ebersdorf in the County of Reuss in the Vogtland (Upper Saxony). There he worked on the completion of the monumental fifty-three-volume *Teutsches Staatsrecht*, which he had started publishing in 1737. His productivity—numerous other books also appeared while the great work was in progress—was such that he even established his own printing press to produce and market his work.[30] Almost overnight, the first volumes established Moser as the leading expert on imperial law; his achievement was never matched.

Moser's approach marked a radical departure. He avoided the Halle school's reliance on either natural law or on history.[31] He was uninterested in the theoretical debate on the forms of government. Explanations of the Reich based on natural law were either simply abstract formulations of current law or barely disguised political arguments.[32] Equally, he criticized those who failed to distinguish between law and history.[33] Historical arguments, he believed, had too often distorted the interpretation of imperial law. He himself aimed to produce the most comprehensive guide to the law of the Reich as it currently existed. He combed through the previous literature meticulously, and his own work bristles with references to the works of others. Wherever possible, he presented a brief balanced summary of a given issue, with references to both sides of the argument.

Moser's approach was systematic. He started with a discussion of the sources of imperial public law, including the *Reichsherkommen* (or 'custom of the Reich'), which he integrated fully into his detailed description of the imperial system itself. This he organized in sections (each comprising several volumes) dealing with the emperor, the various Imperial Estates, and the Reichstag. When his appointment as counsel to the Württemberg Estates obliged him to break off, many subjects had still not been covered. These were then included in his later forty-volume *Neues Teutsches Staatsrecht* (1766–82), which covered such matters as the imperial courts, the system of territorial law, and the rights of lesser Estates and of subjects. Even though these subjects only received detailed treatment in the later work, they were already contained in Moser's 1731 guide to the German constitution, the *Grund-Riss der heutigen Staats-Verfassung des Teutschen Reichs* ('Outline of the Present Constution of the German Empire'), which went through seven (revised) editions by 1754.

Moser's Reich was a hierarchical feudal order governed by law. The question of sovereignty did not interest him much, though he firmly rejected the federalist views propagated in Halle. On the other hand, the question of how the rights and prerogatives of one part of the system related to those of others was central to his work. Indeed, it was the function of the law to guarantee this mass of individual and collective rights. He was, he stressed, 'no partisan'; he sought to balance and respect the position of emperor, Imperial Estates, territorial Estates, and subjects alike.[34] He was as interested in the rights of the smallest Imperial Estates—the Imperial Knights and Imperial Cities—as he was in the prerogatives of the Electors. The

[30] Walker, *Moser*, 127–9.
[31] See pp. 173–4.
[32] Stolleis, *Öffentliches Recht*, i, 266–7.
[33] Gross, *Empire*, 420–1.
[34] Stolleis, *Öffentliches Recht*, i, 266.

rights of the King of Prussia's subjects were as important to him as those of the king himself.

Moser's view of the Reich was fundamentally conservative. Yet he did not preclude the possibility of change or reform. That was implicit in the importance he attached to the customary law of the Reich: any single action either by emperor or by any other authority in the Reich that was either 'tacitly accepted or expressly approved by the Estates, was sufficient to establish an observance' or custom; once established, such observances 'could introduce innovations, change or amend older observances, or even alter old laws of the Reich'.[35] Equally, in his discussion of institutions such as the Reichstag, Moser recognized problems and indicated that improvements were desirable.[36] Indeed, in his autobiography he declared that it had always been his threefold aim to present the German constitution as it ought to be according to the laws of the Reich, to show how it deviates from that and how it operates in fact, and, finally, to reflect on how the German Reich might be preserved in its present state and how its defects might be remedied.[37]

Of course, his work also reflected personal interests and inclinations: his origins as a subject of Württemberg and his political interests as a supporter of the rights of the Württemberg Estates. His treatment of the Corpus Evangelicorum as a legally established and permanent body, which Catholics disputed, betrayed his fundamental sympathy for the Protestant cause in the Reich.[38] Yet, in general, Moser was perceived to be impartial, and his work was soon used by Catholics and Protestants alike. It remains to this day the most comprehensive account of the imperial system around 1750.

If Moser's work rejected the historical and natural-law premises of the Halle public lawyers, it fully reflected the views of his early mentor in Vienna, Reichsvizekanzler Friedrich Karl von Schönborn. Moser shared the latter's patriotic programme, his conviction that 'German liberty' depended on the emperor. For without the emperor and the institutions of the Reich, without the feudal hierarchical system over which the emperor presided, one would be left with a chaotic mass of princes and lords perpetually at war with one another.[39]

Moser's association with Schönborn continued.[40] In 1735, he was invited to Bamberg; then, he was sent to Friedrich Karl's brothers Damian Hugo, Bishop of Speyer, and Franz Georg, Archbishop and Elector of Trier.[41] In 1741, he was summoned to Frankfurt as a member of the Trier delegation at the imperial election following the death of Charles VI. In 1745, by contrast, Moser joined the Hanoverian delegation at the invitation of Gerlach Adolph von Münchhausen. However, that was possibly the result of the fact that Franz Georg of Trier boycotted the

[35] Gross, *Empire*, 415–16; Roeck, *Reichssystem*, 114–21.
[36] Burgdorf, *Reichskonstitution*, 47–8.
[37] Rürup, *Moser*, 119. See also pp. 193, 489.
[38] The Catholics argued that the Reichstag itself represented an indivisible entity and that the Corpus Evangelicorum only arose episodically if the *itio in partes* procedure was invoked. Moser also wrote a treatise on the 'Rijswijk clause' that demonstrated its illegality: Walker, *Moser*, 71–3.
[39] Hantsch, *Schönborn*, 356–8.
[40] Walker, *Moser*, 78, 113–19.
[41] Rürup, *Moser*, 130.

proceedings in 1745 out of anger at the continuing influence in Vienna of Johann Christoph von Bartenstein, Schönborn's great rival.[42]

The link between Moser and Friedrich Karl von Schönborn was significant in another respect. The dominance of the Halle school underlined the fact that German public law was essentially a Protestant discipline. As Bishop of Würzburg from 1729, Schönborn began to change that. Under his patronage, the University of Würzburg became the first 'modern' Catholic university. In 1731, he inaugurated a radical reform of the curriculum that deviated from the Jesuit tradition and introduced the study of history and public law.[43] Following the Halle model, great emphasis was placed on history as a means of illuminating the origins and development of the fundamental laws of the Reich. Johann Adam Ickstatt (1702–1776), who had studied in Paris and with Newton in London, was appointed professor of public and natural law, and during his ten-year tenure (1731–41) held lectures covering the full range of contemporary legal–political studies. As in the case of the Halle public lawyers, Ickstatt's study of natural law led him to place greater emphasis on the rights of the territories than did Moser.[44] In 1734, Ickstatt was joined by the Würzburg alumnus and Schönborn protégé Johann Peter Banniza (1707–1775), who wrote a guide to the Reichskammergericht and its procedures, and who introduced public law teaching to Vienna after 1755.

As important as Ickstatt and more significant than Banniza was Johann Caspar Barthel (1697–1771), a Würzburg alumnus who had also studied canon law in Rome with Cardinal Prosper Lambertini, later Pope Benedict XIV. His main achievement was to work out a system of German Catholic ecclesiastical law similar to the Protestant *ius ecclesiasticum*.[45] This placed the ecclesiastical law of the German Catholic Church firmly on the foundations of the imperial constitution and distanced it from the canon law of the Roman Church. Barthel elaborated in theory what Friedrich Karl von Schönborn had experienced in practice: the tension between Rome and Vienna over Italy and over the refusal of Charles VI to enforce the Papal ban on Jansenism (Unigenitus) in Liège.[46]

In Würzburg, Barthel developed the beginnings of the German equivalent of Gallicanism: loyalty to Rome in matters of faith and morals but independence of Rome in matters of Church administration. There was, however, a key difference. The Gallican system endowed the king with substantial powers over the Church, especially in the appointment of bishops. In Germany, the bishops were elected by the cathedral chapters, and the German theory consequently focused on the role of the Archbishop of Mainz and Imperial Archchancellor as the putative head of the German Church. Strengthening the role of the Archbishop of Mainz and the other archbishops, it was hoped, would provide indigenous leadership and diminish the influence that the papal nuncios in Cologne, Vienna, and Lucerne exercised over the German bishops.

[42] Walker, *Moser*, 152–62; Rürup, *Moser*, 131–8; Kleinheyer, *Wahlkapitulationen*, 132.
[43] Hammerstein, *Jus*, 295–308; Hammerstein, *Aufklärung*, 33–73; Haaß, *Haltung*, 75–6.
[44] Aretin, *Altes Reich*, i, 41; Pütter, *Litteratur*, i, 458–63.
[45] Aretin, *Altes Reich*, ii, 396–400; Hammerstein, *Jus*, 305; Whaley, 'Tolerant society?', 183; Pütter, *Litteratur*, i, 463–5; Raab, *Concordata*, 79–96.
[46] Hantsch, *Schönborn*, 91–120, 183–207.

Such ideas, which echoed the Reformation *Gravamina* of the 1520s, revived the idea that a national council of the German Church might finally overcome the divisions among German Christians. At the same time, however, Barthel's acceptance of the Peace of Westphalia, which Rome still refused to recognize, made reunification less likely by fully integrating the Catholic Church into the bi-confessional German constitution. Barthel's ideas laid the foundations for the later episcopalist movement that attempted to reform the German Church in the later decades of the century.[47] Their significance in the 1730s lay more in the fact that they affirmed the imperial constitution in much the same way that the Halle public lawyers and Moser himself did.

Writing on German public law revealed differences over the nature of the system—an emphasis on its federative character in Halle; an emphasis on its corporative nature in Leipzig and in the work of Moser—but all authors fundamentally agreed that the Reich was a unique German institution. They also laid the foundations both for the further writing on public law and history associated primarily with the University of Göttingen after 1750 and for a succession of debates about the reform of the system that began with the election of Charles VII and continued until the dissolution of the Reich in 1806.

The study of public law shaped the development of attitudes to the political culture of the Reich. Its links with two other phenomena are less obvious, but still important. First, thinking about Germany's 'ancient constitution' as the foundation for the contemporary polity generated an important body of historical writing and rendered knowledge of the German past more widely available in print. That included works such as the *Abriss einer vollständigen Historie des Römisch-Teutschen Reichs bis auf die gegenwärtige Zeit* ('Outline of a Complete History of the Roman-German Empire to the Present', 1722) by Johann Jacob Mascov (1689–1761) and other experiments in vernacular history by Heinrich von Bünau (1697–1762), starting with his life of Frederick Barbarossa.[48] Both sought to write history for its own sake, rather than just as an aid to understanding public law, and to explore the historical origins of the 'genius' or character of the German people as a subject in its own right.

Before long, some writers, such as Johann David Köhler (1684–1755), in his *Kurtzgefaßte und gründliche Teutsche Reichshistorie* ('Brief and Thorough History of the Empire') of 1736, began to distinguish between the history of the Reich and the history of the nation.[49] By 1754, Benedikt Schmidt (1726–1778), a Catholic professor of law at Ingolstadt, was distinguishing between three kinds of German history: the history of Germany as a geographical entity and as an ethnic continuum, as well as the history of the emperors and the Reich as 'one of the most powerful and handsome republics in Europe'.[50] Interestingly, some decades later, the Catholic study of public law also resulted in a major historical work, the *Geschichte der Deutschen* ('History of the Germans', 1778–83), by Michael Ignaz Schmidt (1736–1794), the first multi-volume survey of German history.[51] A generation before the much-heralded 'rediscovery' of the German past by the young Herder and his

[47] See pp. 422–3. [48] Gross, *Empire*, 379–80; Hammerstein, *Jus*, 284–8.
[49] Mühlen, 'Reichstheorien', 143. [50] Mühlen, 'Reichstheorien', 143.
[51] Printy, 'Church history'.

Sturm und Drang associates in the 1770s, and long before the historical turn of the early nineteenth century, the historians trained in the German schools of public law developed an awareness of the historically evolved nature of German culture, society, and political institutions.[52]

The relationship between the new developments in public law and new thinking about the German language was perhaps more a creative synergy rather than the direct link between language reform and *Reichsreform* that had existed in the seventeenth century from Ratke to Leibniz. Even so, it is perhaps significant that Johann Burkhard Mencke (1674–1732) combined a number of key tendencies.

As professor of history at Leipzig from 1699, Mencke promoted the new historico-legal learning and himself published a (loyalist) biography of Leopold I in 1707. Following the death of his father, Otto Mencke, in that year, he assumed the editorship of the *Acta Eruditorum*, with its commitment to the publication and publicization of new research in all disciplines. Finally, in 1724 he was the driving force in the transformation of the small and insignificant Görlitz Poetic Society (Collegium Poeticum Gorlicense) into the Teutsch-übende Poetische Gesellschaft (Societas Philoteutonico Poetica), which his pupil Johann Christoph Gottsched in turn transformed into the Deutsche Gesellschaft in 1727. This inspired a new wave of 'German Societies' which achieved a more dramatic and tangible success than their predecessors.[53] For Gottsched's writing and teaching both helped establish new supra-regional standards and contributed substantially to the emergence of German as a major literary language after 1750.

Gottsched controversially broke with tradition by condemning the highly formalized chancery style of German that was so much admired by the seventeenth-century *Sprachgesellschaften* as cumbersome and opaque.[54] In doing so, he was following the advice of Leibniz and Thomasius and the example of Christian Wolff. Leibniz preached, though he did not himself much practise, the need for scholars to write in German so that the language might become more refined. Thomasius had make a practical contribution with his announcement at Leipzig in 1687 of a course of lectures on Baltasar Gracián to be delivered in German.[55] At Halle, he continued his German lectures and started regular lectures on style for students of law: studying grammar would teach them how to speak correctly; studying poetry would provide them with the capacity for 'sharp-witted fictions', which they would need when pleading cases in court; studying rhetoric would inculcate a good oratorical style.[56]

This emphasis on spoken as well as written German inspired numerous imitators. By 1717, Thomasius was able to claim that teaching was conducted in German at many other Protestant universities in addition to Halle. Beyond that, Thomasius's ideals of an elegant vernacular and useful knowledge also spawned a

[52] Hammerstein, *Jus*, 378–80. On the Sturm und Drang, see pp. 449, 462, 489–90.
[53] Mitchell, *Gottsched*, 19–21; Van Dülmen, *Society*, 45–51.
[54] Blackall, *Emergence*, 178–87.
[55] Blackall, *Emergence*, 11–13.
[56] Blackall, *Emergence*, 16.

growing movement dedicated to improving German, combating French influence (and the habit of larding German sentences with Latin words and phrases), and promoting German culture generally. From 1710, Thomasius's efforts were complemented by those of Wolff, who elaborated his key philosophical principles in the vernacular and developed for the first time a philosophical vocabulary in German and set enduring standards for German academic prose.[57]

Some initiatives, such as the Teutsch-übende Gesellschaft founded in Hamburg in 1715, were short-lived. It had only six members and lasted only three years; however, its members did belong to the urban elite, and several of them were instrumental in the foundation of the more influential, though equally short-lived, Patriotische Gesellschaft (1724–26), which dedicated itself to the more pressing needs of urban renewal following a prolonged period of crises.[58]

The origins of the Deutsche Gesellschaft were more modest.[59] It was originally established by three students from Görlitz in Upper Lusatia who had attended lectures on poetry by Johann Burkhard Mencke. Its members dedicated themselves to friendship, conversation, and poetry. The society's character changed, as it opened its membership to students of any geographical origin and then to non-students. In 1717, Mencke himself was elected president, and he seems to have been responsible for widening the society's aims. It was Johann Christoph Gottsched, however, who brought new life to the organization, defined ambitious aims, and, in time, forged links with the Prussian academy in Berlin and the Deutsche Gesellschaft founded in Jena in 1730.[60]

The suggestion that a truly standardized German language might be achieved came from the Berlin society, whose original statutes of 1701 committed it to the improvement, among other things, of the German language. The collaboration between Berlin, Jena, and Leipzig did not lead anywhere, but Gottsched forged ahead regardless. He believed passionately that only systematic study and practice of the vernacular would finally allow German to stand alongside French as a leading language of culture and literature. As he declared in an address to the Deutsche Gesellschaft in 1728: 'anyone who has the good fortune to be born in Germany should be ashamed to betray his crude ignorance by despising his manly and fine-sounding mother tongue that is also so rich in words'.[61] His own theoretical writing was prolific and wide-ranging: on literature (the *Critische Dichtkunst*, 1729–30), on philosophy (*Erste Gründe der gesammten Weltweisheit,* 1733–4), on rhetoric (*Ausführliche Redekunst*, 1736), on drama (*Die Deutsche Schaubühne*, 1741–5), and on German language (*Deutsche Sprachkunst,* 1748). In all his works, Gottsched aspired to set new standards over the complete range of German language and literature, as well as to introduce the precepts of the latest Wolffian philosophy to a wider audience.

[57] Blackall, *Emergence*, 26–48.
[58] Petersen, 'Teutsch-übende Gesellschaft'; Döring, *Deutsche Gesellschaft*, 123–5; Hardtwig, *Genossenschaft*, 225–6. For both societies and their context, see Krieger, *Patriotismus*.
[59] Döring, *Deutsche Gesellschaft*.
[60] See also pp. 341–3.
[61] Schmidt, *Geschichte*, 261.

Gottsched is often credited with having played a key role in the creation of a literary public sphere in Germany. It is also customary to emphasize the anti-court leanings that are apparently evident in Gottsched's condemnation of opera. Leading figures in the next generation, such as Lessing, poured scorn on his dogmatism and on his slavish devotion to the norms of French classical literature, which he believed that German writers should emulate in order to achieve the same heights of refinement. That ignored his interest in medieval German literature and in the drama of the period since 1450 and his modern prose edition of Hinrik van Alkmaar's *Reinke de Vos* (1487, printed in Lübeck 1498, translated by Gottsched 1752), which Goethe later used as the basis for his epic poem on the subject.[62] The modern view is also one-sided. Gottsched reached a wider audience than almost any previous writer. His prolific output of both books and periodicals really did reach the reading public of the nation as he intended. Yet it would be wrong to see him as a self-conscious pioneer of the modern idea of the writer dependent solely on the free market of taste and ideas.

Gottsched, in fact, attached great importance to recognition by the authorities in Dresden and patronage either by some powerful prince or by a 'Saxon Richelieu'. His promotion of drama over opera was based on the conviction that the ethical–moral education of both rulers and their subjects, whether aristocratic or not, could benefit more from the genre.[63] He sent endless publications with florid personal dedications to influential members of the court at Dresden; in 1730, he composed a poem in honour of the birthday of Augustus the Strong that was performed to music in the university church. Yet his strenuous efforts to secure official recognition, and funding, for the Deutsche Gesellschaft failed: the Elector's government was sending every spare penny to Poland.[64] Not surprisingly, a member of the Jena society believed in 1733 that a standard German orthography would only be achieved with the support of an 'invincible German hero' such as Charles VI.[65]

After he fell out with the Deutsche Gesellschaft in 1738, Gottsched himself came to pin similar hopes on the imperial court. As early as 1727, his ode 'Das Lob Germaniens' ('In Praise of Germany') eulogized Charles VI as the German hero who ruled in Vienna ('the new Rome') over an empire distinguished in industry, science, philosophy, literature, and art, and which even provided monarchs for other nations (Sweden, Poland, and Britain).[66] This patriotic theme ran through much of his prolific output of poems and orations over the next few decades.

In 1749, Gottsched travelled to Vienna in the hope of persuading the imperial court to found a German academy of arts.[67] Though he and his wife were given the honour of a private audience with Maria Theresa and Francis I and were lionized by Vienna society thereafter, Gottsched's hopes were dashed. His proposal aroused

[62] Killy, *Lexikon*, iv, 291; Mitchell, *Gottsched*, 98–9.
[63] Killy, *Lexikon*, iv, 291; Mitchell, *Gottsched*, 36–7.
[64] Döring, *Deutsche Gesellschaft*, 281–91.
[65] Döring, *Deutsche Gesellschaft*, 299.
[66] Gottsched, *Werke*, i, 12–17 (he even claimed the seafaring exploits of the Dutch for Germany; they had, after all, formally been part of the Reich until 1648); Mitchell, *Gottsched*, 5, 15, 62.
[67] Waniek, *Gottsched*, 551–66; Mitchell, *Gottsched*, 95–7.

much interest, but the discussions ceased when he made it clear that he would under no circumstances convert to Catholicism. From the outset, an enduring theme in Gottsched's German patriotism had been his profound loyalty to Lutheranism; even on his way to Vienna in 1749 he offered poetic praise to the Saxon envoys at Regensburg who 'defend the rights of the people of the Protestants'.[68]

Gottsched's efforts to establish a norm for German gave rise to an extended and often highly polemical debate with the Swiss writers Johann Jakob Bodmer and Johann Jakob Breitinger, who claimed that Gottsched's desire to ban all foreign, provincial, and archaic words would merely oblige all Germans to accept the 'lifeless' ('nervenlos') language of the 'Saxon academics'.[69] He also provoked fierce opposition from some South Germans, notably the Benedictine monk, Augustin Dornblüth.[70] Tellingly, neither Dornblüth nor those who discussed the proposed academy in Vienna disagreed about the need to establish a standardized language. Dornblüth railed against the proposed tyranny of the Meissen-Saxon orthography and argued the virtues of the chancery traditions of Upper German, which had their origins in the styles promoted by Maximilian I and his officials; at all costs, Dornblüth wanted to avoid being forced to adopt a form of German that originated with Luther. At the Viennese court, the officials believed that to establish an academy under the leadership of a Protestant was simply not feasible.

Frustrated in Vienna, Gottsched subsequently turned his attention to the foundation of a new Society of Liberal Arts in Leipzig in 1752. Ambitiously modelled on the Académie Française and the Académie des Inscriptions et des Médailles, this new project also failed to gain the Elector's patronage, and it foundered after a few years. Many of his linguistic proposals, by contrast, were quietly but steadily adopted throughout Germany and Austria over the next few decades.[71]

Perhaps three thousand individuals belonged to the various Deutsche Gesellschaften.[72] Most were clergy, professors, teachers, government officials, or students—all in one way or another government employees or aspiring to a career as such. Unlike the *Sprachgesellschaften* of the early seventeenth century, they attracted few aristocrats.[73] They represented a wider spectrum than the early societies, yet they were tied just as closely to the official world of the territories and of the Reich, reflecting the expansion and elaboration of those structures over the course of a hundred years. Their activities, moreover, like those of the public lawyers and constitutional commentators and of the early historians (many of whom, of course, were themselves members of the societies), were evidence of a growing identification with the Reich. Indeed, they formed the basis for that sustained thinking about Reich, nation, and culture that became a key characteristic of German public life during the second half of the eighteenth century.

[68] Mitchell, *Gottsched*, 61–2; Gottsched, *Werke*, i, 415.
[69] Wells, *German*, 323.
[70] Blackall, *Emergence*, 137–48; Wells, *German*, 313, 324–7.
[71] Polenz, *Sprachgeschichte*, ii, 169–77.
[72] Hardtwig, *Genossenschaft*, 237; Van Dülmen, *Society*, 46–7.
[73] See p. 87 above and Volume I, pp. 467–71.

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III

THE GERMAN TERRITORIES, *c*.1648–*c*.1760

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22

An Age of Absolutism?

In 1739, the year before he came to the throne as Frederick II, the Crown Prince of Prussia expressed withering contempt for the minor princes who populated the German Reich. 'Even the youngest scion of an appanaged line', he wrote in his *Antimachiavell*, 'imagines himself to be a little Louis XIV: he builds his Versailles, kisses his Maintenon and maintains his army.'[1] This contemporary judgement, from a man who was to proclaim himself as the archetype of a new kind of reforming ruler, seems to justify the assessment of German rulers of the period 1650–1740, which is often found in the traditional master narrative of German history. This was allegedly an age of absolutism, in which the German princes achieved a new degree of control and power. They rode roughshod over the rights of their subjects, extracted as much money from them as they could, spent large sums on armies that were often hired out to foreign powers, and squandered fortunes on vast new palaces and extravagant luxuries.[2] Louis XIV was presumed to be their role model, and their slavish devotion to all things French was held to be responsible for the extirpation of German freedom and the general moral decline of German society.[3]

Following the Thirty Years War, it was held, Germany succumbed to the manifold evils of *Kleinstaaterei*: extreme fragmentation bordering on anarchy, a proliferation of tyrannical regimes that contributed nothing to the national development of Germany, selfish particularism from which Germany was only liberated by the demise of the Reich in 1806. The only exception to the dismal rule was deemed to be Brandenburg-Prussia, where a succession of outstanding rulers between 1640 and 1786—notably Frederick William I (r. 1713–40), and Frederick the Great (r. 1740–86)—pursued visionary and innovative 'national' policies that laid the foundations for the second German Reich of 1871.

Since the 1950s, however, historians have become progressively more uncertain about the validity of the term absolutism, and since the early 1990s some have argued that it should be abandoned altogether. There are several reasons for this growing scepticism. For one thing, the term itself is anachronistic. It originated in France in the 1820s, first appeared in Germany around 1830, and was a product of the liberal debate about the repressive monarchical regimes of the period after 1815.[4] It was never used in the early modern period. Second, it is now recognized that early modern monarchies clung to tradition as much as they initiated change,

[1] Pečar, 'Gesellschaft', 192–3. [2] Wilson, *Absolutism*, 8–9.
[3] Wolgast, 'Sicht'; Faulenbach, *Ideologie*, 38–42.
[4] Henshall, *Absolutism*, 1–5, 207–10; Willoweit, *Verfassungsgeschichte*, 174.

and that none in reality enjoyed powers that could in any meaningful sense be described as absolute. Even Louis XIV, often portrayed as the cynosure of an absolute monarch in Europe, was dependent on the cooperation of a whole array of traditional institutions and social groups. In some respects, the very projection of monarchical power, to which Louis XIV and other monarchs undoubtedly devoted substantial resources, was part of the creation of a myth whose grandeur merely compensated for the rather less impressive reality that prevailed outside the court, where 'harmony was established by consensus, not by force.'[5]

Only one German territory came anywhere near the power and size of France, which comprised just over 500,000 km^2 and some 20 million inhabitants around 1700. Austria (including Bohemia, Moravia, and all of Silesia) comprised some 240,000 km^2 (Habsburg Hungary added a further 120,000 km^2, Turkish Hungary, acquired in 1719, brought 120,000 km^2, and Transylvania 60,000 km^2; the Spanish Netherlands, acquired in 1715, added another 25,000 km^2 and perhaps over a million inhabitants).[6] The total population of all the Habsburg lands occupied in the second half of the seventeenth century was, however, no more than 8.1 million. By contrast, Brandenburg, the territory most often singled out as the exception where absolutism really did exist, only comprised some 112,524 km^2, with a population of 1.65 million scattered over several non-contiguous territories (including East Prussia, technically outside the Reich).[7]

Austria and Brandenburg-Prussia were exceptional within the Reich, both in their size and in other respects that will be considered below. The mass of other territories presents an almost impossibly varied picture.[8] Saxony, Hanover, and Bavaria each had around 40,000 km^2, which was also the size of the original Electorate of Brandenburg; the Elector of the Palatinate had significantly less, with roughly 20,000 km^2. The ecclesiastical Electorates of Mainz, Cologne, and Trier were much smaller, with around 7,000 km^2 each. Just larger than them, with roughly 7,000–10,000 km^2, were Württemberg, Hessen-Kassel, and Mecklenburg-Schwerin. They were roughly matched in size by the prince-bishoprics of Salzburg and Münster.

The majority of the other territories, including the other prince-bishoprics, were under 5,000 km^2. The largest Ernestine Saxon dukedom was Gotha, with only *c.* 1,500 km^2, and numerous counts and abbots ruled over lands of less than 100 km^2.[9] The figures for the territories of Imperial Knights are even more inscrutable:

[5] Henshall, 'Early modern absolutism', 53.
[6] Hochedlinger, *Wars*, 13–26.
[7] Kretschmer, *Geographie*, 600.
[8] The following figures are based on the lists in Wilson, *Reich*, 364–77, Wallner, 'Reichsterritorien', and (more limited) Kretschmer, *Geographie*, 613–16. Wallner and Wilson refer to *c.* 1800; Kretschmer's base year is *c.* 1770. For this survey of the situation *c.* 1700, the figures have been adjusted to take account of gains and losses 1700–1800. None of the figures given in the works cited is more than a very rough approximation based on contemporary estimates in German miles (1 German mile = 4.6 miles = 7.4 km). Inaccuracies arise not least because in the eighteenth century the length of German mile varied throughout the Reich.
[9] Compare the area of contemporary Greater London, at 1500 km^2, or Cambridgeshire, with 3,000 km^2.

the roughly 1,730 territories ruled by knights belonging to some 350 families around 1790 comprised a collective total of just 5,000 km^2, with just 350,000 inhabitants, making an average of no more than 2.9 km^2 per territory.[10] Some of the roughly fifty Imperial Cities had both more territory and a greater population than many of the counties.

Size was important, but its significance was either enhanced or mitigated by other factors. The position of the ruler of the Palatinate was enhanced by his Electoral title, but his power was diminished by the fragmentation of his lands, by the loss of 7,000 km^2 in the Upper Palatinate to Bavaria in 1648, and by the vulnerability of his stem Rhineland territories to French attack. The value and potential of the Bishop of Bamberg's 3,576 km^2 were diminished by the fact of his territory's extreme fragmentation and its administrative subdivision into some 150 separate jurisdictions or bailiwicks.[11] Albertine Electoral Saxony, by contrast, benefited from a consolidated territory endowed with plentiful valuable natural resources.

In general, noble dynasties, especially the Protestant ones, now began to adopt primogeniture in order to avert the kind of territorial instability that had been characteristic of the sixteenth century. Even where that proved difficult, for example among the Saxon dukes in Thuringia, among whom Saxony-Meiningen introduced primogeniture only in 1802, the dynasties nonetheless engaged in forms of collective management of what amounted to family entails.[12] They shared the administration of key lands and some common institutions, such as the University of Jena, which had four so-called 'Nutritoren', or sponsoring, territories.[13] When disputes arose or debt crises threatened chaos in any one duchy, the dukes invariably appealed to the Reichshofrat, which thus contributed to the stabilization of the region. Of course, the intertwining of administrations and property inhibited change. Stabilization often meant developmental paralysis, though in the case of Jena that came to be an advantage in that the inability of its four patrons to agree on any particular line allowed it to become one of the most liberal universities in the later eighteenth century.

Comparisons with France are clearly not appropriate for any of the German territories, with the exception of Austria. Even comparisons between the German territories are difficult. Despite the general stabilization of the Reich after 1648, the period also saw the emergence of increasing differences between its various members. The differences between large and small became more significant than they

[10] Sutter, 'Kaisertreue', 284–5. Some territories were owned by collectives, princes, Imperial Cities, Imperial Abbeys, and institutions (including the University of Würzburg). These individuals and institutions were thus members (with votes) of the various cantons or regional associations of the Imperial Knights, where they were deeply resented by the members of the old families. Wilson, *Reich*, 41–2, cites 10,000 km^2 with 450,000 inhabitants; Godsey, *Nobles*, 8, gives *c.* 5,000 km^2 with 400,000 subjects divided into *c.* 1500 territories; Hartmann, 'Bevölkerungszahlen', 347–8, which provides the most reliable population figures, estimates the population of these territories *c.* 1800 at 250,000.

[11] Berbig, *Bamberg*, 6–10.

[12] Westphal, *Rechtsprechung*, 24–39; Fichtner, *Protestantism*, 14. For a list of German and other primogeniture ordinances, see Neuhaus, Chronologie'.

[13] The four were Weimar, Coburg, Gotha, and Meiningen. Schindling, *Bildung*, 32–3.

had been a century previously. Those princes who developed standing armies stood out from the mass of the minor 'unarmed' rulers. Among the 'unarmed', the rulers of medium-sized territories had greater potential for effective political action than those whom Frederick the Great termed the 'principini', the rulers of 'dwarf' or 'duodecimo' territories. Despite many similarities, differences also became apparent between Catholic and Protestant territories. A similar process of differentiation—according to size, geographical location, confession, and so on—also unfolded among the fifty or so Imperial Cities.

Even so, the Imperial Estates did have much in common, and they faced similar problems. Fundamentally, they all existed within the same constitutional framework, in which they owed loyalty to the emperor and were committed to recognizing his supreme judicial authority. At the same time, the Peace of Westphalia had confirmed their governmental authority over the lands (*ius territoriale*), though this *Landeshoheit*, or *superioritas territorialis* as it was termed in the literature, did not amount to full sovereignty. Only collectively did the Imperial Estates embody *maiestas realis*, while *maiestas personalis* was reserved to the emperor. Rulers were permitted to form alliances, both among themselves and with foreign powers, in so far as they were not hostile to the emperor or the Reich. In 1654, the Reichstag gave all rulers the unconditional right to levy taxes to pay for defence of the Reich. In 1658, this was reinforced by the electoral capitulation of Leopold I, which limited the rights of territorial Estates to independent action and prohibited subjects from appealing to the imperial courts against taxes levied for defence.

These rights were, however, balanced by a number of restraints. In 1670, Leopold I refused to permit any further extension of the princes' rights to taxation, which placed the emperor and the imperial courts in the position of being able to protect the rights of territorial Estates against 'absolutist' rulers.[14] Many other aspects of the 1648 settlement, notably its numerous stipulations concerning the confessional status quo, also imposed new limitations on the scope of *Landeshoheit*, in addition to the recognized corpus of pre-1648 fundamental laws of the Reich.

The territorial arrangements in the territories and cities, generally a mixture of old laws and customs, imperial privileges, and specific statutes of more recent origin, were extremely varied. In general, however, the imperial constitution served to secure them all. That did not prevent some rulers from seeking to subvert the most important specific guarantee of all, namely the protection afforded to the territorial Estates. Johann Jakob Moser wrote scathingly in 1769 about the efforts of the Prussian rulers Frederick William I (d. 1740) and Frederick the Great (d. 1786) to establish a 'despotic, arbitrary and unlimited rule . . . .whose only right lay in their maintenance of 100,000 men and the fact that they had no judge over them, or at least no fear of such'.[15]

Though other princes might dream of emulating them, however, the Brandenburg Electors represented the exception rather than the rule. For, as Moser pointed out, even those rulers who did not have to contend with Estates at all were subject

[14] See pp. 54–5. [15] Willoweit, *Rechtsgrundlagen*, 169–70.

to the strictures of imperial law. 'Though it may be true', he wrote, 'that those Imperial Estates who have no territorial Estates may have a freer hand, for example in legislation, than those rulers who have such territorial Estates, that does not mean that they therefore have unlimited power. Let such a prince, prelate or count impose taxes according to his will, maintain soldiers as he pleases, to the extent that his subjects then appeal to one of the highest imperial courts, he will soon be shown emphatically that and how his authority is limited.'[16] In 1786, another authority, Johann Stephan Pütter, declared that the imperial constitution established in 1648 allowed 'all rulers to do good in their territories but if any were inclined to do evil the constitution ensured that either their Estates would block them or each and every one of their subjects would be able to seek help from a higher judge'.[17]

Finally, after 1648 all the German territories faced the same challenge of reconstruction, of restoration of order, of adaptation to the reformed constitutional framework of the Reich, of response to the new political and economic environment and the new international constellation of the later seventeenth century. They reacted in ways that were conditioned by their common past experience in the constitutional process that had been unfolding since the reform proposals of Maximilian I around 1500 and the changes wrought by the Reformation in the 1520s. That continuity of law, customs, and institutions, adapted to changed circumstances, was more fundamental than any inspiration from France.

Even as a transferable label, however, 'absolutism' fails to do justice to the complex development of the German territories after 1650. At best, it might perhaps convey the sense of a distinctive phase in their development that was characterized by a more energetic approach to the task of government. Yet that does not adequately delineate the remarkable recovery of the German territories after 1648. This was characterized on the one hand by the revival of court society and the re-establishment of territorial government and, on the other hand, by a significant extension of the activities of government.

[16] Volckart, 'Zersplitterung', 21–2. [17] Marquardt, 'Aberkennung', 74.

23

Contemporary Perceptions: From Reconstruction to Early Enlightenment

There was nothing like a theory of absolutism in the Reich. From the early seventeenth century, German writers worked with the new vocabulary and concepts of mainstream European political theory. Despite many differences between the various tendencies, however, there were marked common trends. Almost all rejected Machiavelli. Bodin's theory of sovereignty came to assume a quite different meaning in the German context, which was characterized by a distinction between the sovereignty of the Reich and the delegation of powers of government to the Estates. Later, the theories of Hobbes and Spinoza suffered the same fate of those of Machiavelli and were almost universally condemned by German writers as godless and immoral. Even supposedly secularizing forerunners of the Enlightenment such as Pufendorf and Thomasius distanced themselves from what they regarded as Hobbes's brutal absolutism.[1]

The most pervasive influence on writers in the Reich was Justus Lipsius. Catholics and Protestants read different editions adapted to their confessional preferences, yet the appeal of Lipsius's writings on the techniques of government was as strong in Berlin and Hanover as it was in Munich and Vienna.[2] Lipsius avoided difficult questions, such as popular sovereignty, and gave a clear preference for an elective or hereditary monarchy. His real focus of interest was the qualities that made for effective government. His emphasis on the need for an obedient people, a loyal bureaucracy, and a disciplined army seemed to provide an ideal recipe for stability and cohesion.

Lipsius's appeal in Germany was immediate and enduring, and it was enhanced in the 1650s by the interest of many Germans in the prosperity of the Netherlands. The question of how the Germans might emulate the success of the Dutch was a key theme in German writing about government. By contrast, very few writers had anything positive to say about France, whose monarchy they generally portrayed as a military despotism that contrasted unfavourably with the freedom enjoyed in the Reich.[3] French language, culture, and fashions may have taken polite society in

[1] Dreitzel, 'Hobbes-Rezeptionen', 151–62; Malcolm, *Aspects of Hobbes*, 520–35.
[2] Oestreich, *Antiker Geist*, 190–1.
[3] Dreitzel, *Absolutismus*, 79.

Germany by storm by 1700, as Thomasius complained.[4] In matters of government, however, the Dutch were a more important source of inspiration.

Perhaps the most important characteristic of the German tradition, even where it ascribed extensive and divinely ordained power to a prince, was its concern for the limitations of that power.[5] If most writers favoured monarchy, they were concerned to distinguish between monarchy and despotism or tyranny. They sought to enhance the ability of a prince to rule effectively for the common good. Yet they also sought to bind the prince by means of fundamental laws and of ideas of individual freedom and rights. These attitudes fully reflected the situation in which the German writers on politics found themselves. On the one hand, they were mostly employees of princes, either as professors at territorial universities or as officials in government and administration; it was thus their professional duty to enhance the power of their employers. On the other hand, they were members of corporations (for example, universities or Estates) that claimed privileges and rights.

Furthermore, the Reich itself provided a framework of law that operated at various levels and was formalized in 1648. The Peace of Westphalia affirmed the *Landeshoheit* of the princes and confirmed their governmental powers over the lands. It affirmed their right to participate in decisions concerning the Reich and to enter foreign alliances, but it did not grant them sovereignty. If the princes acquired the right to impose taxes for the defence of the Reich in 1654, the emperor upheld the rights of the territorial Estates by vetoing the proposal to extend that right to any form of defence in 1670.[6]

Further limitations on government arose out of the rights accorded to individuals as part of the religious settlement: fundamental freedom of religious belief and protection from discrimination on religious grounds; the right to emigrate without payment of unreasonable dues; the right of individuals either to retain or to sell without restriction any property they might own in a territory they were leaving. In 1648, these rights were articulated as safeguards following the final reaffirmation of the princes' right to determine the religion of their lands (*ius reformandi*). Yet the notion that all Germans enjoyed freedom of movement and legally protected property rights soon became more generalized. By the mid-eighteenth century, they formed the core of what Johann Jakob Moser defined as the catalogue of the fundamental rights of the individual in the Reich.[7]

German thinking about government in the first half of the seventeenth century had been largely preoccupied with the legal and constitutional issues thrown up by the crisis in the relationship between the crown and the Imperial Estates. After 1648, there was a shift in emphasis. The functions of government had traditionally been defined as the maintenance of justice and peace. During the sixteenth century there had been a growing emphasis on the responsibility of rulers for the common good or welfare. In the wake of the Reformation, particularly, the concept of welfare was extended to include specific responsibility for the religious welfare of subjects. The practical necessities of reconstruction after the war now brought

[4] Barnard, 'Thomasius', 432. [5] Weber, 'Theoretical limits'. [6] See pp. 21, 54–5.
[7] Schmidt, '"Deutsche Freiheit" und der Westfälische Friede', 341–6; Weber, 'Theoretical limits', 906; Feller, 'Bedeutung', 50. See also p. 489.

about a new focus on material welfare: promoting the prosperity of a territory was given high priority. At the same time, writers who engaged with the new natural law theories explored the implications of the 1648 settlement for the territories.

The text that perhaps best caught the immediate post-war mood was Veit Ludwig von Seckendorff's *Der Teutsche Fürstenstaat* ('The Government of German Princes', 1656), whose twelve editions made it a rare bestseller in the field and a standard textbook at German universities until around 1750.[8] This was in some ways the foundational text of what became known as cameralism, often seen as a German variant of mercantilism.[9] While it drew on the traditions of the sixteenth century, Seckendorff's work also created new perspectives. If mercantilism emphasized the promotion and protection of trade and commerce as a key function of government, cameralism emphasized the promotion of agriculture and population growth. The primary emphasis was on the management of resources and revenues. But cameralist writing ranged over the whole spectrum of government activity, forming a genre that reached its fruition in the systematic academic study of government at the German universities in the eighteenth century.

Seckendorff (1622–1692) was councillor to Duke Ernst of Saxony-Gotha, and his handbook was partly a description of the administrative structures and policies of the duchy and partly a compendium of advice to his master, and other rulers, on how to continue to promote the welfare of the territory. It was infused with a deeply conservative Lutheran Christian ethos and indebted to the long tradition of Lutheran writing on government and the duties of rulers represented by the works of figures such as Melchior von Osse, Georg Obrecht, and Dietrich Reinkingk. His ideas also had much in common with the genre of *Hausväterliteratur* that flourished from the early seventeenth century to the 1730s. These guides for heads of households were aimed at fathers, estate owners, and princes, and contained information on everything from personal health to bee-keeping, crop planting, and cultivation, and every conceivable aspect of estate management.[10]

Yet Seckendorff's work was more comprehensive than that of his predecessors, and it moved beyond them and the *Hausväterliteratur* authors. He presented the German territories as limited in two ways. First, they were subordinate to the Reich and subject to its laws and customs. Second, they were tied by obligations to the Estates of their territories and to their subjects. Their subjects, he reminded princes, were not slaves, and their traditional religion, property, justice, and courts must be respected.[11] The ultimate purpose of good government was not material prosperity or the promotion of the ruler but the 'glorification of God'.[12]

[8] Maier, *Staats- und Verwaltungslehre*, 139–51; Stolleis, *Öffentliches Recht*, i, 352–4; Brückner, *Staatswissenschaften*, 9–32; Stolleis, 'Seckendorff'. The obvious translation of the word 'Staat' as 'state' is misleading: Seckendorff was clear that the German territories were not sovereign states, and his book was primarily concerned with good government and the prudent management of assets.

[9] Braeuer, 'Kameralismus'.

[10] Brückner, *Staatswissenschaften*, 51–6; Stolleis, *Öffentliches Recht*, i, 338–42; Maier, *Staats- und Verwaltungslehre*, 173–4; Brunner, *Landleben*, 237–312; Haushofer, 'Literatur', 131–40.

[11] Schmidt, *Geschichte*, 240.

[12] Stolleis, *Öffentliches Recht*, i, 353.

The most novel aspect of Seckendorff's work was its focus on economic policy in the very widest sense. That went far beyond the prudent management of a ruler's estates and the fiscal concerns of earlier writers. The exploitation of natural resources, the promotion of crafts and trades, and the regulation and improvement of waterways and roads received detailed treatment. Measures for enhancing the attraction of the territory to immigrants and improving the potential of the workforce were equally important: the provision of midwives and doctors, care and education of the young, the provision of clean water, ensuring the cleanliness of the air in towns, preventing the abuse of alcohol and tobacco, providing hospitals and hospices for the sick and the old. In these particular proposals, Seckendorff drew heavily on his knowledge of the Netherlands, and especially the welfare policies of the city of Amsterdam.[13] In doing so, he made proposals that far exceeded what even the best-organized German territorial government was actually able to implement, as he himself conceded in notes he appended to the 1665 edition of his work.

It is perhaps indicative of a diminution of Seckendorff's ambitions, but also of a determination to uphold what he saw as the most fundamental religious principles of government, that his last major work was devoted to the theme of the *Christen-Stat* ('Christian Government', 1685). However, his influence remained strong. He was Privy Councillor and Chancellor in Gotha in 1663, but he soon became discontented at Duke Ernst's perpetual meddling in every aspect of government and his imperious treatment of officials, including Seckendorff himself, when they put forward views that he disagreed with.[14] In 1664, Seckendorff therefore left Gotha to become Privy Councillor, Chancellor, and President of the Consistorial Council for Duke Moritz of Saxony-Zeitz, ruler of a secundogeniture of the Albertine Elector of Saxony established in 1656. In 1681, Seckendorff resigned from all his offices and withdrew to his estates to concentrate on writing. In 1691, however, he accepted an invitation to become Privy Councillor in Berlin and was then appointed the first Chancellor of the University of Halle. It was Thomasius who held the first lectures on Seckendorff's work there, at the express request of Frederick William I.[15]

Thinking about government in the Catholic territories specifically, including Austria, was generally influenced by the work of the Jesuit Adam Contzen (1571–1635).[16] His *Politicorum libri decem* ('Ten Books of Politics') of 1621 applied the practical political philosophy of Lipsius to the structures of the German territories and included recommendations on fiscal and economic policy that were distinctly similar to the cameralism of Seckendorff.[17] Where he differed was in his uncompromising commitment to religious uniformity, in particular to re-Catholicization. According to Contzen, this was best achieved by a hereditary monarchy with few restraints on its powers other than the conscience of the ruler himself and his duty

[13] Maier, *Staats- und Verwaltungslehre*, 146.
[14] Klinger, *Fürstenstaat*, 95–7.
[15] Maier, *Staats- und Verwaltungslehre*, 147–8.
[16] Bireley, *Counter-Reformation prince*, 136–61; Seils, *Staatslehre*, 191–228; Bireley, *Maximilian*, 33–5; Weber, *Prudentia*, 117–19.
[17] Seils, *Staatslehre*, 148–56.

to submit to both divine and natural law.[18] It made sense, he argued, to allow both the people and the nobility to participate in government to some degree, and he argued that decisions on taxes, legislation, war, and peace should be made with the agreement of the nobility, towns, and other Estates.[19] Ultimately, however, the limits on government were moral rather than constitutional, and he denied outright any right to resist an unjust monarch.

Contzen's book, written while he was chancellor of the University of Mainz, was dedicated to Ferdinand II, and Contzen's ideas had an immediate impact on the government of Bavaria under Duke Maximilian I, whose confessor he became in 1623. They remained influential in Catholic territories into the middle decades of the eighteenth century. The commitment of Contzen and other Catholic teachers on law and politics to the German territory embedded in the Reich shaped their thinking as much as it did the thinking of their Protestant counterparts. Their belief in divinely ordained monarchy was tempered by a view of the political structures of both the Reich and its territories as limited monarchies. At the same time, however, the Jesuit monopoly on higher education and the absence of the kind of extensive academic and functionary class that developed in the Protestant territories meant that these notions were not explored or publicly debated to anything like the same degree.

The starting point for both Seckendorff and Contzen was the experience of the Thirty Years War and its immediate aftermath. The so-called Austrian cameralists or mercantilists Johann Joachim Becher, Philipp Wilhelm von Hörnigk, and Wilhelm Schröder combined elements of Seckendorff and Contzen, but were also specifically preoccupied with the threat posed to the Reich by France in the 1670s. Each of them was involved in schemes to promote the welfare of the Reich as a whole, and all have been identified with plans for the development of the Austrian monarchy in particular.[20] On the other hand, Becher certainly also worked for the governments of Mainz and Bavaria, among others, at various stages. All three, like Seckendorff, believed that the ideas they formulated in the service of a particular dynasty were transferable to the other dynasties of the Reich, regardless of confessional differences. For all of them, the territory was a subordinate element of the Reich, even though this was complicated in the Austrian case by the exceptional status of the Habsburg territories in the Reich and the Habsburgs' rule over some territories that were outside it. Despite this, they could regard the Habsburgs as exemplary German territorial rulers who might lead the way for other princes.

The Austrian Cameralists' proposals for stimulating and regulating trade and manufactures reiterated the teachings of their cameralist predecessors. They also extended them with mercantilist measures inspired by their acquaintance with the latest French, English, and Dutch thinking. If the earlier cameralists started out from the practical problems of government, the next generation was more focused on the economy as such. Their writings contained the typical mercantilist mix of contradictory

[18] Bireley, *Maximilian*, 33–4. [19] Dreitzel, *Absolutismus*, 90–1.
[20] Winkelbauer, *Ständefreiheit*, i, 454–9; Sommer, *Kameralisten*, ii, 1–149; Dittrich, *Kameralisten*, 58–68; Brückner, *Staatswissenschaften*, 43–51. See also pp. 80–3.

principles of free trade, protection, and national self-sufficiency or autarchy: they could advocate the creation of monopolies or their abolition, the promotion of economic innovation or its prohibition, depending on whether they believed it to be beneficial to the government.[21]

Becher was perhaps the most original and the most committed to the Reich.[22] He subscribed firmly to the principle of hereditary monarchy under a strong ruler committed to preventing internal conflict. On the other hand, the monarch must also listen to the advice of the Estates of his territory. Yet Becher also looked beyond the traditional order of Estates. He divided what he called civil society into two. The most important part for him comprised the productive Estates of peasants (under which heading he included miners and other producers of raw materials), craftsmen, and merchants, among whom the merchants were the most significant. The unproductive part of society comprised the clergy, academics and teachers, doctors, soldiers, and the government (including the nobility); their function was to serve the productive classes.

In some ways, Becher's thinking foreshadowed the notion of civil society that emerged in the later eighteenth century.[23] His futuristic vision was certainly utopian in a society committed to the preservation of the traditional order, and his ideas of state and society, never systematically formulated and some of them unpublished, made no impact. His specific economic proposals, designed to promote the effectiveness of the productive classes, were, however, taken up by Hörnigk and Schröder in ways that excluded, or at least ignored, the personal freedom that Becher implicitly ascribed to the producers.[24]

The insights that Hörnigk gained from his failed mission in 1673 to promote the crafts of the Austrian Erblande later translated into the mercantilist tract *Österreich über alles, wenn es nur will* ('Austria Above All, If It Only Wants To', 1684), which urged the emperor to improve the economy of his own lands as a first vital step towards combating the growing economic influence of France on the Reich. Schröder's *Fürstliche Schatz- und Rentkammer* ('Princely Treasury and Revenue Office',1686) combined a similar range of specific proposals with a robust, and, in the German context rare, statement of the principles of divinely ordained monarchy.[25] Indeed, Schröder was one of the few avowed German followers of Hobbes, whose acquaintance he had made in England.[26] Unlike Becher, with his wide-ranging vision of the ultimate purpose of state and society to enhance human existence, Schröder emphasized only one aim of government: to enhance the wealth and income of the ruler. Even Schröder, however, pointed out that the link between the welfare of the ruler and that of his subjects meant that oppression and tyranny were to be avoided.[27]

[21] Heiss, 'Ökonomie', 216–17.
[22] Dreitzel, 'Zehn Jahre', 475–534; Brückner, *Staatswissenschaften*, 43–7; Sommer, *Kameralisten*, ii, 1–78; Heitz, 'Folgen', 346.
[23] Schmidt, *Geschichte*, 239–40.
[24] Brückner, *Staatswissenschaften*, 47–51.
[25] Sommer, *Kameralisten*, ii, 79–123; Dreitzel, *Absolutismus*, 80–4.
[26] Stolleis, *Öffentliches Recht*, i, 211–12; Malcolm, *Aspects of Hobbes*, 512–14.
[27] Brückner, *Staatswissenschaften*, 50.

Just how radically Schröder deviated from the mainstream of German thinking is underlined by the parallel development of natural law theories in Protestant Germany. Indeed, in 1719, the Helmstedt professor Gottlieb Samuel Treuer (1683–1743) published an edition of Schröder's work that praised his cameralism but condemned his views on government as nothing short of an attempt to justify the most barbarous form of despotism.[28] Treuer himself stood out in the Protestant world as an uncompromising supporter of the rights of territorial Estates and as a critic of the so-called 'Prussian school' of natural law. His work was written in support of the Mecklenburg Estates in their struggle against the tyrannical Duke Karl Leopold, and he had nothing but praise for the role of Charles VI in upholding the rights of the Mecklenburg nobility, as compared with the hostility of Ferdinand II and Ferdinand III both to the Estates of their own lands and to those of the Reich.[29]

Despite this, Treuer was also emphatically a product of the natural law tradition that had developed in the Protestant territories since the Thirty Years War and whose most prominent exponents were associated with the 'Prussian school'. This label is somewhat misleading. For one thing, the first great German natural law theorist Samuel Pufendorf (1632–1694), developed his ideas about government while in the service of the Elector of the Palatinate and the Swedish crown; he only moved to Berlin in 1688, where he composed largely historical works until his death in 1694. Second, while his ideas were developed in influential ways at the Brandenburg University of Halle by Christian Thomasius and Christian Wolff, they in turn exemplified a much wider trend evident in many Protestant universities outside Brandenburg that favoured the position of rulers and governments. At the same time, however, they generally circumscribed the prerogatives of rulers, even if they did not explicitly support the rights of territorial Estates, as Treuer did. By 1740, the initial emphasis on peace and order as the main functions of government had given way to a liberal emphasis on individual rights and a conviction that government had a duty to provide a framework of law that would enable human beings to realize their potential to the fullest extent.

The whole tendency of natural law represented an attempt to rethink the principles of politics on scientific lines inspired by the dominance of geometrical methods (the *mos geometricus*) in mathematics and natural science. Religious, political, and philosophical controversies were to be resolved by working out rational principles that would restore order and certainty. At the same time, Pufendorf reacted against the harsh mechanistic and godless view of the state espoused by Hobbes, for whom there was only the alternative between chaos and unconditional absolutism and who made no distinction between just monarchs and tyrants.[30]

[28] Dreitzel, *Absolutismus*, 80–2, 92–9.
[29] See also pp. 147–8.
[30] Hammerstein, 'Pufendorf'; Stolleis, *Öffentliches Recht*, i, 282–4. Blickle, *Leibeigenschaft*, 279–92, is also highly illuminating on the development of Pufendorf's thought and its relation to government policy in the Palatinate.

Pufendorf assimilated the traditional social ethics of the Aristotelian tradition by postulating that the world and all that developed within it were willed by God. He envisaged the state as the outcome of two contracts entered into deliberately and freely as a result of three human decisions. In the state of nature after the Fall, he suggested, human beings were both good and bad, both weak and strong. Humans form society because they need help and protection; they then decide on the form of government; finally, they create that government by means of another contract or agreement. This contract is irreversible, but it is enforceable on both rulers and subjects. For their part, rulers have a duty to ensure that laws are just (that is to say, in accordance with the law of God and of nature), that peace and justice are upheld, and that they exercise their powers in moderation. Government, Pufendorf held, must always enjoy the consent of the people and respect their rights and dignity as human beings; obedience, in turn, was predicated on the assumption that law was based on right or truth.

If Pufendorf still held on to the validity of divine law, Thomasius abandoned the idea of a *ius divinum* entirely in favour of a natural law that reflected God's will.[31] He also placed more emphasis on the rights of rulers and their duty to promote welfare, as well as to guarantee peace and security. Having started out as an optimist, he came to embrace a much more pessimistic view of man as driven by will and passion.[32] It was thus in society, and specifically in the state, he argued, that man was capable of developing more benign tendencies. The contract with the state was, moreover, a unique event and irreversible, and subjects had no legal right to challenge or to resist its authority. Even territorial Estates had no innate rights unless these were specified in some fundamental constitutional law.

More fiercely than Pufendorf, furthermore, Thomasius insisted that the clergy had no rights over government: religion and ethics became purely personal matters. Even so, Thomasius still envisaged both moral and prudential restraints on authority. Above all, the ruler was also limited by his officials, who in the German territories, of course, included the university professors. In some senses, Thomasius tried perennially to square the circle: he argued for strong government unfettered by legal restraints; he posited the existence of a kind of public sphere populated by officials and the educated generally that would formulate principles, suggest policies, and act as a discursive regulator of authority. The old alliance of throne and altar was to be replaced by a new alliance of throne and lecture hall.[33]

More than Pufendorf, finally, Thomasisus included the promotion of welfare in his governmental programme. At Halle, he himself gave the first lectures on Seckendorff's handbook on government. The emphasis remained on peace and justice, and Thomasius valued stability, order, and the maintenance of the status quo more than the ultimate development of human

[31] Stolleis, *Öffentliches Recht*, i, 284–8; Luig, 'Thomasius'.
[32] Brückner, *Staatswissenschaften*, 179.
[33] Luig, 'Thomasius', 232–3; Barnard, 'Thomasius', 437; Link, *Herrschaftsordnung*, 346; Schröder, *Thomasius*, 36–98.

society. In his view, salvation and ethical perfectibility were, after all, essentially private concerns.

The culmination of this tradition in the philosophy of Christian Wolff entailed, paradoxically, both the expansion of the aims of government to their fullest extent and the first hints at the limitation of government by inalienable individual rights that were not relinquished on the creation of the state. Wolff included the full range of cameralist thinking in his system and made government responsible for the individual's well-being and for his capacity to develop fully and freely, as well as for his security and safety.[34] At the same time, he insisted that all right and all laws must be derived from the nature of man.

Like Thomasius, Wolff emphasized the crucial function of the scholar-official class to which he himself belonged: if a ruler was not a philosopher, then he must delegate the formulation of legislation to those who had wisdom and knowledge; they would formulate legislation for the monarch's approval. Tantalizingly, Wolff also hinted that the best form of government was the 'free republic'. He later prudently modified this to 'respublica mixta', but he never relinquished his belief in innate rights (*iura connata*) that were not relinquished in the state: equality, freedom, security, self-defence, as well as the right to resist a ruler who broke his contract with his people.[35] Even here, however, Wolff equivocated. The rights that endure are essentially general principles. Other more active rights (self-defence, self-advancement) gradually become functions of government, which acts in such a comprehensive fashion that it leaves the individual scope only to fulfil his duty by working and producing for the good of society as a whole.

The ambivalence of Wolff's thinking, between strong state and free human beings, makes him a pivotal figure. Later he will reappear as the starting point for the critique of the state after 1750.[36] Here, he marked the culmination of the natural law philosophy of government that developed between the Thirty Years War and the early Enlightenment. Wolff's achievement was to have combined natural law with cameralism in a way that facilitated the dynamic development of individuals in society. It is thus no accident that the first professorships of cameralism were established in the Brandenburg universities of Halle and Frankfurt an der Oder in 1727.[37] The establishment of a new academic discipline drew together the various strands of economic thinking that had developed since the early seventeenth century, though its exponents emphasized the distance between their own systematic teachings and the unwieldy and homespun compendia produced by the *Hausväter* writers. The academic cameralists no longer focused on the traditional image of the prince as father of his people (the 'Landesvater'), but rather on the state as a machine.

Overall, there was continuity, rather than radical change. The apparent secularization of the notion of government was really a rejection of rigid confessional

[34] Brückner, *Staatswissenschaften*, 211–28.
[35] Klippel, 'Aufklärung', 93–210; Garber, 'Menschenrechtstheorien'.
[36] See pp. 485–6.
[37] Maier, *Staats- und Verwaltungslehre*, 177–8; Brückner, *Staatswissenschaften*, 60–73.

orthodoxy in favour of a more heterodox Christian religiosity: natural law was still regarded as an expression of God's will; society and the state were still conceived as divinely ordained. The idea that monarchs ruled by the grace of God (*Gottesgnadentum*) remained widely accepted, even though divine right as understood by James I of England or by some French theorists had never been part of the German mainstream.[38]

More significant in Germany was the way in which the evolution and extension of perceptions of the functions of government from justice, peace, and welfare to the promotion of 'happiness' led to the sanctification of *Policey* and of the institutions that administered it. If administration lost its confessional character, it retained its fundamentally Christian aura in its elevated mission to improve human beings in society.

At the same time, the apparently innovative features of new economic policy were offset by the essentially conservative objectives of government in social terms. Generating more money for the treasury, even the more general aim of promoting human happiness, was usually combined with the determination to preserve the existing hierarchical social order of Estates. Social mobility was not envisaged in theory, just as it was the exception in reality. Individual rights were envisaged, and they were indeed implicit in the Peace of Westphalia's guarantee of rights in religious belief and over property, but their relation to government authority was ambivalent. Until the mid-eighteenth century the prerogatives and duties of government took precedence over the claims of the individual. The weight of tradition showed here as well: the old tradition of welfare, with its assumed tutelage over the Christian subject, was translated into a new idiom but not abandoned.

[38] Dreitzel, *Absolutismus*, 9, 84–5.

24

The Smaller Territories

In some respects, every territory in the Reich developed in its own distinctive way. Local and regional legal and administrative traditions generated myriad variations that were expressed in idiosyncratic vocabularies. The extraordinary regional and local diversity in such basic things as coinages, weights, and measures is another expression of the same apparent linguistic and substantive anarchy.[1]

There was nonetheless a broad line of development since the late fifteenth century that many territories followed and which could almost be described as a norm. Most developed similar institutions and engaged in similar reforms in response to the common challenge of successive religious and political upheavals. At the same time, there were some territories that deviated from the wider trend in important respects, and a consideration of their particularity will help to illuminate the commonality of the mass.

At one end of the scale, Austria and Brandenburg-Prussia were clearly larger and more powerful than any of the next group of territories, which comprised the other secular Electorates of Hanover, Saxony, Bavaria, and the Palatinate. By the eighteenth century, it has often been argued, both Brandenburg-Prussia and Austria simply had become too big and powerful to remain as members of the Reich. Some Austrian historians speak of Austria 'growing out of the Reich', developing into a great power during the seventeenth century, and increasingly losing interest in the muddle of German politics. Among German historians, there has been an equally strong tradition of writing concerned with the 'emergence of Prussia' as a challenge to Austrian hegemony in the Reich, as a force that embodied values and perspectives that were allegedly antithetical to the Reich, and, ultimately, as a power that was more 'German' than the lands of the Habsburgs.

At the other end of the scale were the Imperial Knights, the Imperial Counts, the Imperial Prelates, and the Imperial Cities. These had all played a significant role in the sixteenth century and had established themselves in various corporate bodies in the Reich, but many of them struggled to keep up with the challenges posed during the one-and-a-half centuries following the Peace of Westphalia. The lesser nobility and the communes in particular found it difficult to compete in a world dominated by princes with aspirations to royal crowns. They did not develop the new and more intensive kinds of administration that became characteristic of the majority of territories. Increasingly, they came to be seen as anachronisms, and

[1] Evans, *Austria*, 117. Verdenhalven, *Alte Maße*, is an excellent guide; Trapp, *Handbuch* is also useful. For the terminology of administration and law, see: Haberkern and Wallach, *Hilfswörterbuch*.

in the nineteenth century they were identified by historians as institutions, like the ecclesiastical territories, whose survival through the early modern period proved that the Reich itself was doomed and not fit for the purposes of an age of nationalism.

Among the less powerful, the Imperial Knights occupied a special position for they did not achieve representation (with 'Sitz und Stimme') in the Reichstag or in the assemblies of the Kreise. During the sixteenth century, the knights had developed increasingly formal corporative bodies, culminating in the establishment of three Ritterkreise (in Swabia, Franconia, and the Rhineland). These were subdivided into cantons each with its own director, directorate, or ruling council, and non-noble legal and clerical staff. A Generaldirektorium, which represented the interests of all the Imperial Knights at Vienna and kept a vigilant eye on the composition of the higher courts of the Reich, rotated between the three Ritterkreise. In a sense, these intermediate bodies supplied at least some of the governmental needs of the individual dynasties of Imperial Knights. They also provided both a means of making collective representations to the emperor and a way of organizing the payments that the knights collectively made to him. At the same time, the fact that these monies were not agreed via the Reichstag or the Kreis assemblies further set the Imperial Knights apart from the Imperial Estates, for the knights insisted that their payments were voluntary contributions (*Charitativsubsidien*), rather than taxes. Attempts by the knights to become Imperial Estates in the 1650s, 1680s, and 1770s failed. The knights themselves were frequently divided over the question of which option best guaranteed their future. Successive emperors also opposed any change to the status quo, as they saw considerable advantages in preserving the immediate dependence of the Imperial Knights on the crown.[2]

The thrust behind these periodic initiatives changed. In the debates of the early 1650s, some leading princes, such as the Elector of Mainz, argued that the continued existence of a group of nobles directly subject to the crown outside the Reichstag provided too much scope for direct imperial intervention in the Reich. From the point of view of the knights themselves, the enduring hostility of many territorial princes repeatedly generated worries about the reliability of imperial protection and prompted the thought that enfranchisement in the Reichstag and the Kreis assemblies might provide greater security. The Dukes of Württemberg, whose territories had been eaten away and fragmented by the 'departure' of the knights in the later Middle Ages, were particularly persistent antagonists. Innumerable disputes over land, jurisdictions, customs dues, and taxes were taken to the Reichshofrat. Each case was accompanied by lengthy legal opinions that denied the Imperial Knights' rights as rulers.[3] In 1702, the Duke of Württemberg appealed to the Reichstag, and by 1713, he had gained the support of the rulers of the Palatinate, Hessen-Darmstadt, the Brandenburg Margravates of Kulmbach and Ansbach, and the Bishop of Würzburg in an alliance that aimed to set aside the rights and privileges of the knights once and for all.

[2] Sutter, 'Kaisertreue', 291–3. [3] Willoweit, *Rechtsgrundlagen*, 307–38.

The imperial response to all these threats was to reaffirm the privileges of the knights, specifically underlining the rights of the cantons and directors to gather in taxes for the Reich in the same way as the princes did and to use force against members who refused to pay. In 1718, Charles VI slapped down the princes' alliance and issued a general confirmation of the privileges of all the knights. This finally resolved the legal debate and generated an extensive historical-legal literature devoted to cataloguing and interpreting the rights that had been confirmed. A renewed campaign pursued by Württemberg, Brandenburg-Bayreuth, and Saxony-Meiningen in 1750–3 failed to change the situation.[4]

There was, of course, a price to be paid for security. During the 1680s, the Imperial Knights offered to turn their financial contribution into a regular tax linked to the level of taxation agreed by the Reichstag, which meant they would lose their right to negotiate a lump sum contribution in relation to each occasion. In the event, Leopold I's refusal of their offer renewed the close ties between the Imperial Knights and the crown. It also ensured that the crown would still be able to draw on their considerable collective financial resources for money that was paid directly into its treasury, unlike the taxes agreed by the Reichstag, which so often failed to reach that destination.[5]

The privileges granted between 1653 and 1718 aimed not only to safeguard the Imperial Knights' status as immediately subject to the crown but also to secure their economic basis. Another important aspect was the empowerment of the directors and councils of the Ritterkreise and cantons to act against subjects who refused to pay taxes and dues and to intervene to manage the finances of knights whose debts threatened to tip them into bankruptcy.

Overall, from the imperial point of view, this policy seems to have been successful in that the knights made substantial contributions to the crown. The effect on individual families is less clear. There is no complete list of the knights, let alone any comprehensive modern account of their wealth or their debts. The figure of 350 families with 1,500 estates covering 10,455 km^2, with some 400,000–450,000 subjects, is based on the claims for compensation made during the revolutionary era. In reality, there were probably over 400 families, possibly over 500 if one includes those without lands.[6] The situation of the Imperial Knights varied considerably according to region. The Catholic knights around Mainz and the other ecclesiastical territories were often able to enhance their incomes considerably by means of canonicates and other ecclesiastical benefices. The Mainz court also offered openings to Protestants, just as the imperial court and administration offered numerous opportunities to both Catholic and Protestant Knights.[7]

Recent research on the Imperial Knights of Mainz and elsewhere suggests that the traditional view of the knights as hopelessly indebted and out of touch requires substantial revision. There were, of course, many instances where the cantons had

[4] Haug-Moritz, 'Organisation', 16–20. See also p. 390.
[5] Sutter, 'Kaisertreue', 274–7; Press, 'Kaiser und Reichsritterschaft', 172–4.
[6] Wilson, *Reich*, 41–2; Godsey, *Nobles*, 8.
[7] Godsey, *Nobles*, 9.

to step in, and numerous cases where the Reichshofrat was obliged to appoint a commission (generally composed of members of the canton directorate) to manage the debts of a near-bankrupt knight. The most spectacular cases were clearly the result of reckless extravagance or even criminality. In many other instances, substantial debts were comfortably secured against equally substantial assets. More serious than the issue of debt was the fact that the Imperial Knights' corporations were relatively ineffective in any task other than the careful handling of financial miscreants. The Kreise complained repeatedly, for example, that the cantons failed to take action against gypsies and vagrants, and it seems they were reticent in the use of any serious administrative powers. The cantons never quite developed into intermediate powers like the Kreise. For this reason, the knights' lands increasingly seemed old-fashioned and undermanaged. Nor did the Ritterkreise and cantons ever develop the kind of solidarity and sense of common purpose that might have enabled them to pursue meaningful policies in the theatre of the Reich. As their history after 1750 demonstrated, they were not capable of *Reichspolitik*.[8]

The Imperial Counts were not so different. They had, of course, achieved votes in the Reichstag, albeit collective votes for the various regional 'benches' of counts in Swabia, the Wetterau, Franconia, and the Lower Rhine and Westphalian regions.[9] Their higher social status also made them more employable at the imperial court than the knights, though many also served at the courts of the Electors and the more powerful princes.[10] Yet, higher status and proximity to the princes also brought problems. The aspiration to promotion and the desire to live like princes in anticipation of promotion drove some to the brink of ruin. All too often, conspicuous expenditure led to crippling debts that in turn brought the intervention of imperial debt commissions.

The gradual adoption of primogeniture did not seem to halt the fragmentation of territories. The history of many dynasties of counts is little different from that of the philoprogenitive Ernestine Saxon dukes who persisted in subdividing their Weimar-Gotha-Eisenach lands virtually to the point of dynastic ruin by the eighteenth century. Their near neighbours, the Counts of Reuss, were an extreme example: the surviving two lines of the three created in 1564 had generated no fewer than ten territories by 1700.[11] Even identifying their rulers at any given time is made difficult by the fact that since 1200 (and by formal family treaty since 1668), all the numerous male Reuss offspring were named Heinrich (in honour of the dynasty's original benefactor, the Hohenstaufen Emperor Heinrich VI), with the 'senior' Reuss line numbering their sons up to 100 before starting with another Heinrich I and the 'junior' line starting every new century with a new Heinrich I, and so on. Despite the widespread adoption of primogeniture

[8] See also pp. 550–1, 625–6.
[9] The term derived from the fact that they sat on the same bench at the Reichstag.
[10] Arndt, *Reichsgrafenkollegium*, 265–330.
[11] Köbler, *Lexikon*, 563–5. The number of lines reduced to five again by the end of the eighteenth century.

around 1700, providing appanages for younger sons and dowries for daughters continued to impose a significant financial burden.[12]

As in the case of the Imperial Knights, serious engagement in imperial politics was impossible for all but a small minority. Most counts were clients, rather than independent actors. The Schönborn family, originally Imperial Knights but counts from 1701, which achieved such prominence in the Reichskirche between 1650 and 1740, was the exception rather than the rule.[13] Yet the fact that the Schönborns originated at the lower end of the scale proved to be an advantage in their quest for ecclesiastical preferment, for they retained their family and social links with those lesser nobles who populated the cathedral chapters and elected bishops. As in the case of the Imperial Knights, the Reichskirche remained an important career option for the younger sons of those who had remained Catholic.

Others served at a variety of courts. For Catholics in particular, but also for some Protestants, Vienna was always a favoured destination. The imperial character of the group as a whole was reinforced by the Austrian families who established themselves as counts primarily in Swabia (Harrach, Traun und Abensberg, Auersperg) and the Lower Rhine-Westphalian region (Kaunitz). Both the Great Elector of Brandenburg and Frederick I attempted to build up a clientele of upper nobles, including the Counts of Dohna, Solms, Waldeck, Wittgenstein, and Wartenberg, as well as exploiting kinship links with the Counts of Nassau (through the house of Orange). In Bavaria, Max Emanuel (r. 1679–1726) also attempted to boost his own aspirations for advancement by employing the Heiligenberg branch of the Fürstenbergs in the 1670s. For several decades after 1648, the Nassau counts and their Wetterau neighbours, both linked with Heidelberg before the war, were able to exploit their connections to the Netherlands and then to the Orange monarchy in England. Count Heinrich Trajektin von Solms-Braunfels, for example, helped his cousin William III conquer England and Ireland and died fighting the French at the Battle of Neerwinden in 1693.[14]

The counts relied greatly on their regional corporative organizations and generally participated in the affairs of their Kreis, in the context of which much of their economic and social policy was formulated and executed. As rulers of significantly larger territories than most Imperial Knights, they also had more potential for active government, and some participated in the same process of rationalization and bureaucratization that characterized the mass of the principalities. The variety was considerable. If the average landholding of an Imperial Knight was about 7 km^2, the lands of counts varied from just under 100 km^2 to nearly 1,000 km^2.[15]

[12] Appanages involved allocating the income from a certain piece of land or resource for the lifetime of a beneficiary, whereas parages were grants of land under partitions that created new lines of inheritance. Haberkern and Wallach, *Hilfswörterbuch*, 43, 467–8.

[13] Schraut, *Haus Schönborn*; Press, 'Reichsgrafenstand', 127–8.

[14] Press, 'Reichsgrafenstand', 128.

[15] For the knights, the figures are based on a simple average of 10,455 km^2 divided by 1,500 estates. Neither figure is precise, and the actual size of estates was subject to considerable variation. For the counts, the figures are based on the lists given in Wilson, *Reich*, 364–77, which are as good as any for this purpose. There is some information on individual knights that illustrates the variety in Blanning, *Mainz*, 49–59, and Godsey, *Nobles*, 16–47.

Some counts were clearly on a par with the lesser or medium princes; some counties were in the hands of princely dynasties, such as the houses of Electoral Brandenburg and Saxony.

The general picture among those that were independent was characterized by increasing difficulty in keeping up with the demands of modern administration. This was a problem for Imperial Counts with small territories, but also for dynasties such as the Reuss in Thuringia or the Fugger in Swabia, who divided their lands between multiple lines, invariably leaving some territory under joint rule. The result was either endless squabbling over rights and entitlements or multilateral intransigence, with all parties simply refusing to make any decisions at all. Equally, partitions that were rapidly followed by a complete separation of governmental functions could also result in substantial financial burdens for the various parts which each developed costly structures of administration in addition to residences, hunting lodges, and the like.

All too often, attempts to maximize revenues and to extend jurisdictions translated into crude and short-sighted fiscalism. The problems were intensified in the many counties where the ruler was himself the only or main landowner, since there were no territorial Estates to provide funding or carry the burden of debt. It is no accident that the Swabian counts, among others, were faced with a large number of peasant uprisings and legal cases brought against them by their subjects in the late seventeenth and early eighteenth centuries.[16] The courts generally supported the counts as an Estate, but they also combined that support with an eye to the rights of subjects under imperial law and with a healthy sense of the principles of sustainable government. If adverse judgments against counts were relatively rare, the intervention of an imperial commission to achieve a mediated settlement was nearly as humiliating and just as unwelcome a reminder of the precarious status of a count as a ruler in the Reich.

At the same time, the general pressure on the counts to live up to their status as Imperial Estates led many to plunge into serious long-term debt. The process was cumulative. The problems of the Counts of Ysenburg-Büdingen, created following a bipartite partition in 1684, began with a quadripartite partition of the new county in 1687, which left each new territory with roughly 150 km^2, 4,500 subjects, and an income of some 20,000 gulden.[17] All of them were financially burdened by the long period of war between 1672 and 1714, while the agrarian depression of the late seventeenth century hit their incomes. Each territory also had to contribute to costly legal actions over property, one dating from 1601, which concluded with an adverse judgment for 80,000 gulden in 1670, the other fought against Hessen-Darmstadt from 1670 to 1710, which also resulted in a substantial compensation payment.

Even the extinction of one of the four lines in 1725 brought little relief, since the remaining three had to assume the debts of Ysenburg-Marienborn, which included the substantial costs incurred in converting a Cistercian monastery into a splendid castle for the short-lived territory of Count Karl August (1667–1725). Primogeniture

[16] Wilson, *Reich*, 297–300. [17] Ackermann, *Verschuldung*, 12–86.

was finally introduced in 1713, but the partitions were not reversed, and further secundogenitures were created by various lines during the eighteenth century. By 1730, Ysenburg-Meerholz was under administration by Ysenburg-Büdingen and Ysenburg-Wächstersbach, both themselves teetering on the verge of insolvency. The general currency and financial crisis around 1750 coupled with the economic impact of the Seven Years War of 1756–63 then delivered all three counties into the hands of imperial debt commissions for the rest of the century.

Many of the Ysenburgs' neighbours in the Wetterau were no better off. Service at court or military service at least obviated the need for an expensive court lifestyle at home. For those who stayed at home, however, the problems were all but insurmountable, and this led them into a different kind of dependence on the emperor and the Reich. Complete bankruptcies were avoided. The emperor had as strong a vested interest in ensuring the survival of the counts as he had in the survival of the Imperial Knights. Often alerted by family members concerned about their inheritance or by the all too evident financial distress of a particular family, the Reichshofrat would dispatch an imperial debt commission to resolve the situation.[18]

The debt commissioners deployed the full range of the arts of receivership: household economy, strict accounting, debt rescheduling, and the removal of any sources of money from hopelessly delinquent dynasts. The commissions aimed to keep noble families afloat, rather than disseminate morally founded principles of transparency and honesty. Indeed, since the commissions were generally composed of a delinquent's peers or social equals, they often included members of his own extended family or kinship. The various Ysenburg counts all served on each other's debt commissions and on commissions set up to administer the finances of other counties in the Wetterau: here, the lame were commissioned to lead the blind.

The legal and institutional mechanisms were designed above all to keep noble families afloat. All participants had a vested interest in ensuring the generous treatment of the debtor, and of ensuring that the largely non-noble creditors would continue to lend more money. The fact that the interest rate on loans was kept more or less steady at under 5 per cent after 1648 also helped create a benign private capital loan market that encouraged long-term lending.[19] Virtual, or indeed actual, insolvency rarely stood in the way of continued good living. The whole system represented a logical extension of the regulations devised in 1648 for the treatment of noble debts incurred during the Thirty Years War.[20] Stability and the survival of all dynasties were the key aims: the emperor thus played a key role in preserving his own clientele, and in preventing them falling prey to neighbouring princes.

[18] Ackermann, *Verschuldung*, 206–10, gives a good account of the rules and procedures. Hattenhauer, *Reich als Konkursverwalter* is a useful study of the legal problems thrown up by the debts of minor rulers, specifically in County of Pappenheim in the 1770s.

[19] *HbDSWG*, 535; North, *Aktie*, 445; North, *Kommunikation*, 94–5.

[20] See pp. 21–2.

In such circumstances, serious independent engagement in the politics of the Reich was virtually impossible. Those minor rulers who tried to raise small armies generally simply plunged themselves further into debt. Many Protestant counts, denied access to the Reichskirche and with little prospect of a career in Vienna or at some other court, seem to have deliberately turned away from power politics. The one area in which some made an impact was in their religious policies.

The Reuss had pursued an independent (Lutheran) confessional line ever since the introduction of the Reuss confession in the 1560s.[21] After 1648, many more rulers emulated the Reuss with independent confessional policies that transcended the guidelines laid down in the Peace of Westphalia. Like many Imperial Knights, the counts could assert their rights as rulers (*Landeshoheit*) and fill their coffers by granting rights of settlement to religious refugees and minorities. At the same time, kinship by marriage with the upper echelons of the territorial nobility of Brandenburg, Saxony, and Silesia exposed them to the ideas of the Pietist and separatist movements of those regions. The houses of Reuss, Waldeck, Wied, Solms, and Ysenburg were all notable patrons of Pietism and of organizations such as Zinzendorf's Moravian Brethren.[22] Piety did not, of course, necessarily translate into parsimony, and no amount of prayer could solve the mounting financial problems that faced the 'pious counts' just as much as the spendthrift indifferentists.

The Imperial Prelates, also represented by two votes in the Reichstag for Swabian and Rhenish 'benches' plus a handful of individual votes, were more or less of the same status as the Imperial Counts.[23] They seem, however, to have avoided the financial plight of the counts, though piety definitely did not equate with parsimony after 1648 in these territories of enthusiastic church and residence builders and general good living.[24] Abbots were as aspirational in their conspicuous expenditure as their secular counterparts, especially when it came to building. Even so, it was almost as if membership of the Reichskirche shielded the prelates from the consequences of their extravagance.

Prelates certainly did not have to provide for younger sons or find dowries for daughters, or engage in expensive nepotism like some bishops. Many foundations had extensive benefactions, which were increased by the donation of precious objects or land by the relatives of monks or nuns. Moreover, it seems that monasteries were often able to borrow money more easily and at more favourable rates than secular rulers. Their administrations also generally remained rather archaic and patriarchal, so that 'they avoided the vicious circle of increasing costs

[21] Schindling and Ziegler, *Territorien*, iv 32–3; Schmidt, *Geschichte*, 105–6.

[22] Press, 'Reichsgrafenstand', 131. See also pp. 317–20.

[23] The most important were Ellwangen, Kempten, Berchtesgaden, Weissenburg, and the Masters of the Order of St John and the Master of the Order of Teutonic Knights (*Hoch- und Deutschmeister*). In general, see under 'Reichsprälatenkollegium' in *HLB* and the list in Hartmann, *Kulturgeschichte*, 32. On the Swabian prelates, see Reden-Dohna, 'Zwischen Vorlanden und Reich'. Schaffer, 'Klosterlandschaft', provides an overview of the main Rhineland foundations, though they are treated along with the much greater number of mediate territorial foundations; Gatz, *Atlas*, 215–17, is a map showing those in the archdiocese of Cologne. Braunfels, *Kunst*, iii, 409–22, deals with the most prominent female members of the Rheinische Prälatenbank.

[24] Press, *Kriege*, 305; Reden-Dohna, 'Problems', 82–4.

due to elaborate administrative modernisation and the economically damaging effects of fiscalism'.[25]

In the last resort, too, the community of monks or nuns itself often acted as a kind of territorial Estate to curb the extravagance of a high-spending prelate. Politically, however, the prelates depended on the emperor as much as the Imperial Knights and Imperial Counts. In 1701, the Benedictine monastery of Wiblingen, near Ulm, even opted to give up its free and immediate status in favour of Austrian overlordship, so that it became de facto a member of the Austrian Kreis and an Austrian territorial Estate.[26] The other prelates generally preferred to keep their distance from Vienna. In this, they could also depend on the solidarity of the Reichskirche and the protection of the ecclesiastical rulers of Salzburg, Bamberg, Würzburg, and, above all, Mainz, with all of whom they shared the same perennial fear of secularization.

The Imperial Cities, roughly fifty of which remained after 1648, comprised the final group of 'less powerful' Imperial Estates.[27] They too had achieved representation in the Reichstag in 1648, though their vote was worth less than that of the Electors and princes, as they were excluded from many of the key stages of consultation and negotiation and were not required to vote on some matters at all.[28] On the one hand, the affirmation of the free status of the cities in 1648 seemed to make the other organizations of civic communes redundant: the association of free and Imperial cities (*Städtetag*) met for the last time in 1671; the Hanseatic League, reduced from over seventy members to nine, met for the last time in 1669; all subsequent efforts to revive either body foundered, as did a proposal to combine the two.[29]

At the same time, the cities failed to make much use of their Reichstag representation. By about 1700, almost all the cities, apart from Nuremberg, Ulm, and Regensburg itself, were represented by various Regensburg magistrates or officials, and the Mainz Reichstag directorate was complaining that it was impossible to do business with them. When it was resolved not to invite the cities' representatives to the formal introduction of the Duke of Marlborough as Prince of Mindelheim in 1713, the cities protested vigorously.[30] Yet they remained

[25] Reden-Dohna, 'Problems', 83.

[26] Köbler, *Lexikon*, 787; Braunfels, *Kunst*, iii, 427–32; Oberndorfer, *Wiblingen*, 169–77.

[27] The total of eighty-five Imperial Cities listed in the *Reichsmatrikel* of 1521 was considerably reduced over the sixteenth and seventeenth centuries, with losses to France and Switzerland and 'reductions' by princes in the Reich. By contrast, Bremen and Hamburg were only formally recognized in 1741 and 1770 respectively, making a total of fifty-one Imperial Cities, fourteen on the 'Rhenish bench' (roughly, all those north of Frankfurt am Main) and thirty-seven on the 'Swabian bench'. Johann Jakob Moser listed fifty-two, but included Gelnhausen, which had been pawned (initially by the crown) since the fourteenth century and fell to Hessen-Kassel by inheritance in 1736; its free status ended de facto at that point. Krischner, *Reichsstädte*, 46–7; Köbler, *Lexikon*, 211.

[28] Conrad, *Rechtsgeschichte*, ii, 99–100.

[29] The last members of the Hanseatic League were Lübeck, Hamburg, Bremen, Danzig, Rostock, Brunswick, Hildesheim, Osnabrück, and Köln; the first three maintained a loose association and administered the Leagues various properties in Antwerp, Bergen, and London. Schmidt, 'Städtehanse', 42–4.

[30] Krischner, *Reichsstädte*, 56–7.

absentees, and the cities as a group did not develop a coherent group or corporative approach to political issues in the Reich, even where their own interests were directly concerned.

Cost was an obvious factor, but the perception that the Imperial Cities had little to gain at Regensburg was important. By contrast, many cities increasingly preferred to maintain agents at the Reichshofrat in Vienna, where the risk of an adverse judgment posed a greater threat to civic treasuries and to their independence if such a judgment involved the despatch of an imperial commission or the intervention of forces from a Kreis.[31] The fact that imperial commissions intervened in over thirty conflicts between magistrates and citizenry during the seventeenth and early eighteenth centuries underlines the importance of the emperor and the imperial courts to the Imperial Cities.[32] As in the case of the nobility, judgments against the magistrates were rare. Many, however, were given firm guidance on how to resolve issues and prevent them recurring.

The cities' apparent lack of interest in the Reichstag has often been taken as a symptom of their terminal decay in the last phase of the Reich. Certainly, the cities no longer played the key role in German politics that they had during the first half of the sixteenth century. While Hamburg, Bremen, Frankfurt, and Nuremberg prospered after 1648, and centres such as Augsburg maintained their position without improving it, many of the smaller cities stagnated by comparison.[33] By 1790, twenty-three of the Swabian Imperial Cities had a population of fewer than 4,000; in the Rhenish group, Friedberg had only 2,000.[34] Gustav Schmoller summarized a long tradition of nineteenth-century criticism when he described the cities as 'bastions of the petty, narrow-minded and backward-looking philistine bourgeoisie (*Spießbürgertum*)'[35] Such judgements are harsh, for many cities remained prosperous, relatively stable, and culturally vital until the end of the eighteenth century. Yet the fact that they often referred to their own territories as a 'Reich' (for example, the Aachen, Nuremberg, or Frankfurt Reich) seemed only to accentuate their absurdity.[36] Like other entities that were swallowed up by the enlarged territorial states after 1806, the Imperial Cities attracted the scorn of historians, who celebrated progress and condemned what seemed to them to be the fossilized relics that the Reich had apparently preserved.[37]

Lack of interest in the Reichstag did not, however, mean lack of interest in the Reich. The Imperial Cities were probably more punctilious in their expressions of loyalty to the emperor than any other group. The relationship was underlined

[31] Noël, 'Reichshofrat'.

[32] Friedrichs, 'Revolts'; Hildebrandt, 'Verfassungskonflikte'. Schultz, *Auseinandersetzungen*, 11–44, also contains much useful information.

[33] Mauersberg, *Städte*, is still excellent on Frankfurt and Hamburg; Braunfels, *Kunst*, iii, 13–276, provides a survey with unusual perspectives; Gerteis, *Städte*, 65–71, is also informative.

[34] Braunfels, *Kunst*, iii, 14.

[35] Hildebrandt, 'Verfassungskonflikte', 223.

[36] Braunfels, *Kunst*, iii, 13.

[37] Borst, 'Kuhschnappel'; Borst, 'Kulturbedeutung'; Borst, 'Verfassung'; Borst, 'Kulturfunktionen'.

clearly by the modernized homage procedure after 1648, whereby the newly crowned emperor sent round commissioners to take the act of homage (the so-called *Lokalhuldiging*) and, of course, to collect the appropriate fee.[38] Aside from the *Lokalhuldigung*, coronations, deaths, births, and marriages within the imperial family were all celebrated or commemorated without fail.[39] Moreover, the way that each event was marked was invariably recorded formally in the city's records and advertised in print, either in newspaper articles or in pamphlet form.

This attention to the imperial ruling family would have been expected in the cities with direct ceremonial significance in the Reich: Frankfurt am Main as the place of coronation; Nuremberg as the custodian of the imperial crown jewels and treasure; Regensburg as the seat of the Reichstag; Wetzlar as the seat of the Reichskammergericht. Yet it was characteristic of all the Imperial Cities, which arranged such festivities regardless of cost. While many historians continue to view the Imperial Cities as a kind of pathetic republican counterpart to the dominant noble ethos of the Reich, the behaviour of the cities suggests a different interpretation. Engaging in such events was their way of staking a claim to noble status, to be Imperial Estates in the fullest sense, just like the princes. They had to struggle against strong noble prejudices, against the knights who tried (unsuccessfully) to claim ceremonial precedence over them in the 1640s, and against princes and their propagandists, who regarded town dwellers of any kind as mere 'peasants contained within walls' (*rustici muro inclusi*).[40]

The cities' claims should not, perhaps, be surprising, in view of the fact that the magistrates of all but four Imperial Cities were in fact rulers of extramural territories with populations sometimes double that of the city itself.[41] The largest was Nuremberg, with over *c.* 1,500 km^2, including five towns and 35,000 subjects, as opposed to the 25,000 citizens; Ulm had *c.* 900 km^2, with 23,000 subjects, compared with 15,000 citizens; Hamburg had just over 400 km^2, with 19,000 subjects as opposed to *c.* 100,000 citizens; most others owned well under 200 km^2. Ownership of any land and rule over any subjects were enough to establish the principle.

From 1648, furthermore, urban magistrates, who increasingly continued the trend established by some in the late sixteenth century of referring to themselves as 'senators' or 'consuls', also tended to behave like princes with regard to their taxes. Administrations remained underdeveloped and urban guild restrictions restricted economic development, but taxation regimes became harsher and the guild between citizen and subject widened. That, however, did not prevent many Imperial Cities sharing the fate of the knights and counts: a gradual slide into long-term debt by the later decades of the eighteenth century.[42]

[38] Krischner, *Reichsstädte*, 346–64.
[39] Whaley, *Toleration*, 179–85; Berbig, 'Kaisertum'; Berbig, 'Krönungsritus'; Krischner, *Reichsstädte*, esp. 369–79.
[40] Krischner, *Reichsstädte*, 81–90.
[41] Gmür, 'Städte', 179–86; Braunfels, *Kunst*, iii, 15–16. The four without any land were Cologne, Friedberg, Goslar, and Worms.
[42] See pp. 549–52.

25

Austria and Brandenburg-Prussia

The 'less powerful' all acknowledged the importance of the imperial house, which remained their very real overlord and guardian against external hostile forces and internal misfortune. The authority of the emperor in turn derived significantly from his own territorial base of Austria, or the complex of Habsburg territories with Upper and Lower Austria at its heart, which was the most obvious exception to almost every rule in the Reich. Its exceptionality derived from its size and from the fact that it acquired extensive lands that were adjacent to, but not part of, the Reich. Furthermore, between the twelfth and fifteenth centuries the Habsburgs had secured privileges for the Archduchy of Austria that virtually transformed it into a quasi-independent kingdom within the Reich, even though it remained technically a fiefdom of it. The same applied to Bohemia, already exempt since the fourteenth century and inherited by the Habsburgs in 1526, which significantly extended their reach up to the north of the Reich.

Subsequent policies concerning the dynasty, confession, society, and administration further widened the gap between the Habsburgs and the other German princes.[1] First, the agreement of Ferdinand I's grandsons on the succession of the young Ferdinand of Styria in 1618 effectively established primogeniture, and partitions were henceforth avoided by granting appanages to younger sons.[2] Second, the Habsburgs exploited their exemption from the legislation of the Reich to impose Catholicism as the exclusive confession on their lands. The rules that applied in the Reich concerning the base year of 1624 and the principle of parity, which the emperors helped impose and police, were simply ignored. Third, the systematic eradication of Protestantism from all Habsburg lands except Silesia after the Battle of the White Mountain was accompanied by a more systematic patronage of loyal nobles than before. The nobility of the Erblande acquired lands and titles in Bohemia and the Reich, while some loyal nobles in the Reich were also granted lands in the Erblande and Bohemia, and in the areas conquered from the Turks in the late seventeenth century. The court at Vienna became the centre for an extensive noble clientage that covered the Habsburg lands and extended far into the Reich.

Fourth, since the early sixteenth century the Habsburgs had been trendsetters for the German princes in administration and finance. After the trauma of the Thirty Years War and the subsequent wars against France and the Turks, governmental innovation in Austria resumed with the elaboration of a coherent and

[1] Evans, *Making*, *passim*; Evans, *Austria*, 56–98.

[2] Fichtner, *Protestantism*, 49, 51.

comprehensive central administrative structure. This included the successive establishment of chancelleries for each territory, mercantilist policies initiated in the late seventeenth century, the establishment of state banks (1706 and 1714), trade and taxation commissions in the early eighteenth century. Finally, Austria's military success against the Turks after the siege of Vienna 1683 was accompanied by the construction of another buttress of Austrian power: a powerful army and military administration.[3]

All of this increasingly focused Habsburg attention on their own lands and their unity. Yet the Reich remained the source of their prestigious imperial title, and its various fiefdoms both generated money and provided men for the various wars. There is no real evidence that a choice between the Reich and Austria posed a dilemma. The loss of the imperial crown following the death of Charles VI in 1740, however, inevitably placed the significance of the Reich to Habsburg policy-making in sharp focus.

Much of what has been said about Austria has also appeared in the traditional narratives of the emergence of Brandenburg-Prussia: territorial expansion, a distinctive confessional policy, effective management of the nobility, administrative innovation, and the development of an exceptional military capacity. The eulogistic mythology of the Prussian-German school of history has, however, been considerably deflated since the 1960s, and, increasingly, Brandenburg has been relocated back into the geographical and institutional framework of the Reich.

The beginnings were hardly auspicious. In the sixteenth century, Brandenburg was the largest and most territorially compact Electorate, but probably the least significant. It lay on the northern periphery of the Reich. Its rulers were perennially short of money and delinquent in paying taxes to the Reich (or indeed dues to the Protestant Union). On the whole, they were loyalist and liable to toe whatever line Saxony set. The extinction of the Margraves of Ansbach in 1603 extended Brandenburg's range back into the original core Hohenzollern lands with the accession of the Elector's two younger brothers in Ansbach and Bayreuth. The inheritance of Kleve and Mark and the non-contiguous territory of Ravensberg in 1614 initially posed more problems than advantages. More significant was the inheritance of the Duchy of Prussia as a fiefdom of the Kingdom of Poland in 1618–19.

In the short term, moreover, the conversion of the ruling house from Lutheranism to Calvinism in 1613 at the same time as the Palatinate was threatening to destroy the Reich isolated the Electorate while generating serious internal problems with the Lutheran population of the core lands. The Elector Georg Wilhelm's decision, supported by his Estates, to remain neutral when war broke out was understandable. Yet it proved disastrous from 1626, when Brandenburg was subject to the first of several invasions, precipitating a period of indecisive prevarication between alliance with the Protestant forces (notably Sweden) and loyalty to the emperor. By the time Georg Wilhelm died in 1640, leading Brandenburg advisers were convinced that the Electorate was finished.[4]

[3] See Winkelbauer, *Ständefreiheit*, i, *passim*; Hochedlinger, *Wars*, 5–150.
[4] Gotthard. 'Luthertum', 87–92; Schindling and Ziezler, *Territorien*, i, 54–7.

The key to the recovery and subsequent emergence of Brandenburg as a major force in the Reich lay in what has aptly been described as a 'legendary series of four hyperactive rulers': Frederick William, the Great Elector (r. 1640–88), Frederick III (r. 1688–1713, from 1701 as king), Frederick William I (r. 1713–40), and Frederick II (r. 1740–86).[5] The problems they faced and the ways that they attempted to solve them, however, had much in common with those of other German rulers of the time.

Further acquisitions of territory in Minden, Halberstadt, and Magdeburg (1680) and in some minor Westphalian counties (1702) extended the spread but also the territorial fragmentation of the territory. Each had its own local and regional traditions, which required constant compromise and adaptation. The problem of reaching agreement was exacerbated by the confessional tension between the Reformed ruling house and the Lutheran Estates. Where the Lutheran church establishment was strongest, as in Ducal Prussia, the problems were most severe, and regional resistance was ultimately overcome by force. In Brandenburg, the Lutheran nobility drove a hard bargain, and the relationship with the ruling house remained tense through to the mid-eighteenth century. By contrast, in Kleve and Mark, where the Estates were largely Reformed, agreement was reached relatively swiftly.

Sheer necessity led the Great Elector to develop a serious military force to defend his lands after 1648 and to steer a tortuous course between the hostile powers of the southern Baltic rim.[6] He forged alliances with the emperor, the Netherlands, France, or Sweden as circumstances and Brandenburg interests dictated, but ultimately always reverted to a fundamentally pro-imperial line.[7] Building up a significant military force was the logical corollary. The Elector could not rely on the Reich to defend his interests. At the same time, his army gave him leverage in the Reich and the possibility of bargaining for subsidies and of achieving quasi-protectorates over minor territories by assuming their military obligations to the Reich. Equally, the Great Elector clearly benefited from Vienna's recurrent tendency to wish to build up Brandenburg to balance Swedish and Saxon power in the northern Reich.

Like the other Electorates, Brandenburg deeply resented exclusion from international peace and treaty negotiations and aspired to achieve sovereign status. By 1660, this had been achieved, when the Duchy of Prussia was prised loose from Polish overlordship and sovereign territory was also established in West Africa. The Saxon acquisition of the Polish crown in 1696, however, saw Brandenburg overtaken again, and at a time when both Bavaria and the Palatinate were actively pursuing foreign crowns and Hanover, newly elevated to the status of an Electorate, was already clearly in line to inherit the British throne. Exclusion from the Peace of Rijswijk (1697) was the final spur to negotiations with the emperor which gained Vienna's consent to Frederick III crowning himself 'King in Prussia' in 1701. The Brandenburg territories as a whole soon became known simply as 'Prussia', just as

[5] Burkhardt, *Vollendung*, 175.
[6] Duchhardt, 'Friedrich Wilhelm'.
[7] Clark, *Iron kingdom*, 48–53.

their ruler was more often than not referred to as the 'Prussian king' or even, if inaccurately in strictly legal terms, since West Prussia remained Polish and Brandenburg remained an Electorate in the Reich, the 'King of Prussia'.[8]

There was nothing cut-price about the coronation. It took thirty thousand horses to pull the Elector's cavalcade to the place of coronation at Königsberg, even if he did end up placing the bejewelled gold-domed crown, symbolizing the unity of all his lands, on his own head.[9]

How united were the Brandenburg-Prussian territories, in fact? Each part retained its own territorial Estates, but over a period of roughly a century from the 1640s a relatively high degree of integration was achieved in both civil and military administration. As in most other major territories, a ruling Privy Council had been created in 1604, though from 1627 this had been increasingly sidelined by the *Kriegskommissariat* created to raise the 'contributions' demanded by Wallenstein's army of occupation. As conditions worsened and the Brandenburg territories were all but destroyed, any form of administration effectively ceased until hesitant efforts at reconstruction began under the Great Elector from 1640.

Much emphasis has been placed on the Great Elector's education in the Netherlands and on the impression made on him by the discipline of the Dutch army and by the efficiency of the Dutch Republic's financial administration. Initially, however, he moved to re-establish the Geheimer Rat and sought agreement with the Estates on taxation to finance a standing defence force. The extreme difficulty of these negotiations led to a new approach. In 1651, the Geheimer Rat was reorganized to form a new inner ruling cabinet responsible for finance, military affairs, and external policy, with the privy councillors left responsible for nineteen other sub-departments. The collection of the Elector's revenues was gradually made more efficient, starting with Brandenburg and culminating in the establishment of a central revenue collection authority responsible for all the territories in 1689. In 1655, tax collection to finance the Elector's army was also placed in the hands of an official known as the *Generalkriegskommissar*, an office that in time developed into a department with a wide-ranging responsibility for financial and economic matters generally.[10]

The introduction of the excise tax was typical of the new approach to finance, which relied on tax commissioners, employed rather like the French *Intendants*, as direct agents of the government. Significantly, however, the new tax was introduced only in the towns, which henceforth remained under the direct supervision of the tax commissioners. In the rural areas, the attempt to introduce commissioners resulted by 1702 in the establishment of the office of *Landrat*, generally a local noble who represented both the crown and the Estates. A third strand of activity that gradually evolved away from the Geheimer Rat was the administration of justice, where the creation of a higher court of appeal for all the Brandenburg-Prussian territories in 1703 represented a significant milestone.[11] The logical culmination of these various efforts to create structures that spanned the whole range of the dynasty's territories

[8] Neugebauer, 'Friedrich III./I.'. [9] Clark, *Iron kingdom*, 67–9.
[10] Clark, *Iron kingdom*, 43–4, 85–6. See also the survey in *DVG*, i, 872–87.
[11] Willoweit, *Verfassungsgeschichte*, 180.

was Frederick William I's house law (*Hausgesetz*) of 13 August 1713, which decreed their inalienability and indivisibility.[12]

The duties of the various administrative bodies and officials were, in fact, never very clearly defined, which frequently generated confusion and in-fighting, as well as tension with the various territorial Estates. Frederick William I's attempt to remedy this after 1713 in response to a renewed reconstruction crisis following the Great Northern War was impressive, though only partially successful. The General Directory created in 1723 established four departments, each with responsibility both for a particular region or groups of territories and for a policy area over all the territories. Above it, the king and his cabinet retained exclusive control of financial and military matters and external relations. Below it, the Domänenkammer, responsible for revenue from demesne property, and the tax commissariats, with their various tax commissioners and *Landräte*, extended the reach of government into the localities.

Equally typical of Frederick William I's systematizing approach was his insistence on the training of officials and his interest in establishing chairs of cameral science at Halle and Frankfurt an der Oder. As the Halle chancellor Johann Peter von Ludewig boasted, they now had professors who really did know whether corn grew in fields rather than on trees.[13] The final strand of this period of activity was the reform of the military recruitment system. The introduction of the cantonal system, in which soldiers were recruited by district and maintained there with annual furlough, helped solve some of the problems of recruitment and of military finance.[14] On the other hand, external recruitment was still necessary, especially in view of the king's predilection for especially tall soldiers for his Potsdam grenadier regiment (the 'lange Kerls' or 'Riesengarde').[15]

For all its internal problems—the in-fighting continued unabated—the system functioned remarkably well, and certainly facilitated a dramatic increase in the size of the army from around 40,000 in 1713 to 80,000 by 1740. By contrast, the mercantilist economic policies for which Prussian historians traditionally made great claims were not that effective. Brandenburg's success remained founded on the strength of its rural economy: in 1740, the royal domains brought in 3.5 million thaler, while taxation generated only 3 million thaler.[16] Frederick William's reversal of earlier plans to sell off royal property and his efforts to bring more demesne property back under direct royal control were more significant than any of the mercantilist measures that sought to promote economic activities in areas other than agriculture.

For all its undoubted achievements in the long term, the development of the Brandenburg administration was a very gradual and often painful process that

[12] Willoweit, *Verfassungsgeschichte*, 180. The text may be found at http://www.heraldica.org/topics/royalty/HGPreussen_urkunden.htm#XIV_1 (accessed 30 August 2010).
[13] Burkhardt, *Vollendung*, 181.
[14] Wilson, 'Militarisation', 371–5.
[15] The soldiers all had to be over 6 Rhenish feet tall (i.e., over *c*. 1.88 m); the real giants over 2 m were placed in a special bodyguard.
[16] Vogler, *Absolutistische Herrschaft*, 136.

involved negotiation and compromise with regional and local interests, rather than the use of force. On the other hand, the evolving central government system developed a degree of independence and an oversight as a consequence of the confessional tension between the ruling house and the Lutheran majority. Only 10 per cent of those appointed to the senior courts and to diplomatic and military positions between 1640 and 1740 were native Brandenburg nobles; most were of the Reformed faith and many were minor princes, Imperial Counts, and Imperial Knights.[17] Sponsoring the Pietists served a similar function. Quite apart from the obvious value of Francke's various projects from the point of view of social and economic policy, the Pietists were attractive precisely because they were opposed by Orthodox Lutherans, whom the ruling house viewed as the backbone of the domestic opposition against them.[18]

The employment of Calvinists from other territories in the Reich also had another function. From the 1640s, the Brandenburg rulers attempted with some success to develop a clientele network in the Reich.[19] To some extent, they consciously sought to emulate the Vienna court, perhaps also aspiring to assume the role played by the Reformed court at Heidelberg in the decades before the Thirty Years War. The attempt to secure the services of nobles from the Reich also reflected the perennial insecurity of the Hohenzollern about the security of their territories, their own status, and, after 1701, their royal title.

Under the Great Elector's successor, Frederick III, in the 1690s, the focus shifted to the creation of a court worthy of royal status. The significant investment in cultural projects was part of that ambition: the appointment of Pufendorf as court historiographer in 1691; the establishment of the university in Halle in 1694; the foundation of the academy of arts in 1696 and of sciences in 1701; the foundation of the Order of the Black Eagle just before the coronation; and the transformation of Berlin through a whole range of magnificent building projects.[20]

In practical terms, the success of these initiatives was limited, and it is significant that from 1713 Frederick William I adopted a new approach. Two-thirds of the court servants were dismissed, and the rest suffered salary reductions of up to 75 per cent. The new king focused his efforts on administrative and military reform. He abandoned the full-bottomed wig in favour of the short pigtail wig and a plain blue military uniform, and expected his family and officials to follow suit. He disapproved of theatres, ballets, concerts, and masked balls, and preferred to spend his evenings with selected cronies and large quantities of alcohol in the so-called *Tabakskollegium* or 'Tobacco Society'.[21] He declared that his lands should be indivisible and never sold; a new order of ranks placed the military above the civil officials.[22]

Frederick William continued his predecessors' policy of favouring Calvinists for leading positions, but employed fewer from outside his own territories. That did not mean the abandonment of aspirations in the Reich: Frederick William I was as

[17] Clark, *Iron kingdom*, 62.
[18] See pp. 311–12.
[19] Czech, 'Brandenburg'.
[20] Clark, 'Culture'.
[21] Baumgart, 'Friedrich Wilhelm I.', 145–6.
[22] Vogler, *Absolutistische Herrschaft*, 135.

persistent as any Prussian ruler in cultivating contacts with the minor rulers of adjoining territories. He was assiduous in maintaining links with Hohenzollern kinsmen in south Germany (Hechingen and Sigmaringen), in Ansbach and Bayreuth.[23] He exploited his membership of the three northern Kreise (the Upper Saxon, Lower Saxon, and Westphalian Kreise). He devoted particular attention to asserting his rights of representation in the association of counts (the 'Niederrheinisch-Westfäliches Reichsgrafenkollegium', founded in 1653) that came with the inheritance of a few minor counties in Westphalia. He was constantly alert to any possibility of intervening in troubled territories, such as Mecklenburg, and sought, sometimes in alliance with Hanover, to represent the Protestant cause in the Reich to the exclusion of Saxony. As an insurance against Hanover, he forged dynastic links with the Guelf rulers of Brunswick-Wolfenbüttel, who still resented the elevation of their junior kinsmen to the Hanoverian Electorate.

Again and again, however, like his predecessors, Frederick William also sought co-operation with Vienna. Above all, he sought Habsburg support for Brandenburg interests in the Reich, especially for the right to the succession in Jülich and Berg, which Charles VI finally denied him in 1739.[24] That naturally generated disappointment and disillusionment, just as Vienna's tendency to treat the Prussian king as a rather tiresome and temperamental minor prince had always provoked rage and indignation.[25]

Ultimately, there was no question of Berlin seriously competing with Vienna in this period, but Brandenburg did significantly strengthen its position and developed a complex network of satellites across the northern Reich and elsewhere. Yet Brandenburg found it difficult to escape from the shadow of Saxony and, just as it seemed that might be possible after the conversion of the Saxon Elector to Catholicism in 1697, Hanover emerged as a new potential rival.[26]

Even Hanover and Brandenburg combined failed to dislodge Saxony from leadership of the Corpus Evangelicorum at the Reichstag. On the other hand, over the longer run, Brandenburg's position was rendered more secure by the decline of her two main seventeenth-century rivals, Sweden and Poland, who both suffered internal problems and were eclipsed by the emergence of Russia in the late seventeenth and early eighteenth centuries. Furthermore, though the rulers of both Saxony and Hanover acquired grander and more 'authentic' royal titles, Brandenburg's position also proved favourable in this respect. The Saxons and the Hanoverians became absorbed into their new kingdoms. The Brandenburg crown was external too, of course, but the Hohenzollerns were not diverted by the domestic politics and divergent strategic interests of a foreign kingdom. They were able to focus all their energies on reinforcing their position in the Reich.

Even so, Vienna was able to continue its policy of playing the north German territories off against one another while periodically buying Brandenburg loyalty in return for promises of support that were rarely honoured. The one thing that

[23] Press, 'Reichsgrafenstand', 129. [24] Baumgart, 'Friedrich Wilhelm I.', 156–8.
[25] Feine, 'Verfassungsentwicklung', 105–10.
[26] Göse, 'Nachbarn', 45–57; Thompson, *Britain*, 1–43.

Vienna did do for the Brandenburg Electors was to permit them to assume the royal title in 1701, though Prince Eugene was not the only imperial adviser who soon came to believe that had been quite unnecessary and a grave tactical error.

The relationship between Habsburg and Hohenzollern was, of course, in some senses one of mutual dependency: the emperor frequently needed the Prussian army and clearly did not want an outright enemy in northern Germany. Yet Vienna always had the stronger hand: the prestige of the imperial crown and the role of supreme judge over laws that in the last resort no Prussian ruler before 1740 was ever willing to flout openly.

Was Brandenburg embarked on a 'special path'? Old myths of a 'German destiny' can confidently be set aside. More recent arguments about Prussia 'growing out of the Reich' are also difficult to sustain, much more so than in the case of Austria, which had serious external interests. In many respects, Brandenburg pursued ambitions that were similar to those of other major territories in the Reich. The Hohenzollern also employed similar methods to consolidate their power internally: bureaucratization and rationalization processes were not an exclusively Hohenzollern speciality, nor, indeed, was the cantonal system of military recruitment.

On the other hand, contemporaries frequently registered a harshness and brutality of tone, a lack of respect in this parvenu royal house for the dignity of the imperial office and for the traditions that formed the constitution of the Reich. If other rulers also easily resorted to the use of force, Brandenburg had more of it and spread over more regions. Yet the consistent priority given to the army and its significantly greater size than that of comparable territories was balanced by the fundamental respect of rulers before 1740 for the laws of the Reich.

The new approach of Frederick the Great after 1740 was fundamentally the result of the new situation following the Habsburgs' loss of the imperial crown in 1740 and of important changes in the relative position of the other secular Electorates.[27] Already by 1720, Prussia controlled roughly as much territory as the other four secular Electors combined.[28] Between 1640 and 1740, there was also a steady administrative consolidation of a scattered 'multiple territory' into a reasonably coherent whole. These changes in the Hohenzollern lands increasingly set them apart from the other German territories and created new parameters for the politics of the Reich in the second half of the eighteenth century.

[27] See pp. 347–78. [28] Wilson, *Reich*, 325.

26

The Revival of the Court and the Development of Territorial Government

Nothing better symbolizes the recovery of government authority after the Thirty Years War than the revival of the court as the centre of government of the German territories. Nothing seems to embody more perfectly the search for a new order and its triumphant establishment. The large number of new residences constructed in this period proclaimed wealth and cultural hegemony. The regulation of life within them reflected the hierarchy over which a ruler presided, while also staking his claim to a place in the hierarchy of the Reich and the upper nobility of Europe as a whole. Conspicuous consumption was both an end in itself and, as the deployment of cultural power, a key aspect of monarchical rule. For those princes, notably the Electors, who aspired to royal status around 1700, the elaboration of their court was an essential part of the strategy: buildings and court organization demonstrated status on a par with other monarchs and distance from lesser members of the Reich's higher nobility. For others, establishing a court or building an imposing residence was a statement of independence and of princely status within the Reich.

At the same time, however, the huge cost of these activities increasingly emphasized differences between the Imperial Estates. Some princes really did compete on a European scale; others simply sank into hopeless debt. Similarly, some developed highly articulated bureaucratic regimes that increasingly came to be separated from the court. Others, by contrast, made do with a single ruling council, within which individual councillors or groups of councillors developed expertise in and responsibility for specific areas of policy. At the lowest level, some continued the old traditions of estate management from the heart of the extended aristocratic household, which failed to develop any of the characteristics of a court structure.

The regional variations of structure and terminology defy any neat summary. The general outlines of the development amongst the 300 to 350 German courts are, however, reasonably clear. The noble crisis of the late sixteenth century was resolved. The nobility, whose traditional role at the centres of power had often been usurped by the legally qualified non-noble functionaries, gradually returned to court. Many nobles now gained the qualifications needed for office, if not at a university then at one of the so-called *Ritterakademien* or high schools that specialized in educating the sons of the nobility and that began to proliferate in the later decades of the century.[1]

[1] Conrads, *Ritterakademien*, 105–220, 273–322; Bleeck, *Adelserziehung*, 11–16, 35–130; Vierhaus, *Deutschland*, 63, 100.

At the same time, the period after 1650 saw an increasing differentiation in the organization of courts. This led notably to a further growth in the size of courts. By about 1700, the court of a count might comprise 120 to 150 individuals; a medium-sized principality might have a court numbering 200 to 300; the more important princes and the Electors now routinely housed some 600 to 800; the imperial court numbered some 1,000 in 1674 and doubled in size again by 1750.[2]

The actual functions of government increasingly became separated from the ceremonial structures of court society, though many members of the court continued to hold administrative offices, particularly at the highest level.[3] The traditional administrative structures were elaborated. The three-fold system of council (Rat), law courts (Hofrat or Gericht), and Kammer (treasury) developed in the late fifteenth and sixteenth centuries became more complex. Many princes first selected a privy council (Geheimer Rat) from the larger council and then developed an even more select cabinet (Kabinett) or a privy or inner conference (Geheime Konferenz or Engere Konferenz). The original council itself frequently remained as an honorific body composed of courtiers, and the new working councillors were distinguished by the title Real Privy Councillor (*Wirklicher Geheimer Rat*). In some cases, the Geheimer Rat grew out of or existed alongside the prince's chancellery (Kammerkanzlei), which assisted him in his own daily work. The latter, in turn, often developed more formally into an institution in its own right, which took over a wide range of government functions, including the administration of finance and revenues.[4] Its key officials were the chancery secretaries (*Kammerschreiber*) or chancery councillors (*Kammerräte*).

The law courts, which had often originally evolved as a legal section of the council, were also further developed. Most of the larger territories now instituted regular courts of appeal, not least to prevent their subjects appealing to the imperial law courts.[5] The financial administration underwent a similar process of differentiation and elaboration. The increasing employment of financial specialists (sometimes merchants) accelerated the introduction of commercial accounting methods into government. Some began to distinguish between departments dealing with government finance (Hofrentei) and those which dealt with the private monies of the prince (Kammerkasse), and then to develop separate authorities for the collection of money (whether taxes, customs and other dues, or various kinds of rents) and those responsible for promoting the activities that would generate it. The officials commissioned with the collection of money eventually developed a greater sense of financial oversight and forms of financial and fiscal planning that sought to impose order on the traditional chaos of princely finances by means of budgets and expenditure controlled with at least some awareness of potential income.

[2] Müller, *Fürstenhof*, 30.

[3] The best survey is probably that by Willoweit in *DVG*, i, 289–387.

[4] Up to the late fourteenth century, the administration of revenues had been in the hands of a *Rentmeister* or *Landschreiber*: see, *DVG*, i, 330–46.

[5] Hughes, *Law*, 37–9; Conrad, *Rechtsgeschichte*, ii, 159–60, 164.

Finally, specialized departments were often established to oversee or to promote particular sectors such as mining, forestry, hunting, and fishing.[6] Some larger territories also developed a military department (Kriegsrat). Virtually all Protestant territories developed a department to oversee the church and sometimes its properties (Konsistorium), as did some Catholic territories, such as Bavaria, which wanted to establish a degree of secular control against the authority of Rome or some extraterritorial bishop or archbishop.[7]

The highest administrative organs were all characterized by a mix of noble and non-noble members, though the growing number and size of such bodies meant that the percentage of non-nobles rose steadily throughout the seventeenth century. The institutions were almost invariably collegiate in nature, and collective decisions were taken after written consultations and actual discussions in council. If nobles and non-nobles thus often participated in government and administration on more or less equal terms, the social distinctions between the two groups nonetheless remained strong. Moreover, the non-nobles themselves often rapidly began to develop a similar exclusivity with regard to other non-noble groups; the upper echelons of officialdom became oligarchic and socially exclusive, for dynasties and kinship groups soon established themselves, much as they did in territorial churches and universities.

Many of the more senior bureaucrats aspired to ennoblement, though this was frequently resisted by the established nobility, who cited the power of the larger Estates (notably the Electors and those princes who wore royal crowns outside the Reich) to grant patents of nobility as an example of unacceptable arbitrary power.[8] Despite tendencies to oligarchization, however, this *Briefadel* or *Landesadel* never achieved the same legally entrenched position as the French *noblesse de robe*; the German new nobility remained dependent upon its princely creator. The requirement of confessional conformity as well as regulations in many territories stipulating that officials had to be born in the territory (*Indigenatsrecht*) also served to reinforce oligarchic tendencies. On the other hand, there was considerable interterritorial mobility, especially among aristocrats, and some territories were obliged to recruit externally, for the simple reason that their populations were too small to generate the number of qualified officials they needed.

[6] Stolleis, *Öffentliches Recht*, i, 368. [7] Müller, *Fürstenhof*, 29.
[8] Conrad, *Rechtsgeschichte*, ii, 208–9, 215; Wilson, *Reich*, 243–4.

27

The Court: Its Culture, its Functions, and its Critics

Nothing demonstrated the resurgence of courts and territorial governments more dramatically than the construction of new residences and palaces in the century after the Peace of Westphalia. The extraordinary scale of the overall investment in such building is beyond doubt. It reached its peak between about 1690 and 1730, and by about 1750 almost all princely or aristocratic residences had been comprehensively updated (*Barockisierung* is the term frequently used in the German literature). Many of the more important centres had been entirely rebuilt or constructed from scratch on new sites.

Nineteenth-century critics of the small courts and the alleged evils of *Kleinstaaterei* often emphasized the way that German princes allegedly slavishly imitated French styles of building, as well as adopting French manners and language. The influence of Versailles and the French court was undoubtedly strong in Germany, as elsewhere in Europe, from the late seventeenth century. Yet France was by no means the only source of inspiration, and the German princes in fact developed an idiosyncratic style that defies simple attribution. As Lothar Franz von Schönborn, Prince-Bishop of Bamberg and a member of the dynasty of prolific builders and art patrons driven by what one of them called the 'Schönborn Bauwurm' (literally, 'building worm', or compulsion) and another the 'Teufelsbauwurm' ('the devil's [or the devilish] building compulsion'), declared: 'To tell the truth one is certainly in better and more splendid taste here than in France itself.' The 'Teutscher Gusto' (or 'German taste') was superior to the French, he asserted, because it was more eclectic and free.[1]

Variety and diversity are in fact more characteristic than conformist francomania. The princes had abandoned their fortified hilltops in the sixteenth century to take up residence in urban castles and palaces in the Renaissance style. Many elements of the old fortified *Burg* were now also embodied in the new *Schloss*, though the traditional square shape and corner towers were now wreathed in richly ornamented façades.[2] Some built wooden structures at first, which either they or their successors converted into stone, sometimes decades later. Others built monumentally in stone or brick from the outset. Gradually, fortifications became less and less important, and moats, where they were retained at all, were transformed into water

[1] DaCosta Kaufmann, *Court*, 318.
[2] Schütte, *Schloss*, 274–91; Müller, *Schloss*, 119–20, 393–400. See also Volume I, pp. 528–30.

features or gardens. The increasing significance of gardens and parks as essential settings for palaces prompted many to move out of cramped city centres and to build afresh on greenfield sites. Some princes founded new residential towns that could be incorporated into the overall building and design plan.

Versailles was indeed influential, but there was no single dominant style. Many German princes and nobles commissioned palaces on a single axis, with wings partially enclosing a *cour d'honneur*. But there were many variations on the theme. French patterns could be embellished with elements of the Viennese taste, as exemplified at Schönbrunn. Italian models remained extremely influential throughout the period; courtyards were frequently extended with colonnades in the manner of Bernini's design for St Peter's in Rome.[3] Further buildings such as chapels, theatres, and residences for other family members could be incorporated in such distended ensembles.

Italian influence also endured in other ways. It could be mediated via the castles and palaces of the Bohemian and Austrian nobility. It was also present in the survival of another influential model. The enclosed courtyard (*cour carrée*) design of the Louvre, completed in 1624, was employed in Germany into the early decades of the eighteenth century, and Bernini's plans for the embellishment of the eastern front, rejected by Louis XIV, reverberated through several prominent German designs. The same courtyard style, or 'Louvre' style, was transmitted to the Reich via Stockholm, where the monumental palace by Nicodemus Tessin the Younger implemented at least some of Bernini's ideas. Finally, Dutch influence was also significant both in building and in garden design, not only in northern Germany across to Brandenburg but also down the Rhine to the Palatinate and beyond.

The building projects of the five temporal Electors illustrate the variety well. In each case, major building activity coincided with the period in which the Electors collectively and their dynasties individually were aspiring to greater prominence in the Reich or to the acquisition of a royal crown outside it. In Bavaria, the Wittelsbachs extended their old Munich *Residenz* in much the same way as the Habsburgs extended and consolidated, but did not fundamentally alter, the Hofburg.[4] However, the ambitious Elector Max Emanuel (r. 1679–1726), a hero of the Turkish wars and ambitious both for a royal crown and the possibility of the imperial crown, constructed first the Lustheim 'garden' palace (in the Italian style), then major extensions to the existing residences at Schleissheim (modelled on Schönbrunn and on Bernini's plans for the Louvre) and Nymphenburg (modelled more on Versailles). His chief architect for all three projects was the Swiss Enrico Zucalli (1642–1724); only the gardens were laid out in the pure French (Versailles) style, by André Le Nôtre's pupil Dominique Girard.

In the Palatinate, plans were delayed by the succession of the Catholic Pfalz-Neuburg line in 1685 and by the destruction of Heidelberg castle (1689) and town (1693) by the French. Philipp Wilhelm (r. 1685–90) and his son Johann Wilhelm (r. 1690–1716) resided in Düsseldorf, the centre of their Lower Rhine Duchy of

[3] Müller, *Fürstenhof*, 65. [4] Braunfels, *Kunst*, i, 186–200. See pp. 132–3.

Berg.[5] They made do with the old early sixteenth-century Düsseldorf castle, though Johann Wilhelm built a hunting residence (with echoes of both Schönbrunn and Versailles but with five domed towers) at Bensberg, near Cologne (1703–11). The attempt by Karl Philipp (r. 1716–42) to move the residence back to Heidelberg, particularly his efforts to establish Catholic religious worship there, aroused such ferocious opposition from the Calvinist magistrates that in 1720 he decided to transfer to Mannheim.[6] This town had also been destroyed by the French and was subsequently laid out in geometrical fashion by the Dutch general and military engineer Menno van Coehoorn. The new palace, designed around a colossal *cour d'honneur* on the site of the old fort at the confluence of the Rhine and the Neckar, was designed to complement van Coehoorn's scheme. The execution was dogged by financial problems and disputes with successive architects over the design; the Elector was first able to occupy one wing in 1731, and the vast complex remained unfinished by the time the Elector Karl Theodor (r. 1742–1799) inherited the Bavarian Electorate and moved his court to Munich in 1777.

Building in Saxony was inspired by the desire to maintain and update Dresden's reputation as the grand centre of a model and dominant territory in the Reich, whose ruler was both an Elector and the premier Protestant and an Imperial Vicar (in 1711), by competition with Brandenburg and Hanover, and by plans for the acquisition of the Polish crown and aspirations to the imperial crown. If members of the ruling family now travelled to France rather than Italy, their buildings were marked by stylistic hybridity rather than slavish francophilia.[7] The palace constructed in the Grosser Garten in 1678–83 by the Electors Johann Georg II (r. 1656–80) and Johann Georg III (r. 1680–91) was a monumental Baroque edifice clearly inspired by the extensions that Claude Perrault undertook to the Louvre in place of Bernini in 1665–80.[8] Yet local taste and inspirations from the work of French and Italian architects and artists in neighbouring Bohemia dictated so many decorative additions that the building is commonly regarded as a true work of 'German Baroque'.

The acquisition of the Polish crown in 1697 diverted the Elector's attention to Poland and plunged Augustus II (the Strong, r. 1694–1733, and 1697–1704 and 1709–1733 in Poland) into the disaster of the Great Northern War (1700–21). Even before the fighting ended, however, building began again in Dresden with the construction of the Zwinger in 1709, as a series of wooden buildings around an arena for noble tournaments and other entertainments between the inner and outer fortifications (hence 'Zwinger', or 'outer ward').[9] When Matthäus Daniel Pöppelmann was given the commission to build in stone, he was immediately sent off on a tour of Prague, Vienna, Venice, and Rome; then, as the pavilions began to take shape, he was despatched to Paris to gather ideas for the internal decorations. The grand opening took place in 1719 on the occasion of the marriage of Augustus's son

[5] Braunfels, *Kunst*, i, 302–12; Miller and Taddey, *Handbuch*, 502–3; Petri, *Handbuch*, 60–1, 285–8.
[6] See pp. 151–5.
[7] Watanabe-O'Kelly, *Court culture*, 204–7.
[8] DaCosta Kaufmann, *Court*, 278; Braunfels, *Kunst*, i, 258.
[9] Braunfels, *Kunst*, i, 259–65; DaCosta Kaufmann, *Court*, 325–7.

to the Archduchess Maria Josepha. The finished product may have been inspired originally by the Trianon de Porcelain at Versailles, but again other elements gathered in Rome, Prague, and the Schönborn castle at Göllersdorf in Lower Austria transfigured the original design. Despite further ancillary buildings, extensive plans, and some preliminary construction (for example, the so-called Brühl Terrace), the great palace was never built. Dresden became a site for the King-Elector's fabulous collections of art and porcelain, a place that he visited and where he received others, but it never became his main residence.

Royal ambitions, realized with the assumption of the Prussian crown in 1701, were also crucial in Brandenburg. The style was eclectic, though decidedly different from the Viennese. The prevailing influence here was Dutch, while Stockholm also served as a model for a Protestant capital. Charlottenburg, constructed by the Swedish architect Johan Friedrich Eosander as a country palace just outside Berlin from 1695, incorporated Dutch garden designs into a building complex that reflected the open courtyard layout of Versailles surmounted by a decidedly un-French central tower. This has been interpreted as a statement of the Elector's Protestantism, but it could equally well be seen as an example of the persistence of the tradition in Germany of the medieval castle tower form.[10]

A few years later, Andreas Schlüter made an even more dramatic statement with the new royal palace in Berlin.[11] Other masters, such as the Italian Domenico Martinelli and Nicodemus Tessin the Younger, had declined the commission. Schlüter was essentially a sculptor, but at least he had worked on the royal palace in Warsaw, so he knew how a king should live. His massive square construction dramatically enhanced by colonnades and risalites, or blocks projecting from the frontage, reflected both French and Italian models but copied none directly. The final product, as completed by Eosander after Schlüter's dismissal in 1708 (his engineering skills were found wanting), was one of the largest palaces in Europe, at once more ornamented and more massively austere than either Versailles or Schönbrunn.

By comparison, the Hanoverian palaces were rather modest, though no less expressive of ambition. Even as Prince-Bishop of Osnabrück, Ernst August of Brunswick-Lüneburg had made his mark with a new palace.[12] As Duke of Calenberg, he energetically promoted the building plans he inherited from his brother to create the palace and gardens at Herrenhausen, outside Hanover. The gardens were predominantly laid out in the Dutch style, bounded on three sides by canals, and developed by Dutch, French, and Italian designers directed by Duchess Sophie and advised at every step by Leibniz. Though less ambitious than many comparable structures, the palace was a more than adequate backdrop for the presentation of the British Act of Succession in 1714 in a ceremony attended by both Marlborough and Prince Eugene of Savoy. That act also marked the end of Herrenhausen's heyday: after George II visited it for the last time in 1755, the wooden structure fell into disrepair; by 1806 it was all but a ruin.

[10] Braunfels, *Kunst*, i, 117–18.
[11] Braunfels, *Kunst*, i, 109–14.
[12] Braunfels, *Kunst*, ii, 357–8.

For the rest, each territory developed in a different pattern and according to a different timetable. Some built early because their residences had been destroyed during the war. Others delayed by fifty years or more because they had first to restore their finances or re-establish their hold over their territories. The long series of French wars after 1672 also inhibited many, and the height of the building boom only occurred in the 1720s and 1730s, after the end of the War of Spanish Succession, which ushered in a prolonged period of relative peace and security for the Reich.

Duke Ernst of Gotha began his monumental new residence, the Friedenstein ('rock of peace') castle, as early as 1643 and completed it by 1655. Even more remarkably, he managed to finance the construction without levying a special tax, which gave rise to rumours that a treasure had been found on the castle mount. The truth was more prosaic: some 25 per cent of the 53,000 gulden costs came from the inheritance of his brother, the renegade Bernhard of Weimar, who had been killed in 1639, the year before the partition of the Weimar duchy between the three out of eight brothers who now survived.[13] The rest was raised by careful management and parsimonious living, while costs were kept down by recycling materials from the previous castle (destroyed in 1567), as well as from ruins in the Gotha area left by the most recent conflict. As for the Duke's motive, it was clear from the moment of partition that Gotha had no 'comfortable princely residence'. He literally needed somewhere to live.

In many cases, there was a clear programmatic intent. That seems most obvious in the case of the Swabian abbots, almost all of whom constructed new Baroque residences, monasteries, and churches between 1648 and 1750.[14] Most incorporated a so-called *Kaisersaal* and other features that proclaimed their Catholicity, their independent status in the Reich, and their loyalty to the emperor.[15] The same also seems obvious in the case of the creative Schönborn dynasty, whose 'Teufelsbauwurm' richly demonstrated the wealth and extravagance of the German taste.[16] Between 1693 and 1729 alone, five members of the family completed twelve major building projects, along with numerous other secular buildings and churches, including the monumental pilgrimage church at Walldürn in the Electorate of Mainz, capable of holding some 5,000 pilgrims. Between them, the five held the Electorates of Mainz and Trier, the Bishoprics of Bamberg, Constance, Speyer, Würzburg, and the Prince-Provostship of Ellwangen, so they definitely belonged to the 'imperial party' in the Reich, even if they often disagreed with the emperor over policy.[17]

At the same time, the Schönborns were conscious of promoting the long-term future of their dynasty and of making an impact with what they did. In particular, they seemed to be obsessed with impressing Vienna. Lothar Franz von Schönborn wanted to make the Viennese court doubt 'there could possibly be anything better

[13] Klinger, *Fürstenstaat*, 21–5, 125–32.
[14] See the surveys in: Braunfels, *Kunst*, iii, 353–456; Luh, *Reich*, 113–17; Beales, *Prosperity*, 58–83.
[15] Matsche, 'Prachtbau und Prestigeanspruch'; Müller, 'Kaisersäle'.
[16] Schraut, *Haus Schönborn*, 201.
[17] One of them, Count Rudolf Franz Erwein von Schönborn (1677–1754), was an Imperial Councillor and Commissioner in Frankfurt and later Grand Chamberlain at the court of Mainz.

or more beautiful' in Vienna. As he wrote to his nephew Friedrich Karl in 1715 of his palatial project at Schloss Weissenstein in Pommersfelden (1711–18), he wanted to show 'those fine Austrian gentlemen that we here in the Reich are not the bleak fellows we sometimes appear to be, and when the Pommersfelden gallery is completed those braggarts might perhaps have nothing to compare'.[18]

Intriguingly, the Schönborns showed a remarkably relaxed and free approach to style, decoration, and symbolism. At various stages, they employed the Viennese masters Johann Lucas von Hildebrandt and the younger Fischer von Erlach, as well as their German pupil Balthasar Neumann. They borrowed liberally from the examples set by the great Austrian and Bohemian magnates at Vienna, Prague, and elsewhere. Yet, at Bamberg in 1705, Franz Lothar left it to the Italian artist Andrea Pozzo to suggest 'a Roman history or something else of his invention that inclines to the moral', and in 1707 he seemed little interested when Melchior Steidl painted a ceiling more or less exactly copying the one in the eighty-year-old Golden Hall of the Augsburg city hall. He merely expressed a wish that the four corners should depict the four world empires, rather than the four corners of the earth. The budget interested him far more than the pictorial programme.[19]

At Bruchsal, Lothar Franz's nephew, Cardinal Damian Hugo, Bishop of Speyer, started out in 1720 with a French plan, but then changed his mind after attending the papal conclave in Rome in 1721 and ended up with a confection of French, Italian, English, and Dutch elements. The whole point of building in the first place had not been to imitate Versailles but to replace the residence destroyed by the French. Furthermore, he built in the country at Bruchsal only because the magistrates of the Protestant Imperial City refused to allow him to rebuild the city residence. Bruchsal was thus also a grandiloquent gesture of defiance to the magistrates of Speyer, in which town, he caustically remarked, he would 'be sorry if he had to be dead, let alone alive'.[20]

Protestant projects also sometimes lost their way in the execution. Margrave Friedrich Magnus of Baden-Durlach (r. 1677–1709) was determined to have a 'Protestant' palace like Schlüter's royal palace in Berlin to confront his Catholic Baden-Baden kinsman's hybrid of Versailles and Schönbrunn at Rastatt. In the event, his successor Karl Wilhelm (r. 1709–38) had no option but to employ the same Italian architect, Domenico Egidio Rossi, for the palace he started at Karlsruhe in 1715 as his Catholic kinsman had done at Rastatt. The original plan for a monumental four-wing structure was abandoned and the new palace centred on a vast octagonal tower from which thirty-two radial avenues extended, fifteen into the park and fifteen into the town, plus two as a main axis through the octagon linking park and town.[21]

[18] Schraut, *Haus Schönborn*, 204.
[19] Erichsen, 'Kaisersäle', 283.
[20] Engelberg, 'Reichsstil', 296–7; Braunfels, *Kunst*, ii, 309–14.
[21] Braunfels, *Kunst*, i, 297–301. The avenues were named after the members of a new Order of Loyalty the Margrave established, with thirty-one members and himself as grand master.

Political and dynastic ambitions, personal taste, dynastic traditions, prevailing regional styles, regional and international politics, inter-dynastic and inner-dynastic rivalries, confessional preferences, and the availability of funds, all played a role in the decision to build and how to build. Despite an almost infinite variety of styles—in some senses, the true hallmark of the German Baroque—the articulation of the inner spaces generally conformed to the same underlying purpose: to reflect and provide a theatre for the increasingly elaborate court ceremonials that expressed hierarchies and orders of ranks.[22]

In almost all new buildings of the time, the central element of the structure, with its grand staircase and great hall or ballroom, was given particular prominence. The grand first floor, or *piano nobile*, was heightened and embellished as other floors were diminished in height and prominence. Staircases were particularly important for the staging of ceremonial arrivals. Inside, much of the furniture too was designed to suit the hierarchy: ranging from stools for the less important to chairs with both backs and arms for the grand. A hierarchy of boxes, circles, and galleries characterized the new theatres and opera halls that increasingly became *de rigueur* for any serious court. The chapel, formerly a private place of worship for the ruling family, became the *Schlosskirche*, a public space in which key events in the life of the ruling family were celebrated or commemorated.

The exterior was no less carefully stage-managed, with gardens and parks in the Dutch or French style extending the architectural order of the palace literally to the horizon. Gardens and parks were just as much theatres as palaces. Firework displays and illuminations, carnivals or 'peasant' festivals, shooting contests and tournaments, equestrian ballets (the 'Tantz zu Ross'), or winter skating and sledging all made use of these outside spaces.[23] Extensive parks also provided the setting for the all-important pastime of hunting. Many princes had progressively consolidated their monopoly over hunting rights during the seventeenth century, particularly for the so-called *Hochwild* (deer and stags) and *Schwarzwild* (wild boar).[24] By the 1680s, the most popular new form was the *battue* or *Parforcejagd*, a form introduced from France and practised everywhere except the Austrian Erblande, where Leopold I banned it in 1701.[25]

Not surprisingly, the growing complexity of court life gave rise to a mass of literature in the form of handbooks or guides. Court calendars began to appear in some larger territories from around 1700, though they only became the norm after about 1770.[26] More typical of the century before that was the systematic presentation of ceremonial procedures, including tables of ranks and forms of address. The first important work on ceremonial was Johann Christoph Becmann's *Notitia dignitatum illustrium civilium, sacrarum, equestrium* ('Notes on the Conduct of Illustrious Dignities, Civil, Ecclesisastical, and Noble'), published in Frankfurt an

[22] Müller, *Fürstenhof*, 68–74.
[23] On equestrian ballets, see Watanabe-O'Kelly, 'Equestrian ballet'.
[24] Schunka, *Soziales Wissen*, 105–6; Conrad, *Rechtsgeschichte*, ii, 143–4.
[25] Knoll, *Umwelt*, 48, 51–2.
[26] For the following, see Bauer, *Hofökonomie*, 71–134. Bauer gives Becmann's name as 'Beckmann', though *ADB*, ii, 240 and others follow Becmann's own spelling.

der Oder in 1670. By the early eighteenth century, the genre reached a high point, with Johann Christian Lünig's monumental two-volume *Theatrum Ceremoniale Historico-Politicum* ('Historical-Political Theatre of Ceremonial', Leipzig, 1719). Lünig was town clerk in Leipzig and a well-known writer on imperial law and history. A Leipzig contemporary, Julius Bernhard von Rohr, extended his *oeuvre* of cameralist and legal writings with a systematic handbook of ceremony in 1729, his *Einleitung zur Ceremonialwissenschaft der grossen Herren* ('Introduction to the Ceremonial of Rulers'), published in Berlin.

Virtually the entire court literature published since 1648 and the many developments in every dimension of court life were synthesized in Friedrich Carl von Moser's two-volume *Teutsches Hof-Recht* ('German Law of the Court', 1754–5). This contained everything from detailed information on palace and garden design and table settings at the tables of dignitaries of varying ranks to rules of behaviour for everyone, including the court preacher and the 'court moor'.[27]

The role of the courts in the development of German culture has been the subject of much nationalist myth-making but of little authoritative modern research. Both liberal and Prussian historians of the nineteenth-century who criticized *Kleinstaaterei* also tended to cite *Gallomanie* (an excessive fondness for anything French) as one of the many crimes of the German princes after 1648.[28] Against this court-centred, aristocratic francophile culture they liked to juxtapose an emerging 'bourgeois' culture centred on the vernacular, championed by early Enlightenment figures such as Thomasius.

It is true that French influence was perhaps nowhere more noticeable than in the language, manners, and culture of the courts.[29] Friedrich Carl von Moser said that around 1650 the Protestant courts in Germany were already 'French', while the Catholic courts were 'Austrian and Spanish'. Spanish court ceremonial persisted in Vienna and other Catholic courts well into the eighteenth century, and Jesuit traditions prevailed in drama and poetry.[30] Here, the influence of French language and culture on the aristocratic and educated elites grew more slowly, though it became just as pronounced as in the Protestant territories.[31] By 1687, Christian Thomasius could comment, 'French clothes, French food, French furniture, French language, French customs, French sins, yes even French diseases are everywhere the fashion'.[32]

This is a remarkable phenomenon in decades that were marked by a steady stream of anti-French propaganda in the Reich, which portrayed France as the Western equivalent of despotic Turkey, and as a nation of 'whores', 'idiots', 'murderous arsonists', and 'donkeys'.[33] The denunciation by some writers, such as Johann Michael Moscherosch (1601–1669) and Friedrich von Logau (1605–1655), of the 'alamode' (fashionable) tendencies of the period after 1650, their excoriation of the very obvious borrowing of French vocabulary, manners, and fashions, owes as much to this wider political context as it does to continuing concerns with the

[27] Müller, *Fürstenhof*, 83. See also Bauer, *Hofökonomie*, 102–6.
[28] Müller, *Fürstenhof*, 90.
[29] On language, see Wells, *German*, 265–72.
[30] Pečar, *Ökonomie*, 196–200.
[31] Schattenhofer, 'Kultur Münchens', 203–4.
[32] Barnard, 'Thomasius', 432.
[33] Wrede, *Reich*, 349–57, 537–45.

purity and status of German in the tradition of the language societies. In this context, Thomasius's advice to his students in 1687 that they should seek to emulate the French seems extraordinarily courageous and bold.

The debate about French models must, however, be seen in a broader context. Most of the important literary (and artistic) genres developed either in the courts or in the shadow of the courts and their associated governments. Most writers were nobles, government officials, teachers, and scholars. Very few managed to survive as writers outside this spectrum: August Bohse (1661–1730, known as 'Talander') and Christian Friedrich Hunold (1680–1721, known as 'Menantes') as prose writers and Johann Christian Hallmann (1640–1704) as a playwright were exceptions, and both Bohse and Hunold took teaching positions at various stages. Furthermore, the audience for literature was also largely confined to the court, the nobility, and the educated in society. The general development shows both continuity and a significant shift from the later 1670s.[34]

The fact that the court dominated cultural life did not necessarily generate obsequiousness or conformism. Since the sixteenth century, affirmative traditions deriving from Baldassare Castiglione (1478–1529) existed side by side with a critical tradition that can be traced back to Castiglione's contemporary, Fray Antonio de Guevara (1480–1545). In the seventeenth century, the critical tradition was strengthened by the enthusiastic German reception of John Barclay's *Argenis* (1621) and Baltasar Gracián's *Criticón* (1651–7).[35] Similarly, though even more significant because its conceptual vocabulary was adopted by major figures such as Thomasius, the works of the salon of the Paris Hôtel de Rambouillet also inspired notions of a *noblesse d'esprit* juxtaposed with the *grossièreté de ton* of court life.[36] For more than half a century after Molière derided the salon in *Les Précieuses ridicules* in 1659, the ideals of the *précieux* exerted a profound influence in Germany.

The emphasis generally was on reform and improvement, rather than opposition and rejection. Even literature that has been identified as oppositional, such as the plays of the Protestant 'school theatre' tradition, mostly aimed to encourage good government, and underline the futility and negative consequences of rebellion. *The Tragedy of the Neapolitan Rebel Leader Masaniello* of 1682, for example, by Christian Weise (1642–1708), is one of several German treatments of the Neapolitan uprising of 1647 that exposed the incompetence, cruelty, and hypocrisy of the ruler and his advisers, but then underlined the even more dire consequences of rebellion. Good and prudent government that does not provoke rebellion in the first place, Weise, suggests, is by far the best.[37]

Weise himself was one of those responsible for a shift in attitudes from the 1670s. As rector of the Gymnasium in Zittau in Saxony from 1678, he wrote most of his plays to be performed by his pupils and for the benefit of their education as future officials in the territorial government. His work was thus addressed to the officials, rather than to the courtiers. It represented one of several tendencies that

[34] Žmegač, *Geschichte*, i/1, 28–9.
[35] Kiesel, *Bei Hof*, 129–36, 176–87.
[36] Žmegač, *Geschichte*, i/1, 26.
[37] Kaiser, *Mitternacht*, 134–44, 153–62, 170–1; Emrich, *Literatur*, 212–14.

were part of a new wave of French influence in German culture from the 1680s. A crucial inspiration was the confidence that French writers such as François Charpentier were expressing about the purity and originality of the French language. But above all, Weise aimed to explore rules for *decorum*—restrained, good, just, and moral behaviour—both for the nobility and for the non-noble officials in territorial government, as well as for teachers and academics.

It was thus no contradiction that Thomasius advocated imitating the French at the same time as he announced his first course of lectures in German, the first ever at any German university. German youth, Thomasius declared, could learn from the attitudes of the French, from their confidence and pride: significantly, the lectures were on Gracián's 'fundamental rules by which to live, rationally, wisely and decently'. Thomasius, like Weise, wished to promote the virtues of what they called 'politische Klugheit': the knowledge of how to behave prudently, how to converse with people and be accepted.[38] This knowledge might even reform the court and the nobility; for it would enable non-nobles to gain acceptance, both in themselves and for their ideas, so that they might participate on equal terms. The 'galant' literature—both poetry and, above all, prose—that remained highly popular into the 1720s broadly propagated the same values, albeit laced with a substantial element of often racy, amorous sentiment.

The literature, and the moral philosophy, of Weise and Thomasius, also played an important role in the development of the early Enlightenment, as we shall see below.[39] In that context, it contributed to the evolution of a non-noble ideology that turned against the courts in the mid-eighteenth century. Friedrich Carl von Moser's *Teutsches Hof-Recht* of 1754–5 was an indictment as well as a guide. Until about 1740, however, the link between court and government, between noble and non-noble, held firm. In the first instance, the new moral philosophy aimed to reform court and government, to civilize the nobility, and to give weight and authority to the views of the educated commoners.

[38] Žmegač, *Geschichte*, i/1, 23–5.
[39] See pp. 333–4.

28

The Development of Military Power

The deployment of cultural power was accompanied by the development of military power. During the century after the Peace of Westphalia, most leading German territories developed standing military forces, and this is generally viewed as one of the key features of the 'age of absolutism'. Military power, it has often been argued, helped consolidate the hold of the princes over their territories. Many then 'commercialized' their forces, so that the Reich became the centre of a 'soldier trade' that exported forces to conflicts throughout Europe and, ultimately, to North America as well.[1] In this competition, Brandenburg-Prussia was held to be the clear leader, establishing herself as a major European power by the mid-eighteenth century. Indeed, the history of the Brandenburg-Prussian military in this period has often been taken to represent the history of the German military as a whole. Other lesser territories are held to represent pale or, at the extreme, ludicrous versions of the Brandenburg-Prussian story. In fact, Prussia was exceptional but also part of a development that mirrors the evolution of the courts.

This is often seen as a natural evolution from the military forces amassed during the Thirty Years War, yet those armies did not in fact simply 'remain standing' after the war.[2] With the exception of the Habsburgs, virtually all other German territories disbanded their forces after 1648, and those that did not disband entirely retained only small forces in the first instance. Brandenburg, for example, had only 700 troops in 1650.[3] Most had scarcely more than a bodyguard or personal protection corps for the ruler. However, the incentives to build up forces again soon became pressing. From the mid-1650s onwards, new troops were formed. There were both political and military reasons for this.

Imperial law both encouraged and inhibited the development of military potential. The Peace of Westphalia had affirmed the princes' right to form foreign alliances in so far as these were not directed against the emperor. The imperial recess of 1654 (§180) permitted rulers to levy taxes in order to finance 'necessary fortresses, fortified places and garrisons'.[4] On the other hand, in 1671 Leopold I vetoed the proposal to grant rulers unlimited powers of taxation for any defence purposes. Then the reform of the imperial army in 1681–2 once again seemed to reinforce the rulers' rights to develop military forces. The decision against a standing imperial army and in favour of a composite army levied as needed from contingents supplied by the territories made the maintenance of military forces one

[1] Wilson, 'Soldier trade'.
[2] Burkhardt, *Krieg*, 213–24; Burkhardt, *Vollendung*, 132–43.
[3] Wilson, *Reich*, 225–6.
[4] Wilson, *German armies*, 31. See also pp. 21, 55 above.

of the duties of the Imperial Estates. Indeed, this became one of the characteristics of 'full membership of the Empire (*Reichsstandschaft*): anybody who failed to provide a contingent or paid another prince to represent him risked losing his political autonomy'.[5]

Those rulers who pressed for the 'extension' of Leopold's 1671 ruling, however, and who subsequently blocked the proposal for an imperial army under the emperor's control, had a variety of motives. Deployment of military force for domestic purposes was certainly one. In the decades immediately after the war, as governments sought to restore their authority, there was widespread anxiety about domestic unrest in many parts of the Reich. The debate about how the Reich should respond to Charles II's pleas to the Reichstag for assistance underlined the need for princes to be armed and to maintain solidarity. The fact that discontents in many territories were adopting the vocabulary of the English conflict led Brunswick-Wolfenbüttel to request a ban on all Milton's writings throughout the Reich. By 1658, things had stabilized to the extent that the Reichstag decided that a ban was unnecessary and that a message of goodwill to Charles II would do.[6]

For several decades, however, some princes persisted in using armed force to resolve domestic problems. Between 1655 and 1672 several rulers used military force to subjugate towns within their territories. Bishop Bernhard von Galen of Münster successfully deprived Münster of its autonomy (following four assaults in 1657–61). The Elector of Mainz did the same to Erfurt (1664), as did the Elector of Brandenburg to Magdeburg (1666), and the Dukes of Brunswick to the town of Brunswick (1671).[7] Other rulers deployed forces to deal with recalcitrant Estates or popular resistance against taxation. On the other hand, the emperor's veto on unlimited powers of taxation in 1671 effectively confirmed the position of the territorial Estates. This made the use of armed force for domestic purposes increasingly unfeasible, since an appeal to the imperial courts brought the risk of armed intervention against an aggressor.

The same did not necessarily go for any use of armed forces against a less powerful neighbour. The possession of military forces by relatively minor territories certainly could act as a deterrent. Equally, any ruler or territorial Estates whose land was invaded had recourse to the imperial courts, and might rely on eventual assistance in the form of a favourable judgment backed up by the arrival of imperial commissioners and Kreis troops.

Even so, the rapid invasion, albeit often temporary, of smaller territories to back up inheritance claims, for example, was common. The case of the otherwise unremarkable Westerwald counties of Sayn-Hachenburg and Sayn-Altenkirchen in the Lower Rhine-Westphalian Kreis is typical. On the death of the Duke Wilhelm Heinrich of Saxony-Eisenach in 1741, Sayn-Altenkirchen went to Carl Friedrich Wilhelm of Brandenburg-Ansbach, a brother-in-law of Frederick the Great. The Counts of Sayn-Wittgenstein, who for good measure now also laid claims to much of Sayn-Hachenburg, disputed his claim. Wittgenstein secured the

[5] Wilson, 'Soldier trade', 774. See also pp. 39–41, 54–5.
[6] Berghaus, *Aufnahme*, 85–98. See p. 21.
[7] Wilson, *German armies*, 31–2.

support of the Palatinate, currently acting as Imperial Vicar during the interregnum following the death of Charles VI. The Palatinate promptly sent in 700 troops, initially pretending that they were merely accompanying the imperial crown jewels to the forthcoming coronation. Prussia threatened to send troops to support the Brandenburg-Ansbach claim to Altenkirchen; the Hachenburg ruler, the Lutheran Georg Friedrich Burggraf von Kirchberg, was more or less abandoned by his own (Reformed) subjects, who rushed to pay homage to the Wittgenstein claimant.

Appeals to the new emperor and to other authorities ultimately led to the withdrawal of the Palatinate force and of the Wittgenstein claims, though when Kirchberg insisted on a formal apology from his subjects and the payment of a severe fine, he had to deal with an uprising. This he met in the first instance with the despatch of a mere thirteen soldiers, though he subsequently managed to assemble a force of 150 to restore his authority.[8] Even on this small scale, the possession of armed force was frequently used as an extension of inter-dynastic 'diplomacy' and territorial government: Georg Friedrich von Kirchberg's minute standing force was big enough to restore order in his roughly 110 km^2 of territory.

Two further motives for the development of a military capability were also important. First, the Dutch War of 1672–9 inaugurated a series of international conflicts involving the Reich or involving troops from the Reich that concluded only with the Spanish War of Succession and the Great Northern War. Inevitably, until relative peace returned to the Reich in the 1720s, military defence remained a vital issue for many territories, either directly or by virtue of the need to provide troops for Kreis and imperial armies. Second, the same international conflicts also provided ambitious princes in the Reich with an opportunity to compensate for the limitations imposed upon them by imperial law by entering into subsidy agreements with foreign powers. This enabled them to raise additional troops without levying taxation and running the risk of a conflict with their territorial Estates.

It is significant that the most energetic armed princes were those who entertained ambitions for royal crowns in the late seventeenth century.[9] Of course, the decisive factor was sovereign status itself. Yet, a meaningful army was a precondition for being taken seriously in any foreign alliance or at any international peace conference. As the privy council of Hessen-Darmstadt noted in agreement with their ruler's claim in 1711: 'the army is the only means by which an imperial prince can receive a due measure of respect during these already difficult times. It is also the only sovereign right and prerogative, the exercise of which distinguishes such a personage from other lesser Estates.'[10] Quite aside from its actual military uses, an army came to be a crucial status symbol, like a palace or a court.[11]

Raising and maintaining such forces was not always straightforward. The defence militias had failed miserably in the Thirty Years War. Neither the Swedish army (or others based on the new principles of discipline and tactics evolved in the 1590s by members of the house of Nassau) nor the mercenary forces of Wallenstein or Bernhard von Weimar had been able to translate their short-term success into

[8] Müller, *Gemeinden*, 121, 162–4, 171–2, 187–8.
[9] Wilson, 'Soldier trade', 778–82.
[10] Wilson, 'Soldier trade', 776.
[11] Papke, *Miliz*, 176.

lasting political capital.[12] Yet their example, together with the impression made by the reformed French military machine from the 1650s, pointed the way forward for the German territories. At the same time, the examples of both Wallenstein and Weimar underlined the need to establish proper authority over the army.

At first, many tried to revive their militias or to create new ones, building once more on the old feudal obligation of subjects to assist their rulers in cases of emergency (*Landfolge*). These were generally no longer territorial or civil defence organizations like those of the late sixteenth century, designed simply to repel invaders and keep war out of a territory, but regular militia regiments. For many territories, especially the ecclesiastical territories and the smaller territories that could not afford a standing army, these forces remained the main form of military organization throughout the eighteenth century; with very different functions, many even still survive today as *Schützenvereine*.[13]

In some territories, militias existed alongside regular hired forces. Around 1700, the Imperial City of Hamburg, for example, maintained a substantial militia, or *Bürgerwehr*, of some 10,000 together with a standing force of 1,500 (rather confusingly termed the *Miliz*, or militia). However, these initiatives were rarely effective militarily: the Hamburg *Bürgerwehr* was thought to be unreliable in a crisis, not least because of its 'perpetual drinking'. Militias generally aroused resentment among the population, and ultimately their strong community loyalty lessened their usefulness as troops that might be deployed beyond territorial boundaries, let alone abroad. The Margravate of Brandenburg-Bayreuth under Margrave Christian Ernst (r. 1661–1712) was one of the few territories that managed to transform its traditional territorial defence organization into an effective standing army consisting of a bodyguard and *Landregiment*.

The more ambitious territories soon moved towards regular standing armies and used their militias as recruitment pools. Elector Frederick William of Brandenburg, a firm proponent of a regular army from the outset, permitted his subjects to commute militia service duties into money payments. Others too rapidly expanded their bodyguard and garrison forces from the mid-1650s. By about 1700, the larger Electorates and principalities maintained standing armies of about 10,000 men; only the Habsburgs and Brandenburg-Prussia exceeded that, with over 40,000 and some 110,000, respectively. The medium-sized duchies and prince-bishoprics normally maintained between 1,000 and 3,000 men each.

The military difference between Brandenburg-Prussia and, say, a prince-bishopric such as Bamberg, with under 1,000 men, is perhaps not so striking when one remembers that Prussia had some 110,000 km^2 of territory, compared with only 3,575 in Bamberg.[14] Even some minor rulers built up significantly larger forces with the help of subsidies: Duke Friedrich II of Saxony-Gotha-Altenburg

[12] See Volume I, pp. 570–2, 605–10, 612–13.

[13] Papke, *Miliz*, 100–9. Not all contemporary *Schützenvereine* are, of course, strictly speaking shooting associations, as their name might imply. Most are purely social community clubs that play a ceremonial role at carnivals and the like; in the mid-nineteenth century, they often had a national patriotic complexion.

[14] Caspary, *Bamberg*, 307, 306–25.

(r. 1693–1732), for example, had only about 1,400 km^2 of territory but maintained some 6,000 men with the help of French subsidies to 1702, followed by Prussian, Dutch, and British payments thereafter.[15]

The formation of standing armies was accompanied by the translation of the seventeenth-century French reforms in organization and administration to the German states. Discipline and training were improved; recruitment was regularized; in some territories, militia units were actually attached to regular regiments; chains of command and military hierarchies were more clearly established; and the larger territories all developed administrative organs (variously Kriegsrat, Kriegskanzlei, or Defensionsrat, and so on) to manage the new forces. Above all, these were forces that owed their loyalty to the rulers. Their officers, largely nobles, were professionals, sometimes recruited from elsewhere in the Reich; the independent mercenary commander, the 'military enterpriser' of the period before 1650, disappeared from the scene, or rather the princes themselves assumed that role.[16] The position of the ordinary soldier, whether conscripted or freely recruited either within or outside the territory, in some sense remained similar to that of the mercenary of the previous era. Yet stricter discipline in a more formally defined working contract with the ruler also generated pressures that made the issue of desertion problematic both in fact and in the theoretical literature. The harsh measures designed to combat desertion often had quite the opposite effect.[17]

The new armies also required new forms of funding. A government army had to be paid by the government. Domain income covered some costs, regular forms of taxation covered others. Traditional regalities (rights over minerals, forests, and the like) continued to be important and were complemented in some territories by newly established monopolies on tobacco or coffee, or a duty on beer in the case of Bavaria. Property taxes, sometimes supplemented by wealth, hearth, or building taxes, were also transformed from periodic charges levied as the need arose into permanent regular taxes. However, taxation could arouse the opposition of the territorial Estates, and they were rarely willing to pay for forces that could threaten their own rights and privileges. Furthermore, the Estates could always appeal to the emperor or to the imperial courts if they deemed taxes to be excessive or unjust. Brandenburg-Prussia led the way, with alternative forms that circumvented the Estates with the introduction of an excise tax in the Kurmark towns in 1667. By 1720, the excise had been introduced throughout Brandenburg-Prussia, and it was adopted by most other territories during the course of the eighteenth century.[18]

In general, traditional territorial revenue flows, even where they were enhanced by new sources such as an excise tax, proved inadequate to the task of funding the new military forces on the scale needed to provide German rulers with the political profile many of them now desired. Two novel phenomena made the new system possible.

First, the subsidies that flooded into the Reich from France, the Netherlands, England, and Spain from the 1660s, as well as the payments made by larger

[15] Papke, *Miliz*, 231–2. [16] Redlich, *Military enterpriser*, ii, 77–111.
[17] Sikora, *Disziplin*, 52–3, 216–36, 363–76. [18] Papke, *Miliz*, 216–7; Boelcke, 'Accise'.

territories to medium and smaller ones, were vital in funding a large number of regular armies. Few made a profit from subsidies. Indeed, during the War of Spanish Succession, Hessen-Darmstadt made a loss of 420,320 gulden, equivalent to well over one year's tax revenue, supplying troops to Hanover and Brunswick.[19] Bavaria received vast sums in subsidies from France between 1670 and the 1740s, as the Electors traded military cooperation in exchange for French support for the Electors' ambitions for a royal crown and the imperial throne itself. However, the hopeless muddle of Bavarian finances meant that the Elector and his officials rarely knew whether the money was being assigned to the army or to some construction project, or whether it was simply spent on the court and the ruling family's lavish lifestyle.[20]

Other regimes were more conscientious in their accounting and more prudent in their expenditure. Even in Bavaria, the French subsidies contributed to the general income of the Electorate and hence to the development of the armed forces, among other activities. The only major territory that successfully solved the problem of financing the army was Brandenburg-Prussia. Here, the introduction of the cantonal system of recruitment by 1733 meant that troops were raised in and supported by the various provinces, which obviated the need for foreign subsidy. Even so, Prussian military finances remained precarious. In 1717, Frederick William I even gave Augustus the Strong of Saxony his entire porcelain collection in return for the use of 600 men.[21] Both Frederick William I (r. 1713–40) and Frederick II (r. 1740–86) reckoned the silver candelabra and mirror frames in the royal palace in Berlin to be part of their military reserve funding (and Frederick the Great had large quantities melted down in both 1745 and 1757). Between 1758 and 1761, Prussia again received a substantial subsidy of 28 million thaler from Britain.[22]

Taxes and subsidies, even where they were adequate, tended to yield irregular flows of income. Palace construction could be suspended; armies had to be provisioned and paid. In a second new development after 1648, the Jewish court financier (*Hoffaktor*, or *Hofjude*) took the place of the mercenary military enterpriser.[23] Virtually every German court relied on at least one 'court Jew', often referred to as 'unser Jude' ('our Jew'), to act as merchant banker and as provisioner and supplier to both army and court; even lesser noble dynasties frequently used the services of so-called *Hausjuden*, sometimes publicans, rather than the rich merchants cultivated by the princes.[24] The court Jews organized loans, provided advances on subsidies, acted as military factors (though, except in Austria, not for weaponry), and were often commissioned to manipulate the currency in a crisis. In all of these ways, they made it possible for a ruler to bypass his territorial Estates. The Jews themselves were, of course, directly and personally subject to the ruling

[19] Wilson, 'Soldier trade', 771. [20] Hartmann, *Geld*, 36–46, 140–9, 222–8.
[21] Papke, *Miliz*, 199. [22] Preisendörfer, *Staatsbildung*, 28–9; Papke, *Miliz*, 221.
[23] Papke, *Miliz*, 232–6; North, *Kommunikation*, 40–2, 94; Battenberg, *Juden*, 42–5, 107–12; Israel, *European Jewry*, 101–18. Schnee, *Hoffinanz*, vols. i–iv, still provides the most authoritative and comprehensive survey.
[24] Schnee, *Hoffinanz*, iii, 160–2.

prince (under the so-called *Judenregal*); their status was regulated by special licence and permit (*Schutzbrief*, hence also *Schutzjuden*).

Rulers who were forced to turn to their Estates when they ran up substantial debts often found themselves with demands for limitations on their power and spending. The Jews had no such leverage; it was in their own long-term interest simply to lend more money. They rarely became directly involved in politics. One notable exception to this rule was Joseph Süss Oppenheimer (1698–1738), court and military factor to Duke Karl Alexander of Württemberg, who advanced to key offices such as director of the mint and was appointed *Geheimer Finanzrat* and fiscal of the *Kabinett* in 1736.[25] His fate illustrates the personal dependence of the Jews on the rulers: on the Duke's death in 1738, the Estates ousted Süss from office, had him tried for treason, and executed. His 'crime', committed with the full support of the Duke and his administrative officials, had been to streamline the sale of offices and to assist the Duke in his efforts to become financially independent of the Estates. His ostentatious lifestyle and his energetic love life simply further inflamed the Württemberg Estates, which consisted of the entirely non-noble *Ehrbarkeit* (notables). His punishment was death by public hanging in a cage. For the most part, however, the relationship between court Jew and ruler was mutually beneficial, even if a change of ruler often meant a change of *Hoffaktor*.

The fact that the formation of regular standing forces often took place in addition to the substantial contributions made to Kreis forces and the imperial army underlines the significance that military matters came to assume in the territories of the Reich after 1648. For many rulers, an army became just as much a measure of authority and status as a palace, a court, and a highly visible and imposing seat of government. Equally, the pacification and stabilization of the Reich over the next seventy years was in many ways an 'armed peace' achieved as the result of the arms race that developed between the medium and larger territories. The judicial procedures of the Reich were perhaps respected all the more because the alternative of military deployment became unthinkable. Equally important was the fact that from the early 1670s the whole Reich was under more or less continuous external threat.[26] Spectres of internal anarchy and external annihilation reinforced the observance of the traditions and custom of the Reich (*Reichsherkommen*).

[25] Wilson, 'Favorit'. [26] See pp. 28–52.

29

Princes and Estates

It is often assumed that the revival of the court and the development of standing armies strengthened rulers and governments at the expense of corporative bodies and representative institutions. Furthermore, the increased financial needs of government, even in peacetime, also increased the pressure for taxation to become regular and permanent, and for governments to find sources of money that were not dependent upon the consent of their subjects. Hence, it has frequently been suggested that territorial Estates generally declined or were eliminated altogether after 1648. In fact, it seems that was far from being the case. The role of such bodies often changed after the war, but they continued to exist. Indeed, in a survey of 136 territories compiled in 1769, Johann Jacob Moser found Estates active in ninety-three cases.[1] Moreover, the list was by no means comprehensive, for Moser ignored the many less formal institutions that existed in smaller territories or the ecclesiastical territories that had no Estates as such but in which the cathedral chapter played a similar role.

For several reasons, the war marked a profound break in the relations between rulers and their Estates.[2] The establishment of Estates in most territories in the sixteenth century, often the further evolution of bodies that had existed previously, had been driven by the major transformations in government that followed the Reformation. Territorial governments needed more money for themselves and to pay imperial taxation. Differing local and regional traditions had given rise to a great variety of institutional forms. Some Estates contained as many as five chambers with clergy, upper nobility, universities, knights, and towns represented separately; the norm was three chambers, with representation variously of nobles, clergy, towns, and peasants. Where the nobles had 'left' the territory and become Imperial Knights, clergy and commoners formed two chambers. Some comprised only peasants. The key to the strength of the Estates lay in their ability to raise large sums of money for taxes and to assume responsibility for a ruler's debts. That, in turn, was the result of decades of rising prices for agricultural produce in the late sixteenth century. The financial power of the Estates was reflected in the grand buildings that many constructed for themselves and in their perception of themselves as in some sense co-rulers of their territories with the prince.

[1] Krüger, *Verfassung*, 13–26.

[2] In addition to Krüger, *Verfassung*, the following are helpful: Press, 'Steuern'; Press, 'Ständewesen'; Press, 'Landtage'; Vierhaus, 'Land'; Lange, 'Dualismus'.

The deterioration of the economic situation before the war threatened this position, as many Estates found it increasingly difficult to service the debts for which they had assumed responsibility. The war then undermined their credit entirely as agricultural incomes collapsed by the 1630s and 1640s. Both German governments and foreign powers levied unprecedented levels of taxation during the conflict. Taxes previously granted periodically were made permanent, and excise taxes appeared in many territories for the first time. Many governments also turned to the international money markets for the loans that they had previously sought from their subjects. At the end of the war, the princes solved the problem of war debts by reducing and cancelling interest payments, and many simply did not repay their war debts.[3] This helped restore the position of the princes, but it did nothing to remedy the situation of the Estates, who defaulted on the debts they had assumed in the decades before the war. A ruling prince could always be sure of borrowing more money; bankrupt Estates could not.

Of course, the Estates also recovered from the war in due course, and, from the late seventeenth century and through the eighteenth century, many resumed their traditional function of assuming responsibility for the debts of their rulers. In many cases, however, the post-war interval was crucial, for princes found alternative sources of money, which served to diminish their dependence on their Estates. The court Jews, for example, continued to supply at least some of the need for finance from the international money markets. Many Estates thus lost the leverage they had once enjoyed as the major creditors of the princes. They remained strongest where the finances of rulers were weakest; rulers with significant domain incomes were less dependent on their Estates.

At the same time, the confirmation of the *Landeshoheit* of the princes in 1648 tended to increase an aversion to the convention of the traditional Landtag. Its ritualistic inscenation of the mutual dependency of rulers and Estates, in which the Estates often exploited the role they claimed of co-regents or *Mitregenten* to the full, was no longer in keeping with the more authoritarian aspirations of the post-war world. After 1648, many princes no longer bothered to call a Landtag and preferred to deal instead with smaller standing committees, which in turn tended to become oligarchical and removed from their notional constituencies. On the other hand, the continuous existence of these committees, generally supported by a small permanent administrative staff and an archivist, documents the survival of both the institution and its functions.

Some have suggested that the revival of the court, in particular the reintegration of the nobility at court, also tended to curb the Estates by taming their most influential element. As Christian Wolff noted in 1721: 'if a ruler attracts the most distinguished and powerful families to court, then this is also a means of securing his [own] power and authority'.[4] This certainly seems to have been the strategy adopted by the Habsburgs. The territorial Estates of their lands continued to exist, but after the 1620s the Hapsburgs systematically destroyed the position of power that the

[3] See pp. 21–2. [4] Müller, *Fürstenhof*, 34.

Estates had enjoyed in the later sixteenth century and that had given rise to the great constitutional crisis that precipitated the Thirty Years War. The elimination of the Protestant nobility, and of the privileges they had enjoyed, left the Habsburgs with a collection of essentially loyalist Estates after 1648. The higher nobility, who were also generally present at court or held major court offices, dominated these. In the provinces, they represented the crown; at court, they represented the provinces (or rather, their own interests in them), and the Habsburg court came to assume the function of a kind of informal general diet of the Habsburg lands.[5] The Habsburg example was not replicated throughout the Reich, however, and in most territories the nobility remained the backbone of Estates where they remained active.

Other factors also arguably diminished the position of the Estates. The costs imposed by large-scale continuous warfare from the 1670s and the development of standing armies necessitated continuing taxation. Even if taxes still in fact had to be renewed every year, the discipline of regular payment came to be accepted. It was no longer necessary to renegotiate taxes, with concessions offered by the ruler, as had been the case in the late fifteenth century. If imperial law imposed an obligation to pay taxes towards garrisons and fortresses (*Jüngster Reichsabschied*, §180), Leopold I refused to endorse the imposition of a unilateral and unconditional right of rulers to imposes taxes on their subjects.[6] Consequently, it seems that conflicts over taxation and appeals by Estates to the imperial courts increased steadily from the later decades of the seventeenth century. The emperors were well aware of the prestige they derived from their ability to support territorial Estates against their rulers. Wherever the legal case was strong—an important proviso—they proved more than keen to intervene.[7]

Finance and taxation remained the most important concerns of territorial Estates, but they also had other functions. Estates represented the unity of the territory. Hence, when a territory was partitioned among two or more heirs, the Estates remained united. Equally, if a ruler had more than one territory, he invariably had to deal with the Estates of each territory separately. This in itself was the cause for some impatience and frustration with these institutions among those ambitious rulers who were successfully accumulating lands from the later seventeenth century. The best example of this is Brandenburg, which had Estates in all of its provinces: the Electors aimed not so much to eliminate them entirely as to prevent them from formulating an overall policy; they aimed to confine the Estates in their territories to purely regional and local matters.

Estates as guardians of the integrity and unity of a territory also assumed a new significance in the cases where the ruler (generally a Protestant) converted to another religion, as did the Elector Friedrich Augustus of Saxony in 1697. Under the terms of the Peace of Westphalia, such rulers had no right to compel their subjects to follow them. They were therefore obliged to sign so-called *Reversalien*, declarations that they would not violate the rights of their subjects. The administration of key ecclesiastical institutions was placed in the hands of the Estates. These

[5] Asch, 'Estates', 117–19. [6] See pp. 40, 55 above.
[7] Schwennicke, *Steuer*, 187–95, 283–8.

agreements were invariably guaranteed by a group of powerful princes, and the Estates also, of course, had the right to appeal to the emperor in the event of any transgression by the ruler.[8] Similarly, if a ruler became an absentee, his Estates generally assumed responsibility for the administration. Hence Hanover was effectively ruled by the noble Estates after the Elector gained the British crown in 1714; the same happened in Holstein, whose ruler was king of Denmark, though that did not apply in a similar situation in Hessen-Kassel. On the death of Landgrave Karl (r. 1670–1740), the heir Landgrave Friedrich I (r. 1730–51), who had assumed the Swedish crown in 1720 and had converted from Calvinism to Lutheranism at the behest of the Swedish Estates, agreed to his brother Wilhelm VIII taking over as regent (1731–51, then r. 1751–60).[9]

As so often in the history of the Reich, similar situations could lead to very different, in fact diametrically opposite, outcomes.[10] Seven bishoprics had Estates; seven did not. Some cathedral chapters, especially those in north-west Germany, successfully imposed strict limits on their bishops; others failed. The model procedures for a Landtag described by Johann Jacob Moser were both a composite of many different scenarios and the projection of an ideal that Moser himself passionately believed in, but which he admitted could rarely be found in fact.[11] A selection of examples will illustrate the extreme variety and lack of any real norms.

In Bavaria, the Elector Ferdinand Maria (r. 1651–79) shared the aversion to diets of his predecessor Maximilian I (r. 1598–1651) and summoned only one, in 1669, when his financial difficulties became insurmountable.[12] That was the first for fifty-seven years, and it was to be the last ever. Despite this, both Ferdinand Maria and his successors had to deal with a committee of twenty deputies (the Verordnung), which soon assumed the power to negotiate taxes and other legislation. The oligarchical nature of the Verordnung was reinforced by its right to co-opt new members to vacancies that arose following a death or resignation. The proviso that someone belonging to the same Estate as the previous holder should fill each vacancy ensured that the nobility retained 50 per cent of all posts, with the other two Estates sharing the rest. That did not mean that the Estates had lost their power. When the Elector Karl Albrecht (r. 1726–45) tried to deny the deputies the right to approve taxes, they threatened to appeal to the Reichshofrat.[13] The Elector rapidly agreed to revert to the usual procedures.

In Hessen-Kassel, the renewal of hostilities between Kassel and Darmstadt over the ownership of Upper Hessen in the last years of the Thirty Years War complicated the problems of restoring order. While the Estates successfully pressed for a rapid dissolution of the army at the end of the war, they were immediately plunged into new controversies over defence costs, over which they had already appealed to the Reichskammergericht in 1647. The hand of Landgrave Wilhelm VI (r. 1637–63) was strengthened by perennial friction between towns and nobles, and in 1655 he was able to exploit this to achieve a compromise that strongly favoured

[8] Haug-Moritz, *Ständekonflikt*, 172–214.
[9] *ADB*, vii, 522–4, and xliii, 60–4.
[10] Krüger, *Verfassung*, 31.
[11] Krüger, *Verfassung*, 13–17.
[12] Carsten, *Princes*, 407–15.
[13] Vierhaus 'Land', 44.

his own position. The Landtag agreed to grant money for the army, while the nobility both gave up their claim to the right to assemble independently of the ruler and failed in their demand for the rescission of the rights of peasants to appeal to the courts against their lords.[14] Thereafter, there were no more plenary sessions and no further challenges to the external policies of the rulers. So-called deputation diets were called on a regular basis, and these voted on taxation and were consulted on general legislative matters. The absence of any spectacular conflict between rulers and Estates, however, reflected the extent to which each side respected the prerogatives of the other and persisted in cooperation, rather than confrontation.

The Bavarian and Hessen-Kassel examples illustrate the difficulty of assuming that a move away from plenary sessions necessarily meant a loss of function or power. Just as subjects became used to paying taxes, many rulers simply learned to live with the traditional procedures for raising them. Few managed to eliminate the Estates entirely. In general, this was achieved only by rulers whose Estates did not include a noble element, such as the Palatinate, Zweibrücken, Baden, Würzburg, or Fulda. Most rulers continued to work with their Estates in one form or another. Indeed the Palatine Electors, who had no Estates in the Palatinate itself, continued to negotiate with Estates in the territories of Jülich and Berg they inherited in 1614 and with whom they reached a working relationship in 1675 after decades of bitter conflict.[15]

The rulers of Brandenburg-Prussia dealt with the various Estates in their realms according to local circumstances. In 1653, they reached an agreement with the Brandenburg Estates, giving the nobility more authority over their peasants in return for a grant of 650,000 Reichsthaler for a standing army; thereafter, the Estates were simply not reconvened, though the nobility continued to exercise political power and assert their collective social identity through regional assemblies.

By the mid-1670s, the East Prussian Estates (outside the Reich in the Kingdom of Poland) were intimidated into submission. The Estates of the newly acquired territories of Eastern Pomerania and Magdeburg were treated more gently, though the result was ultimately the same. In the western Brandenburg territories of Kleve, Mark, and Ravensberg, however, full assemblies of the Estates continued to meet, and to exercise their right to grant taxes, throughout the eighteenth century.[16] At least part of the explanation for this seems to be non-political: the Catholic nobility of the Rhineland provinces fought to retain the diets, since membership of a Ritterschaft (chamber of knights) ensured their continuing eligibility for the lucrative benefices of the Rhineland and Westphalian cathedral and collegiate chapters. The proximity of the duchies to the Netherlands and the diminishing interest of the Prussian rulers in them no doubt also played a part.[17]

[14] Carsten, *Princes*, 180–6; Krüger, *Verfassung*, 27–8. Friedeburg, 'Making', is an important study of the patriotic discourses that accompanied these controversies.
[15] Carsten, *Princes*, 289–318.
[16] Asch, 'Estates' 122–3.
[17] Vierhaus, *Deutschland*, 133–4.

The three significant cases in the first half of the eighteenth century where relations broke down underline the importance of cooperation and coexistence, as well as the continuing governmental functions of territorial Estates. In Mecklenburg, the nobility resisted the attempts of Duke Christian Louis (r. 1658–92), Duke Friedrich Wilhelm of Mecklenburg-Schwerin (r. 1692–1713), and his successor, Duke Karl Leopold (r. 1713–28), to seize control of the administration of taxation.[18] Karl Leopold's attempt to secure victory by calling in Russian troops merely provoked the Estates to call on the leading north German principalities to defend them.[19] An appeal to the Reichshofrat achieved the Duke's suspension in 1728, which finally led to a compromise between the new Duke Christian Ludwig (administrator from 1728, r. 1747–56) in 1755. This agreement, which remained the basis for the Mecklenburg constitution until 1918, reaffirmed the rights of the nobility, including their right to appeal to the imperial courts.

In Württemberg, a territory without nobles, the *Ehrbarkeit* (notables), mainly representatives from the towns, dominated the Estates.[20] From 1699, both Duke Eberhard Ludwig (r. 1693–1733) and Karl Alexander (r. 1733–37) managed to avoid calling a full session of the Landtag. The fact that Karl Alexander had converted to Catholicism while in imperial military service exarcerbated mounting tensions over taxation. A compromise brokered by the emperor restored the rights of the Estates in 1738, removed a Catholic regency, and established a balance between privy councillors and Estates representatives. On attaining his majority in 1744, however, Duke Karl Eugen (r. 1737–93) once again steadily worked to undermine the rights of his Estates, culminating in an attempt to disband them entirely in 1758. Finally, he was obliged to summon a plenary session again in 1763, and, under pressure from both Berlin and the Reichshofrat in Vienna, he concluded a treaty with his subjects (*Erbvergleich*) in 1770. Significantly, no further Landtag was convened for twenty-seven years. Karl Eugen and his advisers preferred to deal with the Estates' deputies, a more manageable oligarchic group than the full assembly.[21]

In East Frisia, it was the combination of the city of Emden and the representatives of the peasantry that resisted the attempts by Count Georg Albrecht (r. 1708–34) and his Chancellor, Enno Rudolph Brenneysen, to subvert the rights of the Estates.[22] Though the Count's forces crushed them in 1727, the emperor intervened to achieve an amnesty for the leaders of the resistance and to reaffirm the validity of the fundamental laws of the territory. Despite continuing problems during the rule of Duke Carl Edzard (r.1734–44), these laws were reaffirmed when the territory was inherited by Brandenburg-Prussia in 1744, though by then the Estates were anxious to cooperate with any reasonable ruling regime that respected local customs and privileges. The East Frisian Estates were unusual in that they included representatives of the peasantry with equal rights alongside nobles and

[18] Hughes, *Law*, 62–7. [19] See pp. 147–8 above.
[20] Haug-Moritz, *Ständekonflikt*, 3–121. [21] Vierhaus, 'Land', 52–3.
[22] Hughes, *Law*, 67–74; Kappelhoff, *Regiment*, 17–18, 32–71; Luebke, 'Signatures', 504–18. See pp. 148–9 above.

urban magistrates. With the help of the Dutch and the grant of a coat of arms by Leopold I in 1678, the East Frisian Estates had secured their rights as co-regents more effectively than most.[23]

Peasant participation also continued to exist effectively in many smaller territories into the eighteenth century. In the absence of both nobles and towns, many saw the development of exclusively peasant bodies at various stages, while some had such institutions more or less continuously during the early modern period. In the Imperial Abbey of Kempten, for example, a Landschaft had existed in 1496 and in 1526–7. It took the ambitious building programme of Abbot Roman Giel von Gielsberg (r. 1636–73) and his equally active successors Rupert von Bodman (r. 1678–1728) and Anselm von Reichlin-Meldegg (r. 1727–47) to revive the institution and give it permanence. The Landschaft represented the interests of the Abbot's subjects in matters concerning taxation and feudal obligations. During the eighteenth century, it even developed the function of a merchant bank for the territory, organizing advances for imperial and Kreis taxes using domestic investments as well as loans raised on external money markets.[24]

Most attention has been focused on those peasant Estates that existed in the minor ecclesiastical lands and counties of the south-west and on some of the Imperial Cities there that owned significant rural land.[25] Several others, less remarked upon but no less functional and often more continuously in existence, survived in Nordelbien (modern Schleswig-Holstein): in Norderdithmarschen, Stapelholm, or Eiderstedt in Gottorp, on various of the North Frisian islands such as Nordstrand, Pellworm, Osterland Flöhr, and Sylt, on Fehmarn off the Baltic coast, and in the Kremper-Marsch and Wilster-Marsch on the northern bank of the Elbe in Holstein.[26] For most of them, however, the state of the coastal defences and drainage systems was probably more important than anything that happened in Gottorp, let alone in the Reich at large.

Estates were not parliaments. They represented the territory as a whole (*Land und Leute*) and defended the rights and privileges of its people, but their members were representatives of their Estates and not accountable to a locality. Even the peasant delegates were more likely to be the richer peasants, often strongly resented by the poorer peasants and the landless. There was a tendency for those represented in the Estates to try to shift the burden of taxation on to those who were not directly represented. They were inherently conservative, rather than inherently oppositional.

The question of how representative the various bodies of Estates were and of their significance, if any, as parliamentary or pre-parliamentary institutions in the longer run of German history has been vigorously debated at various stages since 1945.[27] The apparently more democratic character of some peasant communities, both in Holstein and in the south-west, has inspired some rather inflated claims.

[23] Schindling, 'Leopold I.', 177.
[24] Blickle, *Landschaften*, 342–50, 375–8, 476–7; Petz, 'Ökonomie'.
[25] Blickle, 'Landschaften'; Weber, 'Landschaften'.
[26] Krüger, 'Nordelbien'; Lorenzen-Schmidt, 'Kremper-Marsch-Commüne', 121–8.
[27] Krüger, *Verfassung*, 61–84, gives a clear and balanced survey of the historiography.

The fact that these often cite the arguments about continuity formulated by nineteenth-century politicians, who fought to preserve traditional liberties in the post-1815 political framework or to translate them into the language of democratic liberalism, further confuses the issue. The early modern Estates were not fighting the battles of nineteenth-century liberals and democrats. There was a world of difference between the cooperative structures of a remote North Sea island or a minor rural backwater in south-west Germany and the more complex society of a major territory.

The attempt to demonstrate that either one is the norm from which the other deviated often runs the risk of obscuring the important point. Estates were part of a broad spectrum of representative or quasi-representative bodies with which rulers throughout the Reich still had to deal. If the role they played around 1700 was often less heroic than in the late fifteenth and sixteenth centuries, it was nonetheless important. As the Estates of Württemberg, Mecklenburg, and East Frisia showed, the guardians of a territory still had teeth, just as the Reich still had the ability to intervene against rulers who tried to ride roughshod over the fundamental laws and traditions of a territory.

Many other less spectacular disputes were solved by negotiation, frequently with the mediation of the imperial courts. At a time when the aspirations of rulers to control their lands were higher than ever before and their expenditure rapidly exceeded both their own resources and those of their subjects, the Estates largely continued to participate actively in the business of government. The right to grant taxes continued to be significant, and the fact that it was anchored in imperial law from 1671 acted as a significant constraint on many rulers. Of course, as many commentators pointed out, the threat of imperial intervention did not cut much ice with the more powerful princes.[28] Yet even in those cases, prudent government dictated that one should avoid unduly oppressive taxes: even the 'tamed' Estates of the Brandenburg-Prussian lands needed to be kept content.

[28] Schwennicke, *Steuer*, 284.

30

An Oppressed Peasantry?

The issue of the Estates' defence of liberties and of their representativeness raises the broader question of whether this occurred at the expense of the broad mass of the population. Many nobilities, after all, tried to trade consent for taxes and cooperation generally for increased control over their peasants. Peasant Landschaften, which typically existed in very small territories or, as in Holstein, represented rather small populations of between 1,700 and some 20,000, covered only a small proportion of the Reich.[1] Furthermore, most rulers were only interested in them to the extent that they delivered taxes. From the nineteenth century to the late twentieth century, many historians asserted that the recovery from the Thirty Years War was based on the renewed subjugation of the peasantry.[2] That meant not only their economic exploitation but also the loss of their personal freedom. This happened, it is often argued, primarily in the areas of *Gutsherrschaft* concentrated east of the Elbe, but in some areas to the west of it as well. A version of it also occurred in the areas of *Grundherrschaft*, which also saw the development of elements of a 'second serfdom' from the late sixteenth century to the early eighteenth.

Recent research has yielded a more differentiated picture. The traditional perception of the Elbe as the frontier between a northeastern system of unfree labour (*Gutsherrschaft*) and a Western system of rent-paying peasant holdings has been substantially modified. Second, the perception that servile labour was limited to the system of *Gutsherrschaft* has given way to the recognition of a much more widespread survival of feudal labour services and of repeated attempts in many areas to reintroduce these in the later sixteenth and seventeenth centuries. Third, the role of the Thirty Years War in the further development of servile labour systems, or in attempts to reintroduce them, remains disputed, though it seems clear that the end of the war intensified the focus on issues of labour and manpower in rural areas. Fourth, the traditional view that the peasantry was more or less helpless in the face of these developments has been replaced by awareness of the numerous ways in which peasant communities resisted such impositions, often successfully, and of a legal and intellectual turn against the whole notion of servile labour and servile status that gained ground from around 1650.

Overall, the debates about these issues are complicated by the extreme variety of regional and local circumstances and by the fact that virtually every region employed a different vocabulary. For example, while the term *Leibeigenschaft* clearly denoted

[1] Krüger, 'Nordelbien', 223–4.
[2] See, for example, Sugenheim, *Leibeigenschaft*, 369–75; Heitz, 'Folgen', 351–3.

servile status, it did not always mean the same degree of servility in all regions. In 1701, for example, the Abbot of St Blasien in the Black Forest tried to reassure his serfs that he had no intention of forcing them into 'slavery, as in Bohemia and other places'.[3] Many areas used terms such as *Untertänigkeit*, *Erbuntertänigkeit*, *Hörigkeit*, or *Schollenpflichtigkeit* to denote quite severe degrees of personal servitude, increasingly as *Leibeigenschaft* assumed pejorative connotations from the mid-seventeenth century and was increasingly equated with abject slavery.[4] In addition, the various classes of peasants went by a bewildering variety of names, denoting the extent of their property, the nature of their tenure, or the degree to which they were obliged, either by old or 'new' feudal dues and services, to a landlord or ruler: free peasants known as *Bauer*, *Vollbauer*, or *Hufe*; peasants with good holdings but with obligations as *Freisassen*, *Meier*, *Schulzen*, *Fester*, *Grundholde*, *Hintersassen*, *Hörige*, *Hintersättler*, *Hintersiedler*; smallholders termed *Kossäten*, *Gütler*, *Gärtner*, *Seldner*, *Köbler*, *Kötter*, or *Hintersiedler*; landless *Brinksitzer*, *Insitzer*, *Häusler*, *Bünder*, *Hüttner*, or *Tagelöhner*, who merely owned more or less abject dwellings.[5]

The situation was clearer in the areas of *Gutswirtschaft*. The system had advanced in the first place in response to economic opportunities. The areas where it existed in most pronounced form were the coastal territories of Holstein, Mecklenburg, Pomerania, and West Prussia (Polish until 1772), where landlords were better placed to exploit the opportunities for exporting food to the increasingly hungry West European markets. In Brandenburg, there was a mixture of estates and free peasant holdings; *Gutsherrschaft* and *Leibeigenschaft* were concentrated in the Uckermark and Neumark districts in the north and east, and there were significant variations in the levels of labour service imposed on peasants.[6] In Halberstadt and Magdeburg, acquired in 1648 and 1680 respectively, the *Grundherrschaft* system prevailed with few exceptions. In East Prussia, noble estates with tied serfs existed alongside significant royal landholdings as well as free peasants and fishermen.

Further areas of *Leibeigenschaft* were Lusatia (belonging to Saxony from 1635) and Bohemia. In the Habsburg territory of Silesia, the noble estates drew labour from the services rendered by the offspring of peasants who themselves remained independent, or who hired the labour of smallholding *Gärtner* or *Dreschgärtner*.[7] Straddling the Elbe, Saxony had many areas in which forms of *Gutswirtschaft* existed; west of the Elbe, there were 'islands' of *Gutswirtschaft* in Paderborn, southern Hanover, and Brunswick-Wolfenbüttel, and a similar system existed in parts of Bavaria.[8]

The process of establishing an estate economy was driven by economic opportunities but also shaped by political constellations and considerations. The system was most complete and most harsh where the nobility was strongest, for example in

[3] Luebke, 'Erfahrungen', 187.
[4] Luebke, 'Erfahrungen', 177. See also entries in Haberkern and Wallach, *Hilfswörterbuch*.
[5] Münch, *Lebensformen*, 91; Conrad, *Rechtsgeschichte*, ii, 217–19; Troßbach, *Bauern*, 36–44; Haberkern and Wallach, *Hilfswörterbuch*, i, 297, and other entries for the terms given above.
[6] Enders, 'Pervertierung', 45–51; Melton, '*Gutsherrschaft*', 306–15.
[7] Dipper, *Geschichte*, 119; Haberkern and Wallach, *Hilfswörterbuch*, i, 341.
[8] Troßbach, *Bauern*, 14–15.

Holstein or Mecklenburg. The Bohemian uprising also led directly to the imposition of a more systematic regime of serfdom there from 1627.[9] As the Protestant nobility was expelled, the new landowners and the loyalists were given almost complete powers over their peasants, which they sought to strengthen further in the subsequent decades of labour shortage. In Lusatia, the nobility, whose estates exported to the towns of the populous Saxon Electorate and to Brandenburg, were able to exploit their relative independence from their new Saxon ruler and achieve control over their peasants (*Schollenpflicht*) in 1652.[10]

In Brandenburg, the agreement between the Elector and his Estates in 1653 was traditionally viewed as the historic compromise that founded Prussian absolutism: the Elector got his taxes, and the nobility completed the process of turning peasants into serfs.[11] This no longer seems to be the case. The nobility approached the negotiation from a position of weakness, rather than strength, and were discontented that the Elector failed to give them the powers that they wanted. While they were able to rebuild their war-ravaged and depopulated estates, their peasants were still able to appeal to the higher territorial courts against unfair exploitation. Furthermore, restraints were imposed on the ability of lords to convert peasant land into estate property and thereby create new serfs: the ruler, after all, had an interest in maintaining as large a number of tax-paying peasant households as possible and in having a reservoir of men for his army.

The system of *Gutswirtschaft* remained incomplete in Brandenburg and not as favourable to the landlords as older historians imagined. As in many areas where the system or variants of it developed west of the Elbe, one of the main objectives in the post-war decades was simply to restrict the mobility of labour at a time when labour shortages gave the peasants a natural advantage. Everywhere, nobles sought political and legal sanction for their determination to limit labour mobility with *Gesindeordnungen* in Saxony and Brandenburg in 1651, in Magdeburg in 1652, and in Bavaria and Mecklenburg in 1654.[12]

The salient characteristics of the *Gutswirtschaft* system derived from the fact that the noble was both landowner and judicial authority. The peasant's servile status was hereditary (*Gutsuntertänigkeit*). He was tied to the estate on which he worked (*Schollenpflicht*, or *Bindung an die Scholle*). He could not marry without his lord's permission; his children were bound to become peasants and before they came of age they were obliged to work for their lord for either a specified or an unlimited period of time (*Gesindezwang*). The lord had the right to discipline his people for 'insubordination, persistent laziness, or deliberate neglect of their duties', and to charge a hefty fee in return for a peasant's freedom. It followed that such peasants had to work for their lord and that any land they were given to work for themselves was given purely on a personal basis, without any rights of ownership or heritability.[13] It was small wonder that many lords regarded their serfs as a form of property and gifted,

[9] Maur, *Gutsherrschaft*, 189–201. [10] Dipper, *Geschichte*, 119.
[11] Hagen, 'Crisis', 304–6. For a case study of the lordship of Stavenow owned by the Kleist family, see Hagen, *Ordinary Prussians*, 26–122.
[12] Heitz, 'Folgen', 354; Dipper, *Geschichte*, 125–6. [13] Dipper, *Geschichte*, 122–3.

transferred, and even sold them without land as a commodity. Their legal right to do so was dubious, and rulers generally disapproved, but that did not stop an East Prussian nobleman advertising servile peasants (*Untertanen*) for sale in the Königsberg weekly newspaper in May 1744.[14] The fact that the authors of the *Allgemeines Landrecht* of 1794 found it necessary to ban such sales indicates that they continued.[15] Conditions were clearly harsher in some northen parts of the Reich than elsewhere: even the most rapacious and repressive Swabian abbot might have hesitated to advertise his peasants for sale on the open market.

In the *Grundherrschaft* system, there was greater variety and, generally, much greater security of tenure and ownership. However, even here feudal obligations frequently survived, and attempts were made to reintroduce them or to invent new ones.[16] Economic motives were clearly important. In Bavaria, Salzburg, and the Tyrol, nobles aimed to provide cheap labour by extending feudal obligations to the peasantry surrounding their estates and enterprises such as mills, foundries, or brickworks. Some nobles used peasant labour services to build their new residences in the late seventeenth and eighteenth centuries.[17]

Rulers might also be interested in feudal rights for political reasons. In the small territories of the south and south-west, rulers often used the assertion or reassertion of feudal rights as a means of creating a coherent body of subjects from among the many jurisdictions that they held or in which they shared. This continued into the eighteenth century: the Abbot of St Blasien in the Black Forest was still trying to turn the peasants of the lordship of Hauenstein into serfs in the 1720s, as indeed was the Abbess of St Fridolin in Säckingen, albeit with less success.[18] More important rulers also engaged in such activities. In the 1660s, for example, the Elector of the Palatinate sent his agents out into neighbouring territories to claim as his *Leibeigene* anyone without another master (*Wildfänge*, or 'wild creatures').[19] The immediate underlying aim was the same as in the areas of *Gutsherrschaft*: to restrict mobility and to lay claim to lordship and control over peasants in areas where territorial authority was fragmented owing to the overlap between several lords with different jurisdictions.[20]

Clearly, *Leibeigenschaft* in the context of the *Grundherrschaft* system was nothing like as severe as it could be in the *Gutswirtschaft*. In most areas, the peasants' tenure steadily became more secure. Figures for those affected by a 'second serfdom' in the *Grundherrschaft* regions are difficult to estimate. By the end of the eighteenth

[14] Schmidt, *Geschichte*, 265; Schieder, *Friedrich*, 79; Klußmann, 'Leibeigenschaft', 217–19, 227–8; Blickle, *Leibeigenschaft*, 129; Franz, *Quellen*, 202, 213–14, documents a transaction on the island of Rügen in 1723 and the Königsberg case of 1744.

[15] Conrad, *Rechtsgeschichte*, ii, 219. Sales also took place in other areas: see the contract of sale for a serf, together with his wife and children, by Bernhard von Plettenberg to Ferdinand von Fürstenberg, Bishop of Paderborn, dated 29 October 1680, at http://www.attendorn.de/stadtinfo/historisch/archiv/?id=598 (accessed 4 May 2011).

[16] Troßbach, 'Leibeigenschaft'; Andermann, 'Leibeigenschaft am; Blickle, *Leibeigenschaft*, 198–243.

[17] Dipper, *Geschichte*, 115; Blickle, *Leibeigenschaft*, 239–40, 242–3.

[18] Luebke, *Rebels*, 35–53.

[19] Blickle, *Leibeigenschaft*, 108. See also pp. 262–3.

[20] Andermann, 'Leibeigenschaft am Oberrhein'; Andermann, 'Leibeigenschaft im pfälzsichen Oberrheingebiet'; Troßbach, 'Leibeigenschaft', 79–80.

century, *Leibeigene* comprised some 10 per cent of the population of Württemberg; in Bavaria, it was 2 per cent.[21] For the century after 1650, there are no reliable figures, but the large number of legal cases brought to the Reichshofrat by peasants against minor territorial rulers in particular indicates that the phenomenon was widespread.

A much larger number of people—virtually the entire peasant population in many areas—were affected by the inflation in demand for other labour services. These were generally derived from the prerogatives of the medieval imperial bailiffs (*Vogteirechte*) and the duty of those protected by them (*Schutz und Schirm*) to maintain the bailiff's castle and feed its occupants.[22] In much the same way, a duty of labour service could be derived from a ruler's ownership of hunting rights (the *Jagdfron* or *Jagdfolge*, based on the *Jagdregal*).[23] The precise historical origin of such services was often rather unclear, and their legal justification was dubious. Nonetheless, such demands were made for building (new palaces and churches now, rather than a bailiff's castle), for work in the fields or for assistance in hunting, and they added to an already substantial burden carried by most peasants.[24]

It is disputed just how burdensome these obligations were; they probably varied in form and extent from place to place. For the individual peasant and his family, however, annual payments in kind or in money, labour services, and fees payable on marriage or death often added significantly to an already onerous burden of taxes.[25] Giving up several chickens a year or the best cow (on the death of a peasant) made a big difference to the total income and wealth of many peasant households. The cost of buying one's freedom, where that was possible, was often also considerable. Labour services could be more of an imposition than payments in money or in kind, since they impeded other essential activities.[26] Equally irksome was the fact of unfreedom, of having to ask permission to marry or to move, of being tied to a locality. Resentment at such restrictions was often intense, not least because they threatened the peasants' legal security in other respects. With the exception of a small percentage of rich peasants (*Bauernkönige* in Upper Austria in the early seventeenth century, their equivalents in Westphalia, Bavaria, and Holstein and others parts of the Baltic coast), the overwhelming majority lived precariously on the margins.[27]

This evidence might seem to reinforce the thesis that post-war recovery and reconstruction took place at the expense of the peasantry. Yet the peasants were by no means helpless victims, and some important changes took place in their overall situation in this period. Despite the restrictions on personal liberty and the harsh treatment suffered by many in the areas of *Gutsherrschaft* and the onerous fees,

[21] Blickle, *Leibeigenschaft*, 161–2.
[22] Blickle, *Leibeigenschaft*, 236–43; Blickle, 'Scharwerk'; Zückert, 'Barockbau', 454–5, 457, 464–6.
[23] Eckardt, *Jagd*, 112–26.
[24] On labour service for building (*Baufron*), see Zückert, 'Barockbau', 464–7.
[25] Troßbach, 'Leibeigenschaft', 80–4.
[26] Gagliardo, *Pariah*, 14.
[27] Troßbach, *Bauern*, 36–44. Rich peasants tended be more common in areas that combined *Grundherrschaft* with impartible inheritance.

dues, and labour services imposed on many in the areas of *Grundherrschaft*, most peasants enjoyed increased security of tenure in their land during this period. Even those with the weakest property rights, the so-called *Lassiten*, who did not actually own any land at all but merely enjoyed the use of it for their lifetimes, generally had the right to bequeath their land as long as it remained in their own family. Among this group, lessees with fixed-term contracts (*Zeitpächter*), or those granted the use of a plot with no security of tenure at all, were probably a very small minority.[28]

The peasantry also had a variety of means of resistance and redress. In the areas of *Gutsherrschaft*, many simply sought to shed the burdens of *Leibeigenschaft* by escaping. The reiteration of decrees concerning the punishment of absconded serfs and the frequent conclusion of 'extradition' agreements between territories for the return of such individuals indicate just how serious this problem was. The Marxist historians of the GDR referred to it as one of the 'lesser forms of the class struggle'.[29] That in itself enforced certain minimum standards on many estate owners. A further constraint was the fact that rulers in the areas of *Gutsherrschaft* routinely ensured that peasants could appeal to the higher territorial courts against their lords if unreasonable demands were made or treatment became intolerable. The Brandenburg nobility repeatedly complained about the cases brought against them by their peasants, some in the form of 'class action' suits by whole villages.[30] The government frequently enjoined the peasants to obedience and hard work, but refused to curtail their rights of legal petition. The same position prevailed in Saxony and Hessen, where access to the courts was also secured in the face of landlord opposition.[31] In extreme cases, direct action was always a possibility, though one that was more often threatened than carried out.

In the areas of *Grundherrschaft* the remedies were more varied. Escape was easier, because the restrictions and controls were less severe. At the end of the Thirty Years War, many *Leibeigene* in Württemberg were simply listed as 'missing', though that gave further impetus to attempts to regain control over labour.[32] At the same time, however, there was a growing tendency to permit both individuals and groups to buy their freedom. This practice seems to have become sufficiently widespread by the mid-eighteenth century to justify Johann Jacob Moser's inclusion of freedom of mobility among the fundamental rights of all Germans, with the exception only of those areas in which a 'harsh *Leibeigenschaft* is customary'.[33] Many territories simply began to print certificates proving that an individual had purchased his freedom.[34]

The development of routine transactions implies that many peasants accepted their servile status and obligations as legal. Some, however, did not. When some of the peasant leaders of Hauenstein sought to conclude a mass purchase agreement with the Abbot of St Blasien in the 1720s, others violently opposed because they did not recognize the Abbot's rights in the first place.[35] The two decades of 'uncivil

[28] Dipper, *Geschichte*, 123–4; Gagliardo, *Pariah*, 12–13.
[29] Blickle, *Leibeigenschaft*, 243. [30] Hagen, 'Crisis', 317–19.
[31] Carsten, *Princes*, 203–4; Schulze, 'Widerstand', 136. [32] Blickle, *Leibeigenschaft*, 160.
[33] Blickle, *Leibeigenschaft*, 210; Feller, 'Bedeutung', 50. See pp. 193, 489.
[34] Blickle, *Leibeigenschaft*, 161; Blickle, 'Willkür', 162–4. [35] Luebke, *Rebels*, 54–89.

war' between rival peasant factions that ensued in Hauenstein revealed a depth of opposition to the various forms of servitude that is perhaps more characteristic than their passive acceptance. Many sought the assistance of the territorial or imperial courts of law against the demands of landlords and rulers. The history of numerous communities and regions in the century after 1648 was a history of protracted legal wrangling and periodic uprisings as peasants sought to resist new demands for labour services or taxes or to preserve their rights over common land and forests.

Research over the past few decades has uncovered a wealth of evidence that undermines the old idea that the German peasantry was broken by the failure of the Peasants War of 1525. Even areas such as the Lower Rhineland, traditionally thought to have been peripheral to the Reich and characterized by a weak sense of identification with it, in fact reveal patterns of peasant protest that made full use of the Reich's legal institutions. The peasants of the Abbey of Kornelimünster, for example, a minute territory of 100 km^2 south of Aachen, murdered their lord in 1699, but they also spent over a century fighting the demands he and his predecessors and successors made of them in repeated suits launched at the Reichskammergericht.[36]

If the imposition or revival of old feudal obligations after 1648 was largely contained and rarely commercially exploited, that was not least the result of the stubborn opposition of the peasantry. The juridification of the Reich, its development of legal structures that guaranteed rights and liberties and obviated the need for violence, played a key role here. Violent action did not cease, but it more frequently became embedded in the legal procedure: both peasants and their lords resorted to it, calculating its impact in the lengthy negotiations and mediations that would inevitably ensue. Moreover, as their property rights became more secure, peasants often became more cautious about outright rebellion; equally, their rulers only used military force as a last resort, particularly if they had to 'borrow' soldiers from a neighbour, who might easily seek to exploit a temporary advantage.[37]

In fighting their legal battles, the peasantry did not stand alone. Increasingly, the peasants had legal opinion and public opinion behind them. From about 1648, the term *Leibeigenschaft* assumed distinctly pejorative connotations.[38] Legal authorities, including the lawyers who represented the peasants in court, frequently cited the natural freedom and inalienable rights of their clients. The view that *Leibeigenschaft* in its many forms was quite distinct from slavery steadily gained ground.[39] In 1661, for example, the representatives of the Saxon towns and their legal advisers from the University of Wittenberg opposed the introduction of compulsory labour services for the children of peasants. It represented, they argued, a form of servitude that had never existed in Saxony, and it contradicted 'the hereditary liberty of the

[36] Gabel, *Widerstand*, 116–307; Gabel and Schulze, 'Peasant resistance', 128–32; Blickle, *Leibeigenschaft*, 155–7; Troßbach, *Bauern*, 78–87.
[37] Schmidt, *Geschichte*, 243.
[38] Blickle, 'Willkür', 167–71; Enders, 'Pervertierung', 51.
[39] Blickle, *Leibeigenschaft*, 124, 163, 259–60, 272, 276–7, 290, 308.

Germans, the natural liberty and equality [of all] and the right of emigration' (*ius emigrandi*) defined in the Peace of Westphalia.[40] Peasants' legal representatives increasingly argued from the premise of the equality and freedom of all. Both territorial and imperial courts tended to proceed on the basis of a *praesumptio pro libertate*, which forced landlords to prove the legality of their demands, rather than in the first instance to oblige peasants to justify their resistance.[41]

Like all such legal procedures in the Reich, this kind of litigation generated its own extensive literature. By the late seventeenth century, the *Bauernrecht* had become a well-established genre: a growing corpus of published case law complemented learned debates about whether Roman-style slavery had ever existed in German history.[42] Some authors defended the rights of landlords. Most, however, followed the influential work of David Mevius, who denied that Roman law concepts could be applied to Germany and argued that even those who had duties as *Halbeigene* (literally, 'semi-serfs') were at the same time fundamentally free.[43] His conclusion that it was not possible to determine the precise nature of the peasants' obligations and freedom left things unresolved. Yet it provided Thomasius with the starting point in 1701 for the argument that peasants were essentially as free or as unfree as Imperial Knights and citizens of Imperial Cities.[44]

Thomasius's provocative comparison of nobles and peasants reinforced Mevius's argument that local law and traditions had generated myriad variations, each of which could only be understood on its own terms and none of which could be used to deny the peasants any rights at all. By the early eighteenth century, the vocabulary of the later debate about peasant emancipation was already fully developed. The polemical equation of *Leibeigenschaft* with slavery was indicative of a remarkable transformation in attitudes that unfolded after 1648.[45]

The peasantry undoubtedly carried the major burden of taxation and of obligations to their lords. In many parts, they were, however, able to resist the imposition of further burdens. They were, moreover, supported by a growing body of legal opinion. Of course, none of this cut much ice with landlords in the *Gutsherrschaft* system. Their perceptions were only changed, if they changed at all, when in some areas they began to believe that they could better manage their estates in different ways. That happened largely after 1750, when population growth had once more provided a sufficiently large supply of labour for hire. Yet by 1750, the climate of legal and educated opinion was decisively opposed to *Leibeigenschaft*. The scene was already set for the debate about the emancipation of the serfs that became one of the key issues of the second half of the eighteenth century and first half of the nineteenth century.[46]

[40] Schmidt, *Geschichte*, 241–2.
[41] Schulze, 'Widerstand', 136; Schulze, 'Bauernrecht', 150–3; Blickle, 'Willkür' 164–7.
[42] Schulze, 'Bauernrecht', 145–63.
[43] Schulze, 'Bauernrecht', 146–8; Blickle, *Leibeigenschaft*, 271–3.
[44] Bader, 'Dorf', 22–4.
[45] Blickle, 'Willkür', 168–71.
[46] See pp. 498–500.

31

Government and Society

There is general agreement that the volume of legislative activity in the German territories increased substantially during the century after the Thirty Years War. From about 1680, almost all territories produced a steady flow of regulations with an intensity that was surpassed only in the decades after 1750. To some extent, this simply continued a trend that had developed over the sixteenth century, which aspired towards increasingly comprehensive regulation of society, but there were also new departures. The need to restore order and control after the war was a powerful incentive for further attempts at imposing 'social discipline' more intensively than ever before. Economic issues assumed greater significance, with mercantilist or cameralist ideas prompting efforts to stimulate economic activity as well as simply regulate it.

There was also a general shift away from the catch-all statute or *Ordnung* towards a steady stream of specific edicts, mandates, rescripts, decrees, and privileges. This was partly the result of perceived disadvantages and difficulties attached to the traditional form of *Policeyordnung*. They had to be negotiated with the territorial Estates, and it took time to formulate and agree them. Moreover, they frequently contained many redundant clauses that were simply carried forward, and by the time they were promulgated, new problems had often arisen. Individual mandates and the like could be issued directly without consulting the Estates and in response to problems as they arose. On the other hand, it remained the case that much territorial legislation was formulated in the light of the framework legislation or negotiations over proposals for such legislation in the Reich and the Kreise. This was particularly important in relation to currency matters and the problem of vagrancy.[1] Equally, both inter-territorial cooperation and inter-territorial competition served to generate similarities in legislative programmes. Of course, that did not prevent differences of emphasis between territories, between regions, or between Catholic and Protestant areas.

Greater and more wide-ranging legislative activity has often led to the assumption that government actually became more controlling, more effective, and more 'modern'. Rulers who built palaces and formed standing armies, it was often assumed, also needed greater control over their resources. 'Absolutist' princes desired control as an end in itself and needed it in order to realize their ideal of

[1] Härter, 'Kurkölnische Policeygesetzgebung', 212.

rulership. Recent research has, however, questioned old assumptions about legislation and its effectiveness.

There is little evidence that legislation as a whole became more effective. The frequent reiteration of regulations may suggest that many were flouted or ignored. On the other hand, laws were routinely reissued when a new ruler came to power, especially after elections in ecclesiastical territories.[2] Some have argued that reiteration was the natural consequence of a society in which the great majority was nonliterate, suggesting the need to refresh memories on a regular basis, rather than routine disobedience through ignorance. Others have pointed out that some reiteration of laws was frequently aimed at delinquent officials, rather than at the people generally. In general, however, the evidence for the ineffectiveness of much legislative activity remains compelling, even as its volume remains testimony to the very real optimism within the political elite about what legislation could achieve.

Fundamentally, this is a question about the 'reach' of government in the German territories. To what extent were the differentiation of court and administration and the elaboration of central administrative bodies matched by an effective governmental system at the regional and local levels? Here, it rapidly becomes apparent that in most territories government and its effective operation depended on varying degrees of compromise with corporate bodies such as the nobility, towns, guilds, and village communes, among others. The fragmented or scattered nature of many territories often further enhanced their standing and their capacity to assert their privileges or autonomy. In many territories, there was great uncertainty about whether edicts promulgated by a ruler were enforceable in those subsidiary districts (Unterherrschaften) whose lords were subject to the ruler's *Landeshoheit* but who were otherwise autonomous and in possession of independent jurisdictional powers.[3]

The German territories generally were 'corporative states', conglomerates of such privileged institutions, and successful government depended on effective negotiation with them.[4] Most were divided into administrative districts or bailiwicks (Ämter), and the governor (*Amtmann*) was appointed either by the prince himself or by the governing council. He operated from a district town (*Amtsstadt*) and he generally occupied a minor residence, a small castle, or fortified house. He was often a nobleman, though his urban equivalent, the *Stadtschreiber* or town secretary, was generally not. In the areas of the *Gutsherrschaft*, many of these functions were carried out by the nobility, and estate owners also exercised judicial powers over their peasants: the 'state . . . stop[ped] at the gates of the manor'.[5] The only other centrally appointed officials in Protestant areas were the pastors, deacons, and schoolmasters, who were appointed by the Konsistorium or Kirchenrat. With regard to Catholic areas, recent research has tended to emphasize a considerable

[2] Hersche, *Muße*, 668; Schlumbohm, 'Gesetze'.
[3] Conrad, *Rechtsgeschichte*, ii, 318; Haberkern and Wallach, *Hilfswörterbuch*, ii, 630; Härter, 'Kurkölnische Policeygesetzgebung', 222.
[4] Ogilvie, 'State', 182–99; Press, *Kriege*, 330.
[5] Ogilvie, 'Social disciplining', 71.

degree of independence of local Church structures from secular government: the lesser clergy cannot simply be regarded as agents of a disciplining secular power.[6]

A successful government was one that realized how dependent it was on the goodwill of the localities.[7] Legislation was effective only to the degree that a ruler's administrators skilfully managed local relationships. The key was the interaction of the normative aspirations of government and government practice with the local community. The authorities were in constant dialogue with the communities, and the latter both largely determined the manner and extent of the implementation of policy and informed the formulation of future legislation. Government power reached its limits, moreover, in areas where the villages formulated their own norms and possessed the means to police them without recourse to the courts.

On the other hand, the community depended on the justice system of the territory. When the authority of a local court or official was undermined by conflicts of interest or the like, plaintiffs or petitioners often appealed to higher officials to settle their grievances, which again gave central administration the opportunity to influence local conditions. Above all, it seems clear that in many different fields norms were formulated in response to the demand from below for 'gute Policey' in relation to security, order, morality, and the like. They were most effectively enforced in collaboration with the communities, especially where violations 'threatened the interests of the overlord or the village elite that dominated the communal administration'.[8] The role of village elites was generally paramount. The peasant commune was far from being an undifferentiated mass given solidarity by a common 'class' interest. Strong communes were often those dominated by an 'oligarchy of well-off male householders, who had strong incentives to control the behavior of the lower social strata, outsiders, women, migrants, deviants, and other marginal individuals'.[9]

Two important questions remain. First, it is unknown how much 'social discipline' was actually imposed in large parts of the Reich. In the long term, the legislation generated by the collaboration of governments and communities did seem to have created at least a framework of norms that conditioned attitudes and behaviour. Second, were the Catholic territories, especially ecclesiastical territories, less strict than Protestant territories, especially those with military ambitions?[10] Detailed analysis of legislation in the Electorates of Mainz (1648–1729) and Cologne (1723–61) suggests a pattern that is comparable with both Catholic and Protestant secular territories.[11] The development of quite distinct confessional cultures after 1648 did not manifest itself in general legislation.

[6] Forster, *Catholic revival*, 9, 15.
[7] Holenstein, *'Gute Policey'*, and Härter, *Policey*, are exemplary studies of Baden-Durlach and Mainz, respectively; Härter, 'Kurkölnische Policeygesetzgebung', is a valuable case study of the Electorate of Cologne.
[8] Ogilvie, 'Social disciplining', 72.
[9] Ogilvie, 'Social disciplining', 74.
[10] Hersche, *Muße*, 244.
[11] Härter, 'Gesetzgebung', and Härter, 'Kurkölnische Polizeygesetzgebung'.

The vast range of subjects covered by legislation perpetuated the trend to comprehensiveness already evident in the sixteenth century. The edition of laws and mandates of the German territories in the process of publication since 1996 covers the whole of the early modern period, but its organization serves to give a good impression of the subject matter for the late seventeenth century, which in many ways marked the inception of the classic period of German territorial legislation. Five broad thematic fields were subdivided into twenty-seven groups and some two hundred sub-groups in all, comprising over 1,200 specific subjects.[12] These included everything from morality and sexuality to personal and family life, everyday and luxury consumption, guardianship and inheritance, conditions of work and property ownership, crime, censorship, and the administration of justice. Social policy was represented by measures regulating poor relief and public health. Cultural policy covered education and aspects of the regulation of religious worship and practice both by 'official' or public religions and, in many cases, by minorities tolerated to varying degrees. Infrastructure regulation included mandates concerning roads and waterways, the regulation of trade and both ancillary and financial services, or the regulating of building activities. The management of key resources was covered by a mass of ordinances concerning agriculture, forests, hunting, and fishing.

In many fields, the legislation of the late seventeenth century simply reiterated or extended previous measures. Perhaps to a greater degree than before, the shift towards specialized mandates led to the pattern of legislation reflecting actual problems. Two thirds of the laws issued in Cologne between 1723 and 1761, for example, concerned military matters (transit of 'foreign' troops, provisioning of troops, and recruitment by 'foreign' powers), trade (especially relating to food supply but also including tolls, roads, and waterways), currency, vagrants, and beggars. Next in importance after these four headings came judicial regulations, laws on agriculture, forestry, and hunting, followed by mandates concerning gambling, alcohol consumption, and music and dancing on Sundays and feast days. [13]

Management of the poor and the control of migrants and vagrants came to assume a far greater role in the activities of government. During the late seventeenth century, most major German cities began to establish penal workhouses following the example set by the Netherlands and the four major north German ports at the beginning of the century. Protestant cities led the way, though Vienna had a penal workhouse as early as 1670; Munich and Cologne followed in 1682 and 1696, respectively.[14] In the Catholic territories generally, the traditional forms of poor relief seem to have prevailed during the second half of the seventeenth century.

[12] Härter and Stolleis, *Repertorium*, *passim*: the short introductory essays for each region reflect the different focus of interest of the various compilers; the classification of laws is more or less consistent. Raeff, *Well-ordered police state*, 11–179, remains an excellent introduction in English. Wakefield, *Police state*, provides much useful evidence for the inadequacy of cameralist practice, which does not, however, invalidate the aspirations or detract from the particular character of German territorial government in the European context.

[13] Härter, 'Kurkölnische Policeygesetzgebung', 208–9.

[14] Jütte, 'Poverty', 399; Hippel, *Armut* 50–1; Wolter, *Armenwesen*, 330–4, 338–61 (with a specific focus on Eisenach).

There too, however, the problem of poverty, or rather the problem of the migrant poor, became a prime concern of government from the early eighteenth century.[15]

The need to distinguish between the deserving poor and criminal vagrants led to a mass of legislation against beggars, vagabonds, gypsies, and itinerant Jewish pedlars ('Pack-Juden'). Public order and security were the main concerns, though disease control was also intermittently an objective. The three Rhineland Electorates were particularly vulnerable: the Electorate of Cologne, for example, was at no point more than 20 km wide, which made real control of the migrant and travelling population virtually impossible.[16] Similar problems in Mainz and Trier led to early cooperation between the Electors: systems for providing the deserving poor with passes or badges and jointly organized transports of condemned gypsies and vagrants to the galleys in Venice in the early eighteenth century.

In Cologne, the punishment of despatch to the galleys was finally replaced by imprisonment in a Zuchthaus established at Kaiserswerth in 1736. There, the punishment was intensified by withholding the length of sentence from offenders, which was intended to add despair to the misery of incarceration.[17] During the 1730s, penal workhouses were founded in Münster, Paderborn, Fulda, and Würzburg; Mainz followed suit in 1742. The persistence of the mendicant and other religious orders in dispensing meals to the poor, regardless of whether they were 'worthy', still tended to subvert any official efforts to deal with travelling folk.[18] By the mid-eighteenth century, however, the Catholic territories had developed as 'modern' and robust an attitude to the criminal poor as their Protestant counterparts.[19] The policies and institutions with which they faced the period of accelerated population growth in the second half of the century were also just as inadequate.

If *Polizei* was broadly concerned with internal order, cameralism aimed to enhance the revenues of the ruler by enhancing his subjects' productiveness and 'happiness'. The emphasis on the revenues of the ruler as the primary concern of cameralism indicates a difference between this emerging German science and the mercantilist discourses of the maritime nations of Britain, France, and the Netherlands.[20] This reflected the idiosyncratic governmental traditions of the German territories. English and Dutch writers strongly influenced the main German theorists of the second half of the seventeenth century and Dutch institutions and regulations were widely emulated.[21] Yet in Germany, economic interests remained ultimately subservient to the needs of government; the economy was secondary to the aim of stabilizing and increasing the powers of the ruler. The

[15] Härter, 'Gesetzgebung', 110–21.
[16] Härter, 'Kurkölnische Policeygesetzgebung', 222.
[17] Härter, 'Kurkölnische Policeygesetzgebung', 224.
[18] Hersche, *Muße*, 785–6.
[19] Hersche, *Muße*, 791–2, dates the change to the 1760s, but the evidence presented by Härter suggests that the period *c.* 1720–40 was crucial: Härter, 'Gesetzgebung', 110–21, and Härter, 'Kurkölnische Policeygesetzgebung', 212–29.
[20] Tribe, 'Cameralism', 272–3.
[21] See p. 190 (for Dutch and British influences in the *Acta Eruditorium*), 192–3, 196.

essentially political thrust of cameralism informed many of the projects pursued in its name. It was shaped by the necessities of reconstruction after the Thirty Years War, an experience that many areas, especially in the west and north of the Reich, suffered repeatedly in the conflicts that continued until the 1720s.

Immediately after 1648, restoring the population was an urgent priority. Some of the losses incurred during the war were soon made good by migration; many governments offered vacant land or houses to newcomers or promised short-term tax concessions or privileges for craftsmen.[22] Swiss peasants, herdsmen, and labourers, notably from Berne and Zurich, settled in Alsace and Baden, and Flemish and Walloon wool weavers soon joined them. The Saar region attracted migrants from Lorraine and the devastated lands of the Palatinate and Trier as well as settlers from Switzerland and hawkers, shopkeepers, and merchants from the Upper Italian lakes. Württemberg experienced immigration from Switzerland, the Vorarlberg, Bavaria, and the Tyrol. Religious refugees from the Austrian lands settled in Franconia and Swabia. In the north, Magdeburg attracted settlers from Lower Saxony. The Electorate of Saxony benefited significantly, and Brandenburg to a lesser extent, from the departure of over 150,000 religious refugees from Bohemia.[23]

The migrations continued for several decades. Few brought instant stability, since many migrants settled only temporarily before moving on to a more attractive location or to a more generous ruler: even if they started out as victims of persecution or refugees, they ended up making choices and striking deals with local and regional governments. Not all migrations represented a net gain for the Reich. Some represented inter-regional movements and, on occasion, resulted from fierce competition between rulers for new subjects. New towns established in the late sixteenth century were now further promoted. The Counts of Hanau-Münzenberg, for example, had founded Neu Hanau in 1596 to accommodate, and exploit, the potential of Flemish and Walloon refugees who could not gain residence in the Imperial City of Frankfurt am Main. Further refugees were easily integrated after 1648.[24] The Counts of Wied-Neuwied established Neuwied in 1653 as a new residence following a dynastic dispute which left the previous residence, Dierdorf, in the hands of the senior line of Wied-Runkel.[25] From the outset, all manner of refugees and minorities were actively encouraged to settle there.

Occasionally, rulers adopted a more aggressive approach. One of the most controversial repopulation initiatives was the attempt by the Palatinate to exploit a jurisdiction allegedly granted by Maximilian I in 1518, giving the Elector the right of protection over anyone who had no rightful lord in a region that extended far beyond the splintered territories of the Palatinate itself.[26] In 1651, the Elector ordered his officials to draw up lists of all such individuals, or *Wildfänge* ('wild creatures') as they were termed. Since only a quarter of the Elector's original

[22] Pfister, *Bevölkerungsgeschichte*, 49–50. [23] Schunka, *Gäste*, 18–35.
[24] Dölemeyer, *Hugenotten*, 129–35; Gerteis, *Städte*, 21.
[25] Köbler, *Lexikon*, 787–8; Gerteis, *Städte*, 22–3; Grossmann, 'Toleration', 121–3; Grossmann, 'Neuwied', 22–5.
[26] Blickle, *Leibeigenschaft*, 106–11; *HDR*, v, 1421–3; Dotzauer, 'Wildfangstreit'. See also p. 252 above.

subjects remained at the end of the war, the need for replacements was urgent. Refugees and migrants from Switzerland and Flanders seemed to offer an ideal opportunity. By 1665, the Elector's agents had found 17,053 *Wildfänge*, who would have contributed some 50,000 gulden in taxes or 12 per cent of all revenue; their capital value was estimated at just over 1 million gulden.

The problem was that these people were resident in the lands of the Prince-Bishops of Worms and Speyer, the Wild- und Rheingrafen (the Counts of Salm), and various Imperial Knights. They denounced the presumed imperial privilege as a fiction—the Elector was not able to produce the original document—and they viewed the Palatine operation as nothing short of theft. Indeed, no less than 98.2 per cent of the already severely depleted population of the territory of Worms were claimed as *Wildfänge*.[27] By 1665, the dispute threatened to escalate into a regional war; an imperial commission failed to resolve the issues, which were only settled by a series of bilateral treaties concluded between 1693 and 1749. For the Palatinate, however, this was one of a package of repopulation measures that resulted in a doubling of tax revenue between 1659 and 1671.[28] The real benefit was admittedly limited by the wars that once more devastated the Palatinate from 1673 until the end of the century. At least some of the long-term efforts of the Palatine government and its neighbours at repopulation were undermined when up to 50,000 left the region following the harvest crisis of 1708–9 to seek a better future in America or in Hungary. Some 15,000 Palatine Protestants ended up in London, stranded in a tent city in Blackheath, Greenwich, and Camberwell, in the winter of 1709.[29]

The most notable populationist policies (*Peuplierungspolitik*) were those that gave refuge to religious minorities and refugees. The Jews and the various Protestant victims of Catholic persecution were the most notable beneficiaries. Their history illustrates the aspirations, practical problems, and limitations of cameralist populationism.

The Great Elector Frederick William's instruction to his agent in Vienna in April 1671 to find forty to fifty Jewish families willing to settle in Brandenburg is often cited as yet another example of Brandenburg-Prussian progressivism.[30] In fact, it was part of a broad trend. The expulsion of the Jews, numbering some 3,000, from Vienna, was the exception, carried out on the advice of the Bishop of Wiener Neustadt and after the Viennese citizenry had declared itself willing to compensate the emperor for their loss. Even in Austria, the events of 1669–70 were not typical: a small community was re-established informally in Vienna in the late 1670s, by

[27] Dotzauer, 'Wildfangstreit', 95. The proportion for Speyer was 59.95 per cent; the Imperial Knights faced a loss of 87.56 per cent and the Wild- und Reingraf 75.38 per cent. See pp. XX above.

[28] Dipper, *Geschichte*, 284.

[29] Pfister, *Bevölkerungsgeschichte*, 57–8; Schulte Beerbühl, 'Flüchtlingshilfe' 303, 310–15; Otterness, *Becoming German*, 19–77; Fenske, 'Migration', 336–7. The London 'Palatines' in fact came from Hessen, Nassau, and Württemberg as well as the Palatinate; their migration was prompted by the so-called 'golden book', a pamphlet by Joshua Kocherthal, which claimed Queen Anne was offering transit and free land in America. Relatively few actually made the onward journey from London: some were settled in Ireland; many simply returned home.

[30] Jersch-Wenzel, *Juden und 'Franzosen'*, 26–7; Israel, *European Jewry*, 120–1.

which time concessions had been granted to new Jewish communities in Bohemia, Silesia, Hungary, the Tyrol, and Trieste.

In the Reich generally, the pattern of Jewish settlement became more complex.[31] Few of the Imperial Cities that had expelled their Jews in the sixteenth century readmitted them now. The large Jewish community at Frankfurt survived, as did the smaller communities at Worms, Friedberg, and Regensburg. Only in Hamburg, however, was a significant new community established after 1650. Most Imperial Cities merely permitted Jews to attend markets rather than to settle permanently.[32] Some territories also remained closed to the Jews, notably Bavaria, Saxony, Mecklenburg, Pomerania, and Württemberg.

In many territories, by contrast, rulers had been promoting small communities of Jewish merchants in their capitals since the end of the war, and many now again actively promoted rural Jewish settlement as well.[33] The Palatinate stands out with the promotion of a thriving community in the new city of Mannheim, which numbered some 150 families by 1699. In Berlin, the Elector's instruction resulted in the settlement of just nine families, of whom only seven came from Vienna. By 1688, some forty families had settled there, with a large increase in the 1690s bringing the total to 117 families (seventy with permits) by 1700, comprising just 2 per cent of the total population of the city. By then, small communities were scattered throughout the Elector's lands, with some 2,500 in Brandenburg alone.[34] Even in the most tolerant and liberal centres, the Jews remained dependent on the ruler and restricted in their activities. They were excluded from the craft guilds, while in the eighteenth century 'the new Jewish silk and tobacco manufacturers of Berlin, Hanover and Mannheim . . . were obliged to employ primarily Christian rather than Jewish labourers'.[35]

The most important areas of Jewish rural settlement were in the south-western and Middle Germany. These were the classic areas of small and fragmented territories, where Imperial Knights and Imperial Counts sponsored Jews both in order to increase their revenues and in order to assert their status as immediate lords in the Reich with the right to grant protection to the Jews.[36] Some thirty territories now developed formal Landschaften of the Jews, structured organizations with constitutions that regulated community life, negotiated with the territorial government, and maintained contacts with other organizations in the Reich and abroad.[37]

The 'court Jews' were thus merely the pinnacle of a whole pyramid of Jewish communities in the Reich. Their numbers appear not to have been seriously depleted by the war, and they were strengthened by Jewish refugees from the Ukraine in the aftermath of Bogdan Chmelniecki's uprising in 1648.[38] Excluding Austria, there were perhaps 60,000 Jews in the Reich around 1650, a total that rose to some 70,000 by 1750. While the majority, perhaps some 60 per cent, 'lived a

[31] See also Volume I, pp. 547–50.
[32] Friedrichs, 'Jews'; Whaley, *Toleration*, 80–4.
[33] Battenberg, *Juden*, 97–9.
[34] Jersch-Wenzel, *Juden und 'Franzosen'*, 44–5, 58–64.
[35] Israel, 'Germany', 302–3; Jersch-Wenzel, *Juden und 'Franzosen'*, 181.
[36] Battenberg, *Juden*, 33–6; Ullmann, *Nachbarschaft*, 36–40, 473–81.
[37] Battenberg, *Juden*, 39–41, 105–7; Israel, *European Jewry*, 157–9.
[38] Battenberg, *Juden*, 33.

marginal existence of poverty, peddling, begging and thieving', those above that level, generally *Schutzjuden* with a formal permit of residence or contract, played a vital role.[39] The 'court Jews' provided 'cash, credit, military supplies, horses and contacts with Europe's chief commercial centres, such as Amsterdam and Hamburg', as well as exotic goods such as spices, jewellery, and oriental porcelain.[40] In cities and towns, the Jews acted as merchants, money changers, and factors. In the rural areas, they were small dealers, hawkers and itinerant buyers, but also smallholders, often part-time.

The links between these communities are not fully understood, and much remains obscure about the relationship between the Jews and their Christian neighbours, especially in the rural areas. On the one hand, it is clear that rulers who promoted Jewish settlements generally made every effort to vet the backgrounds of those to whom they gave residence permits. The recipients of these permits were often as keen as the authorities to exclude those without permits and itinerant beggars (*Betteljuden*).[41] On the other hand, it is unlikely that the 'court Jews' could have functioned effectively as factors and suppliers of everyday commodities as well as exotic goods without contacts lower down the scale as well as abroad.[42]

In the areas of rural Jewish settlement, there was close interaction between Jews and Christians as well as perennial conflict over such matters as the use of communal grazing. While each community pursued its religious worship publicly, and each had a separate communal life, the village as a whole was represented by the Christians, even though in some villages the Jews might comprise up to two-thirds of the population.[43] The town of Fürth, jointly ruled by the cathedral provost of Bamberg and the Margrave of Brandenburg-Ansbach, was exceptional in permitting the Jews, who made up 20 per cent of the population, to send two representatives to the town council. Here, the Jews benefited from the competition between the two rulers for patronage of the Jews, which secured them considerable professional freedom from restrictions by the guilds. Another exception was Sulzbach, where from 1666 Duke Christian August of Pfalz-Sulzbach (r. 1656–1708) included a Jewish community in an unusually tolerant town. By 1720, it had grown to include some 150 families and Sulzbach was one of the few places where there was, for a period of some fifty years at least, an attempt to engage with the Jews intellectually as well as to benefit from them commercially.[44]

Such islands of genuine toleration, where limited integration at least began, were rare and created only by the commitment of an individual ruler. In general, most Jews continued restricted lives that were sharply segregated from the Christian environment they inhabited. The century after the Thirty Years War saw a significant diversification of Jewish communal existence, and the Jews achieved the kind

[39] Israel, 'Germany', 303.
[40] Israel, 'Germany', 300.
[41] Jersch-Wenzel, *Juden und 'Franzosen'*, 68–9.
[42] Israel, 'Germany', 300.
[43] Ullmann, *Nachbarschaft*, 467–72; Battenberg, *Juden*, 98; Häberlein, 'Grenzen'.
[44] Israel, *European Jewry*, 124, 189; Wappmann, *Durchbruch*, 229–48.

of economic significance they had not enjoyed since the fourteenth century. Yet they remained a marginalized group whose position in society was precarious.

The various Protestant refugee groups ultimately integrated more successfully. Furthermore, there was political capital to be made out of accepting them, as well as potential economic gain. The Huguenots expelled from France after the revocation of the Edict of Nantes in 1685 were the most significant group, with roughly 40,000 of some 200,000 who left France settling in the Reich. No one exploited the political potential of the crisis better than the Great Elector in Berlin. The Edict of Potsdam, which offered them refuge in Brandenburg, was more generous than the offers already made by Brunswick-Lüneburg-Celle and by Hessen-Kassel. It was also printed and despatched to France for circulation, while the Elector's agents in Amsterdam, Frankfurt am Main, Cologne, and Hamburg actively approached new arrivals there with offers of money, passes, and transit to Berlin.[45] Nearly 20,000 of the Huguenots ended up in Brandenburg-Prussia. By 1700, there were 6,000 to 7,000 in Berlin alone, roughly one-third of the city's population; they had established new industries producing clothing and luxuries for the court; the first lending library for the 'colonie française' was established as early as 1704.[46]

Many other German Protestant territories also sought to attract Huguenot settlements: Hessen-Kassel, Hessen-Darmstadt, and the counties of the Wetterau, in particular Wied and Hanau; Baden-Durlach, Württemberg, and the Palatinate; the Margravates of Ansbach and Bayreuth; Brunswick-Lüneburg and Brunswick-Wolfenbüttel. All offered generous tax concessions and grants of housing. Some established new towns and villages. The Counts of Wied had founded Neuwied in 1653. The Landgrave of Hessen-Kassel founded Karlshafen in 1699 at the confluence of the Diemel and the Weser, envisaged as a gateway to the world for land-bound Hessen.[47]

Most rulers, however, were essentially interested in the prosperous merchants and skilled manufacturers, and both Hessen-Kassel (in 1688) and Brandenburg (in 1692) imposed a temporary moratorium on new arrivals when it became clear that many were simply poor folk with no resources and no skills.[48] Others, however, particularly in south-west Germany and Middle Germany, were even keen on these as settlers for abandoned villages. More typical of the settlements in the smaller territories were small rural communities that housed the many peasants among the refugees. The significance of the role of the territories is underlined by the fact that the Imperial Cities of Frankfurt am Main, Hamburg, and Lübeck imposed far greater restrictions on the French merchants and tradesmen.[49] Political and confessional factors combined to produce similar restrictions in Saxony, where the Electors (Catholics from 1697) were more than willing to support the hostility of their Lutheran towns to their new potential Calvinist competitors.[50]

[45] Jersch-Wenzel, *Juden und 'Franzosen'*, 32–42; Dölemeyer, *Hugenotten*, 84–98.
[46] Dölemeyer, *Hugenotten*, 92.
[47] Dölemeyer, *Hugenotten*, 104.
[48] Lachenicht, 'Freiheitskonzession'.
[49] Dölemeyer, *Hugenotten*, 157–60.
[50] Dölemeyer, *Hugenotten*, 154–7.

The majority of the 3,000 or so Waldensians expelled from France and Savoy in the late 1680s and 1690s found refuge in Württemberg, though in an earlier migration in the 1660s some had also found their way to Hessen-Kassel, the Palatinate, Hanau, Bayreuth, and Brandenburg.[51] Their settlement in Württemberg after the expulsion from Savoy in 1699 was aided by money provided by church collections in England and the Netherlands; indeed, the 'English pension' supported these communities for several decades.[52] In many areas, they were simply regarded as part of the ongoing Huguenot migration. Much the same applies to the 3,000 French Calvinist refugees from Orange following the death of William III. The Prussian king was one of the claimants of the principality and sought to strengthen his position by offering the expellees sanctuary, though that did not stop him taking the money raised by the English dioceses as compensation for his generosity.[53] By the time a second, smaller, group was expelled in 1713, the Treaty of Utrecht had resolved the Orange succession in favour of France and the Prussian king had nothing to gain from further charity: he simply wrote to the Protestant Swiss cantons and Geneva enjoining them to be merciful and took no further interest in the matter.[54]

Politics was also the dominant motive for the translation of roughly 16,000 Salzburg Protestants to the Brandenburg province of Lithuania.[55] The population of the province had been decimated by plague and typhus in 1709–11, but the 40 per cent population loss had already been largely made up by refugees from throughout the Reich, from Switzerland, and elsewhere who responded to the king's advertisements posted all over Europe since 1718 for hard-working colonists.[56] Typically, the Prussian king now only really wanted the *Gesessenen*, the smallholding peasants, and he showed little interest in the plight of the 4,000 labourers and servants who were driven out in the middle of the winter of 1732 and who largely ended up in Memmingen, Ulm, and Württemberg.[57] The 'saturation' of Prussian Lithuania then dampened Prussian enthusiasm for any further migrations.

An attempt by radical revivalist Teschen preachers to effect the transfer of upwards of 20,000 secret Protestants from Bohemia by fomenting an uprising against Austrian rule was dashed by Berlin's refusal to cooperate.[58] Political considerations again played a role, with the king now assuring Vienna that he had no

[51] Duchhardt, 'Glaubensflüchtlinge', 283–4; Dölemeyer, *Hugenotten*, 12–13, 30–1; *TRE*, xxxv, 396–8.

[52] Dölemeyer, *Hugenotten*, 110.

[53] The other claimants were John William Friso of Nassau-Dietz, the stadholder of Friesland and Groningen, and the king of France; the territory was awarded to France in the Treaty of Utrecht, though both the Prussian Hohenzollern and the house of Orange continued to claim the title of 'Prince of Orange'. Felix, *Ausweisung*, 20–3, 30, 51–5.

[54] Felix, *Ausweisung*, 114–15.

[55] See pp. 162, 292–3.

[56] Ward, *Awakening*, 80; Winter, *Emigration*, 99.

[57] Pfister, *Bevölkerungsgeschichte*, 53; Florey, *Salzburger Protestanten*, 137–44.

[58] Winter, *Emigration*, 101–10; Ward, *Christianity*, 97–8. Some contemporary estimates claimed there were 30,000 secret Lutherans in Bohemia; others alleged there were more than 100,000.

desire to 'injure his best friend, the emperor'. Equally significant, probably, was reluctance to become involved in the revolutionary schemes of the Teschen preachers, still less to have them working on Brandenburg-Prussian territory. A small group of Bohemian weavers was taken in during the winter of 1732, some 350 were set to work in a Berlin textile concern, and a steady trickle of weavers migrated over the next decade until the Prussian conquest of Silesia provided would-be Bohemian refugees with a destination nearer home. Any thought, however, of a mass migration was discouraged and the Berlin Bohemian community numbered no more than about 1,200 by the mid-1740s.[59] The Prussian rulers chose carefully who should benefit from the 'politics of religious rights' that they pursued so successfully from the 1680s to the 1730s.[60]

During the second half of the seventeenth century, a total of possibly 300,000 to 400,000 migrants settled in Germany (the Reich excluding Austria), at a time when the total population of the Reich may have increased from 16 million to 21 million.[61] Almost certainly, they failed to fulfil the aspirations of cameralist policymakers. The cameralist mantra that the strength of a state resulted from the number of its inhabitants was rarely translated into effective policy.[62] Brandenburg-Prussia stands out for its consistent immigration and colonization policies: from the reign of the Great Elector to the end of the eighteenth century it attracted roughly 430,000 migrants from other German territories and from outside the Reich.[63] Most of this settlement occurred in the eighteenth century, but the foundations were laid in the decades after 1648 against active competition from other territories such as Bayreuth, Ansbach, and Saxony.

Even so, attempts to target particular crafts or trades were rarely successful. From 1720, the Berlin government compiled statistical reports listing the various occupations but was unable to translate their results into an effective targeted immigration policy.[64] Only in response to the advertisements for migrant peasants were needs apparently supplied with some regularity.

Much still remains to be discovered about migration patterns within the Reich and the pan-European patterns in which they were embedded. It seems clear, however, that governments were aware of these movements and that many believed they could benefit from them. Furthermore, many used agents to recruit potential migrants, and some, such as the Brandenburg government in the case of the Salzburg refugees in 1732, were able to organize efficient guided transports to ensure their safe transit over considerable distances.[65]

[59] Ward, *Awakening*, 73–7, 80–3; Winter, *Emigration*, 111–30.
[60] Clark, *Iron kingdom*, 139–44.
[61] The figures are vague, since German historians traditionally estimated on the basis of the territory of the Second Reich of 1871.
[62] Fenske, 'Migration'. 334.
[63] Fenske, 'Migration', 343.
[64] Jersch-Wenzel, *Juden und 'Franzosen'*, 125–6.
[65] The Salzburg peasants were accompanied by guides, who were to ensure that no interlopers attached themselves to the convoys: Hauer, 'Experiment', 76. See also pp. 162, 292–3.

How much difference did the migrants make in economic terms? Overall, relatively few of the migrants were wealthy, dynamic, and innovative; most were peasants, labourers, and low-grade craftsmen. Yet in some areas and contexts many of these diverse groups played a vital role. Brandenburg benefited from the periodic influx of new peasants. In the south-west and in the Middle and Upper Rhineland, areas badly affected by the Thirty Years War and by the later conflicts, migrants were also vital in resettling vacant farms and villages. Others brought specialist knowledge and skills in trade and finance, in textile production, in water engineering, or in mining and metalworking. Migrant Italians brought trade in citrus fruits and artistic skills as stuccoists or painters.[66] Protestant refugees from Berchtesgaden between 1708 and 1733 made a decisive contribution to the development of the Nuremberg toy-making industry.[67] Even the Waldensian peasants brought potatoes and alfalfa, as well as their 'demographic potential' to south-west Germany.[68]

[66] Schindling, 'Bei Hofe'. [67] Florey, *Salzburger Protestanten*, 201.
[68] Dipper, *Geschichte*, 281; Gundlach, 'Einführung', 49.

32

Government and Economic Development

Fundamentally, the potential of the migrants was dependent upon the environment in which they settled. Even the most dynamic groups, such as the Huguenots, found less scope for entrepreneurial activity in Brandenburg than they did in Britain or the Netherlands.[1] The reasons for this lay, first, in the overall development of the Reich and, second, in the nature of the policies that the German territories pursued in the century after the Thirty Years War.

Despite the recent emphasis by scholars on the relatively rapid recovery of many regions and sectors of activity from the effects of the war, the economic situation as a whole was no longer as favourable as it had been in the sixteenth century. At the very least, the war intensified the effects of a long-term downswing of the German economy that lasted until well after 1700. The first half of the eighteenth century then saw increasing signs of the start of an equally prolonged upswing that accelerated markedly after 1750.[2] The effects of prolonged warfare in the Baltic, the west, the east, and the north also periodically accompanied the period of downswing until the 1720s. In the 1690s, the effects of the various regional conflicts were exacerbated by particularly harsh climatic conditions, and the next two decades experienced a run of exceptionally severe winters.[3] The general trend unfolded in the context of the European economic system, whose development also had implications for the relative position of the Reich. The westward shift in European trade to the Atlantic favoured Britain, the Netherlands, and the French Atlantic ports, and these centres now took over the leading trading roles previously occupied by Spain and Portugal. The highly profitable trading companies that exploited first the Oriental trade and then the Atlantic trade were located in London (1600), Amsterdam (1602), and Bordeaux (1669). Copenhagen (1616) and Stockholm (1731) also managed to participate, though at a much more modest level.[4]

The Reich and its territories had no direct part in this commercial revolution or in the capital accumulation and entrepreneurial boom associated with it. Only Hamburg was in a position even to participate directly in the new trade, let alone compete with the British, Dutch, and French India companies. Duke Jakob of Kurland's significant involvement in the West India trade from 1638, his establishment of a fort on St Andrew's Island in the Gambia in 1651 and his acquisition of

[1] Jersch-Wenzel, *Juden und 'Franzosen'*, 117.
[2] Kriedte, 'Trade', 121–2; Dipper, *Geschichte*, 183–8.
[3] Dipper, *Geschichte*, 10–18.
[4] Morineau, *Compagnies*, 7–56.

Tobago in 1652 were remarkable enterprises. Yet the two colonial projects were short-lived, as was the hold of the duke's family on the Duchy of Courland, in any case a fiefdom of the Polish crown and one that was lost by the 1730s.[5] Johann Joachim Becher's first colonial proposals involving Mainz and Bavaria failed. His success in brokering a contract that gave Count Friedrich Casimir von Hanau-Lichtenberg ownership over some 140 miles of coast with 460 miles of hinterland in Guyana brought nothing but debts and further worries about the Count's sanity to the crisis that culminated in his deposition five months later.[6]

Duke Jakob's brother-in-law the Great Elector was more successful.[7] Negotiations with France for a Franco-Brandenburg combined East and West India company, an attempt to buy the Danish colony of Tranquebar in the Bay of Bengal, and a mission to explore the possibility of involvement in the silk industry in Persia all proved fruitless. In 1682, however, a Brandenburg-Africa Company was founded, which soon attracted other investors such as the Elector of Cologne. Four hundred Brandenburg troops took Emden in November 1682, ostensibly to help the East Frisian Estates avoid becoming a Dutch satellite, but more to secure this North Sea port as the seat of the Brandenburg admiralty and the new Africa Company.[8]

On 1 January 1683, Gross-Friedrichsburg was established off the Ghana coast, and soon a network of forts extended over 50 km of coast. Within a few years, the island of Arguin off Mauritania had also been acquired from the Dutch, as well as St Thomas in the Antilles from the Danes. Brandenburg seemed set to participate in the triangular trade between Europe, Africa, and America. There was no lack of interest in the project. The acquisition of territory in which the Brandenburg Elector could be fully sovereign seems to have been a strong motive until the assumption of the Prussian crown in 1701.

The profit was not negligible: by 1694, the annual profit was estimated at 96,000 thaler, and over thirty years some 15,000 slaves were transported, with sugar, exotic wood, cocoa, indigo, and tobacco returning to Emden. Yet the enterprise was ultimately undermined by overwhelming competition and military pressure from the British and Dutch. In 1717, Gross-Friedrichsburg was sold to the Dutch for 7,200 ducats and 'twelve moors'. Arguin was contracted to the Dutch the following year and seized by France in 1721. The Brandenburg trading station on St Thomas was confiscated by the Danes in 1731. Ultimately, the Brandenburg fleet was simply too small: sixteen ships at the high point, of which fifteen were lost, ten captured by the French.

Austria's efforts to break into the maritime cartel were no more successful.[9] The first Oriental Company, founded in 1667, established a trading station in Istanbul

[5] Duchhardt, 'Afrika', 120; Mattiesen, *Überseepolitik*, *passim*; Berkis, *Courland*, 75–99, 190–219; Redlich, 'Unternehmer', 23–6, 102–4; *ADB*, xiii, 540–6.
[6] *ADB*, xxiii, 38–41; Duchhardt, 'Afrika', 121. See also p. 77.
[7] Nagel, *Abenteuer*, 141–2; Duchhardt, 'Afrika', 127–31.
[8] Hughes, *Law*, 73–4. See also pp. 73, 148.
[9] Vocelka, *Glanz*, 70–1; O'Reilly, 'Lost chances', 62–4; Nagel, *Abenteuer*, 136–8; Morineau, *Compagnies*, 64–6.

but folded at the start of the long Turkish war in 1683. A second Oriental Company was founded in 1719, the year after the Peace of Passarowitz, but its operations were hampered by the hostility of the Ottoman bureaucracy and by the competition of Venetian and Greek merchants. Even so, operating from bases in Vienna and Belgrade, and with factories in Linz, Schwechat, and Trieste, it was able to develop a successful import trade in cotton for a time, though it finally went bankrupt in 1734.

The acquisition of the Spanish Netherlands in 1713 provided further opportunities. Antwerp was ruined by the blockade of the Scheldt stipulated by the Treaty of Münster in 1648. However, in 1714 Charles VI granted the Irishman Thomas Ray a privilege to launch ships to establish an Austrian presence in the Far East. By 1719, the imperial standard was flying at Covelong on the Coromandel Coast; two years later Balasore on the Bay of Bengal was acquired in the emperor's name; and in 1722, the Ostend Company was established with a capital of 6 million gulden. Existing trading stations were now transformed into forts, and a highly profitable trade developed exchanging precious metals, lead, mercury, and cloths for cotton, raw silk, tea, spices, diamonds, and porcelain. Before long, however, this flourishing enterprise was brought down by politics: growing Dutch and English opposition coincided with Charles VI's need to gain approval from London and The Hague for the Pragmatic Sanction.[10] By 1727, the emperor was willing to suspend the company for seven years; in 1731, it was dissolved for good.

The colonial trade was, of course, not the only form of commerce, and German failures in this area should not distract from the continuing success of German merchants in other areas. First, German trade adapted to the new international trends. Southern Germany had dominated in the sixteenth century, but now much of northern Germany, the Middle and Lower Rhineland, and Westphalia prospered by supplying the Dutch and English markets.[11] Hamburg became the dominant German port, followed by Bremen, and Leipzig had overtaken Frankfurt am Main as the leading German trade fair by 1700. Frankfurt remained important as a banking centre, but Leipzig had the edge as the hub of the dominant and most profitable trading routes, a role that was accentuated by the Saxon Elector's acquisition in 1697 of the Polish crown, which brought Polish and Russian merchants with new and highly desirable commodities such as smoked foods and furs.[12] By comparison, the older north–south trade to Italy and the routes from there via Nuremberg to Amsterdam were now less important. Similarly, Augsburg remained an important banking centre for the south generally, but it never regained its sixteenth-century position. It is perhaps significant that the Fuggers now withdrew from the active banking business and focused on their role as minor territorial princes of the Reich.[13]

Second, foreign trade probably only accounted for at most 20 per cent of the total volume of German trade.[14] The vast area covered by the Reich itself provided

[10] See pp. 158–62. [11] North, *Kommunikation*, 13–23.
[12] North, *Kommunikation*, 20–2, 66. [13] Hersche, *Muße*, 471.
[14] Kriedte, 'Trade', 101.

extensive markets for agricultural, craft, and industrial production. These internal trading networks recovered relatively quickly after the war and gained ever greater significance as the population began to grow again from the early eighteenth century.

It is difficult to assess how much government either contributed to or fundamentally shaped overall economic development. The engagement of many governments in entrepreneurial activity is often claimed as one of the distinctive features of the century after the Thirty Years War.[15] Mercantilist and cameralist theory certainly emphasized the key role that governments should play in actively promoting the prosperity of a territory. That could be done in a number of different ways: by regulating the import and export of goods; by enhancing waterways and roads, or by promoting communications and postal systems; by regulating the production and marketing of goods; by regulating the labour market; or by direct government activity in forestry, mining, agriculture, or industry.

Scholarly opinion has been divided over the economic significance of the building activities of nobles, ecclesiastical foundations, and princes, over the economic value of the associated luxury trades, and over the significance of territorial armies for the textile and metalworking industries. A key issue is the extent to which activities or enterprises that may have solved short-term needs for products or employment contributed to long-term economic development. Did governments do anything to lay the foundations for later industrialization or economic take-off? Any attempt to answer this question must bear in mind the limited capacity of governments to target policy in any meaningful or directed sense, or even to re-orientate traditional and established policies. What one sees in the territories is really the hit-and-miss implementation of policies that resulted from the framework discussions and occasional resolutions that increasingly characterized the operation of the Reichstag and the Kreise after 1648.[16]

The treatment of customs and tolls illustrates the difficulty that most territories experienced in adapting old systems to new circumstances. There were various moves towards regulation at the level of the Reich. The Peace of Westphalia abolished the many illegal customs points erected during the war without permission of the emperor or the Electors.[17] Ten years later, the princes succeeded in having a clause inserted in Emperor Leopold's electoral capitulation that stipulated that new customs points would also be permitted after consultation of all neighbouring territories, which in Charles VI's electoral capitulation in 1711 was amended to require the agreement of the relevant Kreis. At the same time, new cameralist theory recommended the imposition of export bans for raw materials and of import bans for manufactured goods.

The first attempts to formulate such a policy for the Reich were unsuccessful. The Reichstag agreed on a ban on wool exports, but then left each territory to decide whether to impose a total or a partial ban.[18] Emperor and Reichstag

[15] Press, *Kriege*, 281.
[16] See pp. 58–61.
[17] For the following, see Falke, *Zollwesen*, 229–69, and *HbDSWG*, 621–4.
[18] Gömmel, *Wirtschaft*, 46.

attempted to achieve this in the context of the French wars after 1672, but the ban on exports to France and on the import of French goods into the Reich was ineffective.[19] Too many parties had a vested interest in not being bound by any general ban, and what could not be moved legally was often simply smuggled. A ban on Dutch imports demanded by Cologne and Brandenburg in retaliation for a Dutch ban on German imports was only agreed in 1711, by which time the situation of all parties had changed completely.[20] Leopold I's decree of 1685 banning the introduction of a new braid- and ribbon-making machine was effective only where guild pressure forced a ruler's hand, as it did in Saxony, but even there the new production methods were only delayed, rather than prevented for good.[21]

A truly cameralist customs policy presupposed the existence of 'closed' territories consisting of a single continuous land mass in which customs dues and the like were imposed at frontiers. Quite apart from the fact that many territories comprised multiple non-contiguous provinces or districts, this also ran counter to the traditional practice in important ways. Customs dues and tolls were traditionally an important source of revenue, and though their significance declined over the seventeenth century, they remained important for many rulers.

Above all, the mindset that governed their management remained largely unchanged until the mid-eighteenth century. Duty was generally levied in the form of transit and market tolls. Transit tolls, moreover, were levied internally as well as at frontier points: taxes on the movement of goods did not differentiate between domestic and 'foreign' goods. As such, the main effect of customs tolls was to impede trade and to drive up prices, since customs dues accounted for roughly 50 per cent of the cost of transportation. Between Hamburg and Dresden along the Elbe, duty had to be paid at no fewer than thirty custom posts, with a further seventeen between Dresden and Prague. On the Danube between Ulm and Vienna, there were at least thirty-six customs posts. Along the Rhine from Basel to Rotterdam, there was a customs post every 10 kilometres.[22] Many water routes, such as the Ruhr and the Lippe, were unusable for trade purposes (until the 1780s in the first case and after 1815 in the second) because they simply passed through too many frontiers and minor jurisdictions with various mill and damming rights.[23] The Dukes of Brunswick-Wolfenbüttel schemed for over two centuries to make the River Oker navigable. When they finally succeeded, in 1741, the economic rationale for the project had all but disappeared, and shipping ceased in 1775.[24] On the other hand, the Müllrose canal, begun in 1558, which linked the Oder with the Spree, and hence with the Elbe and Hamburg, came to fruition in 1668, in time to form a key link between Silesia, Brandenburg, and the North Sea while Sweden still occupied the mouth of the Oder on the Baltic.[25]

[19] See pp. 51, 81. [20] Gömmel, *Wirtschaft*, 48.
[21] Lehmann, 'Herausbildung', 383; Blaich, *Wirtschaftspolitik*, 214–25.
[22] Stolz, 'Entwicklungsgeschichte', 26–7; Kriedte, 'Trade', 104.
[23] Henning, *Handbuch*, 875. [24] North, *Kommunikation*, 10.
[25] Henning, *Handbuch*, 874.

In some areas of extreme fragmentation, customs dues were kept low by a kind of negative competition effect. A territory such as Württemberg perpetually feared being the victim of a tariff war conducted by its many neighbours. Fear and anxiety on all sides seems to have had a moderating effect in some regions.[26] On the other hand, the simultaneous development of frontier customs on cameralist principles in Saxony and Brandenburg from about 1700 generated tensions that exploded into a customs war after 1740, when Saxony took the Habsburg side in the Silesian war. Prussia managed to cause short-term damage to the Leipzig trade fairs but failed to destroy them, though continuing hostility damaged the trade and manufactures of both territories until the death of Frederick the Great brought about a general improvement in relations.[27] In general, while revenue from customs played a diminishing role as a source of revenue in the century after 1648, efforts to move from a system of revenue-raising tolls to a cameralist–mercantilist system of import and export control only really began in the period after 1750.

More important as sources of revenue and as areas of government activity, were the various traditional regalian rights. Where resources permitted, some continued to mine for metals or salt; others promoted agricultural production on domain lands for home consumption and export. Almost all rulers exploited the most important 'new' regalian right over the forests established everywhere by about 1700.[28] This completed a process of extending princely control over the forests that had begun in the later fifteenth century. Securing hunting rights and the use of the forests for hunting was only one symbolic manifestation of the ruler's rights over this key resource.

Wood was the essential raw material for most building and industrial production.[29] Vast quantities of wood were required for the production of salt, iron, copper, silver, or potash for the manufacture of glass and soap and in the textile industry. Conifers yielded bitumen, tar and pine oil, and their bark was widely used for roof tiles; oak bark provided tanning agent for the leather trades. Almost all everyday utensils were made of wood, as well as the houses in which the majority of the population lived. Each household burned vast quantities of wood for cooking and heating. Timber and fascines were a vital material in the construction of dykes, dams, and roads. The European demand for wood was also high, not least owing to the naval expansion of the maritime powers: it took some 4,000 trees to construct a single large ship.

The result was not so much an 'energy crisis', as was once thought, as an opportunity which many rulers seized to control a highly profitable strategic resource. Frequent references to shortages in contemporary legislation also reflect this: they served to justify ever stronger government controls at the expense of traditional communal rights and customs. Forest management—the regulation and

[26] Volckart, 'Zersplitterung', 33–4. [27] Kriedte, 'Trade', 122; Falke, *Zollwesen*, 269–320.

[28] For the following see: Dipper, *Geschichte*, 29–41; Henning, *Handbuch*, 804–7; Warde, 'Forests'; Schenk, 'Forest development types'; Radkau, 'Energiekrise'; Allen, 'Timber crisis'; Ernst, 'Forstgesetze'.

[29] Reininghaus, *Gewerbe*, 18–47, provides a comprehensive survey of the various industries and crafts.

restriction of the number of trees felled and systematic replanting or new planting—was designed to keep prices high. Of course, none of these measures approached anything like rational planning. Even so, the growing literature on forestry as a sub-discipline of *Kameralwissenschaft* reflected the priority attached to a resource that routinely generated a substantial proportion of the roughly one-third of all income that most territories derived from their domains and regalian rights.[30] Indeed, in many smaller territories of the south, west, and central areas of the Reich, forests could generate up to three-quarters of a ruler's income.[31]

[30] Henning, *Handbuch*, 905–8; Gömmel, *Wirtschaft*, 70. In Trier forestry accounted for 10 per cent of all government revenue in the eighteenth century: Warde, 'Forests', 596.
[31] Warde, 'Forests', 594.

33

Public and Private Enterprise

Differences of size, geographical location, and natural resources, as well as internal political constellations, all shaped the economic potential of the territories. In one way or another, most governments were able to further develop entrepreneurial traditions established in the fifteenth and sixteenth centuries in the exploitation of their domains and regalian rights. Some, however, now also began to engage directly in industrial production. Government manufactories came to be established in Saxony and Brandenburg, but also in Vienna, Munich, and other centres. Saxony, where the Elector was advised by the cameralist Johann Daniel Crafft, was an early leader, with ten state factories established between 1649 and 1685, notably a silk factory at Leipzig in 1674 and a silk and wool factory at Ostra near Dresden in 1678.[1] Others territories soon followed suit. Most manufactories were established in textiles, though products such as faience wares were produced in factories at Hanau (1661), Frankfurt am Main (1666), Berlin, (1678), and Kassel (1680) and twenty-five other centres by 1740.[2] The last two decades of the seventeenth century saw a marked increase in such foundations: many territories which had attracted Huguenot refugees as settlers now sponsored the early efforts of these settlers to establish their skills and trades in their new homes.

The origins, extent, and significance of these government industries for the long-term development of the German economy all remain disputed. Peter Hersche and others have argued that religion was a key factor. Catholic territories, especially ecclesiastical territories, Hersche contended, ultimately pursued different ends to their Protestant counterparts. They eschewed the profit motive and failed to develop a work ethic; they brought a subsistence mentality to their economic activities and invested heavily only in conspicuous consumption, salvation, and (worship-orientated) leisure.[3] The ecclesiastical territories, he suggested, tended to place more emphasis on agriculture and viniculture and less on the promotion of industry.

Similar observations have been made concerning the secular Catholic rulers. They too supposedly followed the same tendency until the mid-eighteenth century, focusing on agriculture and the exploitation of regalian rights, and only later turning to the active promotion of industry. In Bavaria, only the Elector Max Emanuel showed much interest in promoting industrial production between 1680 and 1700, and it was only after 1760 that policy was systematically devoted to this end.[4] The same is fundamentally true, Peter Hersche maintained, of

[1] Heitz, 'Folgen', 342–3; Forberger, 'Crafft'. [2] *HbDSWG*, 548–9.
[3] Hersche, *Muße*, 490–666. [4] *HBayG*, ii, 710–13.

Habsburg economic enterprise: although it was apparently a leading example in the Reich from the 1670s, it only really bore fruit in the reign of Maria Theresa.[5] Protestant territories, by contrast, supposedly pursued more active economic policies than Catholic ones, and they cultivated the ideals of discipline and worldly personal fulfilment, which provided the critical spurs to innovation and wealth creation.[6]

To some extent, the policies pursued by the ecclesiastical territories simply reflected the resources available to them and the fact that up to 90% of all those employed were in agriculture.[7] At the same time, it was logical for wine-growing territories—the main German producers were the ecclesiastical territories along the Rhine, Moselle, and Main—to take steps to ensure a sufficient supply of labour for the exceptionally labour-intensive viticulture.[8] Hersche's generalization is, however, too sweeping, for it does not take into account either the continuing exploitation of regalian rights such as mining or the continuing existence of crafts and industries in some Catholic territories. What may be true of Mainz, Trier, and Fulda does not necessarily apply across the board.[9]

Textiles and mining played a role in Basel, Salzburg, and Liège. In Paderborn, the bishops promoted rural crafts (mainly textiles) and 'industrial' glass-making, as well as salt-, iron-, copper-, and lead-mining. Berchtesgaden competed in salt-mining with Salzburg. In the Prince-Bishopric of Augsburg, the traditional rural textile industry survived and developed new momentum from the mid-eighteenth century with the development of the new cotton cloths.[10] In the Imperial Abbacy of Kempten, to give an example of a minor ecclesiastical territory of some 880 km^2, agriculture and forestry formed the bedrock of the economy.[11] Yet glass-making was promoted both for the needs of the abbey's new buildings and for export, as well as saltpetre and paper production (largely for locally generated liturgical works). Successful efforts were also made to promote the small, traditional textile industry against the competing enterprises in the Imperial City of Kempten. The operations were small: between 1680 and 1760 the three glass-making enterprises employed no more than about 80 men. However, the impact on forestry and on the livelihood of the carters and rafters who transported the finished products must also be considered. For a territory whose own 'capital' comprised only some 800 inhabitants around 1700, as opposed to just over 2,000 in the adjacent Imperial City, even such small-scale enterprises made a considerable economic contribution.[12]

The economies of many Protestant territories also largely remained based on agriculture. Yet some now certainly engaged in economic policies that were innovative in their aspiration, if not uniformly successful. The early lead of Saxony

[5] Hersche, *Muße*, 445. [6] Hersche, *Muße*, 442–8.

[7] Härter and Stolleis, *Repertorium*, i, 603–4, and Härter, 'Gesetzgebung', 92, confirm the generalization for Trier and Mainz.

[8] Hersche, *Muße*, 461–2.

[9] The following information is taken from the brief general survey, with a detailed summary of activity in the Prince-Bishopric of Augsburg, in Wüst, *Augsburg*, 356–70.

[10] Hersche, *Muße*, 479–80; Reininghaus, *Gewerbe*, 29–31; Wüst, *Augsburg*, 362.

[11] For the following, see Walter, *Kempten*, 87–90, 147–210.

[12] Walter, *Kempten*, 79–80.

in promoting manufactures perhaps has distinctive roots. There are sixteenth-century antecedents in what was then the leading Protestant territory and arguably the most prosperous and progressive territory of all after the Habsburg lands. This position was only eroded in the last years of the seventeenth century, when the dynasty converted to Catholicism and subsequently became embroiled in the costly struggle to retain the Polish crown.

The Protestant territories as a whole undoubtedly benefited from the intolerance of Catholic rulers both in the Reich and elsewhere. Many of the Huguenots were highly skilled, innovative, and prosperous. But their impact should not be exaggerated.[13] The early factories were more like large craft workshops than the nineteenth-century factory. Despite government sponsorship in the form of subsidies, houses, and industrial premises, many Huguenot business enterprises failed, and many Huguenot families consequently moved on from their original place of settlement. The first silk manufactory established in Berlin in 1686 by Jean Biet with 5,000 Reichstaler from the Elector folded as early as 1690. An attempt to establish a large-scale cloth manufactory under the management of the Zurich businessman Joseph Orelly in 1694 collapsed five years later under massive debts.[14]

The authorities in Berlin and elsewhere repeatedly argued that they had increased the population, increased consumption, and generated exports. The reality was that most of these early concerns generated minimal profits and failed frequently; the import volumes of the many luxury goods they produced continued to exceed any exports generated.[15] The first generations of Huguenots in Brandenburg did little to close the economic and technological gap between Brandenburg and the more advanced areas of England, the Netherlands, or France. The considerable government investment in their settlement only bore fruit in the longer term. Yet Brandenburg-Prussia was the one territory, whose persistent promotion of economic enterprises and the size of whose market in the military and in the ambience of Berlin and its court, resulted in the creation of a new industrial region over the course of the eighteenth century.

The policies pursued in Brandenburg-Prussia are often taken as evidence of the innovative modernity of an emerging great power. However, in the period before 1740 at least, they need to be seen in the context of the wider question of whether German courts and governments were themselves motors of economic activity. Brandenburg-Prussia was larger than most and had a much larger military machine, but it was similar to many others in the level of investment in buildings, court, and government. To what extent did the building boom of the century after 1648 and the conspicuous consumption of courts and, in Catholic areas, monasteries, and ecclesiastical foundations, represent serious economic stimuli?

[13] Wakefield, *Police state*, provides a useful catalogue of failures.

[14] Jersch-Wenzel, *Juden und 'Franzosen'*, 80–1; the experience in the Margravate of Brandenburg-Ansbach was similar where, for example, the twenty-five to thirty families working in a tapestry manufactory in 1696 declined to just seven individuals by 1716: Blaufuß, 'Hugenotteneinwanderung', 14–15.

[15] Jersch-Wenzel, *Juden und 'Franzosen'*, 87.

Cameralist theorists in general had little doubt that building palaces provided employment and stimulated crafts and industries while the court, and the government administration associated with it, played a key role as a collective consumer of agricultural and industrial products. Even Voltaire emphasized in a letter to Frederick the Great in 1770 that building a splendid palace was the best way to keep money at home and to provide work, and many rulers countered objections to the cost of their building projects by arguing that they were actually enhancing the prosperity of their lands.[16] The available evidence suggests a more cautious view. Courts could generate work and opportunities; however, they could also distort the economy of a territory, concentrating money and opportunities at the centre at the expense of the outlying areas.

The construction of many new palaces, ecclesiastical residences, and grand churches was accompanied by debt accumulation, late payments, and defaults on payments. Many were paid for out of taxes, which could drive a territory to the brink of ruin or provoke an uprising. When the Prussian King Frederick I resolved in 1706 to commission Johann Friedrich von Eosander to double the size of the Berlin palace that Andreas Schlüter had just completed, his finances quickly ran out of control. Higher taxes contributed considerably to the subsistence crisis in East Prussia in 1709–10, and the imperial ambassador Count Schönborn-Buchheim was not the only one to suspect that Frederick I had spent more on buildings, furniture, and other luxuries at court than on the war.[17]

The smaller a territory was, the larger the relative scale of the problem. Ernst Ludwig of Hessen-Darmstadt (r. 1678–1739) accumulated debts of over 5 million gulden while building his new palace at Darmstadt from 1716; the raw structure remained a monument to his extravagance until the early nineteenth century.[18] Smaller ecclesiastical territories such as Kempten and the other Swabian abbeys were no less grandiose in their schemes. Like the secular territories, they relied on taxation and on debt to supplement what they derived from their domains. Both secular and ecclesiastical rulers relied heavily on labour services (*Baufron*) or on the money generated by communities who either negotiated buying out of such services or who were too remote to be of real use in the actual building or transport of material for it. The practice has been intensively studied in relation to south Germany, but it also prevailed in relation to palace construction elsewhere: for example, in Hessen, Electoral Saxony, and the Duchy of Saxony-Meiningen.[19] It is true that those on labour service were fed, which could be considered a payment in kind. However, all hired labourers had the cost of food and wine deducted from their pay.[20] In every sense, it seems, employment by rulers in construction came at a price.

[16] Braunfels, *Kunst*, i, 117; Zückert, 'Barockbau', 460–1.
[17] Zückert, 'Barockbau', 459.
[18] Zückert, 'Barockbau', 451–3; Braunfels, *Kunst*, i, 313–14.
[19] Zückert, 'Barockbau', 460.
[20] Zückert, 'Barockbau', 459; Roeck, 'Baukunst', and Gömmel 'Probleme', together with other essays in the same volume, as well as Hersche, *Muße*, 371–5, give a more positive, though still cautious, view of the economic impact of building. Zückert, *Grundlagen*, provides more examples and more detail.

Once established, a court clearly became a significant employer and consumer. This was of obvious benefit to the city or town. The appointment of Elector Max II Emanuel of Bavaria (r. 1679–1726) as Spanish stadtholder in Brussels in 1691 generated a decade of complaints by the Munich shopkeepers and merchants about the loss of their main customers. When the Dukes of Brunswick-Wolfenbüttel finally relocated from Wolfenbüttel to Brunswick in 1753, it took the former residential town over a century to recover.[21] Düsseldorf suffered after the death of the Elector Johann Wilhelm of the Palatinate in 1716, when his successor Karl Philipp opted to settle in Mannheim.[22] Similarly, Mannheim suffered when the Palatine Elector Carl Theodor (r. 1742–99) inherited the Bavarian Electorate and moved to Munich in 1777. Both Düsseldorf and Mannheim remained important regional administrative centres, but the loss of the court proved costly.

Courts were major consumers of food and other products, including luxuries.[23] The day-to-day needs for food and drink of the court and its officials and their dependants were generally supplied by the agricultural production of the individual territory, paid for from the average of about 25 per cent of revenue that the German princes spent on their courts. Court tailors and carpenters were exempt from the usual guild restriction of two journeymen per master, which enabled many to build up concerns of twenty or more craftsmen. In Ansbach in the 1720s, the court tailor employed between twelve and sixteen craftsmen, the locksmith some 40 per cent of the entire trade in the town, while the carpenter employed over fifty craftsmen. In Mainz in 1752, there were forty-four cabinetmakers with a total of ninety-four journeymen, of whom twenty-seven worked for the court cabinetmaker. Typically, the first factories in Dresden, Munich, Berlin, and Vienna were silk factories, and many rulers promoted glass manufacture, not only to glaze the vast windows of their new buildings but also for mirrors.[24]

The search for the secret of porcelain preoccupied many courts as the craze for collecting Chinese porcelain grew and the growing taste for tea, coffee, and chocolate in the late seventeenth century made porcelain services an everyday requirement.[25] Dutch and German faiences decorated in the Chinese style were but a poor substitute; opal glass, discovered by Johann Joachim Becher at Munich in experiments sponsored by the Elector Ferdinand Maria (r. 1651–79), failed to persuade many. The final breakthrough came at Dresden with Johann Friedrich Böttger, who first came to notice as the discoverer of the 'Alltinktur' (universal tincture) that he claimed cured all known diseases and could turn base metals into gold, and Ehrenfried Walther von Tschirnhaus, who had been experimenting with the melting point of kaolin and other substances since the mid-1670s. Their creation of red jasper stoneware and true porcelains around 1708–10 did not, however, translate into immediate commercial success. The manufactory

[21] Bauer, *Hofökonomie*, 52–3.
[22] Müller, 'Düsseldorf', 86–7. By 1722, the town's income had declined by 22 per cent.
[23] For the following, see Bauer, *Hofökonomie*, 46–70.
[24] Müller, *Fürstenhof*, 59–61; Reininghaus, *Gewerbe*, 43–5.
[25] Ducret, *Porcelain*, 18–22; Gleeson, *Arcanum*, 126–65.

established at Meissen was in a dire state on Böttger's death in 1719. It was the painter Johann Gregor Höroldt, brought in from the Vienna factory that sought to copy Dresden, who launched the highly successful and commercial chinoiserie services and the copies of Japanese Kakiemon wares that became so fashionable in the late 1720s and 1730s. The Vienna factory, by contrast, struggled financially for decades.

The Brandenburg-Prussian textile concerns, the arms industry, and the tobacco industry survived largely because of subsidy, the grant of monopolies, and a guaranteed market in the army. Moreover, they were largely concentrated around Berlin and Potsdam, and they failed to reach out to many customers outside Brandenburg-Prussia or to develop into a serious industrial base. The Potsdam armaments industry, where the Splitberger-Daum consortium employed some 400 workers at its peak in the 1760s, did not compare with the traditional armaments industries of Suhl, Zella, and Mehlis in Electoral Saxony or of Solingen and Essen in the Duchy of Berg.[26] Even some attempts by governments to capitalize on existing successful industries were unsuccessful. From the late sixteenth century into the nineteenth century, the Thuringian forest was one of Europe's leading glass-smelting regions, but some of the glassworks established there by territorial governments in the late seventeenth and eighteenth centuries failed because insufficient thought had been given to fuel supplies.[27]

Cameralist theory was rarely translated into effective practice. To some extent that reflected the ways in which governments were limited by the political-social system on which they depended. Fundamentally, they depended on corporate bodies for political support. Hence their attitude towards the guilds and their restrictive practices was ambivalent. They aimed to regulate them (frequently in response to complaints about abuses by other corporate bodies about specific abuses), rather than abolish them. Similarly, their practice of granting monopolies and supporting the formation both of new guilds and of merchant companies reflected a desire to inhibit competition and to secure the livelihoods of those who paid them taxes and gave them political support.[28]

In Württemberg, for example, the flourishing worsted industry, which developed as a rural industry from the 1560s, was in the hands of guilds at all levels. Within fifty years, the weavers had organized themselves into district networks and successfully petitioned the government for guild privileges.[29] These regulated access to the industry and standards of production until 1864. At the same time, the merchants who marketed their products also began to organize themselves as a

[26] Wilson, *Reich*, 270–1; Kaufhold, 'Gewerbelandschaften', 131–3, 159–60, 163. Production in Solingen and Essen had declined by 1800. Suhl, Mehlis, and Zella lay in the County of Henneberg, which was inherited jointly by Ernestine and Electoral Saxony after the death of the last Count in 1583; it remained under joint administration until 1660, when Suhl fell to Electoral Saxony but then immediately became part of the junior territory of Saxony-Zeitz before it was integrated into the Electorate of Saxony on the death of the last Duke of Zeitz in 1718: Köbler, *Lexikon*, 267, 602; Zedler, *Universal-Lexicon*, lxi, 937–9.

[27] Kaufhold, 'Gewerbelandschaften', 131–2.

[28] Ogilvie, 'Industrialisation' 292–3; Volckart, *Wettbewerb*, 136–79.

[29] Ogilvie, 'Institutions', 225, 233–4.

company, which obtained a formal charter and privileges as the Calw Cloth Company in 1650. This regulated prices, licensed masters, inspected workshops, and set quotas in collective bargaining with the guilds until 1797.[30] At its peak, the Calw Company employed some 7,000 people in rural workshops.

Similar merchant companies existed in the Duchy of Berg in the northern Rhineland, though there the guild structures were weaker. In Lennep, the merchants were able to work with government support to prevail over the weavers' guilds, and when they tried to take legal action against the merchants, the Düsseldorf administration dissolved them. In Barmen and Elberfeld, a merchants' company, the Garnnahrung, had controlled the linen-weaving industry since 1527. It failed to prevent the formation of a weavers' guild in 1738 but nonetheless ensured that the new guild's statutes reflected the merchants' interests.[31] A report of 1729 described Elberfeld as 'Little Amsterdam', and its merchants were compared with those of the Netherlands. Yet their apparent modernity belied a fundamental traditionalism: they remained committed to monopolies and to government privileges and support that aimed to eliminate competition and which ultimately inhibited industrialization.

Proto-industry, production in rural areas by workers who also worked in agriculture, was the norm in most German industrial regions. Relatively little industry was conducted in factories, still less those founded by princes and government. Moreover, the role of government in proto-industry, the granting of privileges to guilds and merchant companies, often inhibited the long-term potential of those industries. Proto-industry did not lead inevitably to industry, as was once thought.[32]

Nonetheless, in the period of reconstruction and the beginnings of renewed growth before 1750, proto-industry played a vital role in a number of ways. It provided thousands of communities with a livelihood. It could often generate considerable prosperity, even wealth. It could accommodate technological change in so far as it was generally adopted. Yet the corporate framework within which it existed served to inhibit change and to ensure the continuing rights and rewards of those who belonged to the corporations. The territorial system in the Reich was fundamentally hostile to market forces. This could become a disadvantage once rapid population growth began again from the middle decades of the eighteenth century and when competition from early factory industries in Britain began to bite.

The significance of these restrictions is underlined by the relatively greater success, even in the century before 1750, of those enterprises and regions that flourished without guilds and merchant companies, and without significant government sponsorship and support. These also shed light on the question of the relationship between religion and economic activity. Significantly, the most dynamic region was the northern Rhineland, particularly the territory covered by the Duchies of Jülich, Berg, and Kleve with the Counties of Mark and Ravensberg, a composite territory until 1614 and thereafter ruled by the Palatinate (Jülich and Berg)

[30] Ogivlie, 'Institutions', 234; Ogilvie, *State corporatism*, 77–9, 86–112, 378–83.
[31] Lehmann, 'Herausbildung', 414. [32] Ogilvie, 'Institutions', 221–6, 248–50.

and Brandenburg (Kleve, Mark, and Ravensberg). Under alternately irenic and weak dukes before 1614, the territories were characterized by a mixture of Catholic, Lutheran, and Calvinist communities with a considerable number of Mennonite groups—like many of the Lutherans and Calvinists, originally refugees from the Netherlands from the 1560s. In Jülich and Berg, their development after 1648 was favoured by the limitations imposed on ducal policy by the territorial Estates and then by the move of the ruler to Mannheim after 1716. In Kleve, Mark, and Ravensberg, the fact that the Berlin government treated its western provinces as 'foreign' meant that it did not impose the kind of mercantilist policies that characterized its treatment of Brandenburg and the other central and eastern provinces. The northern Rhineland as a whole benefited from 'benign neglect'.[33]

Local factors were also crucial. The push of intolerant local political elites and restrictive guilds combined with local lords (*Unterherren*) willing to grant privileges, the pull of weak or non-existent guild structures and weak communes combined to produce some of the most dynamic and productive centres of economic activity.[34] The re-Catholicization of Aachen and the restoration of the old guild system in 1614 ended a period of dynamic growth of the city's economy. The Protestants soon transferred their businesses to other places: to Europe's most important brass industry until the mid-eighteenth century at Stolberg in Jülich and to new textile centres at Monschau (also in Jülich) and Burtscheid (a minute territory ruled by an abbess).[35] All three new centres had locational advantages that had led to the development of relevant craft industries or parts of production processes from the later fifteenth century, but the physical transfer of the main entrepreneurial families after 1614 was crucial.

Similarly, the expulsion of the Mennonites from Gladbach (1654) and Rheydt (1694) in Jülich led to the establishment of Krefeld (in the County of Moers ruled by the house of Orange until 1702 and then by Brandenburg-Prussia) as a centre for linen production and trading. The expulsion of Mennonites from Radevormwald in 1656 prompted the move to Krefeld of Adolf von der Leyen, the founder of the silk industry, which made the town a European leader in the eighteenth century.[36] The imposition of severe trading restrictions on Protestant merchants in the Imperial City of Cologne in 1714, after bitter protests by the city's Catholic merchants over several decades, triggered a group migration to Mülheim am Rhein, Barmen, and Elberfeld in the Duchy of Berg.[37]

The contrast between Protestant enterprise and Catholic intolerance seems striking. The major ecclesiastical territories of Cologne and Münster were relatively

[33] Müller, 'Kurfürst Johann Wilhelm', 1–6; Kisch, 'Mercantilism', 385. Kisch refers specifically to Jülich-Berg, but the point is just as valid for Kleve-Mark.

[34] Nagel, 'Standortkonkurrenz', 168–72.

[35] Schilling, 'Innovation', 25–30; Kaufhold, 'Gewerbelandschaften', 150–3; Braunfels, *Kunst*, iii, 418–20.

[36] Kaufhold, 'Gewerbelandschaften', 153–4; Kriedte, 'Aufstieg', 88–92; Kisch, 'Mercantilism', 15–27.

[37] Schwering, 'Entwickelung', 16–42, and Schwering, 'Auswanderung'; Kisch, 'Monopoly', 351 and *passim*. In 1929, Barmen and Elberfeld were integrated, with other adjacent settlements, as the town of Wuppertal.

backward when compared with Jülich and Berg. There were textile weavers in Münster, but few textile merchants and factors. There were Catholic merchants in Cologne (the Imperial City), but their success in driving out their Protestants rivals undermined their own trade, as the Protestants took most of the Dutch trade with them.[38]

Yet the apparent correlation between religious belief and entrepreneurship is misleading, and there is certainly not the kind of correlation between Calvinism and entrepreneurship that Max Weber suggested and that Peter Hersche has more recently elaborated.[39] The ruler of Jülich and Berg was the Catholic Elector of the Palatinate. Lutheran guilds and Calvinist town magistrates could be just as intolerant of each other or of other minorities as the Catholics.

The only consistently entrepreneurial group were the Mennonites, an Anabaptist denomination persecuted in both the Netherlands and the Reich from the 1540s, who nowhere achieved political authority and who gained no rights in 1648. More important was the fact that these groups originated from the most economically advanced areas of sixteenth-century Europe. They were excluded from political power and thus obliged to focus on economic activity. For generations they looked to the Netherlands for inspiration, traded with the Dutch, and competed with them. As the Krefeld silk merchants Friedrich and Heinrich von der Leyen informed a Prussian commission seeking to promote commerce and manufacture in 1767, they had long practised what the commission now proposed on the basis of theory; over many years, they had learned all their techniques from the Dutch, before surpassing them and even virtually destroying the Dutch silk-processing industry.[40] In 1768, they operated two dyeing establishments and 724 machines of various kinds, which employed just over 3,000 people (not including children, who often worked looms part-time) in Krefeld and the wider region.[41]

The von der Leyen were typical Mennonite entrepreneurs, but similar also to the successful Lutheran and Calvinist entrepreneurs who also flourished in parts of the northern Rhineland or to the Calvinists in the Lutheran Imperial City of Frankfurt am Main.[42] The highly dynamic Monschau woollens merchants, for example, were all Lutherans, excluded from politics since only Catholics could be elected to the town council, but protected by the ruler's privilege and aided by the absence of guilds.[43] By 1765, the most successful of them, the Lutheran Johann Heinrich Scheibler, had built up a concern that employed over 4,000 people, with two sons employing 2,000 more. The economic success of these groups was linked to their Dutch origins and contacts, to their minority status, and to their strong family networks. They sought out places where guild structures were weak or non-existent.

Excluded from political participation, the Mennonites were not caught up in the tensions between territorial Estates and governments. They secured their position by seeking agreements with territorial rulers, as the Krefeld Mennonite community did when it was granted a formal privilege by Frederick William I of Prussia in

[38] Engelbrecht, 'Unternehmer', 431–2. [39] Hersche, *Muße*, 94–111, 442–89.
[40] Kriedte, 'Aufstieg', 87. [41] Kisch, 'Mercantilism', 25.
[42] Schilling, 'Innovation', 20–5. [43] Barkhausen, 'Aufstieg', 152–60.

1738. 'The Mennonites', the king commented, 'will not go to war for me, but I also need people who will make money for me.'[44] In contrast to the government-subsidized and -protected silk industries in Berlin, whose history is punctuated by spectacular bankruptcies, the Krefeld manufacturers went from strength to strength, and by 1750 they were supplying the whole of Europe.

German territorial governments had neither the will nor the power to achieve serious economic innovations. Their policies aimed primarily to enhance their own revenues, rather than to promote the economy as an end in itself. At the same time, rulers were in thrall to corporate bodies, on whom they depended for taxes and political support, and whose entrenched privileges and demands for new privileges they were ill placed to resist. Cameralism may have helped the process of reconstruction to a modest extent. Yet other factors were ultimately more important: renewed population growth, which revived domestic demand, the continuing viability of traditional craft industries, and the tenacity of those who worked in them or marketed their products. Real innovation came not from government but from minorities who were able to find guild-free spaces in which new methods and new products could be developed for both the domestic and the export markets. If there was a 'Wirtschaftswunder' of the German princes and aristocracy in the second half of the seventeenth century, it was paid for by a growing burden of taxation on the people, rather than by the enterprise of its main beneficiaries.[45]

[44] Kriedte, 'Aufstieg', 89.

[45] Dreitzel, *Absolutismus*, 15; Schwennicke, *Steuer*, 289–96; Bauer, *Hofökonomie*, 55–7; Wilson, *Reich*, 254–8.

34

Christian Polities: Baroque Catholicism

In 1734, Johann Jacob Moser identified the mutual suspicion of the Christian confessions as the greatest 'plague of the Reich', and, even in the 1750s, he blamed this primarily on the fanaticism of the Catholics.[1] Yet the conviction that Christian religion was the only viable bond of human society, the principle *religio vinculum societatis*, remained fundamental to German governments after 1648. Dietrich Reinkingk's *Biblische Polizey* ('Policey According to the Bible') of 1653 declared that 'God's own law book and its proper observance is the best *ratio status* or guarantee of the polity'.[2]

Almost every writer of whatever persuasion over the next century broadly reiterated his view. Even Thomasius, who is often portrayed as one of the first proponents of a secular state above religion, emphasized the importance of stable Christian institutions, though he challenged the right of the clergy to dictate to the secular authorities.[3] If the Peace of Westphalia was designed to put an end to the conflict between confessions, it also established a framework that enabled the development of Christian polities. In many areas, stabilization now made confessionalization possible for the first time. The way that this was done, and the continuing negotiations over the status of particular territories, districts, and localities, generated further confessional tension that continued to haunt the political life of the Reich into the eighteenth century.

The conflict in the Reich was in the last resort a political conflict over the balance of power between emperor and Estates, but it was fraught with religious overtones. The Catholic emperors pursued an undeviating confessionalism in their own lands; their court aura explained at least some of the conversions of Protestant princes to Catholicism; and their cultivation of a Catholic clientage of ecclesiastical and secular rulers in the Reichstag made the largely Protestant princely families feel marginalized.[4]

Moser's view of the cause of this state of affairs naturally reflects his own profound Protestant piety and loyalties. In reality, both Catholicism and Protestantism experienced revivals in this period, and if developments in Catholic Germany seem more provocative, they must be understood in the context of the development of both confessions in the Reich after 1648.

[1] Rürup, *Moser*, 143, 149. [2] Kremer, *Friede*, 51.
[3] Hunter, *Secularisation*, 113–41; Schröder, *Thomasius*, 109–34; Ahnert, *Religion*, 43–56; Luig, 'Thomasius', 249–51.
[4] Christ, 'Fürst'.

Nothing inflamed the passions of Protestants in the Reich more than the news they received from the Habsburg lands about the plight of their co-religionists.[5] Even Moser, who was a loyalist at heart and essentially committed to the Habsburgs' continued tenure of the imperial crown, permitted himself to criticize them for showing so little moderation in the management of the issue of Protestantism in their own territories.[6] This was a key feature of Habsburg policy from the late sixteenth century until Joseph II's toleration edicts of 1781–2.[7] Nowhere was the equation between political loyalty and Catholicism made more explicit and implemented more uncompromisingly than in the Habsburg lands. The grim realities of Habsburg re-Catholicization were repeatedly brought home to Protestants in the Reich by their frequent encounters with refugees.

Estimates of their numbers are rather unreliable. They often include fatalities from the Thirty Years War and are sometimes based on estimates of numbers of male refugees that are then multiplied by 'average' family sizes. Before, during, and after the war many refugees, who may well have been Protestant, were really economic migrants in search of better conditions. The fact, however, that many claimed to be victims of persecution in order to gain favourable treatment and settlement terms from Protestant rulers merely added to the general picture of vicious persecution that aroused the sympathies of so many German Protestants.[8]

The main bulk of the exodus occurred before about 1660: perhaps some 100,000 from Lower and Upper Austria between 1598 and 1660, several tens of thousands between 1647 and 1653 alone; some 150,000 from Bohemia by 1650; some 200,000 from Silesia between 1618 and 1670, or roughly one-fifth of the total pre-war population.[9] Even after the main exodus was over, a steady stream, unquantifiable yet sporadically well documented and constantly publicized in Protestant pamphlets and news media, continued into the eighteenth century.

The policies that prompted the migrations were broadly similar throughout the Habsburg lands.[10] In the 1620s, Upper Austria was re-Catholicized on behalf of the emperor by the forces of the Elector of Bavaria. In 1624, all Protestant preachers and teachers were expelled, and the following year all Protestants were ordered to convert to Catholicism or leave their homes after payment of a tax amounting to 10 per cent of their wealth. Only noble families who had been resident for fifty years were permitted to remain, though without practising their religion. In Lower Austria, similar measures were applied between 1627 and 1631, though because most of the Lower Austrian nobility had paid its homage to Ferdinand II (which the Upper Austrians had refused) the 'counts, barons and nobles' of Lower Austria were guaranteed their religious rights in 1648 (IPO §39). In Inner Austria, however, where there was no question of the emperor being able

[5] Ward, *Awakening*, 1–10, 18–21.
[6] Rürup, *Moser*, 143.
[7] Herzig, *Zwang*, 17–26, 68–75.
[8] Bahlcke, 'Freiheitsvorstellungen', 384–5; Schnabel, 'Glaubensflüchtlinge'; Schunka, 'Glaubensflucht', 554–5; Schunka, 'Exulanten'; Schunka, *Gäste*, 20–31.
[9] Winkelbauer, *Ständefreiheit*, ii, 61; Dipper, *Geschichte*, 272; Conrads, 'Schlesien', 284; Prinz, 'Geschichte' 220; Rusam, *Exulanten*, 112–13.
[10] Winkelbauer, *Ständefreiheit*, ii, provides a wealth of detail on the individual territories.

to level the charge of sedition, draconian anti-Protestant legislation was introduced between 1625 and 1628.

In Bohemia and the County of Glatz, re-Catholicization was an integral part of the reconstruction of Habsburg rule after the Battle of the White Mountain in 1620.[11] Here, the extirpation of the rebel nobility, and the transfer of their lands to Habsburg loyalists and to the Jesuits, culminated in the *Verneuerte Landesordnung* ('Renewed Constitution') of 1627, which made Catholicism the religion of state. For the mass of the peasantry, the imposition of Catholic religion was paralleled by the imposition of severe serfdom, which itself drove many to escape over the borders to Saxony, Brandenburg, and northern Franconia in the coming decades. The brutal repression of a general peasant uprising in 1679–80 merely reinforced the pressures, and small waves of emigration continued, mainly to Saxony but also to Silesia and, after 1700, to Brandenburg.[12]

This broad religious–political programme was not affected by the Peace of Westphalia. With the exception of the Lower Austrian nobility, the emperor managed to exempt most of his lands and subjects fully from the treaty's provisions. In two respects, however, the Habsburgs failed to enjoy real freedom of action. First, while the treaty gave most Habsburg subjects no rights, it did impose a kind of duty of care upon German Protestants: the King of Sweden and the Protestant Estates of the Reich reserved to themselves the right to intercede with the emperor in favour of a more generous treatment of his Protestant subjects in the future.

Second, the Protestant Estates were even more directly involved in the religious affairs of Silesia, where the Habsburgs were tied by explicit provisions in the treaty.[13] The Dresden Accord brokered in 1621 by the Elector of Saxony, whereby the Silesian Estates agreed to renew their oath of homage to Ferdinand II and pay him 300,000 gulden in return for a general amnesty, protected Silesia from retribution. The territory was also structurally different, for though it was a fiefdom of the kingdom of Bohemia, it was composed of a number of principalities and duchies, some of which remained in the hands of indigenous (and Protestant) dynasties that were heavily intermarried with the Protestant princely dynasties in the Reich. In 1648, this combination of a peculiar legal status and external family alliances was translated into a series of special provisions negotiated by the Swedish crown and the Protestant Imperial Estates. The Dukes of Brieg, Liegnitz, and Münsterberg-Oels and their subjects, and the city of Breslau, were granted religious freedom in their own territories. Furthermore, it was agreed that the Lutherans (but not the Calvinists) in other parts of Silesia would be allowed to worship in three new churches (later known as the 'peace churches') that they would build at their own expense.

The construction of the 'peace churches' began soon after the Swedish troops withdrew in 1650. Donations poured in from Protestants throughout the Reich to create three vast structures embellished in the most magnificent Baroque style, with

[11] Louthan, *Bohemia*, 16–46. [12] Winter, *Emigration*, 51–77.
[13] Herzig, *Konfession*, 13–36; Deventer, 'Konfrontation'; Winkelbauer, *Ständefreiheit*, ii, 67–70; Ward, *Awakening*, 54–92.

high altars, splendid pulpits, and, in due course, organs. The largest of them, at Schweidnitz, contained 3,000 seats and had room for 4,500 more standing; the church at Jauer could accommodate 6,000. However, at the same time the Habsburg authorities, who had provided the building land and supervised the construction, also sent out a 'reduction commission' that closed nearly 700 Protestant churches and expelled some 500 preachers. As in Bohemia, titles and land were granted to loyalist nobles from the Erblande, such as the Auersperg, Liechtenstein, or Lobkowitz, or to the Jesuits and ecclesiastical foundations.[14] The crown took back escheated fiefs, such as Brieg, Liegnitz, and Wohlau on the extinction of the Piast dynasty in 1675. Some native landowners, such as the Dohna and the Schaffgotsch, who had either remained Catholic or converted, were also promoted. After 1675, only the Duchy of Oels remained Protestant. Its ruler, Sylvius Nimrod von Württemberg-Weitlingen, who had married the daughter of the last native Duke, had been permitted to establish a new dynasty after the latter's death in 1647.[15]

The cumulative effect of Habsburg policy was to impose increasing pressures on the Silesian Protestants. Leopold I disapproved of violent action and appeared anxious to limit the economic damage of persecution. When Abbot Bernhard Rosa of Grüssau in the Duchy of Schweidnitz-Jauer forced nearly a thousand Protestants to leave their homes on his lands in 1687, he was given a severe rebuke. He even wanted to exhume the bodies of Protestant members of the Schaffgotsch family, an attack on the family of the Habsburg governor in Schweidnitz-Jauer that incensed Leopold.[16] However, the emperor himself vigorously promoted persecution of Protestants in Upper Silesia, and official discrimination was constantly extended. There were perpetual arguments over access to the remaining Protestant churches; new guardianship laws dictated that all orphans were to be brought up as Catholics; mixed marriages were banned; conversion to Protestantism was defined as *crimen apostasiae*.

The general effect of this was twofold. First, the hundred or so Protestant churches that remained in areas such as Oels were massively attended, and frontier churches were established in neighbouring Poland, Brandenburg (in the former Silesian lordship of Crossen), and Saxon Lusatia. Travel to Sunday services—the round trip took three days for some—became a form of mass demonstration or Protestant pilgrimage. In addition, those who had been expelled or who simply left often settled in Silesian communities across the frontiers, ministered to by the expelled preachers and teachers.

Second, thanks partly to the tireless propagandism of many of the refugees themselves ('we poor strangers and people persecuted for our faith', as they often referred to themselves), the Saxon and Brandenburg governments and Protestants throughout the Reich became acutely aware of conditions in Silesia.[17] Since it was a fiefdom of the Bohemian crown, no Silesian Estates attended the Reichstag, and in 1653–4 the crown tried to ban any Silesians from even attending the session as observers. Some, however, did manage to be present, and from 1663 the Protestant

[14] Evans, *Making*, 299–301.
[15] Weber, *Verhältnis*, 206–14.
[16] Herzig, *Konfession*, 45–6.
[17] Bahlcke, 'Freiheitsvorstellungen', 385.

representatives at the permanent session of the Reichstag were constantly preoccupied with the Silesian question. Between 1663 and 1750, the Corpus Evangelicorum made use of its right to intercede with the emperor on behalf of the Silesian Protestants on 154 occasions; between 1663 and 1714, thirty-four *Gravamina*, or cumulative lists of complaints and grievances, were published, along with pamphlet commentaries and items in newspapers and journals.[18]

There was little that the German princes could do other than intercede. They needed the emperor's goodwill for the sake of their own political and dynastic ambitions. Furthermore, the Saxon clergy, whose ruler was head of the Corpus Evangelicorum, were often wary of the radical tendencies they discerned among some Silesian and Bohemian refugee communities. The Elector's conversion to Catholicism in 1697 further complicated matters, though as King of Poland he was happy to provide refuge for Silesian and Bohemian émigrés on economic and populationist grounds, just as he had been as Elector of Saxony.

The Electors of Hanover and Brandenburg, who assumed leadership of the Protestant cause, were equally constrained. Sweden, as one of the powers that guaranteed the Peace of Westphalia, was in a different position, and in 1707 Charles XII took the opportunity of his defeat of Saxony to extract concessions from the emperor at Altranstädt.[19] Joseph I agreed to return 125 churches confiscated since 1648 and to permit the establishment of Lutheran consistories in Liegnitz, Brieg, and Wohlau. As an 'act of mercy', he also agreed to permit six new churches, including one at Teschen in the south, the first Protestant church in Upper Silesia since 1660. As in the case of the 'peace churches', the 'mercy churches' had to be built outside town walls, they were constructed in the best Baroque style, like their Catholic counterparts, and this time three of them (Hirschberg, Landeshut, and Teschen) were built in stone.

Though the Catholic population of Silesia increased, Lutheran and other Protestant communities survived. While some agreed to convert rather than leave, many also simply either continued to visit those territorial and extraterritorial churches that remained or practised their religion in secret. Indeed, discrimination and persecution tended to radicalize the survivors, who often developed idiosyncratic forms of worship and belief in the absence of a disciplining ecclesiastical structure or even of properly trained clergy.[20] As in Bohemia and the Austrian Erblande, it proved impossible to eradicate Protestantism in Silesia entirely. In both territories, Hussites and other sects, such as the Israelites and the Adamites, survived into the eighteenth century.[21] In Upper and Lower Austria and Styria, over fifty communities, with perhaps up to 100,000 members in total, survived to qualify for the right of groups of a hundred families or more to constitute themselves as a recognized confessional community under Joseph II's toleration edicts of 1781–2.[22] Meanwhile, the disastrous attempts by Salzburg and Berchtesgaden to enforce

[18] Weber, *Verhältnis*, 268–80, 421–6.
[19] Herzig, *Konfession*, 24–5; Wagner, *Mutterkirche*, 60–96.
[20] Herzig, *Konfession*, 37–70, 79–114; Ward, *Awakening*, 67–73, 77–83.
[21] Ward, *Awakening*, 78; Benedikt, *Sporck*, 160.
[22] Herzig, *Zwang*, 75; Winkelbauer, *Ständefreiheit*, 184.

confessional conformity prompted the Habsburgs to adopt a different approach to the problem from the 1730s, which aimed to retain the indigenous workforce and avoid unwelcome negative publicity abroad.

Salzburg aspired to be the 'German Rome'. The archbishops were princes of the Reich, primates of Germany since 1529, heads of an archdiocese that included four subsidiary bishoprics, to which they nominated bishops, and metropolitans of an ecclesiastical province that extended as far east as Vienna, north to include the diocese of Regensburg, and west to include the whole of Bavaria and its bishoprics.[23] That explained their prestige and authority, but it also generated anxiety about being squeezed by the secular rulers of Bavaria and Austria, both of whom aspired to exercise authority over the bishoprics in their lands. Hence, for example, in the late sixteenth century, Salzburg had chosen the Benedictines as its main reforming order (and as the basis for what became the only Benedictine university in the Reich after 1622) rather than the Jesuits, who prevailed in Bavaria and Vienna.[24] Even so, from about 1650, Austrian influence in the archbishopric increased markedly as Bohemian and Austrian nobles began to dominate a chapter that had previously been characterized by a mix of Tyroleans, Austrian, Swabians, and Bavarians; from now on, the archbishops themselves were typically members of the Habsburg elite.[25]

From the early 1670s, efforts were made to monitor the seasonal migration of workers to Saxony and Württemberg and, in particular, to ensure that they did not bring Protestant literature back home with them.[26] Under Archbishop Ernst von Thun (1687–1709), seasonal workers were only allowed to leave the territory to work in other Catholic territories and were obliged to present the Salzburg authorities with a certificate from that territory on their return. Protests by the miners of the Deferegger valley against heavy-handed surveillance led to the expulsion of 600 men. Their children were retained in Salzburg and only returned to them in 1691 after the intervention of the Corpus Evangelicorum in Regensburg.

The neighbouring Prince-Provost of Berchtesgaden now also joined in the hunt for secret Protestants. While attempting to prevent emigration by claiming all miners were serfs, the Berchtesgaden authorities expelled the miner and lay preacher Joseph Schaitberger (1658–1733), together with seventy employees of the prince-provost's salt mine, between 1686 and 1691.[27] Schaitberger became a prolific author of devotional literature, which instilled a real sense of solidarity and destiny into the Protestants of both Berchtesgaden and Salzburg.[28]

[23] Gatz, *Bischöfe 1448–1648*, 828–9; Gatz, *Bischöfe 1648–1803*, 622–4; Dopsch, 'Legatenwürde', 277–81; Gatz et al., *Bistümer*, 646–7.

[24] Winkelbauer, *Ständefreiheit*, 33; Schindling and Ziegler, *Territorien*, i, 82–4; Meid, *Literatur*, 363–73.

[25] Winkelbauer, *Ständefreiheit*, 36.

[26] See also p. 162.

[27] Kissling, 'Konfessionalisierung', 95–9. On Berchtesgaden's history as an immediate ecclesiastical territory of the Reich, see Köbler, *Lexikon*, 59.

[28] Ward, *Awakening*, 96–8.

Matters reached a head when Archbishop Leopold Anton Freiherr von Firmian (1727–44) decided against the wishes of his chapter and of the Benedictine establishment at the university to despatch a Jesuit mission to root out the heretics for good.[29] The Pongau Protestants' appeal to the Corpus Evangelicorum in Regensburg led to their mass expulsion and to their immediate rescue by the Elector of Brandenburg, supported by donations from throughout the Reich, the Netherlands, Switzerland, and England. Their long journey through the Reich to their new homes in East Prussia and Polish Lithuania provided many en route with living proof of the continuing Catholic persecution of poor Protestant folk, aided and abetted by the emperor himself.[30]

While Berchtesgaden hastily moved to expel another 700 Protestants, the Habsburgs themselves were unwilling to risk the kind of public relations disaster that Archbishop Firmian had suffered. The witch-hunt continued; even possession of a book or the consumption of meat on feast days was taken as a sign of crypto-Protestantism.[31] The option of emigration was ruled out of the question. Those found guilty were branded heretics and rebels to avoid a public outcry in the Reich; their books and property were confiscated; they themselves were transported to Transylvania. As early as July 1733, the Corpus Evangelicorum complained that the emperor's behaviour was 'incompatible with the entire system of the German Reich'. Yet the 'transmigrations' continued regardless until 1774.[32] Some 4,000 were transported in total: a harsh fate for the individual, a stark example to those that remained behind.

Forcible re-Catholicization with expulsions and compulsory resettlements was a Habsburg speciality in the century after the Peace of Westphalia. That reflected the scale of the problem the dynasty faced in establishing a secure hold over its extended and diverse territories. Their first attempts to reinforce Catholic orthodoxy before 1618 had been hampered by periods of equivocation, constitutional compromises with various noble factions; they were also constrained by the need not to alienate the Protestant Estates in the Reich. Now they had a greater freedom of action.

Other Catholic territories, not thus constrained by a wider imperial role, had largely solved their confessional problems before 1648. These included Bavaria, for example, which broke the back of its Protestant noble *fronde* in 1564; or Würzburg, which Julius Echter von Mespelbrunn managed forcefully from 1573 to 1617; Cologne, under Ernst of Bavaria from 1583 to 1612; Bamberg under Neithard von Thüngen in the 1590s; Paderborn under Dietrich von Fürstenberg from 1585 to 1618; or Münster under Ferdinand of Bavaria from 1612 to 1650. One after another, the leading Catholic secular and ecclesiastical princes reasserted their authority. In some parts, the war interrupted the process, in others—particularly the northern bishoprics of Münster, Osnabrück, Paderborn, and Hildesheim—the

[29] Walker, *Salzburg transaction*, is the best account of these events. Thompson, *Britain*, 148–64 is also illuminating about the politics of the affair and British policy throughout. See also Leeb, 'Emigration'.

[30] Ward, *Awakening*, 101–7.

[31] Rusam, *Exulanten*, 100.

[32] Buchinger, *'Ländler'*, 20–68; Reingrabner, *Protestanten*, 165–6; Mecenseffy, *Geschichte*, 186–202; Ward, *Awakening*, 107–9; Aretin, *Altes Reich*, 331–2; Pörtner, 'Migration', 346–54.

war provided new opportunities for a series of Bavarian princes or Bavarian nominees to make up for lost time. After 1648, the potential for real change was limited by the rights guaranteed to communities that had existed in 1624. That was precisely why the Habsburgs had fought so hard during the peace negotiations to exempt their territories from the general rule.

Those who tried to re-Catholicize their territories after 1648 faced considerable problems. Even with substantial French assistance, the Catholic Electors of the Palatinate were unable to impose their religion on their lands after 1685, and Catholics remained in a minority of about 30 per cent.[33] In other territories, too, the scope of rulers to change the religion of their subjects was now severely limited. Thirty-one princes converted to Catholicism between 1648 and 1769, but the most that they could achieve was a *Simultaneum*: equal rights of worship for Catholic communities, which Protestant lawyers vehemently rejected as a breach of the Peace of Westphalia.[34]

The only successful re-Catholicization after 1648 was executed by Bavaria in the Upper Palatinate. The ground had been well prepared by the abolition of the rights of the nobility in 1628, which resulted in forty-four families, half of the Upper Palatinate nobility, emigrating. A lack of sufficient regular clergy meant that progress towards uniformity was slow. The authorities in Amberg alone burned ten thousand books, and thousands of subjects were punished for transgressions. By 1675, however, after steady pressure over two generations, a survey noted that only twenty-five non-Catholics remained.[35]

Catholic rulers in regions where there was no clear geographical demarcation between the confessions, and who had to deal with confessional minorities with rights anchored in imperial legislation, had to rely on the broader palette of non-violent methods of Catholic reform that the Habsburgs also used, in addition to brute force, in their exempt lands. The battle for hearts and minds was fought on numerous fronts. The severe shortage of regular clergy in the post-war decades led almost everywhere to the employment of religious orders.

The Jesuits remained the most important and influential organization, except in Salzburg, where the Benedictines fulfilled the role of political advisers, co-ordinators of reform, and managers of higher education.[36] New orders, such as the Capuchins, also played a key role in restoring pastoral care to both urban and, above all, rural areas, along with other new or reformed old orders such as the reformed Franciscans, Barnabites, Benedictines, Augustinians, Cistercians, Dominicans, Carmelites, Premonstratensians, Merciful Brothers, the Ursulines, and the English Ladies.[37] The foundation of networks of new monasteries, often incorporating derelict or abandoned older institutions, was a common way of re-establishing authority over a territory. The Habsburgs systematically developed a network of Capuchin monasteries in Further Austria, for example, and their incorporation into a separate Further

[33] Herzig, *Zwang*, 75.
[34] Schäfer, *Simultaneum*, 9–28; Schneider, *Ius reformandi*, 465–82; Christ, 'Fürst'; Maurer, *Kirche*, 72.
[35] Herzig, *Zwang*, 75–7.
[36] Herzig, *Zwang*, 95–119.
[37] Forster, *Catholic Germany*, 128–43; Hersche, *Muße*, 318–34.

Austrian province in 1668 was perceived as a significant strengthening of the links between the Tyrol government and its spread of south German territories.[38]

The renewed presence of reformed Catholicism was evident in other ways too. The period after 1648 saw an astonishing boom in ecclesiastical building all over the Catholic Reich. Before the war, many had hesitated to launch into large-scale construction. After the war, when the status quo was enshrined in imperial law, but also when there was more to rebuild, repair, or renovate, huge resources were poured into construction. For the small Swabian independent foundations, this was also an opportunity to assert their free status in the Reich: they ceased to lend money to the emperor and invested in self-presentation instead.[39] In many cases, the old buildings were retained, sometimes in explicit homage to tradition and continuity, but were subjected to elaborated programmes of renovation in the Baroque style.[40]

A straightforward correlation of style and faith is too simplistic, for Lutherans used the Baroque as well, especially in proximity to Catholic churches and foundations.[41] The intensity with which the style was employed by both Catholics and Protestants in areas of mixed confessional identity seems to suggest that it is better understood as a general German style that was ideally suited to ostentatious and demonstrative display of confessional identity combined with wealth and power. The Baroque court chapel in Dresden was confronted with the even grander Protestant Frauenkirche (1726–43) in the same style. Only the Reformed abstained from the Baroque completely. For both Catholics and Protestants, the key was the distinctive organization of the church space: while Protestants tended to highlight the pulpit, Catholics emphasized the high altar and the tabernacle above all and the numerous altars in side-chapels, to ensure that all priests could say their daily Mass.[42]

New monasteries and new parish churches in both town and country increased the density of Catholic presence and extended its reach. The impact of buildings and decoration was further intensified by the installation of relics, for which there was now a massively inflated demand matched by an equally impressive increase in supply. The Church itself had helped by increasing the number of canonizations in the late sixteenth century. The shrine of St Ursula and the Eleven Thousand Virgins at Cologne and the tombs of the early Christian martyrs in the Roman catacombs generated tens of thousands of 'new' saints. St Ursula's supposed martyrdom at the hands of the Huns in Cologne was commemorated locally from the early Middle Ages, and during the tenth century the number of her alleged helpers, originally just one, had been inflated from eleven to 11,001. From the late sixteenth century, the Jesuits took charge of the shrine and of the distribution of relics from it.[43] The catacombs of Rome, progressively rediscovered after

[38] Winkelbauer, *Ständefreiheit*, i, 43.
[39] Beales, *Prosperity*, 58–83; Hersche, *Muße*, 369–74; Press, *Kriege*, 139–43; Hartmann, *Kulturgeschichte*, 136–44.
[40] Engelberg, *Renovatio*, 215–350, 496–624.
[41] Engelberg, *Renovatio*, 189–214.
[42] Hartmann, *Kulturgeschichte*, 102–5, 182–90, 234–41; Hersche, *Muße*, 534–56 (with a European perspective).
[43] Johnson, 'Fabrications' 277–8.

1578, were even more productive, and from the 1620s a massive export trade began of relics from the bodies of the Christian martyrs—one authority claimed there were no fewer than 174,000—that were buried there.[44]

Thousands of these Roman relics were installed in Bavaria, Catholic Switzerland, and the Habsburg territories. Bavaria alone commissioned roughly a thousand 'translations' of entire saints' bodies that were embellished with jewels (especially large gems in the eye sockets) and precious fabrics and installed in glass coffins on altars throughout the territory. Particular attention was devoted to the translation of such relics into the Upper Palatinate, whose re-Catholicization Bavaria completed in the decades after 1648.

The most important cult of all was that of the Virgin Mary. Both the Bavarian Wittelsbachs and the Habsburgs adopted her as their patron, and each sponsored a major pilgrimage shrine in her honour (Altötting in Bavaria, Mariazell in Styria). Similar centres also developed elsewhere, such as Kevelaer in the Spanish Netherlands' Duchy of Guelders (acquired by Brandenburg-Prussia in 1713), whose shrine to the Virgin Mary, founded following an apparition in 1641, drew pilgrims from the whole archdiocese of Cologne, as well as the diocese of Roermond, in which Kevelaer lay. The numerous Loretto chapels, often founded after a pilgrimage to the 'sacred house' at Loretto itself, were all dedicated to the Virgin.[45] Marian pilgrimages also developed at numerous churches that contained copies of Cranach's *Madonna and Child* (*c.* 1520) on the high altar of Innsbruck's cathedral. Over a thousand copies were made of the wooden sculpture of the 'scourged Christ' at Die Wies in Bavaria, from which tears allegedly flowed in 1738.

Such shrines and votive monuments were merely the most important landmarks on an increasingly dense 'sacral landscape'. Pilgrimage places of all kinds were revived, established, and visited with particular frequency in the period 1680–1770. Literally thousands of wayside chapels and crosses marked out Catholic spaces throughout the Reich.[46] If the religion was 'universal', the emphasis was now also increasingly regional or territorial. A major pilgrimage centre such as Walldürn, where the veneration of the 'blood miracle' had developed into the fourteen-day pilgrimage by the early eighteenth century and attracted up to 300,000 pilgrims annually, was a significant commercial enterprise for the Electors of Mainz.[47] For many smaller ecclesiastical territories, a local pilgrimage was both a source of income and another instrument of territorial integration.[48]

[44] Johnson, 'Fabrications', 278–82; Krausen, 'Verehrung'; Achermann, *Katakombenheiligen*; Louthan, *Bohemia*, 141–2.

[45] The Virgin Mary's house had allegedly been transported by angels from Epirus to Ancona in the 1290s. See Louthan, *Bohemia*, 63–6.

[46] Hersche, *Muße*, 556–68; Forster, *Revival*, 61–105. Hantsche, *Atlas*, 82–3, shows the density of pilgrimage places in the Lower Rhine area.

[47] The origins were medieval: in 1330, a priest had spilled a consecrated chalice, and the 'blood of Christ' had formed an image of the crucified Christ together with eleven heads of Christ crowned with thorns on the altar cloth. Miller and Taddey, *Handbuch*, 833–4.

[48] Hersche, *Muße*, 806–16; Forster, *Revival*, 218–19. Lederer, *Madness*, 99–144, provides an excellent survey of Bavarian pilgrimage practice.

Also associated with places of pilgrimage and particular forms such as the Marian cult were the numerous lay brotherhoods and fraternities for both men and women.[49] These organizations suffered a severe crisis during the Reformation and began to revive in the second half of the sixteenth century. This revival continued, and there was a marked growth in new foundations between about 1670 and 1730. In addition to the associations devoted to particular causes, a dense network of parochial fraternities, rosary and scapular societies, and other sodalities developed in most Catholic areas. Some, such as the Marian congregations established by the Jesuits from the late sixteenth century onwards, aimed primarily to recruit the urban and territorial elites. Many others, however, were broadly autonomous organizations of the laity involving ordinary people, or a cross-section of the local population, including the nobility. Many laypeople belonged to more than one society, and there is evidence that the number to which individuals belonged increased during the eighteenth century. At the same time, many of these associations accumulated significant wealth because of the bequests made by their members. They played such a prominent role in Catholic society that they were among the first institutions to attract the reforming (and controlling) zeal of Enlightened rulers after 1750.

Such enterprises represented one of many ways in which both secular and ecclesiastical authorities sought to re-establish the Catholic Church in the German territories after 1648. The conceptual and theological framework was provided by the Council of Trent decrees, but the result cannot be described as the triumph of the Tridentine Church. Official attempts to 'discipline' the laity often met with resistance, and the efforts of Tridentine reformers were complemented from below by the laity themselves.[50] Numerous pre-Reformation traditions survived, such as the desire for communal control over the church, a drive to intensify and diversify religious experience, and the revival of pilgrimages and the cult of the saints. Communities demanded more resident priests more conscientiously devoted to their religious duties and that dovetailed with the new Tridentine focus on pastoral care, yet at the same time the laity was quick to protest against clerical transgressions or perceived breaches of communal rights.

Baroque Catholicism involved a process of adaptation by the Tridentine ecclesiastical hierarchy to the religious world view of the predominantly rural laity. The popular role in the formulation of religious practice was greater than has often been recognized. Local traditions and communal practices shaped the reception of reforms and innovations that were conceived by the elites. The Jesuits, far from being the agents of a discipline imposed from above, acted rather as intermediaries between Church and people. The re-establishment of the ecclesiastical infrastructure of parishes and schools or of ecclesiastical courts in the prince–bishoprics was

[49] Hardtwig, *Genossenschaft*, 70–97; Brandmüller, *Kirchengeschichte*, ii, 928–35; Hersche, *Muße*, 396–419.

[50] Holzem, *Religion*, 458–64; Forster, *Revival*, 185–207.

broadly successful. Indeed, in many parts, the 'sacral landscape' now probably became more visible than at any time before or since. The fact, however, that a ruler such as the Elector of Bavaria felt moved in 1718 to send out Jesuit missionaries to every district to 'rescue the people from darkness and ignorance' underlines the distance that remained between official doctrine and popular practice.[51]

[51] Ward, *Christianity*, 68.

35

Christian Polities: The Territories of the Reichskirche

In many respects, the prince-bishops pursued policies similar to those of the secular rulers. Yet the survival of the independent ecclesiastical territories as the Reichskirche or *Germania sacra* alongside the secular territories in the Reich was one of the peculiarities of German Catholicism. To what extent did the existence of the Reichskirche contribute anything distinctive to the development of Catholicism in the Reich? Was it really just a collection of 'curious constitutional fossils . . . from the early feudal epoch' or a 'kind of Third World within federal Germany by the eighteenth century'?[1] The idiosyncratic structure and constitution of the Reichskirche, and the fact that it disappeared with the dissolution of the Reich in 1806, has often prompted questions about its viability. To what extent was the Reichskirche capable of reform, and did its constitution in any sense retard or inhibit the renewal of German Catholicism?

Fundamentally, the very existence of the Reichskirche anchored the position of Catholicism in the Reich and gave weight to the Catholic and imperial party in imperial politics. The votes of its leading members in the Reichstag created a permanent Catholic bloc. The Protestant princes naturally viewed this with suspicion and resented the fact that its influence was out of all proportion to the mere 14 per cent of the area of the Reich and roughly 12 per cent of its population that it controlled. The presence of the prince-bishops and other leading churchmen in the Reichstag as princes, rather than as lords spiritual, emphasizes the fact the Reichskirche was fundamentally the Church of the higher nobility. That was not unlike the upper echelons of the Church in France and elsewhere. In the Reich, however, the bishops were both heads of large dioceses and rulers of territories within them; these were not theocracies but essentially, and legally, secular territories with ecclesiastical rulers.[2] The wider reach of the diocesan boundaries frequently generated conflicts between the prince-bishops and the secular rulers or between the metropolitans and the other prince-bishops in their regions. It also meant that the Reichskirche shared many of the same interests as the secular rulers and generated tension between the German bishops and the papacy and its nuncios in the Reich.[3]

[1] Anderson, *Lineages*, 151; Benecke, 'Reichskirche', 78.
[2] Kremer, *Herkunft*, 30–50. Other useful information is collated by Schraut, *Haus Schönborn*, 19–33.
[3] The nunciatures were at Cologne, Vienna, and Lucerne. For a list of the incumbents (and biographies) see Gatz, *Bischöfe 1648–1803*, 635–6.

With some notable exceptions, such as the Prince-Provostship of Ellwangen and the Imperial Abbacy of Kempten, the prelates who ruled the Imperial Abbeys were generally commoners, as were the monks who elected them. Like others, such as Berchtesgaden, Fulda, and Corvey, they were, moreover, tied to a religious order and therefore slightly less susceptible to being controlled by a dynasty. Yet most prelates were also territorial rulers and had the same interests as their episcopal and secular counterparts. Both the bishops and the numerous prince-abbots and prince-provosts jealously guarded their autonomy against external interference. The same was true of the cathedral chapters and the bodies of monks who often regarded themselves as the true guardians of the institution. They frequently played the role of territorial Estates and acted as regents during interregnums.[4]

The dual functions of the prince-bishops and prelates militated against any concerted action on the part of the German Church. The diocesan structure remained the same as it had been in the later Middle Ages, although the boundaries of the Reich had changed since then, many bishoprics had been secularized, and many secular rulers had excluded any meaningful exercise of diocesan rights or jurisdictions in their lands during the sixteenth century. Nor did the Reichskirche have any real overall leadership. The metropolitans and ecclesiastical provinces had lost any real significance, and the ordinary prince-bishops had long since ceased to regard themselves as suffragans of the archbishops and subject to their authority.[5] Salzburg asserted its sole claim to the title of 'German Primate' after the Archbshopric of Magdeburg became Protestant in the 1560s, and this claim was both supported by the emperors and affirmed by the Imperial Chancellery in 1750.[6] Yet, in practice, the Archbishop of Mainz was considered the true *Metropolis Germaniae* by virtue of being Elector and Archchancellor of the Reich, and that position was to become significant in the years after 1806. The Prince-Bishops of Eichstätt assumed the title of *Sanctae Moguntinae Sedis Cancellarius* (Chancellor to the see of Mainz), with the duty of watching over the rights of the empire and its Catholic Church. But, in fact, the titles of primate and chancellor to the primate meant little. In so far as the German Church had a head, it was the emperor himself as *advocatus ecclesiae*.

These institutional singularities were reinforced by other factors after 1648. First, the papacy refused to recognize the Peace of Westphalia, which placed the German prince-bishops, who accepted it, at odds with Rome. Second, the German practice of accumulating bishoprics ran counter to papal policy following the Council of Trent. Third, the practice of drawing up electoral capitulations between chapters and bishops elect also emphasized territorial interests rather than those of the wider Church, let alone the authority of the papacy in Rome. Fourth, while the Council of Trent had aimed to strengthen the authority of (reformed) bishops and had therefore demanded the abolition of the post of auxiliary bishop, the German Church maintained the old system. Finally, the affiliation of the Reichskirche with

[4] Quarthal, 'Krummstab'. [5] Conrad, *Rechtsgeschichte*, ii, 179–80.
[6] Schindling and Ziegler, *Territorien*, i, 73–5, and ii, 79–81; Conrad, *Rechtsgeschichte*, ii, 179–80; Seehase, 'Religionsfrieden'.

the Reich was underlined by the fact that it technically also included one Lutheran bishopric (Lübeck, albeit with four Catholic canons in its chapter, as there had been in 1624) and three female religious houses for noblewomen (Gandersheim, Quedlinburg, and Herford).[7]

The perpetuation of the old legal and constitutional structures gave rise to a variety of different circumstances. The continuing exploitation of the Reichskirche by the Habsburgs and other leading dynasties, both as a means of extending their power and influence and as a way of providing for young sons, led to some serious abuses. In the period from 1680 to 1750, candidates from the ruling houses of Bavaria, the Palatinate, and Lorraine were put forward for virtually every episcopal vacancy in the Reich.[8] In that period, nine princes from five dynasties held fourteen bishoprics, in addition to other major ecclesiastical benefices. Of these nine princes, one was periodically insane, five had to be forced to take holy orders by the pope, and two were never ordained at all. The Elector Philipp Wilhelm of the Palatinate (1615–90, r. 1685–90) sent six of his sons into ecclesiastical careers; Max Emanuel of Bavaria (1662–1726, r. 1679–1706 and 1714–26) forced his brother and four sons into the Church. Lacking sufficient male offspring themselves, the Habsburgs promoted the claims of their close relatives in the houses of Lorraine and the Palatinate. All of these elections were made by the cathedral chapters, often on payment of substantial bribes. They also had to be confirmed by both the emperor and by Rome. Despite the flagrant contradiction between these practices and the principles of the Council of Trent, successive popes rarely jibbed at candidates from the major dynasties. Only the lack of male Habsburg and Wittelsbach offspring after 1750 brought a real change.

Among the other bishops elected from the nobility, things were markedly better. The scions of Imperial Knights and Imperial Counts elected as bishops from among the cathedral chapters mostly became conscientious bishops. Dynasties played a role here too, notably the prolific Schönborns, originally a family of Protestant Imperial Knights who had first entered the Mainz cathedral chapter in the late sixteenth century.[9] Between 1680 and 1750, six members of this family held nine bishoprics and the prince-provostship of Ellwangen. Only one was unworthy of his office (Johann Philipp, Bishop of Würzburg 1719–24, who was murdered), and another was made a cardinal and said by contemporaries to be a saint (Damian Hugo, Bishop of Speyer 1719–43, and of Constance 1740–3). Apart from the accumulation of benefices by some Schönborns, most prince-bishops elected from the nobility were now resident in their dioceses, and many worked hard at being both rulers and bishops.

The nobility also dominated a complex mass of lesser ecclesiastical institutions. Some of the cathedral chapters, comprising 720 canons in total, which elected the bishops, demanded up to sixteen noble forebears as a precondition of membership. In addition, there were numerous collegiate foundations, some of which were

[7] Conrad, *Rechtsgeschichte*, ii, 181; Braunfels, *Kunst*, iii, 409.

[8] Reinhardt, 'Dynastien'; Feine, *Besetzung*, 68–9, 317–26; Aretin, *Altes Reich*, ii, 390–5. See also pp. 66–7.

[9] Forster, *Catholic Germany*, 106–7.

equally exclusive.[10] A few had independent status in the Reich (*Immediatstifte*), such as Ellwangen or Berchtesgaden, but the vast majority was subject to the authority of a territorial ruler (*Mediatstifte*). These institutions too were often dominated by dynastic or family politics, and the accumulation of benefices was frequent. The canonries of Mainz, Trier, Würzburg, and Bamberg were in the hands of 166 families, mainly Imperial Knights; it was not uncommon for one individual to hold an extensive portfolio of such positions, including provostships or canonries in the many intra-territorial collegiate foundations.[11] Here too the peculiar constitution of the Reich, with its confessional base year of 1624, left its mark: several cathedral chapters had both Protestant and Catholic canons, while the collegiate foundation of Schildesche near Bielefeld in the County of Ravensberg had six Catholic and eleven Protestant canonesses, and chose Catholic, Lutheran and Reformed abbesses in rotation.[12]

In addition, both the Order of Teutonic Knights (Deutscher Orden) and the Order of the Knights of St John continued to exist as immediate 'principalities', with votes in the Reichstag, extensive scattered lands, and exclusively aristocratic memberships.[13] The Catholicity of these noble orders, like that of various independent imperial ecclesiastical foundations, was to some extent limited by their inclusion of Lutherans and Calvinists in areas where the 'normative year' stipulations of the Peace of Westphalia required it. Their overall complexion and affiliation in imperial politics were, however, undoubtedly Catholic, and essentially pro-Habsburg.

Enlightened critics in the later eighteenth century and Protestant national historians subsequently dismissed the Reichskirche because of its aristocratic character. Yet the implication that it was more a worldly institution than a spiritual force is unjust. The Reichskirche as a whole in fact made a number of important and distinctive contributions to the development of German Catholicism after 1648.

By the eighteenth century, the average noble bishop more or less conformed to the Tridentine ideal. Overall, the spiritual quality of the episcopate undoubtedly improved, and the kind of flagrant abuse seen in the sixteenth century died out. Figures such as Bishop Christoph Bernhard von Galen of Münster (r. 1650–78, the 'canon bishop' or 'bomber bishop'), who ruled both his diocese and his territory with an iron fist and amassed a significant army which he led into battle himself, became the rare exception.[14] Long before then, moreover, the auxiliary bishops and vicars general, both personal appointments of a bishop, had been charged with responsibility for pastoral and diocesan functions on almost all prince-bishoprics. It was they who invariably set and drove the agenda for religious reform and renewal.

[10] There were 65 in the diocese of Mainz alone; 36 in Trier and 31 in Cologne, 26 in Passau, 20 in Augsburg, 18 in Würzburg, and 12 in Regensburg. A complete list of institutions in each diocese is given in Wendehorst and Benz, *Säkularkanonikerstifte,* 207–11.

[11] Blanning, *Mainz*, 49–56.

[12] Schindling and Ziegler, *Territorien*, vi, 114–28; Nottarp, 'Communicatio', 432–4.

[13] Brendle and Schindling, 'Reichskirche', 10.

[14] Lahrkamp, *Krummstab*, 11–29; Holzem, *Konfessionsstaat*, 187–219. See pp. 38, 235.

The auxiliary bishops in particular, and, to a lesser extent, the vicars general, also offset the strongly aristocratic nature of the imperial episcopate and the cathedral chapters, for the great majority were non-noble.[15]

In Münster, for example, the reconstruction of the diocese after 1648 was essentially carried out by a succession of non-noble vicars general who organized forty-three diocesan synods during the twenty-eight years of Galen's rule. Their work laid the foundation for the appointment of the Danish convert Niels Stensen (Nicolaus Steno, 1638–1686) as auxiliary bishop by Galen's successor, Ferdinand von Fürstenberg (r. 1678–83, previously bishop in Paderborn from 1661).[16] Stensen was perhaps not as original a theologian as he was a medical and natural scientist and scholar, but he was both well connected and widely regarded as the role model of a saintly religious leader.[17] Through his correspondence with Leibniz, Antoine Arnauld, Spinoza, and the Medici princes who were his patrons in Florence in 1666–7 and 1670–2, Stensen combined cosmopolitan *savoir faire* and intense personal piety with a shrewd understanding of the traditions and institutions of the diocese. The same qualities made him an effective Apostolic Vicar of the North in 1676–80 and 1683–6, welcome at the courts of Brunswick-Lüneburg and Schwerin.

Stensen's departure from Münster was occasioned by his disgust at the substantial sums of money demanded by the cathedral canons for the election of the Wittelsbach Elector Max Heinrich of Cologne (r. 1650–88 in Cologne, 1683–88 in Münster). Auxiliaries and vicars general played a similarly important role elsewhere. In Mainz and Cologne, the brothers and auxiliaries Peter and Adrian van Walenburch were major figures in the religious revival, as was the convert Adolf Gottfried Volsoius in Mainz or Kaspar Zeiler at Augsburg (1645–81) and Thomas Henrici at Basel (1648–60).[18]

The ecclesiastical territories also promoted alternatives to the Jesuits. In the late sixteenth century, the prince-bishops had pioneered cooperation with Jesuits and contributed significantly to the establishment of the Collegium Germanicum in Rome. After 1648, many began to diversify. Salzburg had opted for the Benedictines before 1618, at least partly to reinforce the independence of both the territory and the archdiocese from the Jesuit-dominated courts of Vienna and Munich. There was a notable increase in the activities of the Franciscans in north-west Germany, while in Würzburg and Mainz, the Bartholomeans, an order of secular priests founded at Tittmoning in Salzburg in 1640, were vigorously promoted.[19] In some ways, diversification was born of a desperate need for clergy of any kind

[15] Auxiliaries and vicars general are included in Gatz, *Bischöfe 1648–1803*, where the best approach is via the diocesan lists on pp. 592–632. See also Kremer, *Herkunft*, 50–8, 72–4.

[16] Gatz, *Bischöfe 1648–1803*, 486–8; Holzem, *Konfessionsstaat*, 224–32.

[17] He was beatified as recently as 1988. Stensen's main scientific work concerned the physiology of the heart and the brain. Mussinghoff, 'Stensen', and Sobiech, *Herz*, are informative studies.

[18] There is a brief survey in Raab, 'Reconstruction', 153–5; for Franconia, see Brandmüller, *Kirchengeschichte*, 417–28; for Würzburg and Mainz under Johann Philipp von Schönborn, 1642–73, see Jürgensmeier, *Schönborn*, 167–77. See also entries in Gatz, *Bischöfe 1648–1803* (for example, for the Walenburchs at pp. 554–6).

[19] Brendle and Schindling, 'Reichskirche', 9; Lanczkowski, *Lexikon*, 54. Jürgensmeier, *Schönborn*, 186–208, illuminates the tensions between ecclesiastical ruler and religious orders in Würzburg and Mainz.

immediately after the war. Yet there was also a distinct anti-Jesuit shift among many of the ecclesiastical territories, which had a number of important ramifications.

First, some influential figures in the ecclesiastical renewal drew inspiration from the Jansenists, to whom the Jesuits were implacably opposed. It is often held that Jansenism had little influence on the Catholic Reich until the early decades of the eighteenth century, that its influence then was primarily on the development of an episcopalist ideology, and that its main spiritual influence was on the Pietists and their radical offshoots.[20] It is certainly true that in Trier the auxiliary bishops such as Johannes Petrus Verhorst (1687–1708) fought a determined battle against the spread of Jansenism in the west of the archdiocese from the centres of Juvigny-sur-Loison and Orval.[21] A similar counter-offensive took place in the archdiocese of Cologne around 1700.[22]

Perhaps inevitably, the anti-episcopalist tendencies of Jansenism generated suspicion among the ecclesiastical princes, just as they did opposition from Rome and the Jesuits. Any hint of Richerism was unlikely to appeal in the Reich: 'power to the lower clergy and the laity' was not a slogan likely to rally the aristocratic Reichskirche. On the other hand, neither Jansenist piety nor Jansenist anti-Jesuitism was incompatible with German Baroque Catholicism. The Augustinian, Dominican, Benedictine, and Premonstratensian orders were all influenced by Jansenist piety long before Louis XIV's closure of Port-Royal led to the creation of the schismatic church at Utrecht. Equally important, though not well researched, are the contacts between Antoine Arnauld and Catholics in the Reich, both during his Port-Royal years and during his exile in the Netherlands from 1679 to 1694. Niels Stensen, the convert Landgrave Ernst of Hessen-Rheinfels, and the Elector of Mainz, Johann Philipp von Schönborn (r. 1647–73), all appear among his correspondents.[23]

The Hessen-Rheinfels and Schönborn connection, second, points to another significant feature of the development of the Reichskirche after 1648. Relations between Rome and the German bishops were strained by the fact that the latter ignored the papacy's refusal to recognize the Peace of Westphalia, by their resentment at papal attempts at intervention in the Reichskirche by means of the nuncios, and not least by the substantial fees payable to Rome in respect of the confirmation of elections and related matters. Furthermore, the engagement of Schönborn and others in plans for the reunification of the Christian confessions in the Reich from the early 1660s convinced some in Rome that the Germans were really just closet apostates.[24] The news in 1660 that the Elector of Cologne was suggesting a national council to consider the abuses perpetrated by Rome in the Reich was accompanied by rumours that he wished to establish something akin to a 'patriarchate in Germany' and to introduce to the Reichskirche the 'practice and style of the Gallican Church'.[25] In 1673, finally, the three Rhineland Electors presented

[20] Hersche, *Spätjansenismus*, 45–50.
[21] Gatz, *Bischöfe 1648–1803*, 534–5.
[22] Raab, 'Episcopalism', 450.
[23] Raab, 'Episcopalism', 449–50; Neveux, *Vie spirituelle*, 712, 722, 814.
[24] Raab, 'Attempts', 509–16; Jürgensmeier, *Schönborn*, 130–6, 262–90, 324–7. See pp. 83–7.
[25] Raab, 'Episcopalism', 446–7.

the Reichstag with a new list of *Gravamina* against Rome which demanded the renegotiation of the Vienna Concordat of 1448.

The crisis was defused. However, the arguments for a new concordat were now strengthened by the Gallican declaration of 1682 and by the Catholic reception of the works of the Protestant legal historian Johannes Schilter, which revisited the medieval Investiture controversy. This made the imperial case against Rome relevant again to the present situation.[26] When Rome aligned itself with Louis XIV against the Jansenists, the latter now also embraced the Gallican cause, which they had formerly opposed. The resulting Jansenist writings on the history of the early Church, along with texts such as Zeger Bernard van Espen's *Jus ecclesiasticum* ('Ecclesiastical Law') of 1700, all served to reinforce the growing episcopal resistance to Rome in the Reich.

This renewed interest in Church history and canon law coincided with a remarkable upsurge in historical and legal writing among the various older religious orders. While the recently founded Jesuits were a relatively 'unhistorical' order, the Augustinians, Benedictines, Dominicans, Franciscans, Premonstratensians, and others began to develop a substantial and competitive interest in researching their origins.[27] Jesuit scholarship remained dominant in both quantitative and qualitative terms, but it was more diffuse. As antiquarians, court historiographers, and contemporary historians, the Jesuits were unsurpassed, but they turned much later to the history of their own order than their rivals.

The competition between the old orders and the Jesuits was given a new dimension as the old orders rejected scholasticism and embraced new methodologies that drew on critical historical history as practiced by Pierre Bayle and Cartesian science.[28] What frequently emerged were histories that demonstrated their independence of Rome and their belonging to the Reich, proving ultimately that they were more 'German' than the Jesuits. Like many of those who had argued for the reconciliation of the Christian confessions in the Reich, they were fascinated by the 'consensus quinquesecularis', the unity of faith that had characterized the first five centuries of the history of the Church.[29]

Cumulatively all these diverse currents, unified perhaps only in their common anti-Jesuit tendency, came together in the schemes of Friedrich Karl von Schönborn, Reichsvizekanzler (1705–34) and Bishop of Bamberg and Würzburg (1729–46), and the work of Johann Casper Barthel (1697–1771) at the reformed university of Würzburg from 1727. Schönborn tried to rally the Reich and to steer a course between Rome and Vienna; Barthel developed a fully fledged episcopalist ideology that asserted the historically evolved interdependence of spiritual and worldly

[26] Raab, *Concordata*, 46–78.

[27] Benz, *Tradition*, 146–59, 529–91, 678–81; Van Dülmen, *Töpsl*, 2–6. What Benz terms the 'segmentation of the Catholic *res public litteraria*' had political as well as theological causes that partly originated in the scramble for ecclesiastical property reclaimed under the Edict of Restitution (1629) and immediately after 1648.

[28] Raab, *Concordata*, 81–3.

[29] Neveux, *Vie spirituelle*, 45, 702.

power in the Reichskirche and defended the 'truth, justice, honesty and integrity of Germany'.[30]

The full significance of Barthel's writing, which evolved over several decades, only became clear in the Febronian controversies of the second half of the eighteenth century, and he is often treated as little more than a forerunner of those later dramatic confrontations.[31] His ideas are, however, also significant as a culmination of Baroque Catholicism in the Reich. The fundamental contribution of the Jesuits to the revival of the German Church is undeniable, and the Jesuits remained dominant in most dimensions that involved the social and intellectual elite: devotional literature, hymns, and drama, their major contribution to early modern German literary culture.[32] Yet the German reform was in important respects 'un-Tridentine', loosely emulating the Tridentine principles, rather than following the decrees as papal edicts.[33] What developed was a German parallel to Gallicanism: a firm assertion of independence and a renewal of pre-Reformation and Reformation demands for the renewal of the Church, for the redress of *Gravamina*, and for the negotiation of a new concordat with Rome that would confirm the rights of the Reichskirche against both pope and emperor.

[30] Raab, *Concordata*, 79–92 (quotation at p. 86). See also pp. 178–9.
[31] See pp. 422–3.
[32] Meid, *Literatur*, 338–63.
[33] Molitor, 'Reform'.

36

Christian Polities: Protestant Orthodoxy and Renewal

Catholicism successfully contained popular religiosity. Renewal and revival had a very different effect on the Protestant Churches. For one thing, the structures were different. The Lutheran territorial Churches were broadly linked within a network that shared similar organizational structures and subscribed to the same fundamental beliefs and principles. Yet those beliefs and principles could be variously interpreted 'locally' by the theological faculties of the territorial universities, which allowed for numerous regional differences and considerable flexibility overall. In the case of the German Reformed Churches, finally recognized and legalized by the Peace of Westphalia, the local variations and lack of overall cohesiveness were even greater. They were established in twenty-eight territories, mostly small counties in the Middle and Lower Rhineland, in Hessen-Kassel, East Frisia, and Bremen. They functioned independently of each other, very much in the spirit of the first resolution of the Synod of Emden of 1571: 'No Church shall have dominion over another Church, no minister of the Word, or elder or deacon shall exercise dominion over another. Rather shall they be vigilant lest they should give cause to be suspected of desiring dominion.' Neither at the level of their respective orthodoxies nor at the communal level were Lutherans and Calvinists necessarily more tolerant of each other than they were of Catholicism.[1]

The Corpus Evangelicorum was firmly in the hands of the majority Lutherans, many of whom still denied the legitimacy of the Reformed faith. Even so, the range of theological views and regional inclinations embraced in practice by both Churches permitted a good deal of overlap in some areas, especially among the laity. This was particularly true of the Upper Rhine area, where the Lutheran and the Reformed Churches both drew on the common legacy of Melanchthon. The ritual of the Lutheran Churches there shared much in common with the Reformed. Strassburg became one of the citadels of Lutheran Orthodoxy, but also operated a system of communal discipline exercised by elders along Reformed lines.[2] The boundaries were even more blurred in Jülich-Kleve and Berg. Here, the reversion of the rulers to reform Catholicism in 1567 had prevented the acceptance of the Formula of Concord and left the Lutheran Church without a territorial constitution, and hence without the overall authority of either a synod or consistory, and no

[1] Mayes, *Christianity*, 207–337. [2] Ward, *Awakening*, 58.

university theology faculty to guard over doctrine either.[3] There were regular and bitter conflicts between Lutherans and Reformed, but the adoption by the Lutherans of many of the communal structures characteristic of the Reformed churches ultimately made them susceptible to the same kind of renewal and revival movements after 1648.[4]

By 1648, the Lutheran Church had developed a mature establishment in both the universities and the territorial churches themselves. By the seventeenth century, several generations of clergy and academics had created webs of family and professional networks that represented powerful vested interests with strong oligarchic tendencies in almost all of the Protestant territories. Any shortages of manpower created by the war were soon made good by the theological faculties, and the Churches functioned as integral parts of the bureaucratic system in the various territories. This did not necessarily mean total subservience to the princes.[5] The Lutheran tradition maintained a healthy tradition of criticism and, when the occasion demanded it, outright opposition. As guardians of the truth and agents of the salvation of their fellow men, the Lutheran clergy set themselves apart from the other servants of the state.

Similarly, the theological faculties gained in prestige and independence as they were consulted both by their own ruling princes and by other rulers and magistrates externally for their judgment on a wide range of matters concerning government and society. For academic theologians and clergy were the exponents of the systematic theology of Lutheran Orthodoxy developed following the agreement of a definitive set of Lutheran articles of faith in the Formula of Concord (1574–80).[6] This developed in response to the threat of Catholicism and was also shaped by the response of scholars in Jena and Wittenberg to two perceived threats to the true Lutheran faith that were put forward by theologians at Helmstedt, whose patron the Duke of Brunswick had refused to sign the Formula of Concord. The assertion by Daniel Hoffmann (1538–1611), first, that theological and philosophical truth were two different things, prompted Johann Gerhard (1582–1637) to compile the *Loci Theologici* ('Principles of Theology', 1610–22), a comprehensive catalogue of the teachings of Lutheranism modelled on Melanchthon's Aristotelian principles.

Second, shortly afterwards, Georg Calixt (1586–1656) asserted that all the Christian confessions essentially embodied the same basic truths. This prompted him to engage in a series of conferences designed to reunify the Christian Churches, and it challenged others to develop a systematic theological-philosophical system of Lutheranism also based on Aristotelian principles. A key feature of this enterprise was the claim that theology represented a practical, rather than a speculative, discipline. Just as medicine was concerned with the physical health of man, so

[3] Schindling and Ziegler, *Territorien*, iii, 98–101. See also Spohnholz, *Tactics*, a study of the situation in Wesel in the Duchy of Kleve.
[4] Ward, *Awakening*, 200–3; Ehrenpreis, *Konfessionskonflikte*, 85–97.
[5] Strom, *Orthodoxy*, 65–81; Whaley, 'Obedient servants?'.
[6] *TRE*, xxv, 464–85, provides a good survey, as does Gawthrop, *Pietism*, 80–103.

theology was concerned with the health of his soul and armed with access to truths that could explain the origin and nature of the world. The most notable work produced by the syncretism controversy which raged in response to Calixt's writings from the 1640s to the late 1680s was the twelve-volume *Systema locorum theologicorum* ('Systematic Exposition of Principles of Theology') developed between 1655 and 1677 by Abraham Calov (1612–1686) of Wittenberg.[7] For the Orthodox theologians, the wave of conversions to Catholicism after 1648, the attractiveness of the imperial court in Vienna, and the repeated attempts to launch plans for the reunion of the Christian confessions in the Reich, represented threats as serious as any that Lutheranism had faced in the century before 1648.

Later Enlightenment critics, and some subsequent historians, often derided Orthodoxy as dogmatic, intolerant, narrow-minded, and remote from the people whose spiritual needs it failed to supply. This view is inaccurate on several scores. First, Orthodoxy was a broad church. Different universities developed different traditions; even within individual faculties there was often considerable variety as ideas were developed in regular debate over dissertations and in response to requests for theological opinions.[8] Second, Orthodox theologians and clergy played a key role in the definition of a Lutheran historical tradition. The late sixteenth century saw major contributions to the writing about Luther's life and the history of the Reformation. The celebration of the first centenary of the Reformation in 1617—the first 'centenary' commemoration of any kind—also contributed to the development of an historically grounded Lutheran identity.[9] This began a tradition of such commemorations, continued in 1630 and 1655 and repeated in 1717, 1730, and 1755, with the centenary of the Peace of Westphalia added in 1747 as another milestone that played a key role in reinforcing the overall cohesiveness of an otherwise 'territorialized' faith.

Third, the late sixteenth and seventeenth centuries saw the development of a vast body of devotional literature of all kinds and biblical exegesis for the 'ordinary' (literate) Christian. Orthodox theology was also translated into more popular form by sermons, which played a key role in the Lutheran liturgy: preachers such as Johann Balthasar Schupp (1610–1661) contributed significantly to the development of the tradition of popular vernacular preaching characterized by a direct, sometimes earthy style that drove an uncompromising moral message home with punchy humour.[10] The evolution of a rich musical tradition also extended Lutheranism's devotional range. Luther himself had written numerous hymns, and his 'Ein' feste Burg ist unser Gott' ('A Mighty Fortress is our God') became a key Lutheran anthem in the decades after his death. Soon popular editions of Luther's hymns were complemented by numerous collections of new hymns for use both in church and in the home.

The seventeenth-century peak of this tradition was represented by the music of Heinrich Schütz (1585–1672) and the hymns of Paul Gerhardt (1607–1676), both of them staunchly Orthodox by inclination. The tradition was continued into the

[7] Maurer, *Kirche*, 7–8.
[8] Appold, *Orthodoxie*, 3–4, 310–11.
[9] Leppin, 'Memoria'.
[10] Schauer, *Schupp*, 48–62.

eighteenth century by figures such as Johann Sebastian Bach (1685–1750), Georg Philipp Telemann (1681–1767), and the prolific hymn-writing pastor Erdmann Neumeister (1671–1756). While the Lutheran understanding of the communion differed fundamentally from the Catholic rite, and while far greater prominence was given to the sermon in church services, the Lutheran liturgy also retained many elements of the Catholic tradition, such as liturgical vestments and, until about 1700, the Introit sung in Latin.[11] Orthodoxy thus combined high theology and popular exegesis, liturgical traditions with pre-Reformation origins, and the cultivation of piety both as a group and as a domestic or individual discipline.

Though it represented an establishment that did much to define Lutheran identity, Orthodoxy was shot through with anxiety. Under the impact of social crisis and war in the century before 1648, the optimism of the early generations of reformers had given way to a haunting sense of failure. From the late sixteenth century onwards, many pastors and laity met the seemingly endless threats posed by Turks, Catholics, and Calvinists by embracing apocalyptic visions that saw these scourges as God's punishment for a society that had failed to mend its ways. Equally, many saw an obvious remedy: the clergy must act as the agents of a moral revival, using the institutions of government where possible, though many pastors, such as Schupp, recognized that the first task was to attend to the morals of the princes and magistrates themselves. The end of the war saw the clergy in many Lutheran territories engage in campaigns such as that launched in Rostock in November 1648 to reform the moral and spiritual life of the city. The pastors began by publicly excommunicating an adulterer, and they continued for the next two-and-a-half decades to excoriate the sins of the laity and to proclaim defiantly their own right and duty to discipline sinners.[12]

For others, however, this *Reformorthodoxie* represented just another failure of a Lutheran establishment that focused excessively on externals. The mere imposition of godly discipline would not transform sinners into saints. Using government as an agency of reform was no substitute for genuine renewal, starting with the individual at the grass roots, gradually creating a new communion of genuine Christians. This was the ambition of Philipp Jakob Spener (1635–1705), the Strassburg-educated pastor at Frankfurt am Main, who began to hold prayer meetings in his home in 1670 and whose *Pia desideria* ('Heartfelt Desires') of 1675, originally a preface to a collection of sermons by Johann Arndt, became the key text of Pietism.[13] Spener taught personal piety over dogma, good works over formal religious observance, and the study of the Bible over service to the worldly church: practical Christianity and renewal of the Church by and through the spiritual rebirth of its members.

The origins of Spener's ideas have been much debated. Some have located them in late sixteenth-century Dutch and German calls for 'further Reformation' or a

[11] Hartmann, *Kulturgeschichte*, 117–20; *Geschichte des Pietismus*, i, 188–94.
[12] Strom, *Orthodoxy*, 85–100; *Geschichte des Pietismus*, i, 166–87.
[13] The most comprehensive account of Pietism is the work *Geschichte des Pietismus*; the best short survey is Wallmann, *Pietismus*. Other useful accounts in English include: Ward, *Christianity*, 74–82; Ward, *Awakening*, 57–63; and Gawthrop, *Pietism*, 104–49.

'Reformation of life'.[14] Others pinpoint the influence of English Puritanism. Some insist that Pietism originated before the Thirty Years War (pre-Pietism); others see it as a reaction to the devastation wrought by the war. Some argue that it developed entirely within the Lutheran Church as a reaction to an ossification of dogma and ritual that set in once Lutheranism became an established religion of state; others, more recently, have suggested that the exponents of *Reformorthodoxie* set a crucial example which inspired Spener and those who followed him. Some also place weight on the influence of mystical spiritualists such as Jakob Böhme (1575–1624) or maverick insiders such as the Rosicrucian Johann Valentin Andreae (1586–1654) and his broad circle of Lutheran–Calvinist millenarians, pansophists, and alchemists.

Spener himself paid tribute to Johann Arndt (1555–1621), whose *Vier Bücher vom wahren Christentum* ('Four Books of True Christianity', 1606–09) drew on the traditions of medieval German and contemporary German and Spanish mysticism.[15] Though he admired the ideas of those who stood outside the mainstream or who had been rejected by the Orthodox, Spener himself was not a separatist. He envisaged a 'church within the church' (*ecclesiola in ecclesia*) that would prepare the ground for a better world on this earth, which would follow the fall of Rome and the conversion of the Jews. This vision immediately shifted the emphasis away from the teachings on justification and predestination that had previously been fundamental to Lutheranism. What concerned Spener most was not the next world but the real world and its reform by engaged and reborn Christians.

Spener's example rapidly found adherents. Soon Pietist 'collegia', or class meetings or conventicles, were found in most German-speaking Lutheran cities from Berne to Hamburg and Stockholm. Spener himself was appointed senior court preacher in Dresden in 1686, the nearest thing to a primate in the German Lutheran Churches.[16] Here too the conventicles spread, first among students then among the laity more generally. Among the students were August Hermann Francke (1663–1727) and Paul Anton (1661–1730). They were key figures in the foundation of a Collegium Philobiblicum and they ultimately translated Spener's ideas into concrete projects. The Dresden Orthodox Lutheran establishment soon took severe measures against Spener. These were orchestrated by Johann Benedict Carpzov (1639–1699), professor of theology at Leipzig, whose own ambitions to become court preacher Spener had dashed. Here as elsewhere, however, the reaction was fuelled by a growing anxiety about the independence and heretical potential of the conventicles.

The movement was saved by the Elector of Brandenburg, who appointed Spener Provost of Sankt Nikolai in Berlin in 1691 and offered protection to his friends, notably Francke, who was installed as professor of Greek and Hebrew in Halle. In 1695, Francke founded an orphanage, followed by other schools and institutions, which he financed by developing an ambitious range of commercial activities. By the year of his death, in 1727, 175 teachers and inspectors were teaching some

[14] Greyerz, *Religion*, 122–7; Wallmann, *Pietismus*, 28–32, 48–9.
[15] Wallmann, *Pietismus*, 32–44. [16] Ward, *Christianity*, 77.

2,200 children, and 250 students were receiving board and lodging as assistants. Francke's economic enterprises, developed with the assistance of his entrepreneurial collaborator Heinrich Julius Elers (1667–1728), extended from the sale of medicines produced in the dispensary to the mass production of Bibles and religious literature in numerous languages.[17] Much of this literature was disseminated by Francke's own missionaries in Europe, in the New World, and to mission posts such as the one that Francke founded in collaboration with the Danish East India Company as far away as Tranquebar in south-east India.

When Francke accompanied Elers on an extended nine-month tour of south Germany in 1717–18, he was fêted at courts and Imperial Cities alike. Everywhere, people wanted to hear his views on the renewal of Christian life and piety. Yet Pietism remained controversial, and its reception remained heavily dependent on the attitudes of rulers and magistrates and on local or regional circumstances. Without the support of the Electors of Brandenburg, the movement might have foundered in the late 1680s. For the Calvinist rulers in Berlin, Pietism was attractive precisely because it was a popular Lutheran movement that promised to bridge the gulf between Lutherans and Calvinists, and hence diminish the influence of the Orthodox Lutheran Church that stood in the way of so many of the dynasty's domestic policies.

That was one of the reasons why Christian Thomasius also supported the Pietists, though he was initially also genuinely enthusiastic about their ideas of inner renewal.[18] Furthermore, the educational and economic schemes that the Pietists developed at Halle promised to help establish Hohenzollern control of the former Archbishopric (now Duchy) of Magdeburg, which Brandenburg had been ceded in 1648 but which only actually came into their possession in 1680. By the start of the reign of Frederick William I, the Pietist enterprises were so successful that the king sought to transfer the kind of disciplined Christian sense of duty that Francke and his colleagues inculcated to his government system as a whole, particularly in the training of his bureaucrats and soldiers.[19]

The protection afforded by Berlin ensured that the Halle enterprise survived and that its missionary networks in the Reich and elsewhere remained active. Yet its impact elsewhere was different, and it suffered many failures. In Württemberg, Pietism established itself with difficulty against the initial opposition of the staunchly Orthodox Tübingen theological faculty.[20] Gradually, however, under the influence of Pietist teachers such as Johann Albrecht Bengel (1687–1752), reformed Lutheranism came to form an essential strand in the early opposition to the absolutist and Catholic tendencies of the ruling dynasty. In 1743, finally, following pressure from the Pietist-leaning lawyer Johann Jakob Moser, among others, an edict expressly recognized conventicles as legitimate religious

[17] Böhme, 'Elers'; Gawthrop, *Pietism*, 176–93; Ward, *Awakening*, 61–3; *Geschichte des Pietismus*, iv, 584–91.
[18] Ahnert, *Religion*, 14–15.
[19] Gawthrop, *Pietism*, 200–69; Fulbrook, *Piety*, 164–73.
[20] Fulbrook, *Piety*, 130–52; Lehmann, *Pietismus*, 22–94; Maurer, *Kirche*, 27–8; Wallmann, *Pietismus*, 204–35.

gatherings.[21] If the political solidarity of Württemberg Pietism dissolved with official recognition, and some turned away from politics altogether, the territory nonetheless remained the only region in Germany where a continuous Pietist tradition persisted into the twentieth century.

Without either a princely patron or a common political cause, Pietism made little impact at all in various other Lutheran territories.[22] This was particularly marked where there was a need to maintain a solid front against the Reformed Church and the threat of syncretism or against the influence of Brandenburg-Prussia. In the Duchies of Bremen and Verden, for example, the hinterland of the Reformed Imperial City of Bremen, first the Swedes and then, after 1712, the Hanoverians were at pains to support the Orthodox establishment. In neighbouring Oldenburg, which was adjacent to East Frisia, where there were Lutheran rulers with Pietist leanings, a strong Reformed Church and a Prussian military presence from the 1680s, which led to Prussian ownership from 1744, the Danish authorities also promoted Orthodoxy, in stark contrast to the Pietist leanings of the crown in Denmark itself. In the Electorate of Hanover, George II consistently opposed Pietism on the grounds that its exponents were nearly all educated at Halle and hence virtually agents of the house of Brandenburg, as well as being members of a single anti-church sect that included every other kind of heretic the Protestant world had generated since the Reformation. Antipathy to Pietism also characterized both Lutheran Hessen-Darmstadt and Reformed Hessen-Kassel: both of these mutually antagonistic dynasties desired to avoid the murky waters of syncretism or any kind of religious enthusiasm that might blur the distinction between their respective territorial confessions.

In view of the urban origins of Spener's movement, the hostility to Pietism of many Imperial Cities is perhaps rather surprising. Yet in Hamburg, Frankfurt am Main, Nuremberg, and a string of lesser cities, the city councils could be found supporting their Orthodox clergy in what was often presented as a desperate struggle against innovation in religious matters. These were centres where Spener had a network of close contacts, and they included many of the places were Francke was so warmly received on his tour of southern and Middle Germany in 1717–18. In all of these centres, Orthodoxy ultimately adopted many of the methods and attitudes of Pietism, though the Pietists themselves were defeated.

Hamburg was a special case, but important in this context because it became a Zion of Orthodoxy that influenced much of the rest of Lutheran Germany. The Pietist issue here became ensnared with a long-running constitutional conflict between the Senate and the Bürgerschaft between 1648 and 1712.[23] The political issue was the authority of the Senate, which was contested by the Bürgerschaft and the intermediate bodies constituted by the deacons of the five city parishes. The intermeshing of political system and parish administration gave the clergy

[21] On Moser, see pp. 175–8.

[22] For the following cases, see Ward, *Awakening*, 207–10, 212–16, and, in much greater detail, the regional surveys in *Geschichte des Pietismus*, ii, 198–471.

[23] Rückleben, *Niederwerfung*, 50–131; Whaley, *Toleration*, 13–34. See also p. 125.

considerable political leverage, for their position was not regulated by any consistory, and they were in essence independent agents only vaguely constituted in a Ministerium led by a *Senior* with few real powers. The appointment of Spener's friends Anton Reiser (1679) and Johannes Winckler (1684) and of his brother-in-law Johann Heinrich Horb (1685) seemed to promise a Pietist takeover of the city. But Reiser was replaced in 1686 by the staunchly Orthodox Johann Friedrich Mayer, which set the scene for an outright confrontation.

The *casus belli* was often far from straightforward. The Pietists led a bitter campaign against the opera established in the city in 1678. The opera had been founded by foreign diplomats, but it was patronized by members of the urban elite, many of whom also supported, or at least sympathized with, the Pietists. A parallel issue was the toleration of the Reformed, cautiously advocated by the Senate but bitterly opposed by the intermediate bodies, the guilds, and the clergy, especially the Orthodox. Paradoxically, the Orthodox also publicly refuted the Pietist arguments against the opera, but they had serious worries about the urban elite's commitment to Lutheran Orthodoxy and a growing sense that new ideas were encouraging the spread of what indifferentism and what the Orthodox Pastor Erdmann Neumeister later termed the 'political Antichrist'. By 1693, the conflict among the clergy provoked riots that finally drove Horb out of the city, Pietist *collegia* were banned, and Luther's Catechism declared the exclusive basis of all religious instruction. The link between Orthodox clergy and communal politics remained strong as the city degenerated into complete anarchy by 1708. The power-sharing constitution brokered by an imperial commission and published in 1712 finally reaffirmed Lutheranism as the basis of citizenship, and the Hamburg church remained dominated by Orthodoxy into the 1760s.

In Frankfurt, the need to maintain a clear line between Lutheranism and the Reformed was a key factor. The Lutheran establishment was determined to prevent the Reformed merchant community from securing political enfranchisement. Spener's twenty years in the city left a deep impression and exerted a lasting influence on church practice and education. However, his successors remained wary of anything that resembled the conventicles that Spener had promoted. Later leaders such as Johann Philipp Fresenius (pastor from 1743 and Senior 1748–61) were also influenced by Francke but nonetheless remained committed to Orthodoxy and were unremitting opponents both of Calvinism and of Zinzendorf's Moravian Brethren when they settled near the city.[24] In Strassburg, which fell to France in 1681, the struggle to prevent Catholic infiltration and to preserve the German Lutheran university reinforced the hold of Orthodox over the city as a whole.[25] In Franconia and the south German Imperial Cities—not only Nuremberg but also minor centres such as Windsheim, Rothenburg, and Schweinfurt—Pietists also exerted a strong influence.[26] Their ideas and practices frequently enriched Orthodoxy without, however, changing the prevailing tendency and fundamental commitment

[24] *ADB*, vii, 353–4; Bautz, *Kirchenlexikon*, ii, 119–20; Schindling, 'Wachstum', 253–9.
[25] Ward, *Awakening*, 217. [26] *HBayG*, iii, 421–3, 1005–6.

to the Orthodox tradition. The Orthodox position began to weaken only in the 1750s.

In 1689, the Orthodox faction in Hamburg had raised the stakes by demanding that all colleagues sign a public declaration denouncing enthusiasm, separatism, the mystical legacy of Jakob Böhme, and 'all innovations, under whatever names, even if they appear to promote the improvement of Christianity'.[27] Similar themes accompanied anti-Pietist measures elsewhere. In Hamburg, the 'democratic' party was the Orthodox party, but elsewhere urban magistrates and rulers generally feared the translation of the democratic principles of the Pietist *collegia* into political demands: Church discipline and political authority. In many cases, the fears were exaggerated for polemical purposes, yet separatism undoubtedly existed. Indeed, Spener's own first class meeting spawned the separatist Saalhof group, which maintained contacts to William Penn following his first visit to Frankfurt in 1677, bought 15,000 acres of land in Pennsylvania, and financed the foundation of Germantown in 1683.[28]

The development of the Frankfurt Saalhof community demonstrates the significance of separatism. Its members started as Pietists. Its initiator, the lawyer Johann Jakob Schütz (1640–1690), was deeply immersed in medieval mysticism and had been impressed by the teachings of the Calvinist separatist Jean de Labadie (1610–1674), who valued communion with the Holy Spirit over study of the Bible and taught that the reborn had no need of the established Churches.[29] The separation of his group from the established Church was accelerated by visions experienced by two of its members, Johanna Eleonora von Merlau and Maria Juliana Baur von Eyseneck, both noblewomen. Also present for part of this spiritual odyssey was the preacher Johann Wilhelm Petersen, who married Merlau in 1680 in a service conducted by Spener. The religious life of the Saalhof generated publications that gave considerable publicity to the cause: Schütz's edition of Johannes Tauler's sermons in 1681 and his anonymously published discourse on the question of whether the Elect are obliged to belong to any established community or Church. There was also a connection with Quakerism, with Philadelphianism, and with the religious hopes that were vested in the North American colonies. Finally, the Saalhof community was short-lived. It did not survive the death of its founder in 1690, and by then Petersen had already left Frankfurt with his wife to become Superintendent at Lüneburg.

To the identifiable filiations of the Saalhof, one might add numerous other individuals and groups: Jakob Böhme, that most protean of all German mystics, whom Hegel described as 'the first German philosopher'; Johann Arndt, particularly his *Vier Bücher vom wahren Christentum*, with ninety-five German editions alone before 1740; the Catholic Quietists Miguel de Molinos (1628–1697) and Madame Guyon (1648–1717); the Flemish mystic Antoinette Bourignon (1616–1680); the Cartesian Huguenot mystic Pierre Poiret (1646–1719), publisher of Guyon and Bourignon; the English Behmenists John Pordage (1607–1681) and

[27] Whaley, *Toleration*, 31. [28] Schindling, 'Wachstum', 258; Goertz, *Bewegungen*, 47–8.
[29] Ward, *Awakening*, 204–6; Wallmann, *Pietismus*, 137–43.

Jane Leade (1624–1704), and the English Philadelphians; and, not least, the French Huguenot 'prophets' driven out by the bloody suppression of the Camisard uprising in the first decade of the eighteenth century. The latter's reports of the miraculous prophetic trances of the children of the Cévennes triggered similar occurrences as far away as Silesia and fuelled revivalism in Switzerland and the Low Countries, as well as in many parts of the Reich. The list is representative but by no means complete.[30]

Many of the same references would occur in any description of the intellectual and religious world of Spener and Francke. The crucial difference is that they remained emphatically within the official Church. Starting with members of Spener's own circle, many others moved to the margins or left the Church altogether. This often began with ecstatic religious experiences and visions (mainly by women) and preaching, frequently by laymen and women, in the 'language of Canaan', a form of speech couched in terms of biblical references and quotations developed by the English and American Puritans.[31] These outbursts were intensified by an expectation of the imminent end of the world, for which preparations needed to be made. From the later 1680s, a fixation on the turn of the century 1699–1700 gave a heightened sense of urgency to the activities and writings of the preceding years.[32] Two figures associated with this radical tendency are particularly important: Johann Wilhelm Petersen (1649–1726) and Gottfried Arnold (1666–1714).

After leaving Frankfurt, Petersen spent ten years as court preacher and Superintendent of the Prince-Bishopric of Lübeck.[33] However, soon after he became Superintendent in Lüneburg his unorthodox views provoked an enquiry. Official concerns were aggravated by the arrival in Lüneburg of the visionary Rosamunde Juliane von Asseburg, one of a series of female prophets who gained prominence during 1691. By 1692, Petersen had been dismissed. He and his wife found refuge on an estate near Magdeburg placed at his disposal by the Elector of Brandenburg, where, supported by generous patrons, he devoted himself to the production of numerous theological works.

By the time Arnold became acquainted with Spener in 1688, he was already well versed in early Church history and the mystical tradition.[34] His commitment to the search for the roots of true faith, forswearing marriage and eschewing the priesthood, culminated in the publication of his monumental three-volume *Unparteyische Kirchen- und Ketzer-Historie* ('Impartial History of the Church and Heretics', 1699–1703). This charted the long-term decay of the Church since the first century and juxtaposed the long tradition of spiritualism and mysticism as

[30] Ward, *Awakening*, 47–52.

[31] *Geschichte des Pietismus*, i, 400–2, and iv, 404–27. It was based on the belief that the Bible provided the words and images that would enable all Christians to speak the same language in the millennium.

[32] *Geschichte des Pietismus*, i, 400–1, 406–21.

[33] Bautz, *Kirchenlexikon*, vii, 267–73; *ADB*, xxv, 508–15; Wallmann, *Pietismus*, 143–51; *Geschichte des Pietismus*, i, 402–5, and ii, 114–15.

[34] Bautz, *Kirchenlexikon*, xx, 46–70; Dixon, 'Faith', 40–3; Goertz, *Bewegungen*, 48–9; Wallmann, *Pietismus*, 151–60.

the history of the true faith. Significantly, Arnold's history ended in 1688, as Johann Georg Gichtel (1638–1710) recognized when he praised Arnold not only for having 'escaped form the Egyptian slavery of the world spirit' but also for revealing 'the monstrous beast with its whores'.[35]

Thomasius called Arnold's work the 'best and most useful book beside the Bible', but the Orthodox denounced it savagely as a work of heresy and sedition. Somewhat surprisingly, Arnold himself almost simultaneously turned from spiritual love of Böhme's androgynous 'divine Sophia' to marriage and from teaching to ordination and the post of court preacher at Allstedt in Thuringia. His position was complicated by the fact that he refused to subscribe to the Formula of Concord. By 1705, he was obliged to move to Brandenburg, where the king had appointed him court historiographer in 1702. There, he ended up as Superintendent in Perleburg and continued to produce Pietist works under the protection of the king until his death in 1714.

The wide dissemination of the works of Petersen and Arnold seems to have been abetted by many rulers who were prepared to overrule the objections of the Orthodox clergy. It also provided an important source of inspiration and motivation to the numerous informal groups dedicated to Christian renewal that appear to have been prevalent from Schleswig-Holstein down to Württemberg. Some referred to themselves as the 'Quiet in the Land' (after Psalms 35:20).[36] Others fell foul of the Church authorities and were disowned even by the 'official' Pietists, and many groups flourished for a time in the haven provided for them by some of the small counties of the Wetterau north of Frankfurt.

Among the predominantly Reformed rulers of Hanau, Nassau, Solms, Stolberg Wied, Sayn-Wittgenstein, and Ysenburg, were some who moved significantly beyond simply mercantilist populationist policies. In Wied, Count Friedrich III (d.1698) had promulgated an edict of toleration in 1680 that went far beyond the terms of the Peace of Westphalia. His successors also pursued an exceptionally liberal policy.[37] In Ysenburg-Büdingen, Count Ernst Casimir (r. 1693–1749) issued a decree in 1712 that granted asylum to any refugee of conscience provided they were willing to pay a residence fee, support themselves by work, and undertake to behave in an honourable, Christian manner.[38] In Sayn-Wittgenstein-Berleburg, Countess Hedwig Sophie (r. 1694–1712) and Count Johann Casimir (r. 1712–41) also sheltered religious radicals and freethinkers of every description. At the court of Laasphe nearby, their kinsman Count Heinrich Albert of Sayn-Wittgenstein-Hohenstein (r. 1701–23) similarly sponsored a number of small communities, including the curious Quietist log-cabin ménage of the Huguenot Marquis de Marsay and his various companions, in a simple life of work and prayer.[39]

[35] *Geschichte des Pietismus*, i, 415.
[36] Maurer, *Kirche*, 30; Greyerz, *Religion*, 129; Wallmann, *Pietismus*, 169–70.
[37] Grossmann, 'Neuwied', 23–34.
[38] Grossmann, 'Gruber' 368–9; North, *Pietismus*, 84–90.
[39] Rowell, 'Marsay', 66–71; *Geschichte des Pietismus*, ii, 128–9.

These 'pious counts' were extensively related to noble families across the Reich to Saxony and Thuringia, and many, such as the Wittgensteins, were closely allied to the house of Brandenburg, either by marriage or by service. The role they now played in supporting the nonconformist diaspora was less dramatic than their previous involvement in the Dutch Revolt and the crisis that preceded the Thirty Years War, but it was arguably as significant for the development of German society.

All manner of groups congregated in the Wetterau region.[40] In 1699, the court of Solms-Laubach was the scene of an enthusiastic gathering of spiritualists who resolved to abolish the organized Church and to establish a supra-confessional church without preachers in anticipation of the end of the world the following year. At the end of 1700, they disbanded but drifted into new associations.[41] In 1703–5, Wittgenstein provided a haven for the notorious 'Buttlar gang', a community formed by Eva von Buttlar (1670–1721) and two associates, who called themselves the Holy Trinity and practised a form of sexual religion that scandalized even the liberal Wetterau. Following their expulsion, and Buttlar's subsequent conversion to Catholicism, they tried to settle in the Paderborn enclave of Lügde, but they only found a lasting refuge in the heterodox Holstein town of Altona, near Hamburg, where the community existed until Buttlar's death.[42]

More enduring was the group of separatists led by Alexander Mack (1679–1735), who settled in Schwarzenau in Wittgenstein and espoused elements of Anabaptist belief and ritual that led to them acquiring the nickname of Dunkers. Their members emigrated to southern Pennsylvania between 1719 and 1733 and founded churches that still exist today. It was in Ysenburg-Büdingen that the preacher Eberhard Ludwig Gruber (1665–1728) and the saddler Johann Friedrich Rock (1678–1749), both expelled from Württemberg in 1706–7, acquired the gift of 'true inspiration' from persons who had been in direct contact with exiled Huguenot prophets from the Cévennes. The Love Feast of 16 November 1714 marked the start of a new communal life of the True Inspired, whose community continued in the region until the entire congregation emigrated to the United States in 1842.[43]

In Berleburg, Count Johann Casimir also provided asylum for the radical Pietist Johann Konrad Dippel (1673–1734), promoted the publication of the first Pietist journal (the *Geistliche Fama*, 'Spiritual Report', 1730–44), and worked alongside the Strassburg exile Johann Heinrich Haug and a team that included the Spinozist Johann Christian Edelmann to produce the Berleburg Bible (8 volumes, 1726–42).[44] This milestone in Biblical scholarship built on Heinrich Horche's *Mystische und prophetische Bibel sampt Erklärung der Sinnbilder und Weissagungen* ('Mystical and Prophetic Bible with an Explanation of the Allegories and Prophecies',

[40] See the survey in *Geschichte des Pietismus*, ii, 123–67.
[41] Hoffmann, *Radikalpietismus*, 56–82.
[42] Hoffmann, *Radikalpietismus*, 20–54.
[43] Grossmann, 'Origins', and Grossmann, 'Gruber', 363–78; North, *Pietismus*, 84–90, 101–14, 272–302.
[44] Wallmann, *Pietismus*, 162–6.

Marburg, 1712) and explored the literal, spiritual–moral, and secret meanings of the text in order to divine its 'inner' meaning.[45]

The Wetterau also provided the setting for an important stage in the development of Count Nikolaus von Zinzendorf's Moravian Brethren. This was another remarkable revival movement and one that made a major impact both in the Reich and in Britain and the American colonies.[46] It had its origins in the oppressed Protestant communities of Bohemia and Silesia and in the efforts of Protestants in neighbouring Saxony, Saxon Lusatia, and Brandenburg to provide church facilities for them on safe territory and to minister to them by means of missions such as those launched by Halle Pietists from the 'mercy church' at Teschen.

Zinzendorf himself came from a family of Austrian exiles settled in Saxony with strong connections both to the Saxon nobility and to the pious Thuringian Counts of Reuss, who had subscribed to the Formula of Concord since 1600 but followed their own flexible local interpretation of the Lutheran creed.[47] Zinzendorf's early education in Halle, where at dinner he heard the reports of the East India missionaries, left a lasting impression, as did his encounters with both Pietists and Orthodox during his legal studies in Wittenberg. Subsequent travels in the Netherlands and to Paris in 1719–20 left him with a wide network of Reformed and Catholic contacts, including Cardinal Louis-Antoine de Noailles (1651–1729), with whom he maintained a regular correspondence.

Having acquired money through marriage to a Countess of Reuss-Ebersdorf in 1722, Zinzendorf purchased an estate at Berthelsdorf in Upper Lusatia, where he resolved to establish a Philadelphian community. A start was made with the settlement of some 300 German-speaking Moravians and other refugees led by a Catholic apostate carpenter Christian David (1691–1751) in a new community of Herrnhut ('under the care of the Lord'). In 1727, the community experienced a revivalist episode sparked by the visions of an eleven-year-old girl. Zinzendorf soon discovered the similarity between the communal statutes he had formulated to restore order and the old Hussite teachings. Consequently, he was able to persuade the Moravians that they were in fact renewing the tradition of the Hussite Bohemian Brethren. Since Luther himself had praised the Bohemians, it was hoped that renewing their fraternity would save Herrnhut from being denounced as heretical by the Orthodox.[48]

Although Zinzendorf did not thus start out as a separatist, his need to remain in control of the rapidly developing situation in Herrnhut and his turbulent relations with Halle soon led to a rift. In 1734, he was ordained as a Lutheran pastor and consecrated bishop in the Bohemian by Comenius's grandson the Berlin Reformed court preacher and Bishop of the Bohemian Brethren in Poland, Daniel Ernst Jablonski (1660–1741). Yet Halle disowned him nonetheless. By 1737, he had also

[45] *RGG*, vi, 312–13; Grossmann, *Edelmann*, 87–107; Sheehan, *Bible*, 73–85.

[46] Ward, *Awakening*, 116–59; Greyerz, *Religion*, 164–6; Goertz, *Bewegungen*, 53–4; Maurer, *Kirche*, 30–3; Bautz, *Kirchenlexikon*, xiv, 509–47; Knox, *Enthusiasm*, 389–421; Wallmann, *Pietismus*, 81–203; *Geschichte des Pietismus*, ii, 3–106.

[47] Schmidt, *Geschichte*, 105–6.

[48] Wallmann, *Pietismus*, 190.

been exiled from Saxony, at least partly as a result of pressure applied in the wake of the Salzburg crisis on the Saxon government by the Habsburgs, who claimed that Zinzendorf was stealing their subjects.

The following year, Zinzendorf was able to re-establish the main part of his organization at Herrnhaag, in the Wetterau County of Ysenburg-Büdingen. Apart from the Count's own mercurial, domineering, and truculent personality, one of the problems with Halle had been suspicion of the Moravians' extraordinarily enterprising missionary activity. During the 1730s, they sent missions to the Caribbean, Greenland, Lapland, Surinam, and South Africa, as well as establishing a society in London and settlements in Georgia, Delaware, and Pennsylvania. Both Denmark and Sweden banned the Moravians, but Frederick William I allowed communities to be established in his territories. Organizational and commercial success, but also excesses of religious enthusiasm and quarrels with existing groups such as the Inspired, soon led to problems in Herrnhaag. When Count Ernst Casimir's successor Count Gustav Friedrich (r. 1749–68) demanded that the Moravians swear an oath of loyalty, they refused, and the community was expelled.

Zinzendorf himself spent six years in London before returning to his family estates in Upper Lusatia, where a small Moravian community had survived. The real administrative centre of the Church from 1748 to 1808 was, however, now in Barby in Saxony, just east of Magdeburg, where Zinzendorf's brother-in-law, Count Heinrich XXIX of Reuss-Ebersdorf, leased the castle for the Brotherhood. While the settlements and congregations in various lands continued to develop, the Moravians needed decades to recover from the financial chaos into which Zinzendorf's ambitious schemes had plunged them. Later generations looked back on the last years in Herrnhaag as a 'time of sifting'.[49] Subsequently, many Zinzendorfian idiosyncrasies were gradually abandoned as his successor August Gottlieb Spangenberg (1704–1792) pulled the scattered settlements together and systematized a moderated version of Zinzendorf's theology in the *Exposition of the Brethren's Doctrine* (1779, English translation 1784).

The Wetterau sanctuary was created by Reformed princes, and the Reformed rulers of Brandenburg-Prussia also supported many of its congregations and notable religious figures at various times. Among other more explicitly political considerations, those policies reflected the strong Pietist movement that infused the Reformed Churches generally.[50] It is often difficult to distinguish between Lutheran and Reformed in this respect: many radical Pietists moved easily between the two confessions and engaged in projects to unify them; and Philadelphianism was based on the idea of the union of all faiths as a prelude to the millennium. It was the Lutheran Hochmann von Hohenau (1670–1721) who inspired the Reformed Elberfeld textile manufacturer Elias Eller (1690–1750) to form the Ronsdorf Zion Church.[51] On the other hand, like other Reformed Pietist groups, the Ronsdorf sect remained within the Church and was only briefly excluded during 1750–65.

[49] Ward, *Awakening*, 155–8.
[50] Ward, *Awakening*, 204–6, 220–40.
[51] Goertz, *Bewegungen*, 51; Wallmann, *Pietismus*, 179–80.

On the whole the Reformed Churches were even more decentralized than the Lutheran. They had strong communal structures and less of an establishment to rebel against. Furthermore, there was a tradition from the late sixteenth century, at least in the Netherlands, of conventicles and class meetings as an adjunct to Sunday preaching, which easily translated in due course to the adjoining German territories. Similarly, the idea of 'further Reformation' (*nadere reformatie*) also originated before 1600. After 1648, the Reformed communities of the northern Rhineland territories of Kleve and Mark were under Brandenburg rule, and the rights of Reformed communities to self-government were confirmed, while the establishment of a Reformed university at Duisburg in 1655 strengthened their position. The Elector's patronage of his cousin Elizabeth of the Palatinate as Princess-Abbess of Herford in Ravensberg (r. 1667–80) also helped promote the Reformed communities in the region and provided a haven for Jean de Labadie (1670–72), as well as a destination for visitors such as William Penn and Robert Barclay in 1677.[52] Brandenburg's subsequent acquisition of further minor territories, such as the Westphalian Counties of Lingen (1702) and Tecklenburg (1707), also secured bases for Reformed Pietism.

All of these early developments generated a Reformed renewal movement in the Northern Rhineland considerably before Spener began his work in Frankfurt. The most important new departure, inspired by Jean de Labadie, began in 1661 with the preaching of Theodor Undereyck (1635–1693) at Mülheim on the Ruhr.[53] His work was continued by disciples such as Friedrich Adolf Lampe (1683–1729) at Cleves and Duisburg (1703–09) and above all by Gerhard Tersteegen (1697–1769), whose three volumes of *Auserlesene Lebensbeschreibungen Heiliger Seelen* ('Select Lives of Holy Souls', 1733–53) presented twenty-five Catholic mystics (mainly of the Counter-Reformation Church) as role models for the pious Reformed. The same figures also seem to have promoted Pietist movements in Hessen-Kassel, Emden, and East Frisia, the various Brandenburg possessions, and Bremen, though in the last case the city council behaved rather like its counterparts in the Lutheran Imperial Cities by acting firmly against any hint of separatism.

In all of these areas, the Reformed awakening of the seventeenth and early eighteenth centuries established traditions that endured long beyond the end of the Reich. Hostility still frequently marked the relations between Reformed and Lutheran, especially the Orthodox of both traditions, over doctrinal issues or over the ownership and use of churches under the terms of the Peace of Westphalia. The simultaneous renewal in both Lutheranism and German Reformed communities also, however, created common ground that laid the foundation for the various unions and associations that developed between them during the course of the nineteenth and twentieth centuries.

[52] Bautz, *Kirchenlexikon*, i, 367–8, 1494–5, and v, 905–7. Herford was one of four Protestant Imperial Convents that lost its territories. (The other three were Gandersheim, Quedlinburg, and Gernrode.) Though they remained legally independent under a Princess-Abbess, their votes at Regensburg were exercised for them by the secular rulers who had acquired their lands: Braunfels, *Kunst*, iii, 409.

[53] Wallmann, *Pietismus*, 50–9; *Geschichte des Pietismus*, i, 241–77; Ward, *Awakening*, 220–40.

37

From Coexistence to Toleration?

The seismic shifts that reverberated through German Protestantism and the major developments in German Catholicism explain much of the inter-confessional tension that still characterized the Reich in the century after the Peace of Westphalia. They were less dramatic than the upheavals of the period of the Reformation and the Counter-Reformation, but they were no less significant.

Habsburg re-Catholicization animated Protestants throughout the Reich, an agitation that lasted long after the year 1700 had passed without sign of the end of the world. Protestant renewal and revivalism disturbed many Catholics, who viewed new forms of Protestantism such as Pietism with alarm and suspicion, though these sects had no formal status under the terms of the Peace of Westphalia.[1] Pietism and its radical affiliates seemed to them to threaten the carefully balanced religious peace in the Reich and the hierarchical structures of German society. Of course, in reality, the preachers, prophets, and propagandists of Protestant renewal were capable of no such thing. Yet the perceived threat on both sides was intensified by the print war that each conducted against the other. Each side accused the other of serious breaches of the Peace of Westphalia. Even so, outright confrontation never materialized. The revolution that Johannes Kelpius predicted in 1699 was internalized and absorbed.[2]

The edge was taken off radical fervour when the millennium failed to dawn at the turn of the century 1699–1700. Chiliasm gradually declined. Discontented and alienated groups who could not find a princely patron in the Reich increasingly turned their attention to the potential of Pennsylvania and the other American colonies. Spener and his followers were never chiliasts as such and from the start had fostered the belief that it would be possible to improve the life of Christians in this world. His teachings were gradually assimilated into the mainstream of the Lutheran churches, even while the Orthodox establishments continued to pursue separatists, enthusiasts, and 'fanatics' and to oppose Halle as a source of instability and sedition. Under Francke's management, Hallensian Pietism became institutionalized in Brandenburg-Prussia. In a much less disruptive and turbulent way, the Reformed churches also absorbed the renewal movements of the century after 1648.

In the Catholic world, things also began to change from the 1720s. Both the emperor and the leading Imperial Estates shrank back from war over the

[1] Press, *Kriege*, 300–1.

[2] Ward, *Awakening*, 51. Kelpius (1673–1708) was a native of Transylvania who abandoned Europe for the wilderness of Pennsylvania in 1694.

re-Catholicization crisis in the Palatinate.[3] While the efforts of the Habsburgs to deal with Protestantism in Silesia and Bohemia continued unabated, the brutal expulsion of the Salzburg Protestants at the end of the decade underlined how anachronistic and self-defeating such initiatives had become. Any policy that resulted in serious loss of population flew in the face of all the accepted principles of sound government. The Salzburg episode also demonstrated that 'public opinion' in the Reich believed such behaviour to be unacceptable and, at least in spirit, in breach of the legislation of 1648. No Catholic ruler in the Reich resorted to forcible emigration again, and, as we have seen, even the Habsburgs did their best to disguise their own policy of 'transmigrating' Protestants to their eastern frontier lands.[4]

The constitutional structures of the Reich also contributed to the stabilization of the situation. Catholics worried about the threat of secularization of the independent institutions of the Reichskirche. Protestants continued to worry about the conversion of rulers to Catholicism. Disputes over confessional matters continued at almost every level until the end of the Reich. Many involved low-level violence and the abuse of power. Again and again, however, these issues ended up at the Reichstag, the regional Kreis assemblies or in the imperial courts and were ultimately resolved either by judgment in favour of one party or by compromise, or were defused through such long-winded discussions and procedures that the conflicting parties simply lost interest or the issue ceased to be relevant. Imperial law strictly forbade the publication of incendiary confessional tracts.[5] Perhaps most importantly, a vested interest in and continuing participation in a common polity was one of the reasons why confessional animosities did not in fact spark off the confessional Armageddon that many contemporaries feared.

At the same time, the assimilation of minorities by governments in numerous, mostly Protestant, territories gradually extended or loosened the framework established in 1648. In some instances, this was the result of genuine toleration. In others, the motive was populationist and economic, but the effect was the same. The cumulative experience of these policies generated the insight that the Christian state did not have to be a confessional state. This view was widespread among Protestant territories by the 1740s; it was also the de facto basis of policy for many Catholic rulers of confessionally mixed populations, though the Habsburgs did not embrace the idea until Joseph II's toleration edicts of 1781–2.

In many areas, the confessional divide had in fact never been very clear-cut. While confessional tension and confrontation undoubtedly remained strong, things were less straightforward where there was a strong confessional mix. In regions characterized by a plethora of both Catholic and Protestant territories, rulers could not afford to pursue a harsh line for fear of driving subjects, and ultimately taxpayers, away. Of the ten Kreise, for example, three were wholly Catholic (the Bavarian Kreis and the Habsburg Austrian and Burgundian Kreise) and two were wholly Protestant (the Lower Saxon and Upper Saxon Kreise). Of the

[3] See pp. 150–7. [4] See p. 293.

[5] Eisenhardt, *Aufsicht*, 55–5, 134. The Catholics were particularly effective in complaining about anti-Catholic tracts and having them banned by imperial decree.

rest, one was only 75 per cent Catholic (the Electoral Rhine Kreis) and another 75 per cent Protestant (the Upper Rhine Kreis), while three were more or less equally balanced between Catholics and Protestants (the Westphalian, Franconian, and Swabian Kreise).[6] Such coexistence at Kreis level did not of itself guarantee mutual respect and harmony. It did, however, tie Catholic and Protestant territories into an institutional framework within which a degree of cooperation was essential.

A mix of confessions characterized significant areas of the Reich after 1648. In the northern Rhineland, Jülich and Berg had Catholic rulers but Lutheran and Reformed subjects as well as Catholics. In Osnabrück, the balance between Catholic and Lutheran was fairly even between twenty-eight Catholic and eighteen Protestant parishes and eight that were biconfessional, which was reflected in the alternating arrangement for the prince-bishops agreed in 1648.[7] The lack of clear confessional boundaries is also characteristic of Franconia, Swabia, the Upper Rhine, and Palatinate regions.

These regions embraced huge variety: a mass of small territories, territories composed of a scatter of non-contiguous districts, ecclesiastical territories such as Würzburg that found themselves in control of Lutheran parishes in 1648, condominiums shared by two or more rulers of different confessions, biconfessional Imperial Cities, or Imperial Cities with Catholic ecclesiastical residences just outside their walls. The Imperial City and the Imperial Abbey of Kempten, who could never agree on the precise boundary between them, illustrate the last case. In the Swabian Allgäu nearby there was even a Reformed enclave on the estates of the Imperial Hereditary Marshals von Pappenheim, which survived all efforts by the Counts von Fugger and the Prince-Abbots of Kempten to re-establish Catholicism, even after the estates were sold to the Kempten abbey in 1692.[8] In 1706, the Reformed inhabitants of the former Pappenheim lordship of Theinselberg successfully appealed to the Reichstag and the kings of Prussia and Sweden for help in securing the return of a church that Abbot Rupert von Bodman had confiscated. He soon changed his mind when Friedrich I of Brandenburg-Prussia ordered the confiscation of all Benedictine monasteries and churches in his lands until the Theinselberger got their building back.[9] In their scattered south German territories of Further Austria (Vorderösterreich), even the Habsburgs had to accept the continued existence of Protestant nobles and villages.[10]

At the local level, rules such as the *Normaljahr* principle, which gave recognition and rights to all Catholics, Lutherans, and Calvinists in the Reich who had enjoyed them in January 1624, were designed to provide criteria for resolving disputes. That did not, of course, prevent disputes, many of them bitter and pursued over a century or more. Yet, for every flashpoint, there were other places in which coexistence and the mutual acceptance of two or more confessions became a daily reality.[11] In

[6] Hartmann, 'Bevölkerungszahlen', 353–69.
[7] Schindling and Ziegler, *Territorien*, iii, 142–4; Penners, 'Konfessionsbildung', 40–9.
[8] Häberlein, 'Grenzen', 156–7.
[9] *HBayG*, iii, 1059.
[10] Häberlein, 'Grenzen', 157–8.
[11] Schindling, 'Reichsinstitutionen', 265–7, 281–5; Häberlein, 'Grenzen'; Penners, 'Konfessionsbildung', 40–9.

Osnabrück, the alternation of freely elected Catholic prince-bishops with members of the house of Hanover reflected the evenly balanced Catholic–Protestant mix of the population.[12] In the Swabian cities of Augsburg, Biberach, Dinkelsbühl, and Ravensburg, the confessional balance was translated into constitutional and political parity. Catholics and Protestants were given equal weight on city councils; all public offices were simply occupied by a Catholic and a Protestant simultaneously; city churches were divided up according to the 1624 principle, though the parish church in Biberach and the cemetery in Ravensburg were shared equally between the two congregations.[13]

Many small territories, including those of the Imperial Knights, in Franconia and Swabia, but also up the Rhine as far as the duchies of Jülich, Berg, and Kleve and the Westphalian region generally, were effectively multi-confessional. Even a ruler such as the Archbishop of Mainz was constrained in parts of his territory, such as the Thuringian exclave of the Eichsfeld, where a Protestant nobility survived the infamous re-Catholicization of the late sixteenth century and which was surrounded by predominantly Protestant territories.[14]

A whole variety of experiences of coexistence needs to be added to the picture of confessional confrontation that undoubtedly loomed large in the imagination of many contemporaries. Confessionalization was the experience of some parts of the Reich after 1648 in ways that had scarcely been experienced before the war. Even so, the experience of many other parts, Catholic as well as Protestant, really fails in any meaningful sense to conform to the concept of confessionalization as it has been described by German scholars over the past fifty years or so.

To what extent did this easing of inter-confessional tension reflect an increasingly tolerant society? The evidence is far from straightforward. For one thing, a growing entrenchment of confessional cultures throughout the Reich characterized the century after 1648.[15] Systems of dogma and ritual were stabilized, and daily life was confessionalized. Lutheran identity was reinforced by the jubilant celebration of the anniversaries of 1717, 1730, 1748, and 1755.[16] Catholic identity was reinforced by pilgrimages and the numerous processions that marked the liturgical year.

The teaching and disciplining of the churches came to shape virtually every aspect of the life of the laity. Family structures, attitudes to literacy, work, and leisure, medicine, to insurance against natural disasters, to death and burial, all developed in distinctive Catholic or Protestant ways.[17] Even the choice of Christian name was dictated by confession. Protestants favoured names such as Johann, Jakob, and Georg; the Pietists added Ehregott, Fürchtegott, Gotthelf, Gotthilf,

[12] Penners, 'Konfessionsbildung', 40–9. During the tenure of a Protestant Prince-Bishop, the Catholic Episcopal functions and duties were delegated to the metropolitan, the Archbishop of Cologne.

[13] Häberlein, 'Minderheiten', provides a wealth of examples.

[14] Duhamelle, 'Confession' and Duhamelle, 'Frontière'. The neighbours were Reformed Hessen-Kassel and the Lutheran Duchy of Brunswick-Lüneburg (Electorate of Hanover), the County of Schwarzburg, Imperial City of Mühlhausen, and the Electorate of Brandenburg.

[15] For the Lutheran and Reformed communities of Upper Hessen, see Mayes, *Christianity*, 207–341. See also François, 'Frontière'.

[16] Whaley, *Toleration*, 186–96; François, *Grenze*, 153–67.

[17] Hersche, *Muße*, gives an interesting account of these differences, as does Möller, *Familie*, 214–30.

Leberecht, Thurecht, and others.[18] Catholics favoured Joseph, Peter, Franz, Anton, Aloys, Ignaz, and Xaver, and they rendered Gottlieb as Amadeus and Erdmann as Adam; after the saint's canonization in 1729, Johann-Nepomuk entered the repertoire, while the habit of giving boys Maria as a middle name also developed during the eighteenth century.[19] Such confessionally determined naming seems to have been most pronounced among the higher nobility of the Reich, but it broadly prevailed at every social level.

Coexistence was often marked by friction and conflict. The Swabian biconfessional cities of Augsburg, Biberach, Dinkelsbühl, and Ravensburg developed what can only be described as 'parity mania', which embraced the most seemingly trivial aspects of urban life. In Augsburg, for example, even the question of the appointment of church caretakers (and of servants to such individuals) provoked lengthy arguments over precedent and parity.[20] Perhaps more significantly, however, there was only one serious disturbance caused by religious animosity between 1648 and 1806: a riot in 1718 whose easy containment underlined the success of the parity regulations. Coexistence was also particularly fraught in other Imperial Cities such as Hamburg, where there were close links between polity and established church and where clergy arguing that toleration would cause the polity to disintegrate and could mobilize opposition to any concessions to minorities. Despite the tolerant attitudes of the urban elites and the obvious economic contribution made by non-Lutheran immigrants to the spectacular success of the city after 1648, these arguments remained decisive until 1785.[21]

Reactions to coexistence were mixed elsewhere too. The indigenous population did not accept all the newcomers to whom their rulers gave permits of residence. When a Huguenot house in Magdeburg caught fire in 1718, local people stood in the way of firefighters and shouted 'Let the French burn.'[22] Pastors or priests and their parishioners frequently protested against religious rights given to newcomers, against permissions to build churches and chapels for indigenous confessional minorities in contravention of the stipulations of the 1648 treaty, or against alleged breaches in the conventions governing common use of church buildings.

Many communities experienced disputes over whether members of confessions other than the 'official' one should be obliged, as the legislation of 1648 said they should be, to pay parish dues and surplice fees to the local priest or pastor.[23] Until the end of the seventeenth century, coexistence was made more difficult by the fact that Protestants, even if they were the subjects of Catholic rulers, invariably refused to accept the Gregorian calendar. Many Protestants ostentatiously went about their ordinary daily business on Catholic feast days.[24] When the German Protestant

[18] That is, literally, 'honour God', 'fear God', 'God help' (two forms), 'Live correctly', and 'Do right'.
[19] Duhamelle, 'Prénom'; Seibicke, *Personennamen*, 138–9; Bahlow, *Vornamen*, 70; François, *Grenze*, 167–79; Zschunke, *Konfession*, 109–11.
[20] François, *Grenze*, 21.
[21] Whaley, *Toleration*, 145–68.
[22] Schmidt, 'Mehrkonfessionalität', 48.
[23] Nottarp, '*Communicatio*', 426–7.
[24] Duhamelle, 'Frontière', 178.

Estates *en bloc* did finally accept the new calendar, they opted for an 'improved version' that still left the Protestant Easter on a different date from the Catholic Easter in 1724 and 1744.[25]

There was an extensive contemporary literature devoted to cataloguing the grievances and abuses that were highlighted confessionally motivated disputes. Yet many more examples of quiet, peaceful coexistence went unremarked and unrecorded. Like the Reich as a whole, thousands of communities at grass-roots level simply got on with the business of life. In Wetzlar, for example, Catholics participated in the appointment of Protestant pastors, who were then inducted by a Catholic dean, who solemnly supervised the oath of loyalty to the true Protestant faith taken at the hand of a Catholic deacon in full liturgical dress.[26] In the Palatinate, a wall that gave the nave to the Reformed and the choir to the Catholics divided most churches.[27] In the village of Goldenstedt on the frontier between Bremen and Münster, Catholics and Lutherans, who had fought over the village church for decades, destroying it on several occasions, developed a de facto *Simultaneum* after 1650. Lutherans attended the Catholic high mass; hymns taken from the Lutheran hymnal were accompanied by the Catholic organists; the Catholics sang only some of the hymns, while the Lutheran simply remained silent during the Latin responses; and the Catholic priest had instructions from his superiors not to emphasize those dogmas which might upset his Lutheran parishioners. This arrangement endured until a new Protestant church was finally constructed in 1850.[28]

Goldenstedt was perhaps exceptional, but similar examples of cooperation existed throughout the western and southern regions of the Reich, where there was no dominant confession. In the numerous condominiums shared between Catholic and Protestant rulers, clearly defined demarcations of rights were undertaken at the outset. Even in the Palatinate, the Elector's re-Catholicization policy, which nearly plunged the Reich into war in 1719–20, emphasized the necessity for the Churches to coexist peacefully, despite the fact that the position of the Catholic Church was clearly promoted and privileged.

The implications have been studied in detail for the small tri-confessional wine-growing town of Oppenheim, whose multi-confessional status was confirmed by the Peace of Westphalia (*IPO* IV, §19). The population of over 2,000 before 1618 declined to about 300 by 1648, then recovered to about 600 by 1700 and reached around 1,500 (including 22 Jews) by 1740.[29] The confessional composition of the inhabitants changed because of government policy. Catholics increased from 21 per

[25] Luh, *Reich*, 41; Grotefend, *Zeitrechnung*, 26–7; Conrad, *Rechtsgeschichte*, ii, 184. Opting for an 'improved version' had the advantage that the Protestants would not have to use the word 'Gregorian', and the full acceptance of the new calendar in 1775, which avoided another divergence of the dates of Easter for 1776 and 1798, was undertaken explicitly without prejudice to all 'territorial rights [Hoheitsrechte] in secular and ecclesiastical matters'.

[26] Nottarp, '*Communicatio*', 431.

[27] Schindling, 'Reichsinstitutionen', 286.

[28] Welker, *Rechtsgeschichte*, 250; Nottarp, '*Communicatio*', 445–6.

[29] Zschunke, *Konfession*, 23–5, 73–139.

cent in 1698 to 38.2 per cent, in 1741; the Reformed community declined from 46.5 per cent to 31.5 per cent, while the Lutherans declined from 32.5 per cent to 27.6 per cent. Both Protestant groups continued to decline for the rest of the eighteenth century. It seems that each group had a strong awareness of confessional identity, and there were frictions from time to time over such issues as the celebration of frequent Catholic feast days. The only serious confessional conflicts experienced by the town over this period were those precipitated by the periodic polemical campaigns pursued by the priests and pastors of the various Churches.

The phenomenon of mixed marriages also reveals some surprising perspectives.[30] Theologians of all confessions argued against them, except in cases where conversion was promised, and government legislation generally favoured the dominant or official confession. Precise figures do not exist, but studies of towns and parishes in some mixed-confession areas, such as Osnabrück and the Palatinate, have found that mixed marriages comprised slightly over 20 per cent of the total. They occurred at every point on the social scale. The most common were between Lutherans and Reformed; marriages between Protestants and Catholics were much less frequent. The hypothesis that mixed marriages declined towards the end of the eighteenth century and almost ceased after 1800 perhaps suggests a long-term stabilization or hardening of confessional identities, though the hypothesis has not yet been confirmed by systematic statistical analysis, which is often not permitted by the available sources anyway. What is striking about such marriages after 1648 are the contracts in which prospective partners in such unions safeguarded their freedom of conscience and agreed on the upbringing of their children. Indeed, in the Palatinate the government issued a pro forma of such a contract in the form of a decree.

Equally remarkable are the conflicts that inevitably arose over such agreements and the disputes that arose over the education of orphans or where one parent died. These often involved lengthy appeals against the decisions of local or territorial courts and sometimes ended up with the Imperial Courts or the Corpus Evangelicorum at Regensburg. At issue in numerous cases of alleged child abduction or child seduction cases was often the question of the *annus discretionis*, the age at which a child could be deemed capable of deciding in favour of one or other confession.

As in many other legal procedures of the Reich, women enjoyed equal rights with men in these matters. Under the terms of the Peace of Westphalia, freedom of conscience and the right of emigration were guaranteed for all. Both men and women launched cases against their rulers when children by the first marriage of either spouse were claimed as orphans by the authorities for education in the dominant religion of a territory. Furthermore, many women launched successful cases against their husbands in relation to breaches of the marital agreement concerning children or against male relatives who attempted to take charge of a child after its father's death. This extraordinary empowerment of

[30] Freist, 'Glaubensfreiheit'; Freist, 'Mixed marriages'; Freist, 'Rechtsstreitigkeiten'; Häberlein, 'Grenzen', 180–1; Mayes, *Christianity*, 299–300; Safley, *Children*, 244–8.

women against the paternal authority of their husbands ended in 1806. Almost all the nineteenth-century German states classified these issues as law and order problems, rather than as confessional matters: consequently, they gave priority to the authority of heads of households (*patria potestas*), rather than the freedom of conscience of women.

In the century after 1648, the confessionalization of society was accompanied by the de-sacralization of the polity. Government practice pursued the reality of a Christian state, rather than a confessional state. In the later eighteenth century, that would translate into the idea of the supra-confessional state, into ideas of religious toleration, and into policies that transcended the limitations imposed by Peace of Westphalia. The most important limitation was the fact that it applied only to Catholics, Lutherans, and Reformed, and then only gave the right of public worship to communities that had enjoyed such rights in 1624.

The value of the legislation of 1648 should not be underestimated. If the right to public worship applied only to communities, the basic right to freedom of conscience was given to all individuals, both men and women, in each of the three official confessions. More effectively than any of the agreements on the religious issue reached in the sixteenth century, the Peace created a stable and enduring framework in which legal process took the place of violent conflict. In many communities, that generated pedantic legalism, petty-mindedness, and attitudes that clung to the letter of the clauses of 1648 with almost irrational passion. Yet defence of the status quo was one of the fundamental principles of almost every dimension of the politics of the Reich. The perception of the legislative framework changed over time. Initially, the rights of rulers and the aim of facilitating the coexistence of the territories in the Reich were paramount. Increasingly, however, the rights of the individual were perceived to be just as important.[31]

[31] Whaley, 'Toleranz', 405–16.

38

Enlightenment and Patriotism

The German Enlightenment, or *Aufklärung*, has often been portrayed as a movement that lagged behind its equivalents in other European countries, a movement that was essentially derivative and fundamentally less radical and critical.[1] Despite these limitations, it has also been regarded as a movement that looked forward to the creation of a new society: a rationalist movement of the *Bürgertum* or educated middling classes that became indifferent to the Reich and began to think in terms of a new nation. The fact that this nation did not emerge in the eighteenth century has often been taken as evidence of the tragic weakness of the German bourgeoisie in the face of a sclerotic but persistent *ancien régime*. Its achievement nonetheless was, it is argued, to lay the foundations for the 'cultural revival' of the eighteenth century, which supposedly saw the emergence of a German *Kulturnation* after 1750.

Like many of the long-term views of German history constructed to explain the presumed German 'Sonderweg', the allegedly peculiar or even deviant development of Germany in the nineteenth and twentieth centuries, this perception of the *Aufklärung* seriously distorts the reality of the early modern Reich.[2] New research since the last decades of the twentieth century has done much to correct the older meta-narratives, but they survive in many handbooks and general histories. The growing specialization of historical studies has not helped. Studies of the *Aufklärung* are rarely embedded in the history of the Reich. Indeed, a preoccupation with the novelty of the movement has often seemed to point locally to the incompatibility of a rationalist modernizing movement with an irrational, historically evolved, and ultimately doomed Reich.

What came to be called *Aufklärung* was indeed new and often radical. However, its emergence was fostered in various ways by the structures of the Reich, though they also acted as constraints in some respects. Many of the leading figures of the movement occupied influential positions in some of the more important German territories. The world of which they wrote was the world of the post-1648 settlement. They can be best understood as exploring the potential of the new constitutional and confessional structures in the light of the new thinking about nature and human beings that swept through the German Protestant universities from the 1650s. As university professors, territorial administrators, and political advisers, some of them have already appeared in the preceding sections: Leibniz, Thomasius, Wolff, and Gottsched are generally singled out as the leading figures of

[1] Müller, *Aufklärung*, 63–76; Borgstedt, *Aufklärung*, 1–10; Whaley, 'Transformation', 158–63.
[2] See p. 464 (fn. 15) and Glossary, p. 651.

the early *Aufklärung*. Here, they will be considered in relation to the wider tendency of which they were part, the new media they used, and the audience with which they communicated. This inevitably also raises questions about outlook and identity, about the attitude to society in general, to territory and Reich, and to the entities 'nation' and 'Germany' that featured in many of their writings.

Can a movement be said to exist before it has a name? The word *Aufklärung* does not appear in the sixty-eight-volume *Großes vollständiges Universal-Lexikon aller Wissenschaften und Künste*, published in Leipzig between 1732 and 1754 by Johann Heinrich Zedler, the largest and most comprehensive encyclopedia, comprising all the sciences and the arts, published anywhere in Europe in the eighteenth century.[3] A Hamburg newspaper stated in 1741 that we live in 'enlightened times' ('aufgeklärte Zeiten') because expert men were making the sciences generally comprehensible for the first time. The noun *Aufklärung* conveying this general meaning was first used by Wieland in 1770.[4] As late as 1784, the *Berlinische Monatsschrift* appealed to its readers to define a word which, it said, was so often used but so little understood. Kant's response 'Beantwortung der Frage: Was ist Aufklärung?' was one of many, though it has come to be regarded as the programmatic statement of the *Aufklärung* as a whole.[5] His assertion that *Aufklärung* is an ongoing, perhaps never-to-be-concluded process by which man 'emerges from his self-incurred immaturity' does indeed have an affinity with the aspirations of many of the early figures. They themselves never used the noun *Aufklärung*, though it appears occasionally as an adjective. Terms such as 'clarity', 'reasonable' or 'reasonableness', 'free and independent thoughts' or 'impartial judgement' were more important at the time.

What was meant? There was no single movement or dominant ideology or programme. From the 1660s, a number of tendencies and new ways of thinking emerged. They coincided and interacted, often in sharp opposition to each other, and, over time, they coalesced into what became an increasingly pronounced and self-confident spectrum of attitudes and a new view of the world.

Amid the ferment of ideas and new departures that characterized the German intellectual world of the later seventeenth century, five broad tendencies are apparent. The religious reform movement, first, associated with Philip Jakob Spener and continued by his disciple August Hermann Francke, and the various radical Pietist tendencies, second, collectively challenged the prevailing Orthodoxy within the Lutheran Church and placed new emphasis on the religiosity of the individual and on the role of the individual Christian within society. The Reich also, third, proved to be a fertile context for the dissemination of new scientific knowledge. Major figures such as Leibniz and the Saxon scientist and philosopher Ehrenfried Walther von Tschirnhaus (1651–1708) were active both in the mainstream of European scientific discussion, as members respectively of the Royal Society (1673) and the Paris Académie des Sciences (1682), and in the application of the results of new science to virtually every dimension of human experience.[6] In

[3] Moller, *Vernunft*, 24. On Zedler, see: Quedenbaum, *Zedler*.
[4] Pütz, *Aufklärung*, 12. [5] See pp. 463–4
[6] Beck, *Philosophy*, 189–94; Wollgast, *Tschirnhaus*; Israel, *Radical Enlightenment*, 502–14, 637–41; Breger, 'Leibniz und Tschirnhaus'.

practical philosophy and jurisprudence, fourth, Samuel Pufendorf and Christian Thomasius shaped the parameters of a new approach to politics and society which spawned both a series of reforms of the university curriculum and the beginnings of a wider public debate about these matters.[7] Fifth, and related to many of the foregoing, yet distinct from them, an important yet diverse scatter of materialist pantheists, materialists, and deists challenged both traditional authority and many exponents of the new thinking.

The numerous indigenous and foreign antecedents and influences that prompted their ideas preclude any straightforward categorization of the early *Aufklärung* as derivative of or reliant on English, French, or Dutch models.[8] Post-Reformation Protestantism (especially its radical or heretical tendencies), late sixteenth- and early seventeenth-century science, and German late humanist thought generally, and the Socinian anti-trinitarian or unitarian tradition, the ideas of Johann Arndt and Jakob Böhme, among many others, continued to exert an influence. To the indigenous traditions of mysticism, pantheism, rosicrucianism, and Socinianisn must be added the stimuli of Lipsius, Lord Herbert of Cherbury and his natural religion, Francis Bacon, Hobbes, Descartes, and Gassendi, who rejected Descartes and taught atomism and a mechanistic explanation of nature.

Spinoza was a major influence for some, though many arrived at similar views by the empirical study of science. Equally, later English thinking was also a key inspiration for many: first Herbert, but then also Hobbes and, later, Newton, William Derham and his physico-theology, as well as Locke, Shaftesbury, and others.[9] Pierre Bayle was also of singular importance, both as a thinker in his own right and as a disseminator of knowledge and the ideas of others through his *Dictionnaire historique et critique* of 1695 ('Historical and Critical Dictionary', enlarged in 1702).[10]

Spinoza sometimes seems to be more important than others, but that is partly because 'Spinozism' and 'Spinozist' became terms used to stigmatize those whose ideas were considered dangerous and subversive.[11] They were often applied to all those who comprised the materialist or deist tendency. These individuals were often marginalized and excluded from academic employment, but they were nonetheless significant. They provided an essential dimension to the debate, as

[7] Hunter, *Rival Enlightenments*.

[8] Mulsow, *Moderne*, 1–37; Israel, *Enlightenment contested*, 164–200.

[9] On Hobbes, see Malcolm, *Aspects of Hobbes*, 518–35 and Dreitzel, 'Hobbes-Rezeptionen'. On physico-theology, see Philipp, *Werden*, 33–47. On the influence of English Deism on Germany see Berg, 'English Deism', esp. 50–1; and Wild, 'Freidenker'.

[10] Dingel, 'Rezeption'.

[11] The case for Spinoza as the prime source of radical Enlightenment thinking is made by Israel, *Radical Enlightenment*, 628–53, and Israel, *Enlightenment contested*, 164–200. The case made can be modified in virtually every instance, if only by recognizing that ideas similar to Spinoza might have been arrived at by other means. Perhaps the only true Spinozist around 1700 was Spinoza's friend Ehrenfried Walther von Tschirnhaus, though he denied the charge vehemently when Christian Thomasius denounced him in the *Monaths-Gespräche*. Mulsow, *Moderne*, 441, and Wollgast, 'Frühaufklärung', 55–6, both emphasize the great variety of influences, as does Martin Pott in his introduction to Lau, *Meditationes*, 30–4.

valuable as the truths of Orthodoxy in setting the framework within which the philosophical, religious, and scientific debates of the time unfolded.

Broadly speaking, the various tendencies had four features in common. First, there was an emphasis on independent thinking ('Selbstdenken') and individual responsibility, often associated with a commitment to critical reasoning, almost always free of traditional authority or authority justified in traditional ways. Critical reasoning did not always necessarily mean a simple commitment to Cartesian rationalism; empiricism and sensualism also played a role in the early *Aufklärung*, and were of exceptional significance in Germany throughout the eighteenth century. Second, there was a commitment to the idea that the results of such reflection or reasoning should be brought to bear on the way that individuals lived their lives and a belief that changes made by individuals to their lives would cumulatively contribute to the improvement of society as a whole. Third, there was a commitment to communicating the results of the new thinking to others, and a conviction that the exchange of ideas, and the testing of them in public argument, was an essential element of the search for new knowledge and the establishment of truth. Finally, the general tendency of the new thinking, both at the universities and in the various religious movements, was opposed to the authority of Lutheran Orthodoxy and, in the case of the universities, of the Aristotelian principles upon which its scholarship and teaching were based.

The centrality of disputes about religion is not a reflection of the remoteness of the Germans from politics and real life, but rather an indication that German intellectuals were preoccupied with the key issues of their time.[12] Indeed, the situation in the Reich after 1648 posed these issues in a particularly acute form. In many territories, it was vitally important to resolve the implications of the 1648 settlement for the relationship between church and state, to assert the rights of government over the church with what Thomasius called the 'political papacy' of the Orthodox Lutheran clergy. A parallel struggle unfolded in the universities, where the emergence of new subjects and the discussion of new knowledge challenged the authority of Orthodox Lutheran theology as the 'master subject' or organizing discipline to which all others were subordinate. This generated the demands for freedom of thought and the right to teach new subjects free of theological control.

When figures of the early *Aufklärung* such as Thomasius declared that they were eclectics, they meant that they insisted on the right to draw on any knowledge and any ideas to formulate their own precepts.[13] Eclecticism meant a willingness to draw on all previous ideas and knowledge, a desire to include what Thomasius termed 'Gelahrtheit' (practical philosophy) as well as 'Gelehrtheit' (academic learning).[14] It also implied the determination to establish the validity of ideas and knowledge independent of any traditional Orthodox or Aristotelian theological or philosophical authority.[15] At the same time, it had for the most part no ambition to establish a new dogma or 'sect'. Practical philosophy insisted that it was contributing

[12] Wollgast, 'Frühaufklärung', 26–7; Goldenbaum, *Appell*, 32–79; Saine, *Problem*, 13–60.
[13] Dreitzel, 'Entwicklung'; Hochstrasser, *Natural law theories*, 121–9.
[14] Barnard, 'Practical philosophy', 224–6.
[15] Dreitzel, 'Entwicklung', 338.

to an ongoing debate or discussion. Its conclusions were scientifically and impartially based on the latest available knowledge, yet they were provisional and liable to reconsideration and revision in the light of new evidence. Indeed, the insistence on debate and discussion was itself a key feature of what became known as *Aufklärung*.

Communication presupposes media and an audience. In both respects, the late seventeenth century saw important changes. By 1700, the Reich had developed the most active newspaper and journal market in Europe. Its potential audience was still relatively small: the fifty to sixty German newspapers reached perhaps some 250,000 to 300,000 readers out of a population of some 15 to 16 million. By 1750, the number of newspapers had increased to about 100 or 120 and the number of readers to about one million.[16] Most of what was printed was, of course, political news; it was only in 1712 that a Hamburg newspaper first introduced a cultural–scientific news section.

The market for journals was more limited, but it too burgeoned in this period. Some were purely academic, such as the *Acta Eruditorum*, published at Leipzig from 1682, with a German-language sister title, the *Deutsche Acta Eruditorum oder Geschichte der Gelehrten, welche den gegenwärtigen Zustand der Litteratur in Europa begreiffen* ('German Acta Eruditorum or History of the Learned, which Covers the Current state of Literature in Europe'), from 1712. Before then a plethora of periodicals, some containing news from the world of learning, others bibliographical or biobibliographical, had appeared at various centres in the northern Protestant Reich.[17] Some were short-lived, and many were published in very small editions.

Overall, the wealth of information published in periodicals grew so steadily that the first review journals were launched to provide orientation in an increasingly prolific market. The first appeared in Leipzig 1714–17, its anonymous editor, the Thomasian Christian Gottfried Hoffmann, promising to provide *Aufrichtige und Unpartheyische Gedancken, Über die Journale, Extracte und Monaths-Schrifften* ('Honest and Impartial Reflections on the Various Kinds of Periodicals').[18] Not long afterwards, the appearance of the 'moral weeklies', modelled on the London *Spectator* and *Tatler*, brought a new and altogether more successful and popular kind of enlightened journal. These no longer contained reports or copies of what others had written elsewhere, but essays reflecting in a moralizing and entertaining manner on human life interpreted in the light of modern philosophy. The most notable was *Der Patriot*, published at Hamburg 1724–26, with editions that reached nearly 6,000 copies weekly which were disseminated across north Germany.[19]

The core readership of the periodical press undoubtedly comprised those with university education of some kind. Estimates of numbers here are even more unreliable. Around 1700, there were perhaps some 80,000 Germans with a university education.[20] They were not all participants in an emerging enlightened sphere by any means. The number includes the Catholic clergy and laymen, who

[16] Welke, 'Lektüre', 29. [17] Böning, *Welteroberung*, 188–98. See p. 90.
[18] Böning, *Welteroberung*, 185; Habel, 'Rezensionszeitschriften', 48–9.
[19] Böning, *Welteroberung*, 220–64. [20] Martino, 'Barockpoesie', 111.

remained largely unaffected by debates that largely unfolded in the world of the Protestant universities. They also include the Orthodox Lutheran establishment in the Church and the universities and those who supported them. Even so, the estimates are significant if one accepts that the total number of those involved in the administration of the Reich, its institutions, and its territories probably did not exceed 10,000 individuals in the decades after 1648.[21] Geographically, the spread of educated potential participants in the emerging public sphere was not confined to the frontiers of the Reich. It included Germans educated in the Reich but living and working outside it in the wider German language area: it extended to Riga and Reval (Tallinn) in the eastern Baltic and to the Swiss cities of Basel and Zurich in the south-west.

Debate, of course, began within the universities where it was institutionalized in the disputation.[22] The Wittenberg disputation regulations of 1580 explicitly permitted students to assume the role of the 'heretic' in order to probe the logic of a thesis. This was originally intended to ensure academic rigour and to promote Orthodoxy based on sound arguments. However, it could also serve to promote knowledge of otherwise forbidden works and provide cover for individuals to develop such ideas while pretending to disown them. If the disputant did his work well, then the heretical arguments might well turn out to be the better ones. Debate within universities was complemented by debate between universities. By 1700, the culture of debate in and between the twenty or so Protestant universities in the Reich had developed a rich variety fed by competition and academic rivalry, as well as by genuine curiosity.

The extensive correspondence of leading figures such as Leibniz, Thomasius, or Gottsched with relatively insignificant and marginal figures underlines the way in which academic practice also translated into a fundamental commitment to debate and discussion.[23] Leibniz, for example, exchanged regular letters with the radical proponent of experimental science and theologian Gabriel Wagner for over ten years from 1696, as well as repeatedly using his influence to secure employments that Wagner then invariably undermined by some hot-headed invective against aristocrats and princes.[24] Leibniz frequently expressed exasperation at Wagner's personal behaviour. However, they conducted their correspondence on theological and philosophical matters with impeccable politeness and profound engagement, and it seems that Leibniz genuinely appreciated the challenge posed by such a radical critic of his own views. Thomasius, too, had been Wagner's friend and patron, despite the fact that he made his name with a coruscating critique of Thomasius's methodology and educational practices. In the same way, Gottsched and many of his associates offered support and sanctuary to a variety of radicals who fell foul of the authorities elsewhere.[25]

[21] Repgen, 'Westfälischer Friede', 80–1.
[22] Israel, *Enlightenment contested*, 175–87; Mulsow, *Gelehrtenrepublik*, 191–215.
[23] Gierl, 'Korrespondenzen'.
[24] See Siegfried Wollgast's introduction to Wagner, *Ausgewählte Schriften*, 15–36.
[25] Mulsow, *Freigeister*, 11–14.

At the other end of the spectrum, the Orthodox opponents of both radicalism and the new thinking generally were also drawn into the wider public debate. In a sense, perhaps, they even unwittingly promoted some of the ideas they so violently opposed. Knowledge of atheism and all manner of heresies subsumed under that heading was systematized and disseminated by works such as Valentin Ernst Loescher's *Praenotiones et notiones theologicae* ('Prenotions and Notions of Theology', 1708), Zacharius Grapius's *Systema novissimarum controversarium* ('Study of the Latest Controversies', 1709), and Johann Franz Buddeus's *De Atheismo et superstitione* ('Of Atheism and Superstition', 1717).[26] Less publicly, but as effectively in many ways, the passion for collecting 'clandestina' in the form of manuscripts and books also ensured that 'forbidden' knowledge was disseminated.[27] The search for such material often extended Europe-wide and accompanied travels occasioned by politics and diplomacy, as well as by continuing forms of *peregrinatio academica* by scholars between universities.

Works in Latin dominated the academic and theological markets, but the contents of such handbooks were soon translated into the vernacular. Christian Thomasius and others had begun to make serious attempts to communicate with a public outside the universities. The introduction of teaching in the German language in 1687 was a decisive step towards greater openness.[28] From that time on, the appeal to the general educated public became a standard feature of academic and learned controversy. It is significant that towards the end of his life Thomasius presented his life work in collected form as a series of controversies. His four-volume *Außerlesene Juristische Händel* ('Selected Legal Controversies', 1720–23) and the three-volume *Gemischte Philosophische und Juristische Händel* ('Assorted Philosophical and Legal Controversies', 1723–26) were in effect both his autobiography and an affirmation of the objective value of debate and controversy as such.[29] Shortly afterwards, the more general acceptance of this principle was reflected in Gerlach Adolph von Münchhausen's statutes for the new University of Göttingen in 1736. Academic freedom (in teaching and publication, subject only to the laws of the Reich) was justified on the grounds that 'all teaching for the sake of which the academic universities are established aims to promote the public good'.[30]

Recent research has revealed a picture of richness and diversity, with important developments in various areas—academic debate, scientific thought, the print media—coinciding in ways that were often mutually enhancing. The older narratives that traced the development of a delayed, derivative, and limited *Frühaufklärung* or early Enlightenment have been superseded, but a broad chronology remains nonetheless. The diverse strands of the new scientific and academic thinking,

[26] Israel, *Radical Enlightenment*, 633–5. Buddeus was a Thomasian opponent of Leibniz and Wolff, but his work was grist to the Orthodox mill too, and extremely useful to Lutheran clergy in identifying heretics in their areas. See also Assmann, *Religio duplex*, 16–21. Schröder, *Ursprünge*; Wild, 'Freidenker'.
[27] Mulsow, *Gelehrtenrepublik*, 232–6; Israel, *Radical Enlightenment*, 684–703.
[28] Schiewe, *Öffentlichkeit*, 136–7. See pp. 180, 233.
[29] See Goldenbaum, *Appell*, 165. See also Gierl, *Pietismus*.
[30] Hammerstein, 'Universitäten', 222.

interacting with new religious movements within Protestantism, generated a ferment of ideas and reform programmes by 1700. Men such as Leibniz and Thomasius were of key significance. Leibniz was an influential international intellectual and man of political influence in the Reich, a man who published little during his lifetime but who developed his ideas in a vast correspondence conducted with both illustrious luminaries and rather disreputable failures. Thomasius was a dynamic university teacher, territorial adviser, and entrepreneurial promoter of debate and new ideas in print, and a strident public disputant who went out of his way to engage in the most diverse controversies.

It was not long before the new ideas began to be translated into concrete reforms in the University of Halle. They were also reflected in the emergence of educated groups in cities such as Hamburg and Zurich that aimed to renew their polities. In both cities, the formation first of informal groups of magistrates, academic teachers, and doctors and then of more formal associations, was linked to periods of profound political unrest. Zurich was, of course, outside the Reich, but, like other German-speaking Swiss cities, it remained part of the German communication system and public sphere.

A major uprising in Zurich in 1713 is clearly linked to the activities of three societies—the Collegium der Insulaner (the Islanders, 1679–81), the Collegium der Vertraulichen (the Intimates, 1686–96), and Collegium der Wohlgesinnten (the Kindly Ones, 1693–1709)—that attracted a wide variety of members from the educated urban elite, and even some artisans.[31] The range of topics discussed in the societies was quite extraordinary. The almost breath-taking radicalism of the debates undermines traditional views of seventeenth-century Zurich as a conservative oligarchy in the grip of orthodox Calvinism. There were, it seems, no taboos, either in politics or in religion. For example, in August 1686, the 'Vertraulichen' concluded that it could be justifiable to offer resistance to an absolute ruler on grounds of religious persecution. On 22 February 1698, the 'Wohlgesinnten' discussed the question of whether the works of Pierre Bayle and Spinoza were harmful, concluding that they should be kept away from the uneducated, but that they could do no harm to the educated. Other discussions concerned the justice of preventive wars, neutrality, natural law, the history of the Swiss Federation, alchemy, Copernicus and heliocentrism, Descartes's proposition that animals have no souls, and Spinoza's attempts to apply the principles of natural science to the study of the Bible (which they rejected).

One of the leading figures in the Zurich societies and in the 1713 uprising was the doctor and scientist Johann Jakob Scheuchzer, who corresponded with like-minded figures throughout the Reich as well as the Netherlands and England.[32] It was Scheuchzer who pointed out the link between discussion of new ideas and political unrest when he declared that a people held in ignorance for many centuries had opened its eyes, had abandoned blind obedience to emerge into the light of

[31] Kempe and Maissen, *Collegia der Insulaner*, 9–14, 249–93. The 'Insulaner' were so called because they met in a house on an island in the river Limmat.

[32] Kempe, *Wissenschaft*, 22–5.

freedom, and had demanded better government of its rulers.[33] Moreover, both the Zurich disturbances, like the Hamburg troubles, were widely reported in the press throughout the Reich, giving prominence to the demands of the discontented as well as to the measures taken to deal with the unrest.[34]

In Hamburg, the resolution of the long-running internal civil war by an imperial commission in 1711–12 and a severe outbreak of plague in 1713–14 led to the emergence of a group dedicated to the reform and renewal of the urban polity. The members of the Patriotische Gesellschaft, founded in 1724, included the core of the literary and linguistic Teutsch-übende Gesellschaft (1715–17), scholars and academic teachers, as well as political experts. One of the most prominent was the Senator and poet Barthold Heinrich Brockes, whose *Irdisches Vergnügen in Gott* ('Earthly Pleasure in God'), published between 1721 and 1742, was a monumental poetic rendition of the physico-theology that fascinated both him and many of his close friends.[35] The publication of the journal *Der Patriot* (1724–26), widely disseminated outside Hamburg, was the society's principal activity initially and served the important purpose of promoting discussion and debate.[36] Thereafter they seem to have worked within the polity whose establishment they represented, meeting regularly as a group until 1748, regarded by the Orthodox clergy in their public activities, for example in their tolerant management of the religious minorities in Hamburg, as infected by the same 'unclean spirit' as Thomasius and the agents of the 'political Antichrist'.[37]

The breakthrough of these new ideas into university reform and politics was overtaken from around 1720 by the rapid establishment of Christian Wolff as the dominant progressive philosopher in the Reich. Wolff's system did not wholly supplant other varieties of new thinking. Nor was it entirely original. He derived much from Leibniz, with whom he had corresponded since he was a student in Leipzig. He also absorbed a great deal of Thomasius's practical philosophy. Indeed, it was the combination of the metaphysical and the practical into an apparently complete system that won Wolff so many admirers. It also, however, made him enemies. Wolff himself and his disciples were attacked not only by Orthodox Lutherans but also just as bitterly by the Thomasians and the Pietists, who forced Wolff's departure from Halle in 1723.[38]

The Pietists were deeply disturbed by Wolff's determinism and incensed by the fact that he had publicly asserted in 1721 that Confucianism had achieved a praiseworthy ethics without the benefit of revelation.[39] Their suggestion to Frederick William I that Wolff's determinism might justify the desertion of soldiers from his beloved 'lange Kerls' (who could punish a man who had no option?) tipped the balance against him, though his advocacy of the 'free republic' as the ideal form of state in 1721 cannot have helped.[40] Though the Thomasians also rejoiced at Wolff's

[33] Kempe and Maissen, *Collegia der Insulaner*, 9.
[34] Würgler, *Unruhen*, 202–26.
[35] Kopitzsch, *Grundzüge*, 265–97; Zelle, 'Das Erhabene'; Philipp, *Werden*, 33–47.
[36] Böning, *Welteroberung*, 233–64.
[37] Whaley, *Toleration*, 34, 39.
[38] Saine, *Problem*, 146–52; Hunter, 'Multiple Enlightenments'. See also Wilson, 'Reception', 442–4.
[39] Israel, *Enlightenment contested*, 652–7.
[40] Thomann, 'Wolff', 268. See pp. 200–1.

expulsion, their satisfaction was short-lived. The attraction of the comprehensiveness of Wolff's system was too great. His expulsion from Halle, widely reported and discussed in the press throughout the Reich, made him into a hero, and merely further enhanced his reputation and reignited debate on freedom of thought and the autonomy of philosophy. His immediate translation to the Hessen-Kassel University of Marburg provided him with another platform. Meanwhile, his ideas also began to make an impact on some Catholic universities during the 1720s.[41]

Wolff had not only created an all-embracing mathematical system that appealed to students and others in search of clarity in the labyrinth of ideas. He also attracted an energetic popularizer in the person of Johann Christoph Gottsched. Gottsched became enthused by the Wolffian system as a student, and he became its tireless propagandist at Leipzig from 1724. He promoted Wolff's ideas both formally and informally through his social circle and through the Societas Conferentium he founded in 1731 as a forum for the private discussion of ideas with students, like-minded friends, and colleagues.[42] Only a few years later, some of its members were instrumental in establishing the pro-Wolff Gesellschaft der Alethophilen (lovers of truth) in Berlin, whose leading spirit, the former Saxon diplomat Ernst Christoph von Manteuffel, lobbied for Wolff's reappointment.[43]

Wolff's ideas gained ever wider publicity as Gottsched rapidly established himself as the entrepreneurial linchpin of a Reich-wide network of journals, publishers, and booksellers.[44] Furthermore, Gottsched's application of those ideas to new areas of knowledge and activity, such as language and literature, added further weight to Wolff's own frequent claims that he had created a new framework for both life and thought. Within a few years, the Prussian king realized the damage he had done to his university, and attempts were made to entice Wolff back, though these negotiations did not bear fruit until September 1740, after the accession of Frederick II.

By then, a whole series of public controversies and scandals had firmly established progressive thinking in an increasingly self-confident public sphere. Attempts by the Orthodox Lutheran clergy or by various territorial authorities to turn the tide proved futile. Bans in one territory merely led to publication elsewhere; a clampdown in one university merely prompted another to steal a march in the competition for good teachers and students.

Even the outcasts generally found some patron, if not a minor ruler then someone like Gottsched and his associates, who gave money and moral support to radicals. One such was the deist Theodor Ludwig Lau and the deist and kabbalistic disciple of Spinoza, Johann Georg Wachter, whose ideas were also discussed among Gottsched's friends and with students in the Societas Conferentium.[45] Indeed, if it is true that Gottsched himself had abandoned orthodox Christianity by the early 1730s and only

[41] Hammerstein, 'Wolff', 270–6; Stolleis, *Öffentliches Recht*, i, 289–90.
[42] Muslow, *Freigeister*, 14.
[43] *ADB*, xx, 256–7; Döring, 'Beiträge', 99–105. The 'Alethophilen' moved to Leipzig when Frederick II expelled Manteuffel for spying shortly after 1740; other 'branches' are known to have existed at Weißenfels and Stettin.
[44] Meid, *Literatur*, 893–4.
[45] Mulsow, *Freigeister*, 11–19; Saine, *Problem*, 163; Assman, *Religio duplex*, 17–20.

dissembled in his published works until he came out as a deist himself in the 1750s, his relationship with the outcast heretics may have been much deeper. Perhaps one of the secrets of Gottsched's success was that he knew how to play the game: his translations of Bayle's dictionary, of Leibniz, Claude Adrian Helvétius, and Bernard le Bovier de Fontenelle were made palatable by footnotes that seemed to distance him from the ideas expressed.[46]

Nothing illustrated the impotence of the Orthodox and the breakthrough of radicalism to a degree of public respectability or *Salonfähigkeit*, as well as the extreme fluidity of the intellectual scene in the 1730s, more perfectly than the scandal of the Wertheim Bible.[47] The Frankfurt book fair of 1735 coinciding, as it happened, with the celebration of the second centenary of Luther's vernacular Bible, saw the publication of a lavishly illustrated new German translation of the Pentateuch with an extensive introduction and translator's notes. It was the work of Johann Lorenz Schmidt, originally a Pietist and since 1725 tutor to the children of the widowed Countess Amöne Sophie Friederike von Löwenstein-Wertheim-Virneburg. The opening sentences of Schmidt's translation make it clear how far he had moved away from his Pietist mentors at Jena, such as Johann Franz Buddeus, and why his work soon aroused a storm of protest: 'God's oversight of the first days of the universe was gone. In place of miracle . . . [there was now] . . . only the same laws of pressure, flow, and temperature that govern all natural processes.'[48] In passage after passage, Schmidt's free translation interpolated the insights of natural religion, and in a key passage in Genesis, he destroyed the entire basis for the prevailing view that the Old Testament contained any prophetic traces of the New Testament.

Theologians of all three official confessions were quick to denounce Schmidt's work. Many claimed that it advanced a new religion and therefore breached the Peace of Westphalia. Numerous territories banned it, and in 1737 the emperor himself decreed that the book should be seized and its author jailed. The Catholic co-ruler of Wertheim, Prince Karl Thomas zu Löwenstein-Wertheim-Rochefort, was commissioned to execute the edict.[49] Schmidt was arrested and imprisoned, but in April 1738 two of the young Protestant counts helped him to escape and gave him money to flee. He lived off the royalties from his Bible and subsequent translations of Tindal and Spinoza under the assumed name of Schröder or Schröter at Altona by Hamburg, where the Duke of Holstein (the King of Denmark) pursued a policy of exceptional tolerance in the hope of establishing his port against the competition of Hamburg. Later, Schmidt was appointed mathematics teacher to the court pages at Wolfenbüttel; he died there, still under his assumed name, in 1749.[50]

[46] Saine, *Problem*, 163; Quéval, 'Gottsched und Bayle'.

[47] Sheehan, *Enlightenment Bible*, 121–31; Israel, *Enlightenment contested*, 188–94; Spalding, *Seize the book*; Goldenbaum, *Appell*, 175–508.

[48] Sheehan, *Enlightenment Bible*, 122.

[49] Spalding, *Seize the book*, 131–50. Wertheim had been co-ruled by two lines (Virneburg and Rochefort) since 1648; the Catholic counts were created princes in 1712; the Protestant counts achieved this only in 1812 by grace of the King of Bavaria.

[50] Goldenbaum, *Appell*, 482–3.

If Schmidt failed personally, the furore provoked by his work represented some sort of breakthrough. The years in which the Wertheim Bible controversy raged, generating ninety-one publications by 1739 alone, as well as numerous pamphlets and thousands of journal articles and newspaper reports, marked a decisive breakthrough. Leading intellectuals such as Gottsched sprang to Schmidt's defence and proclaimed the fundamental right of freedom of thought and discussion. As Gottsched well knew, the onslaught on Schmidt was also an offensive against Wolff, whose mooted reappointment at Berlin in 1736 the Pietists were determined to scupper. The whole affair thus gave extraordinary further publicity to the ideas of Wolff, as well as to the philosophy of Leibniz and the science of Newton. Wolff himself prudently distanced himself from Schmidt's heresies during his audience with the Prussian king in April 1736.[51] There was no doubt, however, that he was the ultimate beneficiary of the scandal. It was hardly surprising that, by 1740, both the Orthodox and the Pietist clergy, Lutheran as well as Calvinist, were in despair at the state of the world. Some Catholics could scarcely contain their glee at the imminent demise of Protestantism.

The main outcome of the early German *Aufklärung* was to establish a public sphere of debate about religion and society in the Protestant Reich. Did it also create a new sense of identity or perhaps lay the intellectual and cultural foundations for a new vision of national unity that transcended the Reich? This seems implausible. If the bonds between throne and altar had been relaxed, those between throne and lectern had been reinforced. The early *Aufklärer* had begun not so much to abandon or to marginalize Christianity as to refashion it.

Equally, the relationship between the territories and the Reich had also undoubtedly changed. But the leading figures of the new intellectual movement remained embedded in the establishments of the German territories. Much of their endeavour was dedicated to providing new philosophical foundations for territorial government in the framework set by the 1648 settlement. Their commitment to reform and improvement fed into the patriotism that characterized many cities and territories from the 1720s.

This has often been viewed as a new departure.[52] Yet it also represented a renewal of the patriotic discourses of the fifteenth, sixteenth, and seventeenth centuries.[53] To be sure, the new philosophies provided a new inflection, adding a new set of cultural and intellectual references. The social character and reach of early eighteenth-century patriotism were also different.

The eight Deutsche Gesellschaften founded in various towns and cities between 1730 and 1762 on the model of Gottsched's 'Deutsche Gesellschaft' in Leipzig were fundamentally different from the seventeenth-century *Sprachgesellschaften*.[54] Their 3,000 or so members were mainly non-nobles. There was an anti-court animus to their criticism of the adoption of French language and culture, and of the princes and nobles responsible for it. Their implicit aim was to enhance the status

[51] Goldenbaum, *Appell*, 320; Wilson, 'Reception', 444–53.
[52] Vierhaus, 'Patriotismus'.
[53] Schmidt, *Vaterlandsliebe*; Dreitzel, 'Zehn Jahre'. See Volume I, pp. 50–7, 100–16, 457–74.
[54] Hardtwig, *Genossenschaft*, 224–38. See Volume I, pp. 468–71.

of the educated, which reflected the growing significance of their role in government and administration. Implicitly, they demanded a greater role still, claiming that the Germans had fallen behind other nations in language and culture. They alone, they claimed, could restore their nation to the status that befitted the inventors of print, the original creators of modernity.

This explains the several strands in the rhetoric of patriotism in the 'Deutsche Gesellschaften'. There was an insistence that members should be the 'model of upright citizenship and honest patriotism, and also speak with sincerity and truthfulness'.[55] They must have learning and understanding, as well as the capacity to convey their thoughts with clarity. True patriots should seek to speak a common High German language free of dialect or provincial elements. The cultivation of this common language would be the first step towards the promotion of the 'honour of the Germans', enabling them to catch up with their western and southern neighbours. These were old Humanist themes. What was new was the sense that the Germans had failed to keep pace with their European competitors. This notion was already present in Leibniz's thoughts on the German language and in Thomasius's injunction to the young to learn a love of their language and culture from the French. Gottsched made it into a key element of his vision of a cultural renewal of the Reich.

The new patriotism thus remained as inextricably linked not just to the territories, but also to the territories in the framework of the Reich, as the previous patriotisms. Leibniz spent much of his life promoting the interests both of various territorial rulers and of the Reich. The fact that neither Thomasius nor Wolff wrote extensively about the Reich should not be taken as indifference to it, or even contempt for it. Thomasius developed themes that followed Pufendorf in exploring the philosophical foundations of territorial law; many of his pupils were equally interested in the Reich.[56] His consistent rejection of radical or 'Spinozist' ideas of rational religion substantially reflected his reluctance to leave the framework of three authorized Christian confessions created in 1648.[57]

Later philosophical tradition claimed that Wolff superseded Thomasius, but in reality the Thomasian tradition remained strong in the legal faculties. Despite the claims that Wolff and his disciples made for his system, philosophy remained one of the foundation or preparatory subjects of the arts faculty, which continued to rank behind the faculties of theology, law, and medicine, among which law had established a clear pre-eminence by the early eighteenth century.[58] It was there that the Reich was studied and written about, not in the philosophy faculty. Nonetheless, Wolff, like Thomasius, developed his ideas within a world that took the Reich for granted. A great admirer of Wolff's work, the Swiss philosopher Emer de Vattel

[55] Hardtwig, *Genossenschaft*, 230. [56] Luig, 'Thomasius', 237–41.

[57] For example, his denunciation of both Tschirnhaus in 1688 and Theodor Ludwig Lau in 1717: Lau, *Meditationes*, 20–4. Gawlick, 'Thomasius', 270–3.

[58] Hammerstein, 'Wolff', 267–9; Hunter, *Rival Enlightenments*, 265–73; Hunter, 'Multiple Enlightenments'. Hunter's work represents the best deconstruction of the Leibniz–Wolff–Kant tradition so privileged by German historians of philosophy, and makes a powerful case for the continuity of the traditions established by Pufendorf and Thomasius.

(1714–1767), one of the founders of modern international law inspired by Wolffian principles, complained that Wolff's idea that all states must be subordinated to a higher general authority was quite simply neither 'reasonable . . . nor well founded', yet it made perfect sense in the context of the Reich.[59]

Gottsched, like Leibniz before him, developed his cultural reform programme for the German nation for over three decades on the hope that the Reich might provide the institutional framework of an academy of arts. He seems only to have abandoned that hope after his visit to Vienna in 1749, when the Vienna authorities set his conversion to Catholicism as the price for cooperation in his project.[60] Even a radical misfit such as Gabriel Wagner, who repeatedly denounced Thomasius and persistently sought to convince Leibniz of the errors of his philosophical ways in the years around 1700, remained attached to the Reich. Wagner was a forthright critic of all princes and aristocrats, asserted the cultural and intellectual superiority of the Germans, and believed fervently that Germany's problems might be solved if the emperor once more asserted his full authority.[61]

That is not to assume a uniform loyalty to or consensus on the Reich before 1740. Many religious radicals were undoubtedly as indifferent to the Reich as they were hostile to most territorial governments. Some were committed more or less exclusively to promoting the claims and aspirations of leading territorial governments to quasi-independence of the Reich. Others were committed to the Reich for political reasons. The Hamburg magistrates who belonged to the Patriotic Society concurrently devoted much activity to securing imperial recognition of their 'Vaterland' as an Imperial City to safeguard it against the predatory inclinations of the neighbouring Danish kings.[62] Gottsched's support for the Reich was accompanied by an equally strident Lutheranism, which in 1730 expressed longing for the extinction of the 'dismal candles that were once the guiding star of the errors of the whole world' and which recoiled from the idea of conversion in 1749.[63]

In the Catholic world, the Reich still probably had a rather different meaning and a rather different relationship with the emperor. There was suspicion and contempt there for Pietism and for the proliferation of godless heresies in the 1720s and 1730s. There was hostility, too, to Gottsched's cultural programme, especially to his propagation of a reformed version of Luther's German. Many still defended the south or Upper German orthography, which maintained the traditions of 'das gemeine Deutsch' against Luther's 'modernized' Meissen style, as the true 'Reichsdeutsch' ('imperial German').[64] As late as 1755, the Benedictine father Augustin Dornblüth of Gengenbach on the Upper Rhine denounced Gottsched's inferior

[59] Hochstrasser, *Natural law theories*, 179.
[60] See pp. 181–3.
[61] Wagner, *Schriften*, 63–5.
[62] Whaley, *Toleration*, 16, 35–6, 62–3, 129, 179–80.
[63] Gottsched, *Werke*, i, 42; Mitchell, *Gottsched*, 61–2.
[64] Mattheier, 'Reichssprache'. At stake was Luther's retention of the final unstressed 'e' against the trend to syncope and apocope in the 'gemeines Deutsch'. In fact, literary German rapidly adopted syncope and apocope anyway, and 'modern' orthographical practice in fact ended up mixing elements from both the 'oberdeutsch' and the (Lutheran) Meissen traditions, which did not prevent the confessional controversy enduring into the nineteenth century: Raab, 'Lutherisch-deustch'.

'Lutheran' German.[65] The fact that the divergent orthography made no substantive difference, and that both styles were perfectly comprehensible to any literate German, made the confessional basis of the antagonism all the more significant.

Despite all political, confessional, and regional differences, the identity of the inhabitants of the Reich remained shaped by the same structures that had been present at least since the late fifteenth century. Their world was characterized by two levels: the territory in which they lived, and the Reich in which that territory was embedded. Especially in the larger territories, the government that was closest to them, that of their prince, had gained a new dynamism, though it had not extinguished either communes or Estates and the loyalties that sustained these local and regional entities. Nor had it transcended the over-arching framework of the Reich. In the smaller territories, especially the Catholic territories of the Reichskirche, but also in the lands of Imperial Counts and Knights and in the Imperial Cities, loyalty to the Reich remained undimmed. Indeed, the resurgence of the imperial crown after 1648 renewed the old bonds and created new relationships. Even the larger territories, not only Brandenburg-Prussia, but also other leading secular territories, both Protestant and Catholic, whose rulers increasingly strained at the leash of imperial authority, did not reject either the emperor or the Reich. It was not obvious in 1740 that any fundamental change was imminent, still less that the Reich of the German Nation might be replaced by a nation of the German *Bildungsbürgertum*.

[65] Blackall, *Emergence*, 139–48; Blackall, 'Observations'.

IV

DECLINE OR MATURITY? THE REICH FROM CHARLES VII TO LEOPOLD II, *c.*1740–1792

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Three Emperors and a King

The grave of Charles VI, commissioned by Maria Theresa and completed in 1742 by Johann Nikolaus Moll (1708–1743), was an ornate coffin-tomb, decorated with four *vanitas* skulls bearing the crowns of the Reich, Castile, Bohemia, and Hungary, with the lonely figure of the goddess Austria in ceremonial mourning robes reclining on top.[1] In 1750, Maria Theresa commissioned Moll's nephew Balthasar Ferdinand to construct a further tomb for herself and her husband to be placed in the Kapuzinergruft, which she had enlarged soon after her accession. Carried by the wings of an enormous eagle, the tomb is topped by figures of Maria Theresa and her husband, Francis Stephen of Lorraine, half-recumbent and gazing at each other with rapt affection. At the four corners of the tomb sit female goddesses in mourning, each bearing a crown that represented the current jurisdictions and historic titles of the ruling couple: the crowns of Hungary, Bohemia, the Holy Roman Empire, and Jerusalem.[2] The symbolism was clear and deliberate. The marital union was also a political partnership in which each held different titles but in which the two partners shared the functions of government, which now once more included the Reich. Later, their son Joseph II added his own statement. Next to the ornate tomb of his parents, he set a simple bronze sarcophagus embellished merely with a plain silver-plated cross.

The symbolism of the tombs was programmatic, and it reflects some of the key developments in the Holy Roman Empire after 1740. Following the death of Charles VI and a two-year interregnum, the imperial crown went to Karl Albrecht of Bavaria. His reign as Charles VII (1742–5) proved disastrous, however, and after his early death in 1745, Maria Theresa's husband, Francis Stephen of Lorraine, was elected as Francis I. The house of Habsburg-Lorraine subsequently reasserted the continuity on the imperial throne of the Habsburgs since 1438 before them; Francis I was succeeded by two of his sons, Joseph II (r. 1765–90) and Leopold II (r. 1790–2), and then finally by the latter's son Francis II (r. 1792–1806), who assumed the title of Emperor Francis I of Austria in 1804 before dissolving the Holy Roman Empire in 1806.

[1] Braunfels, *Kunst*, i, 82–3; Hawlik-Van de Water, *Kapuzinergruft*, 51, 152–8. For the following, see Hawlikl-Van de Water, *Kapuzinergruft*, 38, 46, 166–78, 179–81.

[2] The Austrian Habsburgs were among several pretenders to the crown of Jerusalem, which Charles VI retained after he was obliged under the terms of the preliminary peace of Vienna in 1735 to relinquish the Kingdom of Naples. The house of Habsburg-Lorraine retained this claim, and the crown of Jerusalem remained part of the Austrian imperial title from 1804 to 1918.

Was the resumption of continuity real or merely apparent? How committed was the house of Habsburg-Lorraine to the Reich? To what extent did it ever really exercise the same authority as the house of Habsburg previously? Can the unadorned tomb of Joseph II be read as a denial of tradition, and hence of the Reich, an expression of its growing worthlessness to the dynasty, which now more than ever saw itself as Austrian rather than German? Certainly, the question of Austria's continuing role in relation to the Holy Roman Empire was raised increasingly explicitly from 1745. And while it seemed clear at first that Austria needed the Reich as much as the Reich needed Austria, later discussions of the issue yielded more ambivalent responses.[3]

To some extent, such increasingly explicit strategic reflection on Austria's relationship with the Reich was merely the inevitable result of Austria's final emergence as a great power.[4] The consolidation of the dynasty's hold over the lands it ruled directly made further, and in many respects decisive, progress in this period. The fact that Maria Theresa remained their sole ruler, while Francis I and Joseph II (until 1780) were merely Holy Roman Emperors, also contributed to the emergence of separate administrations. Austrian institutions now existed that were dedicated exclusively to administering the Austrian state.

To an even greater extent, strategic reflection on Austria's role in the Reich was prompted by events in Brandenburg-Prussia. The shock of Frederick II's invasion of Silesia in 1740 and the repeated failure of efforts to regain it signified a more fundamental shift in the German political landscape. Prussian-German nationalist historians saw the 'emergence' of Prussia as the beginning of the end of the Reich and as the first step towards 'national' unification under Prussian leadership in 1871. If Austria retained the imperial crown, the King of Prussia became a kind of 'Anti-Caesar' or *Gegenkaiser* (anti-emperor), as Kaunitz termed him in 1764, with more power and influence than the emperor himself.[5] Frederick the Great undoubtedly became more powerful than any Protestant prince of the Reich previously. Despite being a deist who often expressed scepticism about organized religion, he skilfully exploited the Protestant cause, assuming the role traditionally played by Saxony and latterly by Hanover. He started out with nothing but contempt for the Reich. Yet he became a virtuoso exponent of its politics, and from the late 1770s until his death in 1786 he undoubtedly held Joseph II in check.[6] He established a position of political dominance in north Germany that his successors Frederick William II (r. 1786–97) and Frederick William III (r. 1797–1840) were also able to maintain, albeit with some difficulty.

In this sense, the reign of Frederick the Great in Prussia clearly did lay the foundations for later developments. It was not for nothing that the Prussian-

[3] Aretin, *Altes Reich*, iii, 539, shows that during the later 1740s general tactical issues were explored in response to the question about what Austria might expect from the Reich after 1745; the question of the value of the Reich to Austria and whether it was still worth holding on to was raised from the 1760s.

[4] Hochedlinger, *Wars*, is probably the best account.

[5] Aretin, *Heiliges Römisches Reich*, i, 19–23.

[6] Press, 'Friedrich'; Haug-Moritz, 'Friedrich'; Wilson, 'Prussia's relations'.

German tradition venerated him as it did no other pre-modern German ruler.[7] His military campaigns were studied as models by generations of Prussian generals and military planners into the early twentieth century. Historians such as Hans Delbrück (1848–1929) wrote the history of Frederick's pre-emptive invasion of Saxony in 1756 as a moral tale that had lessons for the political situation of his own day. Thomas Mann, among others, saw in Frederick's survival during the Seven Years War an inspiration for handling Germany's encirclement in 1914.[8] Frederick remained a national icon right up to the disaster of 1945. After that, the judgements became more negative. In the GDR, outright rejection and condemnation predominated until a re-evaluation took place in the late 1970s. This resulted in a more differentiated picture that recognized the Prussian king's achievements, especially in domestic legislation and reform, while it continued to condemn his military methods. In the Federal Republic, the lingering positive views of conservatives such as Gerhard Ritter (1888–1967), whose 1936 biography of Frederick the Great was reissued in a third edition with a new preface in 1954, struggled to hold their own against a tide of Borussophobia generated by the activities of the *Sonderweg* school of historians in the 1960s and 1970s, though a re-evaluation gained ground here too in the 1980s.[9]

The changing interpretation of the character and long-term historical role of Frederick II scarcely made much impact on the perception of his significance for the eighteenth century. The idea that the assault on Silesia in 1740 marked the start of the era of Austro-Prussian 'dualism' has proved remarkably persistent. Even if 1740 is simply taken as the prelude to 1748 (the end of the War of Austrian Succession), to 1763 (the end of the Seven Years War), or to the late 1770s (the War of Bavarian Succession), the implication is clear: 'dualism' is viewed as the beginning of the end of the Reich.[10] The two dominant states, Austria and Prussia, each with extensive territories outside the Reich and each establishing itself as a great power independently of the Reich, became completely absorbed in their mutual antagonism. They regarded the Reich, it is argued, as nothing more than a means to the end of pursuing their respective ambitions.

If one strips away both the hagiography and the demonography of Frederick the Great, and if one sets aside any teleological view of the long-term origins of German unification in 1871, a different picture emerges. Contemporaries were clearly aware of the rivalry between Prussia and Austria and of the animosity between their respective rulers. Goethe, for example, recalled in his memoirs *Dichtung und Wahrheit* ('Poetry and Truth', 1811–33) how his own family in Frankfurt had been divided between those loyal to the emperor and those who applauded the victories of Frederick II in the Seven Years War.[11] The division in the Goethe family went back to family arguments over the political situation following the death of Charles VI in 1740: Goethe's grandparents were staunchly pro-Habsburg;

[7] Hahn, *Friedrich,* is a sweeping overview.
[8] Burkhardt, *Vollendung*, 437–8.
[9] Blanning, 'Death'; Clark, *Iron kingdom*, xx–xxi; Anderson, *Historians*, 131–57; Kocka, 'Sonderweg'.
[10] See, for example, Aretin, *Altes Reich*, iii, 41.
[11] Neuhaus, 'Hie Österreichisch', 57–60.

his parents' generation, especially his father, became supporters of the Wittelsbach emperor Charles VII and of the King of Prussia, who played a key role in his election. The war after 1756 intensified their differences to the point that family members could not pass in the street without risk of heated rows 'as in Romeo and Juliet'. Goethe himself, only seven years old in 1756, recalled his own secret enthusiasm for his hero, the Prussian king: he was emphatically 'fritzisch' (pro-Frederick). He added, however, that he was not 'pro-Prussian', for 'of what interest was Prussia to me?'

The qualification is significant. It was possible to admire the energy of the Prussian king, just as it had been possible to support Charles VII, but that said little about attitudes to the Reich, still less to 'dualism'. Opposing the Habsburgs, being suspicious of their power and resentful of the way they had dragged the Reich into international conflicts, did not necessarily mean rejecting the Reich. Supporting or admiring the King of Prussia did not mean wanting to become Prussian or wishing to see him as emperor or leading the secession of northern Germany from the Reich.

In the new context characterized by the Austro-Prussian tensions, the Reich in fact survived quite well. The two powers held each other in check, thus creating an essentially stable framework for the whole. Indeed, in December 1791, on hearing the news that an Austro-Prussian agreement was about to be concluded, the Bishop of Würzburg commented that, if it was really true, then 'the end of the Reich has come'.[12]

From 1763, both Austria and Prussia, and the Reich as a whole, were embedded in an international constellation that also guaranteed stability. The decline of France and the emergence of Russia created a new form of balance for Europe as a whole. Observers such as Rousseau and Gabriel Bonnot de Mably even saw the Reich as the core of a new stable Europe that might now develop the federal structures needed to ensure a perpetual peace. Such schemes were utopian, of course, but they seemed a great deal more realistic than the Abbé de Saint-Pierre's *Projet de paix perpétuelle* of 1713 and they exercised a strong influence on Kant in the 1790s.[13]

The period also saw the formulation of a plethora of plans for the reform of the Reich. Some were clearly unrealistic; others more practical. Pretty well all of them failed. Reform was no easier now than it had been at any point since the 1490s, and there was no major domestic existential crisis such as the confessional conflict of the mid-sixteenth century or the Thirty Years War to necessitate a renegotiation of the polity. Collectively, however, such plans demonstrate the continuing interest in and viability of the system. The burgeoning literature on the Reich, even richer now than in the first half of the century, itself created new political facts, a new conceptual framework within which political issues were discussed and resolved. The theme of the relationship between the Reich and the nation was developed further. The old theme of 'German freedom' or 'German liberty' received a new

[12] Aretin, *Heiliges Römisches Reich*, i, 250. [13] Dietze, 'Abriß', 35–42.

inflection under the influence of both the administration of imperial justice after the Peace of Westphalia and the new language of freedom and rights in the later Enlightenment. The original meaning of 'German freedom' as the freedom of the princes was extended in increasingly loose and imprecise usages, so that many ultimately came to take it to mean the freedom of all Germans.[14]

While reform plans failed, the institutions of the Reich did not. The Reichstag, the imperial courts, and the Kreise continued to fulfil key functions and, in some cases, to develop new ones. Parallel to this, and within the framework of the imperial system, the German territories also experienced significant changes during the second half of the eighteenth century. The consolidation and reform of both Austria and Prussia are key themes. Did they both now become too large, and too hungry for further territory, to be contained in the Reich? The mass of medium and smaller territories, containing perhaps 14–15 million of the Reich's *c.* 27 million inhabitants around 1800, continued to develop with more modest and traditional parameters.[15] On the one hand, there were reforms, often ambitious reform programmes, sometimes prompted by specific needs or problems but shaped now by Enlightenment thinking. On the other hand, there were significant shifts in the political debate and the political culture, also shaped by Enlightenment ideas.

If the Reich entered a crisis in the 1780s, it was a crisis generated by Joseph II, rather than by the march of ideas or any terminal sickness of the Reich as such. Furthermore, the short reign of his successor, Leopold II, saw much of the damage repaired. Neither Austria nor Prussia left the Reich. Their rivalry did not destroy it. Nor did the political eruption in France in 1789 unleash ideas so modern that a sclerotic and tradition-bound Reich simply crumbled as they spread to Germany. The final crisis of the Reich began in 1792, with the ill-fated war against France and the entirely new situation that arose over the question of how those who lost territories to the west of the Rhine were to be compensated. The Reich was not the only victim of those wars. Most of continental Europe succumbed to their effects. Yet, from the early nineteenth century to the present, their impact on German history has been judged more profound than on the history of any other country.

[14] Klinger, 'Freiheit'.

[15] The total includes Silesia, Bohemia, and Moravia and allows for roughly 9 million Austrian subjects and just over 4 million Prussia subjects. See: Hartmann, 'Bevölkerungszahlen', 345–9; Wilson, *Reich*, 364–77; Wallner, 'Reichsterritorien'.

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Silesian Wars, 1740–1763

The struggle between Austria and Prussia over Silesia did not initially directly involve the Reich. The first two Silesian wars (1740–2 and 1744–5) were part of a more general conflict over the Habsburg inheritance; the Reichstag consistently refused to declare a *Reichskrieg*, to commit the Reich itself to war. The third Silesian war (1756–63) was a major conflict in its own right, and one in which the Reich did become embroiled. It was in turn part of an international confrontation that has been described as the 'first truly world war'.[1] The conflicts as a whole had a significant impact both on the internal politics of the Reich and on its position in the international system in the second half of the eighteenth century.

Charles VI was scarcely in his grave before the Pragmatic Sanction was challenged. The plan to secure the integrity of the Habsburg lands and the succession of his daughter Maria Theresa as their ruler rapidly began to unravel. Britain, and with it Hanover, remained firm in its support, as did most of the other German princes. France also initially remained true to the commitment it had entered into at the Preliminary Peace of Vienna in 1735, though the Spanish Bourbons immediately advanced claims to lands in northern Italy which they held rightfully belonged to the Spanish crown, and Sardinia also made demands.[2] At first, Cardinal Fleury could afford to remain passive because he knew that the agreement was being challenged by others; he merely assured the Austrian ambassador, Prince Liechtenstein, that any delay in recognizing the succession of Maria Theresa was caused by the need to ascertain the correct ceremonial for this event.

Saxony, Bavaria, and Brandenburg, however, all immediately launched claims to Habsburg territory. Saxony and Bavaria claimed on behalf of the daughters of Joseph I who had married into their dynasties, despite the fact that both had agreed on their marriage to relinquish any such claim. Saxony's demands were relatively modest: a narrow land corridor along the northern frontier of Habsburg Silesia to link Saxony with Poland.[3] The Saxon chief minister, Count Heinrich von Brühl, calculated that this might be achievable through negotiation. He thought of the succession claim of his master's spouse Maria Josefa, Joseph I's elder daughter, as a bargaining counter towards this end, rather than something that provided a realistic chance of any more major gain of territory from the Habsburgs. His ambition

[1] Scott, *Birth*, 96. See also Szabo, *Seven Years War*, for a comprehensive account.

[2] These claims originated in disputes between the Spanish and Austrian Habsburgs over the Italian territories in the late sixteenth century; Charles VI had been King of Spain.

[3] Burkhardt, *Vollendung*, 374–5.

throughout, ultimately ruinous for Saxony, was to strengthen the Saxon hold on Poland.

The Bavarian claims on behalf of the Electress Maria Amalia were more complex. For one thing, Karl Albrecht of Bavaria had refused to participate in the Reichstag's guarantee of the Pragmatic Sanction in 1732.[4] Second, the Bavarian claims were also largely based on their understanding of the terms of the will of Ferdinand I, dated 1546, altered by codicil in 1547, on the marriage of his eldest daughter Anna to Albrecht V of Bavaria. The Bavarians produced what they claimed was a copy from their archives that stated that the Wittelsbachs should inherit if there were no male heir.[5] The original in Vienna, however, actually specified the absence of a 'legitimate heir' of any kind. Even so, a glorious future had been constructed for the Wittelsbachs on the basis of the bogus will. As early as 1732 their chancellor, Franz Xaver Unertl (1675–1750), had justified Wittelsbach claims to the Habsburg inheritance.[6] That in turn inspired the hope that the Elector of Bavaria might become emperor, a hope reinforced by the fact that two medieval forebears had held the imperial office.[7] If geographical proximity to the Habsburgs, family ties, and medieval precedents gave rise to the Bavarian claims, they were also driven by bitter resentment at the harsh treatment meted out to Bavaria and Cologne during the War of the Spanish Succession.[8]

Even more tenuous were the claims advanced by Frederick II, the new King of Prussia, to ownership of Silesia, which were based on a variety of dubious grounds. A branch of the Hohenzollern had once owned the duchy of Jägerndorf; it was confiscated in 1621, following the Bohemian uprising, and not restored in 1648. Another link existed on account of an inheritance pact with the subsidiary duchies of Brieg, Liegnitz, and Wohlau. This had been ruled illegal by Ferdinand I, and the Habsburgs took the duchies over when they escheated in 1675. After much wrangling, the Great Elector had declared himself content with the grant of the district of Schwiebus in 1686, which his heir returned to Austria in 1695 as part of Brandenburg's payment for the emperor's recognition of the Prussian coronation in 1700.[9] The legal arguments advanced now claimed that returning Schwiebus had negated Brandenburg's renunciation of its claims. Yet Frederick William I's political testament did not even mention Silesia, and all the Prussian legal arguments were no more than cover for what soon followed.

While Saxony and Bavaria pursued talks and intrigue, Frederick sent an army of 30,000 men into Silesia on 16 December 1740.[10] They met with little resistance from the limited Austrian forces, which withdrew into the fortresses of Brieg, Glatz,

[4] Aretin, *Altes Reich*, ii, 319–20, 331.
[5] Kunisch, *Staatsverfassung*, 63–4.
[6] Hartmann, *Karl Albrecht*, 164; Aretin, *Altes Reich*, ii, 413–14.
[7] Ludwig IV, 'the Bavarian', (1283–1347), and Ruprecht of the Palatinate (1352–1410), declared King in 1400 but never actually crowned.
[8] See above, pp. 114–15; 122–4.
[9] See pp. 20, 46.
[10] Kunisch, *Staatsverfassung*, 64.

Glogau, and Neisse, leaving the Prussians to occupy the rest of the country, including Breslau, the capital. The Prussian king explained to London that he was merely securing his rights, while also protecting the Habsburgs against Saxony and Bavaria. Simultaneously, he offered Maria Theresa his full support in every other area, including his vote for her husband as Holy Roman Emperor, if she were now to grant him Silesia formally. While some of her advisers urged her to accept, Maria Theresa was indignant. She raised troops to retake Silesia and appealed to all those who had guaranteed the Pragmatic Sanction.

This situation of Habsburg weakness finally galvanized the dynasty's opponents. The various claimants felt their own causes to be stronger than ever. In France, the cautious and essentially pacifist voice of Cardinal Fleury was gradually drowned out by the more belligerent Marshal de Belle-Isle, who saw the opportunity to achieve now what Louis XIV had failed to achieve in the War of the Spanish Succession.[11] Only Britain immediately honoured its obligation to guarantee the Pragmatic Sanction, and by February 1741, had secured the support of the Netherlands and Russia as well. The Saxon problem was also temporarily neutralized as the wily Count Brühl secured agreement that, once Prussia had been defeated, Saxony would be granted its land bridge to Poland in the form of a frontier strip to be taken from Prussian Lusatia. At the same time, France moved to co-ordinate an opposing alliance in the Reich committed to promoting the Saxon and Bavarian claims and to placing the Bavarian Elector on the imperial throne.[12] The Prussian offer of a defensive alliance initially stalled because Frederick demanded too much. By June 1741, however, Prussia too joined the anti-Habsburg coalition in the Treaty of Breslau.

The conflict developed on several distinct fronts, soon including theatres in northern Italy and in the Austrian Netherlands. That a wider war would develop was probably inevitable after the first Austrian attempt to recover Silesia resulted in the narrow defeat of Maria Theresa's troops under Neipperg at Mollwitz on 10 April 1741.[13] Though the situation in Silesia was a stalemate, with forces of both sides in occupation, Mollwitz gave encouragement to Belle-Isle's initiatives and pushed Prussia towards the French alliance. At the same time, Austria's allies became more cautious, sensing that perhaps Austria might not prevail and that accommodation with her enemies might become necessary. In the midst of the uncertainty, Britain still hoped to include both Prussia and Saxony in a grand alliance against France. Saxony increasingly resented the prominence given to Bavarian interests and felt threatened by Prussia. That did not, however, prevent the Saxons reaching an agreement with Bavaria and Prussia on 19 September 1741 for the partition of the Austrian lands, in which Bavaria would receive Bohemia, Upper Austria, the Tyrol, and Further Austria, while Saxony would get Upper Silesia and Moravia.[14]

A new phase began on 11 September 1741, when, with the assistance of French auxiliaries, Bavarian forces advanced via the Prince-Bishopric of Passau into Upper Austria to take Linz. This prompted Maria Theresa to conclude a truce with

[11] Scott, *Birth*, 54. [12] Aretin, *Altes Reich*, ii, 422–30.
[13] Kunisch, *Absolutismus*, 150. [14] Burkhardt, *Vollendung*, 382.

Frederick II at Kleinschellendorf on 9 October.[15] The Prussians were more than content to withdraw from the conflict against the promise of Lower Silesia. Whether the king really intended more than a short rest for his battle-weary troops is another matter. For soon he rejoined the offensive against Austria. The Bavarians had failed to drive home their initial military advantage.[16] Instead of taking Vienna, Karl Albrecht's forces diverted to Prague, where he had himself proclaimed King of Bohemia on 19 December. Though this was understandable from the point of view of the Bavarian Elector's claims to all the Austrian lands and titles, it was a strategic mistake. Austria gained time to recover and to forge plans for the reassertion of a dynasty strengthened by the birth of a male heir, the future Joseph II, on 13 March 1741. Maria Theresa turned to Hungary, whose Estates agreed to her coronation as their queen on 25 June 1741. As a legitimate ruling monarch, Maria Theresa despatched Count Ludwig Khevenhüller to drive the Bavarians out of Upper Austria (January 1742), from where he then advanced his forces to take Bavaria: Munich capitulated just as the Elector was being crowned emperor in Frankfurt.

Prussia's re-entry into the war resulted in the invasion of Moravia by a force composed of Saxon, Prussian, and French troops. They failed to establish a secure hold, and even a renewed Prussian victory at Chotusitz on 17 May 1742 resulted in a new stalemate. Consequently, both parties agreed to peace talks brokered by Britain, and, on 28 July, the Peace of Berlin confirmed Prussia in Lower Silesia, Glatz, and much of Upper Silesia, leaving Austria with Teschen, Troppau, and Jägerndorf. Saxony, with her army and finances ruined, simply agreed to withdraw from the conflict without either reward or penalty. The Prussian king's reputation was established: on 8 October 1742 he was styled 'Frederick the Great' for the first time.[17]

With both Prussia and Saxony neutralized for now, the position of France and Bavaria became precarious. French troops under Marshal de Broglie were driven out of Bohemia by Austrian forces in the winter of 1742–3, westwards into the Upper Palatinate, and, ultimately, into the Rhineland Palatinate. Soon, Bavaria was again under Austrian occupation, and in the spring of 1743 a Pragmatic Army, under the personal command of George II, and composed of British, Dutch, Austrian, and Hessian troops, swept down the Rhine to inflict a significant defeat on the French at Dettingen on 27 June. The Austrians seemed poised to regain Alsace and Lorraine, though neither they nor the Pragmatic forces seemed able to press home their advantage. Meanwhile, Charles VII launched frantic negotiations to recover Bavaria, while forging plans for its eventual elevation to a kingdom. The practical upshot of this was the formal French declaration of war against Austria and Britain in March and April respectively, and then the Frankfurt Union of 22 May 1744, by which Prussia, the Palatinate, and Hessen agreed to support the beleaguered emperor, with Prussia assured of Silesia if Frederick could conquer Bohemia for Charles VII.

[15] Burkhardt, *Vollendung*, 382.
[16] Hartmann, *Karl Albrecht*, 189–212.
[17] Schmidt, *Geschichte*, 266.

Prussia's return to the conflict forced Austria to break off Charles of Lorraine's offensive against Alsace and to focus all resources on Bohemia, which now became the main battle zone. While Prussian forces were again able to take Prague in September 1744, they suffered the same supply and provisioning problems as they had in 1742. Within two months they had withdrawn to Silesia, where they soon found themselves under pressure from Austrian troops advancing from Bohemia north into Upper Silesia. Brühl now managed to combine Austria, Saxony, Britain, and the Netherlands into the Warsaw Alliance 'for the pacification of Germany'.[18] More immediately, there was renewed Austrian onslaught on Bavaria and the Upper Palatinate, and, following the death of Charles VII on 20 January 1745, the new Bavarian Elector capitulated. Shortly afterwards, in the Treaty of Füssen (22 April), Maximilian III Joseph renounced all claims to Austrian territory and the imperial throne, in return for the restitution of all Bavaria without further penalty. That in turn facilitated the election of Francis Stephen of Lorraine as emperor on 13 September 1745.

The collapse of the Bavarian position, and with it the failure of French policy in the Reich, again placed Frederick under great pressure. An Austrian offensive against Silesia resulted in a confrontation with Prussian troops at Hohenfriedberg on 4 June, which was a Prussian victory, though both sides sustained heavy losses. Frederick aimed to use his victory to conclude a peace, but even after a further defeat at Soor on 30 September Austria refused to negotiate, despite the fact that the situation in both Italy and the Netherlands was precarious. Together with Saxony, which rightly feared a strengthened Prussian neighbour, the Austrians determined to continue the war with an offensive push up through Saxony to Lusatia designed to drive a wedge between Berlin and Silesia. Frederick in turn thwarted that plan with an invasion of Saxony, taking Leipzig, Torgau, Meissen, and, after a decisive victory at Kesseldorf on 15 December, Dresden itself. On Christmas Day 1745, the Peace of Dresden was signed. Prussia retained Silesia; Francis Stephen was recognized as emperor; Saxony gained nothing and had to pay Prussia a million thaler in compensation.

The war continued outside the Reich. In 1742, hostilities had been extended to Italy, where both Elizabeth Farnese and her son Charles VII of Naples and Sicily, on the one hand, and Charles Emmanuel of Sardinia, on the other, were keen to pursue their respective family interests.[19] France attempted to exploit this conflict to exclude Austria from Italy for good, and the French foreign minister, the Marquis d'Argenson, formulated a grand plan to turn Italy into a federation like Switzerland or the Dutch Republic. If he succeeded in Italy, the Reich would be next. His ambition to establish French hegemony in Europe came to nothing, however. For it soon became clear that most Italian rulers preferred relatively incompetent Habsburg overlordship to a more rational regime guaranteed by France.[20]

The other theatre, already mentioned, was the Austrian Netherlands, where British and Dutch forces faced the French. Early clashes proved inconclusive and

[18] Burkhardt, *Vollendung*, 390.
[19] Hochedlinger, *Wars*, 254–6.
[20] Aretin, *Altes Reich*, ii, 458–67.

even George II's triumph at Dettingen on 27 June 1743 failed to achieve a breakthrough. While Austria managed to hold the situation in Italy, the French attempted to sponsor a Stuart uprising in Scotland in 1745 and made repeated gains in Flanders and against the Dutch Republic, on which Louis XV declared war in 1747.[21] The conflict between France and Britain was also carried out in Canada and India, with Britain taking Cape Breton (June 1745) and France taking Madras (September 1746).[22] Finally, however, it proved crucial that Britain was able to inflict significant naval defeats on France in the Bay of Biscay, which seriously disrupted her supply lines to Canada and the Indies and had a disastrous effect on French finances.

An emerging stalemate on all fronts led Britain and the Netherlands to initiate peace talks at Aachen in March 1748. Austria secured Russian support to continue hostilities, but her efforts were undercut by the British and Dutch desire for peace. The agreement of terms between Britain, the Netherlands, and France obliged first Spain and then Sardinia and Austria to accept the peace. The main beneficiary again was Prussia, whose possession of Silesia and Glatz was confirmed, while Frederick's flagrant breach of imperial law remained unpunished. Sardinia gained Nice and Savoy and a small strip of Lombardy; Spain was satisfied by the grant of Parma and Piacenza to Charles III's young brother, Don Philip.

As far as Flanders and the Low Countries were concerned, nothing changed. Britain returned Cape Breton in Nova Scotia to France, which in turn recognized George II as King of Britain. In Germany, George II gained nothing for his steadfast support of the Habsburgs. Like Saxony, Hanover remained potentially more vulnerable to Prussia than before. Finally, the Pragmatic Sanction was guaranteed, subject to territorial changes made in Silesia and Italy, and Francis I was recognized as rightfully elected emperor.

The Reich was calm for ten years after 1745–6. But the Silesian Wars left a legacy of bitterness in Austria, of which Prussia was only too well aware, just as they left unfinished business between Britain and France. For both Austria and Prussia, in particular, the peace was to an extent a 'phoney war', a period of political manoeuvring, of reform and military build-up, and of strategic planning. While Bavaria played no further role, both Hanover and Saxony also aimed to create safeguards against a new Prussian offensive. Britain-Hanover worked hard between 1748 and 1753 to re-establish the old alliance with Austria. On the other hand, those efforts were undermined when they failed to achieve the election of Joseph II as King of the Romans in 1750–2, not least because Austria feared dependency on Britain if an election were funded largely by British money.[23] In Saxony, Count Brühl continued to twist this way and that to no great effect, just as he had done since 1740, though in fact he was now steering Saxony towards complete disaster. In the next conflict, it seemed clear, the Reich generally would not be able to resist being drawn into a *Reichskrieg*.

[21] Simms, *Three victories*, 339–41. [22] Simms, *Three victories*, 344–51.
[23] Horn, 'Origins'; Simms, *Three victories*, 371–8.

The core problem remained Silesia. Maria Theresa remained obsessed with recovering it, even though in 1751 the Reichstag explicitly recognized its transfer to Prussia. For his part, Frederick was equally determined to retain Silesia; indeed, in a secret clause of the will he wrote in 1752 he set out his ambition to acquire further territory in the shape of Saxony, Polish West Prussia, and Swedish Pomerania.[24] Saxony was the most crucial of these, for it would widen significantly the relatively narrow corridor of Lower Silesia, complementing Brandenburg and Silesia to form a serious northern German land mass comparable with the Habsburg bloc in the south-east. The wealth and resources of Saxony would, he calculated, compensate for the relatively underdeveloped Brandenburg core territories, which struggled to support an ever-growing army.[25] The Elector of Saxony, he thought, could be compensated with Bohemia, which would furthermore create a substantial buffer between his own territories and those of the Habsburgs.

Almost all the other general issues that had shaped the conflicts of 1740–8 also still loomed large, and these brought about a seismic shift in the European alliance structure during the early 1750s. The Dutch Republic and Spain ceased to play any serious role in European politics. The European and the international conflict between Britain and France remained unresolved, however, with huge territories at stake in North America and growing anxiety in London about the security of the barrier in the Southern Netherlands that safeguarded both Dutch and British maritime interests.

Russia, which had been involved in rather tentative anti-Prussian alliances with both Britain and Austria in the mid-1740s, but which had been hampered by internal instability and sheer geographical distance from any serious military engagement, now also increasingly sought to secure its own interests against Prussia.[26] France entered a passive phase following the collapse of the Wittelsbach regime in the Reich, the failure of all plans for Italy, and a growing rift with the Spanish Bourbons. New secret schemes to secure the election of a French prince to the Polish crown and to create an eastern barrier consisting of Sweden, Poland, and the Ottomans in order to contain both Russia and Austria were pursued somewhat half-heartedly.[27] The Prussians, finally, were more preoccupied with consolidating the gain of Silesia than with any further initiatives.

Two things changed. On the one hand, Britain's efforts to bring about a revival of the 'old system' of an alignment of Britain, the Netherlands, and Austria against France foundered. The failure of the attempt to secure the election of Joseph II as King of the Romans, led Britain increasingly to seek for other sources of security. A subsidy agreement with Russia in 1755 was designed to protect both parties against Prussian aggression.[28] Frederick the Great was so shocked at the thought of a hostile Anglo-Russian partnership that he hastened to conclude a formal alliance with Britain on 16 January 1756. This in turn so worried both Russia and France

[24] Bosbach, *Rêveries politiques*, 81–108. [25] Cegielski, 'Polenpolitik', 22.
[26] Scott, *Birth*, 70–1. [27] Scott, *Birth*, 82; Duchhardt, *Altes Reich*, 36.
[28] Pyta, 'Allianzbeziehungen'.

that it precipitated the crystallization of another constellation that had been mooted in 1749 and that had slowly been taking shape in the early 1750s.

The idea of an Austrian alliance with France had been first outlined by Count Wenzel Anton von Kaunitz (1711–1794) in March 1749. Kaunitz had been the Austrian representative at Aachen the previous year, and his experience of being undermined by secret Anglo-French talks convinced him that Britain was unreliable and that Austria must seek new options.[29] There was apprehension in both Vienna and Paris, but the news of the Anglo-Prussian rapprochement in 1755, soon led to an Austro-French agreement on 1 May 1756.[30] The first Treaty of Versailles was a defensive alliance, but the almost immediate agreement of Russia to join an anti-Prussian coalition added an offensive element, as the Russians promptly launched an open military build-up.

This 'diplomatic revolution' marked the final end of the 'old system' of an anti-French coalition that had both dominated European politics and stabilized the Reich since the beginning of the century. It also placed Prussia in a position of great potential weakness. Frederick was threatened now both by a revived Austria and also by Russia, and he was no longer able to count on instability in the Reich generated by France. When Frederick failed to secure guarantees from Austria that Silesia would not be attacked, he himself opened hostilities by invading Saxony. Yet Frederick almost immediately found himself in very real difficulty, for the conflict tested Prussia's resources to the limit and it very nearly destroyed him.

The Prussian invasion of Saxony at the end of August immediately turned the defensive Austro-French alliance into an offensive league in the second Treaty of Versailles on 1 May 1757. This was now formally joined by Russia with an army of 80,000 men, as well as by several German princes, including Saxony (and Poland, which was united with it) and, finally, Sweden. Some, such as the Palatinate and Bavaria, were clearly motivated by money rather than anything else; others were genuinely afraid of Brandenburg-Prussia and the threat of annexation. For many, Prussia's blatant breach of the law of the Reich was crucial. The end result was that, while in 1740 the Reichstag had refused to become involved, it now decided within a month on a formal *Reichskrieg* against Prussia. Austria's aim, as Kaunitz put it, was to 'reduce the house of Brandenburg to its original status of a second-rate minor power'.[31] Recovering Silesia was now part of a wider ambition to solve for good the problem that had led to its loss in the first place.

In the event, neither objective was achieved. Prussia survived the war, but it did so for reasons that cannot be entirely ascribed to Frederick the Great's military prowess or to the strength of the Prussian state. Austria failed to press home her initial advantage in the Reich by not succeeding in outlawing the King of Prussia: the emperor's insistence that the Hanoverian Elector and British king must also be included aroused the opposition of the Corpus Evangelicorum.[32] Neither Austria nor Russia was willing to see the other succeed and thus gain the advantage in any

[29] Aretin, *Altes Reich*, iii, 43–4.
[30] Scott, *Birth*, 92.
[31] Kunisch, *Absolutismus*, 153–4.
[32] Aretin, *Altes Reich*, iii. 100–3.

distribution of territory. France was soon distracted by major losses in Canada and progressively withdrew her support for any action in the Reich.

Britain too lost interest in the war after her victories against France in India in 1757, in North America in 1759–60, and at Minden in 1 August 1759, when British-Hanoverian forces under Ferdinand of Brunswick routed de Broglie's forces.[33] The transition from George II to George III in October 1760 also marked a change in policy, sidelining Hanover and the Reich and focusing increasingly on the American colonies.[34] The loss of the annual British subsidy of £670,000 paid from 1758 to 1761 and the withdrawal of the British-financed western 'army of observation' placed Prussia under huge pressure to conclude the war.[35] Russian involvement ended after the death of the Czarina on 5 January 1762, and while the short reign of Peter III brought some temporary assistance to Frederick, the succession of Catherine II on 28 June 1762 did not bring about the renewal of the Austro-Russian alliance.

Meanwhile, the protracted military confrontation in Europe had brought no clear resolution. Prussian-German nationalist historiography turned Frederick's campaigns into early wars of German unification.[36] Yet there were relatively few stunning victories. The real triumph was that his army survived the long years of conflict at all. After his initial successful invasion of Saxony, he scored a significant success against the Austrians at Prague on 6 May 1757, though this was balanced by Austria's success at Kolin on 18 June. By the autumn, it seemed that Frederick might be defeated, though he turned the tide emphatically by defeating the French army (reinforced by the small Reichsarmee) at Rossbach (5 November) and the Austrians at Leuthen (5 December). Rossbach caused the French to reappraise their policy in the Reich and marked the start of French withdrawal from the war. Maria Theresa, however, remained implacable.

These victories were enough to keep Frederick in the war but not enough for him to win it. The following year saw his forces under serious assault from Russia in the east and from Austrian forces in Saxony. Only the British achieved a notable success in the west, pushing the French forces under Marshal de Broglie back across the Rhine. In 1759, the fighting did not resume until the summer, but now a more co-ordinated Russo-Austrian offensive inflected serious damage on Prussian forces, culminating in the rout of his main army at Kunersdorf near the Oder in the Brandenburg Neumark on 12 August. Frederick feared for Berlin and on the evening of the battle believed that all was lost. He even thought of abdicating in favour of his younger brother, and the best military commander, Prince Henry of Prussia. The first 'miracle' of the house of Brandenburg was that the Russians failed to advance on Berlin: they held back, partly because Austria failed to provide military reinforcement, for neither Austria nor France wished to see Russian influence in Germany grow.[37]

[33] Scott, *Birth*, 106–18. [34] Simms, *Three victories*.
[35] Scott, *Birth*, 107; Pyta, 'Allianzbeziehungen', 33–4. [36] Burkhardt, *Vollendung*, 428–38.
[37] Frederick himself referred to this event as a miracle, though the term was subsequently often applied to the death of the Czarina Elizabeth on 5 January 1762. Szabo, *War*, 234–40, 426–7.

Frederick was thus able to divert his remaining forces to the south-west to deal with the Austrian and Reich troops that had pushed into Saxony. He failed to repel the Austrians entirely, and he failed to take Dresden, though in July 1760 his cannon destroyed much of the centre of the city.[38] Subsequent victories over Austrian forces at Liegnitz (15 August) and Torgau (3 November) re-established Frederick's position, however, and effectively ensured that Prussia would retain Silesia.

During 1760, diplomacy gradually became more important than military action. Active fighting still continued, particularly between Prussia, Austria, and Russia. Both Prussia and Austria, in particular, still sought to end the conflict in a winning position. A succession of Austrian and Russian successes in 1761 again placed Frederick under severe pressure, allowing Austrian troops back into Saxony and parts of Silesia and leaving Russian forces in occupation of Prussian Pomerania. This time, Frederick was saved by another 'miracle': the death of the Russian Czarina Elizabeth on 5 January 1762. The new ruler, Peter III, immediately made peace with Prussia in May 1762, in which Sweden soon followed. Although Peter was supplanted by his wife, Catherine the Great, only a few months later, and Catherine did not ratify the treaty with Prussia, she remained neutral for the rest of the war. At the same time, the Anglo-Prussian alliance crumbled as Britain pursued talks with France that culminated in the Preliminary Peace of Fontainebleau in 3 November and the Treaty of Paris on 10 February 1763.[39] France agreed to major losses in North America and India, with no compensation in Europe, while Britain settled for the restoration of the status quo in the Reich. The withdrawal of French troops from Prussia's Lower Rhine territories of Kleve, Guelders, and Moers, relieved pressure from the west.

The effective withdrawal of Britain, France, and Russia left Austria and Prussia. Frederick was able to achieve further military victories against the Austrian and Reich armies in the autumn of 1762. But, in truth, both Austria and Prussia were exhausted, and they agreed a truce at the end of November 1762. Talks initiated by the Saxon crown prince, Friedrich Christian, led relatively quickly to the conclusion of the Peace of Hubertusburg on 15 February 1763.[40] Prussia retained Silesia and Glatz and the frontiers agreed at the Peace of Dresden while promising in secret clauses to support the election of Maria Theresa's son Joseph as King of the Romans and to support the succession of a Habsburg in the Duchy of Modena. Saxony was reinstated in its entirety and won troop transit rights through Silesia.

What was the role of the Reich in all this? At the beginning of February 1763, the Reichstag formally ended the *Reichskrieg* and declared the Reich to be neutral, which the Prussian representative Erich Christoph von Plotho declared Prussia would respect.[41] This ended a long period of growing ambivalence and uncertainty. The liberation of Saxony remained the Reichstag's only war aim. Increasingly, as other powers developed wider war aims, many German princes began to question their participation in the conflict.[42] They had no interest in becoming mere

[38] Burkhardt, *Vollendung*, 424. [39] Scott, *Birth*, 115–16.
[40] Arendt, 'Friede'. [41] Aretin, *Altes Reich*, iii, 107.
[42] Wilson, *German armies*, 264–80.

auxiliaries in an Austro-Russian war to dismember Prussia or in a British war against France.

For some, the Battle of Rossbach (5 November 1757) marked the turning point, since the Reichsarmee was caught up in a battle against France that had little to do with rescuing Saxony. Bavaria and the Palatinate withdrew their troops in the following spring. Others became concerned at the way in which the conflict seemed to be turning into a religious war, with Protestant princes particularly perplexed at finding themselves on the 'wrong' side.[43]

The Reichsarmee itself was nowhere near as ineffective as nationalist tradition held, though it was admittedly never large enough to operate as an independent force. The main losers at Rossbach were the French, whose 24,000 men were joined by only 11,000 Germans, of whom nearly 4,000 were Austrians.[44] In subsequent battles, Reich troops were also dependent on an Austrian main force and prospered or suffered accordingly. Their last engagement was a severe defeat at the hands of Prince Henry of Prussia at Freiberg on 29 October 1762. By then, the Reichsarmee had dwindled from its initial notional strength of just over 32,000 to some 16,000. Following the Austro-Prussian truce in November, they were the last troops in the field, deserted by both France and Austria. The Reichstag's decision to end its war was inevitable; the emperor ordered the disbanding of the imperial army on 24 February.

The existence of the Reichsarmee throughout the conflict probably made little difference in military terms. It did, however, serve as a physical reminder of the interests of the Reich, as distinct from both Austria and Prussia. That it remained in existence continuously was above all the achievement of the princes' representatives at the Reichstag itself, who argued again and again for its renewal. Not for the first time, this much underestimated assembly of ambassadors demonstrated that it had developed an *esprit de corps* and a sense of identification with the interests of the Reich that helped individual representatives hold many a wavering prince to a consistent line.[45] Indeed, though it was not represented at the peace talks, the Reich alone among all participants in the war achieved its war aims: the restitution of Saxony and the status quo in the Reich.[46] That outcome reflected the way that the majority of German princes and their representatives at Regensburg had ignored the blandishments of both of the major German combatants.

Each side invested heavily in war propaganda. In 1756, Frederick attempted to claim that this was a religious war unleashed by Catholic Austria and Catholic France against Protestants in the Reich, and that Vienna aspired to transform the Reich into a hereditary Habsburg monarchy.[47] Prussian propaganda variously sought to present Frederick as the injured party, as the defender of German liberty, as the guardian of all German Protestants, and as someone seeking to defend the Reich against Catholic oppression and Habsburg tyranny. The Austrian alliance with Germany's perpetual enemy, France, was also emphasized, though Prussia was

[43] Aretin, *Altes Reich*, iii, 104.
[44] Wilson, *German armies*, 272.
[45] Fürnrohr, *Reichstag*, 46–50.
[46] Burkhardt, *Vollendung*, 439.
[47] Prussian war propaganda is discussed in Burgdorf, *Reichskonstitution*, 131–70.

scarcely in a position to moralize on that score. Vienna reciprocated with the claim that Frederick was attempting to unleash a Protestant onslaught on the Catholics in the Reich and that his aim was ultimately secession from it.

Behind the propaganda lay more simple realities. Frederick intended to retain Silesia and possibly gain other territory. Indeed, throughout the war Frederick formulated a series of plans that would have secularized the north German bishoprics and divided them between Prussia and Hanover.[48] Austria intended to regain Silesia and smash Prussia. The papacy in vain encouraged Vienna to think of the war as an opportunity to re-Catholicize the Reich.[49] In 1764, however, a report prepared in Vienna reviewed the struggle of the period since 1740 as 'a test of the strength of the Protestant nation against the Catholic nation'.[50]

Claim and counter-claim inflamed passions at a time when confessional tensions ran high at the Reichstag over other problems.[51] At root, however, the Reichstag was under no illusions. An attempt to turn a debate about a planned peace conference in Augsburg in 1761 into a religious issue failed when even some representatives of Protestant princes voted with Saxony, which argued that this was simply not the kind of issue on which the *itio in partes* principle had to be applied.[52] That the congress never took place at all was due to the prevarication and lack of commitment of the major foreign powers, some of whom still hoped for a major military victory that would put them in a strong bargaining position. The true nature of the conflict in the Reich was clear to most at the Reichstag. Silesia was of no more concern to that body now than it had been in 1740. Almost all feared the restless and unpredictable aggression of the expansionist Prussia monarch. The Habsburg emperors had, after all, been contained on many occasions; for holding the emperor in check was a well-practised tradition of the Reich.

The persistence of the Reichsarmee and the consistency of Reichstag policy also formed a counterpoint to another remarkable manifestation of the conflict. The Prussian king's audacity, his occasionally inspired military leadership, and his sheer dogged determination to survive against overwhelming odds turned him into a hero. In Prussia itself, support for Frederick II was extraordinary, and the King rapidly achieved a degree of personal popularity never experienced by any predecessor.

The outbreak of the war saw the emergence of an astonishing wave of patriotic literature.[53] The poet Christian Ewald von Kleist (1715–1759), a serving officer who died of wounds sustained at Kunersdorf, set the tone with an 'Ode to the Prussian Army' in May 1757. Younger writers soon followed: Karl Wilhelm Ramler (1725–1798), with poems such as 'To a Cannon'; Johann Wilhelm Ludwig Gleim (1719–1803), with *Preußische Kriegslieder in den Feldzügen 1756 und 1757 von*

[48] Volz, 'Plan'. [49] Schmidt, *Geschichte*, 274.
[50] Haug-Moritz, 'Friedrich der Große', 33. [51] See pp. 383–6.
[52] Schmid, 'Friedenskongress'; Szabo, *War*, 325, 327, 338, 355.
[53] Herrmann, 'Individuum'; Bohnen, 'Nationalsinn'; Clark, *Iron kingdom*, 219–30; Schmidt, *Geschichte*, 278–81; Planert, 'Nationalismus', 48–50.

einem Grenadier ('Prussian War Songs of the Campaigns of 1756 and 1757 by a Grenadier'); and a number of others. The patriotic sermons of the Berlin court preacher August Friedrich Wilhelm Sack were eagerly heard and widely disseminated in print. So striking was the patriotism of the literary and educated classes in Berlin that the Swiss writer Johann Georg Zimmermann (1728–1795), whose tract *Von dem Nationalstolz* ('Of National Pride') of 1758 had argued that patriotism was a republican virtue, produced a second edition of his work on national pride in 1760, with a new chapter on patriotism in monarchies.[54] In Prussia itself, reflection on the new mood inspired Thomas Abbt to publish his *Vom Tode für das Vaterland* ('On Death for the Fatherland') in 1761. At a more mundane level, the mood was exploited by producers of patriotic merchandise: enamelled tobacco jars with battle scenes or portraits of the King and his commanders, ceramics, cloths, silk 'long-live-the-King' sashes (*Vivatbänder*), prints, and calendars.[55]

The themes of the Prussian patriots were no longer the traditional expressions of sorrow, suffering, and regret, but represented a whole-hearted embrace of war. The fatherland became the highest good. Frederick was styled the greatest hero and the liberator, and eulogized for his actions in war just as previous writers had eulogized the mythical–historical first-century Arminius. War was glorified, the death of the enemy longed for, the patriotic sacrifice of lives in the cause of victory blessed. Nor was this merely a phenomenon confined to the literary second rank. None other than Lessing published Gleim's grenadier songs; Johann Gottfried Herder (1744–1803) was full of praise for the life and energy of the new Prussian poetry. To them, it seemed that German poets had at last found a worthy German subject. Yet that did not mean that they necessarily shared the authors' enthusiasm for the Prussian cause. Lessing soon distanced himself from Gleim's politics. Herder expressed his contempt for 'cabinets that deceive each other and political machines that are set against each other until one or the other collapses' and declared that 'fatherlands against fatherlands in bloody conflict is the most terrible barbarism of human language'.[56] As Goethe wrote, one could be 'fritzisch' without caring for Prussia.[57]

Later interpretations of this literature as the first expression of a new German nationalism are wide of the mark. The coincidence of warrior-philosopher king, the eruption of a ferocious and prolonged civil war in the Reich, and the emerging literary market, produced a remarkable corpus of writing. The emphasis on sacrifice, on 'victory or death', as Kleist put it in his 'Ode to the Prussian Army', was indeed new to the German literary canon. It is easy to see why these texts became part of the canon of national-patriotic writing constructed in the nineteenth and early twentieth centuries.

[54] Schmidt, *Geschichte*, 279.

[55] Burgdorf, 'Reichsnationalismus', 161–2; Hellmuth, 'Wiedergeburt'; Clark, *Iron kingdom*, 223–4. Pro-Prussian ceramics, for example plates bearing portraits and the legend 'Long live the King of Prussia', were also popular in Britain.

[56] Mittenzwei, 'Auseinandersetzungen', 458.

[57] On patriotism, see also pp. 341–4.

Yet, for an accurate historical assessment of its contemporary meaning, the phenomenon as a whole has to be seen in the context of, first, the incremental development of the theme of patriotism in the Reich during the first half of the century and, second, the wider international debate about national character prompted by Montesquieu's *Esprit des Lois* of 1748.[58] These contexts are more important than any tenuous links with later Prussian nationalism constructed by nationalist scholars in the nineteenth century.

Even in Prussia, it seems that the new patriotism was focused on the person of the King, rather than on the Prussian 'nation' or the polity as a whole. Later patriots, such as Ernst Moritz Arndt, saw things more clearly than many later literary historians: the King hated anything truly national and all the 'federative' characteristics of the Germans ('alles Föderative an den Teutschen'); the national character was inherently opposed both to despotism and to the absolute domination of one monarchy.[59]

The Seven Years War, or Third Silesian War as it was largely known in the Reich, was in some ways as fundamental in its impact as the Thirty Years War. It was shorter, though in many areas equally devastating.[60] It also generated responses more profound than any other conflict since 1648. In Austria and Prussia, of course, but also in numerous lesser territories, the end of the war led to the inception of another phase of reconstruction and renewal, easily comparable in its significance to any of the previous renewal movements since the late fifteenth century. In the Reich the peace of 1763 also prompted the emergence of a wide-ranging debate about reform and renewal, comparable in significance to any since the 1490s. These effects will be examined in later chapters. Another consequence of the Seven Years War was the transformation of the position of the Reich in Europe and of the framework within which German political life unfolded. First, however, the management of the Reich under Charles VII and Francis I must be examined. That too represented a kind of renewal, though not the one first envisaged by those who sought to exploit the crisis of the house of Habsburg in 1740.

[58] See p. 411. [59] Bohnen, 'Nationalsinn', 121.
[60] Szabo, *War*, 433–4; Schroeder, *Transformation*, 3–5.

41

Managing the Reich without the Habsburgs: Charles VII (1742–1745)

On 24 January 1742, the Electors unanimously elected one of their own colleagues, the Elector Karl Albrecht of Bavaria, the first non-Habsburg emperor for three centuries. This marked the culmination of a long-held ambition for the house of Wittelsbach, and it was regarded by many in the Reich as an opportunity to re-establish the polity. Some were sceptical from the outset about the 'povero Signore', as the Prince-Bishop of Würzburg, Karl Friedrich von Schönborn, called him.[1] His reign ended in failure, terminated by his sudden death on 20 January 1745. In the end, he was little more than a creature of the King of France and had no chance of survival; even his closest allies had largely abandoned him. Furthermore, he himself bore much of the blame for his downfall: he pursued absurdly over-ambitious plans for territorial gains against Austria, and he allowed himself to be drawn into policies that ended up alienating many who might have been his core supporters in the Reich.

Despite this, however, the election of Charles VII was important in a number of ways. First, the history of the Wittelsbach campaign for the imperial crown is interesting for what it reveals of the ambitions of a major noble dynasty over the whole early modern period. Second, the interregnum period, the election, and Charles's subsequent short reign revealed some important facts about the Reich, about its capacity to survive or to change, about the nature of the relationship between the Emperor and the Imperial Estates, and about the role that the Habsburgs had developed in Germany.

Wittelsbach ambitions for the imperial crown had deep roots. Two medieval forebears (Ludwig the Bavarian, r. 1314–47; and Ruprecht of the Palatinate, r. 1399–1410) had occupied the imperial throne, and since then the dynasty had always considered itself worthy of or qualified for the imperial crown (*kaiserfähig*). The differing fortunes of and rivalry between the two Wittelsbach lines also generated ambitions. The Palatine line held one of the electoral titles affirmed by the Golden Bull in 1356 but lost significant parts of its territorial base to the Habsburgs, to Württemberg, and to Nuremberg in the War of the Landshut Succession (1503–5). The subsequent union of the Bavarian duchies created a more concentrated and potentially more powerful territory whose ducal rulers increasingly resented the higher rank of their Palatine kinsmen. Bavarian ambitions were further boosted during the

[1] Aretin, *Altes Reich*, ii, 451.

seventeenth century by the fact that Maximilian I (r. 1598–1651) had contributed substantially to the rescue of the crown and of the Reich during the Thirty Years War and by Bavaria's consequent promotion to an Electorate in 1623. Rivalry between the two lines had revived in the later seventeenth century, with the Palatinate, once more Catholic under the Pfalz-Neuburg rulers from 1685, developing closer ties to the Habsburgs.[2] However, the pro-imperial policies of the Palatine Electors were largely an expression of their weakness following the destruction of their territories during the Thirty Years War and again during the French wars of the late seventeenth century.

The Bavarians, by contrast, were encircled by Habsburg territories and spheres of influence: Bohemia, the Austrian Duchies, the Tyrol, and the Swabian 'Vorlande' bordered Bavaria on three sides. In Swabia to the west and in Franconia to the north, the Bavarians competed both with their Pfalz-Neuburg kinsmen and with the Habsburgs, who concentrated their efforts at rebuilding the authority of the imperial crown and forming a loyal imperial clientele in precisely these areas. From 1715, the fear of encirclement was intensified by the Austrian acquisition of the Spanish Netherlands, which limited the potential for extending Wittelsbach influence in the north-west from Cologne, where Wittelsbach Archbishops ruled continuously from 1583 to 1761.

Munich sought to escape the consequences of this geopolitical cage and to establish an independent position in the Reich by means of alliances with France. Sometimes open, sometimes covert, always accompanied by vast financial subsidies from Paris, these alliances led to disaster in the early eighteenth century, when both the Bavarian Elector and the Wittelsbach Elector of Cologne were outlawed and their territories temporarily sequestered for their treasonable support of France in the War of the Spanish Succession.[3] For as long as France remained at odds with Austria, however, and keen to exploit her status as a guarantor power of the Peace of Westphalia to meddle in imperial politics, and as long as Bavaria remained both chronically short of cash and ambitious for further advancement, the fatal attraction between Munich and Paris remained strong.

Maximilian I and his two immediate successors seem not to have been ambitious for the imperial crown. Ferdinand Maria (r. 1651–79) had focused on rebuilding his lands after the Thirty Years War and had believed that it was far better to be a strong Elector than a weak Emperor. Max Emanuel (r. 1679–1726) was more restless and shared the ambition of most of his fellow Electors to achieve a royal title, either in the Reich or elsewhere.[4] His efforts in this direction failed, and his alliance with France nearly destroyed him. His ambition, however, remained undimmed. Following his restitution in his lands in 1715, Max Emanuel embarked on an extraordinary policy of investment in buildings and culture designed to enhance his profile in the Reich and beyond.[5] Contacts with France remained strong, but for a time Bavaria steered a more conciliatory course in the Reich. Relations with the Habsburgs were repaired by the marriage of his son to Maria Amalie, the younger daughter of Joseph I in 1722, albeit with an explicit

[2] Press, 'Versailles und Wien', 231–6; Schnettger, 'Kurpfalz', 67–74.
[3] See pp. 114, 122–4. [4] Hartmann, *Karl Albrecht*, 105–8. [5] See p. 225.

renunciation of any rights of inheritance in the Habsburg lands. In 1724, he re-established good relations with his Palatine kinsman by concluding the Wittelsbach family compact (*Hausunion*), whereby the Palatine and Bavarian Electors together with the Wittelsbach Electors of Cologne (Clemens August of Bavaria, r. 1723–61) and Trier (Franz Ludwig of Pfalz-Neuburg, r. 1716–29) settled the dispute between Bavaria and the Palatinate over the Imperial Vicariate of the Rhineland and agreed to co-ordinate their policies in the Reich.[6] The Wittelsbach bloc controlled about 15 per cent of the territory of the Reich with 3 million inhabitants, some 3,400 km^2 more than the Prussian territories in the Reich.[7]

This constellation was orientated back to France by Karl Philipp of the Palatinate. His bitter disappointment over Charles VI's duplicitous dealings with both the Palatinate and Prussia over the future of Jülich and Berg led him to take the young Elector Karl Albrecht of Bavaria and the other Wittelsbach princes into the Treaty of Marly in 1729.[8] For Karl Albrecht, this became the sheet anchor of his bid to achieve the most spectacular success of any of his dynasty to date. As the Wittelsbach dynasty moved closer together, the Habsburgs moved closer to disaster. For a time, it seemed that this could be averted by securing international agreement for the Pragmatic Sanction; in 1732, the Reichstag too had guaranteed the female succession to the Habsburg lands. Bavaria seemed isolated in her refusal to assent to the vote, especially as Saxony, whose Elector had married Joseph I's elder daughter, Maria Josefa, withdrew its objections in 1733, following the outbreak of the War of Polish Succession, in which he needed Habsburg support.[9] The prospects for Bavaria seemed to worsen again in 1736 with the marriage of Maria Theresa to Francis Stephen of Lorraine, promising the foundation of a new dynasty of Habsburg-Lorraine that would succeed the Habsburgs.

None of this seemed to deter Karl Albrecht. His lawyers and advisers researched and embellished extraordinary Wittelsbach claims not just to parts of the Habsburg lands but to every last one of them. This inheritance would, he believed, also justify his election as Holy Roman Emperor. Leaving nothing to chance, as a fallback, he tried to arrange a marriage between a Wittelsbach prince and the second daughter of Charles VI, with a view to arranging a partition of the Habsburg territories.[10]

[6] The Imperial Vicariate of the Rhine, the office of regent during an interregnum, had traditionally been held by the Palatinate but passed to Bavaria in 1623, when Frederick V forfeited his lands and Electoral title following the Bohemian uprising. Bavaria refused to 'return' the office when the Palatine Elector was reinstated in 1648, and the two dynasties remained in dispute over the matter until they agreed in 1724 to exercise the office jointly. This agreement was, however, never formally communicated to the emperor and was thus neither confirmed by him nor recognized by the Reichstag. This became a problem when the Elector of Mainz refused to recognize the joint vicariate in 1740. A further agreement in 1745 envisaged alternation between the two houses. This was formally confirmed by the Reichstag in 1752, though Maximilian Joseph of Bavaria's exercise of the office in 1745 was tolerated informally. By 1752, the whole agreement had become redundant anyway, since the Bavarian line became extinct in 1777, leaving the Palatine Elector Karl Theodor as sole heir to both sets of territories and both titles. Conrad, *Rechtsgeschichte*, ii, 70–1; Schlösser, *Erzkanzler*, 5–11, 43–4.

[7] Hartmann, *Karl Albrecht*, 104–5.

[8] Aretin, *Altes Reich*, ii, 322.

[9] Aretin, *Altes Reich*, ii, 331. See pp. 158–62.

[10] Press, 'Wittelsbachisches Kaisertum', 207–8.

Vienna baulked at this blatant attempt to undermine the Pragmatic Sanction and refused to contemplate the union. Even Karl Albrecht's appearance at a Wittelsbach–Habsburg family festival at Melk in June 1739 did nothing to soften the Viennese line. Karl Albrecht consequently found himself obliged to play for the highest stakes when Charles VI finally died on 20 October 1740.

His resource base was woefully inadequate. Having inherited a crippling debt of over 26 million gulden, he devoted the first years of his reign to financial and administrative reform. By about 1730, however, any pretence at economy had been abandoned.[11] Vast amounts of money were once more poured into the court and residences at Munich and Nymphenburg. Significant resources were also invested in increasing the army from a poorly equipped force of around 5,000 men in 1726 to some 43,000 by the mid-1730s.

Despite the reforms, however, the debts remained at some 20 million gulden by 1739. The army was sent to fight in the Turkish war of 1737, partly to establish Karl Albrecht's credentials as a defender of the Reich against the Turks and partly, since the Reich paid the bills for the duration, to save money. This engagement on behalf of the Habsburgs, however, caused a renewed financial crisis as it interrupted the flow of the French subsidies to Munich. Furthermore, the Bavarian army was very nearly destroyed at Belgrade, so that, by 1739, the Elector was left with only 10,000 men and a new mountain of debt. That he remained afloat at all was largely the result of the French subsidies, which the Treaty of Marly had set at 900,000 livre a year in 1729.[12]

The crisis of the autumn of 1740 unfolded at several levels. While Frederick II launched his assault on Silesia, Karl Albrecht laid claim to the Habsburg inheritance and set about taking Bohemia, where he declared himself king.[13] As these military campaigns developed, the situation in the Reich itself also presented new opportunities for the critics of the Habsburgs to envisage re-establishing the German polity on a new footing. Indeed, on hearing the news of Charles VI's death, the Hanoverian councillor Gerlach Adolph von Münchhausen even speculated whether one might not abolish the imperial office altogether.[14] In the first instance, the assertion of rights and privileges led to chaotic arguments which exacerbated the disruption of the Reich during the fifteen-month interregnum. The Elector of Mainz as Imperial Archchancellor was obliged by the Golden Bull to set the date of an election meeting timed to take place three months after it could be assumed, allowing for delivery time, that the last Elector received his invitation. In this case the announcement, dated 31 October 1740, set the meeting for 1 March 1741.

Meanwhile, Archbishop Philipp Carl von Eltz was preoccupied with other matters. First, the Palatine and Bavarian Electors submitted warrants for the joint administration of the Imperial Vicariate of the Rhine, which could not be accepted because the agreement on joint administration had never been notified to the Emperor or to the Reichstag.[15] This had immediate implications for the Reichskammergericht, which needed seals from both Imperial Vicars and was unable to

[11] Hartmann, *Karl Albrecht*, 94. [12] Hartmann, *Karl Albrecht*, 127–8.
[13] See Hartmann, *Karl Albrecht*, 163–6, 175–205. [14] Aretin, *Altes Reich*, ii, 431.
[15] Schlösser, *Erzkanzler*, 174–82.

function while Eltz and the Elector of Saxony refused to accept a joint Wittelsbach seal. Notwithstanding the lack of any proper authority, they set up their own Vicariate Court at Augsburg, the equivalent of the Reichshofrat during an interim, where they not only heard cases but also required the renewal of fiefdoms that became vacant during this period.

Several Electors protested vehemently that Eltz had issued an invitation to the Elector of Bohemia to attend the election meeting and had then been content to accept that Maria Theresa, as elected Queen of Bohemia but as a woman disqualified from acting as an Elector, had nominated her husband, Francis Stephen, to exercise the vote in her place. Eltz was accused of exceeding his authority and of being biased towards the Habsburgs, both of which accusations were true. In much the same way, his even more pro-Habsburg successor, Johann Friedrich Carl von Ostein (r. 1743–63), later provoked a furious response when he accepted a Habsburg complaint against Charles VII over the treatment of their territories during the wait.

Some even challenged the Archchancellor's right to continue the Reichstag at all, and claimed that his own position became null and void during an interregnum. The argument about the Reichstag had a long prehistory, and one pamphlet now suggested that the perpetual Reichstag should be dissolved and that in future a Reichstag should only be summoned every five years for a relatively short session.[16] In the event, the Reichstag continued to meet, though the Electors of Cologne, Bavaria, Saxony, Brandenburg, and the Palatinate declined to send representatives, and the continuing controversies resulted in scarcely any business being transacted.

The election itself also proceeded painfully slowly, held up partly by the various civil and military conflicts, but also partly by the desire of those involved to make full use of this rare opportunity to exercise their votes freely. The main issues were, on the one hand, the selection of a new emperor and, on the other hand, the formulation of the electoral capitulation. The election of Karl Albrecht of Bavaria after a record thirty sessions was not undertaken lightly.[17]

The candidature of Francis Stephen of Lorraine was initially supported by Mainz, Trier, and Hanover; Frederick II declared that he would sell his vote; and Saxony soon agreed to vote for him too, in return for 12 million thaler, the elevation of Saxony to a kingdom, and a bit of Silesia. Some, however, questioned whether Francis Stephen was really a German prince, even though he held a Reichstag vote in respect of the territory of Nomeny (between Metz and Nancy).[18] Others feared

[16] Burgdorf, *Reichskonstitution*, 119; Schlösser, *Erzkanzler*, 76–87.

[17] The figure of fifty-four sessions that is frequently given includes the meetings that the Electors continued to hold for nearly two months after the actual election on 24 January 1742, all of which counted as part of the same election meeting ('Wahltag'). See Koch, 'Wahl', 212.

[18] He had been obliged to give up the territory, along with the rest of Lorraine, in exchange for Tuscany in the Preliminary Treaty of Vienna in 1735; however, the Treaty of Vienna, which formally confirmed this exchange in 1738, permitted him to continue to exercise the Nomeny vote at the Reichstag in respect of his remaining imperial fiefdom, the county of Falkenstein am Donnersberg in the northern Palatinate, which consisted of the castle and minute town of Winnweiler, the ruined Falkenstein castle, and a few villages (a total of some 8,000 inhabitants in 1787). See Köbler, *Lexikon*, 181, 473. On his candidacy generally, see Gotthardt, *Kaiserwahl*, 82–145.

that, as emperor, he would seek to regain Lorraine, which he had been obliged to exchange for Tuscany in 1735. This would have embroiled the Reich in a war against France, precisely the kind of international conflict it was hoped a new emperor might avoid.

The Elector of Saxony's candidature was short-lived. Mainz favoured him because he was both a Catholic and titular head of the Corpus Evangelicorum. Doubts about his suitability soon arose because he was already King of Poland, because Brandenburg would never have accepted the consequent strengthening of Saxony (which it hoped at some stage to acquire), and not least because of the manifest unsuitability of Frederick August II for anything other than the pursuit of his twin passions, hunting and art.[19]

That left Karl Albrecht of Bavaria as the only viable candidate. Some had doubts about him, too, notably that he would be little more than a 'French governor' of the Reich.[20] In fact, that was not too wide of the mark. The only chance Karl Albrecht had of either seizing the Habsburg territories or of being crowned emperor was by relying on French monetary and, above all, military assistance. In December 1740, Fleury respected the Pragmatic Sanction and simply gave money, while recognizing Maria Theresa as the legitimate Austrian heiress. By the spring of 1741, however, French policy was in the hands of the Duc de Belle-Isle and in June the formation of a French–Bavarian–Prussian alliance made it possible to think that Bavarian ambitions could be achieved. Karl Albrecht's candidature became official the following month; by the time formal election meetings resumed on 20 November 1741, his election seemed inevitable.[21]

Worries about the extent of Karl Albrecht's dependence on France made the question of determining the content of the electoral capitulation all the more important. From the outset, the Electors had been determined to exploit the interregnum to secure and, if possible, extend their own rights and privileges. A meeting of princes, mainly old Protestant dynasties, convened at Offenbach, attempted to do likewise. They demanded a role in the formulation of the electoral capitulation, and they protested vehemently against the Catholic bias in the Reich: not only were the emperors Catholic, but bishops and prelates, many of whom were from the lesser nobility, took precedence over secular rulers. They also objected to the emperor's power to elevate new princes, which they claimed undermined their own exclusive status. The Electors dismissed all these claims and denied that the princes had any role to play in the election process.[22] They themselves, however, set to work on the most wide-ranging electoral capitulation ever produced.

This had been an intention from the outset, and several Electors had selected the best experts to work on the project.[23] Johann Jakob Moser himself, the leading expert at the time on imperial law and custom, appeared on behalf of the Elector of

[19] *BWDG*, i, 813; *ADB*, vii, 784–6; Gotthardt, *Kaiserwahl*, 47–81.
[20] Burgdorf, *Reichskonstitution*, 117; Gotthardt, *Kaiserwahl*, 146–201.
[21] Schlösser, *Erzkanzler*, 32–3.
[22] Aretin, *Altes Reich*, ii, 432, 439; Meisenburg, *Reichstag*, 27–8; Kleinheyer, *Wahlkapitulationen*, 99.
[23] For the following, see Aretin, *Altes Reich*, ii, 432–9.

Trier and wrote no fewer than 114 reports and articles during the process.[24] The result was a comprehensive discussion of the major problems of the Reich and of how to start afresh with a new emperor who, many hoped, would not pose the kind of threat to the Imperial Estates that the Habsburgs had so often done.

Inevitably, the position of the Electors themselves received full consideration, and the right of the Imperial Vicars to summon a Reichstag was extended to include eventual minorities and periods of absence of the emperor as well as interregna. This strengthened the position of the Imperial Vicars vis-à-vis the crown and diminished somewhat the role of the Elector of Mainz as Archchancellor. The determination to avoid the Reich becoming embroiled in external conflicts meant that the traditional clause obliging a new emperor to seek to recover Alsace was omitted, though Charles VII was committed to preserve the rights of the Reich in Italy. Other issues included the obligation to consult the Reichstag before the admission of new princes or the removal of existing ones, plans to establish a formal procedure for appeals against decisions of the Reichshofrat and Reichskammergericht, and the obligation to uphold the *Concordata nationis Germaniae*, to defend the German Church against the growing activities of papal nuncios and direct intervention from Rome.

The goodwill evinced by the Electors during the negotiations over the electoral capitulation barely masked fundamental anxieties and mutual suspicions. The Prussian representative caught the mood well when he wrote on 7 December 1741: 'No one really wants to say anything. They raise their eyes and hands to heaven as if they were expecting Our Lord to arrive for the Last Judgment and were waiting to hear His decision as to whether He can still find anything like loyalty and faith on this earth.'[25]

The sequel was in fact less dramatic, though scarcely a success story. On 12 February 1742, the imperial coronation took place in Frankfurt, the crown placed on the new monarch's head not by the Elector of Mainz but by his Wittelsbach kinsman, the Elector of Cologne.[26] On 8 March, the coronation of the empress was also undertaken by the Elector of Cologne, with the empress attended by her Archchancellor, the Prince-Abbot of Fulda, and her Archmarshal, the Prince-Abbot of Kempten. It was the first such coronation since 1690 and the last under the Holy Roman Empire, and was designed to add lustre and authority to the start of the new reign.

The coronation in Frankfurt followed tradition, but the ensuing 'Frankfurt captivity' of the emperor underlined the harsh realities of Charles VII's position.[27] Two days after his coronation, Munich was occupied by Austrian troops. He became an emperor without a territory and without the 4 million gulden annual income that it gave him. Despite a brief reoccupation in January 1743, he only regained control of Bavaria again at the end of October 1744, just three months

[24] Rürup, *Moser*, 131–3; Walker, *Moser*, 113–19. On Moser, see pp. 175–8.
[25] Meisenburg, *Reichstag*, 33. [26] Koch, 'Wahl', 213–18.
[27] Herbers and Neuhaus, *Reich*, 265–9.

before he died, by which time his position as emperor had become impossible. From the outset, he was little more than a 'shadow Emperor'.[28]

At Frankfurt, Charles struggled to establish an imperial government. The Reichstag was transferred from Regensburg, ostensibly on grounds of security but in fact, since the Austrian military leadership had declared its intention to respect the city's independence, to remove it from Austrian influence. After a short interval, the Reichstag resumed its sessions, though the emperor declined to open it personally for fear of becoming embroiled in questions of rank and precedence.[29]

Austria refused to send an envoy at all; the Austrian envoy at Regensburg even refused to accept a written invitation addressed, offensively in his view, to 'Maria Theresa, Duchess of Lorraine and Saar, Grand Duchess of Tuscany, born Royal Princess of Hungary and Bohemia and born Archduchess of Austria.'[30] Many others chose to delegate their votes to one of a small number of envoys. The College of Electors and the College of Princes comprised no more than eleven envoys; only three of them were Catholics, who between them represented four Electors and thirty-seven princes.[31] On the other hand, the Imperial Counts and Imperial Cities, typical of the lesser Imperial Estates who depended on the emperor, were relatively well represented.

The smaller number of envoys was not necessarily a disadvantage: they were better able to co-ordinate policy and to steer a steady course. Despite their proximity to the emperor, which was another consequence of the move from Regensburg, the envoys were concerned to assert their independence. They refused to become involved in any war on behalf of the territorial claims of Charles VII. They even denied him the right to exercise the Bohemian Electorate or to assume the title of Archduke of Austria. They were determined to remain neutral in what they regarded as a dynastic conflict between the Wittelsbachs and the Habsburgs. For the rest, the ambitious programme of reforms outlined in the electoral capitulation was never carried out: the continuing military conflicts rendered any serious legislative activity impossible.[32]

On the other hand, the Estates were willing to support Charles as emperor and to help secure his government. They granted an unprecedented 50 Roman Months for general expenses, rather than for purely military purposes. This would have yielded 2,674,000 gulden, of which nearly 2 million actually came in fairly promptly. The Imperial Knights agreed to their usual 'charitable subsidy' to a newly crowned emperor and to a further levy for 1743. Even so, that did not compensate Charles for the loss of his Bavarian income of 4 million gulden per annum, which made him dependent on the nearly 9 million gulden supplied by France between 1742 and 1745.[33]

[28] Wagner, *Karl VII.*, 635. [29] Meisenburg, *Reichstag*, 38.
[30] Meisenburg, *Reichstag*, 36. Vienna referred to Charles VII as the 'so-called ruler of the Reich': Wagner, *Karl VII.*, 222.
[31] Aretin, *Altes Reich*, ii, 441.
[32] Schlösser, *Erzkanzler*, 95–6.
[33] Aretin, *Altes Reich*, ii, 441–2; Hartmann, *Geld*, 216–21.

Other potential sources of income failed to materialize. The renewal of imperial fiefdoms, which normally took place within a year of a coronation, and which brought in significant grants ('Laudemien') for the emperor and fees for the Reichsvizekanzler, did not take place. In the case of Brandenburg, Charles had done a deal before his election, agreeing that Brandenburg should no longer renew its fiefs in the kneeling position, that Frederick should no longer pay fees in respect of any of his territories in the Reich, and that he should no longer have to send his apologies for not appearing in person. Along with that went recognition of Frederick's right to grant patents of nobility and the exemption of all his territories, not just his Electoral lands, from the jurisdiction of the imperial courts.[34]

Many others simply took the opportunity to drag their feet and not renew their fiefs, in some cases, simply lengthening a period of up to a century without renewal. The only renewals recorded were those for the houses of Schwarzburg and Thurn und Taxis in February and November of 1743, respectively. Thurn und Taxis paid a million gulden to have the Imperial Postmastership turned into a fiefdom of the crown. Neither Schwarzburg nor Thurn und Taxis was, in fact, admitted to the College of Princes at this stage, any more than the thirteen others promoted from Imperial Count to prince of the Reich, or the twenty-four new Imperial Counts. None was allowed Reichstag participation in accordance with his new rank.[35] Each would have paid the emperor a considerable sum for the promotion all the same, though the resulting income probably made little difference to the vast debts that Charles accumulated.

Other issues also proved problematic. Charles had to appoint a new Reichshofrat, and, while he was able to make a series of respected appointments, the work of the court was hampered by the fact that Maria Theresa refused to permit the transfer of the relevant archive from Vienna. This was crucial for a body whose work was largely based on careful research of precedents. In general, it seems that the Reichshofrat was unable to develop a sufficiently independent and authoritative role in this period. When it was asked to rule on complaints brought by the Dukes of Württemberg and the Margraves of Baden against the Imperial Knights in their vicinity, it failed to stand up for the knights.[36] What was essentially a blatant attempt to turn the Imperial Knights into subordinate territorial nobles should have triggered the emperor's duty to defend the weak against the strong. A weak emperor could do no more than prevaricate; the Reichstag proved a more effective guardian of traditional rights in this instance.

[34] Noël, 'Reichsbelehnungen', 115; Feine, 'Verfassungsentwicklung', 74–7; Fürnrohr, *Reichstag*. 45, 73.

[35] Those new princes who owned qualifying property generally simply became 'gefürstete Reichsgrafen'. Thurn und Taxis was not admitted until 1754, and then only on condition that he acquired a principality. The dispute was only resolved following the purchase in 1785 of the Swabian county of Friedberg-Scheer, which qualified as a 'gefürstete Grafschaft'. Grillmeyer, *Habsburgs Diener*, 46–51, 141–55. See also, Schlip, 'Fürsten'.

[36] Press, 'Angriff', 340–5; Sutter, 'Kaisertreue', 397–8; Haug-Moritz, 'Ritterschaftliche Organisation', 16–19; Willoweit, *Rechtsgrundlagen*, 322–38.

Similar difficulties attended the establishment of an Imperial Chancellery at Frankfurt. This led to friction with the Elector of Mainz, who found his own Imperial Vice-Chancellery being marginalized as the Emperor and his officials communicated with the Reichstag directly through the new imperial envoy (*Prinzipal-Kommissar*), Alexander Ferdinand von Thurn und Taxis. Furthermore, like many others, the Elector of Mainz remained fundamentally loyal to the Habsburgs and not unsympathetic to their complaints at the injustice that Charles VII was determined to perpetrate against them if only his armies could prevail.

If establishing a government in Frankfurt proved difficult, then replicating the Habsburg network of envoys and residents throughout the Reich, of representatives in the Kreise, and of envoys and ambassadors abroad, posed an even greater challenge. Finding suitable envoys was far from easy.[37] The Habsburgs drew on a substantial administration in their own territories as well as on a clientele network that had been intensively cultivated since 1648. Charles VII had only limited personnel resources from Bavaria, and his approach to other individuals was often hampered by lingering loyalties to the Habsburgs and fear of Maria Theresa's revenge.[38] Charles VII's interest in the Imperial Postmastership, and his desire both to promote its incumbent and to extend its competence and privileges, was one way of trying to construct his own communications network in the Reich, as well as a way of tapping the resources of a wealthy opportunist.[39] He could not, however, achieve overnight what the Habsburgs had built up over centuries.

In reality, Charles VII had little to offer. Paying any officials was a constant headache. His patronage was limited. The Reich was not at war, so he could not offer generalships. Any grant of land, such as the Duchy of Mindelheim, granted to Marshal de Belle-Isle, had to be made from Bavarian territory, over which he had no control anyway for much of his reign. Granting titles of prince, count, or knight, or simple patents of nobility, was commerce rather than patronage. Granting the title of imperial councillor, as in the case of Goethe's father, elevated the social position of the recipient and reinforced pro-imperial sentiments in that person, but it did little to help the emperor's material position.[40]

Lack of resources, especially territory, was the key. On the other hand, it was clear from the outset to many of Charles's main allies that his territorial ambitions were unrealistic. To combine Bavaria with Bohemia and the Austrian territories was simply a fantastical ambition. The Habsburgs themselves would never accept it. Even their enemies, such as Frederick of Prussia, did not wish to see them eradicated completely, only to be substituted by a potentially equally powerful enlarged Bavaria. By the same token, Britain-Hanover and others wanted to see the survival of Bavaria so as to limit the influence of Austria in the Reich.[41]

Since it was soon clear that Charles VII would not achieve his ambitions by military conquest, a series of mediation proposals all attempted to solve the problem of the emperor's territory. Many exchange schemes envisaged Bavaria

[37] Wagner, *Karl VII.*, 216–18.
[38] Press, 'Wittelsbachisches Kaisertum', 221–2.
[39] Schmid, 'Karl VII.', 228; Grillmeyer, *Habsburgs Diener*, 50–1, 54–5.
[40] Hartmann, *Karl VII.*, 255.
[41] Press, 'Wittelsbachisches Kaisertum', 225, 228.

being offered up in return for other territory, for example Alsace, the Netherlands, or even an Italian territory. Charles, however, steadfastly refused to contemplate the loss of his original homeland. Indeed, for much of 1742, he seems to have been bargaining for a significantly enlarged Kingdom of Bavaria with an annual income of at least 6 million gulden.[42]

Maria Theresa, for her part, equally vehemently refused to contemplate any concession of Habsburg territory. Her husband, Francis Stephen, was more conciliatory and sent the Bishop of Würzburg an intriguing peace plan in the spring of 1742. Bavaria should be returned to Charles VII, with minor concessions on the Inn to Austria, and he should be compensated for his inheritance claims by the gain of Habsburg Further Austria; as emperor, he should also be granted Alsace, currently in French hands. Prussia should be given Lower Silesia, and Saxony would receive the Duchy of Sagan. Bohemia, Moravia, and Upper Silesia should be returned to Maria Theresa. All participants in the peace would then agree to form an army of 271,000 men, which would reconquer Alsace from France for the emperor.[43] The plan was remarkable for its balanced and conciliatory approach, and for the effort to create a 'national' consensus against France. It is, however, unlikely that it would have satisfied either Charles VII or Maria Theresa. Like so many other proposals, it fell by the wayside.

This kind of scheming became dangerous to the emperor when he took seriously an idea launched by Frederick of Prussia to enlarge his territories at the expense of the Reichskirche and the lesser Imperial Estates.[44] Secularization was a Prussian *idée fixe*, but when it was taken up by the emperor himself it was a sensation and a scandal. Charles VII had already angered some by invading the Prince-Bishopric of Passau at the outset of his military campaign against Austria. Now it seemed that he wanted to confiscate key lands of the very Church that his coronation oath committed him to protect. At the start of 1743, the Prussian minister von Podewils produced a memorandum that envisaged giving Bavaria the Prince-Bishoprics of Passau, Augsburg, and Regensburg as well as the Imperial Cities of Augsburg, Ulm, and Regensburg. 'Ajoutez-y Salzbourg', noted Frederick the Great in the margin; Charles VII himself added Eichstätt and Freising to the list. The plan generated outrage among the prince-bishops, the Imperial Cities, and the other minor Imperial Estates. The emperor even managed to drive a significant number of German bishops into talks with the papal nuncio, whom they otherwise regarded with deep suspicion.

Although Charles himself had not initiated the idea, it made him many enemies. It was a gift for the relentless Austrian propaganda machine. In addition to airing Habsburg grievances and to patriotic pamphlets that praised Austria's role in defending the Reich against the Turks and the French and denounced Charles VII

[42] Press, 'Wittelsbachisches Kaisertum', 226.
[43] Schwerdtfeger, 'Denkschrift', 366–9; Wagner, *Karl VII.*, 225–6. Schmid, 'Vermittlungsbemühungen', 180–2.
[44] Wolgast, 'Säkularisationen', 41–2; Aretin, *Altes Reich*, ii, 449–53; Press, 'Kaisertum', 225–7; Hartmann, *Karl Albrecht*, 287–90; Schlösser, *Erzkanzler*, 121–4.

for having brought the French arch-enemy into the Reich, the Austrian pamphleteers now added the rallying cry to defend the German Church against the Wittelsbach emperor. The demand for the emperor's immediate abdication went unheeded, but in the spring of 1743 the ecclesiastical princes discussed raising an army of 40,000 men to defend themselves against their imperial overlord.[45]

The strength of feeling against the emperor was underlined shortly afterwards by the absolute determination to thwart his desire to have his brother Johann Theodor, Prince-Bishop of Regensburg (since 1719) and Freising (since 1727), elected Archbishop of Mainz. The successful candidate was the decidedly pro-Habsburg Count Johann Friedrich Karl von Ostein. Subsequent efforts to secure Johann Theodor's election in Speyer, Constance, and Basel also failed, though he was successful in Liège in 1744.[46] This was achieved with massive French support against Austrian-British opposition; his appointment as cardinal by the pope had to be kept secret until after his election.[47]

The total collapse of Charles VII's regime was averted in 1744, when Prussia rallied to his support again. Frederick's renewed assault on Bohemia allowed the imperial army to push the Austrians out of Bavaria.[48] Yet the military tide soon turned against the emperor again; by January, he feared he might have to flee Munich once more. In the Reich, as Friedrich Karl von Schönborn noted in August 1744, chaos prevailed: no one seemed to care any more about the laws and traditions of the Reich, and many seemed exclusively preoccupied with securing their own advantage though 'partitions . . . , godless secularizations and other such fundamentally pernicious things'.[49] When the Emperor finally returned to Munich in October 1744, the Reichstag ceased to function. The imperial archive, essential for any meaningful government or judicial activity, was still en route from Vienna and stuck on three ships on the Main at Hanau, closer to Frankfurt than to Munich, when Charles died on 20 January 1745.[50]

The dream of a reformed non-Habsburg Reich was over. Charles, who had initially impressed observers such as Johann Jakob Moser with his earnestness and dedication and the vigour with which he tackled his duties, died a broken man.[51] He had inherited debts of 26 million gulden; he left debts of nearly 35 million, which his heirs were still struggling to pay off in the early nineteenth century.[52] Bavarian ambitions were destroyed. Charles's immediate heir, Maximilian III Joseph, was only too happy to renounce any claim either to the Austrian lands or to the imperial crown in return for the full restitution of his Bavarian lands and the confirmation of his Electorate.

[45] Burgdorf, *Reichskonstitution*, 121–2.
[46] Schlösser, *Erzkanzler*, 107–8; Hartmann, *Karl Albrecht*, 292–3; Bautz, *Kirchenlexikon*, iii, 183–8.
[47] German cathedral chapters were averse to electing cardinals because the papacy acquired the right to nominate their successors. Aretin, *Altes Reich*, ii, 454.
[48] Hartmann, *Karl Albrecht*, 296–301.
[49] Schlösser, *Erzkanzler*, 131.
[50] Schlösser, *Erzkanzler*, 165.
[51] Moser's judgement quoted by Schmid, 'Karl VII.', 225–6.
[52] Hartmann, *Karl Albrecht*, 94–5.

In the Reich, Charles had achieved nothing. Austrian propaganda was able to exploit his errors from the start and to invoke the rhetoric of nation and patriotism against him so impressively that it provided a model for Prussian propaganda against Austria during the Seven Years War.[53] If the reign of Charles VII was an experiment, it put the majority in the Reich off experiments for good. When, in the spring of 1745, the French foreign minister, the Marquis d'Argenson, floated a proposal to turn the Reich into a federation without an emperor, like Switzerland or the Netherlands, not even Frederick of Prussia bothered to entertain the idea.[54] Ironically, the greatest achievement of Charles VII was to make the election of a Habsburg seem the logical way forward again.

[53] Burgdorf, *Reichskonstitution*, 121. See also pp. 362–5.

[54] Aretin, *Altes Reich*, ii, 462–7, and iii, 15, 40. The Italian principalities were equally unenthusiastic about a parallel proposal for an Italian federation: they preferred the relatively relaxed feudal regime of the Habsburgs to any more modern system dominated by France.

42

The Return of the Habsburgs: Francis I (1745–1765)

'Just as the Roman Reich cannot be maintained without the support of the most serene dynasty (*Erzhaus*), so this most elevated house, if it were separated from the Roman Reich, would remain exposed to dangers posed by the numerous well-known enemies.'[1] The Reichsvizekanzler Rudolf von Colloredo's assessment at the start of 1746 of what Austria might expect of the reign of Francis I envisaged the restoration of the relationship between the Habsburgs and the Reich that had been briefly disrupted by the Wittelsbach interlude. In his view, the main enemy to both Austria and the Reich was France; the main objective was to restore the solidarity of crown and Imperial Estates. After the heady excitement of the discussions during 1740–2, the interregnum of 1745 was less dramatic.

The fact that seven-and-a-half months passed between the death of Charles VII and the new election again underlined the Electors' determination to exercise their free voting rights. The Imperial Vicars lost no time in establishing their interim authorities. The Palatinate and Bavaria settled their dispute over the Rhineland Vicariate in March 1745 by agreeing on alternate tenures, which led to the establishment of the Vicariate Court in Munich, for the Palatinate had acted in 1711. This agreement was not formally approved until 1752 but, unlike 1740–2, there was now no inclination to dispute the informal arrangement.

The imperial election was rather more pressing. Both Maximilian III Joseph of Bavaria and Friedrich August II of Saxony soon withdrew their names; intensive discussions soon focused on Francis Stephen of Lorraine as the only plausible candidate. Even French observers concluded gloomily by June 1745 that there was no alternative, that Austria would regain the imperial crown, and that the new emperor would forge peace between Austria and Prussia: all the efforts of the last few years would have been in vain.[2] In the event, however, neither the Palatinate nor Prussia was willing to support him. On 13 September, Francis Stephen was therefore elected without their votes.

Ten days after the election, in an act of dubious legality, Maximilian III Joseph of Bavaria underlined the significance of the Imperial Vicars by confirming the enfeoffment of Brandenburg with the Duchy of East Frisia. His action was to some extent motivated by pique: he realized that he had committed his own vote

[1] Cited by Aretin, *Altes Reich*, iii, 33. [2] Aretin, *Altes Reich*, iii, 21–2.

too cheaply and resented it having been made a condition of his peace with Austria. Now he argued that his authority as Imperial Vicar remained valid until Francis was actually crowned. By intervening in the East Frisian question, he helped exacerbate a problem that had arisen following the extinction of the Cirksena dynasty on the death of Count Karl Edzard in May 1744.[3]

Brandenburg troops had immediately occupied the principality on the basis of an expectancy of the succession granted by Leopold I.[4] This also deliberately pre-empted competing claims to the succession from Hanover and from the Count of Wied-Runkel. It also affected Habsburg interests: the establishment of a Brandenburg presence in north-west Germany with a commercial port at Emden potentially threatened the Habsburg regional networks carefully built up after the acquisition of the Spanish Netherlands. The Bavarian initiative provoked fury and indignation, but it created new facts that ultimately led to the confirmation of Prussian ownership.

The imperial coronation on 3 October put a stop to any further machinations of that kind. Shortly afterwards, the Peace of Dresden concluded hostilities between Prussia and Austria, with Frederick II agreeing to recognize Francis as emperor in return for the cession by Austria of Silesia. In April the following year, both Prussia and the Palatinate formally declared their 'accession' to the election and thereby publicly recognized a *fait accompli*.[5] By then, Francis had moved the Reichstag from Frankfurt back to Regensburg, re-established the Imperial Chancellery at Vienna with a new Reichsvizekanzler, and commissioned a new Reichshofrat there too. The Bavarian Reichsvizekanzler, Johan Georg von Königsfeld, was immediately replaced by Count Rudolf Colloredo, who had been appointed assistant to and expected successor of Johann Adolf von Metsch in 1737, and who had acted briefly following Metsch's death in November 1740. The Reichshofrat was largely purged of Bavarian appointees, and the president appointed by Charles VI, Johann Wilhelm von Wurmbrand, was reinstated.[6] The aim was to re-establish continuity with the Habsburgs' management of the Reich before 1740.

Yet the appearance of continuity was deceptive. While the Wittelsbach interlude might be buried by building institutional and personnel bridges to the reign of Charles VI, rebuilding the imperial position proved more difficult. There were three fundamental problems that prevented Francis I from reverting fully to the style of imperial government that had characterized the period 1648–1740.

First, the Wittelsbach period, though it was brief, had forced the Viennese authorities to make a clearer distinction than before between dynastic and imperial concerns. The very process of starting to separate the archives of the Imperial Chancellery and the Reichshofrat from the mass of papers relating to the Habsburg lands had contributed to this. The resulting establishment of institutions with

[3] See pp. 73, 148, 389.

[4] Meisenburg, *Reichstag*, 105–6. East Frisia remained an Imperial County ('Reichsgrafschaft'), but it had been admitted to the College of Princes in 1677 (as a 'gefürstete Grafschaft') and came to be referred to as a principality thereafter: Köbler, *Lexikon*, 508.

[5] Meisenburg, *Reichstag*, 95–7.

[6] Aretin, *Altes Reich*, iii, 59–60; Zedinger, *Franz Stephan*, 199.

responsibility for Habsburg concerns became part of the wide-ranging administrative reform begun by Count Friedrich Wilhelm von Haugwitz between 1744 and 1749.[7] As purely Austrian institutions received more attention, culminating in the abolition of the separate Bohemian and Austrian Court Chancelleries and the creation of a supreme Directorium in publicis et cameralibus (Directory for Political and Financial Administration) modelled on the Prussian General Directory of 1723, so imperial institutions lost the limelight.[8] Equally, during the absence of the Reichskanzlei at Frankfurt 1742–45, the Staatskanzlei, or Austrian foreign ministry, founded in 1742, established itself as a dominant force in Austrian policy-making.

It was perhaps a reflection of the growing self-consciousness of an Austrian monarchy independent of the Reich that Maria Theresa refused to undergo a coronation as empress.[9] Her sense that the Reich had betrayed her by not coming to her assistance in 1740 also seems to have played a part. She allegedly roared with laughter at the sight of her husband in his coronation regalia and disparaged the imperial crown as a 'jester's cap' ('*Narrenhäubl*'). She herself had no need of a German coronation. Her own (male) royal titles of Hungary and Bohemia and her Austrian titles were valid in their own right.

The Reich was, however, reflected in her use of the title 'Empress–Queen' (*Kaiserin-Königin*) and in both her administration and army being labelled 'imperial-royal' (*kaiserlich-königlich,* or '*k.k.*').[10] Furthermore, her husband took precedence over her at court, and all ambassadors were received first by the emperor.[11] The tension between *Hauspolitik* and *Reichspolitik* was also slowly becoming apparent in the management of Habsburg interests in the Swabian territories of Further Austria. The attempts to reform the regional administration from 1753 generated ongoing conflict between Vienna and the Swabian Kreis, in which Vienna (Maria Theresa) behaved as a territorial overlord in ways that were often at odds with Francis Stephen's imperial role as protector of the lesser Imperial Estates.[12]

On the other hand, the degree of separation should not be exaggerated. In practice, both the Staatskanzlei and the Reichskanzlei remained concerned with the Reich. There was no clear division of labour or hierarchy between them. Count Wenzel Anton von Kaunitz attempted to establish this in 1755, but the overlap of responsibilities continued. His order that papers concerning the interest of the Habsburg dynasty should not be copied to the Reichskanzlei on the grounds that the Reichsvizekanzler, as a member of the Privy Conference, would in due course see them anyway reflected

[7] Hochedlinger, *Wars*, 267–71.

[8] The Directorium was replaced by the United Austrian and Bohemian Chancellery in 1761–2. This had responsibility for local government, though not for finance. This remained the preserve of the Hofkammer, which, although ramschckle in the early decades of the century, grew in significance and power after 1740. Dickson, *Finance*, ii, 1.

[9] Zedinger, *Franz Stephan*, 188–90.

[10] The more familiar *k.u.k.* occurred after the recognition of *Ausgleich* of 1867 granted Hungary equal legal status with Austria, so that henceforth *k.k* referred to Austria, *königlich* to Hungary, and *k.u.k.* to those institutions common to both Austria and Hungary.

[11] Benna, 'Durchlaucht', 15–16.

[12] Kulenkampff, *Österreich*, 18–22, 68–73; Quarthal, 'Vorderösterreich', 47–52; Press, 'Schwaben', 69–73.

his growing personal standing.[13] Even after he had managed to establish the Staatsrat as the new supreme council in 1760–1, however, the Reichskanzlei and other bodies continued to formulate and implement policy in the Reich and to advise both the emperor and the 'empress–queen'. The fact that many imperial agents and envoys in the Reich were essentially Austrian officials also underlined the overlap of interests.[14]

The divergence of policy between *Haus* and *Reich* was much more marked when it came to decisions about the global strategy within which the management of the Reich was to be conducted. Francis I was a strong believer in the 'old system' of alliance with the Maritime Powers against France. The new thinking that came to prevail in Vienna, represented above all by Kaunitz from 1749, was convinced that the old system had failed and that the future lay in an alliance with France. With regard to the Reich, that meant specifically that while Francis I was willing to accept the loss of Silesia, Maria Theresa most definitely was not. It would be wrong to claim that the imperial crown was regarded as nothing more than a 'mere appendage of Habsburg power'.[15] Yet Vienna seemed at times to be steering in two different directions simultaneously. With Kaunitz and Maria Theresa dictating the global strategy, that left less room for Francis Stephen to make an impact in the Reich. As late as 1757, Count Khevenhüller-Metsch noted that 'we have two lords, the emperor and the empress, and both want to govern'.[16]

The second fundamental problem was how to deal with Frederick the Great. The two strategies diverged: Francis Stephen wanted to reintegrate Prussia and tie her into his plans for a war against France; Maria Theresa and Kaunitz sought ways of resuming the struggle against Prussia and of regaining lost territory. Frederick himself was not susceptible to the first approach, while much of his energy was devoted to protecting himself against the second. Despite his subsequent reputation as a ruthless warmonger who had nothing but contempt for the Reich, Frederick in fact was a brilliant *Reichspolitiker*.[17] In his strategic thinking he operated always at two levels: a concern for Prussia's place in the balance of power in Europe was paralleled by a concern for the balance of power in the Reich.[18] This was already evident in his decision to attack Silesia, rather than pursue the Brandenburg grievance of the 1730s over the succession in Jülich and Berg. Any move there would have brought him into conflict with the Palatinate, which would have soured relations with the Bavarian Elector, whose election as emperor he supported over the Habsburg and Saxon candidates. The fact that Bavaria was dependent on France was also highly convenient, as was the fact that Bavarian territorial ambitions were focused on Bohemia and Austria, which left Silesia free for his own ambitions.

After 1745, Prussia sought to block, or at least to brake, the re-establishment of Habsburg authority in the Reich. Rumours of a Prussian bid for the imperial crown

[13] Kulenkampff, *Österreich*, 41–2.
[14] Aretin, *Altes Reich*, iii, 30–1.
[15] Hochedlinger, *Wars*, 271.
[16] Schmid, 'Vermittlungsbemühungen', 189.
[17] For the following, see: Press, 'Friedrich'; Haug-Moritz, 'Friedrich'; Wilson, 'Prussia's relations'.
[18] Wilson, 'Prussia's relations', 344.

circulated constantly but were never acted upon.[19] Frederick used the Reichstag as a forum for opposition, and pressed immediately for the recognition of his right to exercise the East Frisian vote there, along with the other votes he held in respect of his various lands.

Every effort was also made to exploit Prussia's presence in three Kreise. In the Upper Saxon Kreis, which did not really function anyway, Brandenburg easily dominated, with Saxony, the only competitor, still distracted by the Polish crown. In the Lower Saxon Kreis, the challenge was to hold Hanover in check, something that the growing reticence of British policy made increasingly easy. The greatest challenge lay in the Westphalian Kreis, where Prussian interests coincided with those of the Palatinate, of the ecclesiastical empire of the Wittelsbach Clemens August of Cologne, and of the Habsburgs themselves.

Where Prussia was not directly represented by virtue of land ownership, the King's extensive dynastic links were also exploited. While his own marriage was a disaster, Frederick took a keen interest in the unions of his eight married siblings and in the contacts they brought with a range of central and north German dynasties. Equally important were the relationships with the various junior Hohenzollern lines of Ansbach, Bayreuth, and Schwedt.

These numerous family connections were in many cases reinforced by substantial financial support, which was particularly valuable for those who had extended their forces to participate in the various wars of Charles VI during the 1730s and then found they could no longer afford to support them after 1740. The network of contacts and clients was also strengthened and extended by recruiting kinsmen and others as commanders in the Prussian armies, by appointing non-Prussian nobles, often Imperial Counts, to senior administrative positions, and, not least, by recruiting substantial numbers of non-nobles from elsewhere in the Reich, for whom Prussian service was attractive because Frederick had persuaded Charles VII to recognize patents of nobility granted in Prussia.[20]

In many ways, Prussian *Reichspolitik* under Frederick began to emulate that of the Habsburgs, exploiting their traditional methods of extending influence, systematically exploiting regional presence or dynastic connections, ultimately even— despite the *idée fixe* of secularization—engaging in competition to secure influence in ecclesiastical elections. The potential in that area really opened up after the death of the Wittelsbach Clemens August of Cologne ('Monsieur de Cinque Eglises') in 1761, which liberated the benefices of Münster, Osnabrück, Paderborn, and Hildesheim, in addition to Cologne, a situation that also excited intense Habsburg ambitions.

Before then the Protestant interest was more significant. Frederick's two immediate predecessors had already sought to exploit the Elector of Saxony's conversion to Catholicism to assume the traditional Saxon leadership of the Protestants in the Reich and of the Corpus Evangelicorum in the Reichstag. Frederick William I had shared this informal role with Hanover, and had shared Hanover's basic reluctance to oppose the Habsburgs outright. Frederick had none of these inhibitions and

[19] Duchhardt, *Kaisertum*, 284–95. [20] Wilson, 'Prussia's relations', 352–3.

passed up no opportunity to play the Protestant card. Most notably, he was able to intervene in Württemberg in 1744 and in Hessen-Kassel in 1754 to act as guarantor of Protestant rights following the accession of previously converted heirs. In each case, the intervention also involved the establishment of a military alliance, Prussian assumption of or subsidy for military forces, as well as the activation of family links. Protecting the Protestant interest was skilfully combined with tying the Catholic princes involved into the Prussian client network.

These interventions in south-west and Middle Germany represented a significant extension of the reach of Prussian influence in the Reich. They were also manifestations of the third significant problem with which Francis I had to deal: the continuing confessional tensions in the Reich.[21] This is a complex phenomenon that is still not fully understood. The confessional problems of the first few decades of the century had largely revolved around the implications for the Reich of the Peace of Rijswijk. The issues now were more diverse, though the fact that a whole series arose during the 1740s and 1750s helped create a renewed sense of crisis among many.

Some arose from disputes in communities over the ownership of churches or over a local lord or ruler giving permission to a new religious group or community that did not enjoy local rights under the terms of the Peace of Westphalia. These local controversies may well have been inflamed by the fear of the Protestant clergy, especially of the gradual diffusion of ideas of toleration (which they denounced as 'indifferentism') and of the effects of the increasingly prevalent 'pragmatic toleration' practised by many rulers.[22] A typical case erupted as an issue at the Corpus Evangelicorum in 1755: the Calvinist but Catholic-leaning Count of Wied-Runkel decided to permit a Capuchin monastery to be established at Dierdorf; his Protestant subjects objected strongly.[23] They appealed to the Corpus Evangelicorum, which asked the King of Prussia to intervene. The Count appealed to the Reichshofrat, whereupon the Corpus asked the Prussian King to use force. This was only averted by the outbreak of the Seven Years War, though the dispute dragged on until the Count finally relented in 1787.

Other issues arose from the succession of a prince whose religion differed from that of the prevailing confession in his territory or from the conversion of a ruler, generally from Protestantism to Catholicism. The matter became problematic under the terms of the Treaty of Osnabrück (1648) when such a ruler wished to establish religious worship for himself and his household and court or retinue (a *Simultaneum*).[24] Since the succession of a Catholic Elector to the Palatinate in 1685 and the conversion of the Elector of Saxony to Catholicism in 1696, a run of such cases had arisen, giving rise to a substantial learned and popular polemical literature and a mass of case law and precedent that fed into the negotiation of each successive agreement.

[21] For the following, see: Haug-Moritz, 'Kaisertum'; Haug-Moritz, 'Corpus Evangelicorum'; Stievermann, 'Politik'; Carl, 'Konfession'.

[22] See pp. 322–9.

[23] Luh, *Reich*, 60–1; Arndt, *Reichsgrafenkollegium*, 69.

[24] Schäfer, *Simultaneum*, 9–28, 40–3, 85–106; Haug-Moritz, *Ständekonflikt*, 172–214; Stievermann, 'Politik'.

Disputes over rights to public worship, or over the rights of Protestant Estates and subjects on the succession of a Catholic ruler or when their rulers converted to Catholicism, were not new. Furthermore, there were established mechanisms for dealing with them: recourse to the imperial courts, as well as internal treaties guaranteeing rights. Now, however, as earlier in the century, legal issues turned into political issues as grievances were settled not so much through regular processes as by direct appeal to the Reichstag, in particular the Corpus Evangelicorum. That body in turn arrogated to itself the right to intervene directly to enforce judgments of the higher courts, pre-empting any final decision of the emperor or any decision of the Reichstag as a whole.

After a lull of some thirty years, the Corpus launched into action again in 1750 by commissioning the Margrave of Ansbach to enforce the rights of Protestants in Hohenlohe in Franconia. The conflict here arose from a longstanding dispute between the Protestant Counts of Hohenlohe and the Catholic princes of the same dynasty. In 1744, an argument over when Easter should be celebrated had escalated into a wider conflict over feast days and over the rights of Protestants in the areas ruled by the Catholic princes at Schillingsfürst, Bartenstein, and Pfedelbach. When they ignored a judgment of the Reichshofrat and an imperial decree, the Corpus Evangelicorum took it upon itself to commission Ansbach to enforce the judgment, resulting in 104 grenadiers being sent in to force the issue. Brandenburg, Hanover, Hessen-Kassel, and Saxony-Gotha were asked to keep troops on standby.[25] This military intervention was unprecedented, and never repeated, but it created a new framework for a protracted phase of militant activity on the part of the Corpus.[26]

The confessional sensibilities inflamed by disputes over these matters were then intensified by the Austrian alliance with France, which was perceived by many as a Catholic alliance. In addition, during the Seven Years War there was intensive propaganda exploitation of confessional issues generally, and confessional resentment was generated by the occupation and exploitation of significant areas of the Reich by armed forces of different religious persuasions.[27]

For many of the princes who participated in these disputes there was more at stake than just religion. Indeed, some questioned whether religion was involved at all: Kaunitz, for example, commented in 1787 that for a long time the 'religious difference has become a mere political pretext and slogan, to the extent that if today the imperial court and the powerful Catholic imperial princes were to adopt the Augsburg Confession, the Protestants would tomorrow embrace the Catholic religion'.[28] The religious disputes of this period came to be part of a wider political and constitutional struggle. It is significant that the core of the activists was formed by so-called 'old princes', dynasties that dated back to before 1582.[29] They considered themselves to be the original princes of the Reich, superior to the 'new' princes created by the Habsburgs. Most of them objected to the special

[25] Luh, *Reich*, 62–3. [26] Haug-Moritz, *Ständekonflikt*, 138–98.
[27] Carl, 'Konfession', 114–22. [28] Stievermann, 'Politik', 194.
[29] Haug-Moritz, *Ständekonflikt*, 155.

privileges and status enjoyed by the Electors. Some, such as the Landgrave of Hessen-Kassel and the Duke of Württemberg, both Catholic rulers of Protestant territories guaranteed by Prussia around 1750, aspired to Electorates themselves.[30]

The majority of the 'old princes' were Protestants, and they resented their minority status in the College of Princes, where they sat alongside the representatives of the Reichskirche, most of whom were scions of lower-ranking noble dynasties of Imperial Counts and Imperial Knights. They were easily persuaded that their interest was the interest of the Reich as a whole, that they alone were the true defenders of German liberty against the Habsburgs. As many contemporary observers noted, they formed a 'party of liberty' or a 'party of politics' as much as they represented a 'party of Protestantism'.[31] This was the constituency that Frederick the Great aimed to mobilize against any attempt to re-establish Habsburg hegemony in the Reich.

Despite the major obstacles that stood in his way, Francis I in fact pursued more of a *Reichspolitik* than is often recognized. Traditionally, his reputation has always been overshadowed by that of Maria Theresa. The titles of two modern biographies place him 'sitting at the left hand' of the Empress-Queen and 'in the shadow of a great woman', and neither had much to say about their subject as emperor; only the most recent study has attempted a more balanced approach to a man who was a significant 'monarch, manager, and patron'.[32] To some extent, modern scholarly neglect reflects contemporary opinion, which was fascinated by Maria Theresa and often unimpressed by her spouse. It also seems to reflect the systematic culling of files on Maria Theresa's instructions, which removed all trace of policies she disapproved of or which might place her in a dubious light. Recent studies, however, of Franz Stephen as a collector, as a highly successful administrator, and as the man who forged an extraordinarily strong financial base for the dynasty suggest a more able and more active character.[33] This is also borne out by the evidence, however incomplete, of his activities in the Reich.

At the level of global strategy, Francis I remained remarkably consistent. His approach after 1745 built on the elements of the peace plan he had formulated in 1741–2. His very first imperial decree on 17 October announced a new course: the Kreise were to treble their troop levies to form a Reichsarmee of 120,000 men, and the Reichstag was to deliberate urgently on the security of the Reich.[34] What the emperor had in mind was an immediate war against France that would unite the Reich against its traditional arch-enemy.

In fact, the Reichstag readily agreed to the *triplum* (a treble levy), and over the next few years considerable pressure was put on the so-called 'vordere', or forward, Kreise to renew the kind of association they had earlier in the century.[35] On the

[30] Pelizaeus, *Aufstieg*, *passim*.
[31] Gotthard, *Säulen*, 749 (fn. 88).
[32] Hennings, *Franz Stephan*; Schreiber, *Franz I. Stephan*; Zedinger, *Franz Stephan*.
[33] Schmid, 'Vermittlungsbemühungen', 171–4; Schmid, 'Kaiser Franz'; Schmid, 'Franz I.'; Zedinger, *Franz Stephan*, *passim*; Gnant, 'Franz Stephan'. See also Aretin's comments on historiography in *Altes Reich*, iii, 536–7, though Aretin himself also has a negative view of Francis I, whom he judges to have failed at least partly through lack of will and initiative.
[34] Meisenburg, *Reichstag*, 83–93.
[35] Kulenkampff, *Österreich*, 15–25; Aretin, *Altes Reich*, iii, 34–9.

other hand, the Kreise prevaricated so persistently over committing themselves to taking action that nothing at all had happened by the time hostilities with France were concluded at the Peace of Aachen in October 1748. As so often in the past, the Imperial Estates hesitated to become involved in something they suspected was really a Habsburg affair, rather than anything that really concerned the Reich. Bitter memories remained of the campaigns of Charles VI during the 1730s.

The obvious failure of this policy led to a reassessment in the spring of 1749. Maria Theresa asked Francis and both her and his closest advisers to comment on the situation of the dynasty and on policy options in the Reich and in Europe.[36] There was a consensus on the symbiotic relationship between Austria and the Reich but disagreement on how to proceed. The Reichsvizekanzler and those generally closer to Francis argued for persistence in the old policies. War against France was still desirable. The old alliance with Britain could still bring benefits, not least because Hanover might win other Protestant princes over to the imperial cause. Those closer to Maria Theresa were sceptical; some suggested that Austria should cooperate with France, rather than fight her. The old alliances with the Maritime Powers, they argued, had failed to bring significant benefits. Silesia had been lost and would never be recovered with the help of Hanover; indeed, at Aachen, the Maritime Powers had been party to the international recognition of Frederick the Great's annexation.

The outcome was the pursuit of a modified version of the emperor's previous policies. British help was to be enlisted to secure the election of the young Joseph as King of the Romans and thus designated heir to the imperial throne.[37] The plan met with ready support from The Hague and London, with Britain, in particular, ready to invest significant sums of money, both to secure the votes of other Electors and to create a network of territories loyal to the imperial crown. In the event, the talks failed. Electors reluctant to give up their electoral freedom and to commit themselves to the Habsburgs rightly pointed out that the election of an eight-year-old was somewhat premature. Perhaps the only moderately successful dimension of the whole initiative was the distribution of British money, which did much to stabilize the situation in the Reich in the early 1750s.

This setback effectively handed the initiative to Kaunitz, who assumed the office of Staatskanzler in 1753, and to those who supported a reorientation of global policy towards an alliance with France. The outbreak of the Seven Years War underlined the emperor's failure to unify the Reich and to reintegrate Prussia. Yet Francis immediately pursued yet another version of his old course in parallel with the pursuit of Kaunitz's new global strategy. From the outset, he sought to mobilize the Reich against Prussia. And while the Reichstag refused to outlaw Frederick the Great, persuading it to vote for a formal declaration of war and to send a Reichsarmee (under the command of his own brother, Charles of Lorraine) into the field was a significant success for the emperor. In view of the ambivalent outcome of the war for Austria, which failed to achieve its key aim of recovering Silesia, it is a

[36] Aretin, *Altes Reich*, iii, 42–5.

[37] Horn, 'Origins'; Aretin, *Altes Reich*, iii, 45–8.

moot point whether either Kaunitz or Francis can be deemed to have pursued the better policy. In fact, some evidence suggests that both men were aware of the complementarity of their policies in the struggle against Prussia.

Certainly, the efforts of each contributed equally to the successful election of Joseph as King of the Romans in March 1764. Kaunitz had worked hard since 1752 to secure the vote of the Palatinate and to remove any French objections to a smooth Habsburg succession.[38] Francis himself had worked continuously to this end from the outset. In the final discussions, he managed to avoid an excessively onerous electoral capitulation by loftily declaring that the interests of the Reich could not be the subject of negotiations driven by self-interest.[39]

In other respects too, Francis encountered difficulties but ended up with at least a modest record of achievement. One of the most striking early events of his reign was the refusal of the Electors to renew their fiefs or to pay the customary act of homage in person to the new emperor.[40] Prussia was the first to refuse, citing the agreement reached with Charles VII. When the other secular Electors got wind of Prussia's likely exemption, they too refused to comply, as did the Wittelsbach Elector of Cologne. Only the Prince-Archbishops of Mainz and Trier acquiesced in the traditional procedure. The example set by the Electors was subsequently followed by many secular princes, notably the 'old princes' who believed they were the equals of the Electors.

There were exceptions. In 1752, Denmark renewed its fiefdoms of Oldenburg and Holstein-Glückstadt. Two years later, Sweden paid homage in respect of Pomerania, even paying fees in respect of the ninety years since it had last renewed the fief.[41] In each case, too, the ceremonial act of homage undertaken in Vienna was carried out by an ambassador, rather than by the ruler in person. The 'absentee' princes probably felt that investment in good relations with the emperor was one way of safeguarding their territories from rapacious neighbours. The only group that submitted to the old tradition en bloc were the ecclesiastical princes, with the exception of Clemens August of Cologne in respect of his five territories.

Though much time was devoted to thinking of ways to restore the old traditions, the emperor himself was not immune to the desire to advance the status of his own family. On establishing a court for his seven-year-old son Joseph in 1749, he insisted on royal instead of merely archducal protocol. In 1754, the style of address of all his children was changed from 'Archducal Serene Highness' to 'Royal Highness', to reflect both the situation in Hungary and Bohemia and the recognition of that same title for the Dukes of Lorraine by Leopold I in 1703.[42]

[38] Kulenkampff, *Österreich*, 28–31, 52–5. [39] Schmid, 'Franz. I', 244.

[40] For the following, see Noël, 'Reichsbelehnungen', especially the table at p. 120. See also p. 374.

[41] The ceremonies are described by Schreiber, *Franz Stephan*, 240–1. On the Swedish renewal, see Moser, *Neues Teutsches Staatsrecht*, ix, 893–4.

[42] This followed the grant of the title of King of Jerusalem by the French crown to Duke Leopold of Lorraine on his marriage to Mademoiselle de Chartres, the daughter of Philip of Orleans and Liselotte of the Palatinate: Benna, 'Durchlaucht', 12–13, 16–28.

Other early imperial initiatives were also problematic. The attempt to establish the emperor's brother, Charles of Lorraine, as the first-ranking Catholic Imperial Field Marshal became embroiled in a wearisome debate about parity which ended with a high command of no fewer than sixteen being proposed—and this for a Reich that was not at war and did not have a regular army! Charles's appointment, and no other, was finally agreed in May 1746, but the lengthy discussion was an ominous sign.[43] On the other hand, Francis had no option but to acquiesce in Reichstag recognition of Frederick the Great's possession of Silesia in 1751, though he was able to fend off the Prussian demand that Frederick be declared 'sovereign ruler' of Silesia and retain the clause 'subject to the rights of the Reich' in the agreement.[44] Regarding the Prussian claims on East Frisia, Francis was finally obliged to concede the case in 1753, even though his reluctance to do so was now reinforced by the fact that Kaunitz too laid claim to the territory in respect of the rights of his wife, a Countess of Rietberg.[45]

The recalcitrant attitude of the 'old princes' was further underlined by their protests at the proposal to install the Prince of Thurn und Taxis, the imperial *Prinzipal-Kommissar* at Regensburg since 1748, as a full voting member of the Reichstag in 1754, and their suspicions even of the elevation and installation of the Protestant Count of Schwarzburg-Rudolstadt.[46] Both were actually admitted, though it was not until 1787 that Thurn und Taxis satisfied the requirement that he must own land that qualified as a princely imperial fief.[47] The promotion of Thurn und Taxis was not only reward for his services at the Reichstag, but also—and more importantly—for his services as Imperial Postmaster: his postal network played a key role in the emperor's communication with the Reich and its Estates and it was an invaluable source of news and sensitive information concerning the political atmosphere.[48]

Considerable attention seems to have been paid to restoring relations with the traditional supporters of the imperial crown and with the Imperial Cities, and to the Imperial Knights. Relations with key Imperial Cities such as Regensburg, Augsburg, and Nuremberg appear to have intensified after 1745.[49] Hamburg, whose status was still unresolved, also enjoyed particularly close relations with the imperial authorities in the same period. A new imperial ambassador was sent to the city in 1745; a 'don gratuit' of 100,000 gulden was collected; everything possible was done to establish an imperial presence in this key commercial centre, important both for its commerce and finance and for its role as a news centre.[50] If imperial protection could help Hamburg maintain its independence against Danish hostility, Hamburg could play a strategic role as an imperial bastion and as a dissemination point for helpful news and views in the northern Reich, that was otherwise dominated by Prussia.

[43] Meisenburg, *Reichstag*, 93–5.
[44] Meisenburg, *Reichstag*, 101–5.
[45] Kulenkampff, *Österreich*, 37–40; Meisenburg, *Reichstag*, 105–6. See also pp. 73, 148, 380.
[46] Aretin, *Altes Reich*, iii, 57–9.
[47] Grillmeyer, *Habsburgs Diener*, 141–56.
[48] Grillmeyer, *Habsburgs Diener*, 51–61; Grillmeyer, 'Habsburgs langer Arm', 63–6.
[49] Schmid, 'Franz I.', 237.
[50] Ramcke, *Beziehungen*, 151–66; Whaley, *Toleration*, 183–4.

In general, the traditional role of the emperors as guardians of the Imperial Cities remained relevant. This was underlined by the despatch of the usual commissioners to accept the homage of the Imperial Cities to the new emperor and, of course, to ensure that the usual fees were paid.[51] It was also emphasized by the continuing significance of the Reichshofrat as a supreme court that remained favourable to the cities against aggressive territorial neighbours, rebellious citizenries, and, increasingly, over-active creditors among those south German Imperial Cities that built up crippling mountains of debt from the early eighteenth century.

In the case of the Imperial Knights, Francis engaged in a protracted and often bitter struggle with leading princes to preserve the rights of the knights and to ensure their survival as a group.[52] Both the Palatinate and Württemberg had protested against the corporate privileges given to the Imperial Knights since the late seventeenth century. Both were territories where the 'departure' of the knights in the late Middle Ages had resulted in fragmented landholdings with numerous enclaves. The aim to consolidate, round off, and rationalize inevitably meant conflict with the knights. The key issues were the knights' exemption from billeting obligations, their exemption from all imperial taxation, and the restrictions imposed on the purchase of land owned by knights, which meant that princes were effectively prevented from buying up land that was registered with any of the knights' cantons. The reinforcement and extension of these privileges by Charles VI brought these issues to the fore during the discussions of electoral capitulations during the 1740s, and as early as 1741 Frederick the Great indicated that he would side with the princes.

The upshot was that a series of minor problems culminated in a noisy campaign at the Reichstag to rescind the rights of the knights' corporations for good. The moment seemed to have come when Württemberg demanded the publication of an imperial law, a 'normativum imperii', which would rescind all of the knights' corporate privileges. Despite substantial support for the measure, nothing happened. Mainz delayed hearing the Württemberg appeal until June 1752; Francis declared that he would not ratify any measure that harmed the interests of the less powerful Estates. A diplomatic offensive launched by Vienna ensured that doubts spread about the Württemberg case, and Karl Eugen of Württemberg did himself no favours at all by threatening direct action. When the matter was finally discussed in July 1753, it was agreed to refer it to the emperor and the Reichshofrat. Württemberg was consequently forced to compromise with the knights in 1754, though the matter was not finally laid to rest until 1770.

Protecting the weak was one of the traditional functions of the crown and the source of its enduring strength. For all their lack of any real power, Imperial Cities and knights were crucial both in economic and in political terms. Other groups, such as Imperial Counts and Abbots and the like, were similarly loyal. The mass of lesser fiefs, both secular and ecclesiastical, that were renewed at the Reichshofrat,

[51] Berbig, 'Kaisertum', 268–9.

[52] For the following, see: Haug-Moritz, 'Organisation', 16–20; Sutter, 'Reichsritterschaft', 297–9; Aretin, *Altes Reich*, iii, 53–7, 542–3; Willoweit, *Rechtsgrundlagen*, 322–38. See also pp. 203–5, 374.

seem to have been unaffected by the 'strike' of the holders of the major crown fiefs.[53] The same is true of the links between the crown and the representatives of the Reichskirche. The ecclesiastical princes and lords had remained loyal to tradition when the secular Electors and princes refused to pay homage or to renew their fiefs in the customary manner. Yet the behaviour of Clemens August of Cologne demonstrated how much harm could be done by one recalcitrant holder of multiple benefices: he alone at a stroke took one Electorate, four bishoprics, and a host of other benefices with varying degrees of Reichstag representation into opposition.

This made it hardly surprising that attention was once more devoted to securing favourable outcomes in ecclesiastical elections.[54] During the 1750s, the hitherto predominant Wittelsbachs increasingly found their candidates opposed by Habsburg nominees, such as Raymund Anton Count von Strasoldo, who was elected at Eichstätt after six rounds of voting in 1757.[55] In 1761, the Habsburg candidate, Max Friedrich von Königsegg-Rotenfels, was elected as successor to the Wittelsbach Clemens-August as Elector of Cologne.[56] In these initiatives, Francis Stephen laid important foundations for a late revival of Habsburg ecclesiastical politics, which became possible when his own children came of age and provided the necessary male candidates for such posts.

Despite all moves to re-establish the position of the crown in the Reich, however, Francis I failed to develop the key judicial role that had been the defining feature of the imperial revival after 1648. That was not for lack of awareness.[57] Within a month of his coronation, Francis issued a decree stating that he wished to reform the Reichskammergericht. In 1746, Colloredo and, in 1749, Colloredo, Khevenhüller and Kaunitz urged the Emperor to pay attention to the management of both Reichskammergericht and Reichshofrat. Yet the Reichskammergericht succumbed to corrupt management under the emperor's nominee president, Count Philipp von Hohenlohe-Bartenstein, while the Reichshofrat failed to keep up with its workload in this period as a result of the failure to appoint the full complement of judges.

The reasons for this are unclear, but the consequences for the reputation of both the courts and of the emperor were serious. The very real problem in the two supreme courts gave opportunities to those who would have caused trouble anyway. As in the early years of the century, the problem of direct appeals to the Corpus Evangelicorum and to the Reichstag became acute, as did the frequency with which princes and others were willing to take direct action with or without legal sanction. Some did not like the judgments that they received. Others did not want to risk getting an unfavourable verdict. Others again were frustrated that rulings in their favour were not being enforced. Many problems were merely taken as pretexts for political protest and direct action. But that merely underlined the sense,

[53] Noël, 'Reichsbelehnungen', 119–20. [54] Schmid, 'Franz I.', 243–4.

[55] Gatz, *Bischöfe 1648–1806*, 493–5. Strasoldo (r. 1757–81) originated from Graz and had been educated at the imperial court in Vienna. His predecessor, Johann Anton II. von Freyberg (r. 1736–57), had been a nominee of Charles VI who had won against Marquard Wilhelm von Schönborn.

[56] Gatz, *Bischöfe 1648–1806*, 129–30.

[57] Aretin, *Altes Reich*, iii, 26, 33, 49, 59–63; Gnant, 'Franz Stephan', 127.

exploited by some and feared by others, that the Reich was unruly and that the emperor was not in control.

The traditional view of Francis's reign as one of failure and frustration makes little allowance for the personal handicaps under which he laboured. He was a minor prince with no independent fortune or territorial authority. He was married to a strong ruler who was obsessed with regaining Silesia and determined, if necessary, to reshape Europe to achieve it. Despite that, Francis achieved a great deal. He made an immense contribution to the reconstruction of Austrian finances after the first two Silesian wars and after the Seven Years War. He failed to reform the currency of the Reich, but his currency reforms in Austria were highly effective.[58] He was, furthermore, a financial genius who created a substantial fortune for the house of Habsburg-Lorraine.[59] In the Reich he could never have secured the position of authority enjoyed by Leopold I or even Charles VI. The reign of Charles VII had changed the Reich. Nonetheless, he laid the foundations for the renewal of Habsburg rule and for the attempted reforms of the period after 1765. Not the least of his achievements was to secure the election of his son Joseph as his successor.[60]

[58] Dickson, *Finance*, ii, 34, 370; Mikoletzky, 'Franz Stephan'.
[59] Mikoletzky, *Familienvermögens*. [60] Liebel, 'Election'; Gnant, 'Franz Stephan', 182.

43

The Reich without Enemies? Germany and Europe, 1763–1792

From the late fifteenth to the mid-eighteenth century, the Reich had been shaped by the need to defend itself against external enemies. France in the west and the Ottomans in the east had repeatedly forced the Reich to mobilize against them, and in doing so they had contributed to the development of many key imperial institutions. They had thus also helped generate a sense of solidarity and common identity and interest that repeatedly transcended internal religious and political divisions.[1] After the mid-eighteenth century, that was no longer the case. The conclusion of the Peace of Hubertusburg in 1763 marked the conclusion of a protracted process of transition to a new situation. Did the absence of external enemies also hasten the decline of the Reich? Did the emergence of Austro-Prussian dualism mark the emergence of two domestic enemies of the Reich whose real ambition was to destroy both each other and, increasingly, the Reich?

There can be little doubt about the strength and persistence of Austro-Prussian enmity. The question about its implications for the future of the Reich is less easy to answer. Generations of historians assumed that the dualism was the beginning of the end and effectively wrote off the Reich. Even Karl Otmar von Aretin, who has done more than any scholar to revive serious study of the Reich since the 1960s, and whose two monumental works on the Reich, published in the 1960s and the 1990s, represent perhaps the most detailed treatment of the Reich's later history ever published, essentially reaffirms a version of the old master narrative.[2] The same is true of other surveys that have summarized the research done over the past fifty years.[3] Even more recent revisionist works, such as Georg Schmidt's history of the Reich as 'state and nation' in the early modern era, published in 1999, are to a degree still marked by the same narrative structure.[4] The argument that the Reich had no future, which perpetuates a German historiographical tradition that reaches back into the early nineteenth century, is fundamentally hypothetical. The end of the Reich in 1806 came differently. The extent to which it had been fatally weakened by developments over the previous half-century, and the question of

[1] Wrede, *Reich*, 546–60, and Wrede, 'Der Kaiser', 115.
[2] Aretin, *Heiliges Römisches Reich*, and Aretin, *Altes Reich*
[3] See, for example, Neuhaus, *Das Reich*, 54–5; Gotthard, *Altes Reich*, 119–67; Duchhardt, *Altes Reich*, 33–51; Herbers and Neuhaus, *Reich*, 265–87.
[4] Schmidt, *Geschichte*, 264, 277–85, 295–300. Wilson, 'Still a monstrosity?' is an illuminating discussion of many recent trends.

how those developments would have played out if Napoleon had not intervened, are imponderables. The evidence does not all point in one direction.

The Peace of Hubertusburg in 1763 marked the watershed between two European systems. The early decades of the eighteenth century had been characterized by the hostility of three major powers (Britain, the Netherlands, and Austria) against France. By the later decades of the century, five 'great powers' (France, Britain, Austria, Prussia, and Russia) coexisted in an often fluid and unstable system which many contemporary observers understood as a 'balance of powers'.

This system functioned rather like a club of antagonistic but mutually dependent members dominated by a number of simple rules: a state must be compensated for gains made by another; the costs of war must be exacted from the enemy or paid by an ally; alliances were essential for any state, though the need to ensure the prosperity of a state generally dictated flexibility and short-term agreements.[5] Rational calculation took precedence over respect for tradition; schemes for the reorganization of Europe by the great powers gained currency. The most important moment in the transition from one system to the other had been the formation of the Franco-Austrian alliance in 1756. Yet some of the key alliances formed during the ensuing conflict collapsed even before the peace was concluded: Austria and Russia, France and Russia, Britain and Prussia ended the war estranged from each other.[6] Only the Franco-Austrian alliance survived, though its significance after 1763 was diminished.

The war left all powers exhausted, focused on internal reconstruction and reform, and reluctant to engage in new military conflict. None of the European great powers had any interest in promoting either Austria or Prussia—alliances with them were therefore generally reluctant, defensive, half-hearted, and frequently not honoured when it came to supporting a specific initiative that would have enhanced their power. No one had the slightest interest in a fourth Silesian war. The Reich itself could not declare war, for the Reichsarmee was not permitted to operate outside borders. Thus Rousseau and Mably were correct: the Reich became stable and formed the centre of the European order.

In the immediate post-war period, rulers and their advisers were forced to reorientate in ways that immediately affected the Reich. The most striking change was that France now ceased to play an active interventionist role in German politics. French policy was increasingly handicapped by severe domestic economic, fiscal, and political problems. Moreover, a focus on the continuing struggle with Britain in North America also diverted attention away from traditional areas of activity in continental Europe. This trend was reinforced by the failure of both France and Austria to influence the Polish royal election in favour of another Saxon prince in 1764.[7] Similarly, efforts to incite the Ottomans to declare war on Russia after 1766 also failed.

[5] Schroeder, *Transformation*, 6–8. The best discussion of the eighteenth-century international system is Scott, *Birth*, 116–42.

[6] Scott, *Birth*, 149.

[7] Cegielski, *Teilung*, 30–2, 52–4. August III's heir, Friedrich Christian, died weeks after his father; the next heir, the thirteen-year-old Friedrich August, could not be elected, and it proved difficult to agree on which of August III's four other sons should become the candidate.

The French alliance with Austria remained in force, *faute de mieux*, until 1792, but it was essentially passive. During the period of Vergennes's foreign ministership (1774–87), it effectively became a device for 'mutual containment'.[8] France no longer harboured expansionist designs on Germany. Lorraine was integrated into France in 1766 following the death of Stanislas Leszczyński, as envisaged by the Preliminary Treaty of Vienna in 1735. For the rest, France was content to conclude a number of exchange agreements with neighbouring German territories designed simply to rationalize the frontier and to reduce the number of exclaves on both sides.[9]

For the Reich in general, this meant the disappearance of the traditional 'protector and organizer of the German opposition' to the Habsburgs and the neutralization of France's status as the guarantor (with Sweden) of the Peace of Westphalia, which had repeatedly justified French intervention in the Reich since 1648.[10] For many German territories, it also meant the withdrawal of the French subsidies that had financed military forces and much else besides. Contacts with, and real or projected subsidies for, Zweibrücken, the Palatinate, and the Rhineland ecclesiastical Electorates remained a matter of concern in Paris in the hope of maintaining some kind of French-dependent 'third party', but these activities were no longer on the scale of previous periods.[11]

On the other hand, French interest in the Reich did not disappear. France systematically opposed Habsburg candidates in episcopal elections, and she worked hard to block every attempt the Habsburgs made to gain Bavaria. Despite the continuing alliance with Austria, France also secretly supported Frederick the Great's anti-imperial and anti-Austrian activities, especially in the 1780s.[12] France thus supported Prussia in the role of chief opponent to the emperor that she herself had once played.

Britain too ceased to engage so actively in the Reich after 1763. Following victories on numerous fronts during the Seven Years War, policy under George III from 1761 concentrated on North America. Efforts to conclude alliances with Russia and Austria after 1763 came to nothing. Britain remained isolated in European politics for two decades and only actively sought European alliance partners again after the disastrous conclusion of the American revolutionary war in the Peace of Paris in 1783.[13] As far as Hanover was concerned, the London government pursued a neutral policy. The active role played in the Reich by George I and George II, which made Britain-Hanover into a counterweight to Prussia, lapsed under George III. Relations with the three Rhineland ecclesiastical Electors remained important, if only as a means of frustrating the activities of the French agents. In this, there was limited collaboration with Britain's former ally, the Netherlands, though the Dutch continued the policy of neutrality they had embraced during the 1740s and did not count as a great power.

[8] Buddruss, *Deutschlandpolitik*, 140. [9] Buddruss, *Deutschlandpolitik*, 180–210.
[10] Duchardt, *Altes Reich*, 36. [11] Cegielski, *Teilung*, 44–5; Wilson, *German armies*, 290–2.
[12] Buddruss, *Deutschlandpolitik*, 153–79.
[13] Blanning, 'George III', 316; Harding, *Hanover*, 194–206; Scott, *Birth*, 214–43.

These activities did not, however, add up to a very effective approach to creating a Britain-dependent 'free German party' as a balance either against the parallel efforts of the French or against Austrian or Prussian influence. British subsidies continued to play a role in those territories, such as Hessen-Kassel and others, which supplied troops for service in America.[14] But control over policy in the Hanoverian Electorate gravitated to the aristocratic local administrators or regents. Their main objective was the defence of the Electorate's independence and prerogatives against both Austria and Prussia.

In the Reich generally, the Hanoverian regents also tended to defend the ecclesiastical territories, both against monopolization by Austria and against Prussian secularization plans. For their ruler, like the Imperial Knights and other minor Imperial Estates, were in a sense the symbols of the status quo in the Reich. The regents had no ambition to play a heroic role in any other respect, though their support for the status quo made them suspicious of Joseph II's policies in the 1770s and drove their Reichstag representative Baron Ompteda so far into the Prussian party as to provoke a formal Austrian protest to George III.[15] Only the crisis of the early 1780s brought Britain-Hanover out of isolation again, though George III declined to lead the Fürstenbund (League of Princes), as had been suggested in some of the early discussions in 1782 and 1783.[16] In general, like France, Britain became active only when there seemed to be a threat that Austria might once more gain the upper hand in the Reich.

The relative passivity of France and Britain in the west was balanced by the emergence of Russia as a major power in the east and the growing significance of relations between Russia, Austria, and Prussia. Russia's role in the Seven Years War had established her as a force of formidable strength with an increasing willingness to become involved in German affairs. To some extent, this was tempered by domestic uncertainty following the death of Elizabeth and during the short reign of Peter III. Under Catherine, consolidation was the highest priority initially, and Russian policy was guided for over a decade by the conviction that a long period of peace was essential.

The chief architect of Russian policy was Nikita Panin, whose 'northern system' was conceived as a grand scheme of alliances with Prussia, Denmark, and Britain, with Sweden, Poland, and Saxony as affiliated members with guarantees of neutrality.[17] All that in fact materialized were alliances with Prussia and Denmark. The Prussian alliance, in particular, was perceived to be crucial to breaking up France's traditional *Barrière de l'Est*: Sweden, Poland, and the Ottoman Empire. Yet there was little that Prussia could actually do to assist Russia with her southern areas of strategic concern and potential vulnerability on the borders with the Ottoman Empire. Russian involvement in the Reich continued to grow, and it culminated in the Treaty of

[14] Wilson, 'Soldier trade', 789; Wilson, 'Military recruitment', 565–6; Simms, *Three victories*, 592–3; Ingrao, *Mercenary state*.
[15] Press, 'Kurhannover', 71–2.
[16] Blanning 'George III'; see also pp. 423–6.
[17] Scott, *Birth*, 152–6.

Teschen in 1779, which, somewhat indirectly, made Russia into a guarantor power of the Peace of Westphalia. On the other hand, the use that Russia tried to make of this position in the early 1780s in alliance with Austria proved counter-productive.[18]

Initially, the main beneficiary of Russian interest in the Reich was Prussia. This could not have been more opportune for Frederick the Great. The conclusion of hostilities in 1763 left the fifty-one-year-old King, known on his return to Berlin as 'old Fritz' ('der alte Fritz'), exhausted and his lands on the brink of ruin, and in some respects no less strategically vulnerable than he had been before 1756.[19]

For good reason, Frederick himself expressed doubt in his second Political Testament of 1768 about Prussia's great power status, and even in the years before his death in 1786, he worried that his successors would not be able to sustain it. In terms of land area, population, and resources, Prussia was far less secure than the other great powers. Moreover, the Seven Years War had revealed the isolation of Prussia both internationally and in the Reich. Retaining possession of Silesia remained a worry, and while acquiring Saxony no longer seemed feasible, it remained an important aim to keep Saxony isolated and to weaken it by resuming the customs war that Prussia had pursued against Dresden since the 1740s.[20] Prussia's military strength rested on weak foundations. Frederick the Great knew what he was talking about when he joked that Prussia should have a monkey rather than an eagle on her coat of arms, for she could do little more than ape the other great powers.[21]

A solution to the problems posed by the potential weakness of Prussia was sought at several levels. The continuing development of the army remained a key aim, but the army alone could not provide security. Military development was thus complemented by the search for a major international partner and, second, by the pursuit of an active policy in the Reich itself. Relations with Britain were soured by the collapse of the subsidy treaty in 1762. An understanding with Austria proved elusive. This left Russia as the only logical alliance partner.

In the Reich, Frederick took an increasingly active interest in the dynastic politics of numerous smaller territories, especially those with whom he had family relations. The objective of inheriting the Margravates of Ansbach and Bayreuth from Hohenzollern kinsmen whose lines were expected to extinguish after 1763 came to be of particular importance.[22] He also began to exploit systematically Prussia's representation in three separate Kreise by virtue of its scattered territories. Finally, he began to extend his role as de facto leader of the German Protestants in the Corpus Evangelicorum, no longer challenged in this by Britain-Hanover. In response to the policies of Joseph II, from the late 1770s, he was even able to pose as the defender of the imperial constitution.

[18] Aretin, *Das Reich*, 325–400.
[19] Schieder, *Friedrich*, 221–2.
[20] Cegielski, 'Polenpolitik', 22–3.
[21] Scott, 'Aping', 289.
[22] In fact, Bayreuth was inherited by Margrave Karl Alexander of Ansbach in 1769, and both Margravates were sold by him to Prussia in 1791. Prussia's claims were recognized in the Treaty of Teschen of 1779. See p. 404.

Austria's position was in many ways just as delicate as that of Prussia. Vienna had more resources at its disposal, yet mobilizing them was often problematic in view of the need to negotiate with the Estates of the monarchy's various constituent territories. The French alliance remained in force. However, it was essentially defensive and unreliable in view of the low-key nature of French policy ambitions in Germany and of the French inclination to work with Rhineland territories, and later with Prussia against Austrian policies in the Reich. A revival of the 'old system' was impossible while the French alliance remained in place. Britain's defensive interests in Hanover tended ultimately to make her the silent partner of France in efforts to thwart Austrian initiatives to extend Habsburg power in the Reich. An alliance with Russia was blocked by Russia's agreement with Prussia from 1764. This only changed around 1780, when an Austro-Russian rapprochement took place, which was balanced by a renewal of Prussia's relations with both Britain and France.[23]

More than ever before, Austrian policy-makers after 1763 began to calculate the benefits of continued Habsburg involvement in the Reich. At the same time, they pursued options that were ultimately incompatible, if not wholly contradictory. On the one hand, there were repeated attempts to reassert the position of the imperial crown, even to lead a substantial reform of the Reich. On the other hand, the search for territorial compensation for the loss of Silesia always led back to the Reich, in particular to schemes for acquiring all or part of Bavaria. This made Austria seem like a more blatant predator than Prussia, against whom it was imperative that the Imperial Estates united to defend themselves and the Reich.

If Austrian policy often seemed to lack coherence and decisiveness, especially between 1765 and 1780, that was also partly the result of the complicated relationship between Maria Theresa (ruler of the Habsburg lands), Joseph II (co-regent of the Habsburg lands and Holy Roman Emperor), and Wenzel Anton von Kaunitz as Chancellor (Staatskanzler, of the Austrian territories, though not of Bohemia).[24] Though they undoubtedly all aimed to promote the Habsburg monarchy, they frequently clashed bitterly over the best way of achieving this. In the event, at least until 1780, it was Kaunitz who generally prevailed and, on balance, his strategies tended to conflict with the laws and traditions of the Reich, just as Joseph was making genuine efforts to assert his position as emperor.[25]

In this tangled structure of interests and alliances, in which both Austria and Prussia had an active interest in territorial acquisitions, the smaller territories looked increasingly vulnerable. Some lost subsidies. Others either feared the removal of the protection of the emperor or felt threatened by Habsburg expansionism. Others again felt too close for comfort to Prussia. Certainly, the gulf between the two largest territories and the rest widened considerably. They alone were now able to develop

[23] Scott, 'Aping', 303–6.

[24] Joseph's relations with the Reichsvizekanzler Rudolf Count Colloredo were difficult, and he no longer played the central role in imperial politics that Friedrich Karl von Schönborn had done before 1734: Aretin, *Altes Reich*, i, 128–9.

[25] Beales, *Joseph II*, i, 134–49, 393–4, 439–91. The complex relationship between this triumvirate runs through the entire book, especially in the chapters on foreign policy and the Reich.

and sustain a meaningful military capability. Their focus on the development of that military capability was in turn the driving force behind internal reforms that also further set them apart from the minor territories. The days when a Bishop of Münster might develop a plausible career as a warlord were over.[26] Many, however, soon found ways of navigating the new situation, which led to some unusual new combinations. In parts of south Germany, especially Bavaria, Frederick the Great became something of a cult figure, celebrated in poems and popular prints and images.[27] In parts of the north, places such as Hamburg discovered a new affinity with Austria and the Reich.[28]

The landscape changed, but the rules of politics in the Reich did not. For all Frederick the Great's cynicism about the Reich, his representative, Erich Christoph von Plotho (1707–1788), remained at the Reichstag after 1763 and was replaced when he retired in 1766. Both Frederick and his minister, Ewald Friedrich von Hertzberg (1725–1795), developed continuous plans for expansion achieved through exchanges or compensation. Yet these schemes came to nothing, sometimes because they met with obstruction from Vienna, sometimes because the moment for which they were designed passed too quickly, sometimes because they were simply too fantastical to merit serious consideration. Indeed, after Frederick's death Hertzberg's plans became even more grandiose. His 'plan de pacification' of 1787 envisaged simultaneous annexations and compensations by and for Prussia, Austria, and Russia at the expense of the Reich, Poland, and the Ottoman Empire.[29]

Similarly, both Francis I and Joseph II pursued plans for the exchange of territories. To some extent, these were driven by the desire to secure compensation for the humiliating loss of Silesia. They were also motivated by the desire to consolidate and extend the core Habsburg lands. Their most consistent object was Bavaria, which had been the subject of various Habsburg plans since the 1680s.[30] The Austrian occupation of Bavaria during the War of the Spanish Succession (1704–15) and then again during the reign of Charles VII (1742–5) kept these ideas alive.[31] At various points, when confiscation or annexation seemed out of the question, consideration had been given to the exchange of Bavaria, together with promises of a royal crown for other more remote Habsburg territories.

Such schemes gained a greater plausibility from the late 1760s, as it became clear that the Bavarian Elector would leave no direct heir and that his nearest male relative, the Elector of the Palatinate, was similarly without a direct male heir. In these circumstances, the idea of treating Bavaria as an escheated fiefdom, to claim that the territory had simply reverted to the crown, was only logical. Similarly, the perception that this might be possible only if Prussia were offered something as

[26] See pp. 33, 38, 235, 302.
[27] Press, 'Bayern am Scheideweg', 306–7; Aretin, *Bayerns Weg*, 84–93, 113–15.
[28] Ramcke, *Beziehungen*, 201–54.
[29] Cegielski, 'Polenpolitik', 27; Maks, 'Preussen', 166–7.
[30] Bernard, *Joseph II*, 1–15; Hanfstaengl, *Amerika*, 119–276.
[31] See pp. 77, 119, 123, 375–6.

compensation was entirely realistic. A link between Austrian claims on Bavaria and Prussian claims on the Franconian Margraviates of Ansbach and Bayreuth seemed obvious. When Prussia declined a deal in 1772, however, the whole project was more or less doomed.[32] Austria's subsequent attempts to take action in 1777, in 1783–4, and in 1790–2, after the death of Joseph II, all came to nothing.[33]

The failure of Austria's designs on Bavaria underlines a crucial point. The minor rulers of the Reich, reinforced at various times by France, by Britain, and by Prussia, were repeatedly able to thwart serious breaches of the system. It became all too easy for the Reich to be mobilized against what was presented, not unreasonably, as an assault on the imperial constitution perpetrated by the emperor himself. Prussia's plans for expansion in the Reich were equally futile because they too immediately aroused clear resistance from those (the numerical majority) who wished to defend it. Clearly, if either Austria or Prussia had succeeded, the consequences might have been serious.

Did either of them individually, or even both together, have the power to overwhelm all the other Estates of the Reich? Would it have meant the end of the Reich in an orgy of annexation by the two major German powers and any others that might have been able to join in? Did the mere pursuit of such plans mean that neither Austria nor Prussia was any longer interested in the Reich? It was entirely in the spirit of the times that both pursued power politics and *Reichspolitik* simultaneously, with marginally more success in the latter than in the former. In Austria, juggling *Reichspolitik* and *Hausmachtpolitik* had a long tradition. Brandenburg-Prussia was a relative latecomer, but a quick learner.

The interaction between the various great powers with their various and changing interests in so far as it affected the Reich can best be illustrated in a brief outline of its main phases. After 1764, Prussia grasped the initiative as Frederick the Great persuaded Catherine of Russia to enter an alliance.[34] Frederick had cunningly suggested that the alternative might be a Prussian alliance with the Ottomans. A more immediate common interest between Prussia and Russia was the vacancy on the Polish throne following the death of Augustus III. Discussion of this issue helped seal the alliance and place the candidate favoured by Russia (Stanislas Poniatowski, one of Catherine's former lovers) on the Polish throne.[35] When Poniatowski and his supporters launched a comprehensive reform movement to overhaul the Polish-Lithuanian state that threatened to diminish its dependence on Russia, Catherine backed the conservative opposition, though she refused to allow the dethronement of Poniatowski. This provoked the formation of a new opposition, the Bar Confederation, which fiercely resisted the attempts of Russian and Polish-Lithuanian troops to reassert Poniatowski's rule. When the confederates were chased into Ottoman territory in June 1768, the Turks declared war on Russia.

[32] Cegielski, *Teilung*, 74–5.
[33] Kulenkampff, *Österreich*, 132–50.
[34] Scharf, *Katharina II.*, 371–95; Scott, 'Aping', 289–99.
[35] Stone, *Polish-Lithuanian state*, 268–88.

Russia's success in dealing both with Poland and with the Turkish challenge by 1771 generated alarm in both Berlin and Vienna. It helped reinforce a brief period of rapprochement between Austria and Prussia. That had developed following the coronation of Joseph II as emperor. While his mother, Maria Theresa, loathed that 'evil man in Sanssouci', Joseph had more than a sneaking admiration for the arch-enemy of his dynasty. Perhaps even more fundamental was the growing conviction of Kaunitz that some kind of agreement with Prussia was essential to check the growth of Russian power. In 1766, he had disdained Frederick's suggestion of a meeting between the two monarchs. Three years later, however, in August 1769, Frederick and Joseph met informally at Neisse in Silesia; a second meeting followed at Neustadt in Moravia in September 1770.

Neither encounter produced any concrete result; nor did a variety of exchanges in 1772. Kaunitz put forward an elaborate proposal that aimed to secure the return of Glatz and parts of Silesia, in return for which Frederick would secure a sizeable part of Poland. Frederick replied that that he might have gout in his feet but that Vienna seemed to assume he had it in his head.[36] In September, Joseph sent an envoy offering a deal which guaranteed Ansbach and Bayreuth to Prussia and Bavaria to Austria, but that too failed to interest the King. In Vienna, Kaunitz was also opposed to a deal, preferring to make plans that kept 'the King of Prussia out of the game'.[37] Even so, he seems to have continued to participate in the exchanges with Berlin, which continued fruitlessly into the spring of 1773.[38]

Meanwhile, all thought of an Austro-Prussian alliance against Russia had evaporated, and Kaunitz had also failed to convince either Maria Theresa or Joseph that Austria should pursue war against Russia alone. The debate between the three resulted only in the occupation of Szepes (Zips), which the Austrians justified on the grounds that it had been a Hungarian property of which parts were mortgaged to the Polish crown in 1412, and a half-hearted agreement to provide subsidies for the Turks against Russia. Eventually, however, they had no choice but to go along with the plan that Prussia had proposed as early as 1769 to partition Poland. The agreement reached between the three powers in September 1772 gave West Prussia to Prussia, Galicia to Austria, while Russia took what remained of Polish Livonia, together with territory in White Russia. Poland lost some 30 per cent of its total land area and 35 per cent of its inhabitants.[39]

The partition of Poland sent shock waves throughout Europe. In the Reich, the participation of the two leading German powers in this savage reduction of a sovereign state alarmed most of the other territories. The well-known Bavarian and Ansbach-Bayreuth succession speculations gave rise to fears that the Reich might be next. In the summer of 1772, the Elector of Bavaria had suggested the formation of a league of princes under the protection of Louis XV. Despite French

[36] Aretin, *Altes Reich*, iii, 179. [37] Beales, *Joseph II*, i, 286–94, 390–1
[38] Cegielski, *Teilung*, 75.
[39] Stone, *Polish-Lithuanian state*, 273–4; Scott, *Birth*, 157–73, 201–2. The territory gained by Austria was in fact the Ukrainian principality of Halych-Volhynia, which promptly renamed the province of Galicia and Lodomeria. The nomenclature derived from Hungarian ownership of the territory before 1221, since when the Hungarian royal title had always included 'Galicia et Lodomeria'.

interest, this came to nothing, but the years 1772–4 did see closer relations between Saxony, Bavaria, the Palatinate, and Zweibrücken, the territories with the greatest material interest in the Bavarian question.[40]

Despite the anxieties and the rumours that raced round the German courts, the kind of agreement reached on Poland was probably impossible in the German context. Prince Henry of Prussia wrote to his brother in 1777 that, if only Frederick could agree with the emperor, they 'would have Germany before anyone could do anything against it'.[41] There were two problems with such a proposition. First, if either party openly broached the subject of dividing the Reich between them, they would have handed a propaganda coup to the other and would risk having themselves exposed as traitors to the Reich. Second, the main issues in the Reich involved inheritances that would become relevant only when one of the princes actually died. The rulers of Ansbach-Bayreuth, the Palatinate, and Bavaria, were aged thirty-eight, forty-seven, and fifty, respectively.

For Prussia, the renewal of the Russian alliance was a more immediate priority, and this was achieved in 1769 and 1777. For Austria, the pursuit of further gains from Turkey was more promising, which Kaunitz expected to be able to achieve once the Turks made peace with Russia.[42] By 1775, following the draconian peace of Kutchuk-Kainardji, by which Russia gained access to the Black Sea, Austria had secured the Bukovina.[43] In the Reich, the Bavarian succession question was a growing concern. In December 1772, Joseph had resolved, overruling the qualms of Kaunitz, that on the death of the Elector he himself should occupy Bavaria in the first instance and then deliberate with the Reichstag over its future.

On the face of it, this was a perfectly proper proposal, which respected imperial law and precedent. It was perhaps unrealistic, however, to believe that the Reichstag would ever agree to Bavaria being kept by the Habsburgs. Moreover, the plan ignored the other potential claimants to all or part of the Bavarian inheritance: Karl Theodor of the Palatinate, with whom Maximilian III Joseph had concluded no fewer than four inheritance pacts between 1761 and 1774; Saxony, where the Dowager Electress, a daughter of Karl Albrecht of Bavaria and the elder sister of the late Empress Josepha, held claims to the Saxon allodials (largely territories within the Kingdom of Bohemia); or Mecklenburg, which had a claim on the County of Leuchtenberg that dated back to 1502.[44] Also excluded from consideration had been the Duke of Zweibrücken, putative heir of the childless Elector of the Palatinate.

[40] Cegielski, *Teilung*, 152.
[41] Aretin, *Altes Reich*, iii, 178.
[42] Beales, *Joseph II*, i, 300–2.
[43] As in the case of Galicia, this was a name given to the new territory by the Austrians; the territory was originally the north-western third of the Ţara de Sus, part of the principality of Moldavia.
[44] The Saxon claims related largely to those lands owned by the Bavarians outright, as opposed to those technically held as fiefs of the Reich. See Beales, *Joseph II*, i, 391. Duke Heinrich I of Mecklenburg had been granted the expectancy of Leuchtenberg by his nephew Maximilian I, though when the Leuchtenberg Landgraves died out in 1636 this had either been forgotten, or the inheritance failed to come about because of the disruption caused to the house of Mecklenburg during the Thirty Years War. See Zedler, *Lexikon*, xvii, col. 546; *HBayG*, ii, 1048.

Karl Theodor actually had little interest in Bavaria. He really wanted a kingdom on the Rhine and security against Prussian designs on his Lower Rhineland territories of Jülich and Berg. Almost as soon as he had concluded the inheritance pact of 1774, he began to treat with Vienna over security issues. In Vienna, meanwhile, Kaunitz had persuaded Joseph that the Reich would never allow the emperor to escheat Bavaria and that in any case the Imperial Estates would never accept the combination of the lands of the Pragmatic Sanction with a fiefdom of the Reich. Kaunitz advanced a new plan based on the fact that Emperor Sigismund had allegedly granted Lower Bavaria to Duke Albrecht V of Austria in 1426, which justified a continuing claim to this territory. The solution was quite simply to reach an agreement with Karl Theodor, guaranteeing him security in Jülich and Berg in exchange for parts of Bavaria. An exchange of the remaining parts of Bavaria for the Austrian Netherlands might then be agreed in due course.

The deal was almost done when, as Joseph put it to Kaunitz, the Elector of Bavaria 'played on us the trick of dying' on 30 December 1777.[45] This did not prevent the conclusion of the agreement, and Austria rapidly occupied Lower Bavaria and the Duchy of Mindelheim to the west of it.[46] Satisfaction at the speed and ease with which this had been achieved was premature. Relations between Vienna and Karl Theodor rapidly deteriorated for Joseph now, having established a disparity of 3 to 4 million gulden in the incomes of the two territories, refused to contemplate a straight exchange between Bavaria and the Austrian Netherlands. When he offered the scattered Swabian territories of Further Austria, the Elector accused him of reneging on the original understanding.

Elsewhere, opposition to the transaction escalated rapidly. The Bavarian Estates immediately appealed to the Duke Karl August of Zweibrücken, the Elector Karl Theodor's heir apparent. He in turn protested formally to the Reichstag and appealed to the King of Prussia. The patriotic outcry of the Bavarian office-holding nobility against the prospect of Habsburg rule was one of the key moments in the formation of modern Bavarian identity, and it proved a major obstacle.[47] Within months Prussia declared war, mobilizing an army that invaded Bohemia on 5 July 1778 and stirring up public opinion in the Reich with a flood of pamphlets which proclaimed the aim of defending the Reich against Austrian expansionism.

Both sides mobilized substantial forces: Prussia deployed 154,000, with 22,000 Saxons; Austria had just over 260,000 at her disposal.[48] In the event, however, the fighting was limited and inconclusive. The two sides forced each other into ever more barren territory. The Prussians ended up foraging for unripe potatoes in frozen fields; the Austrians were reduced to picking plums. Some 30,000 soldiers died in the conflict, but there were no heroes in the 'Potato War'.[49]

[45] Beales, *Joseph II*, i, 392; Hanfstaengl, *Amerika*, 54–65.
[46] Bavaria held Mindelheim as a fief of the Kingdom of Bohemia, and it was thus technically under the jurisdiction of Maria Theresa anyway.
[47] Press, 'Bayern am Scheideweg', 306–7; Aretin, *Bayerns Weg*, 84–93, 113–15.
[48] Wilson, *German armies*, 288.
[49] Hochedlinger, *Wars*, 367.

Neither Russia nor France had any inclination to enter the conflict on behalf of its alliance partner: both preferred peace in the Reich to a renewal of hostilities between Austria and Prussia. The matter was resolved by the intervention of Maria Theresa and Kaunitz, who had opposed the war in the first place.[50] They first tried to approach Frederick directly, in July 1778, and then they sought to enlist the Reichstag as mediator. They even offered to drop all claims to Bavaria if Prussia would drop all claims to Ansbach and Bayreuth. When Frederick failed to accept any of these approaches, they entered into talks with France and Russia, again without consulting Joseph.

The terms of the Treaty of Teschen, concluded in May 1779, essentially reflected the desire of Maria Theresa and Kaunitz to back down from a confrontation with Prussia. The Habsburgs relinquished all claims to Bavaria and retained only the districts east of the Inn and Salzach on the border with Upper Austria, the 'Innviertel' consisting of some 2,200 km^2 of mountainous territory with roughly 120,000 inhabitants. Joseph formally recognized Prussia's right to the succession in Ansbach and Bayreuth. Saxony received 6 million gulden in compensation for its claims; Mecklenburg was also compensated. Most important of all was the fact that the guarantee of the treaty by France and Russia added the latter to the powers with a stake in the Reich: article 12 reaffirmed the Peace of Westphalia, and this technically made Russia into a guarantor power alongside France and Sweden. Since Sweden was no longer in a position to intervene, and France now only operated informally, Russia potentially became the arbiter of the Reich's political life.[51]

Teschen created a new situation. Catherine maintained her alliance with Prussia. Increasingly, however, under the influence of Potemkin from the mid-1770s, Panin and the 'Northern System' were sidelined in favour of a strategy of southern expansion.[52] That made cooperation with Austria seem more attractive. Catherine also became convinced that the Reich could in any case better be controlled with, rather than against, the Emperor and consequently entered talks with Austria that resulted in a secret agreement between her and Joseph in 1781, which only became public in 1783.[53] Joseph too was convinced that Bavaria could be won only with Russia's help.

Maria Theresa and Kaunitz drew a different conclusion from the debacle and embarked upon initiatives designed to strengthen the imperial position in the Reich. They planned a renewed engagement in episcopal elections to reassert Habsburg influence in the Reich. They aimed to organize the Corpus Catholicorum at the Reichstag to ensure that, if the ecclesiastical territories were secularized, they

[50] Beales, *Joseph II*, i, 386–419.

[51] Beales, *Joseph II*, i, 419–22; Aretin, *Das Reich*, 325–36. There was some doubt in many quarters whether the treaty really did give Russia the legal status of a guarantor power; Catherine the Great had no such concerns and behaved as if she had been formally appointed, rather than informally 'written in' by virtue of the 1779 reaffirmation of the Peace of Westphalia.

[52] Scott, *Birth*, 187–90; Scharf, *Katharina II.*, 395–416.

[53] It took the unusual form of an exchange of letters rather than a formal treaty, since Austria still refused to recognize the Russian imperial title.

fell into the hands of Catholic princes. While Joseph still dreamed of Bavaria, his mother and her chancellor thought about the ten young archdukes who might step into the shoes of prince-bishops, with or without holy orders. Of the two strategies, the pursuit of ecclesiastical preferments was more fruitful: by May 1780, Maria Theresa's youngest son, Maximilian Franz (1756–1801), had been elected Coadjutor Archbishop in Cologne and Coadjutor Bishop in Münster.

The Russian alliance failed to yield the desired benefits for Joseph II, just as the continuing French alliance did him no real good. Lack of support from France, as well as Dutch opposition, was instrumental in frustrating his attempt to improve the position of the Austrian Netherlands. While he succeeded in persuading the Dutch to withdraw from the Belgian barrier fortresses in 1782, thus reversing the provisions of the Barrier Treaties of 1709 and 1715, he was unable to re-open the Scheldt, which had been closed to navigation since the Peace of Münster in 1648.[54] The wider aim of promoting the prosperity of Antwerp failed, and Joseph's humiliation was only partly assuaged by minor concessions on navigation on the lower reaches of the river and 10 million florins of compensation.

Furthermore, though Prussia was isolated in the early 1780s, a renewed attempt to acquire Bavaria in 1784–5 failed.[55] Despite the continuing disparity in revenue yields between Bavaria and the Austrian Netherlands, Joseph was now willing to offer the full exchange plus the title of 'King of Burgundy', or nearly so. This time, the deal was complicated by the fact that he now also aimed to acquire the ecclesiastical territories of Salzburg and Berchtesgaden. Limburg, Namur, and Luxemburg were reserved as exchanges for this purpose. Joseph calculated that it might be possible to get the Archbishop himself elected in Liège before too long, which could obviate the need to part with Namur.

Karl Theodor was unhappy about the territories to be excluded, but was willing to agree. His heirs apparent, Duke Karl August of Zweibrücken and his brother Maximilian Joseph, were less compliant.[56] The key to the issue lay in the profligate Karl August's debts. The Duke had asked the emperor for financial compensation, but Joseph prevaricated. France did not dismiss the prospect of an exchange out of hand but made it dependent on the consent of Prussia; at the same time Vergennes and his agents worked hard to supply Karl August with a Genoese loan of 6 million gulden and an annual subsidy of 500,000 gulden. Catherine of Russia made her consent dependent on that of Karl August, and seemed willing to help by sending her special envoy to the Reich, Count Nikolai Rumiantsev, to Zweibrücken in October 1784 to offer the Duke a substantial bribe of a million gulden for his compliance. However, his tactless hint to the Duke that the exchange would take place anyway led to the breakdown of talks at the beginning of January. When news of the attempt to force the Duke's hand, and of the supposedly secret talks, leaked out, both Russia and Austria were exposed as perpetrators of an illegal action against the laws and interests of the Reich.

[54] Demel, *Reich*, 276; Beales, *Joseph II*, ii, 374–6, 390–3.
[55] Aretin, *Altes Reich*, iii, 306–10; Beales, *Joseph II*, ii, 388–90, 393–8; Hanfstaengl, *Amerika*, 119–276.
[56] Karl August's only son had died on 21 August 1774.

The general alarm in the Reich was so great that it now led to the formation of a league of princes, both Protestant and Catholic, which Prussia was able to exploit. Many other issues in imperial politics over the previous two decades had contributed to the formation of the Fürstenbund in 1785. These will be examined below, as will the history of the league as an imperial reform initiative itself.[57] In this context, the League is important for the fact that it remedied, or at least compensated for, the isolation of Prussia that was underlined in 1783 when the news broke of the Austro-Russian agreement of 1781. It was not long, however, before the Fürstenbund became superfluous from that point of view. Shortly after the death of Frederick the Great, the new king, Frederick William II, responded to an appeal from his sister to intervene in the Dutch Republic on behalf of the Stadtholder William V against the rebel Patriot faction. This coincided with the interests of Britain and led to the formation of a defensive Anglo-Dutch-Prussian Triple Alliance in 1788.[58]

The fact that Frederick William II took over his predecessor's main foreign policy adviser, Hertzberg, meant that détente with Austria remained highly unlikely. Yet Hertzberg's plans for exchanges and compensations became too elaborate to form the basis of any straightforward policy. Thus Prussia failed to exploit the disasters that befell Austria in Joseph's last years. The emperor's alliance with Russia embroiled him into a costly conflict with Turkey from August 1787. The war was deeply unpopular initially. Public opinion came round after some notable victories in 1789, but there was no end in sight and it seemed likely that Prussia might soon enter on the side of Turkey. The Austrian Netherlands rose up against Joseph's administrative reforms and declared a republic in 1789. In the same year, the Magyar nobility in Hungary also threatened to rise up against his reforms and against excessive fiscal demands. Joseph's realms seemed on the brink of collapse when he died on 20 February 1790.

Yet Frederick William II hesitated to exploit the situation. He hoped for assistance from Britain and did not believe that Russia would come to Austria's assistance. On the other hand, he could expect little from his agreements with Turkey and Poland. Even more fatefully, he alienated much of his potential support in the Reich by his intervention in Liège. An uprising against the Prince-Bishop Cäsar Konstantin Franz von Hoensbroech forced him first to concede free elections for city magistrates and then to flee to Cologne. There, the Elector moved the Reichskammergericht to commission the Directors of the Westphalian Kreis to intervene. Cologne (for Münster), Prussia (for Kleve and Mark), and Palatinate-Bavaria (for Jülich) were deputed to act. Prussia preferred to mediate, partly hoping that a moderate line might encourage the rebels in the neighbouring Austrian Netherlands. The crisis also provided another welcome opportunity to demonstrate the backwardness of an ecclesiastical principality, grist to the long-running Prussian mill of promoting the idea of secularization.

[57] See pp. 424–6. [58] Schama, *Patriots*, 121–32; Scott, *Birth*, 239–43.

The mediation proved futile. Both Cologne and Bavaria were indignant at Prussia's apparent support for the revolutionaries and, along with leading members of the Fürstenbund, such as Mainz, Hanover, and Saxony, they demanded the cancellation of the concessions. Frederick William then withdrew his troops and intimidated any other rulers from intervening. The Reichskammergericht was forced to extend its execution order to the Franconian, the Swabian, the Electoral Rhine, and the Upper Rhine Kreis, but that resulted in a force of only 6,800, which was driven back by the 20,000-strong rebel army in June 1790.[59] In January 1791, however, order was restored when neighbouring Austrian troops, nominally acting on behalf of the Burgundian Kreis, moved in. Success, and a harsh restoration, was short-lived: Bishop Cäsar Konstantin died in June 1792; Liège was invaded by the French revolutionary army in November 1792, occupied permanently in July 1794, and then annexed by France in 1795.[60]

The Liège affair cost Prussia much of the goodwill and prestige that had been built up in the Fürstenbund.[61] However, it also coincided with an important transition in Austrian politics. Following the death of Joseph II, his brother Leopold II was elected as Holy Roman Emperor. From the outset Leopold, who had gathered long years of experience as Grand Duke of Tuscany since 1766, moved swiftly to resolve the various crises in the Habsburg lands and to restore the constitutional position of the emperor. Attempts by the Electors to strengthen the territorial rights of princes in the electoral capitulation were effectively resisted; at the same time, the princes generally were successful in having the activities of the papal nuncios as anything more than purely diplomatic representatives declared unlawful. The unanimous election of Leopold as emperor was made possible by the fact that, in the absence of a plausible alternative, the Prussian king had also agreed to vote for him.

That in turn reflected the early stages of a rapprochement between Vienna and Berlin. In 1790, a new armed conflict loomed as Prussia mobilized her troops in April, May, and June to intervene in the Austrian war against Turkey. Frederick William II, however, increasingly distanced himself from Hertzberg's grand schemes, not least because he doubted whether either his allies or Russia would come to his assistance. Instead, he accepted the British offer of mediation, which led to the Convention of Reichenbach (27 July 1790). Austria agreed to conclude peace with Turkey and to return the Danubian territories it had taken during the war. Prussia agreed to give up designs on Danzig, Thorn, and Posen and to refrain from supporting the rebels in the Austrian Netherlands and Hungary. Together with Britain and the Dutch Republic, Prussia now guaranteed the status quo between Turkey and Austria.

[59] Neugebauer-Wölk, 'Preußen'; Aretin, *Altes Reich*, iii, 354–61; Wilson, *German armies*, 301–2; Gatz, *Bischöfe 1648 bis 1803*, 185–8, 304–8.

[60] 'Nominally' because the Burgundian Kreis was normally exempt from all activities on behalf of the Reich.

[61] Maks, 'Preußen', 173.

Thirteen months later this rather uneasy agreement, satisfactory for neither party, was reinforced at Pillnitz, where Leopold II and Frederick William II agreed in general terms to support the beleaguered King of France and to defend the interests of monarchs everywhere in Europe.[62] The impact of events in France on the Reich will be considered below.[63] What is significant here is that, for some time, many in the Reich continued to pursue business as usual. Hertzberg was tireless in promoting ever more extensive European-wide exchange and compensation schemes, handicapped albeit by the fact that he had lost the king's confidence and by the fact that he could not resist telling anyone and everyone about his 'secret' proposals.[64] Kaunitz continued to forge ever less likely plans for the exchange of Bavaria and the Austrian Netherlands.[65] And both Berlin and Vienna pursued their policy of rapprochement for largely selfish ends. Frederick William hoped that a war against France led by Austria would tie Leopold down and allow Prussia compensation in the east in return for her assistance. Leopold hoped to tie Prussia into a general alliance that would avoid war.[66] The full magnitude of the challenge posed by the French crisis only slowly became clear. When Leopold died unexpectedly, on 1 March 1792, the storm clouds were still gathering.

[62] Scott, *Birth*, 244–51.
[63] See pp. 427–31, 565–82 below.
[64] Maks, 'Preußen', 166, 180–3.
[65] Kulenkampff, *Österreich*, 132–50.
[66] Schroeder, *Transformation*, 90.

44

Renewal: Joseph II, 1765–*c.*1776

In anticipation of his election as King of the Romans and presumptive heir to the imperial crown, the Archduke Joseph described the coronation ceremony in a letter to his father-in-law as a 'disagreeable and useless function'. On his way to Frankfurt in March 1764, he complained incessantly about the inconvenience and discomfort of the journey and about the tedium of the dignitaries and princes he had to meet. In the event, he reported to his mother, he found the ceremony on 3 April 1764 to be 'superb and august', overshadowed only by his continuing profound grief over the death of his beloved first wife, Isabella of Parma, on 27 November 1763.[1] The ceremonies themselves had been marred by the refusal of the secular Electors and the princes to attend the coronation feast. Typically, their places were laid and food was served to them as if they were present.[2] Yet even that did not seem to dampen Joseph's positive spirit as he embraced the position of Holy Roman Emperor.

The new imperial heir's change of heart reflected more than just a volatile and moody temperament. It was evidence of a genuine realization, reinforced by the most influential political advisers of his parents, of the significance of the imperial crown and of the favourable juncture at which he had been elected its heir. In his earlier years, he had undoubtedly been influenced by his mother's sceptical view of the Reich and, between 1754 and 1759, he had been instructed by his tutor, Christian August Beck (1736–1780), that the Reich was an anachronistic institution doomed to imminent collapse.[3] By the spring of 1764, however, things looked very different.

For one thing, the political situation in the Reich was favourable. Joseph's election itself was a cause for optimism about the future: for the first time since the election of Joseph I as presumptive heir to Leopold I in 1690, the future of the imperial crown was secured into the next generation. More prosaically, the support of the King of Prussia and other previously hostile princes reflected a general desire to avoid conflict. If there was a persistently awkward player during this time, it was Britain, which continued the line set during the Seven Years War in opposition to the Franco-Austrian alliance and lost no opportunity to assert the rights of Protestants in the Corpus Evangelicorum. In doing so, Britain also for some years inhibited either Prussia or Saxony from openly allying themselves with the emperor for fear of losing their influence in the Corpus.[4]

[1] Beales, *Joseph II*, i, 114–5. [2] Stollberg-Rilinger, *Verfassungsgeschichte*, 240–4.
[3] Beales, *Joseph II*, i, 48, 57–62; Conrad, *Recht*, 430–4.
[4] Aretin, *Altes Reich*, iii, 115, and see pp. 113–19 for the situation in the Reich generally after 1763.

Even so, the other players adopted a new approach after 1763. Both Prussia and Austria were exhausted after the Seven Years War. Each sought accommodation with the other, and their hesitant rapprochement eventually culminated in a period of collaboration between 1769 and 1773. Saxony too needed peace and stability to recover from the devastation it had suffered during the war and, following the loss of the Polish crown on the death of Augustus III in 1763, the new Elector Friedrich Christian anyway sank back into the ranks of the middling German princes. In compensation for the loss of Poland, he and his wife (the sister of the Elector of Bavaria) now sought to launch the Elector's younger brother, Clemens Wenzeslaus, into an episcopal career.[5] That required the help of both Habsburgs and Wittelsbachs, which made him first of all Bishop of Freising and Regensburg and, finally, Elector Archbishop of Trier. The Elector of Saxony's evident ambitions in the Reichskirche made him all the more suspect as formal head of the Corpus Evangelicorum, though the Catholic house of Wettin had long ago lost the initiative here to the Protestant Electors in Hanover and Brandenburg-Prussia. Bavaria and the Palatinate, the source of numerous crises in the Reich since the late seventeenth century, were neutralized by the continuing Franco-Austrian alliance, and both were inclined to toe the (Habsburg) imperial line again.

Austria's own weakness after the Seven Years War formed the starting point both for a new wave of domestic reforms and for a new strategy in the Reich developed in relation to the young Archduke's election.[6] The Electors themselves had encouraged such reflections by presenting Francis Stephen with a series of suggestions for future imperial policy. They wanted a solution to the continuing confessional disputes, the improvement of commercial routes, and further reform of the guilds. They wanted to see the Reichskirche defended against Rome. Above all, they wanted the emperor to undertake a review of both the Reichshofrat and the Reichskammergericht and to re-establish the imperial justice system on a secure footing.[7]

That was an agenda for the future. More immediately, the imperial advisers determined to launch a propaganda campaign to capitalize on the goodwill of the moment. During the election negotiations, Count Johann Anton von Pergen, the imperial official responsible for organizing the proceedings, had made the acquaintance of Friedrich Carl von Moser, the son of the renowned imperial lawyer and currently employed as the representative of the various Hessen dynasties.[8] Moser had originally written in favour of the Prussian cause, comparing the situation in 1756 with that on the eve of the Thirty Years War and proclaiming Frederick the Great as the new Gustavus Adolphus and saviour of German liberty. For a variety of reasons, among them the Prussian king's indifference to religion, Moser turned against Prussia from 1761. An incidental introduction led in 1762 to a correspondence with the prime movers behind the foundation of the Helvetic Society in Switzerland and inspired thoughts of establishing a similar patriotic society in Germany.

[5] Aretin, *Altes Reich*, iii, 116. [6] For the domestic reforms, see Chs 49–50 and especially pp. 544–7.

[7] Aretin, *Altes Reich*, iii, 119.

[8] The following is based substantially on the account provided by Burgdorf, *Reichskonstitution*, 184–226. Vazsonyi, 'Montesquieu' and Gagliardo, *Reich*, 49–65 are also useful.

Discussions with leading members of the Viennese administration during the Archduke Joseph's election resulted in December 1764 to Moser being offered a secret pension of 1,500 gulden per annum. Already a convert to the imperial cause, Moser now became a prolific and enthusiastic propagandist; indeed, it was not long before Kaunitz recommended that his pension be increased to 2,000 gulden per annum.

Moser's first salvo was his *Neu-Jahrs-Wunsch an den Reichs-Tag zu Regensburg* ('New Year's Wishes for the Reichstag') in 1765, which appealed to the members of the Reichstag, as Germany's 'national assembly', and beyond them to all princes, intellectuals, and citizens of the Reich to revive Germany's national spirit. Soon afterwards, taking up a suggestion made by Pergen and Reichsvizekanzler Colloredo, arising out of discussions they held before Moser was hired, he elaborated his thoughts further in *Von dem deutschen Nationalgeist* ('Of the German National Spirit'), a strikingly innovative work that translated Montesquieu's notion of 'esprit général' into the German neologism 'Nationalgeist' and applied it to the Reich. 'We Germans', he declared in his opening words, 'are a single people, of one name and one language.' The Germans were 'fortunate in their potential yet in actual fact most pitiful people', he suggested; the cause of their misery was their divided state, the tendency of some powerful 'provinces' to abuse the 'weaker interests of the whole'. The remedy, he declared, lay in the revival of a national spirit and above all in rallying around the emperor as the only true and effective guardian of the Reich and all its subjects. These thoughts were further extended in *Was ist: Gut Kayserlich, und: nicht gut Kayserlich?* ('What is Good in an Emperor, and What is not Good in an Emperor?', 1766) and in *Patriotische Briefe* ('Patriotic Letters', 1767).

Two problems soon arose, however. First, Moser himself proved unwilling to play the role of a mere hack or hired pen. He was a genuine imperial enthusiast, rather than a Habsburg loyalist. The distinction he made between 'gut kaiserlich' and 'gut österreichisch', even though he argued that the two overlapped significantly, raised hackles in Vienna.[9] Equally, his criticism of imperial policy as a cause of at least some of the problems of the Reich irritated his paymasters. Second, the response to Moser was equivocal. While some, such as the Danish minister Johann Hartwig Ernst von Bernstorff and the Hanoverian minister Gerlach Adolph von Münchhausen, congratulated him on his patriotism, others reacted vehemently against him. Propagandists of the territorial governments in Berlin and elsewhere flatly rejected his appeal for the Reich to rally round the emperor. More temperately, the Osnabrück privy councillor and legal adviser Justus Möser praised the true patriotism found in the territories as the true source of German identity and of German liberty.[10]

When news of Friedrich Carl von Moser's Viennese pension became public in April 1767, following the announcement of his appointment as an Imperial Councillor and member of the Emperor's highest court, his credibility was undermined.[11] Even before then, Joseph's advisers Colloredo, Pergen, and Kaunitz had all concluded that Moser's agitation was in some senses counter-productive. Instead of uniting the Reich, he was merely provoking opposition, in particular reinforcing

[9] Burgdorf, *Reichskonstitution*, 215.
[10] On Möser, see pp. 489–90.
[11] Burgdorf, *Reichskonstitution*, 226.

the animosity between Prussia and Austria that lay at the root of most of the current problems. In the past, the Habsburgs had mobilized the Reich against the Turks or against France; mobilizing it against Prussia, while claiming to have the interests of the Reich as a whole in mind, simply did not make sense. Much better, the Habsburg ministers now concluded, to avoid any further polarization and to try and encourage the Catholic universities to develop their expertise in imperial law and politics so that in future the Protestants would no longer have the monopoly of academic arguments in favour of their own view of German (Protestant) liberty. It was hardly surprising that Moser was removed from the Reichshofrat in 1770 and then, after an unhappy period as administrator of the Upper Rhine County of Falkenstein, finally deprived of his pension in 1772.

The reflections that led to the abandonment of the propaganda campaign were accompanied by a shift to less ambitious policies. A start had been made shortly after the election. Francis Stephen's advisers saw Joseph's second marriage to Maria Josepha of Bavaria in January 1765 as the potential basis for a new Catholic league that might attract the ecclesiastical princes and even Württemberg. In fact, Joseph's abysmal treatment of his second wife, who anyway died of smallpox in May 1767, made any political advantages unlikely.[12] The decisive initiative came from Joseph himself after an attempt to intervene in the affairs of the Austrian lands was firmly rebuffed by Maria Theresa and after he succeeded as Holy Roman Emperor on the death of Francis I in August 1765. In December, Joseph announced to Colloredo that he intended to form a small council that would meet regularly to consider the news that came in from the Reich. Despite Colloredo's qualms, motivated partly by his fears that his own office of Reichsvizekanzler would be in some way diminished, the so-called Reichskonferenz did in fact begin to meet on a weekly basis in January 1767, though it soon ceased again, owing to lack of material to discuss.[13]

The consequences of a catalogue of twenty-one questions concerning the future government of the Reich that Joseph sent to Pergen, Colloredo, and Kaunitz in November 1766 were more significant.[14] He wanted them to suggest the principles on which a 'système' might be devised for the effective government of the Reich. Imperial authority should be reinforced and the weakness of the past few decades remedied. The Protestants must be persuaded of the folly of their constant opposition and obstructionism, and they must be weaned away from the 'dictatorial language of the Berlin court'. The Catholic princes must be better organized, their armed forces strengthened, their territories reformed to make them more prosperous and stable. Joseph envisaged a reform of the imperial courts to reassert the emperor's role as supreme judge; his feudal overlordship, and all the attendant rights, must be restored in both Germany and Italy. The traditional clients of the imperial crown—counts, knights, prelates, and cities—must be re-engaged; Catholic scholars should be encouraged to study imperial law.

[12] Aretin, *Altes Reich*, iii, 117.

[13] Aretin, *Altes Reich*, iii, 120.

[14] Khevenhüller-Metsch, *Zeit*, vi, 479–82. See also: Beales, *Joseph II*, i, 19–23; Aretin, *Altes Reich*, iii, 121–2; Burgdorf, *Reichskonstitution*, 227–30, 236–9; Düwel, *Diskussionen*, 66–9; Haug-Moritz, *Ständekonflikt*, 273–82.

How was all this to be achieved? Joseph's questions showed a clear desire to re-energize the imperial system. They also demonstrated a clear grasp of the system on its own terms. There is nothing in the document to suggest that he wished to subvert the Reich or to exploit it for purely Austrian purposes.

The replies that Joseph received were significant in three ways.[15] First, they revealed a consensus on most of the major policy issues in the Reich. Second, none expressed any doubt at all about the immense value that they attached to continuing possession of the imperial crown. It gave the house of Austria influence and pre-eminence in Europe as a whole. It gave Austria natural allies in times of war. As Pergen noted, the privileges of the Habsburg lands in the Reich depended entirely on the Habsburgs retaining the imperial crown. Only if the emperor showed contempt for the German Estates could the imperial crown possibly become a disadvantage, for that would allow Prussia to gain both Catholic and Protestant allies both inside and outside the Reich.

Third, all agreed that the previous policy of hostility to Prussia had failed. Kaunitz himself, the architect of the 'new system', now emphasized the need for a new approach based on 'the loving care of a father for the Reich . . . on trust, respect for the law, impartiality, patriotic spirit, majestic imperturbability, a true desire to protect those under attack and to support the weak, to administer justice in the mildest possible way, to promote tranquillity and avoid division, to emphasise actively the need for a ruler to protect and pacify the whole, and to draw tighter the general bond between the head and members [of the Reich]'. The general aim of the emperor's government, he declared, is to promote the true prosperity of the Reich and to combine this with the 'prosperity of the august archducal house'; reconciling the two will determine the proper system for governing the Reich.[16] When Kaunitz added that this should not be confused with the system of the Reich itself, he again expressed no more than a centuries-old commonplace of Viennese policy: ruling the Reich did not mean being bound by its regulations; as the Peace of Westphalia and the many continuing exemptions relating to the Habsburg lands confirmed, the position of Austria in the Reich remained special.

If the need to overcome the consequences of the Austro-Prussian antagonism provided the most immediate stimulus for action, the problems of the imperial crown were soon underlined by the response to the request that all imperial fiefs should be renewed. Now the ecclesiastical Electors joined their secular colleagues in refusing outright to comply.[17] Furthermore, in 1767 the 'old princes' demanded the same treatment as the Electors. Yet again, only Sweden (for Pomerania in 1773) and Denmark (for Oldenburg in 1777 and Holstein in 1788) complied, and then hardly with any degree of haste. For the rest, it was the small number of newly created secular princes, the ecclesiastical princes, and prelates, Imperial Cities, and

[15] Replies by Colloredo and Kaunitz are printed in Khevenhüller-Metsch, *Zeit*, vi, 482–518; Pergen's response is printed in Voltelini, 'Denkschrift', 152–68.

[16] Khevenhüller-Metsch, *Zeit*, vi, 504–5.

[17] Noël, 'Reichsbelehnungen', 115–17. See also Stollberg-Rilinger, *Verfassungsgeschichte*, 287–97. See pp. XX.

other lesser Imperial Estates who alone formally recognized the Emperor's role as supreme feudal overlord. Even at the height of Austro-Prussian rapprochement, when Joseph met Frederick II at Neisse in 1769, Frederick refused to contemplate a compromise that would have allowed him to renew his fief sitting on a chair rather than kneeling before the emperor.

Despite his frustration over this public snub, Joseph set about translating the new thinking into action by tackling the key issue of imperial justice. The Reichshofrat was formally dissolved on the death of an emperor, and Joseph used its reopening as an opportunity to remedy the defects that had developed over the previous decades.[18] A full complement of councillors was appointed, the number of weekly sessions was increased, steps were taken to eliminate corruption, and it was decreed that cases must be settled within two years.

The reform generated the usual complaints: from the Reichsvizekanzler that his prerogatives were being infringed, from the councillors that they were working harder for less money, and so on. Above all, the court's critics, largely Protestant princes, refused to be satisfied that enough was being done to safeguard their rights and to ensure impartial procedures. In reality, nothing could have persuaded them, short of the emperor allowing them a degree of authority over the court, which he emphatically refused to do. The Corpus Evangelicorum nonetheless set up its own committee to consider disputes concerning religion, which met until 1784 and dealt with twenty cases, of which only six ended up in the courts.

Despite the practical problems and the implacable hostility of the court's critics, it seems that the reform was effective: the backlog of some 4,000 cases was slowly cleared (many had already resolved themselves anyway), and there is evidence to suggest that the court began to function reasonably well again. The number of cases dealt with each year increased from 2,088 in 1767 to 3,388 in 1779. Joseph also seems to have been successful in ensuring fair treatment of Protestant plaintiffs, so much so that Catholics now began to complain about discrimination.[19] Certainly, for the Imperial Cities and other minor Imperial Estates and for the middling imperial nobility, the Reichshofrat remained the place to which grievances were most likely taken.[20] In 1770, at the height of the period of Austro-Prussian rapprochement, it even proved possible to broker a solution to the dispute between the Duke of Württemberg and his territorial Estates, perhaps the most bitter and potentially dangerous conflict of the period.[21]

The Reichskammergericht posed more thorny issues. Here, the usual challenges to the jurisdiction of the higher courts in matters involving religion (very broadly defined) were complicated by the fact that the Elector of Mainz disputed the emperor's right to intervene in the court's affairs at all, and by the fact that the princes, rightly, from a formal constitutional point of view, regarded this as 'their'

[18] Aretin, *Altes Reich*, iii, 124–35; Düwel, *Diskussionen*, 74–7; Rauscher, 'Recht', 299–303.
[19] Beales, *Joseph II*, i, 129.
[20] See, for example: Noël, 'Reichshofrat'; Westphal, *Rechtssprechung*, 433–43; Aretin, *Altes Reich*, iii, 160–5.
[21] Haug-Moritz, *Ständekonflikt*, 391–453.

court.[22] Margrave Karl Friedrich of Baden appealed to several Protestant princes in October 1766 to resist what he claimed was nothing more than an attempt to extend the powers of the court, diminish the authority (*Landeshoheit*) of the princes, and extend the powers of the emperor.[23]

Even so, no one could deny that some kind of reform was essential. Goethe's claim that there was a backlog of 50,000 cases was simply wrong; the even higher figure, often cited, of 60,000 cases is pure fantasy.[24] Both figures have frequently been cited as evidence for the complete bankruptcy of the Reich in its final decades. The court's own records in 1769 showed that 14,416 cases had been registered since 1701; between 1750 and 1762, 838 cases had been added to an unspecified backlog. The remedy was clear. The Imperial Estates should pay their dues, these should be set at a higher level, and the number of judges should be increased to cope with the backlog and with the roughly 230 to 250 new cases that arrived each year.[25]

By 1776, it proved possible to increase the amount paid by the Imperial Estates to fund the court and to increase the number of judges. The issue of appeals against its verdicts, however, remained unresolved. Even more than in the case of the Reichshofrat, the outcome was ambivalent. On the one hand, enough was done to ensure that the court could once more operate effectively, which it seems to have done through the 1780s and 1790s. On the other hand, Joseph's larger ideas for reform were thwarted by the political forces that did not really want a solution to the problems they were complaining about: the allegations made against the highest courts of the Reich were far too politically useful to the Protestant cause to be dropped.

Alongside these major reform enterprises, Joseph managed, with varying degrees of success, to pursue a number of other initiatives that originated in the Electors' proposals of 1764. In the event, there was little enthusiasm for any far-reaching currency reform: regional solutions had long ago been reached in this area. The *Reichshandwerksordnung* was, however, amended in 1771 with further measures against the restrictive practices of the guilds, and steps were agreed to promote trade and regulate the customs dues for grain.[26]

Whether the difficulty in achieving agreement on specific measures reflected the incompetence of the Reichstag or its inability to function as a national policy-making institution is another matter. Of course, the fear of the princes that their powers might be trimmed was a key obstacle. Equally important was the fact that territorial reforms, as well as, in some regions, the activities of the Kreise, obviated the need for legislation at the highest level.[27] At the same time, Joseph energetically defended the rights and privileges of the Imperial Knights against the last attempts

[22] Burgdorf, *Reichskonstitution*, 236–47; Aretin, *Altes Reich*, iii, 135–59; Düwel, *Diskussionen*, 78–86; Rauscher, 'Recht', 303–5; Haug-Moritz, *Ständekonflikt*, 288–90.
[23] Aretin, *Altes Reich*, iii, 138–9.
[24] The total number of cases registered over three centuries was only about 75,000.
[25] Figures from Smend, *Reichskammergericht*, 230–1.
[26] Blaich, *Wirtschaftspolitik*, 171–82; Kluge, *Zünfte*, 414–6.
[27] See pp. 433–6 and Chs 49–59.

by Württemberg and the Palatinate to subvert them in 1769–70.[28] The fact that Prussia failed to support the aggressors was probably crucial, but the emperor's energy and attention to detail are impressive nonetheless.

Joseph even found time to micro-manage the affairs of the Imperial Book Commission at Frankfurt, ordering his officials to secure bans on works by Montaigne, Voltaire, and Montesquieu in the early years of his reign. Indeed, his zeal in this area even earned him the rebuke of his own Reichshofrat, which had a constitutional right to be consulted on any bans.[29] Imperial bans had limited effect, as the offending books were generally simply switched from Frankfurt to the rival book fair (and censorship authority) at Leipzig. Yet Joseph still thought that maintaining his prerogative was sufficiently worthwhile to reform the commission in line with his own increasingly liberal attitudes: in 1780, he finally severed the link between imperial censorship and the Catholic Church by appointing a Protestant book commissioner at Frankfurt.

In general, it seems that the sum of these activities, like his efforts in the area of judicial reform, won the emperor considerable popular esteem. Friedrich Carl von Moser was not alone in his admiration for Joseph and in his hopes for what he might achieve. The early 1770s saw a revival of interest in the establishment of a German Academy Klopstock, for example, dedicated his *Hermanns Schlacht* to Joseph in 1769, and sent the Emperor a plan for the foundation of a national academy, which he pursued again in 1772–73 and once more in 1783 and 1784.[30] In 1772, Wieland too hoped that the imperial court might support the launch of such an academy.[31] In 1780, Herder's poem 'An den Kaiser' ('To the Emperor') beseeched him to 'give us what we thirst after, a German fatherland, and a law and a beautiful language and sincere religion'.[32] The ecclesiastical reformer, Johann Nikolaus von Hontheim, saw Joseph as a potential reformer of the Reichskirche.[33]

Even Frederick the Great declared himself impressed by the young emperor, whom he met at Neisse and Mährisch-Neustadt in 1769 and 1770: 'In a word, he is a prince of whom one can only await great things.'[34] Joseph certainly proved himself as a capable emperor during his first decade on the throne. In a memorandum written in 1768 he demonstrated a clear insight into the difficulties that any reform would face and a shrewd sense of how to deal with them.[35] He pursued his objectives with remarkable tenacity and skill. When the Reichskammergericht reform project finally failed, in 1776, however, his reaction was equally forthright.

[28] See also p. 390.
[29] Beales, *Joseph II*, i, 130–1; Eisenhardt, *Aufsicht*, 136–42.
[30] The drama commemorated the victory of Srminius (Hermann) over the Romans in the Battle of the Teutoburg Forest in AD9.
[31] Sahmland, *Wieland*, 41–2, 44–8; Hurlebusch and Schneider, 'Die Gelehrten'; Dann, 'Herder', 328, 330; Wangermann, 'Patriotismus', 61–5; Burgdorf, *Reichskonstitution*, 341.
[32] Both cited by Beales, *Joseph II*, i, 132.
[33] Aretin, *Altes Reich*, iii, 240.
[34] Baumgart, 'Joseph II.', 261.
[35] Printed in Conrad, 'Verfassung', 165–85.

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The Great Reform Debate: Joseph II, *c.*1778–1790

Joseph failed to mobilize the Reich in the imperial cause. Ironically, during the 1780s he did much to mobilize it against him. His policies were so insensitive and provocative that in 1787 his own Reichshofrat condemned them. Even more ironically, this happened during a period in which Kaunitz tried valiantly to pursue a *Reichspolitik* that attempted to carry out Pergen's programme of 1766 in a manner that was both subtle and far-sighted. Yet the emperor's obdurate pursuit of his various schemes caused many traditional allies of the crown to desert, and even those who remained loyal to the crown came to wish heartily that a different emperor was wearing it. His policies drove many Protestants into outright opposition in the Fürstenbund, founded in 1785 and dominated by Prussia.

Joseph's insistence on key policy objectives also provoked others to formulate plans for reform of the Reich. The interests of the ecclesiastical and the Protestant princes were, of course, different but the reform proposals arising from them ultimately came to be linked in the schemes put forward in the late 1780s by Karl Theodor von Dalberg, then coadjutor with the right of succession in Mainz, who became one of the most important figures in the Reich in its final phase.[1] None of the planned reforms succeeded. However, neither Austria nor Prussia was able to impose its will on the Reich either. Joseph's failure to secure Bavaria marked the limits of Austrian power in the Reich while, throughout the 1780s, Prussia still feared being attacked by Austria. Furthermore, if the Imperial Estates recoiled from the emperor, they also shied away from the alternative of Prussia.

Austrian relations with the Reich in this period are generally seen in terms of the conflict between Joseph's policies as ruler of Austria, which he became fully on the death of Maria Theresa in 1780, and his role as emperor, but this presents too stark a contrast. It seems that Joseph may have seriously considered abdicating as emperor in 1784, when it seemed that he might be able to pull of an exchange of Bavaria for the Netherlands.[2] Yet the failure of his plans left Austria still very much connected with the Reich.

[1] Karl Theodor von Dalberg (1744–1817) was appointed coadjutor in 1787 and succeeded as Elector of Mainz in 1802; he was then Prince-Primate of the Rhineland in 1806, Grand Duke of Frankfurt in 1810, and Archbishop of Regensburg in 1814.

[2] Aretin, *Heiliges Römisches Reich*, i, 13–14, and ii, 101–7.

As in previous periods, it is almost impossible to define a consistent or coherent line between Austrian and imperial interests. While Joseph pursued ends that seemed to threaten the Reich, Kaunitz tried to revive traditional imperial policy in it. The apparent pursuit of multiple and not always compatible policies partly reflected the emperor's impetuous and unconsidered actions. However, it also reflected something systemic: the emperor and Austria were represented at the Regensburg Reichstag and in the Reich by several different agents: the Imperial *Prinzipal-Kommissar*, the Austrian envoy, the Bohemian envoy. Imperial policy was mediated through differing channels: from the emperor directly, through the Reichsvizekanzler or through the Elector of Mainz, among others.

Developments in southern Germany between the early 1750s and the early 1770s provide a good example of the tension between Austrian and imperial interests. As part of the comprehensive reform of the Austrian territories following the Peace of Aachen 1748, attention was also focused on the three clusters of Habsburg territories in south Germany: the Breisgau, the Landvogtei of Swabia ('Austrian Swabia'), and the Vorarlberg.[3] In 1752, they were taken away from the County of Tyrol, and the Innsbruck government was replaced by a new administration established first at Constance and then in 1759 moved to Freiburg, where security improved following the Franco-Austrian alliance of 1756. In total area, they amounted to some 8,535 km^2 in 1780, larger than Württemberg's 8,000 km^2, but with only 400,000 subjects, compared with Württemberg's 650,000.[4] Like all the Habsburg lands, these territories were exempt from the Kreis system. Because of their scattered nature, however, and because many of the prelates and Imperial Knights of the region also owned property under Habsburg overlordship in addition to the 'immediate' properties they held directly from the emperor, it came to be in Austria's interest to be represented in the Swabian Kreis. This was achieved by acquiring the small County of Hohenems in 1765, with further Kreis votes added by the acquisition of Fugger-Kirchberg in 1775 and Montfort-Tetnang in 1780. At the same time, the acquisition of land by leading Austrian noble families further increased Austrian influence.

The aim of these essentially administrative changes was to consolidate and, as far as possible, round off a more coherent and productive entity, which was now formally called Vorderösterreich (Further Austria) for the first time. The consequences for relations with local corporations and the Swabian nobility were harsh. The rights of the three sets of regional Estates were reduced. All towns were given new constitutions and subjected to regional authorities; new city councils were appointed. A harsh tax regime was imposed, including heavy taxes for the properties of Swabian prelates and Imperial Knights, as part of a *Peraequation* or redistribution of the tax burden designed to raise cash for the heavily indebted Viennese authorities. Severe tax demands were also made of the Swabian Kreis in 1766, with extra levies imposed on those with lands subject to the Habsburgs, which resulted in a conflict that was not resolved until 1774.

[3] Quarthal, 'Vorderösterreich', 21–7, 47–55; Kulenkampff, *Österreich*, 68–73; Press, 'Schwaben', 69–73; Reden-Dohna, 'Reichsprälaten', 85–91; Press 'Vorderösterreich', 36–41.
[4] Quarthal, 'Vorderösterreich', 25.

The price paid for the modernization drive was the alienation of one of the most loyal imperial client groups in the core of the old Reich. Yet the picture would not be complete without three further aspects. First, while the minor south German Imperial Estates resented Habsburg territorialism, they still relied on the emperor's assistance if they fell into debt or became involved in disputes. The region was one of those where the Reichshofrat was most active, protecting rulers and corporations from aggressive princes or from the clamour of creditors if they fell into debt. Second, if the nobility was alienated by its treatment, many of their subjects came to applaud the work of the reforming emperor. As Joseph got into his stride with agrarian reforms and the like as sole ruler after 1780, so the contrast between 'modern' government and the old-fashioned methods of the traditional rulers became glaring. Third, key institutions such as the imperial court at Rottweil and the Swabian Landgericht at Altdorf in Weingarten, as well as the Swabian Kreis itself, managed to defend their rights against the Habsburg reforms.[5] Here too, Habsburg power found its limits.

The perturbation that these Habsburg policies generated regionally was replicated in the Reich generally by Joseph's policies as emperor after 1776. His dissatisfaction with the Reichstag first of all prompted him to connive at its complete paralysis for nearly five years from 1780.[6] The dispute was both trivial and typical. The Imperial Counts held six collective votes (*Kuriatstimmen*) at the Reichstag: three normally Catholic and three Protestant. Since 1648, the Protestant majority among the Westphalian counts had turned into a Catholic majority. Originally, Catholic and Protestant envoys jointly exercised the Reichstag vote; from 1702, they had alternated. In 1778, it was the turn of the Catholics, but the Protestant Count Alexander of Neuwied took matters into his own hands. Shortly afterwards, a similar dispute arose in the Franconian Kreis, and, before long, the dispute had escalated into yet another general controversy over the rights of the confessions in the Reich and the principle of parity between them. Both sides began behaving as if this was a major constitutional crisis, and a resolution was only found in 1784, when, against the express wishes of the emperor, a group of Catholic and Protestant princes agreed to a compromise.

Joseph's sabotage of the Reichstag was one of the factors that put paid to Kaunitz's efforts to pursue a new and constructive policy in the Reich following the Peace of Teschen in 1779.[7] This policy, agreed with Maria Theresa and continued after her death, aimed to rescue the imperial crown from the humiliation of the failure to acquire Bavaria. The first step was to re-establish a presence in the Reichskirche, which was achieved with the election of the Archduke Max Franz as coadjutor with the right of succession in the Archbishopric of Cologne. The second was to roll out a strategy at the Reichstag that aimed, first, to organize the Catholic

[5] The courts at Rottweil and Weingarten were survivals from the Middle Ages, which retained a jealously guarded significance as regional courts of appeal. Two further courts of a similar origin and nature at Ansbach and Würzburg had come to be under the jurisdiction of the Margrave of Brandenburg-Ansbach and the Prince-Bishop of Würzburg respectively. See Conrad, *Rechtsgeschichte*, ii, 167–70.

[6] Aretin, *Altes Reich*, iii, 217–25.

[7] Aretin, *Altes Reich*, iii, 208–9, 218, 225–6.

Estates, second, to divide the Protestants, and third, to replace both the Corpus Evangelicorum and the as yet not fully organized Corpus Catholicorum with a single Corpus that would transcend the confessional divide and put an end to confessional politics.

The impasse at the Reichstag made it impossible to pursue any such policy. What started as a bold new departure ended up as little more than an exercise in damage limitation. In innumerable small ways, Joseph continued to alienate the traditional imperial clients and undermine the informal networks on which imperial authority traditionally rested.[8] In January 1782, for example, he abolished all pensions paid in the Reich. Hundreds of recipients were either thrown on to the breadline or at least left embittered and alienated by the emperor's capricious parsimony. Many were driven into the arms of the Prussian envoys, and the loss of goodwill was considerable.

Nothing seemed sacred to the reforming emperor: in 1787, Joseph apparently seriously proposed to save money by abolishing the Reichshofrat, the major instrument of Imperial influence in the Reich. Even initiatives which revived Imperial prerogatives caused bitter resentment when their sole purpose was simply to promote protégés or to raise money. These included reactivating the right of a newly elected Emperor to nominate the first appointment to a prebendary in ecclesiastical institutions following his election ('Recht der ersten Bitte' or *preces primariae*).[9] In 1781, the revival of 'Panisbriefe' (also *litterae panis* or *Laienherrpfünde*), the right to require an ecclesiastical foundation to support a needy layman for life, last suggested by Friedrich Karl von Schönborn in the 1720s but not acted upon then, generated outrage.[10] In the new climate, 'needy layman' all too often translated into far from needy imperial official, some member of the house of Habsburg-Lorraine, or one of the Empress-Queen's many goddaughters official. One hundred-and-forty-three such orders were sent out between 1781 and 1783. When the Abbess of Adersleben in Prussian Halberstadt received one in February 1783, she simply forwarded it to the King of Prussia. His energetic protests to Vienna fuelled the growing indignation of many, especially in north Germany, and reinforced his role of defender of nobles' rights against a tyrannical Emperor.

Other initiatives raised fundamental questions about the very future of the Reich. This meant that even if the Reichstag had been functioning properly, Kaunitz's plan was unlikely to have succeeded. First, many of the Catholic princes of the Reichskirche were alienated by Joseph's attempts to reorganize diocesan boundaries, a reaction that was subsequently further inflamed by Bavarian policies. Second, many Protestant princes and some Catholics were pushed into opposition by Joseph's efforts to acquire Bavaria between 1777 and 1784. Both of these issues require further exploration.

[8] Aretin, *Heiliges Römisches Reich*, i, 15–17.
[9] Feine, 'Erste Bitten', 97–101.
[10] Dickel, *Reservatrecht*, 16–17, 48–9, 93–5, 155–7; Reden-Dohna, 'Laienpfründen', 162–6. For the previous history of this curious institution, Dickel, *Reservatrecht*, 135–54. See also pp. 124, 144.

The reform of diocesan boundaries was typical of the kind of measure that major German territorial princes had aspired to since the fifteenth century. As princes of the Reich, the German bishops were rulers of territories like other princes. As bishops, however, they had responsibility for much larger areas that extended into and over the lands of neighbouring secular princes. This was not just a matter of ecclesiastical oversight and pastoral care. Since their actual territories were generally quite small, the prince-bishops tended to derive a considerable part of their overall revenues from their dioceses. Joseph's own lands, for example, lay in the dioceses of no fewer than ten prince-bishoprics of the Reich. Two-thirds of the diocese of Passau lay in Upper and Lower Austria; Salzburg was another major presence. The relatively new Austrian bishoprics of Vienna and Wiener Neustadt, by contrast, though both founded in the later fifteenth century, had only small dioceses.

Joseph's approach to the problem was straightforward.[11] In the case of bishoprics outside the Reich, for example Cracow, Joseph had used the death of the incumbent to redraw boundaries and simply confiscate any property that lay in Habsburg territory. However, when he tried the same approach with the German bishoprics, the results were disastrous. In 1783, he exploited the death of the Bishop of Passau to integrate tracts of the Passau diocese into the newly created Austrian dioceses of Linz and St Pölten. In this instance, Joseph was able to prevail and avoid open conflict, despite the fact that the Protestant Electors offered to support the cause of the Passau cathedral chapter in the Reichstag. The other German bishoprics, by contrast, provided more of an obstacle. In 1785, the Archbishop of Salzburg flatly refused to accept any diminution of his diocese. The Bishops of Regensburg and Freising later did likewise.

The fact that Joseph's policy achieved such limited success did not deter him. He persisted in formulating plans, making approaches to start negotiations, from time to time issuing decrees to tidy up one or other boundary lines. While the gains were minimal, the political consequences were serious, as he systematically alienated some of the Habsburgs' core supporters in the Reich.

Policies pursued at roughly the same time by the Elector of Bavaria aggravated the situation and introduced a further problem.[12] He too wished to exclude his territories from the dioceses of the seven prince-bishops to which they belonged and to create a territorial ecclesiastical system. Some of his officials also wanted to go further than Joseph did and to secularize any ecclesiastical property that lay in Bavaria. Efforts to trim the rights of the bishops led to a series of conflicts from the late 1770s. However, the lack of a Bavarian territorial bishopric led to the suggestion in 1784 that a papal nunciature might be established in Munich.

The outcome was thus a rather unlikely alliance between Munich and Rome: the papacy hoped that the nunciature would maintain its authority over the Church against the all too independent German archbishops and bishops; the Elector of Bavaria viewed the nunciature as a kind of territorial archbishopric in all but name

[11] Gnant, 'Diözesanregulierung'. [12] Aretin, *Altes Reich*, iii, 233–4, 241–2, 253–7, 287–92.

that would consolidate the Church in all of his Bavarian and Palatine territories (including Jülich and Berg on the Lower Rhine). Potentially, the rights of no fewer than eighteen German bishops were under threat.

That alone would have been enough to put the princely leaders of the Reichskirche on high alert. Their response to this threat and to Joseph's proposed boundary reforms was, however, also conditioned by important developments within the German Church since the 1760s.[13] Here too, the end of the Seven Years War saw the emergence of a reform movement. There was anxiety among the prince-bishops about the threat of secularization, proposed by Charles VII in the early 1740s and a recurring theme in Prussian thinking since then. There was also a growing sense that German Catholics needed to catch up in terms of education, especially in the areas of imperial law that Protestant writers had dominated since 1648. Some became convinced that the time had come to found the Reichskirche on imperial law, rather than continue to hold on to the primacy of canon law. That would enable the German Church to recognize the Peace of Westphalia formally, to hold its own more effectively in imperial politics, and to defend itself against the threat of secularization. It would also neutralize the criticism of the German Church by Rome, limit the papacy's ability to intervene in German Episcopal elections, and curb the authority of the papal nuncio in Cologne.

An important impulse for this reform movement came from the academic reforms initiated in the 1720s by the Schönborn Bishops of Würzburg and Bamberg.[14] The alignment of the Reichskirche with imperial law was undertaken by Johann Caspar Barthel at Würzburg from 1727 and by Georg Christoph Neller at Trier in the 1740s. The culmination was the publication in 1765 of Barthel's authoritative *Opera Juris Publici Ecclesiastici ad Statum germaniae Accommodata* ('Ecclesiastical Public Law Adapted to the State of Germany'), which immediately became the standard work of reference.

This new way of thinking about the Reichskirche was complemented by the altogether more political enterprise of the Trier cleric Johann Nikolaus von Hontheim, who in 1763 published a major tract *De statu ecclesiae et legitima potestate Romani pontificis* ('On the State of the Church and the Legitimate Power of the Roman Pontiff') under the pseudonym of Justinius Febronius. His work asserted the rights of the German bishops, denied that the pope was anything more than *primus inter pares*, and argued that national churches could be constituted and regulated only by national councils. The underlying ambition of Hontheim's work was to reunify the German Christians and thus heal the rifts caused by the Reformation: reforming the Reichskirche, and above all loosening the hold of Rome over it, would be the first step, he believed, to persuading the German Protestants to return.[15]

[13] Unless otherwise stated, the following passages are based on the comprehensive discussions in Aretin, *Heiliges Römisches Reich*, i, 375–427, and Aretin, *Altes Reich*, iii, 226–92.

[14] See pp. 178–9.

[15] Klueting, 'Wiedervereinigung'.

Hontheim's work was immediately condemned by Rome. It aroused little interest among Protestants, and its underlying agenda of reunification was unrealistic, since it rested on the assumption that the German Protestants would disavow the Reformation and their entire subsequent history to submit once more to the authority of Catholic bishops. Nor did Joseph II show any interest in asserting his role as *Advocatus ecclesiae* to lead such a reform of the German Church. On the contrary, Hontheim and Barthel provided both the emperor and the Elector of Bavaria with arguments that reinforced their own plans for territorial control over the Church. Hontheim's ideas were first taken up by the Archbishops of Mainz, Trier, Cologne, and Salzburg and discussed at a meeting held at Koblenz in 1769 to consider ways of fighting back against recent initiatives of the Cologne nuncio that they believed infringed their rights and prerogatives. Their problems were compounded by the fact that they did not wish to consult the bishops generally. The issues they were most concerned about were things they believed impinged on their powers as metropolitans; these in turn were disputed by most bishops who, following a pure episcopal doctrine, denied the authority of metropolitans as well as popes and nuncios.

As a reform movement, Febronianism achieved little during the 1770s and early 1780s. The Bavarian proposal to establish a nunciature in Munich revived it temporarily. Remarkably, Joseph initially supported the archbishops in their protest. He may have wished to prevent Mainz joining the Fürstenbund, or to have facilitated his own negotiations with Salzburg over diocesan boundaries, or simply to have thwarted Bavaria. He certainly had little genuine sympathy with the archbishops. They now proceeded to hold another conference at Ems in 1786, at which they formulated a plan for the reform of the Reichskirche, set out in a *Punctatio* and including a programme of pastoral renewal and measures to defend it against both Rome and the secular rulers.

Impressive though the *Punctatio* was, it had little impact.[16] The bishops rejected it because it gave too much power to the archbishops. The Archbishop of Mainz himself disclaimed the *Punctatio* in 1787, followed by the Archbishop of Trier in 1790. Finally, these deliberations and the substantial pamphlet literature that they generated did little to improve the reputation of the Reichskirche in the Reich generally. A wide-ranging discussion followed the announcement of a prize essay competition by the Fulda canon and administrator Philipp Anton von Bibra, editor of the enlightened *Journal von und für Deutschland*, in 1786. Why were ecclesiastical territories not blessed with the best governments given that their rulers were elected? Did the fault lie with their rulers or with their 'fundamental inner character'?[17] Many authors thought the answer was simple: the ecclesiastical territories were an anachronism, and the only reform they should undergo was secularization.

In the meantime, however, the issue of Church reform had become linked in some albeit tenuous ways with the parallel reaction of predominantly Protestant princes to other policies pursued by Joseph. These were triggered by

[16] Blanning, *Reform*, 220–5. [17] Andermann, 'Geistliche Staaten', 601–5.

Joseph's efforts to acquire Bavaria in 1777–9 and 1784. It was the second of these initiatives that led directly to the formation of the Fürstenbund in 1785.[18]

The concept of a league of princes was not new. There was a long tradition in the Reich of regional and confessional self-defence leagues, some formed with the emperor against regional or foreign aggressors, others formed against the emperor himself.[19] Such leagues and associations were explicitly permitted by the Peace of Westphalia in so far as they were not directed against the Reich itself. So what, if anything, was different about the Fürstenbund, and why has it so often been presented as evidence of the imminent terminal failure of the old Reich? Traditional historiography saw it simply in terms of the Austro–Prussian conflict: a sign of the growing power and leadership potential in Germany of Prussia, evidence of the betrayal of the Reich by Joseph II, a symptom of the dualism that allegedly destroyed the Reich. The reality is less straightforward.

The idea of such a league had been mooted as early as 1764, and it resurfaced in 1772 and again in 1779. Initially, the aim was to form a union that safeguarded the interests of those who stood apart from the Austro–Prussian rivalry. Lesser princes, such as Margrave Karl Friedrich of Baden, Duke Carl August of Saxony-Weimar, and Duke Franz of Anhalt-Dessau, developed the idea of a third party in German politics. As the Weimar Privy Council, of which Goethe was a member, concluded in February 1779: they wanted 'a union of neutral courts, both Catholic and Protestant, to work towards a *parti moyen*, which would set itself as a goal to deflect the adversities and oppressions of the warring factions by a common strategy'.[20] Over the following years, however, it became clear that there was little agreement on how such a league might be formed or who might lead it. Some favoured Hanover, but George III was reluctant; most opposed the idea of Prussian leadership, not least because they thought Prussia as much of a threat as Austria. Apart from the broad aim of preserving the imperial constitution and securing their own rights as princes of the Reich, there was also little consensus on whether the league should espouse any broader aim, such as the defence of the rights of the Duke of Zweibrücken as putative heir to Bavaria.

The issues were clarified but they also shifted when the emperor launched his second bid for Bavaria in 1784. The perception of the need to defend the Reich against the emperor himself gained ground, and was grist to the mill of the Prussian administration. In pursuing the Bavarian plan so blindly, Joseph played directly into the hands of Frederick the Great and further weakened his own position in the Reich.

In view of the continuing reluctance of George III to lead a league of the 'non-aligned', Frederick now seized the initiative, all the more eagerly as he saw such a league as a solution to his own current isolation in imperial and European politics. The lesser princes viewed these developments with concern. The radical satirist Wilhelm Ludwig Wekhrlin put it well when he wrote in 1784: 'People say the King

[18] Unless otherwise stated, the following passages rely on: Aretin, *Heiliges Römisches Reich*, i, 164–218; Aretin, *Altes Reich*, iii, 299–330; Burgdorf, *Reichskonstitution*, 256–351; Gagliardo, *Reich*, 66–98; Umbach, *Federalism*, 161–87.

[19] For example, the pro-imperial Swabian League (1488–1534) or the anti-imperial Schmalkaldic League (1531–47) and the numerous other leagues and associations discussed in this work.

[20] Umbach, *Federalism*, 165.

of Prussia is the only prince who can defend the lesser territories. . . . That deserves our respect. But the house of Austria is the only power that can oppose the aggrandizement of the crown of Brandenburg, if it wishes to endanger the German Reich. Is that a less significant observation?'[21]

The dilemma of the lesser princes intensified when Frederick the Great concluded an agreement with the Electors of Hanover and Saxony. The formal aim was to defend the Reich and all its institutions and to protect the rights and property of all Imperial Estates. Breaches of the imperial constitution were to be met with immediate action. Secret clauses committed the members to thwarting Joseph's desire to acquire Bavaria and other 'territorial exchange projects or secularizations or dismemberments of German ecclesiastical territories' by political means, but by resort to armed force, if necessary.[22] They also committed themselves to seeking further members, mainly from among the lesser princes.

Over the following year, eleven princes joined. The greatest coup was the admission of the Elector of Mainz on 18 October 1785, but the hope that other ecclesiastical princes might follow was soon dashed. Disillusionment rapidly set in. Prussia lost interest as she formed an anti-Dutch alliance with Britain from 1786 and Prussian isolation seemed set to end. Talks continued with feverish intensity. The election of the noted reformer Karl Theodor von Dalberg as Coadjutor in Mainz in June 1788, and his subsequent accession to the Fürstenbund, was regarded as a triumph by many. In reality, however, the Fürstenbund was all but dead by then anyway (though it lingered on until 1791, and in fact was never formally dissolved). The Electors had become indifferent to it. The princes felt betrayed but were unable to achieve anything on their own.

Indeed, at root most did not actually want to achieve very much at all. Dalberg's 'Observations sur la Ligue' of July 1787 sought to infuse the Fürstenbund with the patriotic zeal of Friedrich Carl von Moser's *Nationalgeist* tract. His 'Vorschläge zum Besten des Deutschen Reiches' ('Suggestions for the Good of the Reich') of August 1787, sent to Vienna for the emperor's consideration, contained a sweeping plan for the renewal of the Reich in a reform programme that resonated with the reform discussions of the 1490s and the 1640s.[23] His starting point was the formation of a league to which both the emperor and the princes would belong. His ideas met with little enthusiasm in either camp. The last attempt by Dalberg and Carl August of Weimar to secure agreement on a visitation of the Reichskammergericht was snubbed by their fellow members. In other words, they met with the same reaction as Joseph II had done when he had tried to persuade them to agree to exactly the same thing twenty years previously.

If the Fürstenbund achieved nothing concrete, its impact was significant nonetheless.[24] Almost every notable political commentator contributed to an extraordinarily wide-ranging public debate on the League and its implications.

[21] Stievermann, 'Fürstenbund', 224.
[22] Kohler, 'Reich', 90.
[23] Burgdorf, *Reichskonstitution*, 323–38.
[24] The most recent and comprehensive account is Burgdorf, *Reichskonstitution*, 256–351. Gagliardo, *Reich*, 80–98, and Umbach, *Federalism*, 161–87, are also useful.

Never before had any political issue generated so many hundreds of pamphlets and articles. Among the protagonists of the League were the leading publicists of the day, such as the historian Johannes von Müller, whose *Darstellung des Fürstenbundes* ('Account of the League of Princes', 1787) and *Teutschlands Erwartungen vom Fürstenbund* ('Germany's Expectations of the League of Princes', 1788) were major programmatic statements. The activities of the Fürstenbund inspired Herder, by then an employee of the Duke of Weimar, to launch another plan for the creation of a German national academy.[25] On the imperial side, Christoph Ludwig Pfeiffer was the most important figure, with a flurry of titles including: *Der teutsche Fürstenbund. Noli me tangere. Staatsrechtlich durchs politische Fernglas betrachtet* ('The German League of Princes. *Noli me tangere*. Viewed from the Point of View of Public Law through a Pair of Political Binoculars', 1786).

Both sides claimed to be champions of 'German freedom', though the debate now took a surprising turn that reflected the influence of the most modern European ideas of liberty on the Reich in its final phase. The propaganda of the League largely drew on the traditional themes of Protestant constitutionalism combined with the new thinking about balance of power and the freedom of states according to the laws of nature and of nations. 'German liberty' was the liberty of the princes, whose vigilance over the imperial constitution preserved it from Habsburg tyranny.

In Vienna, by contrast, 'German freedom' was now taken to mean the freedom of the people, liberties which were being repressed by the tyranny of the princes. This argument drew on the work of Johann Heinrich Gottlob von Justi in the 1760s, which abandoned the old notion of corporate liberties of the Estates for a new perception of the liberty of individual citizens as the ultimate aim of the state.[26] Each side challenged the other's notion of freedom, and the claims became more radical as the debate went on, though at root each simply wanted to underpin its own claims to power. Neither side was interested in pursuing the logic of its own arguments to a point at which the old Reich would have been transformed into something entirely new: either a federal union or a monarchy founded on popular sovereignty.

This national patriotic debate marked the culmination of Joseph II's reign as Holy Roman Emperor. By then, however, his *Reichspolitik* was in ruins. His government was beset by problems to which he had no answers. Indeed, most of them resulted directly from his own policies. The intervention of the Reich in the rebellion against the Prince-Bishop of Liège in 1789 was not an imperial initiative. It was largely the result of the emperor's brother, the Elector Max Franz of Cologne, pursuing his own regional initiative as Director of the Westphalian Kreis and one of the many rulers potentially threatened by the uprising. Indeed, Max Franz had distanced himself from Vienna, believing that 'the real reason for the crisis in the Reich lies in the constitutional conflict between my brother and the Reich. As long as my brother fails to change his system with regard to the Reich, the Reich will never come to rest.'[27]

[25] Dann, 'Herder', 334; Blanning, *Culture*, 258. [26] Burgdorf, *Reichskonstitution*, 300–1.
[27] Aretin, *Altes Reich*, iii, 356. See also: Aretin, *Heiliges Römisches Reich*, i, 218–29, and pp. 406–7. On reactions to the news of Joseph II's death, see Engel-Jánosi, 'Josephs II. Tod'.

46

Restoration: Leopold II, 1790–1792

'Your Majesty must immediately give the impression of being a just and moderate monarch, far removed from any dangerous intent, capable of sensitivity and friendship.'[1] Leopold II never saw the advice that the seventy-nine-year-old Kaunitz drafted for him, but the advice was sound, and the new emperor in fact acted in accordance with it. His reign was short. He died on 1 March 1792, after barely seventeen months on the throne. Yet, even in that time, he managed to set the Reich on an even keel again.

In twenty-five years as Grand Duke of Tuscany, Leopold had transformed the fortunes of his territory and established himself as the most important Italian Enlightened reformer of the eighteenth century. As Holy Roman Emperor, his attitude was similarly innovatory. In January 1790, he had written to his sister Marie Christine: 'I believe that the sovereign, even the hereditary ruler, is merely the delegate of the people, for whose sake he exists . . . I believe that the executive power belongs to the sovereign but that the legislative power belongs to the people and their representatives.'[2] Acting on such principles as emperor might well have produced extraordinary results. It is perhaps idle to speculate whether this highly capable man could have saved the Reich or presided over its reform and transformation so that it might have survived through the nineteenth century. The extent of what he did achieve, however, raises the question nonetheless and makes it difficult to deem his reign irrelevant to the inexorable flow of events that is so often held to characterize the progress of the Reich to its supposedly inevitable and inglorious demise.

Leopold's first challenge was being elected Holy Roman Emperor at all. When Joseph II died, a new interregnum loomed. In 1787, a radical anti-imperial pamphleteer had asked *Warum soll Deutschland einen Kayser haben?* ('Why Should Germany Have an Emperor?') and suggested that the imperial office was an unnecessary anachronism that should be allowed to expire.[3] The Electors and princes showed no desire to go as far as that when they heard the news of Joseph's death. But they did want a thorough discussion of what kind of emperor they should have. Two issues became of immediate significance and the subject of a debate that resumed the constitutional controversies of the last few years.

First, the interregnum raised once more the questions that had been debated on the death of Charles VI in 1740.[4] Saxony and Bavaria-Palatinate immediately

[1] Mikoletzsky, 'Leopold II.', 282–3.
[2] Wandruszka, *Leopold II.*, ii, 217.
[3] Gagliardo, *Reich*, 99–101.
[4] Burgdorf, *Reichskonstitution*, 352–83. Burgdorf also deals with the further debate over this issue following the death of Leopold II. Gagliardo, *Reich*, 98–113, is also useful. See also pp. 369–72.

demanded their rights as Imperial Vicars and took steps to govern the Reich in the absence of an emperor. Many of their claims were resisted by the Elector of Mainz, who, as Archchancellor of the Reich, insisted on his right to proceed with the business of the imperial election. The other Electors remained reticent, but were keen to ensure that their own rights as Electors, were not infringed by the Imperial Vicars' claim to be acting as 'Vicars of the Emperor and not as Imperial Estates'. The princes generally were sceptical of the claims of both the Imperial Vicars and the Electors, and shared the view expressed in an anonymous pamphlet in 1790 that 'the German Reich is an aristocratic and sovereign republic' of 'the Imperial Estates assembled at the Reichstag'. That view in turn answered the key question of whether the Reichstag could even continue after the emperor's death or whether it should not be dissolved and reconstituted after the election.

Second, many saw the interregnum as an opportunity to renew discussion of the imperial electoral capitulation, to formulate the long-planned Perpetual Capitulation, and to implement it as a fundamental law of the Reich before the next coronation.[5] The point of this was to tie the hands of the next emperor. If those who were most vociferous on this issue had their way, the emperor would have become little more than *primus inter pares*, effectively a constitutional monarch with few independent powers. Just as in 1740, Johann Jakob Moser, the leading expert on imperial law, had been called upon to assist, so now learned authorities, such as Johann Stephan Pütter of Göttingen and Johann Ludwig Klüber of Erlangen, were consulted. Many others contributed their opinions in a flood of pamphlets and articles in journals and newspapers.

In the event, disagreements over who had the right to draw up such a fundamental law led to nothing being agreed either in 1790 or following Leopold's death in 1792, but the debate continued into the mid-1790s. The electoral capitulation that was handed to Leopold II simply emphasized the right of the Imperial Estates to participate with the emperor in formulating all imperial decrees, and denied him the right to raise money and levy troops in the Reich without their consent.

As for the imperial election itself, rumours and conspiracy began as early as 1788.[6] Some tried to push the case of the Elector Karl Theodor of Bavaria-Palatinate. Others believed that Karl Theodor had discredited himself in the debacle of the Bavarian exchange project and that his presumptive heir, the Duke of Zweibrücken, would be a better candidate, but only if he had already succeeded as Elector in Munich by the time of the election. The vacant ninth Electorate (left by the combination of Bavaria and the Palatinate in 1777) had already been filled in the minds of some by the Protestant house of Hessen-Kassel, creating a balance of four Protestant and five Catholic Electors.[7]

Joseph II died too early to allow any of these scenarios to be played out very far. The start of the interregnum, moreover, gave rise to another round of rumours regarding a possible bid for the imperial crown by Prussia, which generated a frisson of excitement among some, but acute anxiety and fear among many more.[8] Mainz,

[5] Burgdorf, *Reichskonstitution*, 384–443. See pp. 54, 126–7, 371–2.
[6] Aretin, *Altes Reich*, iii, 361–70.
[7] Pelizaeus, *Aufstieg*, 404–41. [8] Duchhardt, *Kaisertum*, 304–8.

Hanover, and Saxony soon concluded that Leopold of Tuscany was the only viable candidate. By the end of September their colleagues all agreed, and Leopold was crowned on 9 October.

Much of Leopold's energy was immediately taken up by the problems of the Austrian lands themselves: the uprisings in the Austrian Netherlands and Hungary, the discontents of the Austrian Estates, the conflict with the Turks. Extinguishing the fires lit by Joseph's radical enlightened reforms of the 1780s and by his foreign policy was Leopold's first priority. In the Reich, the new emperor's aims were straightforward: first, to secure the imperial throne for the house of Habsburg, and second, to dissolve the Fürstenbund.[9] The second aim was already well advanced by the time he secured his election. His meeting with Frederick William II at Reichenbach in July 1790 marked the beginning of a remarkable phase of cooperation between Austria and Prussia.[10] Prussia's desire to end her isolation was a prime motive on the one side. It is not clear exactly what Leopold II had in mind: a genuine reconciliation with Prussia as the basis for a new *Reichspolitik*, or just a tactical manoeuvre that would have served its purpose once the Habsburg position in the Reich had been fully restored? At any rate, the period of détente continued, leading to the Pillnitz Convention in 1791 and the Austro-Prussian defensive alliance of February 1792.

Both were responses to the developing situation in France, which impinged on the Reich in two ways during these years.[11] First, on 4 August 1789 the French National Assembly abolished all tithes in France, including Alsace. Seven months later, all remaining feudal property rights were specifically abolished in Alsace. Second, the outrage at these developments was aggravated by the arrival of the first émigrés in the western territories of the Reich, noble refugees from France who were only too eager to tell their tales of lawlessness and anarchy. As we shall see below, the debate about how the Reich should respond to events in France overshadowed Leopold's reign.[12]

In this context, the emperor's attitudes are significant for what they reveal about his views of monarchy generally. Initially, Leopold responded to the revolution with something approaching enthusiasm rather than revulsion. His personal belief in constitutions and the rule of law, self-government, and democracy, set out at length in his letter to his sister Marie Christine on 25 January 1790, predisposed him to what he, like many others, saw as a necessary reform process in France.[13] He had a dim view of the abilities of his brother-in-law Louis XVI, but hoped he would behave sensibly nonetheless. Leopold was not inclined to listen either to his sister Marie Antoinette or to the Comte d'Artois, the unofficial leader of the French émigrés. Even his Padua Circular of 5 July 1791, which appealed to European monarchs to

[9] As in the case of Francis I, Leopold II's biographers have paid little attention specifically to his role as Holy Roman Emperor. The standard work, on which subsequent popular accounts are based, is still Wandruszka, *Leopold II.*, in which ii, 249–383, deals with his times as 'König und Kaiser'.

[10] See pp. 407–8.

[11] The best account of this complex matter is Härter, *Reichstag*, 69–166.

[12] See pp. 565–70.

[13] Wandruszka, *Leopold II.*, ii, 215–18. See also p. 427.

support the French king, was based on the assumption that Louis himself would go along with reasonable constitutional reforms.[14] Until late January 1792, Leopold remained unwilling to contemplate war with France. This attitude was not challenged by Kaunitz, who, rather more pragmatically, believed that the upheavals in Paris brought the unexpected bonus of eliminating France as the dominant power in Europe.

Even when matters came to a head, Leopold still resisted intervention. The persistent complaints of the Reichstag forced Vienna to demand the withdrawal of the French army from the western frontier of the Reich, the return of all confiscated property, including the return of Avignon and Venaissin to the pope, and freedom and security for the king.[15] When Louis XVI replied on 15 February 1792 that a return to the *status quo ante* was not possible but that France was willing to continue negotiations over compensation, Reichsvizekanzler Prince Franz Gundaker von Colloredo-Mansfeld concluded privately that war was inevitable. Leopold, however, merely informed Paris on 17 February that he hoped moderation might prevail, and expressed sympathy for the unhappy state of France. His sympathy merely provoked indignation in Paris. All calculations were, however, undermined by Leopold's sudden death on 1 March 1792.

On delivering his sermon on 22 April 1792 to mark the period of mourning for the deceased emperor, Georg Christian Bocris, the Lutheran Protestant pastor of the tiny parish of Neukirchen with Odensachsen in the north of the Prince-Bishopric of Fulda, lamented the lot of children who had lost their father.[16] The emperor, he explained, stood for the unity of the Reich; he protected all Christians within it and ruled over it as Hezekiah had ruled over Judah; he had helped ensure that the 'spirit of unrest and rebellion in the realms of the Franks' had been kept out of the Reich. What Germany needed now was the speedy election of his son Francis, the next in line to the Styrian dynasty of Habsburgs that had given the Reich six emperors in 174 years.[17] Was Bocris's eulogy of Leopold II in any sense grounded in reality?

The question touches once again on the significance of Austro-Prussian dualism and its implications, if any, for the ultimate demise of the Reich. The Austro-Prussian rapprochement of the years after 1790 has often been seen as a temporary aberration from the underlying trend. Equally, however, it could also be viewed as another variation of dualism, and it serves to underline the positive features of that power structure in the Reich. The growing desire of the princes to assert their independence or sovereignty and the continuing confessional divide in the Reich inevitably made any attempt to restore the traditional feudal role of the emperor and to achieve the unity of 'Kaiser und Reich' virtually impossible.

[14] Schroeder, *Transformation*, 90. [15] Aretin, *Altes Reich*, iii, 387–8.
[16] Polley, 'Dorftrauer', 164–75. See also Hattenhauer, *Wahl*, 81–2.
[17] Polley, 'Dorftrauer', 174. He was counting from the accession of Ferdinand II in 1619 and excluding both the Bavarian Charles VII and Francis I (from the house of Lorraine).

Imperial advisers in Vienna from the 1760s continually lamented this fact and puzzled at how to restore a unity they believed had been lost.[18] They generally held Prussia responsible for all their problems. Yet, fundamentally, both Prussia and Austria behaved in the same way, and in their mutual suspicion they held each other in check. Without the Prussian check, Austria might well have taken both the Austrian lands and a large part of southern Germany out of the Reich. Without the Austrian check, Prussia might have attempted to take as much as possible of northern Germany out of the Reich. In each case, the Reich itself, its numerous other members, and its institutions, played a key role in applying the brakes.

The Protestant Prussian king furthermore represented a natural counterbalance to the Catholic emperor and the Catholic Imperial Archchancellor.[19] Dualism was the power-political manifestation of the principle of parity, and it bridged both the confessional and the north–south divide in the Reich. It is not inconceivable that such a Reich could have survived. Even the integration of some smaller territories into their larger neighbours or the secularization of the Reichskirche would not necessarily have destroyed this system, any more than major secularizations destroyed the Reich in the sixteenth century. Would Austria and Prussia have simply divided the Reich between them? The history of Germany after 1815 suggests this was not a straightforward option. The end was not inevitable in 1792.

[18] Haug-Moritz, 'Krise', 78–80. [19] Stievermann, 'Fürstenbund', 225.

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Central and Intermediate Institutions of the Reich

The question of the viability and functionality of the Reich between about 1740 and 1806 cannot be answered simply with reference to the issue of dualism and the larger power-political structures that prevailed in the Reich. The performance of the courts of justice and the Kreise is equally important. Both the extent of their continuing operation and its wider impact shed light on popular perceptions of the system and on its 'reach' into German society. These institutions have featured prominently in the preceding sections; here, some general assessment is appropriate.

Despite the recurrence of complaints about the Reichskammergericht and Reichshofrat in political arguments, it seems that both courts continued to function effectively until the end.[1] Indeed, though Joseph II's reforms largely failed, the courts improved their performance after the 1770s. By the mid-eighteenth century, the process of 'juridification' can be deemed to have been completed: conflict resolution involving violence had become extremely rare; the resort to justice was the natural way.

Both courts attracted thousands of litigants and there seems to have been no crisis of confidence on the part of potential plaintiffs. Between 1765 and 1790, some 10,000 cases reached the Reichshofrat in Vienna, of which roughly 4,000 involved some 8,000 people (individuals and groups) of modest social origin. In the same period, it has been estimated that some 7,000 individuals of modest social origin were involved at cases at the Reichskammergericht in Wetzlar.[2] Cases brought by subjects against their rulers and lords continued to feature regularly in the caseload at Wetzlar. After 1789, such cases became even more significant. This was immediately clear to the judges, and there is evidence to suggest that they responded to the new climate created by the French Revolution by seeking to extend their own position as arbiters and guarantors of stability in the Reich.[3] Equally important were the noble plaintiffs who used the Reichshofrat to settle dynastic disputes over inheritances or guardianships or to manage debt crises, giving the court a continuing role in regional stabilization. The seven lines of Ernestine Saxon Dukes in Thuringia (Weimar, Gotha, and others), for example, were in almost constant correspondence with the Vienna court during the second half of the eighteenth century.[4]

[1] Sellert, 'Reichsjustiz'. [2] Noël, 'Conscience', 124–5.
[3] Sailer, *Untertanenprozesse*, 467–79; Härter, 'Unruhen', 97–103.
[4] Westphal, *Rechtssprechung*, 433–43.

Some criticisms of the courts are based on an inadequate understanding of their procedures and of their role in the imperial system. By the standards of a modern high court or court of appeal, of course, they were slow and incompetent. By the standards set by German high courts in the nineteenth and early twentieth centuries, they were outrageously inadequate. It is not clear, however, that they were very different from other European supreme courts in the eighteenth century.[5] Indeed, in terms of access and effectiveness, it seems that they may well have been better than some.

The fact that cases proceeded slowly reflects the emphasis on arriving at an acceptable outcome for the long term, rather than achieving a speedy verdict, Ultimately, process was often more important than judgment. Most cases were prolonged, and many were never completed, not least because they were dropped by the plaintiffs themselves. Often the most crucial point was not the final judgment, but rather the decision to approach the court in the first place. From the point of view of the stability of the Reich, launching a complaint into the legal process was infinitely preferable to taking direct and violent action. The process immediately subjected both parties to a set of commonly understood rules that penalized direct action by either side. As local or regional neighbours, the commissioners themselves generally had a vested interest in a negotiated settlement. Engaging in protracted consultation, correspondence, and negotiation over the texts of agreements defused conflicts and often produced outcomes accepted by all parties that no central court hearing could have achieved. Consultation as a device for avoiding a precipitate decision, or pushing matters 'on to the long bench', as the practice was known, was also an effective judicial device for many disputes.

Of course, a favourable judgment gave the plaintiff a trump card, but it did not necessarily solve the problem if his adversary refused to recognize it. Enforcement was often patchy, not least when those commissioned to enforce a judgment disagreed with it. At the same time, however, most rulers and authorities wished to avoid being named and shamed by the courts, which was another incentive to participate in constructive talks and ultimate compromise.

The second major institution that formed a bridge between the Reich and the localities was the Kreis.[6] The Kreis system had developed unevenly, remaining active in the south and west of the Reich, but less so in the north. Even in the north the original functions of the Kreis system, of regional peacekeeping and the execution of judgments by the higher courts, remained important. These areas did not, however, experience the diversification of Kreis functions that characterized the development of the system in other parts. In some cases, the original functions of the implementation of imperial statutes on *Polizei* or on guild labour were now further extended into what became the pursuit of an increasingly diverse and ambitious regional economic and social policy.

[5] Scheurmann (ed.), *Frieden*, contains essays on six other countries.

[6] Unless otherwise indicated, the following is based on the comprehensive survey in Dotzauer, *Reichskreise*. For a more recent brief survey of research on the Kreise, see also Müller, *Entwicklung*, 27–36.

The overall picture is mixed. Of the ten original Kreise, five had ceased to function as such by the eighteenth century. This was largely because the functions of a Kreis had been taken over by territorial princes. The motive for this was often their desire to assert their independence and their reluctance on principle to accept orders from Vienna. The effect, however, was the same, as they tended to implement policies within the framework set by the Reich generally. The Burgundian Kreis effectively ceased to be part of the Reich in 1648, and then returned only partially in 1716 in the form of the Austrian Netherlands, whose existence as a Kreis was challenged by some. The Austrian Kreis too had effectively become redundant, since it was composed largely of Habsburg territories which were exempt from the Reich (the minor prince-bishoprics of Trent and Brixen played little role).

In the Upper Saxon Kreis, there was a somewhat unequal balance between Prussia and Saxony, but little Kreis activity owing to the unwillingness of either to engage in common regional activities with the lesser princes. Similarly, in the Lower Saxon Kreis, all potential functions of the Kreis were taken over by territorial princes. Even so, there was some Kreis activity, even if it was limited to correspondence, talks over joint policies, or common responses to specific problems such as economic crises, disease, or the perennial problem of vagrants. The Westphalian Kreis comprised numerous territories of counts and minor princes, but frequently the Kreis was lamed by the presence in it as territorial rulers of both Austria and Prussia: here dualism, with all its attendant confessional or pseudo-confessional manifestations, was played out on a regional level.

In the other Kreise, effectively those grouped under the heading of Vordere-Kreise (Forward Kreise, i.e., those in the south and west, particularly exposed to French attack), further developments took place during the mid-eighteenth century.[7] The diminution and then, after 1756, the removal of the French threat loosened the bonds between these Kreise and their links with the crown. Francis I was unable to revive the kind of association that had organized the defence of these regions against French attack from the 1650s to the 1730s.[8] On the other hand, the Kreise themselves seem to have continued their collaboration without direct intervention by the emperor. The active military cooperation between the Electoral Rhine Kreis and the Upper Rhine Kreis continued through into the 1790s, when the combined forces of the two Kreise were finally overwhelmed by war on a scale not experienced before.[9] Other activities also evolved. In some cases, these involved cooperation within the Kreis; in other cases, there were new forms of inter-regional cooperation. The fact that most of these Kreise comprised a large number of smaller and fragmented territories is undoubtedly significant, but it provides only a partial explanation for their continuing activity. The Bavarian Kreis was also dominated by two territorial powers—Bavaria and Salzburg—but relations between them seem to have been reasonably good and did not prevent developments similar to those in the Swabian or Franconian Kreis.[10]

[7] See pp. 144–6. [8] Wilson, *German armies*, 212–14.
[9] Müller, *Entwicklung*, 173–276. [10] Hartmann, *Reichskreis*, 498.

To a greater or lesser degree, the active Kreise all had functioning Kreis assemblies (generally annual by the eighteenth century), with active correspondence between members, and they maintained chanceries, archives, finance offices, and currency assay offices with their various relevant officials. The Kreis assemblies were also attended by envoys from Vienna and elsewhere, including other Kreise. The Swabian Kreis delegated many of its functions and the execution of the decisions of its assembly to further, more local institutions known as Viertel (quarters), each with its own *Direktor* and administration.

From the 1750s, the Swabian and the Franconian Kreis began to collaborate over road-building schemes.[11] The Swabian Kreis, probably the most advanced in all its operations, tried to negotiate regulation of the trade in grain and other goods with its neighbours, the Swiss Confederation and France. Currency regulation was another continuing concern. The Bavarian Kreis worked in association with the neighbouring Swabian and Franconian Kreise, forming a kind of informal South German monetary union, which sought to ensure monetary stability and dependable fixed exchange rates.[12] Monetary policy was also particularly active in the Upper Rhine Kreis, and in the eighteenth century it collaborated with the Electoral Rhine Kreis, constituting what amounted to another informal monetary union on the Rhine.[13] Both the Electoral Rhine Kreis and the Upper Rhine Kreis were in constant correspondence with the Swabian Kreis, to the extent that one can speak of an informal association between them.[14]

Most of these active Kreise also developed or began to develop, either individually or in collaboration with their neighbours, policies on vagrants and management of poor relief, prisons, bans on the enticement of subjects to transfer from one territory to another, export bans on precious metals, the regulation of guilds, and the regulation or prohibition of lotteries, among many other activities.[15] An imperial ban on emigration in 1768 demonstrated the system working as it was intended: the emperor issued a decree; the Kreise received it; their members, the Imperial Estates, implemented it, though whether it had any impact is unknown.[16]

An even more striking example of Kreis activity was the response of the southern and western Kreise to the subsistence crisis of 1770–2: rigorous regulation of the grain trade, control of bread prices, and attempts to ensure that communities were supplied with food seem to have done at least something to ameliorate an otherwise potentially catastrophic situation.[17] Far from withering away, some of these Kreise were flourishing into the 1790s.[18] The Franconian Kreis even embarked on a systematic reform of its financial organization in 1788, and its assembly went into

[11] Wunder, 'Chausseebau'; Wunder, 'Kaiser'; Wunder, 'Chausseestraßennetz'. See also p. 458.
[12] Hartmann, *Reichskreis*, 476–7.
[13] Müller, *Entwicklung*, 173–276; Schneider, *Währungspolitik*.
[14] Müller, 'Beziehungen'.
[15] Endres, 'Reichskreis'; Sicken, 'Leitungsfunktionen'. On the inter-territorial management of vagrants, see pp. 508–9.
[16] Wunder, 'Emigrationsedikt'.
[17] Magen, *Reichsexekutive*; Schmidt, 'Hungerrevolten', 267–75.
[18] See also pp. 607–8.

permanent session in 1791. The main reason for that was the renewed threat from France. Indeed, the southern and western Kreise entered into a period of renewed military and defence activity from the early 1790s. In Franconia, that was undermined when Prussia, as the new owner of Ansbach-Bayreuth from 1791, first demanded the Directorship of the Kreis and then weakened it by withdrawing Ansbach-Bayreuth participation in troop levies and other matters.

Any assessment of the effectiveness of the Kreis system remains difficult. On the one hand, Kreis activities could easily be disrupted by political disputes or sabotaged by the non-participation of a key regional power. On the other hand, more evidence of the extent of Kreis activities is constantly being discovered. Of course, activity does not necessarily prove effectiveness. The collegial system, with its interminable consultative mechanisms, often frustrated any initiative other than what the situation expressly demanded. This ultimately made any kind of wider imperial reform impossible in the eighteenth century. No Kreis ever solved the problem of vagrancy. The informal monetary unions were in no way comparable with the modern eurozone of today; no *Chaussee* was anything like an *Autobahn*. The gulf between aspiration and reality was as wide for Kreis administrators as it was for governments everywhere in Europe. Yet it seems that, contrary to the views of earlier scholars, the Kreise did play a role, and that through them the Reich continued to reach into the regions and communities of the Reich to the end.

Above all, the activities of the Kreise confirm the idea that Reich was perhaps much more 'present' than many scholars have assumed. The evidence for such a 'presence' is difficult to collect and not easy to evaluate, but the following questions indicate the extent of contemporary awareness of the Reich in the late eighteenth century.

What was the impact, for example, of the prayers and sermons, commemorations and celebrations, on the coronations and deaths of emperors, or of the regular prayers for the emperor between times, or of similar references in church service to the births, marriages, and deaths of members of the imperial family? Such practices were followed with particular zeal in the Imperial Cities, the smallest territories, and the lands of the Reichskirche, but they were also observed elsewhere.[19] Even as late as 1835, the Duke of Nassau decreed a three-month period of mourning for the 'former head of the Reich', Francis I of Austria.[20] In the eighteenth century, only Frederick the Great abolished the prayers for the emperor (in June 1750), arguing that they were an 'old and silly custom', but even he seemed to hesitate, for he ordered that the decree should be quietly implemented but not otherwise widely publicized or cited.[21]

How many people saw the emperor on his lengthy journeys to or from the coronation or on subsequent visits to the Reich? How many saw or had dealings with the twenty-four messengers of the Reichskammergericht, each equipped with a large silver badge of office, on their constant journeys through the Reich on court business?[22] How far did the presence of the imperial symbols on buildings, on

[19] Berbig, 'Kaisertum'; Whaley, *Toleration*, 179–85. [20] Polley, 'Dorftrauer', 162.
[21] Feller, 'Bedeutung', 169. [22] Mader, 'Soldateske'.

coins, or on stamps and seals on official documents, reinforce a sense of being subjects of the Reich? How significant is Wieland's recollection that in his youth in the Imperial City of Biberach he was 'from time to time' instructed about his duties to the emperor?[23] Why did the town council of the small town of Brakel in the Prince-Bishopric of Paderborn, which had lost its status as an Imperial City in the early sixteenth century, persist in reminding their ruler in the second half of the eighteenth century of their former status and in warning him that his authority over them now, which they did not in principle contest, was subject to the limitations imposed by the constitution of the Reich?[24] Finally, what did it mean to individuals when they opened their appeals to the Reichshofrat in Vienna with words such as 'I am a subject of the Reich under the Count of Reuss' or complained to Joseph II about the Duke of Mecklenburg because the emperor was 'the overlord and ruler of the entire German land'?[25]

[23] Noël, 'Conscience', 123.
[24] Ströhmer, 'Landstädtisches Reichsbewusstsein'; Köbler, *Lexikon*, 83.
[25] These and other examples in Noël, 'Conscience', 129–31.

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The Reich, the Public Sphere, and the Nation

The question of the relationship between the Reich and the idea of the 'nation' is complex and controversial. The significance of *Reichspatriotismus* in eighteenth-century German politics and culture has often been disputed, and many have even claimed that it did not really exist at all. It is, however, nonetheless possible to make some tentative suggestions about the meaning that many educated Germans attached to the Reich.

The public sphere of educated and literate Germans grew considerably over the course of the century. There are no reliable estimates for the number of university-educated people after about 1770, but there was an explosive growth in the print media, in books, pamphlets, and above all in journals and newspapers. The publishing scene became so rich and diverse that the review journal, reviewing both books and other journals, developed into an important genre, providing guidance and short cuts even to the highly educated and highly literate: it was simply not possible for even the most diligent amateur to keep up with the latest publications.[1]

Something of the extent of overall change is suggested by the estimate, considered conservative, that by the early 1790s some 200 German newspapers were producing 300,000 copies per week for a readership of some 3 million (out of a total population approaching 24 million by 1800). Another estimate, extrapolating from the postulated figure of some 80,000 educated readers around 1700, concludes that there might have been between 350,000 and 500,000 such readers around 1800.[2] The much quoted contemporary statement of Friedrich Nicolai that there were only some 20,000 educated readers around 1780 seems excessively conservative. Nicolai was probably thinking mainly of readers of literature. If one considers the steady growth in the size of territorial administrations as well as the inflation in the numbers of those engaged with or at the various imperial institutions during the course of the century, then the market for political–legal publications and for books and pamphlets dealing with practical matters or current affairs must have been larger.

It is ultimately impossible to know who read what, or what effect it had on them, but these figures provide the broad context for understanding the burgeoning literature on the Reich in the second half of the eighteenth century. This literature consisted of the still growing field of public law, handbooks for university

[1] Brandes, 'Marketplace', 94–7.

[2] Welke, 'Lektüre', 30; Brandes, 'Marketplace', 80.

instruction, pamphlets and commentaries on current political events, especially those with constitutional implications or which generated proposals for reform, as well as articles in journals and newspapers relating to similar themes. These genres, articulated in ever more extensive form, continued to define the Reich as the national system of the Germans. Some used the word 'state', as in *Reichs-Staat*; others used the now established terms *Reichsverfassung* or *Reichssystem*.

The difficulty of terminology arose from the fact that the structures of the Reich seemed so idiosyncratic. But there was no doubt about what was meant, or about the fact that the overwhelming majority of educated Germans seems to have associated the Reich with the 'nation'. Here too there was a wide variety of meanings. Two particular lines of thought, which were already evident in the literature of previous generations, now became even more predominant and mutually contradictory. On the one hand, there were those who advocated strengthening the Reich. On the other hand, these were opposed by others who argued for the rights of the territorial rulers, and some who even rejected the Reich altogether. Actual reforms were invariably thwarted by the intransigence of the Imperial Estates, but differences of opinion over the constitution had been a feature of the political culture of the Reich since the late fifteenth century. In the early seventeenth century, the constitutional debate had led to paralysis and war. In the eighteenth century, it became institutionalized in the public sphere of the Reich.

Other deep cultural and religious–ideological divisions also remained. The north–south divide that had been evident in the later Middle Ages, the difference between those close to the centres of the old Hohenstaufen Reich and those remote from it, still existed at some level. The more recent confessional divide partially coincided with the north–south divide, but also followed a different map. Areas of Protestantism were scattered across the central and southern parts of the Reich; those areas were predominantly Lutheran, but there were significant pockets of Reformed Calvinism. Catholic territories spread northward up to the Lower Rhine and then on into Westphalia, with the Prince-Bishopric of Münster neighbouring (half Reformed Calvinist, half Lutheran) East Frisia and (Lutheran) Oldenburg to the north. Overall, some 58.6 per cent of the *c.* 24–25 million population of the Reich was Catholic by the end of the eighteenth century, some 40.4 per cent was Protestant; Jews and others made up the remaining 1 per cent.[3]

The north–south divide and differences in confessional culture are reflected in the fact that, in the 1780s, some 70 per cent of all German books were published in the northern Reich (30 per cent in Halle and Leipzig alone), only 19 per cent in the south, 7 per cent in Austria, and 3 per cent in Switzerland.[4] On the other hand, those figures give little indication of the geographical distribution of what was published: explicitly Catholic works were doubtless rarely read in the Protestant heartlands; works published in Protestant areas were, by contrast, widely read throughout the Reich by the 1770s at the latest.

[3] Hartmann, 'Bevölkerungszahlen', 368–9.

[4] Weigl, *Schauplätze*, 25.

After the crisis of the Seven Years War, the confessional divide no longer impinged so seriously on the politics of the Reich. During the war itself religion had scarcely been an issue, though Frederick the Great sought to mobilize support by pretending that it was and by reviving the rhetoric of the early eighteenth century. There was undoubtedly a confessional overtone to the controversies over Joseph II's policies in the Reich and to the politics of the League of Princes in the 1780s, but the fundamental problem was the issue of imperial power, not religion. Indeed, during the 1760s and 1770s, the progress of the Catholic *Aufklärung* saw a period of genuine rapprochement between Catholics and Protestants.

One product of this period was the first Catholic narrative of German history by Michael Ignaz Schmidt (1736–1794).[5] His *Geschichte der Deutschen* ('History of the Germans'), which appeared from 1778, placed the Reich at the centre of a narrative that outlined the progress of Enlightenment and the evolution of the nation. The Reformation, he suggested, though born of justified criticism of the abuses of the Church, in fact held up the process of reform by provoking confessional strife; the Catholic rulers were only now beginning to catch up. Schmidt's history avoided dogma and focused on the progress of *Aufklärung*, in which Germany's rulers had played a key role. Schmidt's aspiration to write a national history that would appeal to all Enlightened men provoked an indignant response from some Protestants. Karl Leonhard Reinhold (1757–1823), best known as the popularizer of Kant's philosophy, sought to reclaim the *Aufklärung* as a Protestant project by asserting that Luther himself had struck the first blow for freedom of thought. By the time Reinhold reviewed Schmidt's work in 1786, Friedrich Nicolai's negative impressions of his tour of Catholic Germany had already begun to appear in print.[6] Yet the renewal of confessional polemics at this level did not upset the practice of coexistence in the Reich, which remained unchallenged to the end.

Whether Protestant or Catholic, the territories worked hard to command the loyalty of their subjects and to generate patriotism for the territory. At the same time, however, numerous bonds between the territories mitigated the potential for fragmentation and division. Geographical regions, which were to some extent coterminous with the Kreis system, though not wholly so, also formed larger components of the Reich or 'Germany'. Eighteenth-century maps generally showed the Kreise, rather than the hopeless muddle of small and smallest territories that nineteenth-century publishers liked to show.[7] Groups of territories under the rule of different lines of the same dynasty, such the Ernestine Saxon duchies in Thuringia, shared key institutions and some territory and constantly exchanged property, and thus also constituted small political regions.

Similar functions were performed by those groups or clusters of territories that shared a single Reichstag vote (*Kuriatstimmen*), by regional associations of Imperial Counts, by the Kreise and cantons of the Imperial Knights, or by the networks of

[5] Printy, *Enlightenment*, 185–211. For the following, see also Carl, 'Konfession', 122–31.
[6] Möller, *Aufklärung*, 115–20. See p. 484.
[7] Schmidt, '*Mappae Germaniae*'.

families of knights and counts that dominated the cathedral chapters of the Rhineland bishoprics of the 'priests' alley' (*Pfaffengasse*). The imperial postal system, the university network, the imperial courts, the innumerable correspondences between princes, cities, administrators, envoys of the Reichstag or the Kreise, all helped create both a common framework and a developing public sphere in the Reich.

Diversity and complexity was no obstacle to a sense of belonging to a larger system or to identifying this system with the wider national community of the Germans. One might have divergent perceptions of its present character and divergent visions of its future. Yet, that did not preclude a sense of place and of identity, any more than political, constitutional, and regional differences in countries such as Britain, France, or the Netherlands precluded the development of a British, French, or Dutch identity.

The printed literature of the Reich must itself be regarded as a national literature, as a literature that continually defined and articulated the meanings of the imperial system. In this function too it was simply developing a long tradition in which the Reich defined the nation.[8] In the early sixteenth century, the imperial chancellery provided the models for the German Gothic type font that became the standard for German printed works into the twentieth century.[9] The Reich's laws and edicts were printed in it from then on. By the later sixteenth century, the collections of laws and constitutions of the Reich were being recommended as models of printed German prose. By the eighteenth century, that literature was already so vast, and so much new material was being produced all the time, that new and ever more extensive multi-volume collections began to appear. Then, inevitably, guides, short introductions to them, or digests of them, followed in equal profusion. In 1774, Herder reaffirmed the significance of the documentary history of the Reich as a source of knowledge about the linguistic and literary origins of the Germans when he commended the work of Melchior Goldast von Haiminsfeld, the great early seventeenth-century collector and editor of such material, as one of those who had first illuminated the German past.[10]

From about 1770, there were important new developments in the writing on German public law. Before then the field had been dominated by the University of Halle, which had generated a mass of often partisan scholarship that broadly supported the Protestant and territorial interpretation of the imperial constitution. Alongside that tradition, and largely independently of it, Johann Jakob Moser had emerged as the leading authority on the Reich with his fifty-three-volume compendium of public law, the *Teutsches Staatsrecht* (1737–54).[11] Moser continued to write and compile prolifically until his death in 1785. His forty-volume *Neues Teutsches Staatsrecht* (1766–82), which revised, extended, and updated the previous work, soon became just as indispensable. Increasingly, however, Moser's view of a Reich that was essentially the product of legal tradition and precedent, a feudal system evolved over time in a unique fashion, was now gradually overtaken by a more 'modern' view of the Reich as a system that was developed at Göttingen, and

[8] Burkhardt, *Vollendung*, 442–60.
[9] Kapr, *Fraktur*, 13–36.
[10] Whaley, 'German nation', 321.
[11] See pp. 175–8.

in particular by Johann Stephan Pütter, who lectured there for over sixty years from 1746.[12]

By the time Pütter was appointed extraordinary professor of law at the age of twenty-three, Göttingen was already established as the most modern and progressive German university. Inaugurated in 1737, its location in Hanover gave it a unique position. The fact that the ruler was in London meant that the authorities in Hanover were relatively free to act as they wished in the territorial interest.[13]

The founder and first 'curator' of the University, Gerlach Adolph von Münchhausen, saw the opportunity to outpace Jena and Halle, where he had studied himself. While German professors generally routinely complained of political interference, Münchhausen laid down that teachers at Göttingen would have complete academic freedom to teach and research what they wanted, without external intervention. His ambition to poach the leading professors from the competition was thwarted by Frederick William I's ban on Halle professors accepting offers from Göttingen, which the Elector of Saxony (for Leipzig and Wittenberg) and the Ernestine dukes who controlled Jena promptly emulated. Despite this, Münchhausen was able to recruit the cream of the Halle professoriate. His greatest coup, however, was to spot the talented young Pütter, who had studied at Marburg during the time that Wolff was teaching there.

Pütter soon established himself as the leading university public law expert of the eighteenth century. He wrote almost a hundred major works on numerous aspects of the subject. Such was the interest in his writing that these works went through a total of 849 editions during his lifetime, and his book on the 'development of the present political constitution of the Germanic empire' was even translated into English. He became the most important German teacher of public law. His lectures drew hundreds of students to Göttingen from all over the Reich, and, unlike the Halle lawyers, he also attracted significant numbers of Catholics. In 1774, there were 894 students at Göttingen; 563 were lawyers, who mostly attended his lectures, which regularly attracted audiences of over 200 students. There was scarcely a major figure in German politics in the late eighteenth century who had not sat at his feet, and most of the constitutional lawyers who dominated the field into the early decades of the nineteenth century were his pupils.

Pütter offered an historical narrative of the genesis of the Reich, combined with a lucid exposition of the 'systema imperii' that included an analysis of the government and administration of the Reich, as well as a description of its traditional feudal structures. Like the legal historians of the Halle school, and like Moser, Pütter viewed the Reich as a unique, historically evolved entity. Its medieval development had reached a watershed around 1500 with the transformation of the numerous individual territorial rights (*iura territorialia*) accumulated by the princes into a single territorial right (*ius territorialis*) enjoyed by each of them. This

[12] For the following, see: Gross, *Empire*, 440–55; Link, 'Pütter'; Stolleis, *Öffentliches Recht*, i, 312–16.
[13] The first lectures took place in 1734; by 1745 there were roughly 600 students. Schindling, *Bildung*, 26–9; Gross, *Empire*, 441–4.

right of the princes was formally confirmed in the Peace of Westphalia, which established the final form of the Reich.

The resulting system, Pütter taught, was neither contradictory nor 'monstrous', to use Pufendorf's term. It could not be classified according to anachronistic Aristotelian criteria, but had rather to be measured against other contemporary states in Europe. Here, Pütter proceeded to divide the states of Europe into simple and composite polities (*Staatskörper*), which categories could then further be subdivided into monarchies and republics. There were two main types of composite polities. The first comprised associations or federations such as the seven Dutch provinces or the thirteen Swiss cantons, in which each constituent part retained its sovereign rights under international law but which pursued joint policies on certain issues. The second type, the truly composite states, comprised separate states that were not fully independent, but remained subject to a higher authority or supreme power. The Reich fell clearly into this second category, for it was 'a polity composed of numerous particular states, which however together again form a state'. Germany's historical development had been individual, but the Reich remained a unitary state nonetheless, though it was clearly different from France, Spain, or Great Britain.

That difference was manifested in the fact that the Reich possessed several interlocking systems of public law. There was a system of public law for the Reich as a whole. This defined the rights and obligations of the emperor and the Reich and embraced the general principles defining the rights and obligations of the individual territories that were generally applicable to all of them. Then each territory had its own system of public law, which might vary according to local and regional traditions but which remained consonant with the public law of the Reich as a whole.

From this starting point, Pütter then developed a comprehensive analysis of the system at every level. The emperor enjoyed *maiestas* in a limited monarchy. And, while he was the 'only fully independent person within Germany', his '*maiestas* was distinct from the Imperial authority': 'the Imperial authority was a competence derived from the constitution of the Empire . . . rather than from the personality of the Emperor'.[14] He described the Reichstag as a parliament that represented the 'nation', rather than just the princes, and which acted as a 'supplement to and check on the Emperor's competence'. It did not itself govern, still less co-rule or dictate. Pütter estimated that its share in the government of the Reich was no more than three-eighths, which, he concluded, gave each full member of the College of Princes a mere one eight-hundredth share in overall government.[15]

Pütter's work on the government of the emperor and the princes perfectly described the current division of responsibility that prevailed in the Reich: the emperor exercised some powers; others were delegated to the princes; and if the emperor's authority was limited in some respects by the Reichstag, the authority of the princes too was limited by their submission to the common bond of the Reich. By virtue of their acceptance of these limitations (*servitutes*), their

[14] Gross, *Empire*, 450. [15] Gross, *Empire*, 451.

participation in the Kreise and in the Reichstag, their broad acceptance of the principles of the laws of the Reich, and their agreement (by *IPO* Art. VIII § 2 in the Peace of Westphalia) not under any circumstances to enter into alliances against the emperor, the Reich, or the public peace that prevailed within it, they formed part of a larger state.

Pütter's reputation suffered in the nineteenth century because his work was entirely devoted to understanding a Reich that no longer existed. It seemed to some that a man who in 1795 published as his last major work *Geist des Westphälischen Friedens: nach dem innern Gehalte und wahren Zusammenhange der darin verhandelten Gegenstände historisch und systematisch dargestellt* ('The Spirit of the Peace of Westphalia, historically and systematically presented according to the inner meaning and true relation of the matters dealt with in it') could simply not have been in touch with reality. On the contrary, Pütter's great achievement was that he systematically modernized the theory of the Reich. To Moser's legal positivism he added the new understanding of natural law: indeed, for him, 'natural law was a kind of philosophy of positive law'.[16] He applied to the whole 'systema imperii' the growing belief among German commentators after 1750 of the necessary limitations on government power, an increased emphasis on the prime duty of government to provide protection and security, and a growing sense of the need to avoid endowing it with unlimited powers in the name of promoting welfare and happiness. By the 1790s, he was interpreting the Peace of Westphalia through the eyes of Montesquieu.[17]

Though he was a trenchant critic of some aspects of the system and he clearly favoured the rights of the territories, Pütter was not a reformer. The fact that he himself had no axe to grind enhanced his impact. That events in the 1790s did not change his mind was hardly surprising in someone aged sixty-four in 1789, with a nearly forty-year career behind him. The modernity of his system was, however, underlined by the way his pupils Carl Friedrich Häberlin and Nikolaus Thaddäus Gönner did indeed adapt his teachings to the revolutionary political theories of that decade.[18]

[16] Link, 'Pütter', 317.
[17] Herdmann, *Montesquieurezeption*, 229–30.
[18] See pp. 614–16.

V

THE GERMAN TERRITORIES AFTER *c.* 1760

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Enlightenment and the Problem of Reform

The same ferment that generated the *Nationalgeist* debate in the mid-1760s and the never-ending debates about the reform of the Reich thereafter also gave rise to a parallel phenomenon in the German territories. Indeed, in many cases the simultaneous pursuit of reform in both Reich and territory formed part of an integrated political programme. 'Improvement' ('Verbesserung') became the leitmotif of territorial government in the late eighteenth century, the word most frequently used to describe the aspirations and programmes of rulers and their officials. While the prime significance of these reform initiatives has generally been recognized, important questions about them have remained controversial. Numerous historiographical debates have focused on the motivation, nature, extent, and effectiveness of reforming activity in this period, as well as on the significance of the late eighteenth-century reforms for the long-term development of German history.[1]

The terms 'Enlightened Absolutism' and 'Enlightened Despotism', which have often been employed as the most characteristic of the period, have also been the most problematic. For over a hundred years, historians have debated whether Enlightenment could possibly be compatible with any kind of absolutism. 'Enlightened despotism' at least has some claim to authenticity, since it derives from Pierre-Paul Le Mercier de la Rivière's 'despotisme légal' of 1767 and Diderot's notion of a 'despotisme juste et éclairé' of 1773, but these terms were controversial even when they were first used.

If the term 'Enlightenment' has any connotation of emancipation or of progress, then its association with either absolutism or despotism of any kind is inevitably problematic. For that reason, some have preferred to employ the term 'reform absolutism', though the same arguments that have questioned the validity of the term 'absolutism' would also apply to any later variant.[2] The logical problems were often most scathingly explored by Marxist scholars, who preferred to classify the reforming princes of the later eighteenth century as manifestations of late feudalism. The espousal of Enlightenment ideas was variously explained as a diversionary tactic, as an attempt to integrate new bourgeois ideas or movements in order to strengthen the old order, or simply as a rationalization of the old feudal-absolutist order, the fraudulent deployment of a modern political vocabulary to disguise a harsh and unchanged reality.

[1] Good surveys are Demel, *Reformstaat*, 57–92, and Borgstedt, *Aufklärung*, 18–34.
[2] Birtsch, 'Aufgeklärter Absolutismus', and Birtsch, 'Reformabsolutismus'. See also pp. 187–91.

Even more recent studies generally emphasize a temporary alliance between the two fundamentally incompatible forces of traditional monarchical government and the modernizing, emancipatory movement of the Enlightenment. The balance of powers within this alliance was, however, often unclear. Was reform the product of Enlightenment? Or was reform driven by the traditional concerns of rulers and merely superficially shaped by Enlightenment ideas or articulated in the language of Enlightenment?

The question of the role of the later eighteenth-century reforms in the longer run of German history has been equally controversial. While some have seen them as a crucial first step towards the development of the modern constitutional state, a long tradition in Germany has given priority to the allegedly more important 'German' reforms of the 'reform era' after 1806, especially in Prussia.[3] If the nationalist connotations of this issue have now ceased to be relevant, the question remains acute for any perspective on the notion of a German *Sonderweg* (special way or path of development) in the nineteenth and twentieth centuries that has preoccupied many historians of modern Germany. Did that special way begin with the absence of a revolution in Germany in the late eighteenth century? If so, was that attributable to the ability of the German territorial governments to engage in timely reform in order to avert a revolutionary threat? Were the conditions that prevailed in Germany not sufficiently acute to foster a revolutionary challenge? Or was the German *ancien régime* simply too firmly entrenched, so fully in control of society that it was able to repress any hint of opposition and indeed to enlist on its own behalf the kind of intellectual critical forces that noisily opposed the *ancien régime* in France?

In the 1980s, two leading historians framed the old alternatives afresh and simultaneously underlined the continuing significance of the last decades of the Reich and the nature of its end for the subsequent history of Germany. In 1983, Thomas Nipperdey opened his history of Germany in the nineteenth century with the statement 'In the beginning was Napoleon.'[4] Four years later, Hans-Ulrich Wehler replied: 'At the outset there was no revolution.'[5] Their disagreement, which also revolved around Nipperdey's rejection of the *Sonderweg* thesis that Wehler so passionately and consistently espoused, was not rendered irrelevant by the publication of a third grand narrative of modern German history in 2000 by Heinrich August Winkler. This opened with the statement 'In the beginning was the Reich', and it diagnosed the myth of the Reich and the German experience in the early modern era generally as the cause of the difference between Germany and the West, which obliged the Germans to travel a 'long road to the West' that ended only with reunification in 1990.[6] Like Nipperdey and Wehler, Winkler identified the starting point of a German special way in the particular circumstances of the Germans at the end of the eighteenth century.

Related to these controversies, and to some extent underlying them, is an equally significant tradition of interpretation of the German Enlightenment or *Aufklärung*.

[3] Demel, *Reformstaat*, 93–128.
[4] Nipperdey, *Geschichte*, 11.
[5] Wehler, *Gesellschaftsgeschichte*, i, 35.
[6] Winkler, *Weg*, i, 5.

Here too the emphasis has generally been on the assumed fundamental differences between German thinking and 'Western', specifically French and English, thought in the eighteenth century.[7] The debate about these issues has been every bit as political over the past two centuries as the controversy about the significance of the eighteenth-century reforms and the history of Germany since the Reformation generally. Indeed, the debate about the *Aufklärung* began in the late eighteenth century itself. This was a specifically German discussion that had no parallel in other countries. It started with the discussion of aims and objectives in the 1780s, with the question 'Was ist Aufklärung?' that Kant and others sought to answer.[8] It then continued with the 'conservative' reaction against *Aufklärung* in the light of the events in France after 1789 and with the radical transcendence of the *Aufklärung*, which began as an 'Enlightenment of the Enlightenment' by a new generation of Idealist and post-Revolutionary philosophers such as Hegel from the mid-1790s.

The subsequent elevation between 1770 and 1830 of Idealism and the philosophical and literary forms associated with what became known as the 'German Movement' ('Deutsche Bewegung') to the status of founts of 'true' German art and thought meant that progressive champions of the *Aufklärung* generally remained outsiders, both intellectually and politically. The idea that such a German movement existed was first mooted by the philosopher Wilhelm Dilthey in his inaugural lecture in Basel in 1867. Around 1900, this notion was taken up by numerous German scholars who viewed the decades between about 1770 and 1830 as the period in which the intellectual and cultural foundations for the later (Prussian) German nation state were laid.[9] The 'German Movement' represented, so it was argued, an exuberant explosion of artistic and philosophical activity that paralleled and compensated for the concomitant decline of the Reich. The embrace of art and aesthetic experience was to some extent a substitute for the lack of political engagement, or rather for the continuing exclusion of the German educated classes from political participation.

Consequently, figures such as Johann Georg Hamann (1730–1788) and Johann Gottfried Herder (1744–1803), the writers associated with movements such as the *Sturm und Drang*, were identified as trailblazers who rejected the *Aufklärung* and the West that had produced it; Kant was hailed as an Idealist whose ideas had transcended the *Aufklärung* and thus also set Germany on the course to a higher and more profound, essentially German, cultural–philosophical state that deviated fundamentally from the rationalist and materialist West. The mature works of Goethe and Hegel were claimed as the highest achievement of an emphatically non-Western and distinctively German way of thinking and being.

According to this tradition of interpretation, the whole literary revival of the eighteenth century could in a sense be seen as a frustrated protest and liberation movement that ended up constructing a realm of art and ideas, rather than forging a political nation. Schiller had seemed to have an inkling of this when he wrote his

[7] See also pp. 330–44.
[8] Nisbet, 'Concept'; Schneiders, *Wahre Aufklärung*.
[9] Whaley, 'Transformation', 169–71; Gretz, *Bewegung*; Dann, 'Herder'; Sternhell, *Tradition*, 141–66.

draft poem sketch 'Deutsche Grösse' ('German greatness') of *c*.1801–2: the Reich of ideas, he wrote, flourished in Germany as the political Reich disintegrated; German culture would come to lead the world. Schiller himself did not give his draft the title 'Deutsche Grösse'. That was devised by the scholars who first published the fragment in 1871 and thought of it as a 'gift by German literary scholarship to the German people on the occasion of the foundation of the [second] Reich'.[10] In fact, Schiller's reflections were not untypical of a cosmopolitan moment among German intellectuals of his time. They do not demonstrate his prescience about the emergence of a future German nation state, but rather describe the complex relationship between Reich and nation around 1800.

The retrospective nationalist conscription of leading literary and philosophical figures into the 'German Movement' in the late nineteenth and early twentieth centuries soon gave way to the construction of a negative version of this German 'special way'. By the 1940s, preoccupied by the disaster of fascism, Theodor Adorno and Max Horkheimer developed their devastating critique of the ironic yet disastrous consequences of the *Aufklärung*: the rationalism of the Enlightenment led not to emancipation but to the tyranny of capitalism and fascism.[11] This remarkable verdict was pronounced with regard to the Enlightenment as a whole, but it was based on a diagnosis of the problems of German society specifically and on Adorno's and Horkheimer's gloomy conclusion about the possibility of the redemption of society. Their main intellectual heir, Jürgen Habermas, was more optimistic, but the underlying assumptions concerning the nature of the *Aufklärung* remained the same.

The prevailing view of the *Aufklärung* among German scholars still reflects much of this complex, ideologically charged tradition of interpretation. According to the most influential recent German historian of the movement, the *Aufklärung* was an intellectual movement that began with Thomasius in the 1680s.[12] It gained ground from English and French influences to reach a mature phase around 1720 and then began to decline from the early 1760s. By the time the leading *Aufklärer* debated the meaning of *Aufklärung* in the 1780s, the end was in sight. Kant's vision of self-critical reason entailed the abandonment of key principles of the *Aufklärung*, and the ensuing struggle between Kantians and anti-Kantians shifted the intellectual debate decisively. By the 1790s, Idealism, Classicism, and Romanticism had, according to the conventional view, fully supplanted *Aufklärung* as the dominant philosophical and artistic modes. Their increasingly conservative inflection dominated the cultural and intellectual development of Germany for the next one-and-a half centuries, during which it was often forgotten that 'Germany too had been a country of Enlightenment'.[13]

The *Aufklärung* is held to have been compromised because it apparently developed under the auspices of German territorial government. For all its absorption of foreign influences, it is said to have failed to translate radical ideas into any area

[10] Schmidt, 'Universalismus', 11–13. [11] Whaley, 'Transformation', 160–1.
[12] Schneiders, 'Aufklärungsphilosophien'; Whaley, 'Transformation', 163–7.
[13] Schneiders, *Lexikon*, 17–18.

other than theology. It developed in alliance with, or rather in the service of, the ruling princes. Germany, it is thus argued, never developed a critical liberal tradition, let alone a strident democratic movement in the eighteenth century.

Most of these widely held general perspectives on the development of Germany in the late eighteenth century have resulted from attempts to understand the later history of Germany, in particular Nazism and the holocaust. More recent research undertaken by historians of early modern Germany, seeking to place the late eighteenth century back into its early modern context, has done much to suggest revisions both of the traditional view of the state and of the established view of the *Aufklärung*. It has revealed a more diverse, more vibrant, and more political movement that was by no means either subservient or spineless. Liberal and democratic tendencies have been uncovered significantly before 1789. Above all, the traditional chronologies have increasingly been questioned. The idea that the *Aufklärung* began to decline before 1789 and that reaction set in thereafter or that *Aufklärung* fell victim to either a 'German Movement' from the 1770s or to Idealism and Romanticism from the 1790s has come to seem increasingly untenable in view of the growing body of evidence that demonstrates the persistence of *Aufklärung* ideas into the nineteenth century.

The *Aufklärung* certainly had its uncompromising opponents.[14] Long before the 1790s, Orthodox Lutherans, Pietists, and others, lost no opportunity to denounce the pernicious influence of the new ideas and to warn against their corrosive effect on society. Yet not every critic of rationalist theology and philosophy can be deemed an opponent of the *Aufklärung*. Many of those identified by late nineteenth-century scholars as members of the supposed anti-rational, anti-Western 'German Movement' are in fact better characterized as enlightened critics of the Enlightenment. They opposed an excessively or exclusively rationalist *Aufklärung*, but themselves pursued the same ultimate aims armed with what they believed was a more rounded, more accurate view of human beings and of the world they inhabited.

A key issue is whether *Aufklärung* is regarded as a period or as a process: as a specific programme with a more or less definable content that can be identified as characteristic of a specific period, or as an approach to thinking about nature and society with no specific definitions of the outcome of such thinking other than the ultimate end of improving human society to facilitate the perfectibility of mankind.

Other research has revealed a greater variety among the German territories, allowing for serious consideration of the activities of the medium and smaller territories, as well as the major powers of Austria and Prussia. A new interest in 'minor states' has yielded important insights into the viability and distinctive political and cultural profile of the smaller German territories.[15] Furthermore, a reappraisal of the political and cultural potential of the smaller territories has resulted in the reintegration of regional or local histories into the history of the Reich.

[14] Borgstedt, *Aufklärung*, 90–4; Müller, *Aufklärung*, 94–100.
[15] Langewiesche, 'Kleinstaat'; Schnettger, 'Kleinstaaten'; Schnettger, 'Kleinstaaterei'.

Alongside Austria and Prussia, many other rulers also developed governmental programmes shaped by the context of the Reich and its framework legislation and political and judicial institutions. For some, the embrace of the wider political agenda inspired by the ideals of the *Nationalgeist* debate formed the logical imperial or German dimension of the policies they pursued locally and regionally as territorial rulers. In some territories, rulers who had little or no affinity with the new thinking of the Enlightenment nonetheless implemented 'Enlightened' reforms at the suggestion of Enlightened ministers or officials. In others, such reforms came about as a result of the initiative of the territorial Estates or of private individuals or groups of individuals. In many areas, the first move towards the abolition of the various remaining forms of serfdom came from noble estate owners who were responding to new economic realities, rather than consciously implementing Enlightenment ideals.

In the early 1760s, Melchior Grimm estimated that there were perhaps twenty German princes with Enlightenment sympathies.[16] One modern historian has argued that there was really only one ruler who deserved the epithet: Frederick the Great, who developed a rationalistic view of the state and of state power, participated in the public literary–political debate, and systematically introduced Enlightened reforms.[17] That is almost certainly an excessively narrow definition. More important is the recognition that, by tradition, German scholars have tended to dwell heavily on the role of the ruler, often to the exclusion of the factors that made it possible for a ruler to achieve anything at all. Moreover, the emphasis on the state that is evident in the whole discussion of 'Enlightened absolutism' has generally involved the application of a view of the state that was anachronistic in relation to the eighteenth century and shaped by nineteenth-century and twentieth-century ideas of a *Machtstaat*.[18]

The variety of reforms that developed in the smaller territories was in reality as much characteristic of the German experience in the late eighteenth century as the developments that unfolded in the more powerful composite territories of Austria and Prussia. Together, these lesser territories accounted for somewhat over 15 million of the Reich's roughly 24 million inhabitants around 1800. Collectively, these territories too made a distinctive contribution to the history of the European state and helped shape the subsequent development of Germany after the dissolution of the Reich in 1806.

[16] Borgstedt, *Aufklärung*, 18.
[17] Birtsch, 'Idealtyp', 12–13.
[18] Neugebauer, 'Absolutismus', 36–9. The term *Machtstaat* broadly means 'authoritarian state' or 'dictatorship'.

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Crisis and Opportunity

In general, the reforms of the later eighteenth century may be seen as the response to two kinds of challenge. The first was the combination of economic crisis and new growth patterns that characterized the decades after 1763. The second resulted from the changing intellectual climate combined with new attitudes amongst the educated and the emergence of a more self-confident and assertive public sphere.

The end of the Seven Years War left much of the Reich crippled financially, the manufactures of many regions devastated, and commercial activity severely dislocated.[1] That was partly the consequence of the severe subsistence crises following poor harvests that afflicted much of Germany between 1755 and 1762.[2] The war itself wrought further damage in many areas and, at various points, disrupted economic activity throughout much of the Reich. After the war ended, an economic depression set in, exacerbated, to some extent even created, by government policy in Prussia. Frederick the Great attempted to restore his currency by recalling depreciated coinage and reissuing coins with a higher metal content. This revaluation of the Prussian currency placed an immediate brake on commercial activity. Speculation on commodities on the Amsterdam and Hamburg exchanges virtually ceased; banks were unable to honour payments on notes of credit issued before the coinage was revalued, and many were driven to bankruptcy. According to the Hamburg economist and disciple of Adam Smith, Johann Georg Büsch, there was no recovery during the 1760s, and there were several more recessions before 1770.[3]

Scarcely had this phase of recurrent depressions ended than a major harvest failure in 1771–2 posed a fresh challenge. In some areas, the crisis lasted until 1774. Governments responded by restricting the sale of grain, and they seemed to have succeeded in managing the worst consequences of the grain shortages. But there was little that they could do to control the steady rise in prices that ensued. Further crop failures between 1787 and 1789 affected much of Germany as they did France, though without precipitating a revolutionary crisis in Germany. Some governments, such as that of Prussia, operated grain stores effectively and intervened to undersell the markets when prices threatened to rise excessively. Creeping inflation during the 1780s turned into runaway inflation after 1789 that lasted until 1805–6. Overall, between 1750 and 1800, grain prices almost doubled, while wages rose by only a third or a half.[4]

[1] Liebel, 'Enlightened despotism', 154–5.
[2] Dipper, *Geschichte*, 59–61.
[3] Liebel, 'Enlightened despotism', 154.
[4] Liebel, 'Enlightened despotism' 155, 157.

The same period also saw steady population growth in the Reich, as in the rest of Europe.[5] For reasons that are still not fully clear, mortality rates fell steadily: despite the recurrence of severe subsistence crises in 1771–2 and 1787–9, the incidence of previously endemic diseases fell, and between 1763 and about 1800 war did not affect demographic trends again.

Growth patterns were patchy, intensified in some areas by migration. The apparently dramatic increase in the population of Prussia from 3.48 million around 1750 to 6.22 million around 1800 is to some extent explained by the acquisition of new territory and, to a lesser extent, by immigration actively encouraged by the government, which attracted some 285,000 new subjects. Even so, several Prussian provinces achieved growth rates of well over 10 per cent per annum, making Prussia's growth rate overall higher than that of any other territory. In West Prussia, previously sparsely populated, ample land reserves supported an annual growth rate of 17 per cent between its acquisition from Poland in 1772 and the end of the century.

In other parts of Germany, growth rates were lower, but steady nonetheless. In the relatively densely populated south-west, Württemberg growth rates averaged 6.9 per cent a year over the period 1750–1800, and reached a peak of 12.4 per cent a year by the end of the century. This created the preconditions for the early nineteenth-century demographic crisis of the region, which peaked in the harvest failures of 1817 and the first wave of German emigration to the United States. In the Brunswick region, much less densely populated and with greater reserves of land, the growth rate was also 6.8 per cent a year.

Deviations from the trend generally had specific causes. The apparently low growth rate of 3 per cent a year in Saxony masked some quite spectacular increases in the areas of strong manufacturing activity in the mountainous regions, as opposed to minimal increases on the agrarian plains. The only real exception to the experience of growth seems to have been Bavaria, where the population actually fell by 5.9 per cent a year between 1771 and 1794. There seem to be two reasons for this. On the one hand, the continuing effects of the agrarian crisis of the early 1770s imposed severe constraints. On the other hand, noble estate owners in Bavaria collectively resisted the two measures most conducive to expansion elsewhere: the shift from grain and pasture to potato cultivation and the encouragement of or acquiescence in the development of part-time home-working or proto-industry.

The marked overall increase in population had profound effects. Agriculture became more profitable as prices rose steadily. Almost everywhere the existing land under cultivation could not meet the demand, and more marginal land was brought into cultivation. Significant advances were made in enhancing agricultural productivity as the move to crop rotation systems avoided lengthy fallow periods. New crops, such as alfalfa for animal feed and, above all, potatoes for human consumption, also significantly enhanced productivity in most areas by the later decades of the century. Another 'natural' response to population growth in many areas was the

[5] The following relies on Dipper, *Geschichte*, 67–70, and Pfister, *Bevölkerungsgeschichte*, 18–24, 35–9.

further development of rural industry. Peasants who no longer had enough land to feed their families turned to the often highly profitable activities on offer in the main manufacturing regions. These were concentrated in the Lower Rhineland and, above all, along the central German massif eastwards to Saxony, Thuringia, and Silesia. By 1800, what can only be described as 'factory villages' with thriving and prosperous populations of several thousand inhabitants had developed in some areas of Saxony.

Mercantilist thought since the seventeenth century had encouraged a preoccupation with the balance of trade, and predisposed German observers to think of their society as backward compared with others. Justus Möser lamented the fact that the descendants of those who had founded the Hanseatic League now merely 'pushed barrows or fished for oysters, and imported lemons from Spain and beer from England'.[6] The last attempts to break into the world of overseas commerce by establishing Asiatic trading companies were no more successful than the early ones. Prussia's attempt to exploit ownership of Emden from 1744 by establishing a Königlich-Preussische Asiatische Compagnie in Emden nach Kanton und China (Royal-Prussian Asiatic Company in Emden to Canton and China) in 1750 folded within a few years and was formally wound up in 1765. A Prussian Bengal company survived for a while only because it was used by corrupt British officials in Calcutta seeking a secret outlet for trade to Europe on their own accounts. Austrian East India projects were similarly launched with high hopes, but quickly terminated.[7]

Government attempts to promote trade almost invariably failed. Yet, from about 1740, important new developments allowed the economy of the Reich to escape from the shadows cast by the Thirty Years War and outweighed the disadvantage of being marginalized geographically by the European shift towards a North Sea–Atlantic economic system. While Germany's share of European shipping by tonnage may have been as little as 3.7 per cent, the Reich was probably backward only in comparison with Britain.[8] Germany's exports accounted for up to some 20 per cent of her total trade, but the same was also true of France.[9]

In fact, the Reich seems to have fared rather better overall than France. A growing population stimulated demand for both foodstuffs and manufactures. The expansion of the British economy led to a demand for textiles, raw materials, and grain, and contributed to a significant commercialization of both the agrarian and textile sectors in the later eighteenth century.[10] Finally, the twenty years of war that began in the 1790s helped rather than hindered German long-term economic development. The trade embargoes reduced Germany's trading dependence on Britain and France and prompted a structural shift away from the Atlantic trading

[6] Möser, *Werke*, iv, 217–18.
[7] Nagel, *Abenteuer*, 141–2; Schui, 'Moment'; Houtman-de Smet, 'Ambitions'. See pp. 271–2.
[8] Kriedte, 'Trade', 124.
[9] Kriedte, 'Trade', 101.
[10] North, *Kommunikation*, 23.

system in the early nineteenth century to the Rhine as the major trade route and the domestic market as the basis for commercial activity.[11]

The failure of trading companies and the limitations of the commercial fleet did not preclude engagement in foreign trade. German producers and traders continuously sought access to foreign markets, and important regions of the Reich became increasingly linked with the Atlantic economic area. Upper Germany remained dependent on the traditional routes of the Rhine, the Alpine passes, and the Danube. Augsburg remained the most important south German banking centre alongside Frankfurt am Main, and its long-distance trade, especially with Italy, remained important. Nuremburg too retained its significance as a nodal point linking both north and south and east and west. To the south-east, Vienna grew as an international commercial centre, significant not only for the Habsburg lands but for the Reich as a whole. Vienna was the gateway for goods bound for the ports of Trieste and Fiume and to the Danube–Black Sea route, to the Turkish and other Mediterranean markets. Overland, Vienna's trade networks extended not only to Bohemia and Hungary but across the whole of Upper Germany and, for many goods and financial transactions, up to Hamburg.[12]

Increasingly, however, the more important foreign trade routes in the Reich were the north-west-bound river connections, which favoured Hamburg, Bremen, Lübeck, and, to a lesser extent, Emden, as well as Amsterdam, as destinations for German goods. Precise figures do not exist, and most estimates relate to a 'Germany' that approximates to the Empire of 1871 rather than the eighteenth-century Reich. It seems fairly certain that balance of trade remained negative, but by 1800, exports had reached an unprecedented level, now comprising some 60 per cent finished goods, 24 per cent raw materials, and 10 per cent food (largely grain). In contrast, Germany's imports comprised 43 per cent raw materials, 24 per cent finished goods, 8 per cent half-finished goods, 19 per cent colonial goods (tea, coffee, sugar, etc.), and 8 per cent foodstuffs.[13]

Over the whole period, domestic commerce clearly predominated over foreign trade. Here too there were significant developments. The old economic regions—the Hanseatic or North German region, the Rhineland, and the Middle German and the Upper German regions—remained fundamental. The growing significance of the Atlantic economy is probably reflected in the competition Frankfurt am Main received from Leipzig, which benefited from its position as a kind of supply centre and market place for Hamburg.[14] The development of new trade fairs at Brunswick, Naumburg, and Frankfurt an der Oder reflects the same trend. Yet the fair established at Mainz in 1748 also prospered, and if Leipzig grew, Frankfurt am Main did not collapse. It remained the focal point for the Rhineland and Upper Germany. In the 1780s, the Frankfurt fair turned over goods worth 4 million thaler

[11] Kutz, 'Entwicklung'.
[12] *HbDSWG*, 558, 561; North, *Kommunikation*, 9–10; Demel, *Reich*, 116–17; Hassinger, 'Außenhandel'.
[13] Dipper, *Geschichte*, 181; Demel, *Reich*, 116; Kriedte, 'Trade' 113, 116.
[14] North, *Kommunikation*, 65–8.

a year, of which half were cottons, woollens, and linens.[15] Moreover, Frankfurt remained a pre-eminent banking centre and, from about 1750, developed a highly significant trade in luxury and colonial goods, largely supplying the courts in its region.[16] The fact that the main overland trade route in the Reich was the one between Frankfurt am Main and Leipzig was another reason why Frankfurt retained its position as a major centre.

The development of inter-regional trade within the Reich was just as important as the stimulus that the Atlantic system delivered to some areas. The market for basic foodstuffs (and their consumption) was broadly divided between the meat- and vegetable-consuming regions of the north and the milk- and flour-consuming regions of the south. For raw materials and manufactured goods, especially in cloths and worked metals, the trade routes criss-crossed the Reich and increasing regional specialization reinforced the density and scale of exchanges between regions. Trade fairs shifted from actual goods that were present to trade with patterns or samples, which encouraged a more speculative and entrepreneurial approach to the search for sources of raw materials or markets for finished goods.[17]

The growing significance of inter-regional trade is reflected in the emergence of printed handbooks such as a popular guide to 'markets, posts, and newspapers' in 1756 and an 'address book of all merchants and factories in Germany and some neighbouring countries' in 1798, both of which went through numerous editions. Together with the new journals for merchants, such as the *Hamburgische Adress-Comtoir-Nachrichten* (1767–1824), such publications enhanced a sense of the market and of market forces. As Friedrich Heinrich Jacobi noted in 1773: 'Commerce is the real true bond of society.'[18]

The development of commerce, and particularly the integration of many of the German regions into the Atlantic system, had a number of wider implications. The formation of links to international markets also created new routes for the transmission of news and the transfer of ideas, attitudes, and lifestyles. Hence, news of the American Revolution and the Dutch patriot revolt of 1781–7 or, slightly later, of the ideas of Adam Smith received lively discussion. Through trade, the northern regions of the Reich, such as Mecklenburg, Brandenburg, Pomerania, and East and West Prussia outside the Reich, became connected with the mental, cultural, and political world of the Atlantic.[19]

These developments laid the foundations for Germany's emergence after 1850 as one of the 'great metropolises of the capitalist world system'.[20] More immediately, however, the emergence of journals, directories, and handbooks relating to commerce and economic matters throughout the Reich gave new contours to the mental map of the Reich. Equally significant were the actual printed maps of the Reich, in the production of which there was growing competition during the eighteenth century. By the 1740s, the firm of Homann's Heirs of Nuremberg had established itself as the leading publisher of maps in Central Europe with maps

[15] Dipper, *Geschichte*, 174.
[16] North, *Kommunikation*, 20.
[17] Kriedte, 'Trade', 106–7.
[18] Dipper, *Geschichte*, 177.
[19] Neugebauer, *Politischer Wandel*, 152–94.
[20] Kriedte, 'Trade', 124.

of roads and postal or trade routes, of waterways, and maps of the Reich illuminating the geographical spread of confessional affiliations.[21] Significantly, most maps of the Reich at this time offset its territorial fragmentation by emphasizing the Kreise, either marked with distinct colours or by clearly drawn Kreis boundaries. Separately printed regional maps also generally depicted the Kreise. Printed materials, like the market forces they sought to address and help harness for profit, transcended territorial boundaries and thus reinforced a sense of the Reich as an economic nation.[22]

These major trends in agriculture, manufacturing, and commerce were largely the result of individuals and communities accommodating to the new conditions. The one area of real innovation—though even here there are sixteenth- and seventeenth-century precedents—resulted from the growing awareness of governments of the need to improve the infrastructure of commerce. From the 1730s, numerous territories began to designate and upgrade major commercial roads and to introduce signposts giving distances to the next destinations. Particularly in southern Germany, road-building saw considerable inter-territorial cooperation and co-ordinated activity within the Kreise.

It is impossible to quantify the impact of these initiatives. On the one hand, the speed of postal services in the Reich, already impressive by 1700, improved further: the French postal service did not match the speed of the German system until after Turgot's reforms of 1774. On the other hand, the large-scale transport of most goods was still viable only by water and, for much of the Reich, the major rivers remained the essential arteries. The construction of canals was really viable only in lowland areas and, owing to their huge cost, in large territories. In southern Germany, canal-building was negligible. In northern Germany, Prussia had the terrain, the extensive spread of territory, and the resources to create a canal network that far outweighed roads in its significance for the transport of both agricultural and manufactured goods.[23]

For the rest, the role of government, or rather the impact of government activity on secular economic trends, was fundamentally as limited as it had been in the century after the Thirty Years War.[24] That is not to say that governments were not also challenged by changing conditions and prompted to try and respond with regulation and active management. Three things in particular seemed to demand government intervention. First, governments as landlords and overlords were fundamentally concerned to guarantee an adequate food supply and, ultimately, to seek to regulate land use. Second, the growth of population increased the numbers of the poor, which in turn created the need to control and regulate

[21] Schmidt, '*Mappae Germaniae*', 20–1. See also Neugebauer, *Kreise*, which contains a facsimile of a Kreis map published by Homanns Erben *c.* 1741 and many other illustrations from other maps of the period.

[22] Garnier, 'Question', 48–52, on thinking about the Reich as a 'nation' in relation to customs barriers.

[23] On roads, see: Wunder, 'Chausseestraßennetz'; Wunder, 'Kaiser'; Wunder, ‚Chausseebau'; Behringer, *Merkur*, 528–49. On canals, see Teuteberg, 'Kanalwesen', 9–13, 25–6.

[24] See pp. 270–86; Ogilvie, 'Beginnings', 290–6; Kaufhold, 'Gewerbelandschaften', 197–8.

them, to generate work, and to prevent 'idleness'. In the century after 1648 a slowly growing population had expanded into expanding opportunities; now a significant proportion of the more rapidly growing population joined the ranks of the landless and non-guild poor, with no place in the traditional orders of society. Third, governments now more than ever perceived a need to regulate patterns of work, to impose discipline on lax working habits, or to try and undermine, or at least to oversee, the authority of guilds and other corporate bodies over modes and levels of production in so many sectors.

With the exception of road-building, none of these objectives was new. Each had its origins in a long tradition of regulatory activity by princes and magistrates in the Reich. Some of them continued to engage in these activities for the same religious reasons that their predecessors had done over preceding centuries. After 1750, however, two new features became increasingly important. The first was the growing emphasis on economic criteria: the attempt to apply economic principles and a concern to quantify both natural and human resources in economic terms. The second, related to the first, was the fact that in many areas government activity was guided or shaped in one way or another by new Enlightenment thinking.

This could take the obvious form of a prince adopting Enlightenment ideas. More generally, however, and probably more important than the activities of the relatively small number of classic 'enlightened despots', governments of all kinds now formulated their policies in a new intellectual context and in response to new expectations made of them by the educated classes. These expectations could be mediated by educated officials who formulated or implemented reforms, or impressed upon both rulers and their officials by the new and increasingly powerful phenomenon of public opinion.

51

The Challenge of the Enlightenment and the Public Sphere

By 1750, the new thinking that had first emerged as an academic reform movement associated with such figures as Christian Thomasius in the later seventeenth century had developed into a rich and complex intellectual tendency.[1] The long-term shift away from Latin as the normal language of communication and reading for most educated Germans had tipped decisively in favour of German. The volume of printed material in German had escalated to such an extent that even the most assiduous intellectual could not possibly keep abreast of the spectrum of important developments in the way that some had still been able to do fifty years previously.

Reading, writing, and discussion of key issues had now moved beyond the confines of government-sponsored institutions. For the first time, it was possible to speak meaningfully of a public, with whom a new type of writer communicated through the medium of literature and through journals, pamphlets, and non-literary book publications. Educated readers both consumed this growing mass of print and formed or joined free associations—clubs and societies—in which they discussed what they read or debated the ways in which their ideas might be usefully applied to promote the great objective of the improvement of human society.

The key category which circumscribed the social range of the movement and its key aspirations was that of *Bürgerlichkeit*.[2] What was meant was an attitude of mind, a way of thinking about the world, rather than a class affiliation. Almost anyone, from ordinary educated citizens of the towns and cities (*Bürger* in the classic and legal sense) to nobles and even ruling princes who subscribed to the wider ideals of a 'bürgerliche Gesellschaft' or civil society, could describe themselves as *bürgerlich* in the new sense of the word. *Bürgerlichkeit* had connotations of virtue and virtuous behaviour, of a particular enlightened moral disposition, of civic responsibility and a commitment to the improvement of human society.

The cult of *Bürgerlichkeit* did not dissolve social differences, nor was that really intended. It did, however, envisage that non-nobles might make as valuable a contribution to human society as nobles, a writer as much as a prince. In that sense, it was instrumental in the emergence in Germany during the eighteenth

[1] Invaluable overviews are provided by the following: Borgstedt, *Aufklärung*; Müller, *Aufklärung*; Pütz, *Aufklärung*; Beutel, *Aufklärung*; Möller, *Vernunft*. Further discussion and references can be found in Whaley, 'Transformation'. See also pp. 330–41.

[2] Umbach, 'Culture'.

century of a culture that was (and still is) described as *bürgerlich* and that was in fact largely generated by non-noble writers and artists.

The multifaceted cultural and intellectual shift of the middle decades of the eighteenth century did not entail a rejection of tradition or of the past. It did, however, help to transform the perception of many traditional institutions and to foster a radically new approach to the perception of government and society.

As the emphasis on variety implies, there was no single movement. In Berlin and some other centres, Wolffian rationalism had become the mainstream. Yet in the 1760s even Berlin was characterized by the existence of competing groups of Wolffians, French-style materialists, so-called *Popularphilosophen* who variously propagated Lockean or Thomasian ideas, the latest pronouncements of the Scottish 'common-sense' philosophers, or notions of nature and virtue derived from Rousseau.[3] In Halle, too, there were competing Enlightenments in the 1740s and 1750s, variously civil and Thomasian, Wolffian, or Pietist in inclination.[4] Alongside Halle and Berlin, other groups and tendencies developed in Zurich, Brunswick, Leipzig, and Königsberg, and many other centres throughout the Reich.

The significance of the great late sixteenth-century intellectual and literary centres of the region defined by Cologne, Frankfurt am Main, Heidelberg, Tübingen, and Augsburg had waned. Now the more northerly area defined by Hanover, Berlin, Dresden, Erfurt, and Göttingen, with Halle and Leipzig as its dynamic creative core, became the focus of intellectual activity in the Reich. Cities such as Königsberg, Hamburg, or Zurich, which lay on the periphery, only flourished to the extent that they engaged in intellectual exchange with scholars, writers, and publishers in Halle and Leipzig.[5]

Despite the evident primacy of Middle Germany, a Catholic Enlightenment, founded on the Wolffian traditions first established in the Protestant parts of the Reich, nonetheless began to gain ground first in the universities and then more widely from the 1740s. The dissolution of the Jesuit order in 1773 marked a particular breakthrough for those who propagated enlightened views of theology and promoted reform of the educational system. Around the same time, a Jewish Enlightenment also began to unfold, mainly in Berlin, but with links to other centres in the Reich and elsewhere.[6] The sense of being part of an international trend was an important source of confidence; the inspirations derived from major thinkers in England and France—from Locke, Shaftesbury, and Hume, from Bayle, Diderot, Voltaire, and Rousseau—were of prime significance. Yet the German *Aufklärung* was far from being a mere echo of more heroic trends elsewhere; it was not simply a pale derivative of a Western European mainstream.

As in other parts of Europe, a widespread tendency to strict rationalism was paralleled by an equally wide-ranging network of supranaturalism and of Enlightenment vitalism. In the German context, these tendencies seemed increasingly to

[3] Pinkard, *Philosophy*, 89. [4] Hunter, 'Multiple Enlightenments'.
[5] Weigl, *Schauplätze*, 16–18; François, 'Network'. 87–9, 93–9.
[6] Feiner, *Jewish Enlightenment*; Graetz, 'Enlightenment'; Borgstedt, *Aufklärung*, 48–53.

offer answers to the objections made by followers of Hume and others to the reductive rationalism of much early Wolffian thinking.[7] Such ideas have often been characterized as part of a Counter-Enlightenment movement, and this supposed *Gegenaufklärung* has been understood as a dark premonition of later German irrationalist and anti-Western movements, as we have seen in the discussion of the idea of a 'German Movement' above.[8]

In reality, all the early heroes of the 'German Movement' should be viewed as contributors to the wider debate. The *Sturm und Drang* group of young writers in the 1770s, for example, emphatically rejected the literary conventions that Gottsched had defined in the 1720s and 1730s; they also protested against the strict rationalism of Lessing and other leading figures of the 1750s and 1760s.[9] They embraced nature and feeling, and distrusted government and 'society'. Yet the rediscovery of nature was accompanied by the rediscovery of language, of 'authentic' German style and character, and of the true history of the Germans and the Reich.[10]

Above all, however, these early artistic rebels, while they criticized reductive rationalism and what they saw as naïve optimism, nonetheless subscribed to the key ideals of the *Aufklärung* as a whole. Their position was essentially similar to that of those who argued in the 1780s that *Aufklärung* should be limited, that the premature Enlightenment of the masses would simply lead to disaster. There were, of course, some who rejected the *Aufklärung* outright, and their opposition undoubtedly became more vociferous after 1789. Even before then, some ex-Jesuits developed the idea that the *Aufklärung*, especially as espoused by the Bavarian secret society of freethinkers, the Order of the Illuminati, was simply a conspiracy that aimed to destroy the world.[11] On the whole, however, the first real political anti-*Aufklärung* groups emerged only in the mid-1790s. One of the most prominent was associated with the journal *Eudämonia* 1795–98. The real object of the hatred of such groups was 1789 and everything that date stood for.[12]

Characteristic of virtually all the tendencies of the *Aufklärung* was a belief in the possibility of progress, a belief that increasing the sum of human knowledge and insight was conducive to the improvement of human society, and that such improvement was best achieved gradually as part of an evolutionary process, rather than by means of abrupt or revolutionary change. The old systems of knowledge based on the teaching of Christian confessions were to be re-examined and, where necessary, replaced by knowledge accessible to all, regardless of their beliefs. Education thus came to play a key role in virtually all strands of *Aufklärung* thinking. True

[7] For orientation, see Borgstedt, *Aufklärung*, 90–8; Müller, *Aufklärung*, 94–100. See also Sternhell, *Tradition*.

[8] See pp. 449–50.

[9] See essays in Hill, *Literature*; Dann, 'Herder'; Žmegač, *Geschichte*, i/1, 194–256.

[10] Fink, 'Patriotisme culturel'.

[11] On the Illuminati, see Hardtwig, *Genossenschaft*, 336–43; Van Dülmen, *Society*, 104–18. See also p. 467.

[12] Voss, 'Die *Eudämonia*'. See also Kraus, 'Gegenaufklärung', and Albrecht and Weiß, 'Gegenaufklärung'.

and lasting improvement in human affairs would not result from simply changing structures and rules. Changing the way that human beings thought, equipping them with better insights, more accurate knowledge, and more certain powers of reason, was the true foundation of a better common life.

This was the theme of Kant's famous response to the complaint made by the (anti-*Aufklärung*) Pastor Johann Friedrich Zöllner in the *Berlinische Monatsschrift* in 1783 that he could find no adequate definition of the term *Aufklärung*, which was currently on everyone's lips. Kant defined *Aufklärung* as a process, the 'emancipation of mankind from its self-imposed immaturity'.[13] What was meant was quite simple, though by no means easy to achieve. Human beings were born with the power of reason; out of weakness, cowardice, and short-term self-interest they had submitted to authorities that promised to protect and guide them, and they had gradually lost the ability to think and to live independently as a result. If they were to realize their potential as human beings in society, to become truly human in the sense of using to the fullest extent all the faculties that nature had endowed them with, they needed to learn to think independently again.

The process of human development would best be promoted if rulers were to assist by encouraging free debate in certain areas at first, then more widely. Such debate might first be encouraged in religious matters and in the arts and sciences generally, in areas to which a ruler could be indifferent. A wise ruler, however, would go further and permit free and open debate about the law and how it might be improved. Until such time as the public was fully educated, however, Kant believed that the free exercise of reason in the public sphere must be accompanied by obedience to the state in the exercise of one's professional duties, for example as a clergyman or government official, or in the performance of one's obligations to government in the payment of taxes or obedience to the laws.

There were signs, Kant believed, that the kind of debate he believed was essential to progress, and the consequent growing maturity of the public, were beginning to develop in his own age, especially in the Prussia of Frederick the Great. Hence Kant thought one might justifiably speak of an age of Enlightenment, if not yet of an enlightened age, and he suggested that this century might well be described as the 'century of Frederick', in honour of the monarch who had done so much to promote Enlightenment values. In the short term, human beings still needed the authority of a master to maintain order and, if necessary, to force them to behave in the correct way. Ultimately, however, Kant concluded, they might expect government itself to recognize their achievement in regaining their maturity as autonomous human beings and to formulate laws accordingly.

Kant's reasoning has sometimes been understood as deeply conservative, or at least as an example of a deeply flawed kind of German liberalism.[14] His apparently unconditional faith in the state, his insistence on the need for a strong ruler, and his insistence on the need to limit freedom during the extended learning process of

[13] Kant, *Aufklärung*, 55–61. [14] See, for example, Krieger, *Freedom*, 86–125.

society, has seemed to some to provide evidence for the intellectual foundations of a German *Sonderweg*.[15] Yet, in the context of the later eighteenth century, Kant's reflections have a rather different meaning. When Kant spoke about rulers, he had the eighteenth-century prince in mind, rather than the strong state constructed by post-Hegelian political and legal theory. Furthermore, he was describing both a process and a tendency in thinking that had in fact developed significantly during his own lifetime: the development of a reading public and a culture of debate, and the emergence of a new and often highly critical view of the state and its functions in society.

The development of a reading public and of a public sphere has already been noted in relation to the discussion of the reform of the Reich.[16] The same evidence is relevant in relation to the territories. There was an explosive growth in the sheer volume of printed materials. The most dramatic increase was in the number and edition sizes of newspapers and periodicals. Between 1750 and 1789, the number of newspapers more than doubled from roughly 100 to more than 200. Most were published weekly, though some now began to appear daily; the average edition size was probably around 600 or 700, but by the end of the century the *Hamburgischer Correspondent* had established itself as Europe's largest newspaper and was regularly printing 30,000 copies per edition and sometimes as many as 50,000 copies.[17] By 1789, the newspaper press was producing some 300,000 copies per week, which reached perhaps 3 million more or less regular readers.[18] The increase in periodical literature was equally dramatic, despite their often short-lived nature. The estimate of 4,200 German periodicals for the eighteenth century is probably a conservative one; at least 1,225 appeared in the years 1781–90 alone. Edition sizes were small, and many amounted to no more than a few pages with little substantive content; few achieved the edition size of 4,000–5,000 that the Hamburg *Der Patriot* had achieved during the 1720s or the 4,000 copies of the *Chronik* (originally *Deutsche Chronik* from 1774, but with a variety of titles since then) that Christian Friedrich Daniel Schubart printed in 1791.

A diversification of subject matter was also characteristic of the decades after 1750. The broadly moralizing literature of entertainment that was characteristic of the periodicals of the 1720s now gave way to a more differentiated field of periodicals with more specific subject interests. Some were devoted to economic matters, to forestry, or to agriculture; others dealt with personal issues and psychology, or with women's fashions. A new development from about 1770 was the political periodical, of which Schubart's *Deutsche Chronik* from 1774 was perhaps the most notable example.[19]

[15] *Sonderweg* is the term used by many German historians, and others, since the 1960s to denote the supposed special path of development in German history that allegedly culminated in the holocaust. See Kocka, 'Sonderweg' and Sheehan, 'Paradigm'.

[16] See pp. 438–9.

[17] Böning, *Welteroberung*, 22–3.

[18] Welke, 'Lektüre', 30.

[19] For a wide-ranging survey of eighteenth-century German periodicals, see Fischer, Haefs, and Mix, *Handbuch*. Unless otherwise indicated, the following paragraphs draw on this work. On the *Allgemeine Deutsche Bibliotek* see Möller, *Aufklärung*, 197–206.

Literary and review journals also flourished and played an important role in guiding readers through the mass of new publications. The most important, the *Allgemeine Deutsche Bibliothek*, founded in Berlin in 1765 by Friedrich Nicolai, employed some 400 reviewers to review over 80,000 books by 1806. By 1785, a serious competitor emerged in the form of the *Allgemeine Literatur-Zeitung* published at Jena (until 1803, in Halle thereafter), which soon established itself as the most read and most widely distributed German review journal. In 1788, the Salzburg (from 1800, Munich) *Oberdeutsche allgemeine Litteraturzeitung* followed; it published over 19,000 reviews by 1811. The Jena journal published a bibliographical supplement, an encyclopaedic summary of new writing, and a supplement with news from the world of writing and publishing, in addition to the daily edition of the main journal. Its aim was quite simply to review everything and to systematize and present a critical commentary on developments in every field of knowledge and culture.

The extraordinary range of the review journals reflects the phenomenal growth of the publishing trade generally. Roughly ten times more books were published between 1763 and 1805 than between 1721 and 1763.[20] The publishing trade expanded to meet the seemingly inexhaustible supply of manuscripts and to feed the insatiable appetites of readers: in the 1770s, there were over 200 serious publishers in the Reich, and between them they printed perhaps as many as 22 million books. Johann Georg Meusel's biographical lexicon of writers, published regularly from 1772, started by listing over 3000 writers; by 1788, the editors estimated over 6,000, and then 11,000 by 1806.[21]

Of course, many of those listed by Meusel wrote no more than perhaps one or two pamphlets. There was a world of difference between a few modest thoughts on clover cultivation and the learned legal treatises of Johann Jakob Moser or Johann Stephan Pütter, the major philosophical works of Kant, or the plays of Goethe and Schiller. Similarly, edition sizes were generally small: 'bestsellers' such as Rudolf Zacharias Becker's *Noth- und Hülfsbüchlein für Bauersleute* (a book of information and advice for peasants), which sold a million copies between 1788 and 1813, or Friedrich Eberhard von Rochow's *Der Kinderfreund* ('The Children's Friend', 2 vols, 1776–80), with 100,000 copies in several editions, were rare. Major authors such as Goethe and Schiller at the peak of their popularity could expect editions of perhaps between 2,000 and 3,000 copies; most others reached nowhere near that.[22]

Yet the sheer bulk and subject range of what was published and the growing number of writers of all kinds are testimony to the development of an increasingly diverse public sphere throughout the Reich. Rarely have dialogue and discussion, debate and controversy, all conducted in print and in public, been held in such high regard. What Adolph Freiherr von Knigge characterized as the dialogue between authors and their public was also conducted in the theatre.[23] During the 1750s and 1760s, there was a distinct turn away from the kind of drama favoured at courts

[20] Demel, *Reich*, 147. [21] Kopitzsch, 'Sozialgeschichte', 60–2.
[22] Kiesel and Münch, *Gesellschaft*, 159–60; Bruford, *Germany*, 279–84.
[23] Knigge, *Umgang*, 8, 429.

towards new forms. French language drama and traditional tragic forms that featured aristocratic heroes gave way to drama in German and to tragedies that featured *bürgerlich* heroes. Gotthold Ephraim Lessing's 'bürgerliches Trauerspiel' (tragedies featuring non-aristocratic heroes), complemented by his equally innovatory genre of 'rührendes Lustspiel' ('touching comedy'), aimed to ennoble virtue and to convey core values of the *Aufklärung* through drama conceived as an educational medium.[24]

Reading and discussion were the core activities of many of the clubs and societies that flourished in this period. That was most obviously true of the reading societies themselves: some 430 are known, with a total membership of perhaps 15,000–20,000.[25] An equal number may have belonged to the 250–300 lodges of Freemasons that existed in most German cities and many towns at the same time.[26] Perhaps 4,000–5,000 joined the fifty to sixty patriotic or economic societies that also flourished in the period after 1760. Particularly striking in this category was the number of societies devoted to agriculture, or even to particular subjects such as beekeeping.[27] At the same time, the previously relatively small number of learned academies was complemented by a steady succession of new foundations, primarily in various court and governmental centres.[28]

Most of these organizations were dedicated to fundamental principles and aims of the *Aufklärung*: open discussion of new ideas or key issues of the day by rational and intelligent individuals in a 'democratic' context that paid no regard to differences of social status, geographical origin, or religious affiliation; the ultimate purpose was to apply 'correct' ideas and new knowledge to the greater good of society, to improvement and reform. The Freemasons were secretive and 'private', but their aims were nonetheless inherently public, for only in the closed environment of the lodge could individuals speak their minds freely and debate speculatively. Some, particularly the academies, addressed the public directly with prize essay competitions on key issues of the day; the same was true of some patriotic or economic societies, which posted competitions asking for views on public health, on crop rotation or clover cultivation, or on the advantages of feeding and keeping livestock under cover as opposed to grazing them in open fields.[29]

The formal clubs and societies were only the most visible feature of an extensive new social medium. Others were informally organized or developed a shadowy and, in the eyes of some, sinister character. In Berlin, there was a variety of small clubs such as the Monday Society, founded in 1749, or the Wednesday Society, established in 1783.[30] The former was limited to twenty-four members and devoted to the discussion of literary and philosophical issues; the latter was similarly exclusive

[24] Kiesel and Münch, *Gesellschaft*, 82–4; Nisbet, *Lessing*, 246–93; Lamport, 'Lessing'.
[25] Van Dülmen, *Society*, 83–92.
[26] Van Dülmen, *Society*, 52–65.
[27] Abel, *Landwirtschaft*, 276–8.
[28] Hardtwig, *Genossenschaft*, 271.
[29] For an example of the latter, see Abel, *Landwirtschaft*, 277–8.
[30] Möller, *Vernunft*, 265–7; Hardtwig, *Genossenschaft*, 301–3; Keeton, 'Montagsklub'; Schmidt, 'Enlightenment', 272–4; Birtsch, 'Mittwochsgesesellschaft'; Haberkern, *Aufklärung*, 163–214.

but explicitly political in its aim to promote reform in Prussia. Both represented the artistic and political-governmental elite among what the *Berlinische Monatsschrift* described in 1784 as a plethora of clubs similar, it claimed, to what might be found in England and Geneva, where men 'conversed, gossiped, ate, or read out loud; where one finds newspapers, journals, chess games, billiards and playing cards'.

Altogether different was a pair of diametrically opposed secretive organizations that gained limited ground in the 1770s and 1780s. The Order of the Illuminati originated in Ingolstadt in 1776. Its founder, Adam Weishaupt, professor of canon law, had nothing to do with the Freemasons, though he hoped to exploit a crisis in the Masonic movement to attract members to his own society.[31] A broader dissemination seemed possible when the Hanoverian Freemason Adolph Freiherr von Knigge joined in 1781 and promptly set about establishing networks in northern and western Germany. Weishaupt and Knigge soon fell out, however, and Weishaupt also quarrelled with the Munich leadership group known as the 'Areopagus'. A series of government bans imposed on the order from 1784, which culminated in the exemplary publication by the Bavarian government of Weishaupt's supposedly seditious writings in 1786–7, led to its cessation in any organized form.

Estimates of the membership of the Order of the Illuminati at its peak vary between 600 and 4,000, with a lower figure more likely. As for its aims, it is doubtful whether they really were seditious. The order aimed to extend its own network ever more widely, to discuss its *Aufklärung* ideals of improvement internally (never in public) and, by virtue of its highly placed membership, to influence government policy at the highest level. It is almost impossible to gauge its impact, though it is thought that its members may have included ruling princes, figures such as Goethe, Herder, Nicolai, and Pestalozzi, as well as key officials such as leading judges at the Reichskammergericht.[32] At the same time, it is easy to see how this secretive network fell foul of the authorities throughout the Reich.

Even more shadowy was the Order of Gold and Rosicrucians, established in 1756 with a distinct Pietist and anti-rationalist agenda, which became politicized in opposition to the Illuminati in the mid-1770s.[33] This group vaguely claimed intellectual descent from the early seventeenth-century Rosicrucians and their alleged predecessors, and some of its members certainly stood in the tradition of Jakob Böhme. The order's influence was enhanced by the recruitment in 1781 of the Prussian crown prince, the future Frederick William II. Its most prominent achievement is said to have been the implementation of Johann Christoph von Wöllner's Prussian religious edict in 1788, which sought to reinforce Christianity in the form of the established Churches and to some extent limited intellectual freedom. Yet that does not necessarily make it part of a *Gegenaufklärung*. Wöllner, after all, thought of himself as enlightened. It is therefore more fruitful to see the order as part of that broad and heterodox spectrum of debate that emerged in the

[31] Hardtwig, *Genossenschaft*, 336–43; Van Dülmen, *Society*, 104–18.
[32] For the latter, see Neugebauer-Wölk, 'Altes Reich', 304–25.
[33] Hardtwig, *Genossenschaft*, 334–6.

Reich after 1750, in which strident rationalism was increasingly countered by pansophical, naturalistic, vitalist, or mystical tendencies.

Despite the extraordinary diversity and intensity of activity, the social range of the *Aufklärung* movement was still quite limited. Clearly, nowhere near all the estimated 3 million newspaper readers can be included. A better measure might be the estimate of roughly 100,000 educated individuals who at one stage or another were members of the various clubs and societies, many of them simultaneously members of several societies.[34] The membership comprised nobles, clergy, professors and teachers, state officials and students. Apart from a small percentage of individuals engaged in commerce or manufacture, the majority were in one way or another linked with the infrastructure of government or with institutions under government control or supervision, or in the case of students training in preparation for such careers.[35]

The concentration of members of societies in these fields gave them considerable potential influence. In relation to the size of government administrations of the time, a spectrum of some 100,000 enlightened individuals is perhaps impressive. In 1762, there were no more than about 20,000 'public' officials in the whole of Austria-Bohemia excluding the Tyrol and Further Austria, of whom only 7,421 were employed by the government (as opposed to 11,669 employed by the nobility and the towns and 1,494 by the Estates).[36] In 1786, there were no more than about 3,000 'state servants' in Prussia.[37] Of course, these figures do not include clergy, professors and teachers, or students, but they serve to illustrate the key point that even a relatively small enlightened elite could make a difference in a limited bureaucratic and governmental structure.

It is, however, perhaps salutary to remember the habitual lament of the *Aufklärer* that they were too few in number and that their position was always insecure.[38] They were also subject to the restraint of political authority and of censorship. It is true that anonymous authorship or outsourcing publication to another territory could often evade local restrictions. Yet the risks of speaking out were all too real. When Christian Friedrich Daniel Schubart demanded equal rights for the Jews, the abolition of slavery, the cessation of the soldier trade, and then praised Joseph II's ban on torture and abolition of serfdom—all in his widely circulated *Teutsche Chronik*—the Duke of Württemberg had him arrested in 1777 and incarcerated without trial for ten years.[39] Schubart's case was exceptional, but many others were intimidated or constrained, or sentenced properly in the courts for lesser periods of imprisonment for the expression of unorthodox, inconvenient, or simply critical views. Sufficient numbers fell foul of the authorities to generate a culture of self-censorship and of writing that concealed messages between the lines.

The growing clamour for freedom of the press during the 1780s and the negative publicity given to heavy-handed attempts by rulers to clamp down on the expression

[34] Demel, *Reich*, 143.
[35] Zaunstöck, *Sozietätslandschaft*, 183–7, 275.
[36] Demel, *Reform*, 248. [37] Demel, *Reform*, 227.
[38] Möller, *Vernunft*, 285–6. [39] Breuer, *Zensur*, 133–9.

of views they found uncomfortable probably helped to redress the balance a little. In 1780, for example, the Bishopric of Eichstätt demanded of the Hanover authorities that the Göttingen professor August Ludwig Schlözer be punished for criticizing an alleged miscarriage of justice in Eichstätt in 1780. The Hanoverians not only refused, but took no action in 1785 when Schlözer published his *Briefe nach Eichstätt* ('Letters to Eichstätt'), which poured public scorn on the bishop's behaviour in the whole affair and insisted that publicity and openness were essential to any judicial system.[40] Individual rulers might be named and shamed; others might consequently think twice before incurring bad publicity. Demands for freedom of the press were not, however, successful. Indeed, attempts by governments to assert control increased in frequency and intensified after 1789 and, in many cases, were specifically directed at the spread of *Aufklärung* ideas that were now identified as seditious.

Equally, many enlightened officials or clergy also met with resistance from below. Often their ideas were rejected by the very communities that they tried to persuade to conform to new rules and regulations or by the congregations to which clergy preached or which clergy tried to persuade to accept new orders of service or modernized versions of traditional rituals. Such popular reactions naturally reinforced the arguments of the opponents of the *Aufklärung*. They also raised doubts in the minds of some about how far it was actually either possible or desirable to enlighten the people at large.[41]

[40] Laursen, 'Publicity', 118–19.

[41] Schneiders, *Wahre Aufklärung*, 70–80.

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Protestant, Catholic, and Jewish *Aufklärung*

The Enlightenment is often described as a secular or secularizing movement. There were certainly significant changes in attitudes to belief and to churches among certain groups, but there were also strong lines of continuity. Even those educated groups whose attitudes changed most markedly rarely rejected either religious belief or organized religion outright. A minority evolved new understandings of religion and developed new versions of Christianity; some went on to develop ideas of a new religion altogether. Yet the majority of the population continued to live within the framework of the established churches. Even so, important developments within those churches significantly affected perceptions of their position in society and their relationship with authority. While the *Aufklärung* thus profoundly affected both the Protestant and the Catholic churches, its effects were also felt within the Jewish communities of the Reich. The period of intense discussion of the nature and aims of *Aufklärung* saw not only the Jews becoming subjects of the debate about toleration and progress but also the first emergence of the Jews as full participants in a 'Christian' debate.

Religion and religious debate remained central preoccupations. Kant declared religion to be a 'focal point of the *Aufklärung*', since it was a field from which rulers had nothing to fear and in which they could thus safely grant full freedom.[1] In the eyes of many of his contemporaries, things were by no means so straightforward. The Peace of Westphalia, with its detailed settlement of the confessional issue in the territories, remained valid. If the divine justification of kingship lost much of its overwhelming force during the eighteenth century, government almost everywhere still rested on the foundations of Christian belief.

On the other hand, the determination of many Protestant princes to assert their authority over the churches in the late seventeenth century now had a variety of intended and unintended consequences. Rulers increasingly sought to extend toleration to minorities for pragmatic economic reasons, if not for the sake of Christian or, much more rarely, secularist tolerance. The same rulers had encouraged criticism of the churches in order to undermine the authority of the clergy. They now often found themselves faced with the challenge of limiting any radical critique of religion and of trying to ensure that the clergy served the purposes of government. It was soon clear, however, that it would not be possible to restrain the growing number of those intellectuals who abandoned any form of orthodox

[1] Goldenbaum, 'Debatte', 32–79; Kant, *Writings*, 59.

religion. Indeed, as Herder reminded Duke Karl August of Weimar in 1783, if the ruler himself abandoned organized religion, his authority over his territorial church, and even over his territory, might be severely compromised.[2]

Finally, in the Reich itself, a greater degree of tolerance in many territories and the expression of irenic views by *Aufklärer* and others could not fully mask the continuing underlying tension between Protestant and Catholic Germany. The prospects for the reunification of the Christians in the Reich remained remote. Just as the Corpus Evangelicorum and Corpus Catholicorum guarded vigilantly over their respective rights, so in the Lutheran territories, for example, the Orthodox clergy often became experts in imperial law and vigilant guardians of the letter of the Peace of Westphalia. Hopes for reunion from each side of the confessional divide predicated the abandonment of core tenets of faith by the other; no government of any confessional hue was ultimately willing to abandon its substantial vested interest in a well-ordered ecclesiastical structure with loyal priests and pastors.

In Protestant Germany, *Aufklärung* ideas were primarily espoused by those who further developed the rationalist ideas of the Wolffians from the 1740s. Later, they were often scathingly referred to as 'Neologians', an epithet that became established among scholars in the twentieth century.[3] Neology was not really a movement, since there was neither a party with a clearly identifiable membership nor a common programme. It was rather a broad and disparate tendency that flourished between about 1740 and the end of the century, with both individual precursors from the seventeenth century and survivals and influences into the nineteenth century.

Neology represented a rejection of both Orthodoxy and the more extreme Pietist notions of conversion and salvation. At the same time, however, Neologians aimed to distance themselves from what they saw as the arid scientism of the Wolffians. They opposed deism, approved of the moral philosophy of the Cambridge Platonists (notably Tillotson, Shaftesbury, and Hutcheson), and applauded the pragmatic toleration which they believed was practised in Britain and the Netherlands. While the Wolffians had been preoccupied with reconciling reason with revelation, the Neologians emphasized the compatibility of reason and feeling, and focused on the religious life of the individual.

The progenitors of Neology were Johann Franz Buddeus (1667–1729) and Christoph Matthäus Pfaff (1686–1760). Each combined elements of traditional Orthodoxy with new Pietist attitudes, and their main aim was to combat any form of atheism. Their 'rational' or 'enlightened' Orthodoxy was translated into a wholehearted embrace of systematizing Wollfianism by Siegmund Jakob Baumgarten (1706–1757), a man praised by Voltaire as the 'crown of German scholars' and by others as the 'oracle of the German theologians'.[4] Baumgarten's Wolffianism was always tinged by elements of Pietism; ultimately, he sought to explain how feeling and reason complemented each other in the formation of beliefs and judgements.

[2] Schmidt, 'Jahr 1783', 143, 153–4; see also Schmidt, 'Luthertum'.
[3] Beutel, *Aufklärung*, 248. The following paragraphs draw heavily on this excellent survey.
[4] Goldenbaum, 'Debatte', 67–71.

An astonishingly versatile thinker, his main preoccupation was theology, but he also collaborated with his brother, Alexander Gottlieb Baumgarten (1714–1762), who first coined the term 'aesthetics' and thus laid the foundations for the subsequent development of German literary culture.[5] Above all, as professor of theology in Halle after 1734, Siegmund Baumgarten transformed the centre of North German Pietism into the fount of the Protestant *Aufklärung* or Neology that dominated Lutheran theology for the next half-century.

The dominant figures of Neologism were Baumgarten's pupils Johann Salomon Semler (1725–1791) and Johann Gottlieb Tellner (1724–1774), together with Johann Friedrich Jerusalem (1709–1789) and Johann Joachim Spalding (1717–1804). The bookseller, journalist, and novelist Friedrich Nicolai (1733–1810) also played an important role in popularizing the works and ideas of the Neologians, especially through his influential review journal, the *Allgemeine Deutsche Bibliothek* (1765–1805). Their theological writings were complemented by the work of ecclesiastical and biblical historians such as Johann Lorenz von Mosheim (1694–1755), Johann August Ernesti (1708–1781), and Johann David Michaelis (1717–1791).

In general, the Neologians measured everything against reason. They did not reject revelation, but viewed anything that did not conform to reason as an accidental historical addition or as plain deception. They did not deny the divinity of Christ. They tended to view him, however, not as the Son of God or as the saviour but as a noble teacher of mankind like Socrates: the Socrates of Galilee. As exponents of philosophical theology, the Neologians saw themselves in the tradition of Melanchthon. They did not challenge traditional dogma, but they accorded it less weight than did the Orthodox tradition. This, combined with a strongly historical approach, generated a strong commitment to religious toleration and a renewed interest in the reunification of the Christian churches.

A practical understanding of scripture, which employed textual analysis to distinguish between the word of God and the historical descriptions of human actions, was matched with a practical concern for the Christian in society and an emphasis on social ethics. These principles, when translated into teaching on the pulpits, inspired a range of interests that later prompted the charge that the Neologians had all but destroyed religion and deprived theology of its meaning and content. Frequent sermons on subjects such as inoculation, eating habits, even prudent coppice management or animal husbandry, seem to justify the derision subsequently poured on their worldly concerns. On the other hand, sermons against slavery, duelling, torture, capital punishment, or simple bad government confound the argument that the enlightened clergy were just servile conformists. Key programmatic works by Johann Joachim Spalding were *Die Bestimmung des Menschen* ('The Destiny of Man') of 1748 and his *Gedanken über den Wert der Gefühle im Christentum* ('Thoughts on the Value of Feelings in Christianity') of 1761.[6]

[5] Hammermeister, 'Enlightenment thought', 47–8.
[6] Beutel, *Aufklärung*, 257–9; Maurer, *Biographie*, 208–12, 609–13.

Though the Neologians had a strong academic base, they also reached out to a wider audience. Their numbers included leading churchmen, members of consistories, or superintendents of territorial churches, as well as ordinary pastors. They not only published academic works but specialized in popular theology written for the literary market, and many of them were also tireless journalists, propagating their ideals and preaching via the periodical press, as well from the pulpit.[7]

The main centres of the movement lay in Brandenburg, especially in Halle and Berlin, where leading Neologians belonged to the Wednesday Society and to the extensive network of contributors to Friedrich Nicolai's *Allgemeine Deutsche Bibliothek*. Indeed, their teaching became virtually indistinguishable from that of the 'commonsense' *Aufklärung* philosophers known as the *Popularphilosophen*. In Brandenburg, the movement comprised both Lutherans and Reformed, though efforts to bring about a union of the two confessions there bore no fruit until 1817.[8] Elsewhere, the movement was primarily Lutheran, and other major centres included Leipzig, Jena, and Göttingen. In the latter university, the founder, Gerlach Adolph von Münchhausen, deliberately aimed to recruit men who would not promote 'atheism and naturalism . . . or introduce enthusiasm' or seek to establish 'a Protestant papacy with the consequent intolerant limitation of freedom of conscience'.[9]

Although they were dominant until the 1790s, the Neologians were constantly attacked by both Pietists and Orthodox theologians. The Neologians more than met their match in literary and polemical skill and a flair for publicity on the Orthodox champion Pastor Johann Melchior Goeze of Hamburg and in the Pietist autobiographer and writer, Johann Heinrich Jung, known as Jung-Stilling (1740–1817).[10] In Brandenburg itself, talk of union or reconciliation between Lutheran and Reformed Churches aroused particularly bitter opposition from Pietist and Orthodox tendencies in both camps.

Criticism from other quarters underlined the fact that there was a variety of visions of what *Aufklärung* meant and how it could be achieved. Justus Möser, for example, commented that 'no religion should be allowed to rest simply on syllogism or deductions from reason', for this would make 'each individual's reason into an arbiter'.[11] Herder scoffed that Spalding proposed to turn the Church into 'an educational academy for His Majesty's citizens and subjects'. He deplored the 'civil priesthood of our times' and enquired satirically whether man was really destined to do no more than send in lists of births and deaths, 'to read out edicts and preach the devil so that the edicts are obeyed'.[12]

Herder may have missed the point that Spalding wanted preachers to be teachers of the people as well as servants of the state, but even many clergy who shared

[7] Beutel, *Aufklärung*, 251, 282–7.
[8] Maurer, *Biographie*, 217.
[9] Beutel, *Aufklärung*, 279.
[10] Beutel, *Aufklärung*, 390–4. Jung added the 'Stilling' to his name on account of Psalm 35:20 ('the quiet in the land'), though he was anything but quiet in his excoriation of the Neologians.
[11] Möller, *Vernunft*, 72.
[12] Maurer, *Biographie*, 208.

fundamental beliefs of the Neologians rejected attempts by governments to turn them into quasi-civil functionaries.[13] In Brunswick-Wolfenbüttel and the Electorate of Hanover, the Lutheran clergy both espoused enlightened ideas and developed into the backbone of the anti-centralist opposition movement. Not least, many congregations objected to the reform of liturgies or to the hymn books, which excluded old favourites. A new hymn book published in Brandenburg in 1780 aroused such intense opposition that it was soon withdrawn again.[14] It was clear that the laity generally had not kept up with the thinking of its progressive pastors.

Much of the hostility to the Neologians was inspired by the claim that *Aufklärung* led simply to indifferentism and atheism. In general, the accusation was untrue, but it was fuelled by the development of a more radical tradition alongside the Neologians. Actual atheists were rare. Individuals such as the Halle theologian and lecturer Friedrich Karl Bahrdt (1741–1792), who fell foul of the Prussian authorities after 1786, when he ceased to enjoy the protection of Frederick the Great, or the Brandenburg Pastor Johann Heinrich Schulz (1739–1823), who was dismissed in 1791 for preaching that God was no more than a 'chimera', were exceptional and isolated.[15] The strict materialism of the Paris-based German émigré Baron d'Holbach (1723–1789) found few adherents in the Reich; Spinoza, by contrast, was a constant source of radical theological inspiration.

The true extent of radicalism is unclear, since many continued to conceal their true beliefs while reading and disseminating clandestine literature. However, a growing number of intellectuals seem to have abandoned anything like an orthodox Protestant position in favour of one or other form of rationalism. And many now seemed to be able to combine a private radicalism with a successful literary career or public office, even, in some cases, a clerical one. After Johann Christian Edelmann (1698–1767) and Johann Lorenz Schmidt (1702–1749), the editor of the Wertheim Bible, the tradition of rationalism gained ground steadily. Hermann Samuel Reimarus (1694–1768) never published his ground-breaking *Apologie oder Schutzschrift für die vernünftigen Verehrer Gottes* ('Apology for or Defence of the Rational Worshippers of God'), which he worked on from 1736 to the end of his life. Yet Reimarus's ideas were introduced to a wider audience when Lessing published his *Fragmente eines Ungenannten* ('Fragments by an Anonymous Author') in 1774–8.

It is likely that Lessing substantially shared Reimarus's views, but his position was probably also more complex. His real interest was in debate, in the juxtaposition of opposing views in the hope of achieving greater clarity. As he explained to his brother when the 'Fragmentstreit' began to unfold and he came under attack from the Hamburg Pastor Johann Melchior Goeze (1718–1786), the most formidable champion of Lutheran Orthodoxy of his age: he wanted nothing more than that everyone might think rationally about religion, but he

[13] Stroup, 'Churchmen', and Stroup, *Struggle*.
[14] Borgstedt, *Aufklärung*, 41.
[15] Bahrdt, *Edict*, 1–14; Finger, 'Schulz'; Saine, *Problem*, 294–309.

did not wish to exchange the 'dirty water' of Orthodoxy for the 'liquid manure' ('Mistjauche') of the 'new fashionable theology' that the 'botchers and semi-philosophers' were currently offering.[16]

Lessing's interest in debate—fully in the spirit of the *Aufklärung*—almost certainly masked a profound attachment to Spinozist ideas. His alleged confession to Friedrich Heinrich Jacobi in 1780 that he was a Spinozist provoked the most sensational theological–philosophical debate of the century four years after he died. Jacobi's *Über die Lehre des Spinoza, in Briefen an den Herrn Moses Mendelssohn* ('On the Teaching of Spinoza, in Letters to Moses Mendelssohn') of 1785 launched a full-scale assault not only on Spinozist rationalism but on the *Aufklärung* generally.[17] His claims were damning: the conflict between reason and faith was insoluble; reason must lead to atheism; *Aufklärung* would inevitably destroy society. The only way of avoiding becoming a nihilist—Jacobi coined this term—was to make the 'leap of faith', a *salto mortale*.

Far from undermining the *Aufklärung*, however, as he intended, Jacobi's polemic gave vital impulses to new forms of it. Lessing once commented to Jacobi that 'people spoke of Spinoza as they might of a dead dog'. But in fact Spinoza's role as an inspiration for the clandestine cutting-edge radical tradition from about 1750, in which he was revered as *the* great precursor, was considerable.[18] Jacobi's onslaught made Spinoza into a hero and gave a kind of respectability to his ideas. There could be no opprobrium attached to expressing admiration for Lessing, the most revered figure of the mid-century *Aufklärung*; if Lessing had been a Spinozist, then surely that too was beyond reproach?[19]

Jacobi's book and the controversy it generated acted as a kind of catalyst. Ideas conceived in some cases long before Jacobi's broadside, often developed quietly, sometimes hesitantly and uncertainly, were now clarified, strengthened, and embraced with vehement conviction. The impact seems to have been greatest on those who had been inspired by reading Rousseau in the 1760s and 1770s. Ever since then Herder, for example, had been reacting against what he saw as the sterile rationalism of Neology, and in 1774 his *An Prediger. Fünfzehn Provinzialblätter* ('To Preachers. Fifteen Provincial Missives') denounced Spalding's view of the preacher as a practical teacher of the *Aufklärung*. Thereafter, however, he began to adapt main tenets of Neology to his own personal beliefs. Jacobi prompted him to study Spinoza in detail: the result was Herder's *Gott, Einige Gespräche* ('God, Some Conversations') of 1787, in which he presented Spinoza as a pantheist vitalist, rather than as a deist, the only reliable 'source of moral and religious convictions that were consistent with reason and scientific naturalism'.[20]

Goethe's break with any kind of Orthodox Christianity had been earlier and more decisive. In July 1782, he had informed Johann Caspar Lavater that he was not 'anti-Christian, or un-Christian, but decidedly non-Christian', and while he rather loftily declined to become involved in the polemics against Jacobi, his

[16] Möller, *Vernunft*, 85. [17] Beiser, *Fate*, 44–8; Saine, *Problem*, 224–7.
[18] Zammito, 'Pantheist current'. [19] Beiser, *Fate*, 59.
[20] Beiser, *Fate*, 159; Beiser, *Imperative*, 174–84; Beutel, *Aufklärung*, 330–4.

interest in Spinoza and his embrace of what now passed for Spinozan pantheism were deepened and strengthened.[21]

Kant was affected rather differently. Kant was older than either Herder or Goethe (born in 1724, twenty years before the former and twenty-five years before the latter), and his first major work, the *Kritik der reinen Vernunft* ('The Critique of Pure Reason'), published in 1781, had scarcely begun to make an impact. Kant became Jacobi's next target, and this contributed immensely to the dissemination of his ideas, largely through the popularizing works of Karl Leonhard Reinhold (1758–1823). One product of these polemical wars was Kant's *Die Religion in den Grenzen der bloßen Vernunft* ('Religion within the Limits of Reason Alone') of 1793, which also combined the essential tenets of Neological theology with what Kant called the 'moral proof of the existence of God' that had no need of revelation and the supposed divine laws transmitted by the Bible and by ecclesiastical tradition.[22]

In general, the critics of the Neologians all seemed to be moving away from any form of traditional organized Christianity or indeed from Christianity itself, tending towards the invention of an entirely new religion, often based on a new version of Spinoza's ideas.[23] The implications of this trend among elements of the intellectual and artistic elite are intriguing. Each of the three figures cited occupied an official position: Kant was a professor and thus an employee of the Prussian government; Herder was a clergyman, and from 1776 *Generalsuperintendent* of the Lutheran Church in Weimar and first preacher at the town church; Goethe had been appointed a member of the council of ministers there by Duke Carl August in 1775. Only Kant ran into trouble with the Prussian authorities briefly in the period of conservative reaction in the 1790s. Neither Herder nor Goethe suffered any consequences for their private beliefs—particularly remarkable in the case of Herder, since he was tantamount to a bishop in Weimar.

It is tempting to call them hypocrites. Yet in fact their position was little different to previous 'avant-garde' religious thinkers such as the Erfurt humanists around 1500 or Justus Lipsius in the later sixteenth century. They belonged to a long tradition of intellectuals who recognized the public functions of organized religion: the principle of 'religio vinculum societatis' ('religion is the bond of society') did not preclude the continuing search for higher and better truths.[24]

At the same time, the attitudes of these intellectuals must be seen in relation to the increasingly heterodox views expressed in contemporary works of legal and political theory. Johann Jacob Moser still insisted on the Christian and biblical origin of law. By contrast, Johann Stephan Pütter declared that, while all law derived from a higher source, he was willing to recognize the Talmud or the

[21] Boyle, *Goethe*, i, 351–3. [22] Beutel, *Aufklärung*, 334–7. [23] Beiser, *Fate*, 44–5.

[24] By the eighteenth century, such an attitude, which now distinguished between natural and revealed religion ('the religion of the philosophers' and 'the religion of the Fathers'), was reinforced by the enthusiastic discussion of the rediscovery by Ralph Cudworth (1617–1688) of the alleged religio duplex of ancient Egypt. Cudworth's work became more widely known following its translation into Latin by Johann Lorenz von Mosheim in 1733. See Assmann, *Religio duplex*, 14–21, 63–202.

Koran alongside the Bible.[25] The Wolffian Catholic Johann Adam von Ickstatt (1702–1776) argued that even atheism was compatible with good citizenship.[26]

In this sense, the critics of the Neologians were also true *Aufklärer*. Jacobi was, however, fundamentally wrong if he believed that reason would lead to destruction and revolution. Kant and Herder both sympathized with the French Revolution, though each recoiled from the violence and chaos that it brought in its wake. Goethe, by contrast, firmly opposed the revolution. There was no necessary correlation between late eighteenth-century Spinozism and revolutionary politics.

The philosophical and literary avant-garde were a minority. More conventional *Aufklärung* ideals continued to remain influential at the pastoral level and in historical–critical theology well into the nineteenth century, just as they did in government and administration. The Berlin *Aufklärung* continued to be characterized by strong currents of Lockean thought (*Popularphilosophie*) and Wolffianism. Yet alongside them, new currents were gaining ground and attracting the young.

In Catholic Germany, the impact of the *Aufklärung* was in many ways more contained. Yet even though it did not challenge the foundations of Catholic-Christian belief itself, its implications were equally profound, and its effects endured more firmly into the first half of the nineteenth century. The context was fundamentally different. Baroque Catholicism had been characterized by a reinvigoration of Church life in the Catholic territories after 1648.[27] In collaboration with secular authorities, orders such as the Jesuits and the Capuchins had forged a dynamic synthesis of medieval tradition and Tridentine rigour. Many features of this Catholic revival were still developing well into the eighteenth century. While the Marian cult and the cult of the catacomb saints were firmly established by 1700, the cult of the Eucharist, which reflected and reinforced the main distinction between Catholicism and Protestantism, did not reach its zenith until the later eighteenth century.[28]

Increasingly, however, some came to believe that the pilgrimages, processions, shrines, proliferating services, and feast days conflicted with the demands of daily life. From the mid-eighteenth century, four developments began to foster a growing dissatisfaction among some Catholics with the status quo and demands for reform. First, Jansenism gradually gained ground and with it notions of a more simple, austere, and unadorned piety and a personal internal religiosity.[29]

Second, the ideas of the Italian reformer Ludovico Antonio Muratori (1672–1750) also spread through the Church north of the Alps. Like the Jansenists, Muratori preached a simpler faith and piety and one that was focused on charitable works, rather than on conspicuous investment in salvation.[30] Muratori's pastoral letters recalled the reforming ideals of the Tridentine period itself, and it is significant that he quoted the greatest Tridentine reformer, Carlo Borromeo, frequently. In many ways, his concerns paralleled those of the Protestant

[25] Link, *Herrschaftsordnung*, 272.
[26] Link, *Herrschaftsordnung*, 289–90.
[27] See pp. 287–98. [28] Forster, *Catholic Germany*, 146–53.
[29] Deinhardt, *Jansenismus*, 66–95. [30] Marri, 'Muratori'.

Neologians, and his main German disciple in the late eighteenth century, Johann Michael Sailer (1751–1832), was effectively a 'Catholic Neologian'.

Third, the reform of the Catholic universities begun at Würzburg by Friedrich Karl von Schönborn in the 1720s was further boosted by the enthusiastic embrace of Wolffianism by many Catholic scholars more widely from the 1740s. Somewhat to the bemusement of the decidedly Protestant, if unorthodox, Wolff himself, his complete and self-sufficient system proved an ideal substitute for the neo-scholastic Jesuit teaching that had dominated Catholic higher education for over a century.[31]

Fourth, a growing sense of inferiority vis à vis the Protestant territories also fuelled a desire to catch up and compete. Protestant writers and commentators from Gottsched to Nicolai relentlessly pursued the theme of the superiority and 'modernity' of Protestant territories as opposed to the backwardness of Catholic territories still living, as Gottsched put it in 1730, in the 'dreary light of the candles' that was the 'lodestar of all error in the world'.[32] The shock of defeat in 1740 and renewed failure in 1756–63 was a powerful incentive to reform in Austria.

By the 1770s, numerous Catholic writers had taken up the same theme of Catholic backwardness. Even the title of the pamphlet published in 1772 by 'Christian Friedrich Menschenfreund' (possibly the reformer of the University of Ingolstadt, Johann Adam von Ickstatt) seemed to hit the nail on the head with the question: *Warum ist der Wohlstand der protestantischen Länder sogar viel größer als der catholischen?* ('Why are the Protestant lands so much more prosperous than the Catholic?'). The self-criticism of the Catholic world was striking and enduring. One of the most widely noticed debates was the one started in 1786 by the Fulda capitulary and chamberlain Anton Philip von Bibra, Illuminati member and editor of the Enlightened *Journal von und für Deutschland*. His editorial asked why the ecclesiastical territories, though they 'lay in the most blessed provinces of all Germany', did not have the 'wisest and happiest governments': did the fault lie with their rulers, or with their 'internal constitutions', or with some other factor?[33]

The main thrust for change came from the concerns of educated laymen, of Catholic rulers, but also from religious orders such as the Benedictines, especially their great houses at Zwiefalten and elsewhere and their university at Salzburg, which proved increasingly more attractive than the Jesuit institutions at Ingolstadt and Dillingen.[34] Even the Berlin *Aufklärer* Friedrich Nicolai was impressed by the learning and piety he found at the Black Forest foundation of St Blasien, where the 'very learned' Abbot Martin Gerbert, a 'true friend of mankind', presided.[35] The Maurists, originally an offshoot of the Benedictines, were also influential in disseminating Jansenist ideas, while in some areas the Augustinian Canons matched

[31] Bachmann, *Staatslehre*, 50–1; Hammerstein, *Aufklärung*, 41–53; Hammerstein, 'Wolff'.
[32] Gottsched, *Werke*, i, 42.
[33] Wende, *Geistliche Staaten*, 9–10. The journal was modelled on *The Gentleman's Magazine,* and although it was Catholic, it reported on news from throughout the Reich and aimed to reach Protestant readers as well as Catholics.
[34] Lehner, 'Ecumenism', xv–xix.
[35] Pfeilschifter, *Briefwechsel*, 6–9. Nicolai's appreciation of Gerbert occurs in vol. xii of his travel journal (pp. 64–74), reprinted in Nicolai, *Beschreibung*, vi.

the Benedictines in both scholarship and pastoral activities.[36] The Jesuits, by contrast, became one of the greatest targets of the reformers, and the dissolution of the order in 1773 was regarded as an historic breakthrough. The Jesuit missions, which had become a notable feature of Baroque Catholicism and which had done much to re-establish the Church in the towns and rural areas, were now often criticized for encouraging superstition and excess. Many other religious foundations also came under critical scrutiny, notably those which had built up crippling debts as a result of lavish building programmes in the century or so after 1648, or those presided over by prelates such as the absurdly grand self-styled 'Excellentissimus' Anselm II Schwab, Cistercian abbot of Salem from 1746 to 1778.[37]

Many of the effects of the Catholic *Aufklärung* have already been indicated under different headings. In addition to educational and pastoral reforms, the extension of government control over the Church was a key objective in Austria and Bavaria. In the German Reichskirche, episcopalism or Febronianism was a parallel cause. The incompatibility of the two objectives was fully exposed in the struggle over the reform of diocesan boundaries and the question of the apostolic nunciature in Munich.[38] Despite the attack on the monasteries in Austria and many other parts, enlightened Catholic opposition to Baroque Catholicism was not by and large either anti-clerical or secularist. Rationalization aimed to improve, rather than destroy, religion.

The response to these new ideas and initiatives was in some ways as equivocal as the response to the Neologians in the Protestant territories. Broadly speaking, the educated urban population and many governments supported change. Scattered elite groups, such as the circle that gathered around Franz Friedrich Wilhelm von Fürstenberg and Princess Amalie Gallitzin at Münster, resisted what they regarded as an attack on true piety and religiosity and promoted what came to be labelled a 'Romantic' Catholic revival.[39] In most rural areas, the population remained loyal to the traditional patterns of Baroque Catholicism, and, as far as the reformers were concerned, the rural laity simply stubbornly refused to abandon its old 'irrational' and 'superstitious' forms of worship. In south-west Germany, for example, in the 1770s, just as enlightened reformers were seeking to bring rational order to religion, thousands flocked to be cured in mass exorcisms performed by the traditionalist priest Johann Joseph Gassner (1727–1779). The Swabian 'scientist' Franz Anton Mesmer no less, soon to be the toast of Paris society for his magnetic experiments and demonstrations, pronounced Gassner to be a sincere possessor of unusual levels of animal magnetism.[40]

As elsewhere, doubts about the *Aufklärung* set in before 1789, but they became more intense after that year as some 'progressive' reforms and reformers fell victim to attempts by the authorities to avert a French-style revolution in Germany. On the other hand, both the pastoral reform movement and the initiatives to rationalize the relationship between Church and state continued to shape the development of

[36] Müller, *Aufklärung*, 83–4; Beales, *Prosperity*, 80–1.
[37] Forster, *Catholic Germany*, 132, 135. [38] See pp. 420–2.
[39] Sudhof, *Aufklärung*, 52–169. [40] Midelfort, *Exorcism*.

German Catholicism long into the nineteenth century. If later Catholic scholars denied there had ever been such a thing as a Catholic *Aufklärung*, that was itself testimony to the profound impact of the attempt to destroy Baroque Catholicism and the strength of later efforts to reconstruct a neo-baroque equivalent.[41] Just as the Protestant *Aufklärung* could be seen as a 'second Reformation' with long-term implications that remained controversial until after 1945, so the Catholic Church was characterized by a struggle between the Tridentine and neo-Tridentine models on the one hand and the Baroque and neo-Baroque models on the other, at least until the Second Vatican Council of the early 1960s.

The Jewish *Aufklärung*, or *Haskalah*, was another parallel, though idiosyncratic movement. Once associated by scholars, if recognized by them at all, with the single figure of Moses Mendelssohn, it has more recently been recognized as a tendency that developed over the course of a century and which had a number of important centres and thinkers. The Jews had no political or territorial framework, but their Enlightenment was concerned with the religious and communal structures of Jewish life and, increasingly, with the relationship between Jewish society and the world around it. It originated in the 'thirst of a network of young men around 1700 for new knowledge' and in their growing confidence, like Thomasius and Wolff, in the non-religious nature of knowledge.[42] Parallel to the experience of many Christian *Aufklärer*, too, the so-called *maskilim* (literally, 'the enlightened ones') came to oppose the traditional rabbinate, though few of them rejected their faith outright and some continued to hold rabbinical positions themselves.

By the 1760s, however, the seductive power of new knowledge and rationalistic thinking brought an ever more assertive network of *maskilim* to the point of confrontation with the authorities. The movement now diversified. Mendelssohn was the towering figure among a growing number of Jews who established themselves as doctors, intellectuals, and philosophers, who developed strong intellectual and social links to the non-Jewish world and yet also remained loyal to the Jewish world.[43] Others, however, already began to shrink back from their experience of acculturation, apostasy, and permissiveness. They feared the Jews would pay too high a price for the 'nectar' of science and philosophy, the alluring charms of the 'alien woman', as Rabbi Jacob Emden described the new scientific knowledge, and in consequence they retreated back into orthodoxy.[44]

The mature *Haskalah* emerged as a third strand at the end of the 1770s. Its centres were Berlin and Königsberg, and its heroes were Moses Wessely (1725–1805) and Isaac Euchel (1756–1804). They aspired to reform the Jews and to educate them in German language and culture. They emerged on the scene at a crucial juncture. In 1778, Isaac Daniel Itzig and David Friedländer, with the support of other wealthy individuals, established a free school in Berlin, an act that some believe marks the real start of the *Haskalah*. A year later, the hostile rabbinical reaction to Mendelssohn's

[41] Hersche, *Muße*, 952–1078; Borgstedt, *Aufklärung*, 42–3, 47–8; Müller, *Aufklärung*, 76–80.
[42] Feiner, *Jewish Enlightenment*, 16–17. See also Graetz, 'Enlightenment'.
[43] Sorkin, *Enlightenment*, 165–213.
[44] Feiner, *Jewish Enlightenment*, 36–84.

translation of the Pentateuch into German once more demonstrated the strength of opposition to the kind of *Aufklärung* the free school represented. At the same time, the reformers received external encouragement in the form of the Prussian archivist Christian Wilhelm Dohm's widely discussed tract on the improvement of the Jews and Joseph II's edict of toleration, which decreed that the Jewish communities should establish secular schools.[45]

Wessely's *Words of Truth and Peace to the Entire Jewish Nation* (Hebrew, 1782) was a declaration of war on the rabbis. The battle lines were then further reinforced by Isaac Euchel's formation of a Society of Friends of the Hebrew Language at Königsberg in the same year. Starting with a school and a formal organizational structure, the society soon launched a journal, *Hame'assef* ('The Collector'). In 1785, it transferred its operations to Berlin and assumed the new title of the Society for the Promotion of Goodness and Justice.[46]

Later Jewish critics accused Wessely and Euchel of abandoning their faith. Yet, in reality, both men wanted renewal rather than dissolution. For all his radical fervour, Euchel urged his associates to avoid direct confrontation with the rabbis. Instead, they should concentrate on educating a new generation of leaders. In 1784, he even asked the King of Denmark to sponsor a new school and institute for training teachers and rabbis at Kiel. Within ten years, Euchel promised, a new vanguard of enlightened Jews would emerge to transform the entire Jewish nation.

The project came to nothing, but Euchel's reforming zeal remained undimmed. His campaign was supported by figures such as Moshe Hirschel, whose *Kampf der jüdischen Hierarchie mit der Vernunft* ('The Jewish Hierarchy's Struggle against Reason') appeared at Breslau in 1788, and Saul Berlin, who in 1789 launched a coruscating attack, printed by the free school press, on the respected Hamburg rabbi Raphael Kohen.

This open challenge to the traditional elite—accompanied by detailed commentary in the pages of *Hame'assef* on the news of revolutionary events in France—marked the high point of the *Haskalah*, its 'secular revolution'. Unlike the French monarchy, however, the rabbinical *ancien régime* remained steadfast in the face of its critics. The *maskilim* lost heart, but also became increasingly alarmed during the 1790s by the growing evidence of permissiveness and acculturation among the young in Berlin and elsewhere. In 1794, *Hame'assef* moved to Breslau, and in 1797 it ceased publication. One by one the leaders of the revolution either gave up or died without being replaced, and a profound sense of failure took root. David Friedländer went so far as to announce in 1799 that he was officially severing his ties with Judaism and joining the Protestant Church. Others simply despaired. They had failed to reform the Jewish nation. At the same time, they deplored the secularism and acculturation they saw gaining ground around them. They had spearheaded a secular revolution, yet they abhorred secularization. They had aimed to emancipate the Jewish nation from those whom they regarded as its unenlightened and oppressive guardians, to enable the Jews to live as an enlightened nation among others.

[45] See pp. 524–6.
[46] Kennecke, '*Hame'assef*'. See also Kennecke, *Euchel*, 60–81, 122–7, 130–1.

A fundamental problem of the Jewish *Aufklärung* as it engaged with the Christian world was the reluctance of Christian *Aufklärer* to accept the Jews as Jews.[47] More often than not, a more tolerant approach to the Jews and engagement with their faith and philosophical traditions were part of a strategy to convert them. In 1769, for example, Lavater challenged Mendelssohn either to refute the religious truths of Christianity or to have himself baptized. Lessing and Reimarus sprang to Mendelssohn's defence in the ensuing controversy, but the majority of German public opinion remained ambivalent.[48] In 1775, Wieland's *Teutsche Merkur* carried anonymous 'Thoughts on the Fate of the Jews' that urged enlightened Christians to 'give them freedom and bind them to your laws! Do to them what you would have done to you!' The point, however, was not toleration of difference but that 'you will thus one day succeed in bringing them to the knowledge of the eternal bliss that we [Christians] are assured of receiving'.[49] Even this strategy seemed too risky for the Göttingen orientalist, Johann David Michaelis, who wrote against Christian Wilhelm Dohm's proposal to improve the civil position on the Jews in 1781, on the grounds that the laws of Moses themselves intended the separate existence of the Jews and thus precluded their integration into Christian society.[50]

Dohm's tract *Über die bürgerliche Verfassung der Juden* ('On the Civil Improvement of the Jews') stood out from other writings on the Jews by taking a more liberal view.[51] Dohm's aim was to improve the civil position of the Jews and by doing so to improve the Jews themselves. Dohm argued that state coercion had deformed the Jews and obliged them to engage in trade. He suggested that if they were given citizenship they might diversify their professional activities and hence contribute more usefully to state and society. This, in turn, would improve their moral character. Dohm worried more about giving full civil rights to atheists than to Jews.

Mendelssohn himself, though fully integrated into the world of the Berlin salons and widely admired as an archetypal man of the *Aufklärung*, clearly resented the continuing moral pressure to convert. Indeed, he made a firm statement of his loyalty to Judaism in his work *Jerusalem oder über die religiöse Macht und Judentum* of 1783 ('Jerusalem or on Religious Power and Judaism'), which in fact trigged Jacobi's attack on pantheism.[52] Judaism, Mendelssohn argued, was in fact more compatible with reason than Christianity was, for it 'knew of no revealed religion . . . no dogmas, no truths necessary to salvation, no general principles of reason' other than 'those revealed through nature and matter, and never through the word or writing'. Judaism knew no conflict between reason and religion; the Mosaic laws never say 'That shalt believe! Or thou shalt not believe! All say: thou shalt do or shalt not do!'[53] Mendelssohn in effect demanded the separation of church and state and freedom of conscience for the Jews as well as for Christians.

[47] Feiner, *Jewish Enlightenment*, 112–19.
[48] Borgstedt, *Aufklärung*, 52.
[49] Kopitzsch, 'Sozialgeschichte', 91–2.
[50] Borgstedt, *Aufklärung*, 51–2.
[51] Liberles, 'Toleration', 10–12.
[52] See p. 475.
[53] Möller, *Vernunft*, 104–7.

Acquaintances and well-wishers such as Kant and Nicolai applauded Mendelssohn's moving defence of Judaism and his interpretation of it as the original reasonable religion. They admired his stand against both Christian critics and rabbinical opponents. Yet it was clear that he represented a small minority that had little chance of convincing either group. The same was true of others who followed him. The most important was probably Salomon Maimon, who eagerly popularized Kant's ideas in the 1790s. He too resisted the repeated demands made by Christian theologians that he convert, and concluded that he had no option but to remain an 'obdurate Jew', stating that 'my religion does not command me to believe anything, but to think the truth and do what is good and right'.[54]

At first sight, the preoccupation with the Jews from the mid-1770s may seem surprising. They represented, after all, a small minority in the Reich that amounted to no more than 1 per cent of the total population.[55] However, both the debate in print and Joseph II's toleration edict for the Jews of 2 January 1782 were responses to a new situation that developed following the first partition of Poland in 1772. The Jewish population of Prussia increased between two and three times as a result of the acquisition of the new territory from Poland; Austria received roughly 250,000 Jews at the same time, mainly in Galicia.[56] The challenge of dealing with significant numbers of new Jewish subjects explains the fundamental question at the root of the debate: how could the Jews best be made into useful contributors to state and society? With the notable exception of Dohm, most authors took the view that the Jews should sooner or later simply convert to Christianity. This in turn set the framework for the nineteenth-century debate about assimilation and emancipation.[57]

Overall, the 'religious' *Aufklärung* involved more than just a preoccupation with theology or some kind of evasion of or diversion from the political sphere. The core issues that were debated—reason and faith, the nature of God, the purpose and destiny of mankind, and so on—were key to any consideration of the nature and future of human society. They concerned the fundamental assumptions on which Western Christian society rested, the parameters that made communal existence possible. The number of thinkers who fully abandoned those assumptions was negligible, even those who produced a 'wholly secular' literary culture at Weimar in the last decades of the eighteenth century.[58] Rather more, including Goethe and Schiller, began to experiment with new forms of religion—no longer necessarily Christian religion—that would first be embraced by the elite and then gradually disseminated more widely as aesthetic and moral education made more general progress. The seeds of such ideas may have developed before 1789, but they were essentially responses to the events that unfolded in France, as we shall see below.

How significant was the development of irenic views in what has been characterized as the trans-national and trans-confessional religious Enlightenment?[59]

[54] Möller, *Vernunft*, 103–4.
[55] Hartmann, 'Bevölkerungszahlen', 369.
[56] Liberles, 'Toleration', 4, 30–2.
[57] See contributions in Meyer, *German-Jewish history*, ii.
[58] Reed, *Classical centre*, 194.
[59] Sorkin, *Enlightenment*, 5–21.

Had religion finally ceased to play a role in the Reich and in German society? That may have seemed to be the case from the mid-1760s. The confessionally charged atmosphere in the Reich subsided after the Seven Years War.[60] Many reformers emphasized the supra-confessional functions of government. The differences between Protestants and Catholics seemed to be eroding as Catholic Germans embraced the principles of the Protestant *Aufklärung*.

On the other hand, in society generally, confessional cultures remained strong, becoming increasingly entrenched and internalized as the conflict between the confessions was defused by the practice of parity and coexistence at the local level, within territories, and within the Reich. The limits of acceptance were, however, easily exposed. When the Berlin publisher and *Aufklärer* Friedrich Nicolai undertook his tour through Germany in 1781, his first in-depth encounter with Catholic societies induced shock and intolerant amazement. As Fichte later commented, when he saw crucifixes by the roadside and met Catholics who believed that their religion alone promised salvation, Nicolai discovered 'Catholics there who really were Catholic'.[61] Nicolai's realization, a leitmotif of the twelve-volume description of his travels in the Catholic Reich that he published between 1783 and 1796, once more highlighted for many readers the fundamental differences between Protestants and Catholics. Some Protestants disapproved of Nicolai's sharp anti-Catholicism, though others found their prejudices confirmed. Many Catholics recoiled from an intolerant northern *Aufklärung*, an inclination that became stronger after 1789, when the identification of *Aufklärung* with revolution became a dominant theme in Vienna, Munich, and elsewhere.

None of this, however, destabilized the status quo in the Reich. Indeed, in 1806, the head of the Austrian chancery at the Reichstag in Regensburg noted that the confessional tensions that had obsessed commentators in the Reich more than any other topic three decades previously were now long since forgotten.[62] It was only after the dissolution of the Reich that the confessional divide was rediscovered as a national problem. It was then also that the Jews came to be perceived as a problem for the nation in ways in which they had never been problematic for the Reich.[63]

[60] For the following, see Carl, 'Konfession'. See also pp. 322–9, 384–6.
[61] Möller, *Aufklärung*, 115–20.
[62] Walter, *Zusammenbruch*, 144.
[63] Altgeld, *Gegensätze*, 125–37, 181–94.

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Aufklärung and Government

Alongside religion, the problems of government and politics were also prominent in the public debate of the *Aufklärung*. Here too a fundamental shift in attitudes took place, evolving gradually from the 1750s and reaching a new level of intensity and diversity in the wake of the French Revolution. The framework of ideas elaborated in the first half of the century remained as the dominant political model, in some senses into the nineteenth century, but that also made the explosion of new ideas in the 1790s all the more challenging.

Learned treatises by university scholars remained important sources of new ideas. Yet public discussion in the periodical press was increasingly important. Some indeed regarded the very idea of such discussion as a fundamental part of the political life of the time, in itself an inherently political activity and the exercise of a fundamental right of the citizen. External events fuelled the discussion, provided new slogans, or endowed old slogans with new meaning. The growing crisis in the American colonies aroused particular interest, and prompted comparisons with what seemed to some to be similar disputes in Germany.[1]

The mainstream *Aufklärung* view of rulers and government around 1750 was essentially quite straightforward. The old school of German natural-law theorists saw their main function as that of reinforcing the position of rulers and governments against Estates and churches in the long period of reconstruction after the Thirty Years War.[2] Almost to a man, they believed that human beings renounced their natural freedom once they entered society. Rulers might grant some of them back to the individual, but they were not obliged to do so. In the German tradition, the social contract legitimated political power, rather than restrained it. It was generally agreed that power was limited in fact by fundamental laws, by traditions, and by territorial institutions such as the Estate, but failing to observe those limitations had no necessary practical consequences. Of course, extreme breaches might provoke an uprising, and that implication was as strong among the natural-law theorists as it had been among Protestant writers on politics ever since Luther. Yet any right of lawful resistance was generally explicitly excluded.[3]

The second restraint on rulers was their generally agreed obligation to promote the common good, the welfare, and happiness of their subjects. This had no necessary implications for the rights of the individual or for the creation of any

[1] Dippel, *Revolution*, 3–70.
[2] Fuhrmann and Klippel, 'Staat', 225–9. See also pp. 192–201.
[3] Bachmann, *Staatslehre*, 185–94; Lutterbeck, *Staat*, 192–203, 207–9.

kind of zone of personal freedom immune to government intervention or regulation. Furthermore, there was nothing to guarantee that a ruler would actually pursue the happiness of all or that any sanction could be imposed if he did not. In 1721, for example, Christian Wolff had emphasized that there was a contract between rulers and ruled, which imposed obligations on both. A ruler who ignored his obligations became a 'tyrant', but Wolff had nothing to say about what could be done about such a person.[4] The common image of the state as a machine clearly placed the emphasis on the technical side of government. The only problem was deciding what was achievable; the individual was nothing more than a small cog in the mechanism.[5]

Elements of this view remained influential until the end of the century. The main representatives of the Berlin *Aufklärung*, for example, refrained from demanding the imposition of any formal constraints on the ruler. Even the Lockean *Popularphilosophen* did not apparently share Locke's concern with the liberty of individuals defined in any political sense. Ultimately, influential writers such as Friedrich Nicolai, Johann Georg Sulzer, and Christian Garve (1742–1798) all relied on rulers exercising self-restraint.[6] Garve, indeed, saw many advantages in a strong monarch who could drive enlightened reforms through the opposition of unenlightened Estates and the like.

If many *Aufklärung* thinkers saw advantages in rulers having extensive powers and authority unchecked in any formal or institutional sense, they almost uniformly deplored autocracy and despotism in the sense of tyranny. In general, though, while they might complain about censorship, as Friedrich Nicolai did bitterly, or about aspects of government that struck them as unfair, they had no remedy to offer against a tyrannical ruler. The same position is characteristic of the other influential members of the Berlin Wednesday Society, such as Ernst Ferdinand Klein, or of Kant, whose optimism about the future was based on the assumption that rulers themselves would espouse enlightened views. Both Klein and Kant helped publicize what may be regarded as the standard *Aufklärung* view of monarchy, espoused by Frederick the Great himself, which distinguished between the ruler and his government and which made the ruler into the first servant of the state. The ruler was to become subject to the machine of government. Similar views on the necessary limitation of royal power characterized the writings of the influential Baden writer Johann Georg Schlosser and others elsewhere in the Reich.[7]

A growing emphasis on limitations of power within this set of inherited assumptions was underlined and strengthened by new developments from about 1750. Thinking about rulers and their courts took a new critical turn around this time. Writers such as Thomasius's student and Goethe's uncle Johann Michael von Loen with his *Der Redliche Mann am Hofe* ('The Honest Man at Court') of 1742, or Friedrich Carl von Moser, with his *Der Herr und der Diener* ('The Master and the Servant') of 1759, set the tone for a new generation that was

[4] Möller, *Vernunft*, 199–200.
[5] Fuhrmann and Klippel, 'Staat', 235–7.
[6] Zande, 'Popular philosophy'.
[7] Zande, *Bürger*, 79–85, 105–20, 129–37.

critical of the court as an institution.[8] Lessing's *Emilia Galotti* (1772, but developed since 1754) and Schiller's plays, such as *Die Räuber* ('The Robbers', 1781), *Kabale und Liebe* ('Intrigue and Love', 1784), or *Don Carlos* (1783–87) and others were the literary highlights of what soon became a new genre.[9]

The growing non-literary discussion of extravagance and corruption of courts in the 1770s and 1780s culminated in August Hennings's proposal in 1792 for the introduction of a civil-list system as the only remedy.[10] Hennings was, however, unusual in denying that the courts had ever contributed much to human progress: true 'urbanity', he believed, had developed earlier and more fully in cities where trade had flourished. Christian Garve was more typical in emphasizing the vital contribution made by the courts to the civilizing process. His 1792 essay on La Rochefoucauld's maxim that 'awkwardness sometimes disappears in the camp, but never in the court' (*Ueber die Maxime Rochefaucaults: Das bürgerliche Air verliehrt sich zuweilen bei der Armee, niemahls am Hofe*) argued that refinement could only develop from the constant practice of civility and sociability that one found among the aristocracy and above all at court.[11] The general tendency was to see the need for the reform of the courts, rather than to demand their abolition.

At the same time, there was a new emphasis in writing on government and on politics on the notion of inalienable human rights or *Menschenrechte*, which the state was in no circumstances entitled to infringe.[12] Cameralists such as Johann Heinrich Gottlob von Justi (1717–1771) began to argue that government had its limits, that the individual was entitled to a realm of personal freedom in which government had no right to intervene.[13] 'The freedom of the citizen and of all members of the state', he wrote, 'is in effect the first and fundamental quality of all civil constitutions.' At the same time, governments had no need to intervene to promote commerce and the productive classes; it was enough to remove obstacles to productive activity that might exist in the constitution: 'If people have the freedom to act according to their own judgement and find nothing obstructing them, then they are inclined to promote their own happiness.' All reasonable people who have 'freedom and discernment' must rule themselves both as individuals and as a people; thus governments must provide for representation, freely elected by every town and district, that will exercise legislative power.[14] To guarantee the integrity of the representatives, anyone who entered state service must resign and submit himself to re-election.

Unlike the physiocrats, Justi did not believe in the superior forces of a natural order; nor, like Adam Smith, did he believe in an 'invisible hand', the term Smith

[8] Kiesel, *Bei Hof*, 199–220; Dreitzel, *Monarchiebegriffe*, i, 285–93; for more on F. C. von Moser, see Mühleisen et al., *Fürstenspiegel*, 618–52; Valjavec, *Entstehung*, 89–90.
[9] Kiesel, *Bei Hof*, 220–61; Reed, 'Talking'; Valjavec, *Entstehung*, 129–32.
[10] Bauer, *Hofökonomie*, 247–50.
[11] Bauer, *Hofökonomie*, 224.
[12] Klippel, 'Aufklärung'; Garber, 'Menschenrechtstheorien'.
[13] Stolleis, *Öffentliches Recht*, i, 379–82; Dreitzel, 'Justis Beitrag', 170–2. Justi's rather unhappy career as a practitioner, which led to his conviction and imprisonment for fraud, is recounted in Wakefield, *Police state*, 81–110.
[14] Quotations in Dreitzel, 'Justis Beitrag', 169.

coined in *The Theory of Moral Sentiments* in 1759. Government still needed to supervise society and to ensure that the human inclination to abuse power, in economic relations as in politics, did not impede progress.

Not everyone agreed with Justi, least of all his former colleague in Vienna, Joseph von Sonnenfels, the second influential writer of the mid-eighteenth century, who continued to teach the standard government-centred doctrine.[15] Elements of the old tradition, in fact, survived into the nineteenth century. The mainstream moved with Justi, however. In 1782, Samuel Simon Witte (1738–1802) distinguished clearly between state and society. According to Witte, civil society ('bürgerliche Gesellschaft') was a freely functioning associating of property owners and producers in competition with each other; the function of the state was to promote the aims of civil society; the state therefore had no right to intervene in the proper activities of the individual or of society.[16]

By the 1790s, the spread of such views led to a widespread conviction among writers on *Polizei*, also reflected in the mature thinking of Kant and other leading writers, that the only real function of government was to provide security and protection. The idea that government had a duty to promote human happiness—if necessary by force—had been more or less completely abandoned.[17] Perhaps the most radical version of the new thinking was the young Wilhelm von Humboldt's essay *Ideen zu einem Versuch die Gränzen der Wirksamkeit des Staats zu bestimmen* ('Ideas Towards an Attempt to Define the Limits of State Action') of 1792, which reduced the functions of the state exclusively to the prevention of harm to its citizens. The essay remained unpublished, but it undoubtedly reflected the progressive mood at the time.[18]

The practical implications were far from clear. The new thinking appeared to be reflected in the Prussian *Allgemeines Landrecht* of 1794, which declared that 'it is the duty of *Polizey* to make the necessary arrangements for the maintenance of public peace, security and order and for deflecting imminent dangers from the public or individual members of it'.[19] Yet the same legal code also empowered the state to pass laws that might pre-empt potentially harmful circumstances, to prevent the abuse of property, to prevent harm from being done to the community, and to implement measures that would help the citizens not only to fulfil their basic needs but also to enjoy their lives more comfortably and more pleasurably.

In a sense, the *Allgemeines Landrecht* merely reformulated in modern language the traditional core function of German territorial government since the later Middle Ages. Even if a catalogue of basic and inalienable rights was declared sacrosanct against the state, there was still vast scope for state intervention and regulation. The last great work on the subject in the Reich, the seven-volume *Handbuch des*

[15] Tribe, *Economy*, 55–90; Stolleis, *Öffentliches Recht*, i, 382–3.
[16] Klippel, 'Aufklärung', 207.
[17] Maier, *Staats- und Verwaltungslehre*, 207–19; Ritter, 'Kant', 338–42; Fuhrman and Klippel, 'Staat', 238–43.
[18] Humboldt, *Limits*, 42–4; Stolleis, *Öffentliches Recht*, i, 385. Humboldt's essay was first published in 1852.
[19] Frühwald, *Ruhe*, 16; Maier, *Staats- und Verwaltungslehre*, 163.

Teutschen Policeyrechts ('Handbook of German Policey Law', 1799–1809), by Günther Heinrich von Berg (1765–1843), met the demands of the new theory only by sophistry: for example, by distinguishing the right to think, an inalienable right, from the right to express one's thoughts, which is subordinate to the needs of the state.[20]

Moreover, the new thinking did not lead inevitably to demands for political participation. The distinction between state and society meant that the state should serve man, rather than that man should serve the state. Society was viewed as the sum of all free and equal citizens as private individuals, free to compete and interact with each other in their pursuit of property or wealth, education or culture. The laws and constitutions of the state were to be fashioned so as to ensure the freedom of the subjects; the separation of powers would impose limits on government.[21] Yet there was no implication that the citizenry controlled or governed the state. The German response to the French Revolution after 1789 finally brought clarification of the explicit distinction between civil freedom and political participation. Ultimately, of course, most German writers depended on the monarchs themselves seeing the sense of good legislation. As Ernst Ferdinand Klein wrote in 1790: 'No one who lives in a monarchy in which there is civil freedom will desire to become a republican.'[22]

The new vigour with which traditional anti-absolutist arguments gained from the language of the *Aufklärung* was equally striking.[23] Johann Jacob Moser collated a list of eight fundamental individual rights of the Germans in the thirteenth volume of his *Neues Teutsches Staatsrecht* in 1769: freedom of religion; freedom of movement; the right to inherit property; the right of free passage; the right to serve in foreign armies; access to justice; the right to bring complaints against one's ruler; freedom of one's person and property.[24] It is true that Moser also claimed that it was possible for someone to give up these rights, for example by becoming a serf (*Leibeigener*), but no ruler had the right to infringe these basic liberties. Other volumes of this extraordinary compendium rehearsed the laws and traditions that fuelled Moser's own passionate belief in the rights of the Estates both in the Reich and in the territories and his implacable opposition to despotism and tyranny.

Moser's son, Friedrich Carl von Moser (1723–1798) was, if anything, even more uncompromising and radical than his father in his writing on the same subjects. Both father and son were fired by Pietist religion, respect for legal and constitutional tradition as the foundation of German freedom, and *Aufklärung* ideals of freedom, justice, and publicity. Similar themes, also inspired by a mixture of Pietist religiosity and *Aufklärung* thinking, were developed in north Germany by Justus Möser (1720–1794), the regent for Frederick Duke of York, Prince-Bishop of Osnabrück from 1763, who was also a historian whose work inspired Herder and

[20] Maier, *Staats- und Verwaltungslehre*, 200–19; here 216.
[21] Klippel, *Politische Freiheit*, 135–58.
[22] Maier, *Staats- und Verwaltungslehre*, 287.
[23] Still valuable is Parry, 'Government'.
[24] Moser, *Staatsrecht*, xiii, 937–9. See also pp. 175–8.

Goethe and the other young *Sturm und Drang* writers. As an exponent of the 'corporate Enlightenment', Möser was preoccupied with the deep historical origins of German freedom, which he saw preserved in the struggle of the territorial Estates against rationalist centralism.[25]

The arrival of physiocratic ideas in Germany from the 1760s also tended to challenge the old teaching on natural law. The physiocrats followed the French theorist François Quesnay (1694–1774) in positing a natural order to which the state itself and the ruler was subject. The most important German exponent of physiocracy was Johann August Schlettwein (1731–1802), who not only produced a series of influential theoretical works, but also attempted to translate theory into practice as a councillor to the Margrave of Baden between 1763 and 1773.[26] The concerns of the physiocrats were primarily economic, but the implications of their concept of the 'ordre naturel' for politics and civil society were also striking. Quesnay himself insisted that the natural order was the 'sovereign rule of all human legislation and of all civil, political, economic and political conduct'. Schlettwein agreed that 'all positive laws, if they want to be true and good, must in essence be no more than announcements of the laws of nature'.[27] The prime aim of civil society was 'to ensure that everyone may find in it the most perfect guarantee of their human rights and their enjoyment'.[28] The fundamental physiocratic principle of enterprise and free trade conflicted directly with the old mercantilist methods of *dirigiste* economic management.

Cameralist writers and those who espoused the rights of territorial Estates often resisted the drift of physiocratic ideas. In this area, too, there was a plurality and diversity of enlightened views that espoused the same ultimate aim of prosperity but differed on how to achieve it. In Baden itself, Johann Georg Schlosser, Goethe's brother-in-law, started as an early proponent of physiocratic ideas, but developed into a formidable critic of them and of many of the reforms introduced there.[29] Schlosser has often been categorized as an anti-*Aufklärung* figure, yet 'enlightened critique of the Enlightenment' would seem to fit his ideas more comfortably.[30]

Cameralists generally tended to insist that the interests of government were paramount and that rulers must define the 'limits and extent of free trade'.[31] Others doubted whether the people would be able to make use of liberty in an appropriate and useful way. Johann Jacob Moser and others feared that the physiocrats' idea that enlightened rulers might push through the necessary reforms

[25] Parry, 'Government', 185–91; Knudsen, *Möser*, 94–186; Schröder, 'Möser'; Rudersdorf, *Möser*, 53–72; Welker, *Rechtspolitik*, i, 277–322. Sheldon, *Development*, 108–18, argues that Möser's traditionalism is in reality anti-Enlightenment, an argument superseded by the work of Knudsen and Welker.

[26] Liebel, 'Bureaucracy', 40–1, 44–5, 48–52; *ADB*, xxxi, 467–71; Klippel, 'Liberty', 456–7; Tribe, *Economy*, 119–31; Valjavec, *Entstehung*, 58–63.

[27] Klippel, 'Aufklärung', 202.

[28] Möller, *Vernunft*, 207.

[29] Liebel, 'Bureaucracy', 68–112.

[30] The phrase is from Porter, *Enlightenment*, xvii.

[31] Klippel, 'Liberty', 457–8.

against the opposition of corporate vested interests conflicted with the rights of the territorial Estates. It was only in the 1790s that physiocratic ideas really gained widespread currency in Germany. They were then reinforced by the intensive reception just before 1800 of the ideas of Adam Smith, which in turn contributed to early development of south German liberalism as a force that became a dynamic political movement in the early nineteenth century.[32]

Perhaps the most important feature of the development of political ideas at this time was the public debate itself. Many of the leading commentators edited their own journals. Almost all the others contributed avidly to the newspaper and periodical press. Their cumulative impact already seems to have been evident by about 1770. As the *Berlinische Monatsschrift* recalled in 1786: 'Everyone knows that it became fashionable around 1770, even amongst the smallest factions, to intone a wild and monotone cry of: Freedom! Freedom!'[33] The 1770s and 1780s saw a marked proliferation of new titles. Among the most important publications were Wieland's *Deutscher Merkur* (1773–89), the *Deutsche Chronik* produced by Christian Friedrich Daniel Schubart under various titles from 1774, the *Briefwechsel meist historischen und politischen Inhalts* (1778–82), and the *Staats-Anzeigen* (1783–92) published by the Göttingen historian August Ludwig Schlözer, or the *Chronologen* and others published by Wilhelm Ludwig Wekhrlin between 1779 and 1783.[34]

The point of this flood of information and commentary was debate. The formation of public opinion was itself considered an important restraint on government. Editors and contributors tended to place great faith in the effect of naming and shaming bad rulers. Some, of course, were scarcely bothered by bad publicity. Even in the more sensitive times after 1789, August von Limburg-Styrum, Prince-Bishop of Speyer from 1770 to 1797, whom Joseph II had denounced in the press as a notorious debtor, cared little for the outrage generated by his mandatory catechism for lower schools, which taught children they had duties but no rights.[35] Friedrich Carl von Moser lampooned the Speyer catechism as nothing less than a 'manual of Christian princely sultanism', perfectly designed for the lower schools of Moldavia and Wallachia. The widespread and withering condemnation of the bishop's ruling style itself underlines just how outrageous and out of touch he was considered to be. Massive publicity, involving similar expressions of indignation, was also given to the seven cases between 1770 and 1793 in which rulers were deposed or imprisoned by the Reichshofrat, for reasons ranging from tyrannical abuse of power to insanity.[36]

The contrast with Frederick the Great could not have been greater. In 1784, for example, Frederick ordered that extracts from the draft legal code, the later

[32] Tribe, *Economy*, 133–48; Carpenter, *Dialogue*, 44–7, 78–9.
[33] Valjavec, *Entstehung*, 96.
[34] Valjavec, *Entstehung*, 96; Fischer, Haefs, and Mix, *Handbuch*, 303–15.
[35] Sailer, *Untertanenprozesse*, 338–9; *ADB*, xviii, 655–8. Volker Press describes him as an 'intellectual and a psychopath': Press, 'Oberrheinlande', 17.
[36] Marquardt, *Reich*, 382.

Allgemeines Landrecht, should be made available for public scrutiny and debate.[37] The usual procedure of collecting learned opinions was extended by means of a prize essay competition, which elicited ferocious opposition as well as support. The King's true motives are not clear. To some extent, he may have simply wished to mobilize the *Aufklärer* against reactionary nobles. It was also another example of his consistent use throughout his reign of publicity and the press to justify both his external and his internal policies. In that respect, if in no other, he was a thoroughly 'modern' monarch. Kant's suggestion in 1784 that it was realistic to believe in the possibility of progress promoted by monarchs because by and large they were vain and wanted to go down in history as good rulers was perhaps quite shrewd.[38]

What was said in the newspapers and periodicals reflected the prevailing ideas, and by and large it was heedful of the censors. The kind of remarks that Schlözer is alleged to have made in his lectures never appeared in print. Even in the relatively liberal atmosphere of Göttingen, the authorities would never have tolerated the declaration that if a king did not do his duty, then 'one should depose him just as one would fire a customs clerk in the same situation'.[39] True political radicals or democrats seem to have been few and far between. Figures such as the autodidact Johann Michael Affsprung of Ulm, whose observations on the Dutch Republic of 1782 contained decidedly democratic views, remained outsiders with little real influence, and they attained what little historical significance they had only after 1789.[40]

The emphasis on the limitations of government was perhaps strongest in the medium-sized and smaller territories. In Prussia, the atmosphere changed after the death of Frederick the Great. Under his rule, there was perhaps a greater tendency to place trust in the goodwill of an enlightened ruler. After his death, however, the arguments for the limitation of royal power became more persistent. One theme of the many eulogistic references to the reign of the late King was the wise way in which he had allegedly used his powers. At the same time, however, Kant followed a more general trend in elaborating his distinction between the sovereign and the government, by emphasizing the representative functions of the monarch and by pointing out the limits that any healthy polity inevitably imposed on the exercise of a monarch's power.[41]

Judgements on the significance of the political views of the *Aufklärung* differ widely. A long tradition of scholarly opinion has held, and continues to hold, the view that the Germans were essentially unpolitical, or apolitical.[42] Typical of a more positive assessment in recent decades, however, is the suggestion that by 1780 the Germans had reached a position comparable to that of the Prussian revolutionaries in 1848; only the French Revolution and Napoleon had led to the reimposition of

[37] Möller, *Vernunft*, 303–5.
[38] Kant, *Aufklärung*, 54.
[39] Valjavec, *Entstehung*, 102.
[40] Riethmüller, *Anfänge*, 65–71; *ADB*, i, 136–7.
[41] Dreitzel, *Monarchiebegriffe*, 293–300.
[42] See the discussion in Klippel, 'Theorien', 57–65, 84–7; Blanning, *Reform*, 15–23.

absolutist models of government from above and thus delayed the steady development towards the modern constitutional state in Germany.[43]

The alternatives seem too stark. The public debate of the period before 1789 was not unpolitical, yet, with the exception of the Imperial Cities, political participation was still a remote prospect; limited monarchy was not the same as constitutional monarchy.[44] The diverse views on government that flourished in the later eighteenth-century Reich were an amalgam of traditional precepts and modern principles: a respect for strong government as the precondition for stability and security, an emphasis on the need for self-restraint in rulers, the insistence on the right of the citizens to participate in government as Estates, the recognition of inalienable rights of the individual, and his right to develop his potential both economically and culturally within space guaranteed by the state.

One might indeed ask whether the informal restraints and the focus on civil freedom rather than political freedom or political participation envisaged by most *Aufklärer* were actually conducive to achieving the long-term goals to which they aimed. Yet, as many German commentators on events after 1789 pointed out, the revolutionaries in France might equally have been asked whether their methods were conducive to achieving their own goal of freedom.

[43] Ries, *Obrigkeit*, 458. [44] Dreitzel, *Monarchiebegriffe*, 786–881.

54

Cameralism, Physiocracy, and the Provisioning of Society

For all the vast mass of contemporary writing on the subject of *Aufklärung*, no single book or article ever outlined an ideal programme of enlightened reform for the German territories. *Aufklärung* was fundamentally a style of thinking, rather than a comprehensive detailed programme for action. It was a methodology that could be applied to virtually any aspect of human existence and behaviour.

Enlightened ideas could illuminate the human condition and give insights into the probable destiny of mankind. Enlightened precepts could also be brought to bear on intensely practical issues such as the layout of streets in towns, the training of midwives, or the best way to keep livestock. Equally, there was never any such thing as the archetypal enlightened territory. In so far as such a thing existed at all, it did so only in the collective imagination of that section of the educated public that thought of itself as *aufgeklärt*.

Even so, it is possible to attempt at least an outline of an 'ideal' programme of enlightened reform or practice. Much of this programme represented, in essence, little more than a continuation of policies pursued by earlier generations. The reforms of the decades after 1750 form part of a sequence of reform movements that had characterized the history of the German territories since the fifteenth century. Of course, as in earlier reform phases, there were now some genuinely new elements that reflected Enlightenment thinking, and other more traditional elements took on a new Enlightenment inflection. The whole programme was a mixture of innovation and tradition. Above all, it was a programme whose contours were shaped by the structures and traditions of the German territories. These both constrained the responses of some territories and allowed others to strike out in novel and impressive ways.

As far as the structure of government was concerned, the main aim was the rationalization of administration and the improvement of its personnel. This entailed the establishment of central administrative bodies and, where necessary, the creation, both at the centre and at the regional level, of a body of government officials independent of, or to a considerable extent replacing, the officials or agents of the Estates and other corporate bodies. In larger territories, the creation at the heart of government of an inner cabinet or council was often considered necessary. At all levels, attention was to be devoted to the employment of suitably qualified individuals. The idea of independent entry examinations to select those to

be employed in positions of responsibility was first mooted in this period. No one should be deemed to be qualified for office on grounds of birth alone, and the simple fact of a university qualification was no longer regarded as sufficient.[1]

The primary function of a government was to raise revenue. This was done either by means of economic policy or taxation. Over the course of the eighteenth century, the majority of German writers on economic matters continued to subscribe to the doctrines of cameralism, which was essentially a modernized form of mercantilism.[2] This involved promoting manufactures, protecting indigenous economic activity generally, and maintaining a positive balance of trade. Encouraging population growth, if necessary by means of attracting new settlers, remained a key concern. On the other hand, there was a shift away from what was now perceived to be the crude *Peuplierungspolitik* of earlier generations towards a more rounded view of the overall economic development of a territory.

The broader aim of government endeavour in the economic sphere, the major theorists before the 1790s agreed, was the promotion of the happiness of the subjects.[3] Primarily, that meant promoting their material well-being, though it also had implications for health and welfare policies more generally. In the influential writings of Josef von Sonnenfels, the aim of promoting happiness was developed into the more specific programme of enhancing the security, ensuring the satisfaction of basic needs for subsistence, and providing for the leisure and comfort of the population. The first step, according to Sonnenfels, was to increase the population, since more people meant a greater defence capability, a greater quantity and diversity of products, and lower individual contributions to public expenditure.[4]

While cameralists such as Justi accorded great significance to agriculture but focused on trade and manufactures, the physiocrats believed that the key to prosperity lay exclusively in the improvement of agriculture.[5] Their schemes for taxation and the promotion of prosperity depended on landowners and on the promotion of agricultural production. Agriculture was the foundation of a system that envisaged a single land tax, the *impôt unique*, as the main source of government revenue.

In the thinking of the main German physiocrat, Johann August Schlettwein (1731–1802), the tenant farmer played a more crucial role than the noble landowner who featured so prominently in French physiocracy.[6] This was perhaps not surprising, since Schlettwein's ideas were developed in the context of the Margravate of Baden-Durlach in south-west Germany, an area characterized by the *Grundherrschaft* system of peasant producers paying feudal dues, rather than by noble estates.

Even after the influence of physiocracy waned in France following Quesnay's death in 1774, elements of the system continued to inform Germany economic thinking, and it shaped the German engagement with the ideas of Adam Smith

[1] Bleek, *Kameralausbildung*, 45–9, 69–82.
[2] Braun, 'Economic theory'; Tribe, *Economy*, 55–118. See pp. 194, 261–2.
[3] See also pp. 192–201, 598–600.
[4] Lindenfeld, *Practical imagination*, 37.
[5] For Justi on agriculture, see Abel, *Landwirtschaft*, 282–3.
[6] See p. 490.

around 1800.[7] Indeed, nothing that Smith said about agriculture was essentially incompatible with physiocracy: his insistence on free trade in grain and the liberalization of the rural labour system was understood as echoing fundamental tenets of physiocracy. It is true that Smith rejected any notion of a single tax as restrictive and did not share the assumption that prosperity depended on a large population. His concern for enhancing the profitability of agriculture, however, seemed to outweigh any differences.

Physiocracy and Smithianism, with their more purely market-orientated focus, might seem to have represented the emergence of ultimately more 'modern' economic thinking. Yet the dominant cameralist tendency also influenced the way that the ideas of both Kant and Smith were understood in Germany. Smith's vision of free trade without state intervention was frequently translated into a notion of free trade within the boundaries of the state. By 1800, a new view of the functions of the state began to emerge from the cameralist tradition. The state's duty to promote happiness was now redefined as the state's vocation to promote the prosperity of the nation understood as the sum of all private sector activity, the core of what became *Nationalökonomie* in the nineteenth century.[8] The emergence of bureaucratic reform movements in the Napoleonic period further reinforced the centrality of the discipline. Long after 1815, the 'entire sciences of state and government' (the 'gesamte Staatswissenschaften'), as the discipline was now increasingly known, continued to flourish as the backbone of the liberal movement, the science of the *Rechtsstaat*.

Even apart from the specific concerns of the cameralists and physiocrats, the improvement of agriculture formed a major concern of the *Aufklärung*. Discussion was promoted and the issues were popularized by the various patriotic and economic societies, some of which were dedicated almost exclusively to agricultural matters.[9] The first impetus for a new wave of foundations came in 1753 from the London Society for the Encouragement of Art, Manufacture and Commerce. The first German society was the Physikalisch-Ökonomische Gesellschaft (Physical-Economic Society) of Zurich, in 1757. Over the next few decades, numerous similar groups were founded, some at the instigation of rulers, some on private initiative, across the whole of the Reich. The Patriotische Gesellschaft der sittlichen und landwirtschaftlichen Wissenschaften (Patriotic Society for the Moral and Agricultural Sciences), founded at Altötting in Bavaria in 1765, and the Seefeld Agricultural Society (Seefeldische Feldbausozietät), of 1789, were typical of a multitude of foundations that also included such highly specialized groups as the Fränkische Physikalisch-Ökonomische Bienengesellschaft (Franconian Physical-Economic Beekeeping Society), of 1770. The Hannöversche Landwirtschaftsgesellschaft (Hanoverian Agricultural Society), founded at Celle in 1764, was one of the most active societies in promoting the latest English crop rotation systems and

[7] Tribe, *Strategies*, 24–30; Tribe, *Economy*, 119–31; Gagliardo, *Pariah*, 123–35; Lindenfeld, *Practical imagination*, 59–67.
[8] See pp. 487–9; Lindenfeld, *Practical Imagination*, 55–88.
[9] For the following, see Hardtwig, *Genossenschaft*, 286–7 and Abel, *Landwirtschaft*, 277–8.

later launched the career as an agricultural reformer of the medical doctor Albrecht Thaer (1752–1828).

The work of the societies was often actively sponsored by rulers. Some, such as Frederick II of Prussia or Karl Friedrich of Baden, sent agents to England to report on the latest practice, and several followed George III's example by maintaining model farms. On his way to see Frederick the Great in August 1769, on the road between Brünn and Olmütz in Moravia, Joseph II famously demonstrated that even an emperor was not too grand to drive a plough.[10]

Many academies now began to include the promotion of agriculture in their teaching programmes.[11] The most influential figure in the academic study of agriculture was Johann Beckmann (1739–1811), who was appointed professor of philosophy at Göttingen. His *Grundsätze der deutschen Landwirtschaft* ('Principles of German Agriculture'), of 1769, went through six editions by 1806, and from 1770 he edited a 'physical–economic' review journal that introduced its readers to over a hundred new publications annually.

Beckmann was a typical enlightened cameralist in that he saw innovation in agriculture as part of a wider movement in the application of technology (a term that he coined in 1772) to virtually every field of human endeavour. He promoted his ideas by workshop teaching as well as lecturing, and by collating knowledge of recent innovations in all fields in his five-volume *Beyträge zur Geschichte der Erfindungen* (1780–1805), a work that also enjoyed success in England under the title *A History of Inventions and Discoveries* (1797, 4th edn 1846).[12] Beckmann's agricultural handbook remained the key work until the publication of Albrecht Thaer's three-volume *Einleitung zur Kenntniss der englischen Landwirthschaft* ('Introduction to English Agriculture', 1798–1804) and four-volume *Grundsätze der rationellen Landwirthschaft* ('Principles of Rational Agriculture', 1809–12). These then provided the framework for agricultural practice until the introduction of artificial fertilizers in the later nineteenth century.[13]

If the focus of these various initiatives was almost invariably regional, they still formed part of a national, indeed international, movement. They also promoted the sharing of knowledge by means of prize essay competitions and publications. By 1803, a three-volume bibliographical handbook devoted to agricultural matters, with notes of the price of each item and the worth of its content, recorded just over 6,000 publications, most of them since about 1760.[14]

The main objective of the 'agrarian movement' was to enhance productivity. The societies promoted moves away from the old three-field system and, in

[10] Beales, *Joseph II*, i, 338; Liebel, 'Crisis', 158–9. The emperor demonstrated his ploughing skills again at Reichenberg in Bohemia in 1779.

[11] Abel, *Landwirtschaft*, 278–89.

[12] *ADB*, ii, 238–9; *NBD*, i, 727–8; Abel, *Landwirtschaft*, 278–9; Ulbricht, *Landwirtschaft*, 98–101, 118–33, 186–9.

[13] Ulbricht, *Landwirtschaft*, 142–86, 263–76; Lindenfeld, *Practical imagination*, 76–9; Achilles, 'Georg III.', emphasizes that English influences were manifest long before the publications of Thaer's work and that the main impact of English practice on Hanover was the reform of the legal structure, in particular the steady abolition of labour services.

[14] Abel, *Landwirtschaft*, 286–9; Ulbricht, *Landwirtschaft*, 72–7.

particular, efforts to eliminate the 'wasteful' practice of leaving land fallow that was integral to it. They promoted new crops such as clover, fodder beets, and potatoes (especially intensively after the hunger crisis of 1771–2) and the alternation of grains and legumes in increasingly sophisticated rotation systems. The Zeitz farmer Johann Christian Schubart (1734–1787), a member of the Economic Society of Leipzig, founded in 1764, was the main champion of clover, and was ennobled in 1784 by Joseph II as Schubart von Kleefeld in recognition of his endeavours. Much ingenuity was devoted to improving on the 'English' system of rotation with seven-year systems. The Erfurt seed merchant Christian Reichardt (1685–1775) reported in 1753 that he had developed four variations of an eighteen-year rotation system that needed neither fallow years nor additional fertilizer.[15] A similar sophistication and experimentation characterized the development of agricultural machinery. In 1798, an essay in the Leipzig *Oekonomische Hefte* described no fewer than twenty-four different types of threshing machine.[16]

New fodder crops and more effective crop rotation meant that land could be used more intensively and the animals that were previously grazed on the fallow could now be stall-fed. At the same time, the English example also encouraged more attention to animal breeding techniques, to experimentation with new animals, or to the import of better breeds.[17] Around 1770, the Prince of Liechtenstein gave the Elector of the Palatinate a herd of angora goats. In Brandenburg, Franz Balthasar von Brenkenhoff (1723–1780) introduced an experimental buffalo herd. Some of his neighbours imported herds of Swiss and Holstein cattle, and Frederick II himself imported Holstein bulls to improve the herds on his demesne. To ensure the success of the increasingly careful breeding programmes on the royal and noble estates, the government introduced legislation in 1765 threatening to confiscate bulls that were allowed to run loose. The introduction of a herd of Spanish merino sheep into Saxony in 1765 marked the start of a highly successful cross-breeding programme that ultimately spread to Prussia and yielded highly profitable fine wool. In the moors and marshes in Bavaria, Brandenburg, the North Sea coastal regions, and elsewhere, productivity was increased by land reclamation schemes and the establishment of new settlements or colonies.

In many areas, the main issue in agricultural reform was the residual system of serfdom or *Leibeigenschaft*. New ideas of freedom and property ownership based on natural law now increasingly informed discussion of the position of the peasant, whose plight in many areas was regarded by enlightened commentators as a kind of slavery.[18] If the discussion was national, the action taken was local and was frequently motivated as much by the market as by enlightened thinking. It was the profit motive rather than the *Aufklärung* that persuaded Schleswig-Holstein nobles to relax traditional forms of bondage in favour of more flexible wage labour.

[15] Abel, *Landwirtschaft* 311–12.
[16] Abel, *Landwirtschaft*, 321.
[17] Abel, *Landwirtschaft*, 314–19.
[18] Blickle, *Europa*, 175–6.

The same was true in Brandenburg and Pomerania towards the end of the century, though the trend had started on royal estates in the 1730s.[19]

Elsewhere, the abolition of serfdom by Joseph II in 1781 generated awareness and extensive discussion. The implementation of the decree in the Habsburg territory of Breisgau prompted a similar decree in neighbouring Baden, where the Margrave Karl Friedrich and his advisers feared peasant unrest and the flight of unfree Baden subjects if they failed to emulate the emperor's gesture.

As in the case of the Austrian reform, the measures introduced in Baden were incomplete. The deeply resented personal servitude was essentially commuted into a money payment. Subsequently these payments were reduced, and from 1785 it was possible to buy out the payment of quit rents for the equivalent of twenty-five years of payments. In 1786, peasant tenancies were made heritable. The transformation of tenancies into freeholds did not, however, begin in earnest until after 1820 (and was not completed until 1848), and in the 1790s labour services were even reintroduced for all Baden subjects.[20] Aspects of Joseph II's agrarian reforms, particularly those that aimed to dismantle the feudal system in his lands, were also rescinded by his successor Leopold II in 1790. As in Baden, the transformation of the rural structures of the Habsburg lands took many decades.

The process of peasant emancipation was equally protracted in other parts, sometimes even more so. And almost everywhere it was ensured that the first beneficiaries, sometimes the only beneficiaries, were the rulers and the nobility. The ideal that the peasant was fundamentally entitled to both freedom and property, as the Prussian official Ernst Ferdinand Klein noted in a widely discussed contribution of 1790, was all too easily forgotten.[21] Often the peasant was simply transformed into a wage labourer tied to the estate where he worked, with no or insufficient property of his own.

Many agrarian reform initiatives were highly localized. Differing land quality and climatic conditions, legal structures, and land settlement and usage, required a different approach for each region, and often for each different district within a region. What worked in Brandenburg was often quite inappropriate in Hanover, Franconia, Baden, or Bavaria. The attempts by some rulers to legislate to protect the peasantry from enclosures ('Bauernschutz') were rarely effective without some kind of market incentive. Even so, despite the fact that rising prices gave a fairly general incentive to change, many resisted it. While Schleswig-Holstein and Brandenburg nobles began to adjust their management practices in response to the market, those in nearby Mecklenburg embarked on a new wave of enclosures which reinforced the old servile labour system there.[22]

The obstacles to reform were in some ways even greater in the areas of *Grundherrschaft*, where small peasant holdings predominated, rather than noble estates.

[19] Blickle, *Leibeigenschaft*, 241–2; Dipper, *Bauernbefreiung*, 46–9; Neugebauer, 'Preußen', 478–9. See also Lütge, *Agrarverfassung*, 201–13, and Gagliardo, *Pariah*, 50–118.
[20] Liebel, 'Bureaucracy', 52–3, 98; Dipper, *Bauernbefreiung*, 82–5; Dipper, *Geschichte*, 126–8.
[21] Blickle, *Leibeigenschaft*, 164–6.
[22] Dipper, *Geschichte*, 126.

The area around Erfurt was particularly progressive and innovative, but this was an exception. In other regions, village communities vigorously resisted moves such as the partition of common lands, the redistribution of fields held by a community, or the introduction of field use or crop rotation systems that would have undermined traditional patterns of land use. New crops were frequently opposed: clover cultivation threatened traditional grazing rights; the potato replaced grain and thus threatened the livelihood of millers.[23] Peasant farmers too, however, often responded to market forces and, eventually, to reform initiatives from above. The Baden reforms of the 1760s and 1770s seem to have transformed land use patterns by the end of the century.[24] Truly enlightened peasants were few and far between. Individuals such as the 'philosophical peasant' Jakob Gujer (1716–1785) of Katzenrüti near Rümlang in Canton Zurich, whom Goethe and Duke Carl August of Weimar visited in 1775 and 1779, had few equivalents in the Reich.[25]

The extreme variety of rural cultures across the Reich defies any easy generalization. In many areas, both noble landowners and peasant farmers continued to manage their land in traditional ways; peasants were burdened by substantial payments to their lords; nobles, including Imperial Knights, became increasingly heavily indebted. Equally, what does seem clear, however, is that market forces were gradually bringing about changes in land use and agricultural practice from about 1750. In the northern Reich, the most important factor was the growing demand from the rapidly growing West European centres of population, though the rising population of the Reich itself had an impact throughout. The general discussion of the improvement of agriculture was favourable to change, and in some instances new thinking actually prompted innovation. The changes that did take place were by and large assimilated within the traditional social structure, and the nobility were often their main beneficiaries. That pattern was to remain characteristic of the various government reform initiatives of the first decade of the nineteenth century.

The priority given to agriculture by government and enlightened discussion did not detract from continuing efforts at wider economic management, the promotion of manufactures, and measures aimed at regulating public welfare and public order under the broad heading of '*Polizei*'. In these areas, it is often difficult to identify initiatives that are specifically 'Enlightenment'. Yet the development of traditional policies in the late eighteenth century invariably became infused with Enlightenment thinking and with enlightened zeal for improvement and innovation.

The period is characterized by a growing rationalism of government which had various sources. There was the cumulative effect of mercantilist economic experience since 1648. By the mid-eighteenth century, many governments were beginning to collect and collate statistical information that was used to inform policy.[26] By the 1760s, the proliferation of traditional cameralist writing had matured into the highly sophisticated reflections of writers such as Justi on economic activity,

[23] *HbDSWG*, 520–1.
[24] Dipper, *Geschichte*, 128–40; Abel, *Landwirtschaft*, 299–303.
[25] Hauser, 'Kleinjogg'. [26] Volckart, *Wettbewerb*, 214.

markets, and the role of governments, and these matters now became subjects of public discussion in the new periodical literature.

This discussion shaped the policies formulated by government officials and the growing number of initiatives taken by private individuals as entrepreneurs or as 'patriotic' volunteers in various welfare enterprises. Of course, experience and knowledge did not necessarily translate into success. Indeed, government policy in particular was often driven by fiscal considerations and by a desire to maintain stability at all costs, which conflicted with the slowly dawning realization of the imperative of market forces and doomed many initiatives to failure.

The problems are illustrated by the varied responses to the severe crop failures of 1770–2, which prompted many of the reforms of the subsequent decades. The crisis affected virtually the whole of the Reich, along with much of northern Europe.[27] Shortages and high prices affected all territories, and there were reports of mass starvation from many parts. In the Erzgebirge between Saxony and Bohemia, some 50,000 died in 1772 alone.[28] Only for Saxony are there accurate figures, which indicate that the population declined by 6 per cent as a direct result of the crisis. In some areas of south-west Germany, some 4 per cent of the population emigrated. Many went to Hungary or to the Banat, where the initial influx was so sharp that the area was temporarily closed to new settlers in January 1771.[29]

Most territorial governments, whether secular or ecclesiastical, seem to have responded with traditional export bans, market regulations, and price-fixing measures. The aim was to be seen to be doing something, to meet the expectations of subjects that their governments respond to the plight of their subjects. The actual effect, however, was often to inhibit the equitable distribution of grain. Towns and cities suffered; in Saxony, the proto-industrialized regions of the Erzgebirge and the Vogtland lost nearly 10 per cent of their population, while the agrarian flatlands suffered less, with losses of 2 or 3 per cent.

In Württemberg, the government's attempt to impose a fixed price provoked opposition from producers.[30] A rigid ban on movement of foodstuffs led to towns being denied delivery of supplies they had purchased elsewhere; the government's purchases of grain in Cologne and Amsterdam and elsewhere, and its order that all reserves over and above personal needs should be placed on the market, upset both producers and corn merchants. The Upper German Imperial Cities, now deprived of any supplies from Württemberg and other nearby territories, were forced to buy grain as far away as Amsterdam or Mantua and Venice. In many cases, this saddled them with huge debts that remained unpaid when they lost their independence in 1803.

[27] Abel, *Massenarmut*, 191–257. See also pp. 453–4.
[28] Unless otherwise specified, the following figures are all taken from Blaschke, *Bevölkerungsgeschichte*, 126–9.
[29] Schmidt, 'Hungerrevolten', 268.
[30] Schmidt, 'Hungerrevolten', 269–72.

In February 1772, the Reichstag finally agreed on a decree lifting all internal tariff barriers on grain and imposing an export ban on grain.[31] Yet more wide-ranging proposals to establish a free market for grain among the 'forward' Reichskreise (Franconia, Swabia, Upper Rhine, and Electoral Rhine) or even the whole Reich came to nothing. The fear that subjects would turn on their rulers if they were seen to be responding to the needs of their subjects—the continuing trauma of the Peasants War of 1525—inhibited a 'rational' market-orientated solution.

Where the shadow of 1525 did not hang so heavily, more flexible responses may have produced more effective outcomes. In Brandenburg-Prussia, the crown reverted to its usual policy of releasing supplies from military grain stores in an attempt to control prices and ensure an even supply.[32] The fact that Prussia was able to use its military power and its control of the Vistula (Poland's key grain export routes) after the First Partition of Poland to extort cheap grain from Poland was also crucial.[33]

There is evidence that many other territories also managed the crisis effectively by employing more conventional means and that they learned from it for the future.[34] In Hanover, the government took steps to ensure that there was no impediment to the internal grain trade. The government of Brunswick-Wolfenbüttel, faced with having to co-ordinate the needs of a territory comprising nine distinct and largely non-contiguous parts, proceeded more carefully, with a stream of ad hoc local regulations. Münster both imposed an export ban and limited the internal trade in grain, while offering substantial rewards and judicial immunity to those who exposed smugglers. In all three territories, the experience of the crisis of 1770–2 seems to have led administrations to monitor grain prices closely on a continuous basis and to have inclined them to a more market-orientated policy framework for the future. In the autumn of 1789, when news of rising grain prices emerged, Hanover even initiated a kind of free trade zone in grain with its neighbours Brunswick-Wolfenbüttel and the Prince-Bishopric of Hildesheim.

[31] Blaich *Wirtschaftspolitik*, 204–8.
[32] Schmidt, 'Hungerrevolten'; Neugebauer, *Zentralprovinz*, 119; Behrens, *Society*, 147–8.
[33] Abel, *Massenarmut*, 216–17; Atorf, *König*, 222–31.
[34] For the following, see Gerhard, 'Handelshemmnisse', 67–71.

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Economic Policy: Manufactures, Guilds, Welfare, and Taxation

The crisis management of the early 1770s reflected a more general pattern. Governments tended to cling to traditional forms of regulation because of their significance for maintaining stability or as sources of revenue. Even if they had the will to change, they almost invariably found they did not have the power to overcome the resistance of noble privileges, corporate interests, or peasant communes. It did not much matter whether these interests were organized in territorial Estates or simply resided in regional and local corporate and communal rights. They still posed all but insuperable obstacles to radical change. Thus, in many parts, customs dues and internal tariffs continued into the nineteenth century, long after their existence had been shown to be a hindrance that outweighed any fiscal benefit.[1]

Moreover, the potential success of economic initiatives pursued after 1750 was still determined by underlying structural factors.[2] A small, land-locked territory such as Ansbach stood little chance of pursuing a meaningful economic policy. The Prince-Archbishopric of Salzburg was handicapped by being wedged between Bavaria and the Austrian lands, both of which pursued aggressive economic policies from the 1760s. The Prince-Bishopric of Fulda suffered from the fact that the borders of its fragmented territory were disputed by its neighbours. Fragmented territories such as Mainz, the Palatinate, Württemberg, or Baden (where Baden-Durlach inherited Baden-Baden in 1771, ending the partition of 1535) were less able to co-ordinate policy than compact territorial blocks such as Bavaria or Saxony. If in the south-west of the Reich, the large number of small territories was a hindrance, in Thuringia, by contrast, it stimulated healthy competition. Overall, the effect of the Kreis system was probably still to promote a degree of uniformity in practice within regions. Territories emulated each other in legislation and economic policy and, on occasion, concluded inter-territorial agreements, even if schemes for the co-ordination of activity within a Kreis as a whole generally failed.

Were the ecclesiastical territories the exception to the rule? Some have argued that they operated according to different rules of investment in salvation, rather than in earthly progress, and that they consequently pursued policies designed to

[1] Walter, 'Handelshemmnisse', 213.

[2] The following examples come from Demel, 'Absolutismus', 82–4. See also: Volckart, *Wettbewerb*; Volckart 'Zersplitterung'; and Walter, 'Handelshemmnisse'.

maintain 'deliberate retardation'.[3] There were obvious cultural differences, which enlightened observers such as Friedrich Nicolai commented on: the ecclesiastical rituals, the saints' days, the pilgrimages, and the like. Yet the German prince-bishops, prelates, and abbots had more in common with their secular neighbours than with the world of Catholic southern Europe. Religion alone was clearly not the criterion: the Catholic Wittelsbachs and Habsburgs easily matched the most aggressive Protestant rulers for worldly ambition and the pursuit of secular objectives. Friedrich Carl von Moser deemed it to be a virtue of ecclesiastical rulers that they had no dynastic ambitions to pursue.[4] Potentially, at least, this allowed them to focus on the proper government of their lands.

Differences in size, location, and natural resources seem to have been more important than holy orders in determining policy, rather than a distinctive non-entrepreneurial, non-profit-orientated 'economic style'. Upper Swabian monasteries, for example, focused on agriculture because they had no towns to tax and because land was their main source of income.[5] Holy orders did not deter them from being canny speculators in grain, or from pursuing glass-manufacturing or other activities as opportunity arose. Indeed, the Prince-Abbot of Kempten's disengagement from the glass trade in the 1760s, when his officials registered the depletion of the forests, indicates as high a degree of rational calculation as found elsewhere in the Reich.[6] In the case of the prince-bishoprics, there is scarcely an element of economic and welfare policies pursued by most Protestant and secular Catholic territories that they did not also pursue in the decades after about 1770.[7]

Virtually all governments aspired to promote manufactures. The occasional factory foundations of the later seventeenth century and early eighteenth century now turned into a wave of activity that spread across the Reich. Among the most active territories was Saxony, which established more than seventy between 1760 and 1784 alone.[8] In Lower Austria, the number of factories increased from eleven in 1762 to at least ninety in 1783.

These apparently dramatic figures must, however, be treated with some caution, since the German word 'Manufaktur' does not denote a modern factory.[9] More often than not it simply meant a place where a group of people were engaged in the production of the same product. That might mean as few as ten women working looms or, more rarely, a much larger number. Some factories were genuinely innovatory, and the industrially advanced areas of the Lower Rhineland and Saxony and Thuringia saw the introduction of new machinery from the early 1780s. Many early manufactories, however, simply involved concentrations of craft workers and were really extensions of the rural proto-industrial system. The largest state-owned

[3] Hersche, 'Rückständigkeit'; Hersche, *Muße*, 442–89.
[4] Weber, 'Wahrnehmung', 80–2.
[5] Göttmann, 'Wirtschaftspolitik', 344–9.
[6] Walter, *Kempten*, 180–1. See also p. 278.
[7] Wüst, *Augsburg*, 356–82, with numerous examples from other ecclesiastical territories.
[8] Vogler, *Herrschaft*, 255.
[9] Henderson, *Manufactories*, 9–14. See also pp. 277–86.

woollen manufactory in Linz employed some 5,000 weavers but took delivery of yarns from roughly 30,000 spinners, many in southern Bohemia.[10] By the mid-1780s, however, new technologies were also being introduced into both the cloth industries and the metalworking industry.

The range of products included metalwares, all kinds of cloths, and new products such as chicory (used medicinally and as a coffee ersatz).[11] There was a distinct emphasis on luxury goods such as silks, mirrors, lacquer wares, and porcelains. Factories producing faiences, majolica, and porcelains were exceptionally popular but notoriously difficult to keep going.[12] Many rulers fell victim to charlatans claiming to hold the secret to a new mix of clay or a more efficient mode of production. Neither the Senate of Hamburg nor the Prince-Bishop of Augsburg could resist the temptation, and both ended up footing the bill.

Some fifty-five faience factories were established in the Reich between 1740 and 1800, when the market collapsed with the advent of cheap porcelain. Porcelain factories were less numerous and for the most part catered for a more limited luxury market. Most, including Meissen, were in severe difficulty by the mid 1770s, and some of the leading factories were only able to make a profit by selling coffee beakers to the Turkish market, until the Austro-Turkish war of 1788 extinguished this trade as well.[13] The thirteen porcelain factories established by various Thuringian territories between 1760 and 1800 were the exception. Significantly, factories such as that established at Ilmenau in Saxony-Weimar, rarely prospered when they remained under direct government control. Despite marketing ploys such as the use of crossed 'I' or crossed 'J' marks that looked suspiciously similar to the crossed sword mark of Meissen, the Ilmenau factory only succeeded when it was finally leased to a Saxon entrepreneur in 1786.[14] In Thuringia overall, new technology combined with plentiful local availability of high-quality kaolinized red sandstone and strong competition between the factories made the area into a production centre of European significance, which dominated the emerging bourgeois market for fine tablewares.[15]

Although the figure of over a thousand factories established in the Reich by 1800, most of them by governments or with significant government support, might indicate progress, the reality was less impressive. Many factories were short-lived; relatively few were profitable. Some supplied essential needs, such as the uniform producers and munitions manufacturers in and around Berlin. Many, however, struggled to generate significant profits, or even to survive. They succeeded best where an export market could be accessed and where, as in the Lower Rhineland textile manufactories, entrepreneurs were able to respond to international markets.

Governments sought to introduce new products and new methods of production by means of grants of privileges or monopolies, with grants of land or privileged

[10] Demel, *Reich*, 110; Henderson, *Manufactories*, 148–50; Vocelka, *Glanz*, 302–3. On the Austrian manufactories generally, see Hassinger, 'Stand'.
[11] Albrecht, *Förderung*, 529–37.
[12] See pp. 277–86.
[13] Henderson, *Manufactories*, 54, 75, 90, 101, 151–2.
[14] Ventzke, *Herzogtum*, 213–18.
[15] Lange, 'Kleinstaatlichkeit', 192–3, 201; Scherf and Karpinski, *Porzellan*, 16–26.

access to fuel supplies. Yet profitability was often undermined by the fact that officials helped themselves to subsidy funds, and the whole system enabled entrepreneurs to try and avoid risk, with the government more often than not the main victim of the almost predictable failure of the enterprise. Overall, it is unlikely that any manufactory made more than a local difference. The manufactories in Bavaria, for example, comprised no more than 1 per cent of the Bavarian gross national income. The percentage will not have been significantly higher elsewhere.[16] Throughout most of the Reich, proto-industrial production outside the cities and towns remained dominant until the early nineteenth century.

The promotion of manufactories frequently involved the grant of monopolies. In their attempts to regulate the urban craft guilds, however, reformers argued the need for abolishing restrictive practices and promoting competition.[17] Although it did not prove possible to agree a completely new version of the Imperial Guild Ordinance of 1731, the Reichstag was able to agree a number of measures promulgated by imperial decree in May 1772.[18] The aim was to improve productivity, relax admission requirements, and undermine the corporate judicial authority of the guild masters. The 'blauer Montag' (Monday absenteeism) was banned, a reiteration of the prohibition of the measure from 1731, which had already been renewed in 1764. Women were now admissible to certain guilds, especially in weaving and textiles generally. The limit on the number of journeymen and apprentices a master might have was lifted. The exclusion of children of knackers from guilds on the grounds of their 'dishonourable' status was prohibited.

To varying degrees, these measures were implemented or translated into extensive territorial guild ordinances. Prussia stood out for having already used the Imperial Ordinance of 1731 as the basis for a series of tough policies on the guilds.[19] Numerous other territories began to take action immediately after the promulgation of the imperial decree of 1772.[20] The main exceptions were the Imperial Cities, where guild structures were often integrated into the constitution and guilds played an active role in urban political institutions.

The general tendency was to seek to undermine guild monopolies and to promote competition. Economic trends supported such initiatives. In many areas, the huge expansion of rural craft production threatened the position of the urban guilds. Where rural guilds developed (and they were probably more extensive than scholars traditionally recognized), they did not function in the same restrictive way as their urban counterparts, and their existence was not anchored in quasi-constitutional corporate privileges.[21]

The licensing of so-called 'court artisans' also circumvented the guilds and promoted entrepreneurial innovation, since such individuals were free to develop

[16] Göttmann, 'Wirtschaftspolitik', 362; Albrecht, *Förderung*, 518–19.
[17] Kluge, *Zünfte*, 418–24.
[18] Blaich, *Wirtschaftspolitik* 171–82; Kluge, *Zünfte*, 414–16. See also p. 144.
[19] Kluge, *Zünfte*, 408–10.
[20] For example, Bavaria: Puschner, *Handwerk*, 199–214.
[21] Reininghaus, *Gewerbe*, 71–2.

their workshops into small factories.[22] In the town of Brunswick, so many concessions were granted to non-guild outsiders, such as Catholics and Jews, that the territorial government established a special court to deal with their issues, and in particular to protect them from the guild-dominated town authorities.[23] One of the most spectacularly successful operations of this kind was the cabinetmaking workshop established in 1753 in Neuwied by Abraham Roentgen, which under Roentgen's son David (from 1772) employed some 300 craftsmen and developed outlets in Paris, St Petersburg, and Berlin.[24]

Government legislation and competition from rural industry, court craftsmen, and other foreigners privileged by governments, and from manufactories, did not destroy the guild system. It survived until the mid-nineteenth century.[25] From the 1770s, however, the framework within which the guilds operated became distinctly less favourable to them. The resulting pressures generated significant discontent among the journeymen, those in the second rank, whose progression to the status of master seemed increasingly threatened.[26] Their discontent came to a head during the 1790s, and the uprisings that resulted in many German territories and Imperial Cities seemed all the more dangerous as their leaders appropriated the language of the French Revolution.[27] The response of governments to these uprisings in turn illustrated their equivocal attitudes to the guilds as corporations and their reliance on them as agencies of order and stability. Once guild members posed a threat to law and order, governments invariably moved swiftly to restore order and to support the guild masters in their efforts to reassert their authority. Aiming to promote competition was not the same thing as creating a free market. For the time being, the guilds still formed part of the framework of regulation that all German governments believed was indispensable.

The extensive field of welfare policies was also characterized by continuity as well as change. Enlightened reforms failed to solve the problems of poverty, and much of what was written about these matters began to be implemented seriously only from about 1850. The establishment of poor houses continued with a new wave of foundations from about 1750, and a distinct cluster in the 1770s and 1780s.[28] Two typical 'enlightened' institutions were the 'military workhouses' established in Mannheim and Munich in 1789 and 1790 by Benjamin Thompson (1753–1814, Count Rumford from 1791), the American inventor-scientist and adviser to the Elector of Bavaria. Here the poor were to be incarcerated and set to work producing uniforms and other supplies for the army of the Elector Karl Theodor.[29]

[22] Stürmer, *Herbst*, 250–2.
[23] Albrecht, *Förderung*, 570–7.
[24] North, *Genuss*, 97; Stürmer, *Herbst*, 255–6; Bauer, *Hofökonomie*, 50–1.
[25] Barnowski-Fecht, *Handwerk*, 353–9; Kluge, *Zünfte*, 389–98, 425–46; Walker, *Home towns*, 73–107; Sheehan, *History*, 107–12.
[26] Barnowski-Fecht, *Handwerk*, 136–57.
[27] See see p. 586.
[28] For a comprehensive list of *Zuchthaus* foundations, see Stier, *Fürsorge*, 218–21.
[29] Krauß, *Armenwesen*, 33–5. For a general account of Thompson's activities in Mannheim and Munich, see Brown, *Thompson*, 98–203. Perhaps his most notable and lasting achievement was the

By the late eighteenth century, however, the general aim was increasingly to educate the poor to help themselves, to incentivize them rather than institutionalize them. Indeed, Thompson himself argued that workhouses should be called 'industry schools' or even 'places of refuges' or 'asylums' in order to lose the stigma attached to the traditional term 'Arbeitshaus' and to emphasize the new mission to rehabilitate and reintegrate the poor.[30] His famous workhouse soup (the 'Rumford soup', as it became known throughout Europe) was a typical 'scientific' innovation of the Enlightenment: inspired by a watery potato, bran, oatmeal, and turnip mix, that he had observed made healthy pigs, Thompson believed it was the ideal improving and economical meal for his workhouse charges, who were obliged to consume it several times a day.[31]

In the Catholic territories generally, especially the prince-bishoprics, there was a tendency from the early 1770s to take poor relief out of the hands of the Church and to transfer responsibility to the government. In 1781, for example, Joseph II issued a decree prohibiting the monasteries in the Breisgau from distributing the traditional beggars' soup ('Bettelsuppe'), a measure that was widely emulated in other Catholic territories.[32] The poor were to be encouraged to turn to agencies that guided them into useful employment, rather than left to wallow in traditional charity, which merely encouraged idleness.

Not all of the 'rational' methods employed to control the poor were necessarily conducive to addressing their plight. The common practice of repatriating indigents simply meant that they were expelled from one territory to become the problem of another. Joseph II, for example, initiated the organization of regular 'beggar convoys' ('Bettelschübe').[33] Beggars from the Reich were 'interned' in a camp near Linz and twice a year heavily guarded convoys of several hundred individuals, including women and children, were sent on four routes to Silesia, to Luxemburg and the Netherlands, to the Palatinate and France, and to Swabia and Württemberg. One wretched soul, a hawker who had been in Austria for forty years, spent ten years being marched on every convoy to Coburg simply because he had been born the son of a soldier there, which the town authorities persistently refused to recognize as a reason to accept him as one of their own.

Many territories began to try and deter the itinerant poor from entering. At the official customs posts of the County of Lippe-Detmold, notices appeared in 1770 warning that 'all foreign beggars, alms-seekers, begging, hawking and Polish Jews, jugglers, keepers of dancing bears and vagabonds are refused permission to enter

establishment of the English Garden in Munich in 1789. Thompson had been a loyalist during the American War of Independence; he subsequently moved to London and then to Munich, where he was aide-de-camp to the Elector of Bavaria 1783–99.

[30] *HBdtG*, ii, 433.

[31] Brown, *Thompson*, 160–1; Brown, *Scientist*, 110–13. The soup rapidly became a European phenomenon. By 1800, some 60,000 out of a population of 1 million were being fed on it; in Switzerland, poor relief agencies issued soup coupons with Rumford's name and portrait on them. It soon became evident, however, that Rumford's conviction that water was the main nutrient in the mix was mistaken, and the ever more watery dish soon became the object of derision.

[32] *HBdtG*, ii, 425.

[33] Endres, 'Armenproblem', 230–1, 241.

this county on pain of imprisonment. Gypsies are banned on pain of execution by hanging or shooting.'[34]

Three areas of innovation were particularly striking and indicative of a new approach. First, a wide-ranging debate on public health led to a number of improvements. The idea of removing cemeteries from town centres appeared in enlightened literature from the 1760s and was the subject of legislation in many parts from the late 1770s.[35] There was a proliferation of schemes for vaccination against smallpox and other measures to prevent the spread of disease. The education and training of doctors and midwives was debated publicly and reformed by a plethora of local and regional initiatives, both government and private.[36] The position of academically trained doctors was reinforced by obliging the poor to seek treatment from them and certificates to prove their inability to work.[37] Steps were also taken to improve the quality of apothecaries and to regulate their business.

Many territories established hospitals or reformed existing institutions. Early foundations, such as the Berlin Charité in 1727, served as models. Many Catholic territories followed the example set by the Vienna Allgemeines Krankenhaus (General Hospital), founded in 1783–4. This institution, allegedly capable of accommodating five thousand, set new standards by establishing five separate units for the sick, for maternity care, for the mentally ill (they were incarcerated in a tower), for the incurably sick, and for foundlings.[38] Joseph II's foundation of an institute for the deaf and dumb and of the military medical–surgical academy the Josephinum, established Vienna's position as a centre for innovation in public health.[39] Equally influential, if ultimately ineffective everywhere, were Joseph's attempts to limit child labour or to improve conditions for children either at work or at school.[40]

Second, the idea of preventing poverty gained ground in government and private initiatives. Fire insurances modelled on the early examples at Hamburg (1676) and Berlin (1718) became common in Protestant territories from the 1730s and in Catholic territories from the 1770s.[41] Even more innovative was the rapid spread of widows' funds. A small number had been created around 1700 in emulation of the pioneering late seventeenth-century English and Dutch funds. All of these had disappeared by 1725, and a second wave of foundations began from the early 1740s; from the 1770s, similar institutions appeared in most of the Catholic territories.[42] The funds were invariably licensed by the territorial governments, and rulers personally often acted as patrons. Most catered for specific occupational

[34] *HBdtG*, ii, 428. On gypsies in this period, see Fricke, *Zigeuner* and Opfermann, *Sinti*.
[35] Whaley, 'Symbolism', 103–5.
[36] For a detailed study of these issues in Brunswick-Wolfenbüttel, see Lindemann, *Health*.
[37] *HBdtG*, ii, 429.
[38] Beales, *Joseph II*, ii, 448–51; Demel, *Reich*, 253; Müller, *Aufklärung*, 59–60.
[39] Beales, *Joseph II*, ii, 448, 451–3; Vocelka, *Glanz*, 345–7. An institute for the deaf and dumb had been established at Leipzig in 1778.
[40] Demel, *Reich*, 215, 252–3.
[41] Hersche, *Muße*, 768–9.
[42] Rosenhaft, 'Secrecy', 221–3.

groups, such as the Göttingen fund for widows of professors established in 1743 or the Baden-Durlach fund for the widows of pastors of 1746.[43] Before long, the principle of occupational pensions for widows was extended to the support of orphans and to the analogous development of sickness insurance and 'retirement' insurance schemes in some towns and in many of the new manufactories from the 1780s, or harvest insurance schemes in certain territories.[44] Some Catholic widows' and orphans' funds, for example in Bavaria and Westphalia, were funded, or at least underwritten, by monasteries on a charitable basis.[45]

Infinitely more ambitious were the schemes that aspired to offer a more general service to the public, and that depended on the interest of the public for their survival.[46] In Hamburg, the Hamburgische beeidigte Christen-Mäckler Wittwen- und Waysen-Casse (Hamburg Chartered Christian Brokers' Widows' and Orphans' Fund) of 1758 and the Hamburgische Allgemeine Versorgungs-Anstalt (Hamburg General Pension Fund) of 1779 sponsored by the Patriotic Society pioneered public–private partnership and managed information flows about available funds in ways that will strike a chord with many modern readers. The Calenbergische Wittwen-Verpflegungs-Gesellschaft (Calenberg Widows' Fund), founded in 1766 in the Hanoverian Duchy of Calenberg, recruited more than 5,000 subscribers from all over Europe by 1781; in 1779, it had 3,700 active subscribers and was paying out 723 pensions. Both the Brokers' Fund and the Calenberg fund ran into acute financial difficulty, which resulted in increased premiums and reductions in pensions by up to 60 per cent. Despite the problems that attended these and other schemes, it is clear that the *idea* of insurance was widely established throughout the Reich by 1800.

Insurance schemes aimed to support those who fell on hard times. The lot of the poor generally was the concern of a third set of initiatives for improving the plight of those who had fallen through the net. These were the subject of a wide-ranging public debate in the later decades of the century. The patriotic and economic societies frequently made poverty, its causes, and the remedies the subject of prize essay competitions. Several journals devoted themselves exclusively to the subject, such as the *Göttingische Magazin für Industrie und Armenpflege* (Göttingen Magazine for Industry and Poor Relief, 1789–1803) or the *Schwäbische Provinzialblätter über Armenversorgung* ('Swabian Regional Journal for Poor Relief', 1796–8).[47]

As a consequence of the distinction that was increasingly made between the deserving poor and the criminal poor or 'hard beggars', ideas were developed for alternatives to the prison-like *Werkhaus* and *Zuchthaus*. The so-called *Arbeitshäuser* were non-profit workshops or small factories, where wages were sometimes subsidized to promote the ideal of training for the reintegration of the unfortunate into the regular labour force. The public 'spinning rooms' established in some places

[43] Müller, *Aufklärung*, 60; Wunder, 'Pfarrwitwenkassen'; Henning, *Handbuch*, 891–2.
[44] For an example in Mannheim from 1781, see Krauß, *Armenwesen*, 39–40. Other cases: Henning, *Handbuch*, i, 896–900.
[45] Demel, *Reich*, 118.
[46] For the following, see Rosenhaft, 'Secrecy', and Rosenhaft. 'Origins'.
[47] *HdtBG*, ii, 434.

from the 1770s were often essentially communal working areas for women and girls.[48] Orphanages were reformed to encourage industriousness and to replicate the family environment, and when this ambition led to the financial collapse of the Eisenach orphanage in 1784, Duke Carl August of Saxony-Weimar-Eisenach (r.1775–1828) established a system of payments to foster families to continue his support for the orphans.[49]

The most innovatory poor relief institution of all, and widely publicized throughout the Reich, was the Allgemeine Armenanstalt (General Poor Relief Institution), founded in the Imperial City of Hamburg in 1788.[50] This marked the culmination of sustained public discussion of the problem of poverty and of repeated small-scale initiatives by the Patriotic Society, the city's Freemasons and others.

The Armenanstalt was founded on a redefinition of poverty which viewed the poor as the victims of economic fluctuations. It turned its back on almsgiving and embraced a mission to seek out the poor in their own homes and to help them climb out of their poverty. The two hundred traditional poor relief officials of the city parishes were ordinary volunteers, and their collective administration was provided free of charge. Studies were undertaken to determine the necessary level of support using a basket of essential foodstuffs and goods. Doctors assessed the clients' ability to work; teachers evaluated their level of education. A spinning hall and a school for the education of the poor were established; in 1796, a lying-in ward was opened; experimentally, fifty modest dwellings were built and other accommodation provided to remedy a housing shortage during the prosperous years of the early 1790s. At every stage, the institution laid great emphasis on transparency and accountability, publishing not only its accounts but details of virtually every aspect of its operations and its extensive analyses of the plight of the poor.

The Hamburg poor relief claimed to have reduced poverty by some 40 per cent during the 1790s. The organization was, however, badly hit by the severe economic crises of 1799 and 1803, and its operations were disrupted by the period of French occupation from 1811 to 1815. These crises once more generated a harsher view of the poor, and by 1831 the banker Amandus Augustus Abendroth could claim that the charity had merely fostered the inability of the poor to help themselves.[51] The patriotic spirit that sustained the Allgemeine Armenanstalt and so many other initiatives in Hamburg after 1750 withered in the early decades of the nineteenth century.

Measures designed to promote prosperity and to prevent poverty were also ultimately intended to enhance tax revenues. There was considerable discussion of the reform of taxation and the development of new principles during the eighteenth century.[52] Yet there was little change in fact to the old tax regime.

[48] Eisenbach, *Zuchthäuser*, 118–33.
[49] Wolter, *Armenwesen*, 295–329.
[50] For the following, see Lindemann, *Patriots*, 93–176, and Kopitzsch, *Grundzüge*, 550–7, 686–8.
[51] Lindemann, *Patriots*, 196.
[52] For the following, see: Schwennicke, *Steuer*, 315–43. Zachlod, *Staatsfinanzen*, 183–213, offers an excellent comparative survey.

The combination of capitation taxes and indirect taxes developed in the later seventeenth century remained the norm. Direct taxes continued to be levied according to instructions and property registers drawn up in the sixteenth or seventeenth centuries, and the nobility repeatedly successfully defended its exemption from taxation.

The larger composite territories, such as Saxony and Brandenburg, were characterized until the early nineteenth century by multiple tax systems, a separate one negotiated for each separate territory. Attempts to introduce radically new taxes, or to systematize the collection of existing ones, were rarely successful. The physiocratic 'single tax' on land introduced in three villages in Baden in 1770 failed, not least because it was imposed in addition to the traditional feudal dues paid by the peasants.[53] Frederick II's attempt to extend the Prussian excise system and manage it under a single central authority staffed by French experts (the Régie) was only moderately successful from a fiscal point of view but deeply unpopular, and the authority was abolished immediately after the king's death.[54] Suggestions by Justi and others that a production tax might be more beneficial, and more equitable, than an excise tax led nowhere.

The increasingly persistent discussions of the really innovative notion of an income tax from the 1770s repeatedly foundered on the extreme difficulty of its implementation. As the Oettingen administrator Georg Gottfried Strelin (1750–1833) commented in 1790, collecting accurate information on incomes would be virtually impossible, even more so assessing the precise relation between income and tax.[55]

[53] Liebel, 'Bureaucracy', 48–50. [54] Schui, 'Figures'.
[55] Schwennicke, *Steuer*, 338–9, n. 197.

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Administration, Law, and Justice

The problems of taxation specifically were linked to those of administration generally. The ideal of a rationalized, centralized administration was never translated into reality. Furthermore, administrations still faced real obstacles in the execution of their tasks. Even the Prussian administration was too small to approach any serious level of control in the eighteenth century. Centralization was impeded by the fact that Prussia was a 'composite state', in which each part was governed according to its own laws and traditions.

A further obstacle to centralization was the continuing existence of the regional Estates throughout the eighteenth century. The fact that the crown had to negotiate taxes or legislative changes with each subject territory separately acted as a powerful restraint on the development of central government power.[1] The often violent confrontations that had characterized the relationship between rulers and Estates in the seventeenth century were a thing of the past. Yet that enabled the Estates to develop altogether more effective bargaining powers.

The only truly 'national' administrative body in Prussia that transcended all regions was the Régie: that was precisely why this excise administration founded in 1766 was so hated and why it was abolished in 1786.[2] Relative to other administrations, the Prussian system was effective, and more 'modern' than most, in certain areas, such as financial management, land reclamation, and internal colonization or military organization. This was achieved at least partly through a more rigorous control of government officials and through constant efforts to improve their quality. The introduction of examinations for would-be officials in 1770 was an innovation that typified the relative professionalism of the Prussian system.[3]

The reform of legislation and the judicial system were related and key aims of the *Aufklärung*. The overarching objective was to create order and system, to apply the principles of natural law to the laws of society, to establish equality before the law and evenness in its application. Many regarded the codification of laws as a prerequisite for a just society. Enlightened commentators preached the need to act against superstition and irrational customs, or against barbaric practices such as torture and the death penalty. For rulers, legal reform held some obvious attractions. New codes of law that treated all subjects uniformly were an obvious way of

[1] Neugebauer, 'Preußen', 471–5; Neugebauer, *Zentralprovinz*, 157–60; Neugebauer, *Wandel*, 65–125.
[2] Schui, 'Figures'.
[3] Bleek, *Kameralausbildung*, 73–9.

undermining the privileges of the nobility or the clergy or other corporate bodies. New judicial procedures and new judicial structures based on legal codes were potentially a way of finally eliminating the competing judicial competence of manorial or ecclesiastical jurisdictions.

In some ways, such enterprises again merely built on previous practice in the German territories. The publication of collections of territorial law or of a formal *Landrecht*, which consolidated the mass of regular edicts and decrees, had after all been common practice in the Reich since the late fifteenth century. Just as common, however, had been the periodic resistance to such enterprises from rural and urban communes, the nobility, or the ecclesiastical authorities. The same resistance still applied in many places. Paradoxically, rulers themselves often proved ambivalent about the ultimate implication of codification of laws: namely, that they themselves would be bound by the published legal code.

The implementation of legal reforms was not uniform. Prussia is generally cited as a model in terms of codification. On the other hand, the process of drawing up the code was protracted.[4] Early projects under Frederick William I came to nothing, but in 1746 the Grand Chancellor Samuel von Cocceji (1679–1755) was commissioned to draw up a code of civil law. This was unfinished when Cocceji died, and little more was done until 1780.

The crucial turning point was the judicial crisis of 1779, caused when the king overruled the judges in a case brought by Count von Schmettau against his lessee, the miller Arnold, over the non-payment of fees following the loss of water to a carp pond built upstream by a regional official. Frederick dismissed the judges involved in the case (year-long prison sentences were cancelled before they were implemented) and then fired his Grand Chancellor von Fürst for good measure). The King suspected corruption—Schmettau was himself a judge at the patrimonial court at which he brought his case against Arnold—but his intervention horrified his own officials and the Berlin enlightened public generally.

Following this very public scandal, the new Grand Chancellor, Johann Heinrich von Carmer (1720–1801), was commissioned to rethink the relationship between crown and judiciary and to resume the codification project. The work was largely carried out by Carl Gottlieb Suarez (1746–1798) and Ernst Ferdinand Klein (1743–1810). By 1784, they had collated the laws of the various regions; a process of consultation, including elements of genuine public consultation, was well under way by the time of Frederick's death. A final draft was approved by Frederick William II in December 1789, and the *Allgemeines Gesetzbuch für die Preußischen Staaten* was published in March 1791.

Even before the code came into effect, however, the King suspended it indefinitely, fearing that what some already called the 'equality code' might merely pave the way for French-style anarchy in Prussia. Relentless lobbying by Suarez and Klein and their allies finally led to the implementation of the *Allgemeines Landrecht für die Preußischen Staaten* in February 1794. The code was in many ways

[4] For the following, see Merten, 'Landrecht'; Hattenhauer, 'ALR im Widerstreit'; Conrad, *Rechtsgeschichte*, ii, 387–91.

innovative, especially in its attempt to establish fundamental principles as the basis for the regulation of virtually everything. Yet it also still reflected essential traditional features of the Prussian system. The privileges of the nobility were justified on the grounds that the nobility had a duty to defend the kingdom. The use of the plural 'Staaten' underlined again the composite nature of the Prussian monarchy's lands.

By the time the *Allgemeines Landrecht* was published in Prussia, both Bavaria and Austria had long since introduced significant legal reforms. In Bavaria, codification was sponsored by the Elector Maximilian III Joseph (r. 1745–77) and was executed by his chancellor, Wiguläus Xaverius Aloysius von Kreittmayr (1705–1790), who produced codes of criminal, procedural, and civil law between 1751 and 1756. Kreittmayr's work was facilitated by his relatively modest ambition to collate and clarify existing law, rather than devise an entirely new system on the basis of natural-law principles. His codes thus marked the final culmination of sixteenth- and seventeenth-century initiatives to systematize territorial law, rather than a point of new departure in constitutional terms. The active cooperation of the Bavarian Estates was also crucial to the speedy implementation of the new codes.[5]

The Austrian codification projects started later but advanced further. Maria Theresa's criminal code of 1768 was replaced by Joseph II's in 1787. By then, Joseph had already published a procedural code (1781) and the first part of a civil code (1786), which finalized a project begun in 1753. This was the prelude to the *Allgemeines Gesetzbuch* for all the German hereditary lands of the Habsburg monarchy that finally became law in 1812.

Clearly, determination on the part of a ruler and highly qualified personnel were prerequisites for any successful codification. The aspiration to bind together the various parts of a composite territory was also a significant motivation. Codification initiatives in Baden (1754 and again in the early 1780s), Hessen-Darmstadt and Hessen-Kassel, Hanover, Mecklenburg, Saxony, or in Cologne under the Elector Max Franz (r. 1785–1801) failed.[6] Many other rulers contented themselves with partial codifications (such as the Nassau-Saarbrücken procedural code of 1778 or the Bamberg penal code of 1795, among others) or with the publication of collections of laws (such as Hildesheim in 1782 or Saxony-Altenburg in 1786).[7]

A key feature of the new criminal codes, but also of numerous one-off decrees with considerable 'landmark' status and publicity value, were measures such as the abolition of torture as part of the judicial process or the abolition of the death penalty. Frederick II led the way in 1740 with the abolition of torture for all cases except those relating to murder, sedition, or treason. By 1755, those exceptions had also been removed. Other territories gradually followed suit, notably the Palatinate and Austria in 1776, though in Gotha its use was formally retained until 1828.[8]

[5] Press, 'Reformabsolutismus', 420.
[6] Dölemeyer, 'Kodifikationspläne', 201–8, 213–22. On Baden, see also: Conrad, *Rechtsgeschichte*, ii, 400–1.
[7] Demel, 'Absolutismus', 91; Neugebauer, 'Absolutismus', 34.
[8] Evans, *Rituals*, 115; Conrad, *Rechtsgeschichte*, ii, 445; Müller, *Aufklärung*, 61.

Even in liberal and enlightened Hamburg torture continued to be used until 1790 and was not formally abolished until the French period after 1806.[9] Joseph II was the only ruler who formally abolished the death penalty in 1787, but throughout the Reich its use was increasingly restricted from the 1770s.[10]

The abolition or restriction of the most severe penalties did not, however, necessarily mean a more humane or lenient treatment of offenders. Joseph II was adamant that offenders should be punished severely. Premeditated murderers should be branded and then incarcerated to die miserably in prison. The English penal reformer John Howard rightly pointed out that the new penalties envisaged by Joseph II in place of the old ones were harsh by any standard. Joseph's own supreme court protested in July 1787, for example, at the employment of condemned men in chain gangs to haul barges up the Danube. Over half of those condemned in this way perished. Since large numbers of death sentences were habitually commuted, the chain gangs were a more certain route to death. The fact that Joseph decreed that anyone condemned in this way must first be declared by doctors to be fit to suffer the punishment can have been small consolation.[11]

[9] Kopitzsch, *Grundzüge*, 694, 700.
[10] Evans, *Rituals*, 127–40; Beales, *Joseph II*, ii, 548–51; Conrad, *Rechtsgeschichte*, ii, 443–4.
[11] Beales, *Joseph II*, ii, 549–52, 655.

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Education and Toleration

Perhaps more than most of the European Enlightenment movements, the *Aufklärung* viewed itself as an educational movement. *Aufklärung*, after all, denoted a process of individual self-education, a programme for the education of society, and, more widely still, a vision of the 'education of mankind'. The application of rational thinking to the improvement of individual lives, of society, and of the human race was the constant subject of debate.

The educational imperative as it related to society in the present came to be defined as the aim to provide practical education for all at their various levels and in their various functions, rather than any idea of social emancipation through education. Even so, that more limited aim was still viewed as a contribution to the wider cause of the 'education of mankind'. Indeed, from the 1780s, there was intensive discussion of *Volksaufklärung* and of *Popularaufklärung*. This persisted despite doubts and anti-*Aufklärung* polemics influenced by reactions to events in France during the 1790s, and the literature generated by the discussion shaped attitudes to the education of the masses through into the mid-nineteenth century.[1] At the same time, however, new ideals of education for its own sake, for *Bildung* as the personal development of the individual in society, also developed. These were to some extent the product of a growing dissatisfaction with university education and of the crisis of the university system around 1800 under the impact of the French revolutionary wars.

Ideas for educational reform at any level were confronted by traditional structures and vested interests. The network of elementary schools that had developed throughout the Reich since the Reformation was variously in the hands of the ecclesiastical authorities, towns, and rural communes, or noble landowners and other private individuals. Friedrich Nicolai noted on his journey through Germany and Switzerland in 1781 that the state of schools and schooling was more or less uniformly miserable in both Protestant and Catholic areas.[2] Introducing any systematic general reform here was virtually impossible.

Few governments, however efficient and active, did more than establish a handful of model schools. In Prussia, for example, the introduction of compulsory elementary education in 1763 and the establishment of the central Oberschulkollegium in 1787 did not actually result in a fundamental reform of the lower school system. The establishment of a teachers' institute in Berlin in 1748 did not

[1] Borgstedt, *Aufklärung*, 58–60. [2] Möller, *Vernunft*, 136–7.

change much either, even though this nominally became a royal institution in 1753.[3] Financial constraints were a major obstacle, but so was the fact that the government had no control over most schools in the first place. Many of the significant changes that did begin to take place were more often the work of noble landowners implementing Pietist or enlightened educational ideals and were part of a social and economic modernization process driven by the same market forces that led to the erosion of serfdom in many areas.[4]

By comparison, the Austrian reforms of the 1770s, soon widely emulated among the ecclesiastical and other Catholic territories in the Reich, had a much greater reach and deeper impact.[5] Several factors were crucial. Maria Theresa had managed to create an effective system of regional administrative authorities in the 1750s, and in certain areas reform of the lower school system began in the 1760s. In particular, reform proposals were shaped by the ideas of Johann Ignaz von Felbiger, Abbot of the Augustinian canons regular of Sagan in Prussian Silesia, whose embrace of Pietist educational principles was initially motivated by the need to keep pace with the local Protestants.[6] In 1769, a report by the Prince-Bishop of Passau, Leopold Ernst von Firmian, warning of the spread of heresy and unbelief in his diocese, which included parts of Upper Austria and Lower Austria, prompted Maria Theresa to take action. Following deliberations by the Staatsrat in 1769–70 and consultations with the provincial administrations, Felbiger was summoned to Vienna in 1774, and his experiences in Sagan were translated into the General School Ordinance.

The creation by this ordinance of a network of state schools with teachers paid by the state went much further than any Prussian reform. Local opposition—considerable in some areas—was outweighed by the availability of money taken from the Jesuit order on its dissolution in 1773. Felbiger himself was charged with supervising the system of 'Normalschulen', as the new lower schools were known, until 1781 and presided over a period of steady expansion. In Bohemia alone, for example, the number of elementary schools increased from about 1,000 in 1775 to 2,294 in 1789, and the total number of pupils increased from 30,000 to nearly 170,000.

Developments in Austria and Passau were soon emulated throughout the ecclesiastical territories of the Reich. Everywhere money confiscated from the Jesuits was used to establish teachers' seminaries and normal schools along the lines devised by Felbiger. Even in areas such as the Middle Rhineland and the Moselle, where good school networks already existed, the 1780s saw significant improvements in teacher training and educational practice. By the end of the eighteenth century, the Rhineland had one of the best school networks in Europe.

[3] Neugebauer, *Staat*, 378–96.
[4] Neugebauer, 'Preußen', 478–9; Melton, *Absolutism*, 171–99; Neugebauer, 'Schulreform'.
[5] For the following, unless otherwise indicated, see *HdtBG*, ii, 237–43.
[6] Melton, *Absolutism*, 91–105.

Similar reforms also took place in Bavaria. Progress was initially inhibited by a conflict between the school commissioner Heinrich Braun (1732–1792), who favoured the ideas of Felbiger and of the Dessau Philanthropists, and Johann Adam von Ickstatt (1702–1776), who favoured a more practically orientated educational programme.[7] Even so, the Bavarian lower school system was still more advanced than the Prussian by the end of the century. In this respect, at least, reform placed Catholic Germany well in advance of much of Protestant Germany.

Other 'modern' educational innovations of the *Aufklärung* period were on the whole isolated and short-lived initiatives with little impact. Despite its long-term significance to the present day, the Realschule, or technical school, of the eighteenth century was a failure.[8] The attempt to formulate a new approach to practical or vocational education had antecedents in the seventeenth century, and the first Realschule, run in Halle as the Mathematische und Mechanische Realschule (1708–10) and as the Mathematische, Mechanische und Ökonomische Realschule (1738–40) by the Lutheran pastor Christoph Semler (1669–1740), was based on Pietist precepts. With only two very brief two-year periods of operation it was also a failure. A second school, established in 1747 in Berlin by the pastor Johann Julius Hecker (1707–1768), a pupil of Hermann August Francke, only just survived on meagre private finance. Other foundations in Wittenberg, Chemnitz, or Mainz lasted only a few years. Elsewhere, a single Realschule class was attached to an existing Latin school, or Gymnasium. Similarly, few of the many attempts to establish commercial schools, industrial schools, drawing schools, mining or construction academies, or navigation schools, including some for girls, enjoyed any lasting success.[9] Even where such institutions had government support, they rarely flourished, failing as often for lack of students as for lack of money.

The same fate befell the final attempts to establish Hohe Schulen as alternatives to both the traditional Latin Gymnasium and the traditional four-faculty university.[10] The aim was to provide a 'worldly' rather than an academic education, and while in the late seventeenth and early eighteenth centuries such initiatives had been targeted at the sons of the nobility, the focus after 1770 was on non-nobles. Some sought simply to extend the traditional curriculum of the Gymnasium to include modern languages and various scientific subjects; others placed the 'modern' subjects at the core.

The most notable foundations occurred in the court centres of smaller territories where there was no university: for example, Brunswick, Bayreuth, Kassel, Lippe, and Stuttgart in Württemberg. Some were technical academies such as the military academy established in 1761 by Count Wilhelm Friedrich Ernst von Schaumburg-Lippe (1724–1777), where the later Prussian field marshal Gerhard von Scharnhorst (1755–1813) studied between 1773 and 1778.

The Hohe Carlsschule founded in Stuttgart in 1770 was also essentially a military academy, though by 1782 the curriculum had been extended to justify

[7] *NBD*, ii, 551; *NDB*, x, 113–15.
[8] *HdtBG*, ii, 245–7.
[9] *HdtBG*, ii, 202–5, 401–14.
[10] *HdtBG*, ii, 355–68.

its reorganization in six faculties (law, medicine, philosophy, arts, economics, and military sciences). Despite the award of a university charter by Joseph II, however, the transition to university status failed, and the school was dissolved by Duke Ludwig Eugen (r. 1793–95) in 1794. The school's apparently prominent place in Germany's educational history owed everything to the fact that Schiller had been a pupil between 1773 and 1780.[11] While he received valuable instruction in philosophy and languages there, Christian Friedrich Daniel Schubart's characterization of the school as a 'slave plantation' fully reflected Schiller's own unhappy experience of its harsh disciplinary regime and systematic repression of personal freedom.

The eighteenth-century experiments in practical training were all truncated. It was not until after 1850 that technical universities and technical high schools were fully established. Even technical and vocational education at the lower levels only really flourished in the wake of the commercial and industrial development of the early nineteenth century. By contrast, attempts to reform education on the basis of the ideas of Locke and above all Rousseau produced more tangible results.

The philanthropical movement headed by Johann Bernhard Basedow (1724–1790) aimed to translate *Aufklärung* ideals of humane and rational thinking and toleration into both the method and content of its teaching.[12] The first philanthropic school was established at the Reckahn estate, near the town of Brandenburg, by Friedrich Eberhard von Rochow (1734–1805). The flagship of the movement, however, was the Philanthropin that Basedow founded at Dessau in 1774.

Basedow promised nothing less than the launch of a pan-European educational reform, and he tirelessly disseminated his ideals in print. Even Kant was impressed, and appealed to the readers of the *Königsbergische Gelehrte und Politische Zeitung* to support this 'model of a good education': schools must be 'remodelled if any good is to come out of them', he wrote; this can only be achieved through a 'rapid revolution. . . . And that requires no more than a school.'[13] The Dessau school aimed to blow away the 'dust of centuries', to kindle contentment and the love of one's fellow beings in the hearts of the young, and for a decade it became the focal point of all discussions of educational reform in the burgeoning periodical literature of the time.

Attempts to emulate the Dessau model, however, enjoyed mixed success. The school established in 1775 at Marschlins in Switzerland folded within two years; the Gotha school founded at Schnepfenthal, near Gotha, in 1784 by Christian Gotthilf Salzmann (1744–1811) with the support of the Gotha Freemasons and influential members of the Illuminati survived under the management of Salzmann's heirs until 1945, but it remained an isolated example.

More important than the philanthropic schools—the Dessau school itself folded in 1793—was the public debate that Basedow and his collaborators stimulated and the application of his ideas in numerous existing schools throughout

[11] Alt, *Schiller*, i, 81–188.
[12] For the following, and for extensive bibliographical references, see *HdtBG*, ii, 262–77.
[13] *HdtBG*, ii, 263.

the Reich. Philanthropic pedagogy found its most extensive and sophisticated development and broadest dissemination in the six-volume *Allgemeine Revision des gesammten Schul- und Erziehungswesens von einer Gesellschaft praktischer Erzieher* ('General Revision of the Whole System of Schools and Education by a Society of Practical Educators') of 1785–92, edited by Joachim Heinrich Campe (1746–1818). A version tailored to the needs of Catholic areas was published in 1798–1803. Philanthropic ideas also inspired several regional school reforms of the 1770s and 1780s, for example in Brunswick-Wolfenbüttel (led by the later Prussian reformer Karl August von Hardenberg, 1750–1822, and Campe) and in Anhalt-Dessau and Lippe-Detmold. They also had a cross-confessional influence on the work of Heinrich Braun in Bavaria and of Leopold Ernst von Firmian in Passau.[14]

Basedow and Campe failed to initiate a European educational reform, but their ideas created a new framework for thinking about education and schooling for the nineteenth century. The interest that they stimulated in pedagogic matters prepared fertile ground for the extraordinary impact of the philanthropic theories of the Swiss writer Johann Heinrich Pestalozzi (1746–1827) after 1800. The publication of Pestalozzi's novels *Lienhard und Gertrud* (1781–87) and *Wie Gertrud ihre Kinder lehrt* ('How Gertrude Teaches her Children', 1801) and other writings had an impact both more immediate and more enduring than anything written by Basedow or Campe. In the context of the confrontation with France, Pestalozzi's Rousseauistic notion of 'natural' education lent itself easily to translation into the notions of 'national' education and regeneration, first in the Helvetic Republic (1798–1803) and then in Berlin in the work of both Wilhelm von Humboldt (1767–1835) and Johann Gottlieb Fichte (1762–1814).[15]

Despite the zest for pedagogic innovation of the *Aufklärung*, the traditional structure of secondary education in the Gymnasium and higher education in the university remained dominant. The continuity in the history of the two educational institutions most transformed by the Reformation is striking. In Protestant areas, continuity frequently turned into stasis.

The larger territories, foremost among them Brandenburg-Prussia, focused on finance and economy, but left the Gymnasium unreformed. The same is true of Saxony and Württemberg, the leaders in secondary schooling in the sixteenth century. As a rule, where a school was improved, the initiative came from teachers or headmasters inspired by Pietist or philanthropic ideas to extend the curriculum or to propagate new methods and approaches. In Catholic areas, by contrast, the dissolution of the Jesuit Order in 1773 stimulated innovation and improvement in this respect as well. After an initial period of crisis, most of the Jesuit schools resumed as government-run enterprises, often partially funded with money confiscated from the order and staffed with former Jesuits as well.

[14] See p. 518.

[15] *HdtBG*, ii, 106–8, 118–19, 194–7; Osterwalder, *Pestalozzi*, 24–60; Oelkers, 'Pädagoge'; Hinz, *Pestalozzi*.

Later Prussian-German mythology credited Wilhelm von Humboldt, as head of the culture and education section of the Prussian ministry of the interior 1809–10, with having invented the modern neo-humanist Gymnasium in response to the shock of the defeat of Prussia by France. In reality, Humboldt's educational reforms in Prussia were paralleled by virtually identical reforms of Friedrich Immanuel Niethammer (1766–1848) in Bavaria from 1808. Furthermore, rather than invent an entirely new kind of secondary school, both Humboldt and Niethammer sought to revert to the older Gymnasium tradition by removing the new practical and 'modern' subjects that the Philanthropists and others had championed since about 1770.[16]

Fundamental continuity, with some shifts in emphasis, also characterized the development of the universities during this period. Criticism that the universities were outmoded and out of date, implicit in the work of those who promoted practical subjects at every level, and particularly vocal during the 1790s, did not now diminish the vital role that the universities had played since the Reformation. Overall, student numbers seem to have declined between 1740 and 1800 from about 8,500 to roughly 6,000. However, it is likely that the bulk of this decline occurred after 1792 and reflected external pressures, rather than any diminution in the attractiveness of university study.[17] The period of the French wars saw the closure of all the old universities left of the Rhine; the secularization of the ecclesiastical territories led to further closures, and the shrinkage continued into the 1820s. Between 1789 and 1810 alone, seventeen universities folded.[18] This acute rupture tended to obscure the continuities and, as in the case of the Gymnasium, allowed Humboldt's foundation of the University of Berlin in 1810 to seem like a dramatic new beginning.[19]

In fact, the traditional system continued to evolve. Among the Protestant universities, Halle and Göttingen remained the pre-eminent 'modern' universities in the second half of the eighteenth century. In terms of numbers, Halle led with over 1,000 students in the 1780s; Göttingen had over 800, and Leipzig over 700. Jena also gained steadily in popularity after about 1780 and had over 860 students in the years 1791–95. Roughly 40 per cent of all students attended these top four universities. At the other end of the scale, universities such as Altdorf, Duisburg,

[16] Schnabel, *Geschichte*, i, 408–33; Ruegg, 'Antike'.

[17] The estimates are based on the calculations published by Franz Eulenburg in 1904, which have not been superseded. Eulenburg focused on the 'German' universities (i.e., those within the territory of the German nation state of 1871), but also gave information on some Austrian universities (though not Vienna, Prague, or Olmütz) and Basel, which properly belonged to the university system of the Reich. See Eulenburg, *Frequenz*, 130–88.

[18] *HdtBG*, iii, 222.

[19] The university was named the Friedrich-Wilhelm-Universität in honour of its royal sponsor Friedrich Wilhelm III (r. 1797–1840) and retained this name until 1946. The present name, Humboldt-Universität zu Berlin, was adopted in 1949. The foundation of a central Prussian university became a pressing necessity after the loss of Halle to the Kingdom of Westphalia in the Treaty of Tilsit in July 1807. Halle reverted to Prussia in 1815, and the university was amalgamated with Wittenberg in 1817, but the university never regained its dominant position and remained smaller than Berlin, Leipzig, and Munich. Baumgarten, *Professoren*, 200–2.

Herborn, or Rostock had only around 50 students each.[20] Perhaps rather surprisingly, Strassburg, firmly integrated into France since 1681, remained part of the 'German' university system and developed into a competitor of Göttingen as a training ground for potential lawyers (specializing in imperial law), politicians, and diplomats. Even though its average of about 250 students could not compare with Göttingen, Strassburg was particularly attractive to nobles. Both the later Bavarian reformer Maximilian von Montgelas (1759–1836) and Clemens Wenzel von Metternich (1773–1859) studied there, as did Herder and Goethe.[21]

With the exception of Vienna, which may have been larger, the Catholic universities of the Reich generally had fewer than 300 students each.[22] Among them, Ingolstadt, Mainz, Würzburg, Vienna, and Innsbruck had established an early lead as reforming universities anxious to compete with the leading Protestant institutions. The Jesuits had, however, always been able to reassert their influence and their traditional curriculum and methods. Significantly, the Elector Friedrich Karl Joseph von Erthal (r. 1774–1802) moved to make Mainz into the Catholic equivalent of Göttingen as soon as the Jesuit Order was dissolved, strengthening the law faculty and employing a number of Göttingen alumni as professors, including some Protestants from 1784.

The Mainz example set off a wave of other Catholic university reforms and inspired new foundations at Münster (1780) and Bonn (1784). The disappearance of the Jesuits also gave a new prominence to the Benedictine university at Salzburg, where reading societies, Freemasons, and the like flourished from the 1770s and where the reception of the ideas of Wolff and Gottsched gave a new impetus in various fields of study.[23] The most important exceptions to the general modernizing drift among the Catholic universities from the 1770s were Vienna and the smaller Habsburg universities: Freiburg im Breisgau, Graz, Innsbruck, Olmütz, and Prague.[24]

Emulation of Göttingen under Maria Theresa turned into opposition to the Göttingen model under Joseph II. His vision of the enlightened university had no time for ideas of freedom in research or study for its own sake. As Gottfried van Swieten (1733–1803) argued in a presentation to the emperor in February 1785, Göttingen contributed nothing to 'national education'; it was essentially an academy of sciences; it attracted students from such a diverse range of territories and countries that it was impossible to dictate a single course of study. Vienna, van Swieten argued, must dedicate itself to the cause of 'national education' in order to supply the patriotic administrators and politicians that the state needed in order to flourish.[25]

[20] Eulenburg, *Frequenz*, 164–5.
[21] See p. 565.
[22] Rosa di Simone, 'Admission', 304–5, claims that Vienna grew steadily through the eighteenth century; Mühlberger, 'Absolventen', 169, 185–6, explains why there are no precise figures and indicates a figure of 400 students or fewer.
[23] *HdtBG*, ii, 393.
[24] Hammerstein, *Aufklärung*, 210–40.
[25] Hammerstein, *Aufklärung*, 200–1.

In the Reich, the corporate privileges enjoyed by universities often inhibited any but the most determined reform-minded rulers. The traditional four-faculty structure (theology, law, medicine, and arts) continued to predominate, but the traditional hierarchy changed. Theology progressively lost its precedence to law, and the decades after 1770 saw a further sharp decline.[26] Many universities intoduced new subjects such as clinical medicine, veterinary medicine, natural sciences, or cameralism, sometimes outside the traditional faculty structure as part of what was known as the 'extraordinary' university.[27]

The most dramatic development of these decades was the emergence of philosophy. Traditionally, philosophy had been regarded as little more than a preparation for serious study at the higher faculties. Ever since Christian Wolff had made his first impact in the 1720s, however, many had argued that the traditional hierarchy of faculties should be altered to reflect the new significance of philosophy. The breakthrough was achieved as a result of the impact of Kant's works from the 1780s, in particular after the publication of Reinhold's *Briefe über die Kantische Philosophie* ('Letters on the Kantian Philosophy') in the *Teutscher Merkur* in 1786–7.[28] Alongside Königsberg, Centres of Kantianism developed in Göttingen, Tübingen, and, above all, Jena, as well as in Würzburg, Bamberg (and the nearby Benedictine monastery of Banz), Bonn, Ingolstadt, Dillingen, Fulda, and Salzburg in the Catholic Reich.[29]

The debate about what Kant's writings actually meant, their passionate promotion or denunciation, dominated the public and academic philosophical debate during last two decades of the century. In his *Streit der Fakultäten* ('Contest of the Faculties') of 1798, Kant himself argued that philosophy should now take the preeminent place traditionally occupied by theology. Kant had, in fact, turned philosophy into a kind of ersatz religion, which claimed priority over all other forms of knowledge.[30] The key to this development was the new political and intellectual atmosphere that developed in the Reich after the French Revolution, as we shall see below. It was only then that the debate about what Kant meant developed into extraordinary intellectual ferment, which reaffirmed philosophy, and with it the universities, as the exclusive source of ultimate meaning.[31]

Education in a wider social sense was the aim of arguments for religious toleration, which became a prime cause of the Enlightenment everywhere. Among Protestant writers, the theoretical arguments for toleration were widely

[26] McClelland, *State*, 117.

[27] For a good discussion of such developments at Jena from the early 1780s, see Müller, *Regieren*, 396–417. See also, Hammerstein, 'Universitäten', 230–1.

[28] They appeared as a two-volume book in 1790–2.

[29] On the reception generally, see Vleeschauwer, *Development*, 138–98; Reininger, *Kant*, 263–97; Schindling, *Bildung*, 11, 36, 42; Schindling, 'Bischöfe', 168–9; Haaß, *Haltung*, 35–7, 43–4, 73–4, 84–7, 90–1, 136–8, 163–4, 173–5; Lehner, 'Ecumenism', xvii. For Jena, see Hinske, *Aufbruch*. For Tübingen, see Henrich, *Grundlegung*. On the Catholic reception of Kant, see Hinske, 'Kant'. For the reception in Berne and the interaction between Berne and various centres of Kantianism in the Reich, see Bondeli, *Kantianismus*.

[30] Hunter, *Rival Enlightenments*, 274–376.

[31] Baumgarten, *Professoren*, 12–15. See also pp. 595–600.

taken for granted by the mid-eighteenth century.[32] Exactly what was to be tolerated, however, was often controversial. Most excluded freethinkers and atheists, and, as a rule, developed arguments for toleration in practice within the framework of the Peace of Westphalia. This gave rights to Lutherans, Catholics, and the Reformed, but excluded sectarians. Also excluded were the Jews, whose toleration generally depended on the conclusion of contracts with rulers, which was considered a purely secular concern.

Among Catholic writers, arguments for toleration in the abstract or on the basis of natural law were more problematic, but, from about 1750, Catholic legal theorists also began to envisage toleration, generally defined within the terms of the Peace of Westphalia, as one of the prerogatives of rulers. Despite the proliferation of often moving pleas for toleration as a human virtue, the reality on the ground was constrained by these legal considerations.

In practice, of course, many Protestant rulers had long ago gone beyond what was strictly required by the agreements of 1648.[33] The need to attract new subjects and new economic skills fuelled powerful economic arguments for extending toleration. These could be implemented in the territories by princely fiat. In Imperial Cities such as Hamburg or Frankfurt am Main, by contrast, the clergy of the established Lutheran confession were able to mobilize the citizenry against any softening of attitudes in the city councils. Even in the territories there were limits. Frederick the Great famously declared that he would be happy to welcome both heathens and Turks, and build temples and mosques for them, as long as they were good and industrious subjects.[34] In fact, however, that situation never arose; he dealt with minorities in the same way that his predecessors had done, and he extended this regime to his new, and predominantly Catholic, lands in Silesia.[35] His personal tolerance of deists and freethinkers in his own circle at court did not translate into a laissez-faire regime at the grass-roots level.

Attempts to develop a more systematic toleration regime were not launched until the 1780s. Joseph II led the way with an edict for Lutherans, the Reformed, and the Greek Orthodox Christians in 1781 and a ground-breaking edict for the Jews in 1782. Typically, these measures were more concerned with practical and pragmatic matters than with religious freedom as such.[36] Indeed, limited religious freedom did not translate into full legal and civil rights for the groups concerned until 1811. Joseph wanted to strengthen the position of the state churches by imposing control on other churches. Granting even limited freedom was sufficient to dispel a reputation for Catholic intolerance. Tolerating the Jews meant being able to control the activities of their communities and being able to regulate the admission of Jews to Vienna. The fundamental importance of toleration and religious reform in the Austrian context is underlined by the fact

[32] For the following, see: Fritsch, *Toleranz*, and Forst, *Toleranz*.
[33] See pp. 322–9. [34] Kiesel, 'Toleranz', 380.
[35] Whaley, 'Tolerant society?', 184–5.
[36] Forst, *Toleranz*, 438–42, with the context discussed 352–437.

that between 1767 and 1796 over 6,000 edicts relating to these matters were issued.[37]

The Austrian toleration edicts were directly emulated in Mainz and Trier and other Catholic secular and ecclesiastical territories. The emperor's example also tipped the balance in the protracted struggle over toleration in Hamburg, which adopted toleration for Calvinists and Catholics in 1785.[38] In Prussia, the so-called Wöllner edict of 1788 both affirmed the rights of the three privileged 'main confessions' and licensed other sects and religious groups in so far as they undertook to live quietly. In conjunction with strict censorship legislation, the Wöllner edict was designed to be restrictive and preserve state control.[39] In 1794, the same legislation was then enshrined in the *Allgemeines Landrecht*, albeit now combined with a relaxation of censorship, though still with the overall aim of reasserting state control.[40] Karl Ferdinand Hommel's argument that atheism could not be considered a crime and posed no threat to either state or society or Johann Adam von Ickstatt's view that atheism was entirely compatible with good citizenship found no resonance in legislation or in government practice anywhere in the Reich.[41]

For Joseph II, asserting his right to tolerate was part of another fundamental underlying issue: the separation of Church and state, or rather the assertion of the rights of the state over the Church. In the same way, the ecclesiastical princes were also trying more than ever to separate the administration of their territories from the ecclesiastical regimes of which they were also heads. In this respect too, the Catholic territories after 1750 progressively appropriated ideas that had become established in the Protestant territories during the first half of the century.[42]

[37] Vocelka, *Glanz*, 411.
[38] Whaley, *Toleration*, 165–6.
[39] See pp. 467–8.
[40] Forst, *Toleranz*, 437–8.
[41] Link, *Herrschaftsordnung*, 289–90.
[42] Schneider, *Ius reformandi*, 505–32.

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Courts and Culture

Much of the reforming activity in the period of the *Aufklärung* saw governments pursuing traditional agendas but doing so in ways that they justified with reference to the new thinking. Whether they actually initiated reforms or simply sponsored or applauded the initiatives of groups of enlightened patriots, the effect was the same: to give an often deceptively 'modern' look to the German territorial landscape in the later eighteenth century. This also applies to the development of the courts and to their engagement in the cultural sphere, where many scholars have also discerned a new approach. The idea of the 'Musenhof' or 'court of the muses' has a long historiography, as does the idea that some German rulers played a key role in the development of a new, *bürgerlich*, and for the first time truly German, culture in these decades.

The discussion is skewed by historical myths and problems of interpretation. The concept of the 'Musenhof' was essentially a construction of the nineteenth-century desire to establish an historical context for the work of Goethe and others, so that the court at Weimar came to be seen as the prototype and acme of a fertile environment for the evolution of the high culture of the modern era.[1] The term *bürgerlich* is problematic, since its rather nebulous meanings in German are more often than not entirely distorted in English translation. Neither 'bourgeois' nor 'civil', nor the rather awkward 'non-noble' conveys the true sense of this key term. It did not have clear class connotations and, since *Bürgerlichkeit* denoted the new moral disposition and individualism of the *Aufklärung*, it could be associated with both nobles and princes to the extent that they embraced the new thinking.[2]

Traditional works on German culture and literature have often emphasized the emergence of what they describe as a modern 'bürgerliche Kultur', or literature that had emancipated itself from the courts of the princes.[3] It is true that there were important Enlightenment cultures in centres that had no court: the Imperial City of Hamburg, the Saxon town of Leipzig, and the Prussian town of Halle are obvious examples.[4] Leipzig and Halle, however, for all their urban autonomy, were still both towns in which their respective territorial governments dominated. Hamburg flourished as a major centre of practical *Aufklärung*, but it failed completely as a cultural venue when Konrad Ackermann and Johann Friedrich

[1] Schmidt, 'Kulturbedeutung', 361–6; Berger, *Anna Amalia*, 12–18.
[2] Umbach, 'Culture', 188, 190; Daniel, *Hoftheater*, 123–5. See also pp. 460–1.
[3] See, for example: Balet, *Verbürgerlichung*.
[4] See the relevant chapters in Weigl, *Schauplätze*.

Löwen (1727–1771) attempted to establish the first German national theatre there in 1766, and failed again the following year when they were joined by Lessing.[5] The city had a significant literary culture throughout the eighteenth century, with major figures such as Barthold Heinrich Brockes (1680–1747) and later Friedrich Gottlob Klopstock (1724–1803) working there, but its famous opera, intermittently active since 1678, had largely been sustained by the city's predominantly aristocratic diplomatic community. The national theatre project, which assumed an audience of educated citizens, could not be sustained by the city's relatively limited cultural elite alone.[6]

The courts, and the governments attached to them, remained essential as sponsors, protectors, and promoters of cultural endeavour, and more often than not they set the tone for the public sphere that was beginning to develop around them, both in the residential capitals and in the other towns and noble residences in their territories. What was new at the end of the eighteenth century was not the decline of the court, but rather the transformation of the court and its cultural values. There was no dichotomy between the territorial regimes of the princes and *bürgerlich* culture, still less a *bürgerlich* nation.[7]

As in so many aspects of the history of the Reich, the main impression of any overview of the German courts after about 1750 is one of extreme variety. Even attempts to establish a typology of courts—pious courts, social courts, courts of the muses, and so on—remain unconvincing, since almost none conforms to one type exclusively.[8] Among the three hundred or so courts, there were many where nothing much changed and where simple shortage of money made a mockery of the pretensions of their rulers. Many richly deserved the scorn poured by the more radical enlightened critics on petty and despotic princes as a blot on the landscape of the Reich. In some courts, traditions of Baroque-style representation or of piety persisted through to the end; in many of the smallest courts, life remained devoted to the basic aristocratic pleasures of hunting and feasting.

Yet the German courts had also cultivated other traditions, alongside and intermingled with the more basic pursuits. Like courts elsewhere in Europe, many were centres of learning and of cultural power. Their cultural activities could reflect many things: political ambitions, their master's ambitions for promotion or his assertion of his place in the hierarchy of the Reich, or the history and confessional identity of a territory. The style was now different, however, and in many courts the language and aspirations were at least parallel to those of the *Aufklärung*, if not always wholly in tune with them. Criticism of courts and rulers did not necessarily indicate a fundamental rejection of them: more often, rather, a desire to improve or reform them.

In the sixteenth and seventeenth centuries, first the Burgundian, then the Italian, and finally the Spanish courts had provided the model for rulers in Germany, as

[5] Sosulski, *Theater*, 16–20; Nisbet, *Lessing*, 472–510.
[6] Wolff, 'Barockoper'; Marx, 'Barockoper'.
[7] Möller, *Fürstenstaat*, sets out the dichotomy programmatically in his title and develops it throughout.
[8] See, for example, Bauer, *Gesellschaft*, 55–80.

indeed elsewhere in Europe.[9] From the late seventeenth century, Versailles had become an important model, though Vienna also exercised a strong influence within the Reich. French influences remained strong throughout the eighteenth century, but increasingly it was not Versailles but rather metropolitan Paris as a centre of the arts and sciences and of philosophy, the Paris of intellectuals and salons, that served as the model.

Equally striking is the complementary shift from French styles to the German vernacular with the establishment of 'national' theatres by various German rulers after 1770.[10] This further development was also accompanied by the appropriation of elements of English style, most notably in the form of English landscape parks or 'English gardens', many of which were also inscribed with complex scientific and political meanings and an eclectic mix of carefully devised features, from prehistoric megaliths to Greek temples and Chinese pagodas.[11]

This was all part of an extremely complex series of parallel developments in style and taste that are associated with the phenomenon of neoclassicism. The movement originated in Britain and France, but spread across the whole of Europe by the 1760s. In general, it marked a reaction against the styles of the Baroque and the Rococo in favour of a return to the more austere forms and models of Greece or, more frequently, Roman copies of Greek models. What was at stake was much more than just the kind of hollow pastiche that has often characterized neoclassicism, generally as an architectural style with no profound philosophical meaning, in the twentieth and twenty-first centuries. Eighteenth-century neoclassicism entailed a new reading of the ancient world, its art, and its literature. That in turn led to the embrace of a new way of being, a new way of thinking about life, art, and politics.

In early eighteenth-century Britain, where the continental Baroque style had never really taken root, the neoclassical style in architecture was based on a revival of the ideas of the sixteenth-century Venetian architect Andrea Palladio, promoted by late seventeenth- and eighteenth-century architects such as Colen Campbell, the third Earl of Burlington, William Kent, and Robert Adam. Their work was widely imitated across Europe, but meanwhile neoclassicism had received a further boost from the rediscovery of the ruins at Palmyra in the late seventeenth century and, above all, from the excavations at Herculaneum (from 1738) and Pompeii (from 1748).

In architecture, interior decoration, and the visual arts, the neoclassical became the prevailing norm. Whether inspired by English architectural manuals and pattern books, by the 'Adam' style or the parallel French 'Louis-Seize' style, or directly by Greek or Roman ruins or artefacts, neoclassical tendencies came to the fore virtually everywhere in the Reich. These aesthetic tendencies were in turn strengthened by the parallel renewal of classical philology at the German universities, which reached a highpoint in the work of Friedrich August Wolf (1759–1824).[12]

[9] Müller, *Fürstenhof*, 11–17; Daniel, 'Höfe', 21–6; DaCosta Kaufmann, *Court*, 392–459.
[10] Sosulski, *Theater*, 16–28.
[11] For a general survey of gardens and their symbolism, see Niedermeier, 'Germanen'.
[12] Marchand, *Olympus*, 16–24.

As in the case of the German Baroque, which combined a riot of Italian, French, Dutch, and other elements according to the wishes of the individual patron, the new neoclassical idiom in the Reich was characterized by an exuberant eclecticism.[13] In Prussia, for example, Frederick the Great ended the rigorous austerity of his father's reign, which had seen the Berlin palace fall into disrepair.[14] He commissioned a new wing for the Charlottenburg palace and rebuilt the Potsdam town palace (the Stadtschloss), and then commissioned the new residence Sanssouci in the Potsdam park as well. His architect for these schemes was Georg Wenzeslaus von Knobelsdorff (1699–1753), who had travelled to both Italy and Paris in 1740. The result was a kind of Rococo-classicism that combined the restrained classical Palladian exteriors favoured by Knobelsdorff with the playful Rococo interiors favoured by the king.

If Sanssouci seemed to be moving firmly in favour of neoclassicism, the Neues Palais subsequently constructed in the Potsdam park by Carl Philipp Christian Gontard (1731–1791) between 1763 and 1770 reverted to the heavier style of the Baroque.[15] The reason for this appears to have been political. Although planned before the Seven Years War, its execution after the end of the conflict was designed to proclaim the king's survival, his assertion of his claims to Silesia, and the fact that the long war had not left him bankrupt. This 'Fanfaronade' (boastful fanfare), as Frederick called it, required a more commanding style, and the message was driven home by the liberal use of Silesian marble in the interiors of the new palace.

A similar mix is found in Frederick's Berlin projects, such as the opera house (1741–3) and in the other buildings of what was envisaged, though never actually completed, as the Forum Fridericianum in the heart of the capital. A later building, the Royal Library (1775–80), was even based on Joseph Emanuel Fischer von Erlach's Michaelertrakt in the Vienna Hofburg. Different buildings demanded different styles. Everything depended on the function of a given structure and on the message it was intended to convey to the world.[16]

If Frederick's stylistic tastes were eclectic, his intellectual and literary aspirations were firmly guided by French ideals. Indeed, more than anything else, Frederick aspired to be recognized as a French-style *philosophe*.[17] This was the role that he lived out at Sanssouci in the period before 1763, where he surrounded himself with congenial intellectuals: Franceso Algarotti, Pierre-Louis Moreau de Maupertuis, Jean Baptiste d'Argens, Julien Offray de la Mettrie, and, between 1750 and 1753, Voltaire.[18] Subsequently, the Prussian king's disdain for German culture and his cultivation of French language and letters earned him some sharp critics. The publication of Frederick's derogatory essay on German literature in 1780, with

[13] See the discussion of the Baroque style above, pp. 224–5, 230, 295.
[14] For the following, see Braunfels, *Kunst*, i, 119–40; Möller, *Fürstenstaat*, 388–90; Giersberg, *Friedrich*, 78–106, 120–33. See also p. 227.
[15] Braunfels, *Kunst*, i, 124, 128–30; Giersberg, *Friedrich*, 120–33.
[16] DaCosta Kaufmann, *Court*, 405–6.
[17] Kraus, 'Friedrich der Groβe', 111.
[18] Mittenzwei, *Friedrich II.*, 93–100.

its criticism of the 'semi-barbaric' German language and its mockery of the young Goethe's *Götz von Berlichingen*, provoked open antipathy to his passionate commitment to French ideas and French literature.[19]

Though after Knobelsdorff's death in 1753, the neoclassical taste gained ground steadily, Frederick the Great himself resisted to the last the rigorous and systematic application of neoclassical principles in the buildings he commissioned. It was his successors, Frederick William II (r. 1786–97) and particularly Frederick William III (r. 1797–1840), who systematically classicized all of the interiors created before 1786. It was they who inaugurated Berlin's true classical period with landmark constructions such as the Brandenburg Gate (1788–91), by Karl Gotthard von Langhans (1733–1808), and the Neue Wache (1816–18) and Altes Museum (1825–8), by Karl Friedrich Schinkel (1781–1841). A similar initial eclecticism, followed later—sometimes much later—by rigorous classicism, characterized the development of architectural styles at Munich and many other capitals from the mid-eighteenth century into the early nineteenth century.[20]

Neoclassicism as a broadly cultural movement, involving much more than just an architectural style, followed a rather different course of development. And in this form it came to shape the court style and culture of the generation of German rulers after Frederick the Great. The German author who seemed to synthesize the many diverse elements of the tendency was Johann Joachim Winckelmann (1717–1768), whose *Gedanken über die Nachahmung der griechischen Werke in Malerei und Bildhauerkunst* ('Thoughts on the Imitation of Greek Works in Painting and Sculpture') of 1755 and *Geschichte der Kunst des Alterthums* ('History of Ancient Art') of 1764 became enormously influential texts.[21]

That did not, of course, prevent the simultaneous development of critical tendencies. Lessing, for example, rejected Winckelmann's insistence on a hierarchy of artistic forms headed by sculpture and argued that art and poetry were subject to different rules. Lessing thus both helped establish philhellenism and neoclassicism and simultaneously laid the foundations for their later (Romantic) subversion.[22] The aesthetic principles of Alexander Gottlieb Baumgarten (1714–1762) and Johann Georg Hamann (1730–1788), as well as the ideas of Johann Gottfried Herder (1744–1803) and Johann Kaspar Lavater (1741–1801), all of whom tended to emphasize the sensual response to nature, also implicitly undermined Winckelmann's core doctrines and laid the foundations for later Romantic forms. Yet Winckelmann's assertion that Greek sculpture was characterized by 'fine simplicity and quiet dignity' ('edle Einfalt und stille Grösse') nonetheless became a guiding maxim for the German taste of the later eighteenth century.

Broadly speaking, the same neoclassical tendencies are evident from Hamburg and Berlin in the north, down to Stuttgart, Munich, and Vienna in the south. If,

[19] Mittenzwei, *Friedrich II.*, 197–204; Steinmetz (ed.), *Friedrich II.*, 60–99, esp. 62, 81–2 (the collection also contains several reactions to Frederick's essay).
[20] Möller, *Fürstenstaat*, 387–8; Braunfels, *Kunst*, i, 200–5.
[21] DaCosta Kaufmann, *Court*, 441–54; Marchand, *Olympus*, 7–16; Fuhrmann, 'Winckelmann'; Chytry, *State*, 11–37.
[22] Nisbet, *Lessing*, 399–434.

however, neoclassicism, especially in the form of a preoccupation with Greece, is considered as a movement with wider ideological and political connotations, a fairly clear confessional divide becomes apparent. For all their adoption of neoclassical styles, the Catholic territories, including Austria, remained fundamentally linked to Rome and hence to Roman, rather than Greek, tradition.[23] Viennese and Munich neoclassicism in architecture and the visual arts did not translate into a new cultural–political paradigm as such. Here, the liberalization of the 1770s and 1780s gave way to a renewed reaction from the early 1790s as part of the effort to deal with the perceived threat of the ideas of the French Revolution.[24]

In the Protestant areas of the Reich, by contrast, Winckelmann's ideas came to assume a much broader meaning and fed into an important and specifically German development. Ironically, Winckelmann himself had converted to Catholicism in 1754, but those who read him thought of him either as a new pagan, as Goethe did, or as someone whose ideas provided a new framework for a modernized, 'reasonable' Protestantism.[25] In this context, Winckelmann played a key role in the rejection of the Roman ideals that Gottsched espoused and of his idea that the Germans might improve their literary culture by emulating the French. Greece thus provided a new cultural–political model that was an alternative both to Rome and to France.[26]

Winckelmann's influence was protean. His own philhellenism was suffused with hints of rebellion against monarchical rule, of a rejection of French cultural values as well as of French political dominance, of individualism and liberation into the kind of freedom that he assumed had been the foundation of Greek art. Those were undoubtedly key elements in his attraction for the young writers who enthusiastically read his work in the 1770s.

Subsequently, Winckelmann's ideals were adapted to suit different circumstances. Individualism remained a leitmotif, but different contexts and protagonists produced new variations. The general framework of neoclassical aesthetics and classical philological studies remained common to all tendencies, but there was a difference between the classicism of Weimar and that of Berlin. Influenced by a common perception of the dangers posed by the revolutionary way of the French, both accepted the state as a necessary framework, but then saw its functions rather differently. In Weimar, classicism as developed by Goethe and Schiller placed emphasis on aesthetic individualism as the first stage in the personal self-fulfilment of man.[27] In Berlin, figures such as the mature Wilhelm von Humboldt and his contemporaries around 1800, focused more on the development of civil society and the education of a new 'Athenian' citizenry able to fulfil themselves and perfect society through their own efforts. Equally significant, and quite different from Weimar, is the renewed role of Rome in the scholarly endeavours of Berlin classicism: the building style may have been Greek, but the main scholarly monument to antiquity, alongside the Greek philology of Friedrich August Wolf, and

[23] Marchand, *Olympus*, xxiii.
[24] Bodi, *Tauwetter*, 395–432; Schaich, *Staat*, 321–460.
[25] Fuhrmann, 'Querelle'. 134–49.
[26] Wiedemann, 'Staatsnation'.
[27] Chytry, *State*, 38–105.

every bit as important, was Barthold Georg Niebuhr's three-volume *Römische Geschichte* (Roman History, 1811–32).[28]

The differences were determined by the context more than by anything else. While Weimar, with some 6,000 inhabitants, was the small capital of a small duchy with about 100,000 inhabitants, Berlin, with a population of some 170,000 by 1800, was a dynamic metropolitan centre of a territory with some 8 million inhabitants (both inside and outside the Reich). It was second only to Vienna, with roughly 230,000 inhabitants (and a total population of perhaps 25 million for all the Austrian territories both inside and outside the Reich).[29] In Berlin in the 1790s, a sense of liberation from the long reign of Frederick the Great (1740–86) combined with the resonances of the French Revolution to inspire exuberant ideas of emancipation and renewal of the polity. The experience of defeat in 1806 lent a new urgency to these notions and brought many of their protagonists into positions of real political authority for the first time.[30]

While developments in Weimar and Berlin undoubtedly had an important political and wider cultural dimension, their immediate implications for the Reich as a whole should not be exaggerated. The emergence of Weimar and Berlin as classical centres and the affinity between philhellenism and Protestantism and post-Protestant new paganism did not yet determine the future destiny of a Protestant Prussian-German nation state. The historical–cultural traditions cultivated in Germany in the late nineteenth and early twentieth centuries often obscured the more open-ended realities of the period around 1800. The absence of a 'Viennese classicism' did not signify either the 'departure' of Austria from the Reich or the rejection of Austrian leadership by the Reich. The crisis of Austrian leadership in 'Germany' did not occur until after 1815.[31]

The broad shifts in cultural style and taste associated with neoclassicism framed the development of court cultures and the public spheres associated with them in the Reich during its final decades. Other characteristics were also striking. It is difficult to measure degrees of conspicuous consumption, yet overall there was a perceptible move towards a greater restraint and simplicity, or at least the appearance of it. The relative austerity of the Berlin court under Frederick William I relaxed slightly under Frederick the Great, but the wearing of military uniforms continued and the elaborate festivities of the Baroque never returned. In Vienna, Joseph II eschewed a coronation and acts of homage, and he simplified court dress by establishing the military uniform as the norm.[32]

After about 1760, few courts engaged in the kind of large-scale building work characteristic of the years around 1700. However, among the secular territories,

[28] Still stimulating on this frequently neglected dimension of Prussian classicism is Yavetz, 'Why Rome?' On Niebuhr, see *ADB*, xxiii, 646–61, and *NDB*, xix, 219–21; also Gooch, *History*, 14–24.

[29] For the population figures, with varying estimates, see: Wilson, *Reich*, 323; Hochedlinger, *Wars*, 280–1; Rosseaux, *Städte*, 8–11.

[30] The best short survey of Berlin classicism is Conrad Wiedemann's outline of the research project 'Berliner Klassik' at http://www.berliner-klassik.de (accessed 4 May 2011).

[31] Whaley, 'Thinking', 68–71.

[32] Beales, *Joseph II*, ii, 438–9; Vocelka, *Glanz*, 292.

Mecklenburg-Schwerin, Württemberg, and Kassel were the notable exceptions. In Mecklenburg-Schwerin inner turmoil had prevented building in the early eighteenth century, and construction of a new palace was further delayed until 1772–6, since the duchy was plundered by Prussia after the Duke decided to back Austria in the Seven Years War.[33]

The Dukes of Württemberg and the Landgraves of Hessen-Kassel were both driven by their ambition to become Electors.[34] In Württemberg, Duke Karl Eugen (r. 1737–1793) invested substantially to re-establish a capital in Stuttgart and to bring both his residence and library back from Ludwigsburg, where Duke Eberhard Ludwig (1676–1733) had moved them to punish the Württemberg Estates for their bitter opposition to him.[35] Almost as soon as he was declared of age in 1744, Karl Eugen started a new main residence in Stuttgart (completed 1791). In 1770, the Hohe Carls Schule followed, and 1775 saw the construction of a ducal library and a new building for the military academy, founded five years previously at the Duke's hunting lodge and summer residence, Schloss Solitude.

In Kassel, the Landgraves Friedrich II (r. 1760–85) and Wilhelm IX (r. 1785–1821, but as Elector Wilhelm I from 1803) engaged in a plethora of projects that were reminiscent of the schemes pursued by the first Prussian king in Berlin around 1700.[36] The town itself was transformed by the construction of new avenues linking the three new main squares, and the further elaboration of the great park and gardens on the escarpment above the town culminated in the construction of a new residence on what was now known as the Wilhelmshöhe (1786–1803). Education, the arts, and sciences were magnificently housed in the Museum Fredericianum of 1769–70, the expanded Collegium Carolinum, the Military Academy, the Academy of Fine Arts, and the Société des Antiquités, among other institutions.[37] Here, French influence remained so dominant that at least one newspaper and some of the town's merchants even began to advertise in French. By the end of Friedrich's reign, Kassel had been established as a major cultural centre in central Germany.

Among the ecclesiastical territories, the exceptions were Münster and Trier. In Münster the vast citadel and fortifications constructed by Bishop Christoph von Galen (r. 1650–78) after he had extinguished the rights of the town remained in place until after the Seven Years War.[38] The war demonstrated once again that strong fortifications attracted enemies as much as they repelled them. Consequently, the Estates were more than happy to support plans to demolish these symbols of their subjugation in favour of a new palace constructed by Johann

[33] Braunfels, *Kunst*, i, 350–2.
[34] Pelizaeus, *Aufstieg*, *passim*.
[35] Wilson, *War*, 217–18; Vann, *Making*, 259–63.
[36] Ingrao, *Mercenary state*, 164–74; Braunfels, *Kunst*, i, 320–3; Wegner, 'Stadtbild', 152–9. Schweikhart, 'Antikenrezeption', and other essays in the same volume commemorating the second centenary of the Museum Fredericianum are also illuminating.
[37] The first public museum on the European continent was the Herzog-Anton-Ulrich-Museum, founded in Brunswick 1754 and modelled on the British Museum, founded the previous year.
[38] Braunfels, *Kunst*, ii, 322–7, 335–7; Holzem, *Konfessionsstaat*, 251. See pp. 38, 235.

Conrad Schlaun (1695–1773). This completed the building programme begun as early as 1703 with the construction of the country palace Schloss Nordkirchen by Gottfried Laurenz Pistorius (1663–1729) and completed by Schlaun in 1734.

The hopes of the Münster Estates that a new city palace might encourage their prince-bishop to reside in his territory proved in vain. The absentee Clemens August of Cologne (r. 1719–61) was succeeded by the equally absent Cologne Electors Maximilian Friedrich zu Königsegg-Rothenfels (r. 1761–84) and Maximilian Franz of Habsburg (r. 1784–1801). Fortunately, however, their chief minister and from 1770 vicar general Franz Friedrich Wilhelm Freiherr von Fürstenberg (1723–1810) proved a more than adequate substitute. Under his administration, Münster developed an extraordinary reforming vitality, while Fürstenberg's friendship with Princess Amalie von Gallitzin formed the nucleus of the most important Catholic literary-intellectual cluster of the late eighteenth century.[39]

The other exception among the ecclesiastical territories was the Electorate of Trier.[40] A lengthy French occupation and the ravages of the early eighteenth-century wars delayed the construction of a Baroque palace in the Ehrenbreitstein fortress until 1738–48, during the reign of Franz Georg von Schönborn (r. 1729–56). It was his successor but one, Clemens Wenzeslaus of Saxony (r. 1768–1803), who undertook a new main residence at the capital of Koblenz constructed by Michel d'Ixnard (1723–1795) and Antoine-François Peyre (1739–1823) against the strong opposition of the territorial Estates.

These were cases where the kind of building programme that one might have expected around 1700 was delayed until after 1750. With the exception of Münster, where the Estates actively supported the construction of the new palace, they also generated the conflicts with territorial Estates over funding that had been typical of that earlier period.

Meanwhile, the Palatine court at Mannheim was embarked on a rather different course, moving towards a more 'German' style.[41] The fact that this was a Catholic court suggests that there was no necessary link between innovation and Protestantism, though the Elector's abandonment of the Mannheim style on his move to Munich in 1777 underlines the significance of local circumstances. A different political situation in Munich and a different ecclesiastical regime were crucial in bringing about the shift.

On his accession in December 1742, the eighteen-year-old Elector Karl Theodor, newly married to his Sulzbach cousin Elisabeth Augusta, made his court at Mannheim into a glittering centre for musical and theatrical entertainment. Under the guidance of his former tutor, the Marquis Albert Joseph d'Ittre, and his Jesuit confessor, he completed the huge palace at Mannheim begun by the Elector Karl Philip in 1720. This became the scene of numerous festivities celebrating the ruler

[39] Holzem, *Konfessionsstaat*, 455–66; Sudhof, *Aufklärung*.
[40] Braunfels, *Kunst*, ii, 111–16.
[41] For the following, see Mörz, 'Palatinate', 336–53; Press, 'Reformabsolutismus', 246–62; Braunfels, *Kunst*, i, 302–12; Ebersold, *Rokoko*, 33–45.

and his consort that were reminiscent in their splendour of the festivals organized by his forebears at Heidelberg in the decades before the Thirty Years War.

After nearly twenty years devoted to opera, theatre, gala dinners and balls, firework displays, and hunts, which placed the Mannheim court firmly on the European court map, there was a noticeable change in focus. The Elector's growing enthusiasm for modern ideas was crucial. So too, however, was the need to grapple with pressing internal problems. The Lower Rhine territories were exceptionally prosperous. Yet they were scarcely visited by the Elector, who emphasized their peripheral nature by commissioning Nicholas de Pigage (1723–1796) to build a hunting and 'garden' palace at Benrath south of Düsseldorf (1756–70), rather than a palace at the regional capital itself. The Middle Rhine core territory, by contrast, posed a number of fundamental problems. On the one hand, the extremely fragmented nature of the Palatinate, interspersed with numerous neighbouring ecclesiastical territories, inhibited the freedom of action of the Elector. On the other hand, continuing conflicts with both Lutheran and German Reformed subjects also limited the Elector's options.

Reform promised an escape from this position of relative weakness. In the 1750s, Karl Theodor had twice entertained Voltaire at Mannheim and Schwetzingen, and on the second occasion in 1759, Voltaire stayed long enough to write his *Candide* there.[42] After 1760, things became more serious. The foundation of the Kurpfälzische Akademie der Wissenschaften in Mannheim (Mannheim Academy of Sciences) in 1763 was an early step towards a systematic engagement with new thinking.[43] This formed the prelude to a wide-ranging reform programme that embraced agriculture and manufactures as well as administrative reforms, and cautious attempts to reform the guilds and to establish a more liberal religious regime.

The gradual shift away from the dominant French cultural style, which seems to have been sealed by a trip to Italy in 1774–5, was equally striking. On his return, the Elector established the Kurfürstliche Deutsche Gesellschaft (Electoral Palatine German Society), which was commissioned to work at the promotion and modernization of the German language. The next year saw the first performance at the court of a German opera: *Günther von Schwarzburg*, by Anton von Klein (1746–1810) and Ignaz Holzbauer (1711–1783).[44] Then, in 1777, Karl Theodor established the German National Theatre, for which he tried to secure Lessing as director.[45] The novelty here was not only the emphasis on 'German' and 'national' but also the fact that access to the theatre was open to anyone who bought a ticket.

The Elector's gardens at his summer residence at Schwetzingen were also open to the public. Here too the agenda was pedagogic as well as pleasurable. A French

[42] In 1753 and 1757. See Mörz, *Absolutismus*, 77, and Besterman, *Voltaire*, 334, 393.

[43] Mörz, *Absolutismus*, 351–5; for a full discussion of Karl Theodor's engagement with Enlightenment thought, see pp. 73–86, 229–33.

[44] Hermand, 'Nationaloper'. Günther von Schwarzburg (1304–1349) was a German anti-king put up by Wittelsbach supporters against Charles IV in 1349; the story of his life became a popular patriotic theme in the later eighteenth century.

[45] Daniel, *Hoftheater*, 83–101, 180–269; Sosulski, *Theater*, 25–8.

garden was followed by an English garden, a bathing house, temples of Mercury, Minerva, and Apollo, and a temple of woodland botany (*Botanicae Silvestris*) celebrating the harmony of the rhythms of nature with modern science. In 1779, work began on the centrepiece of the *jardin turc* (Turkish garden): the so-called 'red mosque', completed with two minarets in 1795–6 at a total cost of 120,000 Gulden. It was, of course, never intended to be used as a mosque but rather conceived as a programmatic statement of the ideal of religious toleration.

By the time the construction of the Schwetzingen mosque began, however, Karl Theodor had already left Mannheim for Munich, having inherited the Electorate of Bavaria in 1777. The court at Mannheim faded, though the Electress, now estranged from her serially unfaithful husband, remained and presided over a reduced version. Karl Theodor, for his part, was unable to replicate the glittering Mannheim model in the more conservative, church-influenced atmosphere of Munich, where he implemented many similar reforms, but by about 1785 had became an opponent of the *Aufklärung* of the Freemasons and the Illuminati.[46] Despite the loss of the main court and of the famous orchestra, the theatre continued to flourish at Mannheim into the 1790s. In 1780, Karl Theodor even permitted the performance of Shakespeare's *King Lear*, including the 'objectionable' parts that the Munich censors apparently prohibited. As the Elector commented in response to his confessor's remonstrations, things were different in Mannheim.

The evolution to a new 'German' style of court culture was perhaps completed by the remarkable cluster of small courts in Thuringia. In the late eighteenth century, Anhalt-Dessau and the Ernestine Duchies of Meiningen, Gotha-Altenburg, and, most famously, Weimar-Eisenach achieved a unique status. Their rulers, Leopold III Friedrich Franz of Anhalt-Dessau (1740–1817), Georg I of Saxony-Meiningen (1761–1803), Ernst II of Saxony-Gotha-Altenburg (1745–1804), and Carl August of Saxony-Weimar-Eisenach (1757–1828), stand out as patrons and cultural innovators.[47] Inter-territorial competition spurred them on, but the renewal of regional traditions was also a motivating factor.

They were all relatively small territories, yet their rulers ranked among the elite of the 'old princes' of the Reich.[48] The Ernestine Saxon duchies, for example, cultivated the memory of having been the heartlands of the Reformation.[49] In the early seventeenth century, they had been in the vanguard of the Protestant

[46] On the Bavarian reforms, including the major Donaumoos drainage and land reclamation project, and the key role played by the Elector's remarkable illegitimate son, Stephan Freiherr von Stengel, see Groening, *Revolution*, esp. 132–60, and Press, 'Reformabsolutismus' 252–62. Karl Theodor's anti-*Aufklärung* policies are analysed by Schaich, *Staat*, 173–8.

[47] On these princes, see: Zaunstöck, 'Leben'; Schneider, 'Herzog Georg'; Greiling, 'Ernst'; Tümmler, *Carl August*. The two other Ernestine dynasties of Coburg and Hildburghausen were constrained by the fact that both were virtually bankrupt and under the administration of imperial debt commissions from about 1770: Westphal, *Rechtssprechung*, 277–428 (for Hildburghausen), and *ADB*, vi, 317 (for Coburg).

[48] Weimar, for example, consisted of no more than 1,760 km^2, with some 100,000 inhabitants, of whom perhaps 6,000 lived in the town of Weimar itself and a further 4,000 in Jena. Anhalt-Dessau had 1,100 km^2 with perhaps 55,000 inhabitants and a capital roughly the same size as Weimar.

[49] Müller and Maatsch, 'Weimar-Jena', 19–24.

patriotic movement that produced the Fruchtbringende Gesellschaft, whose ideals were echoed in the initiatives of subsequent generations into the eighteenth century. These traditions were now expressed in a new Enlightenment idiom and once again linked with patriotic political causes, first in the Fürstenbund of the 1780s and then in the struggle to survive as independent territories in the period of the French wars.

Each ruler had personal preferences and a slightly different focus of interests, yet there were common themes. They established court theatres, built up impressive collections of contemporary art, sponsored musicians, and patronized artists and writers, and devoted significant resources to the development of landscape parks in the English style. These parks were more than just green spaces. They were full of historical and geological–scientific elements, and each comprised a complex tableau of encoded meanings.

The most elaborate was the park at Wörlitz, established by Franz von Anhalt-Dessau in 1769–73 and continuously developed and extended until 1813.[50] The inspiration was English, deriving in particular from the prince's visits to Painshill and Stourhead. The various parts of the garden included 'Germanic' remains, a Gothic house, a geological theme park, a 'Rousseau island' with an urn modelled on the philosopher's grave at Ermenonville, a Palladian villa, and a replica of the Coalbrookdale cast-iron bridge, a working model of Vesuvius (the *Stein*), and a pavilion called the Villa Hamilton, modelled on Sir William Hamilton's house at Naples, which contained a collection of Wedgwood vases and volcanic rock samples. These were just the main features of a programmatic landscape that aimed to educate and stimulate debate, as well as amuse and generate friendship. Above all, the prince's wider political agenda was also encoded in his landscape designs. English elements made clear how Franz understood the Fürstenbund as a kind of renewal of the struggle to defend ancient liberties like that which the anti-Walpole opposition had fought in Britain in the 1720s and 1730s.[51]

The landscapes devised by Franz von Anhalt-Dessau at Wörlitz and other estates were the most innovative and extraordinary of all the projects pursued in this region in the later eighteenth century. It is, however, Carl August of Weimar who was most honoured by German tradition for having turned his court into the stage on which Goethe's literary life unfolded from 1775, until his death in 1832. Much of the traditional view of this relationship and its significance has been exposed as myth, but the reality is remarkable enough.

Until Carl August, duke from the age of one in 1758, came of age in 1775, his widowed mother Anna Amalia, born a princess of Brunswick-Wolfenbüttel, had conducted her regency adequately within the modest resources available to her, constrained by the old governing elites on the one hand and the views of the territorial Estates on the other.[52] Her artistic interests and patronage were quite average for a minor princess of her background and status; her taste in art and

[50] Umbach, *Federalism*, 59–127; Umbach, 'Visual culture'.
[51] Umbach, 'Politics'; Schmidt, 'Reichspatriotische Visionen'. See also pp. 424–6.
[52] Berger, *Anna Amalia*, 614–20.

literature was conventional and dictated by the fashion of the day. Her most significant act, though this only became clear later, was the appointment in 1772 of Christoph Martin Wieland (1733–1813) as tutor to her two sons. Wieland's launch the following year of the *Teutscher Merkur*, a self-consciously 'national' literary and review journal modelled on the *Mercure de France*, placed Weimar on the larger intellectual map for the first time.[53] His other significant contribution was to send the young princes on an extended tour of the Reich, which led to the fateful first meeting between the seventeen-year-old Carl August and the twenty-five-year-old Goethe in December 1774.[54] The outcome was an invitation to settle in Weimar, where Goethe arrived in November 1775.

It was a critical juncture in the duchy's history. Carl August's coming of age in 1775 took place just a year after a fire had all but destroyed the ducal residence. The consequent removal of Anna Amalia's court to Tiefurt left the stage free for reconstruction and reform at the centre. By the spring of 1776, Goethe had persuaded Carl August to appoint Herder as his *Generalsuperintendent* (head of the Lutheran Church in the territory), and, in June 1776, Goethe himself was appointed to the Duke's triumviral inner council.

The old ministers whom Carl August now pushed aside had nothing but derision for their successors. As one frustrated courtier, whose career now seemed blocked, commented sarcastically: 'It has been decided to give important posts to all those who were previously kept for the entertainment of the court.'[55] The cynics were not entirely wrong. The attempt to reform the duchy had only modest results and much of what was outlined on paper was never translated into reality. A chronic shortage of money meant that even the new ducal residence could not be completed until 1803.

One of the most prescient early contributions to the debate about reform and renewal came not from Goethe but from the author, publisher, and entrepreneur Friedrich Justin Bertuch (1747–1822). A territory such as Weimar, Bertuch suggested, should concentrate on publishing and art, for the only two raw materials required were 'genius and rags' (the latter to make paper).[56] Bertuch's suggestion was not taken up when it was made in 1774; instead, the administration engaged in a wholly conventional programme of Enlightenment reform. Goethe himself rapidly became disillusioned with the idea that he might be able to make a difference to the government of the duchy, while at the same time being profoundly sceptical about Carl August's wider ambitions in the Fürstenbund.[57] The frustrations of government contributed to the crisis that led Goethe to depart in 1786 for what turned out to be a two-year sojourn in Italy, during which he begged the Duke to allow him on his return to devote himself to 'those things that I alone can do'.[58] What he had in mind was the oversight of the University of Jena and the

[53] Schmidt, 'Ereignis', 19–20. [54] Boyle, *Goethe*, i, 194–5.
[55] Ventzke, *Herzogtum*, 41.
[56] Ventzke, *Herzogtum*, 245; Seifert, 'Entwürfe', 291–5.
[57] Umbach, 'Politics', 686–8; Schmidt, 'Goethe', 206–10.
[58] Müller, *Regieren*, 302.

launch of a whole series of cultural initiatives that would soon make Weimar into the literary and cultural centre of the Reich.

Already in 1785, Bertuch had collaborated with Wieland and others in the launch of the *Allgemeine Literatur-Zeitung*. This soon established itself as the most popular and influential German literary review journal and included Goethe, Kant, Schiller, Fichte, and Wilhelm von Humboldt among its contributors. On his return from Italy in 1788, Goethe participated in the course that developed in Weimar in two crucial and complementary ways. First, he set himself firmly against the literary dilettantism that had characterized the regency court of Anna Amalia and that continued to prevail at her Tiefurt residence. In close collaboration with Schiller from 1794, he developed the principles on which their aesthetic programme of classical literature was founded.

This collaboration was in a sense the fruit of the second key sphere of activity: oversight over the university, to which, despite the *froideur* and hesitancy of their initial acquaintance, Goethe had proposed calling Schiller as professor of history in 1789.[59] Goethe was far from being the university reformer that some hagiographers have claimed he was. For one thing, Weimar shared control over the university with the other Ernestine dynasts at Gotha, Meiningen, and Coburg (the four rulers being known as the 'Nutritoren' of the university). Weimar was, however, able to capitalize on the fact that Jena lay in its territory and that the other sponsors were often even more short of cash than Carl August.[60]

Largely under Goethe's influence, consequently, Jena became an early centre for the dissemination of Kant's philosophy. Fichte was hired as professor of philosophy in 1793, and a whole range of new scientific and laboratory subjects was introduced. Goethe himself wrote in 1825 that, from the outset, he had always regarded Jena and Weimar, only some fifteen miles apart, as 'two ends of a single large town which, united intellectually in the best possible way, cannot exist without each other'.[61] The proximity of the court and university was indeed one of the attractions for Goethe at the outset; he himself was instrumental in turning that proximity into a symbiosis.

How much did Carl August understand of or care about what was unfolding during his long reign? Certainly, he had sought Goethe out as a young man and continued to support him and rely on him.[62] Their relationship was not, however, without its tensions. He backed Goethe's promotion of Kantianism at Jena. Yet when Carl August later concluded that Fichte's radicalism and atheism would bring his Duchy into disrepute, he unhesitatingly abandoned Fichte and argued for a more moderate course. As tempers became heated, the Duke declared in exasperation that he found Goethe's enthusiasm for the Kantian teaching quite childish and silly.[63] Ultimately, the Duke's prime concerns were political, rather than

[59] Alt, *Schiller*, i, 592 and ii, 160–3; Boyle, *Goethe*, i, 545–7.
[60] Müller, *Regieren*, 39–57.
[61] Müller and Maatsch, 'Weimar-Jena', 16. The combined population in 1790 was *c.* 10,600 (6,300 in Weimar, 4,300 in Jena), plus some 860 students: Alt, *Schiller*, i, 531, 595.
[62] Müller, *Regieren*, 306–7.
[63] Müller, *Regieren*, 388.

aesthetic, and he would rather hunt than engage in conversation about the perfectibility of man through art.[64] But he had as much of a vested interest as Goethe did in establishing the cultural profile and prestige of Weimar as the guarantee of its continuing independence in the Reich, and even more so as a fully sovereign state after the Reich's dissolution.[65]

German writers, it has often been suggested, were essentially unpolitical and sought in the cultural realm a substitute for the political life and sense of nationhood that were denied them in the Reich and its territories.[66] For the Thuringian princes, but also for many others, culture certainly continued to be a medium for the pursuit of political objectives. The writers they sponsored did not necessarily share those aims in detail. Yet their writings expressed broad ends that can be understood as political, whether in the form of criticism of the world of the court itself or in the aim of establishing a 'classical centre', or in the many ideas about the future of society generally—and the German nation in particular—generated in the 1790s and after.[67]

Ultimately, what made Weimar important was the way that the activities of Goethe, Wieland, Herder, and later Schiller, combined to form a common undertaking. For all their political and cultural significance, neither Vienna nor Berlin had been able to secure the role of national capital. The vitality of Mannheim and numerous other centres was temporary and ultimately ephemeral. Weimar benefited from its proximity to the centres of the *Aufklärung* in Leipzig and Halle, and from the symbiotic relationship between the court and the university at Jena, which had become the most popular university in the Reich by the 1790s. The crucial factor, however, was the mutually enriching relationship between a ruler and a group of gifted writers determined to create a literary and intellectual centre for the nation.

[64] Schmidt, 'Mäzene', 42.

[65] On Weimar cultural politics generally, see: Müller, 'Kultur'; Ries, 'Kultur'; and on the period 1806–13, Schmidt, 'Prestige'.

[66] See, for example, Minder, *Kultur*, 5–25 (esp. p. 9: 'in Germany the poet . . . is first and foremost the denizen of another world; in France he is to a much greater extent a *citoyen*, he has become a citizen'.) The origins of this view are discussed by Craig, *Politics*, xi-xii.

[67] Reed, *Classical centre*, 17–19. See pp. 597–601.

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The Impact of Reform: Immunity against Revolution?

Introducing the first volume of the proceedings of the Electoral German Society of Mannheim in 1784, its secretary, the former Jesuit Anton von Klein, declared: 'The spirit of the *Aufklärung* is the spirit of the fatherland.'[1] Such comments were not uncommon. Pretty well all *Aufklärer* and the audience that shared their views believed that the new thinking was patriotic thinking. Their prime objective was the reform of society, its government, and institutions. More broadly, they aimed to improve human beings, or rather, to contribute to the 'education of mankind', in Lessing's phrase.

That aspiration inevitably raises the question, what difference did their efforts make? Were the late eighteenth-century reforms qualitatively different from those in any previous reforming era? Did reform contribute to the modernization of the German territories, and, if so, how should it be assessed in relation to what German tradition has always regarded as the 'great reforms' of the Napoleonic period? Was territorial reform patriotism incompatible with a sense of loyalty to the Reich? Finally, did the reforms of the pre-1789 period make the German territories immune to revolution after 1789?

Answers to these questions are rendered difficult by the absence of anything like a comprehensive topography of either *Aufklärung* or reform, let alone a comprehensive survey of the outcomes of reform initiatives across the Reich. The espousal of *Aufklärung* alone was no guarantee of success. Among the six lines of the house of Hohenlohe, there was only one ruler who embraced the *Aufklärung*: the reign of Prince Friedrich Ludwig von Hohenlohe-Ingelfingen (1746–1818) was, however, a failure, in contrast with his cousins' successful pursuit of practical improvements that continued the tradition of Christian government.[2]

Aufklärung was not even a necessary precondition of reform: some pious or patriarchal rulers, who continued to rule according to the old traditions, introduced many of the same changes as their fashionably enlightened contemporaries. Some even combined elements of old and new, such as Margrave Karl Friedrich of Baden, who pursued numerous enlightened reform initiatives, sponsored *Aufklärer* such as Johann Georg Schlosser, yet justified his abolition of serfdom in profoundly

[1] Mörz, *Absolutismus*, 229.

[2] Fischer, *Hohenlohe*, 16–37, 214–15, 218–21.

Christian terms and retained an unswerving belief in his divine right to rule.[3] In Saxony, the reforms after 1762 were driven by minsters whose thinking was shaped by Zinzendorf and Pietism, rather than by any rationalist *Aufklärung*.

Even in Berlin, the *Aufklärer* often felt they were an embattled minority, who lived in the streets around the royal palace and the nearby Friedrichstadt quarter, surrounded by Pietists, Zinzendorfians, and Orthodox Lutherans. According to Friedrich Nicolai in 1775, the ordinary people in the suburbs were liable to beat up any 'heretic', and he warned 'writers and their few friends' to be careful in their dealings with them.[4] By the 1790s, there were perhaps as many as 1,000 writers, scholars, and artists in Berlin, a city of some 170,000. The fact that this group included significant numbers of officials and army officers gave them a disproportionate influence in government and legislation, but Nicolai's observations indicate that one should not underestimate the persistence of deeply entrenched traditional values as an obstacle to change.

The crucial factors in any successful reform, however limited in extent, were generally the will of a ruler and the availability of advisers and officials able to frame legislation and implement it to the extent that was possible. The specific contribution of *Aufklärung* thinking is ultimately impossible to determine precisely. The reforms of this period were a response to a crisis perceived and experienced by virtually all territories. Most of them framed their response in relation to legislative traditions that originated in the late fifteenth and sixteenth centuries. Where *Aufklärung* might drive reform in one territory, inter-territorial emulation or competition might lead to versions of the same reform being implemented elsewhere by rulers and officials whose thinking was less 'progressive'.

Reform was often aimed at improving the financial situation of a government, yet where a territory was virtually bankrupt, or even under the administration of an imperial debt commission, it was rarely possible. Similarly, reforms could rarely be implemented against the opposition of the territorial Estates, and they were often shaped, moderated, or mitigated by negotiation with them. Simple popular opposition at the grass roots was often enough to frustrate the most carefully thought-out legislation. Many religious reforms—for example, attempts to introduce new prayer books or hymnals—were frustrated by popular opposition, and, as usual, much legislation that looked impressive in print was simply ignored on the ground.[5]

The extremely limited personnel of most governments should also warn against overestimating their potential for successful action. Precise figures are probably not possible. In 1762, the entire Austrian-Bohemian complex of territories, excluding the Tyrol and Further Austria, was run with only 20,584 officials, of whom 7,421 were crown officials, 11,669 employed by lords or towns, and 1,494 by the Estates; the population was nearly 5 million.[6] In Brandenburg-Prussia in 1786, some 3,000 crown officials managed territories with a combined population of perhaps 8 million. That figure itself conveys perhaps too positive a picture, since it almost certainly

[3] Neugebauer, 'Absolutismus', 33–4.
[4] Neugebauer, *Zentralprovinz*, 146–8.
[5] Borgstedt, *Aufklärung*, 41.
[6] Dickson, *Finance*, i, 306–10, 438–9. See also pp. 213–14.

includes many who were simply clerks and scribes. In 1753, for example, responsibility for the administration of all the Prussian territories, including Silesia, lay in the hands of roughly 200 officials; the General Directory, the central co-ordinating body employed no more than 69 officials in 1740, and even by 1805 it had only expanded to 149 officials.[7]

For the smaller territories, and above all for the mass of the less militarized territories, the numbers were significantly smaller. Some 1,500 people were listed in the Weimar court calendar in 1780, but most of them were court functionaries who had nothing to do with the business of government and administration.[8] The south-west German County of Leiningen (principality from 1779), with some 228 km^2 (plus shared ownership of a further 59 km^2) and a total of perhaps *c.* 20,000 subjects, was ruled from the capital Dürkheim by no more than about twenty officials.[9]

Not surprisingly, therefore, governments were often most successful when they responded to initiatives generated by their territorial Estates, by urban communes, or by Enlightened or patriotic societies, or where they reacted to the secular economic trends in agriculture or manufactures and commerce. At least rulers could then appear to be successful and enjoy the positive publicity which praised them as 'wise' and 'foresightful' regents.

There seems little doubt that the government of the Habsburg territories was the most active and in many ways most 'modern' during this period.[10] Maria Theresa (r. 1740–80, from 1770 as co-regent with Joseph II), Francis I (Francis Stephen of Lorraine, though never technically more than the spouse of the ruler, and Holy Roman Emperor 1745–65), and Joseph II (Austrian co-regent 1770–80 and sole ruler 1780–90, and Holy Roman Emperor 1765–90), aided by their leading ministers, Haugwitz in the 1740s and 1750s and Kaunitz from the 1760s to the 1790s, presided over what truly merits the description of a revolution in government. Of course, they built on long-standing Habsburg traditions: since the early sixteenth century the Austrian Habsburgs had repeatedly set new standards in government and administration for the territories of the Reich as a whole. Previous rulers had also contributed to the progressive consolidation of the Habsburg lands: none more so perhaps than Leopold I, Joseph I, and Charles VI.

The Pragmatic Sanction of 1713, which ensured the succession of Maria Theresa to the Habsburg throne and to the Austrian Habsburg lands both inside and outside the Reich, had marked the culmination of a policy of consolidation pursued intermittently but persistently over the course of nearly two centuries. From 1740, the loss of Silesia and the continuity anxiety about the military threat posed by Prussia prompted a systematic reform programme. Following the first defeat,

[7] Demel, *Reich*, 227; Wilson, *Reich*, 323; Neugebauer, 'Preußen', 466–7.
[8] I am grateful to Stefanie Freyer (Jena) for this information.
[9] Kell, *Leiningen*, 20, 32–3.
[10] For the following, unless otherwise stated, see Hochedlinger, *Wars*, 267–90; Scott, 'Reform'; Ingrao, *Monarchy*, 159–72, 178–219; and Borgstedt, *Aufklärung*, 30–4.

Haugwitz inaugurated a fundamental reform of the administrative structures, starting in Austrian Silesia in 1744, in Inner Austria from 1747, and more generally from 1748. This involved the creation of new central bodies, new regional administrations, and a comprehensive system of Kreise or districts within the regions. It was characteristic of these reforms that they were carried out with the cooperation of the Estates, rather than simply imposed from above.

The main objective was the more effective mobilization of resources, from which followed a mass of further reform measures. The desire to catch up with the Protestant governments in cultural and educational terms led to university reforms and the first steps towards the imposition of state control over the Church. Economic and fiscal reforms also bulked large in the drive to enhance revenues, with measures such as the creation of a unitary customs area for the Austrian-Bohemian territories (excluding the Tyrol and Further Austria) in 1775.[11]

The various attempts at a population census from 1753 served the same ends: on the one hand, to provide a better basis for military conscription, and on the other hand, to maximize tax revenues. By 1770–2, planning for the census had become so ambitious that it was decreed that every house in every Habsburg territory should have its own house number, in order to facilitate ongoing assessment for the future.[12] As in the case of so many of the reforms of the period, the outcome failed to match the aspiration: local resistance, incompetent officials, and the sheer scale of the task frustrated the creation of a meaningful and accurate data resource, let alone the institution of a regular process for the future. Perhaps the most notable outcome of the exercise was the introduction of house numbers, for they at least remained permanent.

Though there was a clear continuity in practice, the thinking behind the Austrian reforms evolved over time. Maria Theresa and Haugwitz were not motivated by the concerns of the *Aufklärung*, though some of those whom they employed in the educational and Church reforms clearly were. Francis I might be described as a typical ruler of the early Enlightenment, which is, however, perhaps no more than to say that he was receptive to and implemented many of the principles of government and administration that were 'modern' in the first half of the eighteenth century.[13] Francis I in particular was an extraordinarily efficient and enterprising manager of the Habsburgs' own dynastic properties, who created the personal wealth his successors continue to enjoy to this day. There seems little doubt that Joseph II was guided by Enlightenment principles, and many of his reforms, notably his toleration edicts and church reforms, served as inspirations and models for other rulers in the Reich. The sheer energy of Joseph's reign was extraordinary: as sole ruler from 1780 to 1790 he averaged 700 decrees a year, compared with 100 a year in the years 1765–80.[14]

On the other hand, many of the rationalizing reforms introduced when Joseph became sole ruler after the death of his mother in 1780 aroused significant opposition, especially the ecclesiastical reforms and the measures designed to

[11] Demel, *Reich*, 116. [12] Tantner, *Ordnung*, 34–57, 67–172.
[13] Zedinger, *Franz Stephan*, 79–95, 224–31, 241–9. [14] Demel, *Reich*, 247.

transform the monarchy into 'one body, uniformly governed'.[15] Leopold II moved swiftly to reverse many of the offending measures in order to calm the situation, though the tension between Josephist centralism and regionalism dominated Habsburg history into the twentieth century.

That in itself is testimony to the way in which, in ten years as sole ruler, Joseph II 'shook the foundations and unsettled the state', as Herder said.[16] The same could probably not have been said of any other German ruler of the time. Joseph himself fretted in the last weeks of his life that he had failed as a ruler. The fact, however, that he left an army with a wartime strength of some 400,000, the largest standing army in Europe since the time of Louis XIV, reflected the success of the initiatives of all Habsburg rulers since Leopold I.[17]

Yet again, this successful development of the Habsburg territories raises the question whether at the end of it 'Austria' had grown out of the Reich. The answer cannot be clear-cut. The Pragmatic Sanction and the various unifying efforts made under Maria Theresa and Joseph II undoubtedly strengthened the sense of Austrian identity. Maria Theresa, and subsequently her dynasty and its governments, emphasized the links between Austria and the Reich, or at least the imperial title by the adoption of the title 'Empress-Queen' (*Kaiserin-Königin*) and by the introduction of the attribute *kaiserlich-königlich* or *k.k.* for the administrative bodies and the army.[18] Yet one spoke now increasingly of the 'Austrian monarchy' rather than of 'hereditary' kingdoms, principalities, or territories, the terms used since the late Middle Ages. At the same time, the change in style of the Habsburg archdukes and archduchesses, by the eighteenth century all male and female members of the dynasty, from 'archducal highness' to the more prestigious 'most royal highness', raised them just slightly above the notional status of the Electors in the Reich.[19] Finally, writers such as Joseph von Sonnenfels (1732–1817) propagated the same kind of patriotic ideology for Austria in the 1770s as others did for many other territories in the Reich. Austria as 'fatherland' or 'nation', for which one felt love (*Vaterlandsliebe*), was the theme of a growing body of literature between 1760 and 1788.[20]

No more than anywhere else, however, did the spread of such sentiments preclude a continuing sense of belonging to the Reich or logically imply a rejection of the Reich. The Austrian monarchy at the end of the eighteenth century remained both inside the Reich in respect of some territories and outside the Reich in respect of others, notably Hungary. What seems peculiar and even contradictory to the modern eye was a reality to which contemporaries had long been accustomed.

Giving prominence to Austria and Joseph II will offend a long tradition in German scholarship that gives pride of place to Prussia and Frederick the Great. The two cases are indeed linked. Austria's reforms were in the last resort a response to the not unjustified fear of Prussia from 1740. Much of the Prussian reform effort was motivated by an anxiety about Prussia's inherent weakness and by fear of

[15] Beales, *Joseph II*, ii, 688. See also pp. 420–2.
[16] Beales, *Joseph II*, ii, 689.
[17] Ingrao, *Monarchy*, 219.
[18] Hochedlinger, *Wars*, 271. See also p. 381.
[19] Benna, 'Durchlaucht', 2–3, 11–27.
[20] Vocelka, *Glanz*, 277–8; Bodi, *Tauwetter*, 63–7; Klueting, 'Patriotismus'.

Austria. Both monarchies were, of course, also concerned to maintain their position as European powers, in which respect Prussia had more cause to be concerned than Austria, as Frederick the Great well realized.

Like Austria, Prussia too existed both within and outside the Reich, without that leading to a rejection of the Reich. Moreover, again like the Austrian monarchy, the Prussian crown aspired to create a cohesive union of its disparate territories. Despite the fact that the Brandenburg ruler was technically only king 'in Prussia', one spoke consistently of the 'Prussian monarchy'. Moreover, mirroring the custom of the south-west German abbots who built 'imperial chambers' (*Kaisersäle*) into their new residences from the mid-seventeenth century, the East Prussian nobility began to incorporate 'royal chambers' (*Königsstuben*) into their new residences from about 1710.[21] Lovingly tended but rarely used, these chambers often formed the ceremonial core of the residence and were testimony to the growing sense of loyalty to the monarchy.

Yet Prussia remained tied to the Reich, and even Frederick the Great, who started out by attacking Austria and by showing contempt for the Reich, ended up being one of the greatest of all tacticians in its labyrinthine politics.[22] Nor did the much studied emergence of Prussian patriotism during the Seven Years War bring about a fundamental change. Prussian patriotism remained compatible with loyalty to the Reich; support for the Prussian cause against Austria and a sense of the superiority of the Protestant territories and pride in Prussian leadership did not translate into rejection of the Reich.[23]

There is no doubt that for many contemporaries, and for many historians still, Frederick the Great was the archetypal enlightened ruler.[24] His views on religion and freedom of thought, his wide-ranging cultural interests, and his rational thinking about government and both foreign and domestic policy generated admiration among many contemporaries in the Reich as a whole and among leading French *philosophes*, as well as in Prussia itself.[25]

At the same time, it is undeniable that the generally harsh policies of the Prussian monarchy also earned Frederick and his kingdom bitter critics. Lessing once wrote bitterly of the 'Berlin freedom to think and to write' which excluded freedom of speech on political matters and consisted only of the right to say whatever one liked, even the most foolish things, about religion. In reality, Lessing declared, Prussia was the 'most enslaved country in Europe'.[26] Johann Joachim Winckelmann, unlike Lessing, a native of Prussia, wrote to a Swiss friend in 1763 that he 'shuddered from head to toe when I think of Prussian despotism and of the oppression of peoples . . . which will earn this country the contempt of mankind and a perpetual curse'. His hatred, he explained in a further letter, was 'purely personal and directed

[21] Braunfels, *Kunst*, v, 283–4.
[22] Press, 'Friedrich'; Haug-Moritz, 'Friedrich'.
[23] Clark, *Iron kingdom*, 219–30. See also pp. 363–5 above.
[24] See: Blanning, 'Frederick the Great and enlightened absolutism'; Blanning, 'Frederick the Great and German culture'; Borgstedt, *Aufklärung*, 24–30; Clark, *Iron kingdom*, 183–9, 239–46.
[25] Schröder, *'Siècle de Frédéric'*, has a detailed discussion of these views.
[26] Nisbet, *Lessing*, 440.

against the king . . .'[27] Such views were not uncommon, even if they were typically expressed in private letters, rather than in public.

On balance, however, there is enough evidence to support the view that Frederick implemented *Aufklärung* ideals in proclaiming freedom of religious belief and in his legal and judicial reforms, among other areas. Above all, Frederick was a ruler who engaged with the ideas and debates of the Enlightenment throughout his reign, and in 1784 even ordered the publication of drafts of the proposed legal code for public discussion.[28]

Compared with Joseph II, Frederick was undoubtedly a more moderate and cautious reformer. The 'modernity' of Prussian government was concentrated on those aspects that were essential for maintaining Prussian power: financial administration and the accumulation of reserves, internal colonization and the settlement of immigrants, the military system.[29] The monarchy's relatively small but relatively modern administrative machinery, well trained and largely free of corruption, was focused on these aspects above all.

For the most part, Frederick's management of central government was far from innovatory, for he continued to work with the General Directory created during his father's reign and merely added new departments as new territory was acquired. The one new departure, the Régie or excise authority, introduced in 1772, was relatively profitable but so deeply unpopular that it was abolished at the start of the reign of Frederick William II in 1786.[30] His economic policy also continued tradition, relying on mercantilist import and export bans, with little effort to create the kind of unity between his territories that Joseph II attempted in 1775. A customs union of the Prussian territories was not created until 1818.[31] The territories that prospered most in the later eighteenth century, and where entrepreneurial activity flourished, were those in the Lower Rhineland, where active government intervention was least and which officials in Berlin regarded as 'foreign'.[32] By contrast, the trade fair at Frankfurt an der Oder was effectively crippled by such typical cameralist measures as the imposition of transit duties and in 1775 a special trade fair duty.[33] Overall, Frederick tended to compromise with traditional institutions and social groups: noble privileges remained untouched, for example, and despite his proclamations of religious freedom, he followed his predecessors' policies towards religious minorities.[34]

Frederick never faced the kind of internal opposition that Joseph generated by 1790. He significantly enlarged his lands and he left a surplus of over 50 million thaler.[35] His reign marked the Prussian monarchy just as fundamentally as Joseph's

[27] Baeumer, 'Klassizität', 199. See also Sichtermann, 'Winkelmann', 130.
[28] Möller, *Vernunft*, 303–4. See pp. 491–2.
[29] Neugebauer, 'Preußen', 481. On Prussian land reclamation and colonization, see Blackbourn, *Conquest*, 21–70.
[30] Schui, 'Figures'. See also p. 512.
[31] Dipper, *Geschichte*, 176.
[32] Demel, *Reich*, 244–5. See p. 283–6, 505.
[33] North, *Kommunikation*, 67.
[34] Whaley, 'Tolerant society?', 184–6.
[35] Demel, *Reich*, 230–1.

did the Austrian monarchy. Yet his achievements were fragile. By 1797, the surplus that he left had been turned into a debt of 32 million thaler, and in 1806 the Prussian army, only decades before admired as one of the best in Europe, suffered a humiliating defeat at the hands of the French.

If one extends the focus to the medium and smaller territories in the Reich, the picture is less clear, and the absence of precise information for many of them frustrates any accurate evaluation. Assessments of the condition of these territories at the end of the eighteenth century have often been overshadowed by the fact that most of them disappeared from the map between 1803 and 1815. It is assumed that they expired because they were anachronisms and hence unable to undertake modernizing reforms.

It is true that many of the smallest territories were faced with mounting problems of debt, which made major reform programmes all but impossible. The Swabian County of Montfort went bankrupt in 1780 and was purchased by the Habsburgs; the last count subsisted on a modest Habsburg pension until his death in 1787, which extinguished the line. Yet it seems that the Habsburgs themselves did much to precipitate the final crisis of Montfort: their desire to take over the county, for the sake of its vote in the Swabian Kreis, led them to frustrate any attempts to resolve the financial situation there in the 1770s.[36] The County of Waldeck nearly fell into the hands of Hessen-Kassel, to which it had pawned all its lands. Its independence was saved partly by the intervention of a commission of the Reichshofrat and by the effective 'foreign' policy pursued by the dynasty, which enabled Waldeck-Pyrmont to survive to become an independent member of the German Confederation after 1815.[37] Territories that were under the administration of imperial debt commissions in the later eighteenth century often saw the external administrators themselves implementing significant changes.

The situation of the Imperial Cities was mixed. Many, especially in Upper Germany, which had played such an important role in the sixteenth century, now sank into debt and internal paralysis. The tiny city of Wimpfen, at the confluence of the Jagst and the Neckar, for example, with perhaps 2,000 inhabitants and some 33 km^2 of territory, never really recovered from the subsistence crisis of 1770–2.[38] Even Ulm and Nuremberg teetered on the verge of bankruptcy for the last decades of the century.[39] On the other hand, Nördlingen, Esslingen, and Isny were able to liquidate most of their debts by the 1790s with the help of imperial debt commissions.[40] Others, such as Zell am Harmersbach and Aalen, remained debt free. Heilbronn enjoyed a period of renewed prosperity, as did Lindau, which developed into an international centre for the cloth trade, profiting from the continuing buoyancy of the Swabian textile sector. Large and prosperous

[36] *NDB*, xviii, 51–4; Demel, *Reich*, 208–9; Schnettger, 'Mediatisierung', 43.

[37] Murk, 'Waldeck'. For a fuller account of Waldeck's indebtedness and policies between 1792 and 1806, see: Murk, *Reichsterritorium*, 33–139.

[38] Schmidt, 'Hungerrevolten', 272–3; Schroeder, 'Finanzlage', 296–301.

[39] Schroeder, *Reich*, 14–17, 203–10. Schroeder provides useful outlines of the situation of a number of Upper German Imperial Cities at the end of the eighteenth century.

[40] Schnettger, 'Mediatisierung', 43, 49.

metropolitan centres such as Frankfurt am Main and Hamburg were, however, undoubtedly the exception.

Most Imperial Cities were small and provincial; some, such as Buchau, had little more than 1,000 inhabitants. If there was a general crisis of the south German Imperial Cities, however, it came in the very last years of the century, as a result of the substantial costs incurred during the French wars.[41] Even so, an increasingly difficult situation, growing internal problems, and mounting debts did not necessarily preclude the development of debate about the key themes of the *Aufklärung*. In Nuremberg, for example, free trade and the urban constitution itself became lively subjects of debate in an extensive and highly articulate public sphere by the 1780s.[42]

Even more striking is the case of the ecclesiastical territories. Here, judgements have often been influenced not only by the dissolution of these territories in 1804 but also by the critical debate unleashed by the prize essay competition set by Philipp Anton von Bibra in the *Journal von und für Deutschland* in 1786, which asked for diagnoses of the failings of these territories and suggestions how they might be remedied.[43] Despite Friedrich Carl von Moser's praise for the constitutional mechanisms that prevented despotism in these elective polities, it was his criticism of their lack of intellectual freedom and toleration, and his suggestion that they be transformed into secular elective polities, that made more impact on later historians. In fact, the reform programmes inaugurated in many episcopal territories in the 1770s and 1780s were every bit as 'modern' as those in their secular counterparts. The same also seems to be true of the smaller monastic territories.[44]

The situation among the Imperial Knights, of whom there may have been up to 500 by about 1800, with perhaps as much as 10,000 km^2 of land between them and some 350,000–450,000 subjects (under 2 per cent of the Reich's population), was also diverse.[45] In the Rhineland, they were predominantly wealthy, though some managed to run up spectacular debts by sheer extravagance and mismanagement. Their links, moreover, with the large Rhineland episcopal territories, for which they supplied members of cathedral chapters as well as bishops and archbishops, both generated income and familiarized them with the practice of enlightened reform. The Swabian and Franconian knights, by contrast, seem to have been much more burdened by debt, and, like many Imperial Cities, many were overwhelmed by the additional costs imposed by the military crises of the 1790s.[46] The problems were most acute for the Protestant knights, who had no access to careers in the Church. Economic difficulties seem to have induced many of them to seek service in neighbouring territories such as Württemberg, though ultimately this tended to weaken their independent status. Meanwhile, numerous

[41] Schnettger, 'Mediatisierung', 48–9.
[42] Seiderer, *Formen*, 142–91, 335–62, 485–541.
[43] See pp. 423, 478.
[44] Schnettger, 'Mediatisierung', 44–8.
[45] For the following, with references to the German research literature, see Godsey, *Nobles*, 16–47, 190–7.
[46] Kollmer, *Reichsritterschaft*, and Kollmer, 'Reichsritterschaft', provide rich evidence.

families seem to have fallen into the hands of imperial debt commissions following appeals to the Reichshofrat.

Despite some detailed analysis of indebtedness among Rhineland knights and among some of the Swabians, little is known in detail about the administration of the knights' territories or about the extent to which they engaged in their reform. In 1789, however, on the occasion of the establishment of a new order of knights in the Odenwald Canton of Franconian Knights, Otto Heinrich von Gemmingen (1755–1836) appealed to all Imperial Knights to implement in their lands the reforms pioneered by Joseph II.[47]

Gemmingen wanted to secure the future of the knights by reaffirming their traditional alliance with the crown. Significantly, that was now accompanied by an appeal for 'modern' management of the knights' lands. The appeal was published by the *Journal von und für Deutschland* in 1790. Other cantons of Imperial Knights also introduced the exclusive new order with its star embellished with the words 'Caesari et Imperio' and 'Libertas'. We do not know, however, how many knights were inclined or in a position to follow Gemmingen's call for the reform of their lands. Within a few years, the independence of the Franconian knights was once more under attack from Prussia, which purchased Ansbach and Bayreuth in 1792 and immediately sought to establish regional hegemony. Württemberg, Baden, and Bavaria followed suit after 1800, and all the knights' territories disappeared from the map by 1805–6.[48]

For the medium-sized territories, the extent of reform is better recorded. That is especially true for those that survived into the nineteenth century and developed historiographical traditions of *Landesgeschichte* (regional history) that documented the prehistory of their successful emergence as sovereign states. Surveys of territories such as Hanover, Saxony, the Palatinate, or Bavaria show them in their different ways to be firmly in the 'mainstream of enlightened governance that prevailed in Germany on the eve of the French Revolution'.[49] Among this category of territories, perhaps only the Duchies of Mecklenburg-Schwerin und Mecklenburg-Strelitz, which shared a constitution and a common Landtag from 1755, stand out as territories where reform activity seems to have been minimal. After generations of bitter conflict, the constitutional settlement created a status quo between rulers and nobles that essentially endured until 1918. Between them, the two dukes owned some 85 per cent of the total land area, and each jealously guarded his privileges against any incursion by the other.

Even Napoleon failed to modernize the Mecklenburg legal system. That is not to say, however, that either rulers or nobles in the Mecklenburg duchies were unaffected by new ideas or by the stimulus of the international market for grain. The rulers Friedrich (r. 1756–85) and Friedrich Franz I (r. 1785–1837), of

[47] Schmidt, 'Adel', 88–90. On Gemmingen, see *ADB*, viii, 557–8; he had been a member of the Palatine German Society.

[48] Gagliardo, *Reich*, 227–41.

[49] Ingrao, 'Introduction', 286, and the four articles that follow on Hanover, Saxony, the Palatinate, and Bavaria. See also Buchholz, 'Ende', and the six articles preceding his essay on Bavaria, Hanover, Mecklenburg, Pomerania, the Rhineland, and Saxony.

Mecklenburg-Schwerin, and Adolf Friedrich IV (r. 1752–94) and Karl II (r. 1794–1816), of Mecklenburg-Strelitz, for example, were all in their way reforming princes committed to renewing their territories after the ruinous internal conflicts of the decades before 1755. Any changes that resulted, however, were limited by the immutability of the new constitutional status quo.[50]

Across the Reich as a whole, there was certainly enough evidence of reform activity to justify the positive views of many German observers about the world they inhabited. The defence of the Reich as a system that guaranteed liberty, and the assertion that the rulers of the German territories had already begun the reforms that the French were beginning to demand in 1789, were not unrealistic responses to the situation in the early 1790s. Of course, none of the German territories faced the kind of revolutionary crisis that developed in France during the 1780s. The debts of the German princes were relatively insignificant compared with those of the French monarchy. The frequent interventions of imperial debt commissions, particularly in the smaller territories, may have been humiliating for the dynasties concerned, and sometimes they endangered their survival. Yet they helped pre-empt potential crises and ensure continuing stability in many regions.[51] In general, what is striking about this final reform era in the Reich is the collaboration between rulers and officials, governments and the 'enlightened' groups, as well as the continued active participation of territorial Estates and both urban and rural communes.

It is excessively optimistic to claim that by 1780 the German territories had already achieved the kind of reformed constitutional state that the Prussian revolutionaries envisaged in 1848, and that the reaction of the 1790s and the Napoleonic period prompted a reversion to the earlier absolutist tradition of policy imposed from above.[52] This fails to do justice to the uneasy coexistence of essentially authoritarian governments with corporate structures. It also rather questionably equates early modern corporate participation with modern political participation. The reforms of the second half of the eighteenth century represented a natural further development of the German territorial governmental systems that had evolved since the fifteenth century. The common emphasis on economic development, the alleviation of poverty, education, and legal reform, continued traditional policies in the idiom of the new thinking. Essentially, despite criticism of key institutions such as the nobility, the ecclesiastical territories, or the Imperial Cities, the old order in the Reich remained functional. Its successful adaptation once again to a changing environment before 1806 laid the foundations for the reform era that followed the dissolution of the Reich.

Despite the manifest limitations of what was achieved by German governments in the later eighteenth century, the condition of their territories did not drive their

[50] Rudert, 'Mecklenburg', 53–63; *DVG*, i, 793–98, 800–3; Karge, *Geschichte*, 105–7, 109–11; *ADB*, vii, 558–60 and xv, 310–1; Braunfels, *Kunst*, i, 350–3.

[51] Westphal, *Rechtsprechung*, 265–77; Ackermann, *Verschuldung*, 242–5; Hattenhauer, *Reich als Konkursverwalter*.

[52] The suggestion is made by Ries, *Obrigkeit*, 456–8.

subjects to seek radical alternatives. Yet the relationship between subject and monarch was not one of abject subjugation or of unpolitical or apolitical traditionalism. The public rituals of monarchy around 1800 continued to express the same dialogue between rulers and ruled as they had done throughout the early modern period. Indeed, some rulers' attempts, often on grounds of cost, to streamline traditional rituals such as acts of homage or ceremonies attending the opening of a Landtag, often met with popular resistance. Collective acts of homage obliged a ruler as much as they demonstrated the loyalty of subjects. Such rituals, after all, expressed mutual obligations, binding on the ruler as much as on the subject. Their enactment reaffirmed a functioning relationship.[53] In January 1776, Christian Friedrich Daniel Schubart wrote, albeit with some irony, in his *Deutsche Chronik*: 'It is neither stupidity nor apathy that makes us so docile to subordination, but mature reflection and love of order.'[54] The following year, Schubart might have had reason to reconsider his view when Duke Karl Eugen of Württemberg imprisoned him without trial for ten years for his outspoken critical views. His analysis of the attitude of most of his contemporaries to the world they inhabited was, however, broadly accurate.

[53] Büschel, *Untertanenliebe*, 91–118. 347–52.
[54] Dippel, *Revolution*, 359. See also Killy, *Lexikon*, x, 408–10.

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VI

WAR AND DISSOLUTION: THE REICH, 1792–1806

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Ruptures and Continuities

In June 1789 Prince Anton von Thurn und Taxis (r. 1773–1805) received a memorandum from his councillor, Josef Karl Theodor von Eberstein. It contained detailed proposals for the consolidation and enlargement of the Swabian County of Friedberg-Scheer, whose purchase in 1786 had finally qualified the Thurn und Taxis for admission to the College of Princes. After decades of objections from the old princely dynasties, the Thurn und Taxis, elevated by Leopold I as long ago as 1695, were now in possession of undisputed 'immediate' territory. The task now, Eberstein advised, was to add to it by purchases or land exchanges, even at the cost of periodically incurring substantial debts. The prince's officials should work out a schedule of lands that the dynasty might purchase, with research into their income yield and legal status, so that their successors might be ready to act as the opportunity arose. Such a plan could not be short-term, Eberstein explained; 'it might only come to fruition in 60–100–200 or more years'.[1]

Within twenty-five years, Friedberg-Scheer had been overrun numerous times by French and Austrian troops, enlarged as the Principality of Buchau, then mediatized and divided between the new Kingdom of Württemberg, created in 1806, and the principality of Hohenzollern-Sigmaringen. The Thurn und Taxis themselves became subjects of the two rulers of the states, both members of the Confederation of the Rhine, created in 1806, in which their lands lay. The dissolution of the Reich in the same year also seemed to make redundant the family residence in Regensburg, established when Alexander Ferdinand von Thurn und Taxis became the imperial representative (*Prinzipal-Kommissar*) at the Reichstag in 1748. The end of the Reich also meant the end of the dynasty's lucrative postal system. This ceased altogether through most of Germany and survived only as a private business in some southern states, though the revenues were diminished when Bavaria turned it into a state-owned monopoly in 1808.

As relations with both Württemberg and Bavaria deteriorated, the dynasty thought of moving to Frankfurt or to one of the Hessen courts. The situation was only resolved when Regensburg was allocated to Bavaria in 1810. The Bavarian government now tried hard to prevent the dynasty from moving: the prince, after all, spent 200,000 gulden a year and supplied the income of about a hundred families. As an inducement to stay, and in compensation for the loss of the postal monopoly, Thurn und Taxis was given the buildings of the former monastery of

[1] Grillmeyer, *Habsburgs Diener*, 160–2; Schlip, 'Fürsten', 287–9. The following passages are based on information in Grillmeyer's book, especially chs 2–3.

St Emmeram, together with the lordships of Wörth and Donaustauf. In 1815, the Vienna Settlement finally confirmed his loss of independent status, though he remained prince with the title of Serene Highness (Durchlaucht) and gained full tax exemption for himself and all his property.

One would hesitate to portray the Thurn und Taxis as the victims of history, though in numerous letters seeking support for their plight after 1806 they themselves often did just that. Despite Prince Karl Alexander's fear that he might now become no more than a 'poor nobleman', he was able to rebuild a highly remunerative postal business in the German Confederation after 1815, which, together with the dynasty's various estates, made them into one of the richest families in Europe in the nineteenth century. Despite the subsequent loss of privileges in 1918 and of significant estates in Bohemia and elsewhere in 1945, the Thurn und Taxis remain fabulously wealthy to this day, and they still reside in the vast palace built on the foundations of the St Emmeram monastery. Scores of other princes fared less well, not to mention the mass of ordinary people, both soldiers and civilians, who really were the victims of this era.

The story of the Thurn und Taxis illustrates rather the sheer speed and complexity of the changes that befell the territories of the Reich from the 1790s. Prince Anton and his son Prince Karl Alexander (d.1827), were constantly overtaken by events, never sure which lands they might retain and on what terms. Their lives were dominated by negotiations with those on whom their fate depended: the emperor in Vienna, the rulers of Württemberg and Bavaria, Napoleon, and numerous others. The family's correspondence was peppered with anxious references to 'stormy times', 'imminent downfall', and the 'breaking storm'. It seemed that the world was dominated by natural forces, in the face of which human beings were ultimately impotent.

The fate of millions of Germans in this period echoed the experiences of this aristocratic dynasty. The sense of the world going through endless convulsions, the sense of time suddenly moving with extraordinary speed, the sense that nothing would ever be the same again, is the leitmotif of many letters and memoirs of this period. 'In the three generations alive today', reflected the Gotha bookseller and publisher Friedrich Perthes (1772–1843) in 1818, 'our own age has . . . combined what cannot be combined. No sense of continuity informs the tremendous contrasts inherent in the years 1750, 1789 and 1815; to people alive now . . . they simply do not appear as a sequence of events but rather as a single set of parallel experiences made by those currently alive as grandfathers, fathers or sons.'[2]

Perthes, at least, survived and, like Thurn und Taxis, he prospered in the new era after 1815. For many parts of Germany, the experience of the preceding twenty-five years was quite simply devastating. In the early years of war after 1792, the Rhineland bore the brunt of the fighting. From 1796, south Germany suffered cruelly, with almost continuous fighting or military occupation, with particularly heavy losses in 1796, 1799, 1805, 1809, and 1813–15. After 1806, other areas of

[2] Wehler, *Gesellschaftsgeschichte*, i, 546.

central and northern Germany also suffered heavily. In Europe as a whole, some 5 million soldiers lost their lives in the fighting between 1792 and 1815; an estimated 1 million civilians also perished.[3]

Those who survived carried the costs for a long time. Payments to the Reich, or for militias and self-defence in the territories, billeting, requisitioning, and the extraction of 'contributions' by both friendly and enemy armies, as well as simple, often serial, acts of pillage imposed huge financial burdens on governments, communities, and individuals. The small town of Stockach in the Hegau, near Lake Constance, for example, with a population of just 880, had to provision more than 1.1 million soldiers between 1792 and 1815: it continued to pay off the debts thus incurred for nearly a century.[4] Contemporaries did not need the statistics to realize that this was warfare on a scale not seen since the Thirty Years War. In the view of Friedrich Gentz (1764–1832) in 1800, the wars of the present were the 'most terrible world war that ever shattered and tore human society apart'.[5]

In the midst of this turmoil, the dissolution of the Reich on 6 August 1806 has often seemed rather irrelevant. The emergence of the new sovereign states and of the reformed and enlarged Kingdom of Prussia and the early beginnings of a German nationalist movement seemed ultimately more important developments, especially since they led apparently to the formation of the German nation state of 1871. From the 1850s, the myth that the Reich simply collapsed and disappeared quietly without trace ('sang- und klangloser Untergang') was well established. Even today, many historians argue that few Germans mourned the Reich, and that most simply shrugged their shoulders and moved on.[6] The question of how people in fact reacted to the news of the dissolution of the Reich and the nature of its legacy will concern us below.[7] In the present context, another judgement implicit in statements about the dissolution of the Reich in 1806 is important: that people failed to respond because the Reich's demise was inevitable.

There is no consensus on what caused the demise of the Reich.[8] Even the German historians who have done most over the past half-century to restore its reputation have not really extended the range of arguments. Many still argue that the disappearance of the Reich was inevitable since it acted as an obstacle to the development of Germany, either as a modern nation (in the view of Treitschke and others from the 1870s on) or as a modern society (in the view of Karl Otmar von Aretin and others since the 1960s).[9] A parallel tradition, developed from the nineteenth century through to the present, has made the mutual antagonism and competition between Austria and Prussia since about 1740 primarily responsible

[3] Planert, *Mythos*, 67–96.

[4] On the costs of the war, see Planert, *Mythos*, 212–27 (Stockach at p. 220). Stockach belonged to Further Austria until 1805, then to Württemberg until 1810, and to Baden thereafter.

[5] Planert, *Mythos*, 96.

[6] Burgdorf, 'Untergang', 567–8, 573; Burgdorf, *Weltbild*, 154–5.

[7] See pp. 645–8.

[8] There is a good concise survey in Mader, *Priester*, 26–32.

[9] This line of argument has most recently been renewed by Stollberg-Rilinger, *Verfassungsgeschichte*, esp. 314–18.

for the Reich's collapse. Both lines of argument, which appear combined in many works, are in fact problematic. This is particularly true in so far as they focus on the 1790s and after.

Since the early nineteenth century, the word most often used to describe the constitution of the Reich in its final phase is 'brittle' (*morsch*). Contemporary critics too often described the Reich as aged or 'gothic'; Schiller famously referred in 1802 to the 'gothic ruins of an old and barbaric constitution'.[10] That it proved impossible to reform the Reich is undeniable, though an extensive literature continued to make proposals for that throughout the last fifteen years of its existence. More problematic from the point of view of the arguments that emphasize the allegedly terminal decline of the Reich is, however, the fact that during the 1790s the Reich and its institutions underwent a notable revival.

Another variant of the terminal anachronism thesis seems at first sight more promising. If the Reich was essentially an outmoded feudal order that clung to tradition, endlessly looking back but never forward, then it seems logical that the forces of modernity that exploded from France after 1789 should have been overwhelmed it. These allegedly led to the triumph in Germany of the modern state. Austria and Prussia had prepared the way long before 1789. After 1805, Württemberg, Baden, and Bavaria and the others that gained full sovereignty between 1806 and 1815 and benefited from the redistribution of the lands of the dispossessed ecclesiastical and minor secular rulers then caught up. These developments were, however, more properly the result of war, rather than of the operation of any inexorable law of modernity. As we have seen, the ecclesiastical and other territories that disappeared between 1803 and 1806 were not inherently unviable.[11] Initially at least, the conflict between France and the Reich was not a conflict between a modern state and a relic of the past. Indeed, for some time, the Reich was able to defend itself quite effectively.[12]

Nor did the conflict represent the clash between a dynamic modernizing capitalist society and a backward feudal order. Some regions of the Reich were every bit as economically dynamic in terms of manufacturing as the most dynamic regions of France. In Saxony, Bohemia, Berg, and other parts of the Lower Rhineland, along with parts of south-west Germany by the end of the eighteenth century, the foundations for an industrial revolution had been laid.[13] In large parts of northern Germany, the feudal order was proving remarkably responsive to international grain markets, while rural producers elsewhere in the Reich also seem to have been more market-orientated and commercially minded than traditional narratives of the old order implied. The persistence of a strong framework of government regulation was not necessarily a source of weakness in the context of the war. On the contrary, it facilitated the mobilization of resources. In most respects, the Reich

[10] Schiller, *Werke*, i, 474. On the dating of Schiller's unpublished draft poem, given the title 'Deutsche Größe' by those who discovered it in 1871, see, Schmidt, 'Universalismus', 20–2.

[11] See pp. 549–51.

[12] Blanning, *Origins*, 69–70, 120–3; Hochedlinger, *Wars*, 416.

[13] Blanning, 'Modernization', 123–4; Ogilvie, 'Industrialisation'. See pp. 453–9, 501–7.

was much like Central Europe as a whole, and its ultimate vulnerability to French military power was shared by the Netherlands, Switzerland, Italy, Spain, and, of course, both Austria and Prussia.

The role of Austria and Prussia is also far from straightforward. There is no doubt that antagonism between the two had dominated the politics of the Reich since the accession of Frederick the Great in 1740. The struggle over Silesia engaged them for over twenty years until 1763. Thereafter the mutual antagonism between Austria and Prussia turned into a struggle for influence in the Reich. Prussia had sought every opportunity to establish its hegemony in north Germany, while trying to block every effort by Joseph II either to re-establish imperial authority over the Reich and its institutions or to extend Habsburg territory by acquiring Bavaria. Yet the balance of powers in the Reich was probably equal. The Fürstenbund, started by a group of lesser princes and effectively ended by them when Prussia attempted to take it over, was evidence of a new kind of equilibrium: neither Austria nor Prussia alone could subvert the Reich against the resistance of the other territories. Of course, if they had cooperated, they might indeed have destroyed the Reich, but such cooperation had rarely been possible in the past. Apart from anything else, each was too nervous about the other seizing the opportunity to present them in a bad light and mobilize the German Estates against them. Indeed, the disagreement between the two over how the Reich should intervene to restore order in Liège in 1789, in which the Prussians outmanoeuvred Vienna and in doing so threatened to undermine Austria's authority in Belgium, once again brought matters to crisis point. The outcome, however, was that both Vienna and Berlin shrank back from open conflict and concluded the Convention of Reichenbach in July 1790.[14]

Was Austro-Prussian rapprochement in 1790 more of a threat to the Reich than Austro-Prussian antagonism? Many German princes certainly thought so. Under the terms of the Convention, Vienna and Berlin gave up their plans for territorial expansion in the east, which had been the underlying cause of the growing tension between them. Yet it could only be a matter of time before such plans resurfaced. If they were rolled out in the east, then renewed conflict would be inevitable, with each power trying to enlist Russia against the other. If they were thwarted in the east, then it was likely that they would be transferred to the west, which meant that the Reich was under threat. Both powers, after all, had unfulfilled ambitions in the Reich: Austria with designs on Bavaria, Prussia with designs on Jülich and Berg and schemes for the secularization of ecclesiastical territories.

From 1792, the war transformed all these options. Both Vienna and Berlin drew up plans to secure compensation for the costs that they incurred in fighting the war. At the same time, Prussia remained determined to acquire more territory in Poland when the opportunity arose. In the event, renewed Russian intervention there in 1793 forced Prussia to act. The exclusion of Austria from the Second Partition further intensified Vienna's distrust of Berlin and strengthened the resolve of Francis II and his advisers not to lose out again. Austria's participation in the

[14] Simms, *Struggle*, 56, suggests that this was 'the *real* revolution in German politics'. See also p. 429.

suppression of the Kościuszko uprising in 1794 ensured that she was subsequently included in the third and final partition of 1795.[15] The outcome solved the eastern problem, as far as the partitioning powers were concerned, by removing Poland from the map for over a century.

This had various implications for the Reich. Karl Otmar von Aretin's narrative suggests that after the death of Leopold II, both Vienna and Berlin were under the rule of weak and incompetent monarchs who failed to grasp the seriousness of the situation, had no concern for Germany or the Reich, and were concerned only with territorial gains.[16] Both powers devoted significant resources to Poland. Prussia, in particular, became so overstretched that by 1793 she was already seeking to withdraw from her defence commitments in the Reich. Indeed, by 1795, Berlin had withdrawn from the war with France completely and, following the conclusion of the Peace of Basle, Prussia and much of the northern Reich remained neutral for a decade.

Austria bore the brunt of the war with France and incurred huge costs. Unlike Prussia, Austria persisted in the conflict, and indeed insisted on continuing it in the face of repeated pleas from the Reich for a peace with France. What were the motives? Aretin suggests, and many others follow him, that Austria's pursuit of the war had nothing to do with the Reich, and that it was in some senses even directed against the Reich. The Reich, he argues, had since 1763 been little more than a 'means to an end' in the power struggle between Austria and Prussia.[17] Joseph II's intentions were good at first, but he ended up pursuing policies based on quite 'irrational assumptions'. Leopold II meant well but died too early. His heir, the twenty-four-year-old Francis II, was incapable and not interested in the Reich, and in his foreign policy, he cast aside the aged Kaunitz and relied on advisers who were positively hostile to it. In particular, Franz Maria von Thugut (1736–1818), who was in charge of Austrian foreign affairs from March 1793 until 1801, saw 'the enlargement of Austria as the sole aim of his policy'.[18] Under the management of Francis II and Thugut, by turns pusillanimous and impetuous, Austria allegedly not only abandoned the Reich but in reality destroyed it.

The reputations of Francis II and Thugut have been controversial since the nineteenth century. Treitschke described the emperor as a weak character who spinelessly acquiesced in the wishes of his advisers and who remained indifferent to what happened around him 'with all the rigidity of a mind devoid of ideas'.[19] Many contemporaries envied and despised Thugut and regarded him as a second-rate arriviste. The pro-Prussian historian Heinrich von Sybel (1817–1895) memorably savaged Thugut's reputation in 1853 in his *Geschichte der Revolutionszeit* ('History of the Revolutionary Era'), which accused Thugut of having sacrificed Germany to

[15] Scott, *Birth*, 209–11.
[16] Aretin, *Heiliges Römisches Reich*, i, and *Reich zum Bund* and *Altes Reich*, iii.
[17] Aretin, 'Europäische Politik', 26.
[18] Aretin, *Reich zum Bund*, 71. In much of the German literature Thugut is named as Johann Amadeus Franz de Paula von Thugut. In fact, however, he used the name Franz Maria throughout his career: Roider *Thugut*, 7.
[19] Ziegler, 'Franz II.', 289; Roider, *Thugut*, 118–19. See also Ziegler, 'Kaiser Franz II.(I.)'.

the monster of revolutionary France as Austria searched desperately for territorial gains. He was, according to Sybel, so utterly antagonistic to Prussia that Berlin had to withdraw from the war against France in 1795 to protect Prussia against the Habsburgs.[20]

Sybel's bizarre justification of the Peace of Basle did not stand the test of time. Yet despite some attempts, particularly by Austrian historians, to defend Thugut against Sybel's accusations and to place Francis II in a more positive light, negative views of both the emperor and his adviser have largely persisted.[21] Nineteenth-century scholars once condemned them on moral grounds as traitors to the cause of Germany. Modern scholars tend to brand them bureaucratic, incompetent, disorganized, short-sighted, wrong-headed, and chronically indecisive.

Neither case is perhaps as clear-cut as their critics have maintained. Like his two immediate predecessors from the house of Habsburg-Lorraine, Joseph II and Leopold II, Francis perhaps had a clear perception of the ultimate interests of Austria. His upbringing and education nonetheless prepared him for the imperial crown and stewardship of the Reich.[22] His principal tutor was Franz Karl Graf von Colloredo-Waldsee (1736–1806), from the family that supplied the last two Reichsvizekanzler, Joseph and Franz Gundakar von Colloredo. Michael Ignaz Schmidt, author of the first *History of the Germans*, taught him history.[23]

Significantly, Francis ensured that his own younger brother, Archduke Anton Viktor (1779–1835), received expert instruction about the constitution of the Reich by Franz von Zeiller between 1795 and 1797. The lectures opened with the statement that the 'German Reich is a limited monarchy' and, following the modern doctrine of Pütter, explained the Reich as a 'composite state' that was composed of 'numerous particular states'.[24] Moreover, Francis retained proud memories of the Reich after its dissolution. When he built the Franzensburg, his own residence in the park at Laxenburg, constructed between 1801 and 1836, the throne room of the romantic medieval castle featured tableaux of his coronation at Frankfurt in 1792 and of the subsequent festivities.[25]

The case against Thugut seems at first sight more plausible. He undoubtedly pursued numerous ideas for the acquisition of further territory; indeed, he came to power precisely because his predecessor had failed to do that in the Second Partition of Poland. In 1793, he also formulated an extraordinary plan for a substantial territorial reconfiguration of the Reich. Austria, Prussia, and the Palatinate would take charge of the defence of the Reich along the entire length of the Rhine, from Basle to Luxembourg, and create a 'perpetually protecting breast plate' against France. The three Rhineland ecclesiastical Electors would be translated to bishoprics to the east. That might well have destroyed the Reich if anyone had agreed to it

[20] Roider, *Thugut*, xiv–xv.
[21] See, for example, Aretin, *Heiliges Römisches Reich*, i, 274–7, 505–6; Aretin, *Altes Reich*, iii, 404–6.
[22] Ziegler, 'Franz II.', 292–3.
[23] See pp. 179, 440. See also Hattenhauer, *Wahl*, 68–9.
[24] Wagner, *Staatsrecht*, 7–21, 43, 49.
[25] Ziegler, 'Franz II.', 292–3.

in the first place.[26] This radical scheme was, however, never implemented, and the Reich certainly played a key role in Thugut's thinking about the war through out his time in office. First, the French nation was now a formidable enemy 'which has not only become utterly fanatical but which tries to drag along with it other peoples and which has long since prepared its current efforts in all of Europe by influencing opinion. . . . through its secret supporters'.[27] Thugut was unswerving in his belief from the outset that this was an ideological confrontation and held throughout the 1790s that peace was not possible. Second, he believed that the Austria's fate was inextricably linked with that of the Reich: if the Reich were unable or unwilling to defend itself, then it would be necessary to reform the Reich to prevent its extinction.

Both Francis II and Thugut were much more equivocal about the Reich than many who see Austria and the Reich as mutually exclusive options suggest. In August 1796, Francis II wrote to his brother Joseph, Palatine of Hungary, that 'a good and honourable outcome of this war depends on the restoration of things in the Reich'. Repeatedly, however, French victories thwarted a successful outcome. As Francis noted wearily after the renewed defeat of his armies at Hohenlinden in December 1800: 'We are without doubt obliged to yield to circumstances.'[28]

Beyond all mistakes of policy and inept communication with the allies in the Reich, however, a combination of two related factors ultimately precipitated the demise of the Reich. First, the French confiscation of German rights and property in Alsace in 1789 and 1790 created a new and unstable framework, particularly as it became increasingly clear that their loss would be permanent and that the only redress was compensation from within the Reich itself. Second, the effects of over a decade of military confrontation with France so weakened the majority of the German territories, including Prussia and even Austria, that they were ultimately powerless to resist the destruction of the Reich by France.

[26] Aretin, *Heiliges Römisches Reich*, i, 277–8, and ii, 249–55; Roider, *Thugut*, 128–30.
[27] Aretin, *Heiliges Römisches Reich*, ii, 254–5.
[28] Ziegler, 'Franz II.', 296, 300.

61

The Reich in the Revolutionary Wars

Leopold II's hopes that a temperate policy towards France might avoid a conflict proved illusory. It is doubtful whether he might have managed to control the situation had he lived. Both he and his advisers constantly underestimated the significance of events in France. Kaunitz initially referred to the revolution as the 'French nonsense', a local difficulty in which outsiders had no reason to interfere.[1] Both Kaunitz and Leopold had considerable sympathy with the cause of those who wanted change in France. They held that Louis XVI had only himself to blame for his difficulties and they saw constitutional reform as the obvious remedy. When Louis's position became increasingly precarious, Leopold ignored the pleas for action made by the Comte d'Artois and others and believed that stern warnings to the revolutionaries would be enough to keep their more radical followers in check. In fact, Leopold's public declarations and warnings to the revolutionaries merely inflamed the situation in Paris.

At the same time, two problems were making some confrontation between France and the Reich increasingly likely: first, the confiscation of German property in Alsace, and second, the activities of the French émigrés in Germany.

The confiscation by the French of the property and jurisdictions of German rulers in Alsace created pressure from the German side. After all, the Treaty of Münster in 1648 had guaranteed the ownership of these properties in perpetuity, as did the religious clauses of the Treaty of Osnabrück. It is true that Louis XIV had strengthened the French grip on the area, in particular integrating the ten Alsatian Imperial Cities as part of the policy of Réunions between 1679 and 1688. Yet even though the Reich had been obliged to accept these losses in the Peace of Rijswijk of 1697, many of the provisions of the 1648 settlement had remained in force throughout the eighteenth century. Indeed, despite the settlement of French officials, the region had retained its essentially German character. At Strassburg, for example, the university taught both French and German law, and lectures were delivered in German and Latin. In 1770–1, Goethe studied there and, stimulated by Herder's company, conceived a passion for the national language and literature of the Germans and discovered authentic German Gothic style in the Strassburg cathedral. Metternich was also a student there in 1788–90 and left only because of the revolution.[2]

[1] Hochedlinger, *Wars*, 401. See also pp. 429–30.

[2] Müller, *Regieren*, 85–6; Boyle, *Goethe*, i, 89–104; *BWDG*, ii, 1891. On the situation of Alsace generally, see Matz, 'Elsass', 85–7, 92–8. See also p. 523.

The measures implemented after 1789 went far beyond Louis XIV's Réunions. In breach of all treaty obligations, France, one of the original guarantor powers of the Peace of Westphalia, simply seized property and rights. Initially, it was envisaged that owners would receive compensation, and Louis XVI was asked to draw up a list of those affected. Yet the matter was complicated, since two rather different kinds of rights were involved. On the one hand, there were rights of secular rulers over property that yielded rents and the like that might be easily compensated. On the other hand, the diocesan rights of bishops were problematic, since all Church property had been confiscated in France on 2 November 1789, and the National Assembly was not inclined to compensate German bishops for what it saw as antiquated privileges. In fact, early offers of compensation made to individual German nobles were never honoured, and in December 1792 the National Assembly declared all such agreements invalid.

The German princes meanwhile disagreed over how to respond. Many of those who had lost property were vociferous in demanding military action to regain it. Others, however, pointed out that the French National Assembly had promised compensation and that the complainants should await the outcome of their applications. The debate was complicated by the question of whether the Reich had any right to demand the return of property confiscated in Alsace in the first place. After all, it had formally ceded Alsace to France in 1648, and no emperor since then had exercised any jurisdiction there. Many of those not directly affected themselves believed the matter to be relatively trivial and not worth going to war over. Prussia, for example, was not in the least interested in coming to the assistance of the likes of the Bishop of Speyer. In talks with Austria, Berlin's main concern was the matter of what compensation Prussia could expect to receive if they agreed armed intervention at any stage. The apparent indifference of the two major powers in the Reich to their grievances led the complainants to turn to Russia in September 1791, as the only remaining guarantor power of the Reich that could conceivably help. Yet Russia too found it hard to become agitated about an issue it considered relatively trivial and remote from its own sphere of influence.

The ecclesiastical rulers, most vociferously the hotheaded Prince-Bishop of Speyer, August von Limburg-Styrum, demanded immediate action by the Reichstag and intervention to restore their rights. The majority of secular rulers affected recognized that the 'rights of the Imperial Estates were incompatible with the French constitution' and therefore favoured trying to secure compensation, rather than risk defeat in a military action against France that would surely have no hope of success.[3] On 6 August 1791, finally, the Reichstag resolved to demand the restoration of the status quo ante in Alsace according to the terms of the Peace of Westphalia, but left it to the emperor to decide when and how to do this.[4]

Leopold, as we have seen, preferred to hold back and hope that a peaceful resolution might emerge.[5] At the same time, however, the emperor attempted to reactivate the Association of the Forward Kreise (Vordere Kreise) and ordered all

[3] Härter, *Reichstag*, 102–3. [4] Härter, *Reichstag*, 160–2. [5] See also pp. 429–30.

the Kreise to review their security measures. In the Swabian Kreis, Baden was prepared to cooperate, but, in the hope of keeping the region out of the conflict, Württemberg blocked any action.[6] Equally, Württemberg and others were wary of simply being enlisted in an Austrian or Prussian war effort.

At the same time, from the French point of view, the activities of the émigrés in the Reich became increasingly aggravating. This became an acute issue in 1791, after the escape of the king's aunts to Rome (allegedly leaving vast debts and taking a fortune with them) and the king's own attempted flight on 20 June. The situation now escalated. For many Germans, the attempted flight of the French royal family on 21 June 1791, their arrest at Varennes, and subsequent forcible return to Paris, provided evidence of the growing radicalization of the revolution. In France, Louis XVI was convinced that only foreign intervention could save him, and his subsequent refusal to cooperate with the National Assembly over the Constitution of September 1791 contributed to the increasing predominance of the radical Jacobins, who came to believe that a revolutionary war was the only way they could secure their achievements.

In this context, the émigrés became the object of vituperative propaganda and the subject of over two hundred decrees demanding their immediate return and the confiscation of their property.[7] From the French point of view, the Germans were responsible. Since July 1789, a steady stream of nobles had left France, and most had gone to the Rhineland. At first, the majority did not settle, but from February 1791 substantial émigré communities began to develop.[8] The Palatine-Bavarian Elector Karl Theodor was cautious, as was Margrave Karl Friedrich of Baden; neither wished to provoke the French, and, until 1793–94, both ensured that their émigré communities did not expand.

The ecclesiastical rulers knew no such restraint. The Elector of Mainz offered hospitality to the French princes Artois and Condé, and their presence attracted numerous others. The Elector of Trier then also offered hospitality, and, by the summer of 1791, Koblenz was being referred to as 'Klein Versailles' after it became the headquarters of the French king's brothers, the Comtes de Provence and d'Artois, at whose disposal the Elector placed Schloss Schönbornlust.

Before long, an émigré community of some 20,000 was established. Here, the exiles plotted the overthrow of the Paris revolutionaries and their own triumphant return. The indigenous population was both alienated by their arrogance and extravagant behaviour and alarmed at rumours that the French might retaliate in ways infinitely more terrible than Louis XIV's devastation of the Palatinate. That became increasingly likely as the émigrés laid in supplies and raised armed forces and as the Vicomte de Calonne, 'the prime minister of the emigration', sent ambassadors throughout the Reich seeking allies. Their mission was to broadcast his proposal to Leopold II that he declare the Comte de Provence regent of France (on the grounds of Louis XVI's evident inability to cope) and that he advance Austrian troops towards Alsace and Hainault.

[6] Wilson, *German armies*, 305–6. [7] Diezinger, *Emigranten*, 49–58.
[8] For the following, see: Rowe, *Rhineland*, 44–5, and Biro, *German policy*, i, 42–5.

Leopold himself remained unimpressed and unsympathetic to the émigrés generally. Like Joseph II before him, he refused to tolerate them in his own Belgian territories, and in December 1791 he sought to persuade the Elector of Trier to see sense and expel all foreigners from his territory. A simultaneous missive sent by Kaunitz to Paris simply backfired, however. On the one hand, Kaunitz assured the French that the Elector of Trier had promised to follow the emperor's example and expel the émigrés. On the other hand, he informed them that the emperor had promised to assist Trier if France attacked it. France, Kaunitz warned, would suffer the wrath of not only the emperor and princes of the Reich but also of 'other sovereigns who have united in the common cause of upholding the peace and the security and honour of crowns'.[9]

For the dominant factions in Paris, who were already demanding a war, this threat was the final straw. They forced the despatch of an ultimatum to Vienna demanding that the emperor cancel all agreements directed at the sovereignty, independence, and security of France. Kaunitz met this and other subsequent missives with bland assurances that Vienna had no designs on France at all. Indeed, Leopold I's own official communications were bland and noncommittal, even if his (quite genuine) expression of sympathy on 17 February 1792 with the unhappy state of France incensed the Paris radicals and made things worse.

Despite the emperor's reluctance to contemplate war, however, he approved the conclusion of a mutual defence agreement between Austria and Prussia that also envisaged cooperation in combating internal disorder in the Reich and the promotion of an alliance to intervene in France on behalf of Louis XVI. From the Austrian point of view, the real aim of the agreement concluded with Prussia on 7 February 1792 was to ensure that Prussia did not break away and engage in any action without Austria.[10] This also inevitably involved provision for compensation in the event of a conflict. Vienna and Berlin envisaged that they would take Alsace and divide it between Austria and the Palatinate, and that the Palatinate would then cede Jülich and Berg to Prussia.

The death of Leopold II on 1 March scarcely interrupted the correspondence between Vienna and Paris. It did have the incidental effect, however, of ensuring that the French declared war on 20 April 1792 on the King of Bohemia and Hungary and ruler of Austria, for Francis was not elected and crowned Holy Roman Emperor until July. Consequently, while Prussia was obliged by the agreement reached in February to assist Francis, the Reich was technically not involved in the war at all.

The French declaration against Austria immediately obliged Prussia to honour her obligations under the agreement reached in February. The French calculated, however, that the Prussians would not fight, despite the fact that Berlin had informed Paris on 20 February that the Prussian government would regard any attack on Germany as tantamount to an attack on Prussia.[11] Yet, initially, it seemed that the French calculation might be right.

[9] Biro, *German policy*, i, 51.
[10] Schroeder, *Transformation*, 93–7.
[11] Biro, *German policy*, i, 67–8.

Although both Austria and Prussia had been expecting war, they had made few preparations and now showed little inclination to engage in the conflict. In fact, Austria had reduced its army after the end of the conflict with Turkey in August 1791.[12] Both powers underestimated the situation and refused to believe that the French army would pose a serious threat. Austrian officers joked that the campaign would be no more than a leisurely stroll ('Spaziergang'); a member of the war ministry thought there was no need to mobilize the entire army since two regiments of Hungarian hussars would easily be able to disperse the revolutionaries with their lances. Kaunitz, on the other hand, warned against underestimating the French (the 'parti violent') and urged that decisive military intervention was now essential to preserve the monarchy from the French 'contagion' ('Seuche') and to ensure that the 'bogus ideas of freedom' ('Freiheitsschwindel') did not spread. His warning, however, that only swift and united action would guarantee success went unheeded.[13]

It was not until May 1792 that a war plan developed by the Prussian field marshal Karl Wilhelm Ferdinand of Brunswick-Wolfenbüttel was agreed. Prussia would provide 50,000 men to advance from Koblenz along the Moselle to Luxemburg and into northern France. The Habsburg army in Belgium would cover the right flank by advancing south along the Meuse. Other Habsburg forces from Further Austria would both protect the left flank of the Prussian force and engage the French army in Alsace. The fact that an early surprise attack on Belgium by French forces at the beginning of May was easily repulsed merely reinforced the view that there was no hurry to deal with this disorganized and incompetent rabble.

A variety of substantive issues also delayed the Austro-Prussian response. First, there was the business of preparing the imperial election and coronation, which took place in Frankfurt on 7 and 14 July, respectively. The election itself was unproblematic, and the festivities were considered a great success.[14] The subsequent meeting of Francis II with Frederick William II and other German rulers seemed to demonstrate a new unity of purpose. The young emperor's evident engagement in the coronation ceremonial generated a degree of optimism, and Kaunitz and others believed that they were witnessing the beginning of a new era of Habsburg leadership in the Reich. Behind the scenes, however, discussions over the preparations for war were deeply problematic. Both Austria and Prussia approached the German Estates for help with their war costs. The responses were disappointing: none wanted to contribute financially and, in the event, only Mainz and Hessen-Kassel sent small contingents.[15] Both Bavaria and Hanover (that is, effectively, Britain too) argued for strict neutrality.

There was another reason why neither Austria nor Prussia wanted formal involvement of the Reich at this stage, for this might have imposed restraints on them in the conduct of the war and, more important, its aftermath. Indeed, a

[12] Hochedlinger, *Wars*, 407.
[13] Kulenkampff, *Österreich*, 146; Roider, *Thugut*, 94–5. See also Wilson, *German armies*, 306.
[14] Ziegler, 'Franz II.', 293, Hattenhauer, *Wahl*, 120–6, 130–8, 152–201.
[15] Wilson, *German armies*, 306.

second series of parallel discussions that continued until August 1792 concerned the question of how the eventual victors were to be compensated for their efforts. The old mistrust soon resurfaced. Prussia immediately linked the French question with the Polish issue, proposing that Prussia should gain land in Poland, Russia in the Ukraine, and Austria in Alsace. Reluctant to bear the odium of being the sole beneficiary of new French territory, the Austrians once again revived the idea of exchanging Belgium for Bavaria, and then for good measure suggested that they should also receive the Prussian Margravates of Ansbach and Bayreuth. Prussia, however, was unwilling to relinquish these Protestant stem lands of the Hohenzollern dynasty into the hands of the Catholic Habsburgs.[16]

Vienna and Berlin could not agree. Yet the discussions themselves had serious implications. In Vienna, Philipp Cobenzl and Anton Spielmann, who were obsessed with the old idea of exchanging the Austrian Netherlands for Bavaria, were driving policy. Both ministers were Kaunitz's protégés and his subordinates, but both had their sights on a future after the eighty-one-year-old state chancellor's death, and consequently they wished to make an impression on the new emperor. Securing the exchange would be the greatest coup, though Kaunitz, who had been a consistent advocate of the exchange in the past, now felt it would merely undermine the emperor's authority in the Reich. The persistence of Cobenzl and Spielmann with the Bavarian exchange plan precipitated the resignation of Kaunitz on 2 August 1792.[17] Moreover, rumours of the proposed exchange that began to circulate in the Reich strengthened Hanoverian and Saxon neutrality, since participation in the war would merely make such an unacceptable proposition more likely. The Elector of Bavaria himself protested vigorously in Berlin and sought Prussia's support.

In the event, the question did not arise. Despite the failure of the early French attack on Belgium, the allied war effort soon ran into trouble. Prussia's movement of troops towards the Rhine disabused the French of their belief that Berlin would not assist the Austrians. Brunswick's decision to preface his advance into France with the publication on 25 July 1792 of a manifesto written by an émigré in Brussels was, however, a public relations disaster.[18] The promise that all Frenchmen who behaved reasonably would be well treated but that any attempt to harm the king and his family would result in the destruction of Paris merely provoked outrage in Paris and made the king's position impossible. It was ironic that it was the misplaced zeal of an émigré that led to the storm of the Tuileries Palace by the Paris mob on 10 August, the king's arrest, the abolition of the monarchy in September, and the king's trial (December 1792) and execution (January 1793).

The military campaign failed. The Prussians took Longwy and Verdun, but the slow pace of their advance allowed the main French commander, Charles François Dumouriez, to escape encirclement in the Argonne and to link up with the other main force under François Christophe de Kellermann. On 20 September, the two

[16] Aretin, *Altes Reich*, iii, 392.
[17] Aretin, *Heiliges Römisches Reich*, i, 268–9; Kulenkampff, *Österreich*, 132–6, 145–50.
[18] Hochedlinger, *Wars*, 408.

opposing armies met at Valmy, but after an exchange of artillery fire lasting several hours, with very few casualties on either side, the Prussians withdrew.

Goethe, who witnessed the battle as part of the retinue of the Duke of Weimar, claimed to have said on the day after the battle that it had changed the course of history.[19] It is, in fact, unlikely either that he actually said just that or that so much could have been clear at the time. The French army was still essentially the army of the monarchy; and while its regular regiments had been deprived of officers by the emigration, the artillery units had always been excellent and led by highly trained and mainly non-noble officers, and they were thus not as affected by the emigration.[20] The revolutionary army of the *levée en masse* was not created until the following year, and the revolutionary army did not achieve its highest level of proficiency until 1795.

The Prussian retreat from Valmy did, nonetheless, prove to be a decisive battle. It vindicated the war party in Paris and precipitated the end of the monarchy and the declaration of the French Republic on 22 September 1792. For good reason, subsequent revolutionary mythology wove Valmy into the birth myth of the French republic.[21] More immediately, Valmy encouraged two French assaults on the Reich.[22] In October, the Comte de Custine took Speyer, Worms, Mainz, and Frankfurt. At the same time Dumouriez led an assault on Belgium, achieving a decisive defeat of the Austrians at Jemappes on 6 November, following which they were obliged to withdraw beyond Aachen to behind the Erft and Roer rivers. Though the Prussians forced Custine out of Frankfurt at the beginning of December, French forces remained in possession of much of the left bank of the Rhine and of Mainz, Aachen, and Brussels during the winter.

These French advances had three important consequences. First, in France itself, the radicalization of the revolution continued. Decrees of 15 and 17 December declared that France would 'liberate' all countries penetrated by her armies and treat as an enemy anyone who resisted, refused, or renounced liberty, or who negotiated with any prince to subvert it. All property belonging to the former rulers and their supporters would be subject to 'safeguard and protection' by the Republic. At the same time, the extensive discussion of France's true 'natural' boundaries strengthened arguments for the formal annexation of the entire left bank of the Rhine.[23] By the summer of 1793, Robespierre and the radical Jacobins had gained the upper hand, rooting out 'sedition' at home and continuing to mobilize resources for the defence of the Republic from its foreign enemies. The *levée en masse* decreed on 23 August increased the size of the French army to nearly a million men.[24]

Second, the evident aggression and expansionism of the Republic, as well as shock at the news of the execution of Louis XVI on 21 January 1793, now also prompted the formation of an international coalition in which Spain, Piedmont, the Netherlands, and Britain joined Austria and Prussia. Third, the French

[19] Boyle, *Goethe*, ii, 128–9.
[20] Erbe, *Erschütterung*, 66–7.
[21] Wilson, *German armies*, 306–7.
[22] Hochedlinger, *Wars*, 409.
[23] Sahlins, 'Frontiers', 1443–6.
[24] Scott, *Birth*, 270–1; Erbe, *Erschütterung*, 301.

incursions into the Reich generated acute alarm among many German princes and edged the Reich itself closer to involvement in the war.[25] Even before Valmy, Francis II had requested substantial assistance from the Reichstag, though Hanover led a spirited resistance to his demand for some 13 million gulden. In November, it was agreed to mobilize a significant military force (a *Triplum*, or 120,000 men) for defensive purposes, and the following February the Reichstag resolved to pay nearly 4 million gulden into an operational fund (*Reichsoperationskasse*). Finally, on 22 March 1793, the Reichstag concluded it should recognize the war forced upon the Reich by France as a *Reichskrieg*.[26] The official war aims were to restore the rights of German rulers in Alsace as the Peace of Westphalia specified them and to seek reparation for the costs of the war. To the dismay of some, this meant that the Reich was in effect committed to securing compensation for Austria and Prussia.

In reality, however, a rupture in relations between Austria and Prussia over Poland had already undermined any chance that the Reichstag's declaration of war might herald a unified front in Germany. Even as the Prussians retreated from Valmy, Berlin requested once more that Austria should agree to further Prussian gains of Polish territory as compensation for costs incurred in the campaign against France.[27] On 26 October, Frederick William II explained to the Austrian envoys that Prussia could no longer participate in the conflict on the same scale or on the same terms.[28] A small force of perhaps 20,000 men would assist the Austrians, but the Prussian king insisted that even these should be paid for with immediate compensation in Poland. After the Austrian forces were driven out of Belgium at the start of November 1792, however, Cobenzl and Spielmann calculated that they would need Prussia's support in what was clearly turning into a protracted conflict with France. They thus ended up agreeing that Prussia should seek compensation in Poland before the end of the war without any firm agreement of what Austria might receive when it ended. Kaunitz's warning that Prussia could not be trusted was soon vindicated when talks began between Berlin and St Petersburg over a new partition of Poland.

By then, the fate of Poland rested in the hands of Catherine the Great, whose troops had control over most of the country by July 1792.[29] The Russians had been concerned in 1790 that Prussia had appeared to support Stanislas Augustus Poniatowski in his efforts to strengthen the Polish monarchy with the conclusion of a defensive alliance in March 1790. In addition, the Russians also feared that the constitution introduced by Stanislas Augustus on 3 May 1791 at the instigation of the Four-Year Sejm (the Polish legislature) might indeed inaugurate a general revival and radiate constitutional ideals to neighbouring countries as well. In Austria, by contrast, Leopold II greatly admired the new Polish constitution, and

[25] Aretin, *Altes Reich*, iii, 395–400.
[26] Wilson, *German armies*, 307.
[27] Kittstein, *Politik*, 32–64, provides an excellent guide to Prussian policy.
[28] Roider, *Thugut*, 100–2; Aretin, *Altes Reich*, iii, 412.
[29] Scott, *Birth*, 203–9; Stone, *Polish-Lithuanian state*, 277–85.

Kaunitz hoped that a reinvigorated Poland might finally serve as a barrier between Austria and Russia. Austria's war with France, and the end of Russia's war with Turkey, in January 1792, permitted a Russian military intervention in Poland in May 1792. Despite the overwhelming superiority of the Russian forces, the Empress nonetheless inclined to allow Prussia some gain to keep her in the war against France. Prussia's continuing engagement in the French conflict on the same terms was made one of the conditions of the agreement over Poland.

Both Russia and Prussia justified their intervention in Poland by claiming that they were acting to stamp out the same kind of revolutionary ideology that had convulsed France. In reality, their motive was quite simply expansionism. By the partition treaty signed on 23 January 1793, Russia acquired some 250,000 km^2 of land with over 3 million new subjects, and Prussia gained 58,000 km^2 with about 1 million new subjects. Poland lost half her territory and half her population.

Austria only learned officially of the partition in March and was roundly humiliated. By then, the British had delivered another blow to the careers of Cobenzl and Spielmann with a declaration that they would not contemplate joining any anti-French alliance predicated on a future exchange of the Austrian Netherlands for Bavaria. Britain wanted at all costs to retain a great power on France's northern border to prevent French expansion up the North Sea coast.[30]

The abject failure of Cobenzl and Spielmann was Thugut's opportunity. The Staatskanzlei was split into two parts and Thugut was given responsibility for the new ministry of foreign affairs. Cobenzl was left in charge of Italian domestic matters; Spielmann was despatched to Regensburg as second delegate for Austria and Burgundy at the Reichstag. Under Thugut's direction, Vienna abandoned any hope of a durable understanding with Prussia, and attention returned to the war against France.

The prospects there seemed good. On 18 March 1793, the Austrian forces defeated Dumouriez at Neerwinden and forced the French to evacuate Brussels. A run of successes continued through into the early summer. Obliged by her agreement with Russia to continue the war in the west, Prussia liberated Mainz on 23 July. The Austrians took the French fortresses at Condé and Valenciennes.

Even more promising was the defection of the French commander Dumouriez after his defeat. Thugut was so convinced that the French war effort was now beginning to disintegrate that he rejected Dumouriez's offer to turn his army on Paris. Thugut's distrust of the French, his belief that all Frenchmen were irredeemably contaminated by 'the science of the rights of man and the unrestrained sovereignty of the people', was so great that he gave orders that neither Dumouriez himself nor any of the 800 men who deserted with him should be given any role in the Austrian armed forces.[31]

By September 1793, however, reforms in the French military system were beginning to become effective. A successful offensive against a British force at Hondeschoote on the Belgian coast on 8 September initiated another run of French

[30] Roider, *Thugut*, 103. [31] Roider, *Thugut*, 130–1.

successes. The same pattern was repeated in 1794. The Austrians and Prussians achieved early victories on the Belgian frontier and on the Middle Rhine, but then systematic French counter-offensives followed. By the end of 1794, the left bank of the Rhine was firmly in French hands; only Mainz remained free of French control.

How much did the Reich contribute to the struggle against France? The Reichstag's declaration of war in March 1793 started discussion of further payments and plans for the mobilization of what the Imperial Estates had promised. The mobilization of both men and resources was, however, slow and hesitant.[32] The traditional mobilization mechanisms of the Reich impeded swift and concerted action, and mobilization plans were now further complicated by the competition between Austria and Prussia.

At the same time, the relentless pressure exerted by the French forces had a severe impact in some areas. The western Kreise had already mobilized defence forces during 1792. This continued through 1793, when both the Swabian and the Franconian Kreis participated. The service of Würzburg and Bamberg troops as Austrian auxiliaries since 1790 diminished the Franconian Kreis effort. The decision of the two Hessen landgraves to operate their forces independently rather than as part of a Kreis contingent reduced the number that the Upper Rhine Kreis could muster. The Electoral Rhine Kreis was incapable of contributing at all, since its members had lost most of their territory to French occupation.

In other parts of the Reich, notably Middle Germany, many principalities sent contingents to be attached directly to the main Austrian or Prussian forces. In the north, the most common form of participation was by means of cash payments (so-called *Reluitionen*): some was paid into the operational fund (*Reichsoperationskasse*), but most of it went directly to Austria and Prussia, who received payments for 10,000 and 12,000 men, respectively. During the course of 1793, the British also began making payments for auxiliaries. This allowed some princes the possibility of involvement in the war without coming under the command of either Austria or Prussia, though the contribution of these troops ended with the collapse of the British position in the Low Countries in 1795.

The prevailing tension between Austria and Prussia clearly impeded the process of mobilizing a Reichsarmee. Austria sought to assert her overall leadership at every juncture. Despite the appointment of a Protestant, Friedrich Josias of Saxony-Coburg, as field marshal, the generals nominated by Francis II on 8 April 1793 did not include a single Prussian.[33] In 1794, the emperor's uncle Albrecht of Saxony-Teschen succeeded Friedrich Josias. The appointment of the Prussian general Heinrich August von Hohenlohe-Ingelfingen as a second imperial field marshal in 1794 was a small concession, but on his death two years later Francis's brother, the Archduke Karl, succeeded him.

Attempts to reform the Reich's military structures met with resolute resistance from the Reichstag. The Imperial Estates rejected outright the proposals introduced by Thugut in January 1794 to strengthen central authority and to empower the

[32] In the following, I have drawn on the excellent survey in Wilson, *German armies*, 308–19.
[33] Neuhaus, 'Problem', 334–6.

emperor to raise troops and money directly in the Reich, rather than through the Kreise and the princes. The princes had no desire to strengthen the monarchy in ways that might simply enable Austria to annexe Bavaria and the rest of southern Germany after the end of the war.

On the other hand, the territories proved capable of impressive effort when their security was directly threatened. Between 1790 and 1794, traditional home defence militias were revived all along the Rhine frontier. Alongside the recruitment of troops for the Kreis contingents, territories such as Baden and Württemberg also assembled militias comprising between 2 and 3 per cent of the population. Again, however, Austrian proposals in January 1794 to set in motion a general mobilization of the inhabitants of the Reich came to nothing. In this case, distrust of Austrian motives was mixed with profound unease at the idea of arming subjects. The trauma of 1525 lived on in the declaration of Carl August of Weimar that he would rather pay his 'last écu to the Elector of Saxony to have a couple of his good regiments march than arm five hundred of my peasants'.[34] The militias only really worked in the south-west of Germany, where there was a long tradition of local self-defence against French incursions.

The failure of reform plans left no option but to revert to the usual methods of raising a Reichsarmee. In view of the extraordinary circumstances, the emperor requested an increase in the strength of the Reichsarmee to a *Quintuplum*, or 200,000 men. Perhaps surprisingly, by October 1794 this was agreed.[35] Two related considerations induced the princes to consent to the imperial proposal. First, some believed that the creation of a substantial imperial army would enable them to escape control by either Austria or Prussia and, furthermore, place the Reich and its princes in a favourable position in any eventual peace talks. Second, a widespread desire to conclude a general peace with France was gaining ground.

The summer of 1794 saw the emergence of several proposals designed to strengthen the bargaining power of the princes.[36] Some suggested the formation of a new league of princes to raise an army that would be independent of Austrian control. Mainz proposed an alliance of Electors, with Cologne, Trier, and the Palatinate-Bavaria, which would take out loans of 45 million thaler to support 79,000 men. This was, of course, virtually impossible, since French troops occupied all but Bavaria. At the end of September 1794, Baden and Hessen-Kassel opened talks at Wilhelmsbad to create a league of lesser princes who would raise an army of 40,000 men financed by a loan of 24 million gulden. The almost immediate offer of 10,000 men by Bishop Franz Ludwig von Erthal of Würzburg and Bamberg without strings attached was, however, something of an embarrassment, since both Baden and Kassel firmly calculated that potential participants would receive compensation for their efforts by means of secularizations, while Hessen-Kassel reiterated its ambition to be elevated as an Electorate.[37] Russia showed some interest in the activities of the Wilhelmsbad league, but its schemes unravelled when the emperor informed the Margrave of Baden that the plan for a league was

[34] Wilson, *German armies*, 318.
[35] Aretin, *Altes Reich*, iii, 417.
[36] Aretin, *Altes Reich*, iii, 421–4.
[37] Aretin, *Heiliges Römisches Reich*, i, 308.

unacceptable and that a renewed association of the Kreise would be more helpful.[38] Vienna had no interest in any German army that operated independently.

In the hectic correspondence between the German courts over plans for leagues and independent armies during the course of 1794, the shape of a future peace came to be the increasingly dominant theme. Just after the Reichstag agreed at the start of October to establish a Reichsarmee of 200,000 men (the *Quintuplum*), Mainz tabled the first concrete proposals for peace. The Archchancellor envisaged restoring the status quo of 1792, formal recognition of the French Republic, and an agreement by each side to refrain from interference in the internal affairs of the other. On 22 December 1794, the Reichstag formally requested the emperor to negotiate peace with France based on the treaties of 1648.[39]

Quite apart from the fact that both the emperor and Thugut were implacably opposed to any peace with France, the actions of Prussia also ran counter to the aims of the lesser princes. Prussia simply could not afford to pursue the war in the west while simultaneously ensuring that she was able to control the situation in Poland.[40] At the end of October 1793, Berlin had announced that Prussia could no longer honour her commitments in the west and would therefore reduce her commitment to the 20,000 men guaranteed by treaty. In November, it was suggested that a grant of 22 million écu (9 million from Britain, 10 from the Reich and 3 from Austria), might solve the problem. Then, in January 1794, Berlin suggested that the six western Kreise might finance the pay and provisioning of the Prussian field army to the tune of between 2 and 3 million gulden a month. The British ambassador in Vienna commented that the Prussians were like 'the Deal men, who avail themselves of the perilous situation of the passengers on the Goodwins to drive a most unconscionable bargain'.[41]

The proposals generated nothing but indignation, which Thugut lost no opportunity to exploit. The problem was resolved in April 1794 by Britain and the Netherlands, who stepped in to foot the bill to keep a Prussian army of 62,400 men on the western front. The agreement was deeply humiliating to Prussia, for the British and Dutch paymasters insisted on the right to determine the deployment of this force, as well as reserving for themselves any territory that was conquered. In the event, the army failed to make much difference to the run of failures that ended in the complete French conquest of the left bank of the Rhine and the transformation of the Netherlands into the satellite Batavian Republic in January 1795.[42]

From the Prussian point of view, the situation in Poland in any case once again became an urgent priority when a general uprising against Russia and Prussia began in Poland on 24 March 1794.[43] The early successes achieved by the rebels under the command of Tadeusz Kościuszko provoked an urgent response from both powers. Frederick William II left the western theatre of war and led 50,000 men to confront the rebels, who resisted vigorously to the end of the year. The Prussians'

[38] Aretin, *Heiliges Römisches Reich*, i, 310.
[39] Roider, *Thugut*, 169; Wilson, *German armies*, 321.
[40] Demel, *Reich*, 307–8.
[41] Roider, *Thugut*, 138.
[42] Demel, *Reich*, 309.
[43] Scott, *Birth*, 210–12.

inability to take Warsaw, from which they were obliged to make a humiliating retreat, further underlined the chronic weakness of Prussia's position. Indeed, although Prussian intervention was a decisive factor in Catherine II's resolve on a third and final partition of what remained of Poland, the Prussians were powerless to prevent Russia agreeing shares with Austria in a secret treaty in January 1795. Ultimately, Prussia was obliged to accept a lesser tranche of Polish territory in the final agreement in October 1795.

The problems that Prussia encountered in 1793 and 1794 led many in Berlin to conclude that they must end the ruinous war against the French, which had always been unpopular in Berlin in any case.[44] At the same time, it seemed that it might be possible to exploit the general mood for peace in the Reich against Austria. If Prussia could take the lead, the Reich might follow, and a belligerent Austria would be isolated. In November, Prussia withdrew from the coalition and concluded an armistice with France. Soon talks began that led to the conclusion of the Peace of Basle in April 1795.

The treaty formally ended hostilities between France and Prussia. France agreed to withdraw from any territories east of the Rhine, but was to keep the left bank territories, including the Prussian Duchies of Kleve and Obergeldern and the principality of Moers, pending a general peace with the Reich. A secret clause promised that, should French possession of these lands eventually be confirmed, Prussia would be compensated for the loss of any territory by the grant of secularized lands (i.e., at the expense of the ecclesiastical territories). Commercial relations would be resumed and a subsequent treaty defined a neutral free trade zone bounded by the Ems, the Old Yssel, and the Rhine.[45]

Prussian hopes that the Peace might be extended to the Reich as a whole were frustrated when the French made it clear that they were only interested in Prussia facilitating direct talks with further individual territories that might be interested in joining, rather than in a negotiation with the Reich as a whole. Over the following year, the zone was extended by the accession of Hessen-Kassel and the Thuringian and Saxon territories to include most of the Reich north of the Main, together with the Prussian territories of Ansbach and Bayreuth south of it: in all, roughly two-thirds of the non-Austrian Reich.[46] It was policed by an army of observation composed largely of Prussian troops, though the neutral territories successfully resisted all Prussian attempts to turn the neutral zone into a Prussian hegemony of the northern Reich.[47] Prussia in fact discouraged overtures by various other territories such as Mainz, the Imperial City of Frankfurt am Main, and Hessen-Darmstadt. Berlin concentrated on drawing up with France a list of ecclesiastical territories that it either wished to receive itself or, in the case of the Prince-Bishoprics of Bamberg and Würzburg, to have granted to the house of Orange, which the French had ousted from the Netherlands.

Even though the precise terms of the Peace of Basle were not widely known, Prussia's action caused widespread dismay, which the Austrians exploited

[44] Dwyer, 'Politics', 353–4; Kittstein, *Politik*, 65–75. [45] Scott, *Birth*, 267.
[46] Biro, *German policy*, i, 381–5. [47] Wilson, *German armies*, 322–3.

vigorously. Thugut's visceral hatred of the revolution would never have permitted him to contemplate an agreement with France. Yet Austria, in fact, also had no option but to continue the struggle. After the Peace of Basle, it seemed clear that Prussia would receive preferential treatment at any peace conference, and Austria had no agreement from any quarter on the compensation that would be due to her. The withdrawal of Prussia and the creation of the neutral zone meant that the conflict would henceforth be concentrated on south Germany. The north enjoyed ten years of peace and stability that was only destroyed in 1806. For the south, the period of the most intense suffering and devastation now began.

Thugut hoped to form an alliance with Britain and Russia (Spain had also negotiated at Basle and withdrawn from the conflict in July 1795) that would crush the French and isolate Prussia.[48] The first step was the agreement of the British government in May 1795 to provide a loan of £4.6 million; another loan of £1.7 million followed in 1797. Russia, by contrast, waited until summer 1796 to offer only 60,000 auxiliaries, who were withdrawn again after the death of Catherine II in November.[49]

Despite British help, the financial situation remained desperate, and a substantial burden now fell on the Reich. At a time when many were actively considering joining the neutrality zone, this inevitably rendered relations between the imperial crown and the remaining aligned territories problematic. It is impossible to assess the costs these territories incurred accurately. By 1795, they had already paid out substantial amounts to the Reich, and both local and Kreis defence mobilization had been expensive. From now on, they bore the brunt of the further grants of money and men made by the Reichstag. In addition, as the conflict raged back and forth across their soil, they became liable for contributions and billeting costs exacted by both France and Austria.[50] The sums actually paid out were probably not comparable with the roughly 500 million gulden that Austria is estimated to have invested in the war between 1793 and 1798.[51] In relation to their size and status, however, the costs of the war were becoming crippling.

The peace talks delayed the campaigns of 1795, but at the end of the summer French forces once more attacked on the Lower Rhine, at Mainz, Mannheim, and Heidelberg. Fearing a full-scale invasion, the governments of Baden and Württemberg thought seriously of concluding a separate peace with France. An Austrian counter-offensive in October laid these fears to rest, but also exposed evidence of the talks, which further hardened the Austrian approach. The harsh treatment of the Palatine ministers responsible for the capitulation of Mannheim, arrested for treason and obliged to contribute 400,000 gulden to the war effort, was typical.[52]

The following year, Austria and the south Germans felt the full force of the now fully reformed French revolutionary army. French advances under Napoleon in Italy weakened and distracted the Austrians, and, on the German front, they were driven back into Franconia. Exposed to the French armies once again, Baden and

[48] Aretin, *Altes Reich*, iii, 442.
[49] Hochedlinger, *Wars*, 425–6.
[50] Härter, *Reichstag*, 435–6; Wilson, *German armies*, 323–4.
[51] Hochedlinger, *Wars*, 425.
[52] Wilson, *German armies*, 323.

Württemberg each concluded an armistice and agreed substantial payments for the French forces. When these agreements were then translated into formal treaties in August 1796, both governments also secured a clause that envisaged their compensation in an eventual peace with secularized territories.[53] They were not to know that Archduke Karl would almost immediately lead his troops back into battle, forcing the French back across the Rhine again. The treaties with France were cancelled, but that did not either stop the Austrians treating Baden, Württemberg, and Bavaria as enemies, or prevent the further strengthening of the principle of secularization as a way of compensating or rewarding territories.

The decisive turning point came not in Germany but in Italy. Another vigorous offensive by Napoleon on the Italian front took the French forces into the Austrian heartlands and created panic in Vienna. Thugut, now faced with an increasingly vociferous peace party, had no option but to conclude peace with France. The preliminary peace agreed at Leoben on 18 April 1797 envisaged maintaining the integrity of the Reich, though Austria was to lose Belgium; a secret clause further specified that, in Italy, Austria would lose Lombardy and gain parts of Venetia as compensation.[54]

At Campo Formio on 17/18 October 1797, Lombardy was indeed exchanged for Venetia, but in a secret clause the Austrians were now obliged to accept the same terms for the Reich as Prussia. Formally, peace between France and the Reich was to be concluded at a conference at Rastatt. However, other secret clauses stipulated that France was to be given the entire left bank of the Rhine from the Swiss frontier up to Andernach, near Koblenz, including Mainz, and that Austria was to receive Salzburg, Berchtesgaden, and the Bavarian Innviertel as compensation for the Habsburg County of Falkenstein in the Palatinate.[55] The house of Orange would also receive compensation in the Reich, as would any German prince who had lost land left of the Rhine. The Prussian Lower Rhine left bank territories, the Electorate of Cologne, part of Trier, as well as the Duchy of Jülich, were to be left with the Reich. The point of safeguarding the Prussian territories was to prevent Prussia from making any further acquisition of territory.[56]

The conference that was to decide the shape of the settlement in the Reich duly assembled at Rastatt on 9 December 1797.[57] The membership of what was essentially a Deputation or sub-committee of the Reichstag had already been agreed in 1795 and included Austria, Bavaria, Mainz, Saxony, Bremen (Hanover), Würzburg, Hessen-Darmstadt, Baden, Augsburg, and Frankfurt am Main. Most other large territories, including Prussia, also sent observers.

Formally, the delegates knew nothing of the secret clauses agreed by Prussia at Basle and Austria at Campo Formio, though few would have been unaware of them in fact. Under pressure from renewed French attacks on Mainz and other places, they had little option but to recognize the Rhine as the frontier. It was more difficult to agree on the implications of that for the Reich.

[53] On these various agreements, see Biro, *German policy*, ii, 631–49.
[54] Biro, *German policy*, ii, 750–8.
[55] Härter, *Reichstag*, 539.
[56] Biro, *German policy*, ii, 937–9.
[57] Härter, *Reichstag*, 539–57; Gagliardo, *Reich*, 188–90.

By now, pretty well all the German princes were participating in one way or another in the discussions of the principle of secularization. Yet working out financial values for what was to be lost and translating that into areas of land for compensation purposes proved endlessly difficult. Some did not even accept the principle of secularization at all. Not surprisingly, Mainz tried to stave off the complete secularization of all ecclesiastical territories, while demanding that it should receive compensation itself for the loss of its territories by the grant of the Prince-Bishopric of Fulda. In the end, it was Mainz that proposed what was accepted generally on 4 April 1798: that all the ecclesiastical territories should be secularized except the Electorates of Mainz, Cologne, and Trier that were to be relocated on the right bank of the Rhine.[58]

Little further progress was made by the time France once more declared war on Austria in March 1799, following the formation of a new international anti-French coalition composed of Britain, Austria, Russia, Portugal, Naples, and the Ottoman Empire. France had tried to force a resolution at Rastatt on 6 December 1798, giving the conference six days to accept a peace predicated on the secularization of all ecclesiastical territories, including the three Electorates. Urged on by the Mainz delegate, who now argued that acceptance of the ultimatum would lead to a better bargaining position, the congress agreed the following day.

As the fighting resumed in south Germany, however, the Rastatt conference broke up without having reached a conclusion. The murder of two of the French envoys by Hungarian hussars, almost certainly not on official orders from Vienna, hardened feelings in Paris and generated outrage in the Reich. Prussian commentators were particularly quick to express their concern at this apparent flagrant breach of international law by the emperor's forces. Francis II's own condemnation of the murders in a decree issued to the Reichstag on 5 June 1799 did little to reassure those who were now predisposed to distrust the emperor and his advisers.[59]

The final round of conflicts was yet again ruinously expensive and exceptionally harsh for south Germany. Austria forced Baden and Württemberg to become formal members of the coalition and actually briefly occupied Bavaria. By the Treaty of Gatchina on 1 October 1799, Russia reiterated the guarantee of Bavaria's territorial integrity she had given at Teschen in 1779 and promised to secure a British subsidy for Bavaria. The Czar, however, left the war after the defeat of the Russian army under Count Aleksandr Suvorov at the second Battle of Zurich on 25/26 September. The Austrians, by contrast, were determined to fight to the finish.

For a while, the problems of France herself were a considerable source of optimism.[60] Reverses in Egypt and the eastern Mediterranean had precipitated an acute domestic political crisis that finally brought Napoleon to power at the head of the Consulate in November 1799. Yet, facing severe internal problems, the First Consul

[58] Aretin, *Altes Reich*, iii, 465.
[59] Tschirch, *Geschichte*, i, 385–415; extracts from the decree are printed in Fuchs, 'Briefentwurf', 325–6.
[60] Scott, *Birth*, 296–9.

gambled on military success and won. One French army under Jean Victor Moreau swept through south Germany to Munich, forcing a ceasefire on 15 July; Napoleon himself led another into north Italy, where he defeated the Austrians at Marengo in June 1800. When Thugut still prevaricated over peace talks, Moreau renewed his attack and crushed the Austrian army led by Archduke Johann east of Munich at Hohenlinden on 3 December.

Austria was already teetering on the brink of bankruptcy in the summer of 1796. By 1800, the monarchy had debts of over 600 million gulden; expenditure was running at roughly double her income; printing over 200 million gulden in paper money paid urgent bills but generated inflation that tripled the cost of living between 1801 and 1805.[61] The financial situation of many of the remaining allies in the Reich was similar. The Swabian Kreis, which bore the brunt of the war effort in the Reich, contributed over 9 million gulden for the Kreis troops and the imperial army alone. That sum did not include the costs incurred by the individual territories of mustering and arming their contingents or the costs of the various home defence and militia forces. Both the territories and the Kreis itself were deeply in debt by the mid-1790s.[62]

Vienna had no choice but to agree to revert to the terms of the Campo Formio agreement. The Peace of Lunéville (9 February 1801) obliged both Austria and the Reich to accept the terms dictated by France. The Austrian Netherlands and the whole of the left bank of the Rhine were to be ceded to France; the Batavian and Helvetic Republics were recognized; princes who lost territory to France would be compensated at a later date following the outcome of deliberations by a new imperial Deputation. The Reichstag formally agreed the Peace on 7 March.

In Vienna, there was bitter disappointment, and Thugut finally fell from office. Meanwhile, Bavaria worked to secure assurances from Paris about its own future and simultaneously enlisted Russian support as further insurance. Austria, after all, was already making plans to annex Bavarian territory up to the Isar as well as the Bohemian fiefdoms in the Upper Palatinate. The new Czar, Alexander I, was also interested in supporting Baden and Württemberg, whose dynasties he was related to through his wife and his mother, respectively. On 10 October, Napoleon and the Czar, rulers of the two remaining great power guarantors of the Peace of Westphalia (the third was Sweden, now insignificant), agreed secretly to cooperate in the reorganization of the Reich.[63]

Throughout the wars since 1792, French policy towards the Reich, despite short-term vacillations and the periodic incoherence within the French leadership, remained consistent. The goal of establishing France's natural frontiers was fundamental to the Republic, though the pure doctrine was abandoned implicitly when France conquered the Netherlands and established the Batavian Republic in 1795. In the Reich, the Rhine frontier remained a constant objective, both from a

[61] Hochedlinger, *Wars*, 432; Ingrao, *Monarchy*, 233.
[62] Borck, *Schwäbischer Reichskreis*, 124–7.
[63] Scott, *Birth*, 301; Schroeder, *Transformation*, 215, 222–3.

strategic point of view and as a major commercial waterway that would give France access to the prosperous regions of Westphalia, Franconia, Swabia, and Bavaria.

The standard answer to the question of how German rulers should be compensated for the loss of their territories was that they should receive land elsewhere in the Reich following secularization of ecclesiastical territory. Equally consistent was the Republic's enmity to Austria, which was fully reciprocated. At the same time, France was keen to make peace with Prussia and with individual territories in the Reich. Prussia was particularly important for commercial reasons, for good relations with Berlin meant invaluable access to the free trading zone of the northern Reich. A general peace with the Reich was not at first an objective, because this would have meant dealing with the emperor.[64]

The dominant thought in Paris was perhaps that Prussia should be strengthened against Austria to create a more plausible balance of power in the Reich, which France might then exploit by playing one power off against the other as the occasion or need arose.[65] A more radical scheme for the creation of a Swabian Republic in 1796, like the Dutch (Batavian) Republic and, in 1798, the Swiss (Helvetic) Republic, was not pursued with any energy. That was partly because it was the brainchild of the unreliable French agent the Marquis de Poteratz, but it was also clear that such a republic would have little indigenous support.[66] Around the same time, approaches made in Paris by envoys of the Franconian Kreis to establish a Franconian republic also came to nothing.[67]

The French government generally thought in terms of the continuing existence of the Reich, though with Austria's role in it severely diminished. Only gradually did a different approach arise which combined the Rhine frontier and the compensation principle with the traditional French approach to the Reich: the creation of a French clientele or of a French-sponsored 'Third Germany' of the medium-sized territories between Prussia and Austria. This course was set in 1797, though the Rastatt conference yielded no concrete results. The same approach was the central theme of Napoleon's German policy from 1801, and its working out then led directly to the end of the Reich.

[64] Biro, *German policy*, i, 316–17, 408–9.
[65] Biro, *German policy*, i, 467.
[66] Biro, *German policy*, ii, 568–81. On Poteratz's unreliability and a curious mission to Vienna in 1795 to blackmail and bribe Thugut, see Biro, *German policy*, i, 459, and Roider, *Thugut*, 42–4.
[67] Neugebauer-Wölk, 'Verfassungsideen', 77.

62

Reverberations of the French Revolution in the Reich: Unrest and Uprisings

As a company of French troops advanced on the village of Lauben in the southern Swabian Lower Allgäu in the summer of 1796, a young man ran out to greet them. The pastor's son had put on his best Sunday clothes and wished to greet the soldiers with a speech he had carefully practised in French, hailing them as the liberators of the peoples, who brought war to the palaces and peace to the cottages. He was known locally as one who believed the French to be 'freedom-loving, enlightened, and tolerant people, capable of making great sacrifices', who should be welcomed enthusiastically as the 'trailblazers of a new and glorious era'. As soon as he set eyes on the Republicans' 'unspeakable clothing', however, he began to have second thoughts. Before these could mature and before he could even begin his speech, he was surrounded and robbed of his coat, his watch, his purse, his boots, and his waistcoat. He was lucky to escape in his underclothes, cursing the ruffians who used the 'name of freedom as cover for simple robbery'.[1]

The story illustrates much about the terrible experience of the war and of French occupation for many communities in the Reich. Plundering and exploitation were commonplace, contributing to the immense costs incurred during this period and to the bitterness these experiences generated. The plight of the pastor's son from Lauben can also stand, however, as symbolic of the common view of the impact of the French Revolution on Germany generally. There was undoubtedly excitement and attraction, and yet it was largely the idea of the revolution that appealed, rather than the reality. Even so, such generalizations do not adequately convey the numerous ways in which the revolution in fact reverberated within the Reich or in which many Germans responded to events in France. These extended from what amounted, in some cases, to German revolutionary movements from 1789 onwards, to reactions against French invasion and occupation through the 1790s, and finally, to the debate about the revolution and its implications which fed into numerous different intellectual and cultural currents of the later 1790s.

Even before the French Revolution broke out, the groundwork for its reception and impact had been laid. As the Prussian field marshal Hermann von Boyen (1771–1848) later recalled of the atmosphere in Königsberg in 1790, the successful American Revolution of 1776 and the failed Patriot uprising against the stadtholder

[1] Planert, *Mythos*, 134–5.

William V in the Netherlands 1783–7 prompted wider public discussion of political issues.[2] What was true in Königsberg was also true of other areas of the Reich in closer proximity to events in the Dutch Republic, and then the uprising in the Austrian Netherlands in 1788, and the French Revolution itself the following year. In parts of the Lower Rhineland, the tumultuous events in the Prince-Archbishopric of Liège between August 1789 and February 1791 had a similar stimulating effect.[3]

The spread of unrest was probably much wider and more prolonged throughout the 1790s than has often been recognized. It is, however, often important to distinguish between incidents that were essentially continuations of pre-1789 disputes or traditions of protest and those that might be deemed genuinely revolutionary. The emulation of specific acts of protest reported from France from the summer of 1789, such as the adoption of French slogans and the wearing of cockades, did not necessarily turn all disturbances in the Reich into anything radically new.

The problem of how to interpret the unrest after 1789 was one that preoccupied the German rulers themselves. From the summer of 1789, the Reichstag deliberated a number of proposals designed to protect the Reich from revolution.[4] In August 1791, a new framework of censorship legislation designed to inhibit the spread of 'democratic principles' was agreed. In February 1793, the Reichstag issued a decree against revolutionary agitators and 'Jacobins'. A proposed ban on all secret societies proved more problematic, for many saw no point in banning the Freemasons and others, or in permanently excluding young student offenders from careers in government. The majority proved content in June 1793 with a ban on secret student societies and powers to rusticate radical students. The fact that the debates were conducted over such a protracted period indicates the lack of any burning sense of urgency. The insistence on the execution of any agreements by individual territories rather than by any central body under the control of the emperor reflects not only the perennial opposition to any extension of imperial authority but also the sense that the disturbances were localized.

The important point is that, while there were many disturbances in Germany, there was never a German revolution. The proximity of local and regional disputes to the revolutionary developments in France often added an additional element of pressure. Some of the disturbances involved individuals who probably really were 'Jacobins'. Most, however, involved traditional actors in traditional-style disputes that were frequently resolved in the usual way by recourse to the Reichskammergericht or the Reichshofrat, by regional mediation or by local arbitration.[5]

The first areas of widespread unrest were in the Rhineland.[6] News of events in Alsace and Strasburg fanned existing discontent in the Austrian County of Ortenau

[2] Neugebauer, *Politischer Wandel*, 157–8.
[3] See pp. 406–7, 426.
[4] For the following, see Härter, *Reichstag*, 287–377.
[5] Wegert, 'Patrimonial rule', 455–64.
[6] For the following, unless otherwise stated, see: Rowe, *Rhineland*, 39–45; Blanning, *Revolution*, 47–58; Reichardt, 'Volksbewegungen', 16–20; Scheel, 'Revolution', 25–32; Julku, *Bewegung*, 254–76.

and in several districts of Baden, where authorities also moved to position cannon to protect the archives at Rastatt, with its legal documents relating to land tenure and territorial jurisdictions. This unrest soon spilled over into the territories of neighbouring Benedictine Imperial Abbeys of Schwarzach and Frauenalb, and to the Strassburg exclave of Renchtal. Further north, there were disturbances in Zweibrücken, the Prince-Bishopric of Speyer, and Nassau-Saarbrücken, as well as in the left bank territories of the Electorates of Mainz and Trier. Further north still, there were disturbances in the lands of the Imperial Abbeys of Stablo and Malmedy, as well as in the Palatine Duchy of Berg and, further away from the frontier regions, in Hessen-Kassel.[7]

The issues at stake in these disputes were rarely new: complaints about the payments of rents or labour services, damage caused by the wild animals protected by the rulers' hunting rights, and arguments over access to woodlands, were typical. In some areas, these perennial sources of friction were exacerbated by a ruler's generosity to the émigrés, who were invariably loathed and resented for the contempt with which they treated the common people. The comment by a Baden subject, that the French nobles treated the Germans 'like negro slaves', would have struck a chord almost anywhere along the Middle and Upper Rhine.[8]

The first wave of unrest had been dealt with by the spring of 1790 at the latest. Small-scale military intervention and local mediation usually provided the solution. In some cases, the disputes lasted longer, as in Nassau-Saarbrücken, where a resolution was only reached in 1792.[9] There and elsewhere, political life continued to be marked by periodic unrest during the 1790s, much as it had done in the previous centuries.

References to 1789 became common in local disputes of all kinds. When the long-running dispute between the peasants of Gesmold in the Prince-Bishopric of Osnabrück with their landlord, the Freiherr von Hammerstein, erupted into violence in the summer of 1794, they demanded 'equality and freedom as in France' and demolished 'the infamous Bastille' that was the prison tower of Hammerstein's castle. Hammerstein himself denounced the whole affair as 'Jacobin conspiracy'. Yet the invocation of 1789 by both sides cannot disguise the fact that this, like most of the conflicts of the 1790s, was an essentially traditional conflict, rather than a new style of revolution.[10]

Parallel to the outbreak of rural disturbances along the entire length of the Rhine from Basle to the Dutch border, a variety of urban conflicts also either continued or broke out afresh.[11] In Electoral Trier, the representatives of Trier and Boppard, where the citizenry had opposed the Electors new forest ordinance in 1786, launched a series of protests against the tax privileges of the nobility at the Landtag

[7] Speitkamp, 'Unruhe'.
[8] Diezinger, *Emigranten*, 89. Saine, *Black Bread*, 66–78, is a good discussion of German attitudes to the émigrés.
[9] Fehrenbach, 'Unruhen'; Ries, *Obrigkeit*, 439–49.
[10] Reichardt, 'Volksbewegungen', 24; Heuvel, 'Politisierung'; Herzig, 'Einfluß'.
[11] Gerteis, 'Konfliktpotential', deals with the cases mentioned here. For Aachen and Cologne, see Julku, *Bewegung*, 62–78.

in 1790 and 1791. The same thing happened in Cologne, where the towns protested at the Landtag of 1790 against the tax privileges of the nobility and the clergy. In Aachen, a long-running conflict between the citizenry and the ruling oligarchy gained a new intensity with the introduction of slogans and symbols from the revolution in France. In both Aachen and Cologne, the formation of political clubs by 1792 was another way in which some Germans appropriated Parisian political practice.

Another variant of urban unrest was the first wave of apprentices' strikes that began in Brunswick on November 1790 and spread to Bremen and Hamburg in June and August 1791, respectively. These kinds of protests continued in other Imperial Cities and territorial towns well into the 1790s.[12] Apprentices' uprisings occurred at Nuremberg in 1794, then in Augsburg, Ulm, Esslingen, and Reutlingen, as well as Stuttgart and Munich. In 1795, there was another wave of discontent in Hamburg, Lübeck, Rostock, Dresden, and Berlin.

Two rural uprisings stand out for their sheer scale. In Saxony, the modernization of estates since the Seven Years War had imposed greater burdens of labour service on the peasantry and had led many landowners to make intensive use of their right to recruit labour from their villages (*Gesindezwangsrecht*).[13] A harvest failure in 1789 followed by a drought in 1790 sparked protests which initially took the form of direct action from May 1790 against the excessive levels of wild game in the Elector's forests. This situation was defused in July, when the Elector ordered his forestry officials to kill large numbers of animals. Violence erupted again at the start of August, and by the end of the month there were some 10,000 rebels. The Elector's authority had completely broken down in many areas, and a force of 2,000 peasants liberated the prisoners incarcerated at Meissen.

The despatch of 5,600 troops to Meissen soon restored order, and by the end of October the last pockets of resistance had been suppressed. The declarations made by the rebels clearly demonstrated their awareness of events in France. Government agents reported that the rebels had told them that 'for a long time they had been inspired by reading newspapers and other publications to believe that what had happened to improve the lot of peasants in other places could well happen in Saxony'. Others were declaring that 'things must be as in France'. At the same time, the peasants clearly believed that the Elector was really on their side and that if he were liberated from his bad advisers he would take up their cause.

These views were clearly expressed in the manifestos written by the Liebstadt cord-maker Christian Benjamin Geissler, who called on the peasants to throw off the 'unbearable yoke of the nobility'. Just as the Parisians had marched to Versailles, so Saxon peasants should fetch Friedrich August III from his castle at Pillnitz and return him to Dresden to restore good government and introduce reforms, including the establishment of a national guard. Numerous rebels echoed Geissler's words, though he himself was arrested before the main uprising began: a doctor

[12] Press, 'Reichsstadt', 23–53, provides an excellent survey.
[13] Wagner, 'Bauernaufstand'; Scheel, 'Revolution', 30–1; Franz, *Geschichte*, 245–7; Stulz and Opitz, *Volksbewegungen*, 43–123.

at Dresden diagnosed a fixation with strange ideas, and in recognition of his patriotism, he was spared prison and simply incarcerated in the lunatic asylum at Torgau for the next fifteen years.

The situation in Saxony was calmed by a reduction in food prices and by government pressure on landowners to reduce labour services and restrict landlords' grazing rights. Even though the nobles rejected these recommendations, the peasantry seemed reassured that the government was willing to promote their welfare as well as threaten them with military action.[14]

Awareness of events in France also played a significant role in the even more extensive Silesian peasant rebellion of 1792–3.[15] The chief minister, Count Karl von Hoym (1739–1807), was convinced that 'dazzling concepts of liberty and equality' had 'put down roots, particularly among the lower classes' as a result of 'reading newspapers and journals'.[16] Equally important was probably the triumph of the reform party in Poland. The abolition of servitude in Poland on 3 May 1791 and the new Polish constitution in the same month seem to have raised hopes for change in Prussia. This exacerbated a situation that had been deteriorating since the 1780s. Weaving villages began to resist landowners' demands for labour services, and a slump in demand for linen cloths in the early 1790s, which threatened to end the long period of growth since the Seven Years War, precipitated a mass movement of alarming proportions from the autumn of 1792.

By the spring of 1793, there may have been as many as 20,000 rebels. Rumours that the French were about to arrive and emancipate all Silesians competed with other views, similar to those in Saxony in 1790, that Frederick William II was sympathetic to the villagers. A first attempt at firm military intervention merely inflamed the situation, but by the summer of 1793 Hoym had restored order again. Wisely, he refrained from reprisals against the rebels as he moved to placate the weavers. The following year, however, rumours that the *Allgemeines Landrecht* would liberate peasants from all obligations generated further unrest, and there were problems in subsequent years as well.

The Silesian rebels of 1793 declared: 'We want kings, but they must help us.'[17] Their protest was directed against the repressive regime of the noble landowners as they responded to market forces, rather than against the system as such. The question whether any rebels anywhere in the Reich wanted a revolutionary transformation of society has aroused much controversy since the 1960s.[18] It now seems clear that the so-called 'German Jacobins' were a small minority who had little popular appeal, and that many of those given that label, either by nervous governments at the time or by progressive historians more recently, were in fact just enthusiastic enlightened reformers. The fate of those who wanted more than

[14] Fehrenbach, *Ancien Régime*, 70.
[15] Franz, *Geschichte*, 247–50; Ziekursch, *Hundert Jahre*, 226–41.
[16] Wehler, *Gesellschaftsgeschichte*, i, 358. See also Neugebauer, 'Preußen', 473–4.
[17] Raumer and Botzenhart, *Deutschland*, 77.
[18] Blanning, 'Jacobins', and, more recently, Schlott, 'Aufklärung', give a good overview. Cottebrune, '*Freiheitsfreunde*', suggests that none of the German radicals were in fact 'Jacobins' in any strict sense.

simply reform of the existing system underlines how marginal they were to the concerns of those who were actually involved in the extensive protests and rebellions in the Reich during the 1790s.

The most notable attempt at a new beginning occurred at Mainz in 1792–3.[19] Two days after General Custine took the town on 21 October, some twenty enthusiasts established the Society of German Friends of Liberty and Equality (the 'club'). By the end of November, it had nearly five hundred members, though that included a group of French officers and others from France and Belgium who had come to Mainz in the wake of Custine's army.[20] The activities of the club were clearly inspired by those of the club at Strassburg, and the Mainz club in turn inspired other smaller clubs at Worms and Speyer.

At first, Custine had been content to manage things through the existing institutions of government, but on 19 November he constituted a new 'municipality' headed by two leading 'clubists', the philosopher Anton Joseph Dorsch (1759–1819) and the scientist and explorer Georg Forster (1754–1794), formerly the Elector's librarian. The situation changed again when the National Convention decreed on 15 December 1792 that all regional commanders should abolish the feudal order and institute democratic constitutions.

The population of Mainz had other ideas. When the guilds were asked what they wished for the future, they demurred and handed the initiative to the merchants. The merchants' spokesman, Daniel Dumont, was unequivocal: invoking the 'first principles of the French Revolution', he proposed that the Mainz way of government be 'returned to its original purity'.[21] While this reflected the wishes of the majority, Custine and the club took their cue from the minority of four hundred artisans (some 17 per cent) who signed a petition calling for a 'complete transformation of the constitution', a wish that was apparently shared by twenty-nine out of forty rural communities in the region. Despite extraordinary publicity and considerable pressure, the elections held in February were a disappointment. In Mainz itself, only 372 voted (8 per cent of those eligible); the results in the rural areas were not much better: of nine hundred communities in the occupied zone, only just over a hundred voted.[22] Membership of the club itself had now dwindled to thirty-six.

The hundred deputies who constituted the Rhenish-German National Convention on 17 March scarcely represented even the 'Mainz nation'. Indeed, Forster, elected vice-president of the convention under the philosopher Andreas Joseph Hofmann (1753–1849), had by then already lost confidence in the Germans' desire for freedom and independence: the Germans, he had written in a letter in December, were not ripe for revolution and not capable of 'constituting themselves'.[23] Three days after the declaration of a free and sovereign republic, it was

[19] Blanning, *Reform*, 267–302; Rowe, *Rhineland*, 61–5; Fehrenbach, *Ancien Régime*, 65–7; Wegert, *Radicals*, 17–41.
[20] Blanning, 'Jacobins', 994.
[21] Fehrenbach *Ancien Régime*, 66–7.
[22] Blanning, *Reform*, 299–300.
[23] Fehrenbach, *Ancien Régime*, 63.

resolved to petition the National Convention in Paris for incorporation into the French Republic. That proved to be a futile gesture: on 14 April 1793, the city was encircled by Austrian and Prussian troops, and on 23 July, the French forces capitulated and withdrew.

Strictly speaking, the Mainz Republic was the third to be declared in the Reich. It had been preceded by the Rauracian Republic declared in the Prince-Bishopric of Basle on 17 December 1792 and by the South Palatine Republic declared in the Zweibrücken exclave of Bergzabern at the end of January 1793. Both were integrated into the French Republic in March 1793, though Austrian forces recaptured Bergzabern in the autumn before France finally occupied it during 1794.[24] In both cases, the initial declaration seems to have been made with genuine support.

Things were rather different in the fourth German republic that was attempted on the left bank of the Rhine, which France occupied more or less completely from the end of 1794.[25] Here, the French initially made do with the existing administrative structures and then improvised as they sought to extract the maximum resources to support their war effort. The majority of the population was soon deeply resentful of the French occupation, but a small minority still believed in the possibility of establishing a 'Cisrhenan Republic' with some 1.3 million inhabitants that would be affiliated to France but independent of it.

The *Cisrhénans* were radicals who had been shocked by the excesses of the Jacobin Terror and who hoped to establish a moderate constitution, rather like the French constitution of 1795, but based on Kantian ethics: they aspired to make the French Revolution moral. By 1797, encouraged by the establishment of the Cispadine Republic in Bologna (1796), the Ligurian Republic in Genoa, and the Cisalpine Republic in Milan, the *Cisrhénans* believed their time had come.[26] Unfortunately for them, however, just as they declared the Cisrhenan Republic in September 1797, the French Directory decided on annexation. As in Mainz, the declaration of independence and sovereignty (13 November 1797) was simultaneously a declaration of affiliation to France. The following year, the region was duly divided into four *départements* (Roer, Rhine-Moselle, Saar, and Donnersberg). By September 1802, the French system of *préfectures*, *arrondissements*, and *mairies* had completely replaced the last vestiges of the traditional governmental structures and the four new *départements* were placed on the same footing as the others in France.

Proximity to France gave options to German enthusiasts for the revolution that were not available elsewhere. In Hamburg and Schleswig-Holstein, most 'Jacobins' were in fact radical journalists. One of the most prominent, Georg Conrad Meyer (1774–1816), editor of the journal *Der neue Mensch* from 1796, was a passionate

[24] Neugebauer-Wölk, 'Reich', 33–7, 39. The Prince-Bishopric was in fact an exclave of the Reich and comprised those parts of the original territory that remained Catholic after the Reformation in the city of Basel and its immediate vicinity. The whole amounted to 1,100 km^2 with some 60,000 inhabitants: Köbler, *Lexikon*, 44–5. Bergzabern was minuscule and did not amount to much more than a very small town and some surrounding villages. See also Rowe, *Rhineland*, 39, 64.

[25] Rowe, *Rhineland*, 65–7; Blanning, *Revolution*, 200–2, 305–7; Biro, *German policy*, ii, 838–907; Wegert, *Radicals*, 42–53.

[26] Neugebauer-Wölk, 'Reich', 41–2.

advocate of reform, a proponent of the equal distribution of wealth in so far as it did not undermine property rights, a critic of despotism, and an admirer of 'Fredrick the unique'.[27]

The Jacobins whose conspiracy was discovered in Vienna in 1794 were also essentially reformists, rather than revolutionaries. They originated in the secret group of propagandists recruited by Leopold II with the aim of promoting his own constitutional reform plans against the opposition of the nobility. After Leopold's death, they found themselves isolated under the increasingly reactionary regime of Francis II and, by 1794, they had ideas of attempting a *coup d'état* by means of a general uprising of the people. The ringleaders of roughly eighty conspirators were the Hungarian Ignaz Martinovics (1755–1795), the Viennese mathematician Andreas Riedel (1748–1837), and the Bohemian Franz Hebenstreit, (1747–1795), of whom Martinovics and Hebenstreit were sentenced to death when the plot was exposed. Riedel was sentenced to sixty years' hard labour.[28]

After 1795, the focus of radical activity moved to south Germany, where several plans to create a republic originated between 1796 and 1800.[29] In 1796, there were schemes for a south German republic launched at Basle and for a Franconian republic of nobles (Imperial Knights) that would be free of Austrian or Prussian influence. In 1797, there was an attempt to radicalize the Württemberg Landtag and another plan to incite a peasant uprising in Baden that would destroy the Rastatt peace conference and lead to the proclamation of a republic. In 1798, the foundation of the Helvetic Republic inspired a plan for an affiliated south German counterpart.

Finally, in 1800, a Jacobin club in Munich issued a declaration, dated '1 August in the last year of the German enslavement', that demanded the self-determination for the Bavarian people, following rumours that the new Elector Maximilian IV Joseph (r. 1799–1825, as king from December 1805) might be willing to cede his territory to Austria in exchange for land elsewhere. Six months previously, however, Napoleon had declared as First Consul that the revolution was finished: a new republic in Bavaria was of no interest at all to Paris. The idea of a Bavarian republic was in any case more a manifestation of Bavarian patriotism, a desire to preserve the independence of Bavaria from Austria, than of revolutionary thinking. The leader of the movement, Joseph Utzschneider (1763–1840), soon emerged as a pillar of the establishment of the new Kingdom of Bavaria: successively as head of the state debt department, a mayor of Munich, and director of the Munich polytechnic high school.[30]

All of the south German republican schemes were essentially responses by small groups of individuals with no popular support to the ever more desperate military

[27] Grab, *Strömungen*, 38–131, 239–46; Grab, *Jakobiner*; Fehrenbach, *Ancien Régime*, 65.
[28] Wangermann, *Jacobin trials*, 82–117, 133–52, 166–7.
[29] Neugebauer-Wölk, 'Reich', 43–50; Neugebauer-Wölk, 'Verfassungsideen', 77; Scheel, *Jakobiner*, 229–41, 291–352, 589–697; Fehrenbach, *Ancien Régime*, 65, 68–9; Wegert, *Radicals*, 54–74.
[30] Fehrenbach, *Ancien Régime*, 69; Press, 'Bayern und die Französische Revolution', 203–6; *ADB*, xxxix, 420–40.

situation. Above all, they largely lacked the ideological impetus that inspired the various Jacobin groups before 1795.

It is tempting to dismiss the German Jacobins as marginal figures. Yet, if they failed to move the masses, they certainly played a significant role in the formation of public opinion generally during the early 1790s. Indeed, in the context of these debates the term 'Jakobiner' came to assume a very fluid meaning that did not simply denote an affiliation with the French Jacobins or with Robespierre. In general, it was a pejorative term employed by the conservative press to describe any enthusiast for social change or anyone suspected of being a rabble-rouser. By about 1795, the term had assumed a much wider meaning still and could even be synonymous with words such as '*Aufklärer*'.[31]

[31] Saine, *Black Bread*, 282–90.

63

Reverberations of the French Revolution in the Reich: Intellectuals

The response of educated Germans to the French Revolution has often been presented as a purely intellectual matter. Some take it as evidence of the political impotence of the German intelligentsia or as evidence for the unpolitical nature of German thought in the late eighteenth century. Others have associated the responses of German writers to the events in France with a reaction against the *Aufklärung* and its ideals, and with the early stages of a national awakening that rejected both France and the Reich in favour of a new vision of a nation state constituted by the *Volk*.

The reasoning behind such approaches has varied. A long tradition of interpretation privileged a number of supposedly distinctive German intellectual and cultural developments around 1800. These allegedly created a new sense of German identity in the late eighteenth century: the 'invention' of historicism by Herder and others, the literature of the *Goethezeit*, and the works generated by what was termed the 'German Movement' of the period 1770–1830.[1] Parallel to this was a more radical tradition that followed Heine and Marx in viewing the German equivalent of the French Revolution in philosophy, in particular in the development of what Heine termed the 'elective affinity' of the French Revolution, reflected in the development of German philosophy from Kant to Hegel.[2]

Since 1945, the preoccupation with the concept of a German *Sonderweg* has often highlighted the 1790s as a decade in which opposition to France and its revolution fostered anti-rationalism, a rejection of politics and a flight into art, especially literature. Against this, historians in the GDR and their, generally Marxist, counterparts in the West tried to emphasize the political activism of the German 'Jacobins'. Some historians routinely inflated their numbers to include virtually anyone who viewed the French Revolution sympathetically and placed them at the heart of what was claimed to have been a popular movement brutally destroyed by the forces of reaction.

The evidence does not support these arguments. Unrest in the Reich was undoubtedly widespread, but the 'Jacobins' did not lead it. German intellectuals interpreted events in France through the lens of their own social and political attitudes. Some did begin to reject the *Aufklärung*, or at least to question what now

[1] Oergel, *Culture*, 2–3; Gretz, *Bewegung*. See also pp. 449–51.
[2] Eberle and Stammen, *Revolution*, 27; Mah, *Phantasies*, 167–80.

seemed to be some of its simplistic assumptions, but most did not. There was a widespread disquiet at the increasing violence of the French Revolution and revulsion and dismay at the execution of Louis XVI in January 1793, but that did not generally trigger either an abandonment of *Aufklärung* ideals or a withdrawal from politics. Some now sought to engage in the leading issues of the day in different ways that they believed would genuinely contribute to the realization of the ideals they continued to associate with 1789.

After 1792, the war also complicated German reactions to the revolution, and this fed into a wide-ranging debate about peace from 1794. In the second half of the 1790s, the discussion of peace and of the principles of 1789 broadened out into a series of reflections on culture and identity. These final debates of the century sought to make sense of the revolution as a formative historical experience that gave the Germans a unique position on the cusp of modernity. The lessons of revolution and the experience of war generated a new and more confident sense of identity. Many historians have identified this as the first stirring of a new kind of German nationalism, but the sense of German mission that emerged in the later 1790s was conceived within the framework of the Reich.

There was no single debate, but rather a whole series of reactions and discussions that interacted and evolved under the impact of unfolding events. Different groups reacted in different ways at different times. Generalizations about German responses as a whole are often made difficult by the widely differing and changing responses of individuals. Those who remained consistent in their views from the outset were the exception. Goethe, for example, never wavered in his opposition to the revolution and in his scathing views of the Parisian revolutionaries. He abhorred violence and doubted the ability of the masses to shape their own destiny. Yet he too was absorbed by events in France from the outset. He did not abandon his Enlightenment convictions and, perhaps more consistently than any other writer, he sought to make sense of and encapsulate the revolution in literary form.[3]

The cases of two others who came to be remembered as having been among the most ferocious German critics of the French Revolution illustrate a more common pattern of changing responses. Friedrich von Gentz (1764–1832) was an early enthusiast, and in 1790 he was prompted by indignation at essays in the *Berlinische Monatsschrift* that seemed to disparage the natural rights of man to write his first book, *Ueber den Ursprung und die obersten Prinzipien des Rechts* ('The Origin and the Higher Principles of Right'). Yet, by the spring of 1791, he began to have doubts about the growing violence in Paris and the signs of the failure of the constitutional party. Reading Edmund Burke's *Reflections on the Revolution in France* (1790) sowed further uncertainty in his mind; by the end of 1792, Gentz was one of the most eloquent and passionate opponents of the revolution, and remained so for the rest of his life.[4]

[3] Gooch, *Germany*, 174–207; Saine, *Black Bread*, 1–3, 380–91; Boyle, *Goethe*, i, 590–1, and ii, 179, 315, 330, 487, 499, 759; Kerry, *Enlightenment thought, passim*.

[4] Gooch, *Germany*, 91–103. Gentz's book was published in 1791, just as views were changing.

Joseph Görres (1776–1848), a native of Coblenz, rapidly identified Paris as the New Jerusalem, and he wanted nothing more passionately than the affiliation of the Rhineland with the French Republic. Like many of his inclination, he believed that the synthesis of French politics and German morality would lead humanity to a new dawn. As he wrote in his *Der allgemeine Friede, Ein Ideal* ('The Universal Peace: An Ideal') of 1789: 'the French phlogiston, cemented with the German oxide, will produce a philosophical king such as the world has not yet seen; and who, like the philosopher's stone, will prolong eternally the existence of the nation who possesses him'.[5] Görres's experience of French occupation and, above all, of the annexation of the Rhineland led to a change of heart. By the end of the decade, he was denouncing the nation that had 'vomited onto us the dregs of the age, and. . . . trampled on right and justice with iron foot'.[6]

In the early 1790s, the 'Jakobiner' formed part of a broad spectrum of German views that were sympathetic to the revolution. The general perception that reform could solve the problems of the French monarchy generated a sense of optimism about the prospect of a peaceful progression towards a new form of enlightened society. Information about the unfolding events in Paris quickly came to the Reich via newspapers and journals, and especially in the form of the detailed reports sent home by German intellectuals who travelled to Paris to witness the events at first hand. Prominent among these were Joachim Heinrich Campe, Alexander and Wilhelm von Humboldt, Konrad Engelbert Oelsner, and Friedrich Christian Laukhard. The most influential of these early 'revolutionary tourists' was probably Campe, whose collected reports on the revolution appeared as *Briefe aus Paris zur Zeit der Revolution geschrieben* ('Letters from Paris Written at the Time of the Revolution') in 1790. As Campe put it, he was privileged to be witness to a great drama that was of profound significance for the whole world.[7]

German journals such as *A. L. Schlözer's Staats-Anzeigen* ('A.L. Schlözer's News of State') to 1793 or, from 1792, *Minerva—Ein Journal historischen und politischen Inhalts* ('Minerva—A Journal with Historical and Political Content'), as well as the *Berlinische Monatsschrift*, the *Teutscher Merkur*, and many others, also commented in detail on the situation.[8] Positive reports outweighed any critical views, for the first few years at least. Even in anticipation of the real crisis in France, Schlözer expressed the tenor of future commentary. 'Public affairs here make a pleasant spectacle', he reported in January 1789, 'in France, mankind is about to harvest the sweetest fruits of philosophy; the nation is about to reclaim its natural rights; the *opinion publique* has already reclaimed them.'[9]

Within a short time, the resonance of these events among German intellectuals was evident. The news from France prompted the formation of political clubs, the adoption of symbols of the revolution, as well as endless private discussion. In Hamburg, for example, the merchant Georg Heinrich Sieveking organized a party at his country residence to celebrate the first anniversary of the storming of the

[5] Kemiläinen, *Auffassungen*, 60–1; Gooch, *Germany*, 482–7.
[6] Gooch, *Germany*, 485.
[7] Eberle and Stammen, *Revolution*, 20.
[8] Kemiläinen, *Auffassungen*, 52.
[9] Eberle and Stammen, *Revolution*, 40.

Bastille on 14 July 1790. There was dancing around a tree of liberty; all the women wore tricolour sashes; Klopstock recited two odes to freedom; the assembled company resolved to form a club to meet on the 14th of every month thereafter.[10] This particular event was widely reported in the press, not least because of the presence of Klopstock, previously a critic of France, but now one of the most prominent literary eulogists of the revolution.

Others celebrated and debated in less well-publicized ways. The impact on university students, often inspired by the enthusiasm of their teachers, seems to have been particularly marked, and university authorities throughout the Reich found themselves faced with unrest and exuberant demonstrations of pro-revolutionary sentiment during the early 1790s.[11] The barbers of the university towns were early victims of this enthusiasm as students abandoned wigs, and hence ceased daily shaving, allowing their hair to grow freely in the new Parisian style.[12]

Schlözer summed up early German responses to the situation in France when he asked in September 1789: 'And which philanthropist will not find that very nice? One of the greatest nations in the world, the first in general culture, finally throws off the yoke of tyranny that it has endured in a tragic-comic way for one and a half centuries—without a doubt God's angels in heaven have sung a *Te Deum laudamus* to that.'[13] German observers appreciated the spectacle of great orators such as Mirabeau addressing the National Assembly on matters that seemed to concern the ultimate destiny of mankind. They saw the National Assembly resolving to sever the chains of feudalism in an extraordinary series of decrees on 4 August 1789.

The theatre of the Paris revolution provided enthralling and edifying entertainment, but few German observers saw any need to emulate the performance at home. Some of the flattering remarks made about their rulers by writers who proceeded, in the next breath, to eulogize the revolution were no doubt intended to pre-empt punishment by the authorities. Even Klopstock, as his host at the party on 14 July 1790 noted, did not intend to publish the odes to freedom he read on that occasion, 'for they are strong meat, and there are still despots at large'.[14]

Most educated Germans, however, were predisposed to a positive view by the intellectual and social attitudes they had developed before 1789. What they saw unfolding in France in the first instance was a heady reform programme driven by the principles of justice and right and based upon the ideal of freedom. They recognized this as a version of the kind of developmental process of renewal that leading *Aufklärer* had been writing about over previous decades.

Kant was the leading exponent of that kind of theory around 1789, and it was fortuitous but highly significant for the formation of public opinion that his critical philosophy began to make its breakthrough in the late 1780s.[15] His ideas were

[10] Gooch, *Germany*, 435–6.
[11] Kuhn and Schweigard, *Freiheit*, 430–8.
[12] Riethmüller, *Anfänge*, 157.
[13] Kemiläinen, *Auffassungen*, 52–3.
[14] Gooch, *Germany*, 122. The practice of self-censorship is emphasized by Kuhn and Schweigard, *Freiheit*, 5–6.
[15] See pp. 463–4, 476.

taught and discussed at a variety of Protestant and Catholic universities, and even where they were resisted, students began to take an interest in them. By 1795, the French diplomat Karl Friedrich Reinhard (1761–1837) could note that 'follower of Kant's philosophy' and 'friend of freedom' had become synonyms.[16] What Kant's supporters recognized in his critiques and his more accessible essays was a comprehensive philosophy of freedom. Kant offered an analysis of human nature and society, an account of how mankind was already well on the way to achieving its self-liberation, a set of rational principles upon which a moral life in society could be based. Among enthusiastic students, Kant's categorical imperative, the precept that one should always behave according to principles that one might wish to see accepted as general laws for mankind as a whole, became something of a mantra.[17]

Kant neither recognized the right to resistance nor at any stage approved of the intervention of the mob in the revolutionary process. To the end, his version of republicanism meant a wise monarchy that gradually increased the engagement of its citizens in legislation but did not prematurely enfranchise the mass of subjects. If there was an ultimate end in which human society had no need of government because all human beings behaved according to the moral law, it was so remote that its only relevance to the present was as a means of orientation and as something that might encourage both rulers and subjects to behave as if it was a possible outcome.

Kant never disavowed his interest in France or his conviction that 1789 had been an event of world-historical significance. Despite the tightening censorship in Prussia, he reaffirmed his fundamental belief in liberty and his sympathy with the moral principles of the revolution in 1793 in his essay on *Religion within the Limits of Pure Reason*. Moreover, while he deplored the execution of Louis XVI as an unforgivable crime and abhorred the violence of the Jacobin tyranny of 1793–4, his essay *On Perpetual Peace* in 1795 reiterated his optimism for mankind as a whole. In *The Conflict of the Faculties* in 1798, Kant again defended the revolution despite all of its errors. 'This revolution of a spirited and ingenious people . . . might succeed or fail', he wrote, '. . . it might be so filled with misery and atrocities' that any right-thinking man would hesitate to conduct such an experiment again, but 'this revolution still evokes in the minds of all observers (who are not themselves involved in this spectacle) a desire to participate that borders on enthusiasm and whose expression itself was fraught with danger and whose cause can thus only be a moral predisposition in mankind.'[18]

Others did waver, or turned into outright opponents, or developed in new directions that left Kant and his system behind. For the majority, the events in Paris during 1792 and 1793 were decisive. If the declaration of war had little impact at first, the storming of the Tuileries, the September massacres, the trial of

[16] Kuhn and Schweigard, *Freiheit*, 68. Reinhard was born in Württemberg and had studied philosophy at Tübingen; following an appointment as a tutor at Bordeaux 1787–91, he became a protégé of Sièyes and spent the rest of his career in the French diplomatic service: *ADB*, xxviii, 44–63. He made a number of attempts to popularize Kant's ideas in France in the 1790s.

[17] Kuhn and Schweigard, *Freiheit*, 74–5.

[18] Eberle and Stammen, *Revolution*, 13.

the king in December 1792, and his execution in January 1793, marked a descent into violence and lawlessness and the abandonment of the ideals of 1789. These reactions became even stronger in response to reports of the Jacobin Terror in 1793–4.

As the events of 1789 receded, the debate became richer and more diversified. A minority of enthusiastic activists remained faithful to the French cause, and the years 1792–5 saw the peak of 'Jacobin' writing in Germany.[19] In particular, there was a modest revival of more radical democratic writing in 1794–5, and the authors of such works were now no longer immediately associated with constant news of revolutionary atrocities.[20]

The majority, however, began to distinguish between the ideals of 1789 and the grim reality of revolutionary Paris. The idea gained ground that these events would not invalidate the revolution as a whole. Even Wilhelm von Humboldt, who criticized the constitution of 1791 because it was an empty rational construct imposed upon the people, commented in a letter on 9 November 1792 that the 'truths of the French Revolution remain eternal truths, even if twelve hundred fools desecrate them'.[21] Humboldt himself was in many ways typical of those who saw progress through 'culture and enlightenment' as infinitely preferable to the deployment of the 'drawn sword'.[22] For a while, the debate focused on diagnoses of what had gone wrong in France and on attempts to place the revolution in historical context. After the coup against Robespierre in July 1794 and establishment of the Directory in 1795, many German commentators perceived a return to the original moderate constitutionalism of the early phase, which restored France to a kind of normality.[23]

Alongside the development of attitudes that were either enthusiastically pro-revolutionary or broadly positive to developments in France from 1789, outright opposition also emerged quite early. Some were quick to blame violence and anarchic destruction of institutions of authority on the ideals that others valued so highly. In doing so, they often identified the *Aufklärung* itself as the root of all current problems. 'The philosopher devises systems,' wrote Friedrich Gentz in 1793, 'the rabble makes murderous weapons out of them.'[24] Others began to denounce the 'delusion that a people might be able to keep its sovereignty in its own hands and exercise it itself' and spoke of the 'plague', the 'mania' or the 'madness' of *Aufklärung*.[25] In 1795, the Prussian officer Karl Friedrich von dem Knesebeck referred aptly in the title of a pamphlet to the 'war in public opinion' and to the 'crusades' of the eighteenth century.[26] The war of words and ideas in the

[19] Stammen and Eberle, *Deutschland*, 23.
[20] Eberle and Stammen, *Revolution*, 43–4.
[21] Kemiläinen, *Auffassungen*, 54; Sauter, *Humboldt*, 324.
[22] Humboldt, *Limits*, 11.
[23] Pelzer, *Wiederkehr*, 319–26.
[24] Klippel, 'Aufklärung', 210.
[25] Klippel, 'Aufklärung'; Voss, 'Aufklärungsdiskussion', 237–8.
[26] Eberle and Stammen, *Revolution*, 35. The publication was anonymous, and the place of publication was wittily given as 'Palestine': *Etwas über den Krieg in der öffentlichen Meinung. Ein Wort zur Beherzigung bei den Kreuzzügen des achtzehnten Jahrhunderts* (Palästina, 1795).

polemical battles of the 1790s saw the crystallization of political positions and attitudes that were to shape the politics of the nineteenth century.[27]

The flow of publications continued unabated. In addition to newspapers and journals, a mass of translations of French pamphlets and commentaries kept the German public up to date. Over 2,000 works were translated between 1789 and 1799; some 1,100 texts were distributed from Leipzig between 1794 and 1798.[28] Some 70 per cent of what was translated represented the moderate or Girondin position, which was the most congenial to the German reformist mentality.[29] The subject matter changed as the reverses of 1794 created new perspectives. Direct commentaries on French politics were replaced by analyses of the implications of the 'failures' of the years 1792–4 and by historical analyses of the whole process since 1789. Then, the literature devoted to the theme of peace between 1795 and 1802 once more polarized opinion between moderate republican, radical democratic, and conservative writers, and changed the framework of discussion.[30]

Now some younger writers began to abandon Kant's ideas and to formulate vision of a new or higher enlightenment. Wilhelm von Humboldt, for example, rejected both old-style *Aufklärer* and Kant. In response to the rationalist experiment in France and the conservative response to it in Prussia, Humboldt developed a more radical, vitalist version of the development of the individual. The state, he concluded, needed to change its mission from one of control to one of liberation and the promotion of sensual beings. Like other German contemporaries, Humboldt wished to limit the state to providing security, which he defined as the 'certainty of lawful freedom'.[31]

Developments in Jena and Tübingen from the early 1790s also generated radical visions of what the state might be or do. Fichte started out by trying to complete Kant's system and ended up rejecting it as inadequate. Like Humboldt, Fichte repudiated the machine-like and controlling state and insisted on man's essential freedom.[32] In Tübingen, the young Hölderlin, Schelling, and Hegel were also inspired first of all by a radical version of Kant's teaching delivered to them by Immanuel Carl Diez, remembered by one of their contemporaries as 'this Kantian *enragé*'.[33] Subsequent interaction with Fichte and others in Jena led them to develop their own notion of *Aufklärung* in the so-called 'Oldest Systematic Programme of German Idealism' of 1797, probably written by Hegel.[34] This too renounced the traditional state, especially the 'machine state' of the *Aufklärung*. Talk of 'perpetual peace', it argued, missed the real point that one should promote

[27] The themes are set out in the classic works by: Valjavec, *Entstehung*; Epstein, *Genesis*; Aris, *Political Thought*; and, more recently, Beiser, *Enlightenment*.
[28] Demel, *Reich*, 302. See also Reichardt, 'Probleme'.
[29] Pelzer, *Wiederkehr*, 323.
[30] Dietze, 'Friedensdiskussion' 512–15.
[31] Sauter, *Humboldt*, 184–91, 316, 347; Beiser, *Enlightenment*, 111–37. See also pp. 448, 532.
[32] La Vopa, *Fichte*, 312–13, and 'Revelatory moment'; La Vopa, 'Revelatory moment', *passim*.
[33] Henrich, *Grundlegung*, 891; Nauen, *Revolution*, viii, 1–7, 23–4, 46–9.
[34] Beiser, *Writings*, 3–5.

the ultimate liberation of mankind; the world needed a 'new mythology of reason', and (true) philosophy must inform the lives of all humans.

The Tübingen students criticized Schiller and the icons of Weimar thought for their neglect of the collective dimension of community.[35] Yet Schiller too constructed out of his reading of Kant an answer to the great issues of the day. Far from being unpolitical, Schiller's political engagement was continuous and led to his publication of his *Über die ästhetische Erziehung des Menschen in einer Reihe von Briefen* ('Letters on the Aesthetic Education of Man', 1795). Schiller's announcement of the journal *Die Horen* ('The Graces'), in which the letters first appeared, spoke of a desire to escape the 'all-pursuing demon of criticism of the state'.[36] His *Letters* were nonetheless a 'profession of political faith': an attempt to look beyond the immediate turmoil of French politics and the war to reveal the ultimate significance of what was unfolding in Europe as a whole.[37]

Schiller had no wish to take sides with any particular party of the moment but sought, drawing on history for the past and philosophy for the future, to elucidate the principles upon which the improvement of mankind's condition depended. From the outset, Schiller had sensed that the French Revolution fostered barbarism in a way that the Dutch and the American revolutions had not. His views in 1795 were fully consistent with the political sentiments that had suffused his writing since the 1780s. On the one hand, he had always focused on the abuses of a social system, rather than the system itself. Reforms or improvements made by liberal monarchs had always seemed more desirable than change brought about by revolution. The task, as Schiller set it out in the *Letters*, was to recognize that 'physical society in time must never for a moment cease to exist while moral society as Idea is in the process of being formed'. The 'living clockwork of the state must be repaired while it is still striking', but ultimate freedom is achieved through beauty. His vision was a more individualist one that that of the young Idealists, but it was every bit as engaged in the key political issues of the day.

In their various ways, all of these programmes had a common theme. First, they represented extensions of the *Aufklärung*, often rejecting the pedantic *Aufklärung* of the 1770s and 1780s, but nonetheless seeking to develop further the *Aufklärung* by means of an 'enlightenment of the Enlightenment'. Second, their perception that the French Revolution had failed in some senses, but that its ideals remained valid nonetheless, generated a conviction that the ultimate liberation of mankind was predicated on a prior revolution of the human spirit. Only if we can begin to think in a better way, it was suggested, can we be truly free; any general emancipation before that happens, as the French had amply demonstrated, merely leads to violence and anarchy.[38] Political freedom was not true freedom. Civil freedom

[35] Chytry, *State*, 69.
[36] Stammen and Eberle, *Deutschland*, 21.
[37] Schiller, *Aesthetic Education*, xv–xx (the magisterial introduction by E. M. Wilkinson and L. A. Willoughby); High, *Rebellionskonzept*, *passim*; Schmidt, 'Liberty'. By contrast, Schiller's latest biographer emphasizes once more Schiller's alleged self-imposed abstinence from political, and national, pronouncements: Alt, 'Aufklärung', 229, and Alt, *Schiller*, *passim*.
[38] The theme is explored by Vierhaus, 'Revolutionizing', esp. 561–73.

combined with education, whether aesthetic or philosophical, would lead mankind in the right direction. This, it was argued, was not merely the German equivalent of the political revolution of the French, but ultimately a more important revolution for the future of mankind.

After about 1794–5, the discussion of an alternative German path to freedom fed into a new debate about German identity. Events in France generally prompted Germans to look again at their own country; the war with France brought about a revival of patriotism; the Peace of Basle (1795), the Peace of Campo Formio (1797), the Rastatt Congress (1798), and the Peace of Lunéville (1801) all prompted further reflection on the situation of Germany and the Germans in Europe.

Sympathizers with the revolution, such as Wieland, turned their pride in the absence of the need for a revolution in Germany into a passionate defence of the Reich, of the 'German liberty' that it encapsulated, and of the rich and diverse culture that its decentralized structures fostered.[39] As early as 1792, Herder had felt a new sense of optimism following the election of Francis II: 'Why should France concerns us?', he asked, 'For we Germans now have a new ruler, the garland and pinnacle of the best constitution.'[40] Two years later, Carl Friedrich Häberlin noted that among the many good effects of the French Revolution on Germany was that the 'German has begun to care more than usually about the constitution of his fatherland'.[41] In 1795, Wieland declared: 'The present constitution of the German Reich, despite its undeniable shortcomings and failings, is on the whole endlessly more conducive to the inner peace and welfare of the nation and more appropriate to its character and to the level of culture upon which it rests.'[42]

This patriotic revival prompted a new round of reflection on the relationship between France and Germany in cultural terms as well. While in previous generations Germans had felt obliged to conclude that Germany lagged behind France, the new consensus was that the relationship was now reversed.[43] The arguments used to justify this view are found in the works of writers as disparate as Herder and Schiller, or Novalis and Hölderlin, or the brothers August Wilhelm and Friedrich Schlegel and Fichte. The Germans had struck the first blow for true freedom in the Reformation. If they had appeared to lag behind in cultural terms, they had spent the time learning from all the other nations, from whom they had always taken the very best. Consequently, they were now poised to lead the world into the modern era.

Where the French had failed, it was argued, the Germans would succeed, for their culture and philosophy qualified them for true freedom. German writers now invoked the fundamentally Protestant precept of inner spiritual renewal or rebirth, which had inspired so many reform movements over the previous three centuries, at

[39] Sahmland, *Wieland*, 177–89. See also Gooch, *Germany*, 142–60.
[40] Dreitzel, 'Konzepte', 277.
[41] Schindling, 'Osnabrück', 221.
[42] Aretin, *Altes Reich*, iii, 297.
[43] For the following, see Kemiläinen, *Auffassungen*, 83–273; Oergel, *Culture*, *passim*; Whaley, 'Thinking', 61–3.

the inception of another general reformation. This was what Heine would later describe as the second or philosophical revolution that followed the first or theological revolution, which in turn would pave the way to the third and final revolution. In making sense of the French Revolution and placing it in world-historical context, German intellectuals discovered themselves as the true progenitors of modernity.

What, if anything, did this have to do with the Reich? Many commentators have followed Meinecke in arguing that the new thinking started from the assumption that the Reich was all but dead by the 1790s and outlined the contours of a new cosmopolitan *Kulturnation* of the Germans.[44] Others have seen in these writings the first stirrings of a new German nationalism that was the German response to the crisis of the *ancien régime* and that exploded in the uprising against French hegemony after 1806. In fact, the Reich, or some version of it, played a key role in most of the theories of German cultural leadership. The Reich, after all, had shaped the unique development of German culture and thought. It is perhaps significant, too, that most of these ideas were formulated in the Protestant heartlands, which also happened to be the neutral peace zone between 1795 and 1806, the area which avoided the war that ravaged the south, and where ideas of continuity seemed more realistic. Significantly, also, one of the key themes of the debate was that the German contribution to modernity would be quite unlike the overtly nationalistic cultural leadership of France over the last one-and-a-half centuries: the nation had become redundant, many Germans argued, as mankind advanced towards a truly universal human identity.[45]

These distinctly non-nationalist ideas of the past and present functions of the Reich and of the potential of the Germans as the teachers of mankind informed the work that is often taken as the starting point of modern German nationalism, Fichte's *Reden an die deutsche Nation* ('Addresses to the German Nation') of 1807–8.[46] Later generations interpreted Fichte, along with others who had participated in the identity debate around 1800, as prophets of a glorious new national future. In reality, Fichte's ideas related to the context of the Reich as it had developed since the Middle Ages and as it continued to define the present in which he lived.

[44] Meinecke's ideas and their reception are discussed by Schmidt, 'Meineckes Kulturnation'.
[45] Oergel, *Culture*, 5, 152, 282, 288.
[46] Kemiläinen, *Auffassungen*, 195–207; Oergel, *Culture*, 136–52; Reiß, *Fichtes 'Reden'*, 143–68; See von See, *Freiheit*, 18–25; Whaley, 'Transformation', 175–8; Whaley, 'Thinking', 68–70.

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Schemes for the Reform of the Reich in the 1790s

In the preface to the first volume of his *Handbuch des Teutschen Staatsrechts* ('Handbook of German Public Law'), published in 1794, Professor Carl Friedrich Häberlin (1756–1808) of Helmstedt wrote that he should be included among the 'eulogists of our constitution . . . for I really believe and am still fully convinced that our constitution is one of the best'.[1] Häberlin's was not an isolated view. Alongside patriotic poets and those who engaged in debate about the identity and cultural mission of the Germans, the academic experts in imperial law continued through the 1790s to write prolifically on the imperial constitution and the possibility of its reform. Their efforts were complemented by a host of others, both anonymous authors and names that otherwise left little mark on history, who contributed a mass of books, pamphlets, and articles to every conceivable aspect of the Reich.

In view of the end that came so suddenly in 1806, the persistence of writing about the Reich is perhaps surprising. Debate and controversy bubbled up continuously in print, as it had done for much of the previous two centuries. If the end was really inevitable, and obvious as early as many subsequent historians have argued, these energies might well be judged misplaced. In fact, these final debates reveal much about the evolution of attitudes to the Reich and its institutions, and about the perceived need for its reform. They reveal, above all, how much many people believed that the Reich would survive in some form, or rather could not conceive of a situation in which the Reich, or something very much like it, did not exist.

These perceptions were based not simply on an exaggerated respect for tradition, but also on a positive view of the future. They also related to real events: imperial elections, the problems of defence after 1792, and the hopes and plans for a general peace settlement after 1794–5. At another level, of course, it seems clear that an increasing number of governments, Vienna and Berlin foremost among them, were determined to acquire territory as compensation for what they had lost to France or spent on the war. Yet the implementation of those ambitions needed a trigger. Both Vienna and Berlin still hesitated to see themselves ostracized as destroyers of the Reich. The fact that Berlin had withdrawn from the war in 1795, and had ensured that her clients in north Germany were able to do the same, clearly undermined the

[1] Stolleis, *Öffentliches Recht*, i, 319. The first two volumes appeared in 1794; a third followed in 1797.

unity of the Reich, but it did not destroy it. Within the northern 'peace zone' Prussia still played by the old rules, and not only for fear of France. That only changed in 1801, following the repeated military success of France and as Napoleon embraced the policy defined in 1797 of destroying the Reich by excluding Austria and Prussia from it.

Contemporary commentators were not blind to the dangers that faced the Reich. In 1786, Johann Stefan Pütter wrote that every honest German should be concerned at the crisis that had shaken the Reich over recent decades and be concerned about its future.[2] The unity of the Reich, he said, was visible only at the imperial court in Vienna, at the Reichstag in Regensburg, and at the Reichskammergericht in Wetzlar. Friedrich Carl von Moser believed that the Reich was under threat after the second partition of Poland in 1793: 'Once Poland has been fully partitioned, we'll be next on the menu.'[3] The man who had pleaded so eloquently for the development of a new national spirit in 1765 now saw little point in trying to improve things: over the next hundred years, the small and the weak would perish; then perhaps the Reich itself would sink. Yet such anxieties were outweighed by the views of those who still thought of a future for the Reich. They continued to make proposals for reform. Frequently they focused particularly on the 'Third Germany', but Prussia and Austria invariably remained part of the equation. In 1802, Pütter expressed a common view when he wrote that, despite the many changes that had occurred in the 1790s, he remained convinced that the constitutional law of the Reich would remain the unshakable foundation for the future development of the Germans.[4]

That was very much the assumption of those who wrote the leading academic handbooks after 1790. Pütter himself continued to write prolifically, but his thinking in the 1790s did not develop beyond the normative descriptive framework that he had developed by the 1780s. Now Carl Friedrich Häberlin set out to give an account of the Reich based on the 'rights of man and the dignity of sound reason'.[5] Essentially, he followed Pütter's doctrine that the Reich was 'a polity composed of several particular states which, however, still together make a single state', but he sought to endow it with the spirit of the new revolutionary philosophy. His leitmotif was that the Reich protected the weak from oppression and that the system of checks and balances enshrined in the relationship between the emperor and the princes was ideally suited to assure the main functions of a state, which were to preserve life, honour, and property.

The Reich, Häberlin argued, was founded on the twin foundations of the social contract and popular sovereignty. The polity had come into being by the mutual agreement of an original unequal society of families and communities that had submitted to a higher authority for the promotion of the welfare of all concerned. This contract had generated the fundamental laws that defined the structure of the

[2] Walter, *Zusammenbruch*, 33.
[3] Burgdorf, *Reichskonstitution*, 343; Gagliardo, *Reich*, 139–40.
[4] Walter, *Zusammenbruch*, 33.
[5] For the following, see Gross, *Empire*, 455–64 (here p. 458).

Reich and the relationship between emperor and princes. The latter were limited in their powers, for they were part of the larger state and therefore obliged by its rules. If they transgressed, there were clear remedies. Both princes and their subjects had the right to appeal to the emperor and the higher courts. The emperor's powers predated those of the princes, though the sovereignty he exercised was ultimately not his personally, but owned by the nation. The emperor exercised sovereign rights during his lifetime, but he was essentially merely their custodian, and he exercised those rights on behalf of the people or the nation.

Like Moser and Pütter before him, Häberlin did not wish to take sides for any particular party. Yet his view of the Reich implicitly supported the imperial position: he believed that a strong monarch recognized by all as the supreme authority was essential for the Reich. At the same time, the fundamental laws of the Reich limited the power of the crown and decreed that ordinary legislation was the product of agreement between emperor and Estates. The most important elements in the system were the higher courts, for they alone ensured that the rights of both minor rulers and of subjects were respected. Hence he argued that no territory should be given exemption from the high courts of the Reich.

Ultimately, Häberlin aimed to show how reform of the Reich might secure for the Germans all the advantages of the French Revolution without the violence and suffering. Once people realized the true character of the Reich's constitution, he believed, they might throw themselves into the cause of its reform. The same view inspired the numerous other contributors to the reform debates of the 1790s.

The elections of Leopold II in 1790 and Francis II in 1792 prompted the first debate.[6] On each occasion, there was extensive discussion of the rights of the Imperial Vicars during an interregnum, of the need to reform the Imperial Electoral Capitulation, and of the candidates themselves. The literature generated by these issues renewed the themes raised during the Fürstenbund period. The numerous publications invoked the full range of familiar arguments, from views about the nature of the German monarchy (the pro-imperial party) to assertions of the paramount need to preserve German liberty (the party of the Estates). Significantly, writers on all sides of the debate tried to show that their particular argument reflected the true interests and views of the inhabitants of the Reich. Without explicit reference to the events unfolding at the same time in France, participants in the German debate about the future of the Reich now appealed more directly than ever before to public opinion.[7]

At root, the debates about the elections of 1790 and 1792 concerned the power of the monarchy and the position of the Habsburgs in the Reich.[8] The claims made by the Electors of the Palatinate-Bavaria and Saxony to exercise authority as Imperial Vicars during an interregnum were opposed both by the Elector of Mainz as Archchancellor and by the imperial party. The technical question of whether the Reichstag could remain in session without an emperor and whether the Vicars could exercise monarchical powers by ratifying decrees merged with the

[6] Burgdorf, *Reichskonstitution*, 352–83; Gagliardo, *Reich*, 103–4.
[7] Burgdorf, *Reichskonstitution*, 383. [8] See also pp. 427–8.

wider issue of whether the powers of the monarchy should be limited further. The discussion of who should be emperor generated arguments for the Wittelsbachs and the Saxon Wettins as potential imperial dynasties. This proved that the Habsburgs could no longer take the crown for granted.[9] In fact, however, there was no plausible alternative to the house of Habsburg-Lorraine either in 1790 or in 1792.

Given the inevitable brevity of an interregnum and the lack of a realistic non-Habsburg option, the important issue was the imperial electoral capitulation. This prompted a renewal of the old discussion about the advisability of a Perpetual Capitulation.[10] Such a document had been drafted in 1711 but not agreed, though it was incorporated into the capitulations for Charles VI (1711), Charles VII (1742), and Francis I (1745). The underlying problem, which frustrated any attempt to reach a conclusion, was the desire of the Electors to retain their power to draw up the capitulations and the claim by the princes that they were entitled to participate. These traditional obstacles to agreement now came into play again. On the other hand, the existing form of the capitulations was criticized publicly as never before.

While leading experts such as Häberlin continued to emphasize the fundamental significance of this 'quintessence of all laws of the Reich', its language, organization, and coherence all came under fire. Many now demanded an entirely new constitutional law that would clearly define the powers of the emperor and the rights of both territorial rulers and subjects. They applied to the electoral capitulation the same standards that were being set in the legal codes of the territories. The aim was to rationalize, streamline, and modernize the traditional system, with many authors arguing that the executive powers of the emperor needed to be strengthened in order to ensure the effective management of the Reich.[11] Discussion of a reform of the electoral capitulation continued for several years. Through the whole discussion, the view that the capitulation was the quintessential constitutional law gained force from the avid discussion in Germany of the French and Polish constitutions of 1791 and the French constitutions of 1793 and 1795. In this respect, too, German commentators were fully in touch with recent developments elsewhere and capable of thinking of their own institutions in the most modern terms.

All the various reform proposals failed. They served, however, to intensify further public interest in the constitution of the Reich in the early 1790s. This became a deliberate objective in a remarkable prize essay competition announced by the Churfürstlich-Mayntzische Gesellschaft oder Academie nützlicher Wissenschaften (Electoral Mainz Academy of Useful Sciences) at Erfurt in April 1792.[12] The instigator was Carl Theodor von Dalberg, stadtholder in the Mainz exclave of Erfurt since 1771 and Coadjutor Bishop with the right of succession to the Elector of Mainz since 1787. The question he set was, how the German people might be best instructed to appreciate the advantages of their constitution and warned of the

[9] Burgdorf, *Reichskonstitution*, 444–51; Gagliardo, *Reich*, 104–8.
[10] See also pp. 54, 126–7, 372–3.
[11] Burgdorf, *Reichskonstitution*, 384–43; Gagliardo, *Reich*, 108–11.
[12] Burgdorf, *Reichskonstitution*, 452–74.

dangers to which 'exaggerated notions of inappropriate freedom and ideal equality' might lead. Four supplementary questions asked about education and censorship, the correct definition and extent of 'civil freedom', and the best way of implementing any changes proposed without 'conspicuous coercion'.

The Academy did not select an outright winner from among the twenty-three responses received, but it singled out some for special praise and subsequent publication in excerpts. These all emphasized the need for governments to pursue enlightened policies. Pastors should be reminded of their role as teachers of the people; natural law should be taught so as to make clear the dangers of both the tyranny and despotism of rulers and the intemperateness of the masses; territorial Estates should be retained, but the people should be allowed to participate in government. Several respondents emphasized the need for what one described as a 'German, short and comprehensible law book', a proposal that in turn contributed to the lively discussion throughout the 1790s of the need for a new legal code for the Reich.[13] Civil freedom was defined as the freedom to enjoy rights and property under the protection of the state. Finally, several respondents underlined the need for the Germans to become more engaged in their constitution and active in its reform. One argued that 'Germany was not a common fatherland', and 'outside of the compendia of constitutional law, no longer a single state!' Despite the danger of its partition between Austria and Prussia, the Reich, he argued, was simply a passive spectator in the war between those two powers and France, no more moved than if it were an argument about the 'well-being and rights of California'.[14]

Such hyperbole, combined with a strong criticism of the Reich, was clearly unwelcome to the Academy: this was one of two responses that remained unpublished. The author himself put his response out as a pamphlet nonetheless, no doubt as a contribution to the debate about whether the Reich should join the war against France.

By March 1793, the Reich joined the war. Soon, however, key aspects of the Reich's performance in the war prompted new reform proposals, while the demonstration of its weakness in the second half of the decade contributed to numerous further pleas for a general reform. Overall, and despite the obvious difficulties of the war and the division of the Reich by the peace line from 1795, the performance of the Reich's key institutions was remarkably good. The Reichstag debated the issues effectively, refused to allow itself to be pushed into war on terms that it did not approve, and made clear its desire for peace. At the same time, it reached measured conclusions on steps to combat the ideological threat posed to the Reich and its territories by revolutionary ideas.

Proposals for a reform of the military system of the Reich failed.[15] These aimed to improve collective security and create a more effective Reichsarmee, which

[13] Burgdorf, *Reichskonstitution*, 460; Schöler, *Rechtseinheit*, 11–45.
[14] Burgdorf, *Reichskonstitution*, 465.
[15] Härter, *Reichstag*, 403–38; Wilson, *German armies*, 309–21; Gagliardo, *Reich*, 35–9. See also pp. 21, 54–5.

almost inevitably meant giving more power to the emperor and his commanders. This in turn aroused the traditional suspicions of the territories against the crown. Carl Theodor von Dalberg's appeal to the Reichstag in March 1797 to commission the Archduke Karl to lead a *levée en masse* against the French was a futile plea born of sheer desperation. The princes would never have accepted an Austrian archduke as a Roman-style dictator or as the George Washington of the Reich, as Dalberg suggested.[16] After all, it had never even proved possible to undertake a comprehensive revision of the *Matrikel* of 1521, which still listed the liabilities of territories that had ceased to exist and took no account of the fluctuations in the power and wealth of others. The military system with which the Reich faced the French in the 1790s remained that which had been agreed under Leopold I in 1681.

Military reform proved impossible because it meant major constitutional reform. Yet over the years 1792–9, the Reichstag voted unprecedented sums towards the cost of the war. The notional total was just over 19 million gulden. Given that Austria and Prussia paid their own costs directly (and Prussia paid nothing from 1795), that the occupied territories could not pay at all, and that the notional sum was inflated by the fact that the lists of liable territories were quite inaccurate, the actual yield of 6.3 million gulden (33 per cent) was quite impressive.[17] Most of this was paid by the south German territories, though Hamburg, Lübeck, and Goslar continued to contribute, as did the Prince-Bishops of Münster, Paderborn, and Hildesheim.[18]

The task of raising these payments fell to the Kreise, especially those that remained in the war continuously, namely the Franconian, Swabian, and Bavarian Kreise.[19] These had been the most active throughout the eighteenth century, and they remained active now. The Swabian Kreis ceased to play much of a role from the end of the decade, though it was only formally dissolved in 1809. The Franconian Kreis assembly was in permanent session from 1791 and was dissolved in 1806. The Bavarian Kreis assembly last met in 1793, but the Kreis continued to function by correspondence until it was effectively suspended by French occupation in 1800 and terminated in 1803.

The Upper Rhine Kreis also survived and was merged with the much-reduced Electoral Rhine Kreis in 1803. Some level of Kreis activity also continued further north. In the Lower Rhine Kreis the last assembly was in 1793, though business was still conducted by correspondence. In the Lower Saxon Kreis, meetings short of a full and formal assembly continued through the 1790s; and even in the Upper Saxon Kreis the small regional bureaucracy fulfilled useful functions of information dissemination and regional policy co-ordination through the 1790s.

Although no formal association of Kreise was agreed, the war drew some regions together at various stages. In the south, the Kreise of the Electoral Rhine, Swabia,

[16] Burgdorf, *Reichskonstitution*, 473–4 (fn. 112).
[17] Hartmann, 'Reichskreise', 315–19.
[18] Aretin, *Altes Reich*, iii, 456.
[19] For the following, see Dotzauer, *Reichskreise*, 79, 137–8, 175–77, 247, 292, 330–1, 379; Hartmann, *Bayerischer Reichskreis*, 485–7; Müller, *Entwicklung*, 298–304. See also pp. 433–6.

Franconia, and Austria and, further north, those of the Upper Rhine, the Electoral Rhine, the Lower Rhine, and Lower Saxony participated in the Hildesheim Congresses of 1796–97, which sought to establish a defence system for the neutral zone that did not deliver them wholly into the hands of Prussia.[20] No Kreis was capable of defending itself alone, and even a new Kreis association could not have withstood the force of French arms; ultimately, all of the Kreise were overwhelmed by the military situation.

The Kreise received relatively little attention in the legal literature of the Reich in the eighteenth century, and historians have not reached a final judgement on their role in this period.[21] On the other hand, the continuing activity of at least some Kreise through the 1790s makes it easy to understand why almost all of the projects for the reform of the Reich started from the assumption that these regional organizations were of fundamental significance.

The other key feature of the Reich included in virtually every reform proposal was a central court of justice. Almost all commentators emphasized that the Reichshofrat in Vienna and the Reichskammergericht in Wetzlar represented the best features of the Reich.[22] Häberlin described them as the 'palladium of German civil freedom'. Both continued to function until 1806 and, remarkably, the war did not impede them much. In the case of the Reichskammergericht, French recognition of the neutrality of Wetzlar and its high court and, later, a Franco-Russian guarantee made continued operations possible.[23] Raising contributions from the territories for the Reichskammergericht (the *Kammerzieler*) was another function of the Kreise, as was organizing the nomination of judges. The usually sluggish payment of this contribution in fact became more prompt during the 1790s, and Prussia, which had refused to pay anything under Frederick II and which accounted for just over half of the total money owing in 1785, not only paid its accumulated debt but also continued to pay punctually under Frederick William II (r. 1786–97).[24]

There is no indication that the Reichskammergericht lost its respected role during the 1790s, and its caseload actually increased in the years after 1800. It also seems that, following the reforms of the 1770s, the court was able to deal with cases relatively speedily. The same appears to have been true of the Reichshofrat in Vienna, though much less is known about its final years. The value of the work of the two high courts was one of the few things upon which almost all commentators agreed.

Häberlin and most reformers proceeded from the assumption that the Reich would survive. Another strand of reform thinking, by contrast, concluded that the Reich had ceased to function effectively after the Peace of Basle in 1795 and that the Treaty of Campo Formio in 1797 paralysed it. Three commentators, in particular, now envisaged a radical restructuring of the Reich; two of them would

[20] Aretin, *Altes Reich*, iii, 455–6.
[21] Weber, 'Reichskreise', 69–70.
[22] Aretin, *Heiliges Römisches Reich*, i, 102–3; Härter, 'Unruhen'; Walter, *Zusammenbruch*, 16–20.
[23] Hahn, *Wetzlar*, 179–80, 215–16.
[24] Hartmann, 'Reichskreise', 311–13.

have turned it into a republic. Their plans differ from the various schemes of the German 'Jacobins' in that they did not simply translate the French republican model on to German soil: each proceeded from an analysis of the failure of the Reich to construct a new polity on its foundations that used many elements of the traditional system.

The *Grundlinien zu einer allgemeinen deutschen Republik, gezeichnet von einem Märtyrer der Wahrheit* ('Outline of a General German Republic, sketched by a martyr to the truth'), probably written by Wilhelm Traugott Krug and published in Altona in 1797, started from the assumption that Prussia had withdrawn from the Reich in 1795.[25] Austria too should now withdraw. The seven remaining Kreise should reconstitute themselves as a pacifist republic, to which France would, of course, be willing to return the left bank of the Rhine. The German people would demand the return of their original freedom by appealing to the princes to release them from their 'slavery'; this would not entail a revolution, since the 'voice of reason' would surely prevail. Once again free, the citizens in their Kreise would elect representatives to a national convention, which, Krug suggested, should be located at Erfurt. The aim of the constitution should be to secure the rights, persons, and property of the citizens. The most likely form of government would be a group of directors who would be elected and serve for no more than four or five years each. All able-bodied citizens would be enlisted in a militia that should be subject to civil authority; its functions would be purely defensive, for the republic would not wage war. Following the argument of Kant's essay *Zum ewigen Frieden* ('On Perpetual Peace',1795), Krug suggested that war would in any case become less frequent as the 'spirit of commerce' took hold among all nations and all saw the advantage of cultivating peaceful relations with their neighbours.

The anonymous author of *Teutschlands neue Konstituzion* ('Germany's New Constitution'), published at Frankfurt and Leipzig in 1797, saw more merit in the existing constitution of the Reich, but criticized the powerful princes for having undermined it.[26] Recent events had demonstrated that the Reich had ceased to function as a state. What the author had in mind was a restoration of what he took to be the original freedom of the Germans in an elective monarchy. The Reich was to be reinvigorated by the new understanding of freedom achieved by the *Aufklärung* and the French Revolution. Since, however, the Germans were fundamentally concerned with the preservation of their property rights and feared violent upheaval above all else, they would eschew the revolutionary way of the French. They would construct a new constitution appropriate to their own 'way of thinking, morals, opinions, sensibilities'.

The reform of the Reich would naturally entail reform of the territories. This author, too, believed that the nobility might be persuaded to give up their rights, just as the French nobility had done on 4 and 5 August 1789. 'Once all human beings, all citizens are enlightened about the true nature of human nobility', he

[25] The text is printed in Dippel, *Anfänge*, 114–46. See also: Gagliardo, *Reich*, 173–5; Neugebauer-Wölk, 'Verfassungsideen', 72–7.

[26] Dippel, *Anfänge*, 147–76; Neugebauer-Wölk, 'Verfassungsideen', 73–5.

wrote, 'the counts, barons and nobles will freely lay their patents of nobility and family trees on the altar of the fatherland.' Attempts by rulers to avert the coming storm by moderating their despotic principles were futile. It was in their self-interest to participate in the general reform that was now required. Without being specific, this author followed Krug in suggesting that the Reich should become smaller. Only those capable of existing in such a limited elective monarchy should remain; the Reich should only be as large as was required to sustain its independence; its emperor should be endowed with income and power sufficient to ensure that he had a real interest in its welfare. By implication, large territories attached to monarchies with interests outside the Reich should be excluded, which again effectively meant a new Reich without Austria and Prussia.

Similar themes ran through the three-volume *Kritik der Regierungsform des Deutschen Reiches* ('Critique of the German Imperial Constitution', 1796–8).[27] Probably written by someone involved in either imperial or, more likely, territorial administration, this started out as a detailed exposé of the current constitution of the Reich and of its military system. By the third volume, however, the author had become convinced of the necessity of a republican renewal of the Reich. This did not mean the introduction of a republic but rather the republicanization, in the Kantian sense, of its institutions: the separation of the legislative, executive, and judicial powers of the state. Indeed, the final proposal went beyond Kant, since it envisaged that the executive would be democratically legitimated.

The fundamental problem of the German system, the author of the *Kritik* believed, was that it had become a 'pantocracy', in which too many people exercised authority in a chaotic manner. The remedy was to eliminate the governmental and legislative role of the territories. Their sole residual function would be to act as electoral districts, whose citizens would elect the members of a 'legislative Areopagus'. The only privilege remaining to the princes would be that the representatives of the people would elect an emperor from among their number. He would in effect be a democratically legitimated president, the sole representative of an executive tied to the laws made by the legislature and endowed with a veto limited strictly to measures that threatened the equality and freedom of the citizens.

A single supreme court would take precedence over all others in the Reich. An army under the emperor's command would ensure enforcement of its judgments and obedience to the laws made by the legislature. The main task of the government would be to foster economic activity: the removal of internal customs barriers would create a free market; land owned by princes and nobles would be redistributed to the peasantry. Following the ideas of Adam Smith, the author emphasized that the market regulated itself. On the other hand, he envisaged creating a naval force on the Baltic and North Sea coasts to protect the export trade against other powers. He concluded with an appeal to the German princes to withdraw from politics and to submit to the legislation of a Reichstag composed of the elected representatives of the people.

[27] Burgdorf, *Reichskonstitution*, 475–501; Gagliardo, *Reich*, 175–83.

That was, of course, utterly inconceivable. It is unknown what, if any, influence either the *Kritik* or the two reform essays of 1797 had. Certainly, none of them was acted upon, and none of them seems to have been remembered by the early nineteenth-century constitutional movement.[28] They are, however, testimony to the richness and breadth of the political debate in Germany in the 1790s. They demonstrate that ideas of reforming the Reich could be linked both with the nation and with republican principles that drew on indigenous German traditions. They envisaged an evolutionary reform of the Reich that modernized it while retaining some of its essential characteristics. Drawing on Montesquieu and Kant, rather than Robespierre and the French Republic, they proposed reconstructing the polity on the foundations of popular sovereignty, the separation of powers, and an independent legislature and judiciary. Ancient German liberty was to become the new German freedom. The rapidly changing military and political situation ensured that such ideas soon ceased to have any direct political relevance. Later, however, the vocabulary of German liberty that they modernized shaped the thinking of those who campaigned for constitutional reform from the 1820s.

In fact, the only reform issue that did make progress during the 1790s was the idea of secularizing the ecclesiastical territories. Significantly, this had little to do with any patriotic concern for the renewal or preservation of the Reich. On the contrary, as many commentators pointed out, the disappearance of these territories might well threaten its very survival.

Ever since the first wave of secularizations in the Reformation, the remaining ecclesiastical territories had been under threat. The Peace of Westphalia had barred any further secularizations, but Charles VII's proposal to secularize the Reichskirche to fund his ill-fated imperial regime revived the issue. By the late eighteenth century, three developments had seriously weakened the position of the Reichskirche.[29]

First, enlightened thinking increasingly criticized the very existence of these territories as relics of a medieval past.[30] Second, the espousal by the ecclesiastical Electors of Febronianism, with its aspirations to secure the rights of a German national church against the authority of Rome, ironically both alienated the papacy and brought the archbishops into conflict with the major secular rulers.[31] Third, Gallican ideas also inspired secular rulers, notably Joseph II and the Elector of Bavaria, to seek to transform the Church in their territories into a territorial church similar to the system that existed in the Protestant territories. This brought them into conflict with the Electors, who as archbishops claimed ecclesiastical authority over the bishoprics outside the territories they actually ruled themselves.[32]

After a protracted political campaign, the archbishops did finally succeed in having their rights affirmed and the authority of the nuncios limited in Francis II's

[28] Dippel, *Anfänge*, 31.
[29] For a detailed account of these developments, see Aretin, *Heiliges Römisches Reich*, i, 375–435. See also pp. 376–7.
[30] Gagliardo, *Reich*, 197–205.
[31] See pp. 422–3.
[32] See pp. 420–2.

electoral capitulation in 1792. It was, however, a pyrrhic victory. The archbishops were powerless to prevent the secular rulers from gradually extending their authority over the Church in their territories. Moreover, their political triumph finally lost them any sympathy they might have had in Rome, which now saw the archbishops' continuing existence as princes of the Reich as the real obstacle to papal authority over the German Church. The papacy's own crisis in 1798, when the French drove Pius VI out of Rome and deposed him, made little difference for by then it was well known that the papacy no longer supported the Reichskirche anyway.

Even if it wanted to, it is doubtful whether the papacy could have saved the Reichskirche, for events after 1789 encouraged new thoughts of secularization. The confiscation of rights and jurisdictions by France and then the annexation of actual territories immediately raised the issue of how those who had lost out should be compensated.[33] This became the subject of a protracted debate conducted in pamphlets, in the press, in the political correspondence within and between the territories, and at the Reichstag. Some asked why compensation should be considered at all; others hoped for the return of the left bank lands, either following military action or negotiation with France. Some argued that it was unfair that the ecclesiastical territories alone should have to bear the cost of compensation; others suggested that they were the ideal victims since they were but relics of the past anyway. Those who defended the ecclesiastical territories pointed out the advantages that they conferred on their subjects, or insisted on the continuing validity of their legal and constitutional rights, or warned that the absorption of these states by their secular neighbours would destroy the Reich itself. This was the view taken by Hanover and Saxony. These Protestant territories consistently opposed secularization, not out of respect for the Catholic Church but because they feared the aggrandizement of Prussia, Austria, and the Palatinate-Bavaria. Prussia, by contrast, was consistently in favour of secularization throughout, while Austria favoured a limited secularization that would preserve the three ecclesiastical Electors.

Events dictated the outcome. By the end of the decade, it was clear that the left bank had been lost for the foreseeable future and the principle of some degree of secularization had been enshrined in various peace agreements and accepted by the congress of Rastatt in April 1798. In February 1801, the Peace of Lunéville then reaffirmed what had been agreed at Rastatt. Following the renewed defeat of Austria, there was no option but to proceed with this major reform of the Reich.[34]

How realistic was it at the end of the 1790s to think that the Reich might still have a future? The failure of all reform proposals except the one effectively imposed on the Reich by external forces has often been taken as evidence that the system was simply doomed. The loss of the left bank also allegedly proved that the Reich was clearly incapable of defending its territory. Certainly, many contemporaries saw this loss as a serious blow and worried more than ever about the future. The annexation of the left bank inspired Joseph Görres to write his famous obituary, which was read out to the

[33] Gagliardo, *Reich*, 206–21. [34] See pp. 623–35.

Patriotic Society at Koblenz on 7 January 1798. 'On 30 December 1797', Görres wrote, 'on the day of the transfer of Mainz, at 3 in the afternoon, the Holy Roman Empire, supported by the sacraments, passed away peacefully at Regensburg at the ripe old age of 955 years, five months and twenty-eight days, in consequence of senile debility and an apoplectic stroke . . . his tendency to a sedentary life, combined with zeal for religion, undermined his health . . . he kept himself unstained by the *Aufklärung*, and bequeathed the left bank of the Rhine to the French Republic.'[35]

Görres's much-quoted words should perhaps not be taken too seriously: he was only twenty-one when he wrote them, three years before he disavowed his admiration for France and recanted his republican views. More serious are the words written on the same day to one of the deputies at Rastatt, Franz Xaver von Zwack: 'It is obvious to anyone that the old structure of the German imperial constitution is on the verge of collapse and that a new structure, or a total repair that would amount to the same thing, is inevitable.'[36] Like many others, this commentator, whose name is not known, combined a sense of anxiety and crisis with a sense that something new would emerge, if only because it was inconceivable to think that there would be nothing at all.

Even in Vienna and Berlin, where in the mid-1790s politicians had questioned the utility and future of the Reich, the realization gained ground that it was not easy to think of a structure that might replace the Reich.[37] Though some had little respect for it, and many feared that it might now collapse, the Reich still seemed to be an indispensable way of organizing the German territories. Equally, many remained convinced that the Reichskammergericht was a vital safeguard of the rights and liberties of the Germans.[38] That made the question of its restructuring after 1801 all the more important.

[35] Gooch, *Germany*, 516. [36] Mader, *Priester*, 24.
[37] Aretin, *Heiliges Römisches Reich*, i, 367–71. [38] Mader, *Reichskammergericht*, 12–15.

65

The Peace of Lunéville (1801) and the *Reichsdeputationshauptschluss* (1803)

'May the Peace of Lunéville become what the Peace of Westphalia failed to become.'[1] This remarkable wish, expressed by the lawyer Christian Daniel in 1802, places the peace treaty of the previous year in a perspective that few historians of the Reich have shared. To view the Peace as a new beginning, as the prelude to a new era of the Reich's history that might prove more durable than that inaugurated by the Peace of Westphalia in 1648, seems perverse in view of the fact that it only lasted for another four years.

Yet Daniel's view was quite typical of the optimistic mood of many of his contemporaries. The years after 1801, generally characterized by historians as years of inexorable decline, inspired a prolific body of writing about the Reich and its future. Like their predecessors, the leading academic commentators of these years aimed to describe the Reich and to document the changes forced upon it from 1801, and, like others before them, they continued to interpret the system in terms of the latest legal and political thinking. The spirit of Johann Jakob Moser and Johann Stephan Pütter lived on in these works. Nevertheless, events forced the writers of the years after 1800 to do more than just describe and inventorize. Many of them argued forcefully for further reform and, in doing so, they revived or refined the proposals made during the Fürstenbund debate of the 1780s, aiming to retain Austria and Prussia in the Reich while preserving the independence of the Third Germany, the mass of the medium and small territories in between.[2]

The Peace of Lunéville contained the outlines of a new framework. It finally conceded the loss of the left bank of the Rhine; those who lost land there would receive compensation elsewhere in the Reich; the Grand Duke of Tuscany and the Duke of Modena would also receive compensation in the Reich for the loss of their lands in Italy. The treaty did not spell out exactly how the Reich was to be reorganized, though it was obvious that a major reform was required to ensure that the old balance of emperor and Reich and the traditional functions of the higher courts of justice were replicated in the new order.

At the same time, most commentators were adamant that one should resist any attempt to turn the Reich into a federation. In varying combinations, a number of

[1] Cited by Aretin, *Heiliges Römisches Reich*, i, 453.

[2] For brief surveys, see Stolleis, *Öffentliches Recht*, ii, 53–7; Grzeszick, *Reich*, 120–35; Walter, *Zusammenbruch*, 35–42; Gagliardo, *Reich*, 242–64.

common themes predominated: the old constitution of the Reich must be adjusted to the new circumstances, but it must continue at all costs; the imperial courts must be reconfigured and their financial basis secured; the rights of subjects, now frequently defined as a *Reichsbürgerrecht* (citizens' rights) or *Reichsbürgerschaft* (citizenship), must be guaranteed. Nikolaus Thaddeus Gönner (1764–1827) even employed Rousseau's terminology to suggest that ultimate sovereignty resided in the people and that the emperor represented the general will, albeit limited by the Estates of the Reich. Others insisted on the reconstitution of the Kreise, or pleaded that Austria and Prussia should unite to revive the Reich. Count Julius von Soden (1754–1831), for example, proposed seven Kreise, one each formed by Austria and Prussia, plus five others that would form a 'league of Kreise' with an assembly at Erfurt, in which all members of the five would be represented.[3] Professor Johann Reitemeier (1755–1839) of Frankfurt an der Oder suggested a reorganization of the Reich based on a smaller number of enlarged territories that would incorporate all the best elements of the Swiss, Dutch, and American federations.[4]

If some commentators recognized that the Reich had ceased to function as a state, they almost invariably made proposals designed to ensure that it continued as a state again. Most were acutely aware of the tension that had developed between the desire of the larger territories for independence and the traditional hierarchical feudal structure of the Reich. Yet, again and again, the works of commentators such as Theodor von Schmalz (1760–1831), Adam Christian Gaspari (1752–1830), or Gönner emphasized that the Reich was not a federation but, as Gaspari put it, a 'unified monarchical state, limited by the participation of the Estates'.[5] Gaspari and others were adamant that the territories remained subordinate to the Reich, and that the emperor had a duty to enforce imperial legislation, particularly in so far as it concerned individual rights.

A rare exception to this general drift was the Wittenberg professor Karl Salomo Zachariä (1769–1843), who argued in 1800 and 1804 that the Reich had become a league of independent states, for whose rulers the authority of the emperor now meant little. Yet even Zachariä wished to see the Reich strengthened as a federal union of the German lands, rather than allow its division into two or three discrete unions or disintegrate into a mass of competing entities.[6]

The academic debate continued to the end. The last textbook of German public law, by Andreas Joseph Schnaubert (1750–1825) of Jena, appeared in 1806. Schnaubert even incorporated the Peace of Pressburg (Bratislava) of 1805, arguing that the 'sovereignty' it accorded to Baden, Württemberg, and Bavaria was no

[3] Gagliardo, *Reich*, 250–2; Grzeszick, *Reich*, 123; Borck, *Reichskreis*, 188–9. Both Gagliardo and Grzeszick identify this author as Karl von Soden (1783–1858); it is, however, unlikely that Count Julius's nineteen-year-old son, whose subsequent career was as a Bavarian senior forestry superintendent, would have written on a subject on which his father was a nationally recognized expert. See: Hanke, *Bürger*, 76; *ADB*, xxxiv, 533.

[4] Grzeszick, *Reich*, 125.

[5] Grzeszick, *Reich*, 131. On Gönner, see also Gross, *Empire*, 465–75.

[6] Grzeszick, *Reich*, 133–5.

different from what had been accorded to Austria and Prussia long ago. Fundamentally, he insisted, even this development did not detract from the fact that the Reich was a state whose citizens constituted the 'nation' and enjoyed rights enshrined in imperial law.[7]

These writings have often been dismissed as irrelevant, proof of the collective myopia of their authors in the face of the terminal crisis of the Reich, which should have been glaringly obvious to them. In fact, however, they seem to reflect a broad spectrum of the public opinion of their time. There was agreement that the Reich had changed since the mid-1790s. Some emphasized Prussia's withdrawal from the war against France in 1795 as the turning point; others pointed to the implications of the Rastatt congress and the issue of compensation that was due to be resolved following the Peace of Lunéville. There was agreement that there was a future for Germany, and almost all contemporaries still thought in terms of the Reich, the framework in which the Germans had lived as a nation for nearly a thousand years.

It was unclear what that meant in detail. For most, the Reich meant the system that had developed over the last three centuries since the Reformation. That was certainly the case with Hegel's reflections on the German constitution, started in 1799 shortly after the Rastatt congress and then abandoned in 1802, and not published until after his death. 'Germany is no longer a state', he wrote, for the Reich could no longer prevail over internal opposition or defend itself against external enemies. Yet that did not lead him to conclude that the laws of the Reich were no longer valid. On the contrary, he went on to formulate proposals for reform. He envisaged a new military constitution to create a single army and he wished to transform the college of Imperial Cities into a body of representatives of the citizens of the Reich to complement the Colleges of Electors and Princes, which he wished to retain. The reform of the Reich, Hegel believed, would be successful only under the rule of a strong emperor, for which, at this stage in his development, he looked invariably to the Habsburgs.[8]

Other contemporaries, who shared Hegel's critique of the 'machine state' of absolutism, now began to think in terms of a new version of the medieval Reich, a highly idealized vision of a unified Christian universal empire, which they saw as the antithesis to both the rationalist absolutist state and the ideals of the French Revolution.[9] By 1807 Friedrich Schlegel, for example, wanted to combine the medieval and religious traditions of the Reich with the renewal by the Habsburgs of the empire of Charles V, a grand European confederation under Austrian leadership.[10]

In the years of Napoleonic ascendancy some came to envisage a Napoleonic reform of the Reich, generally on the lines of the Confederation of the Rhine which in fact emerged in 1806, either retaining the basic characteristics and traditions of the Reich or founded afresh on French constitutional principles.[11] Others again,

[7] Stolleis, *Öffentliches Recht*, ii, 56.
[8] Pape, 'Revolution', 57–8, 79–80; Walter, *Zusammenbruch*, 43–4; Pöggeler, 'Hegels Option'; Hegel, *Political writings*, xii–xiv, 6, 98–101.
[9] Pape, 'Revolution', 76.
[10] Pape, 'Revolution', 78.
[11] Pape, 'Revolution', 62–74; Pape, 'Karlskult', 150–61.

such as Duke Carl August of Weimar and his advisers in 1804, placed their hopes in Russia, a guarantor power of the Reich since 1779, and hoped that Alexander I might lead a new version of the Fürstenbund to save the Reich from both Napoleon and the two leading German powers, Austria and Prussia.[12]

The situation was fluid and uncertain. Every year, indeed virtually every month or week, seemed to bring dramatic new developments that changed perspectives, whose implications needed to be assessed and digested, that closed down some options and opened up others. The greatest source of uncertainty was Napoleon himself. What were his true objectives? Would any coalition be able to defeat him? Would a single victory by Austria achieve a better settlement for Germany and the Reich? Napoleon's aims evolved. In May 1797, he had written that if the Reich did not exist one would have to invent it. By 1806, he had resolved to destroy it.[13] In between, he toyed with various plans for the division of Germany and the creation of three German empires (Austrian, Prussian, and Middle German).

It sometimes suited Austrian officials to spread rumours about Napoleon's alleged secret ambitions in the Reich, but the fact was that they knew no more than anyone else did. German perceptions of Napoleon's aims were pure guesswork. That was partly because he and his foreign minister, Talleyrand, gave out different signals: in 1805, for example, Talleyrand wanted to forge a new Franco-Austrian alliance that would once more establish a balance of powers in Europe; Napoleon, by contrast, aimed to extend French influence to the south-east and to establish French hegemony in Central Europe.[14] Though in retrospect Napoleon's ambitions seem clear, many in the Reich believed that he really did want to become Holy Roman Emperor himself, to establish himself as the new Charlemagne. He himself seemed to give credence to this by an ostentatious visit to Aachen, where he received Francis II's ambassador, and to Mainz, where he met Dalberg and presided over a gathering of German princes in September 1804, before his coronation as emperor of France in Paris in December.[15] There is, however, in fact no evidence to suggest that Napoleon wanted anything other than to destroy the Reich and to replace it with a loose alliance of sovereign states excluding Austria and Prussia.

It was characteristic of the fluidity of these years that many observers frequently revised their assessment of the situation, variously backing the Reich, Austria or Russia, Napoleon, then Prussia, as events seemed to drift first in one direction, then in another. For many rulers, the result was a state of neurotic anxiety and chronic indecision. Wilhelm IX/I of Hessen-Kassel (r. 1785–1821, from 1803 as Elector Wilhelm I) spent much of the crucial month of June 1806 in tears. Maximilian IV/I of Bavaria (r. 1799–1825, from 1806 as king) prevaricated for so long about joining the Confederation of the Rhine that his ambassador ended up committing Bavaria, only to find that the king had changed his mind a few days earlier.[16] Both rulers were

[12] Pape, 'Revolution', 74–6.
[13] Kraus, *Ende*, 55.
[14] Bernstein, *Balance*, 58–63.
[15] Pape, 'Karlskult', 146–8.
[16] Kittstein, *Politik*, 317; Mader, *Priester*, 133–7. For an account of similar prevarication in Waldeck, see Murk, *Reichsterritorium*, 139–58.

driven to distraction by the question of whether to join Napoleon or remain loyal to the Reich, unable to decide where the future lay.

In these last years, all rulers, from Francis II in Vienna to the lowliest Imperial Knight in Swabia or Franconia, naturally sought to achieve the best for their dynasties and for their territories. For many, the territory ultimately took precedence over the Reich. The sense of belonging, both in the past and for the future, to a larger German polity remained strong and few abandoned it lightly. Yet the flow of events, driven by Napoleon's continuing military superiority, continually raised questions about the Reich's ability to survive.

The Peace of Lunéville was both an opportunity and a threat, since any major restructuring of the Reich was fraught with danger.[17] The changes now required were infinitely more extensive than those negotiated at Osnabrück in 1648. The loss of the left bank of the Rhine and the prospect of secularizing the ecclesiastical territories to compensate rulers who had lost territories there was bad enough. The need to find territory in the Reich to compensate the Grand Duke of Tuscany and the Duke of Modena for the loss of their lands in Italy further increased the pressure, and created a potential issue about the increase of Austria power since they were both Habsburgs. It was also implicit in the general provision of the Peace of Lunéville that the terms of the Treaty of Campo Formio would now be implemented and that the Reich would have to find a territory to compensate the house of Orange for the loss of the hereditary stadtholdership of the Netherlands (Article 8 of the supplementary secret treaty).

The Lunéville treaty said nothing about how all this was to be done. Nor did it specify exactly what secularization would entail: technically, the term implied the abrogation of a ruler's status as an Imperial Estate and his subjection, together with his land and people ('Land und Leute'), to the rule of another. There was no official mention of any secularization of property—that is, the transfer of ownership of ecclesiastical property. The treaty explicitly stated that the Grand Duke of Tuscany should be permitted time to sell his properties in Tuscany; no such provision was made for any German ruler who might now lose his territory. At the same time, the treaty left open a number of possibilities by stating that the compensation was to be found by the Reich 'collectively', which implied that all Imperial Estates should contribute to the process. There was no reference to the constitutional implications of this major territorial reorganization involving a change in the number of Electors and princes.

It was noted that the formula for compensation was to be 'decided at a later point'. When the Reichstag ratified the treaty in April 1801, it resolved to leave the matter to the emperor, though it wished to retain the final decision. By June, it was clear that Vienna was unwilling to act. The emperor was reluctant to accept sole responsibility for a major reorganization of the Reich. He was, in any case, caught between a desire to ensure adequate compensation for the Habsburgs in the Reich

[17] Unless otherwise stated, the following is drawn from: Hufeld, *Reichsdeputationshauptschluss* (with a full text of the report at pp. 69–119); Härter, 'Umbruch'; Härter, 'Hauptschluss'; Härter, *Reichstag*, 570–97; Gagliardo, *Reich*, 187–206; Klueting, 'Zweihundert Jahre'.

and a wish to preserve as much of the Reichskirche as would be necessary to ensure a continuing majority for the Catholic imperial party in both the College of Electors and the College of Princes. The dismissal of Thugut following the failure of Austria's war effort in 1800 left the peace party in the ascendant in Vienna, but reconciling the interests of the dynasty with those of the Reich proved extremely problematic, given that France was now the real arbiter of German affairs.

The compromise sealed on 7 November 1801 implicitly recognized this. The compensation issue would be delegated to a deputation of the Reichstag. The membership would comprise representatives from Austria, Prussia, Mainz, Saxony, Bavaria, Württemberg, and Hessen-Kassel and the High Master of the Teutonic Order.[18] The deputation was commissioned to make the preservation of the Reich the foundation of all its deliberations. France would act as 'mediator'. The eight members included four proponents of a radical secularization programme, and many suspected that Mainz would sacrifice all the other ecclesiastical territories if it could only save itself.

Neither the Imperial Cities nor the Imperial Counts or Knights were represented: although their status was not formally on the agenda, their exclusion boded ill for their ultimate chances of survival. Indeed, a paper prepared by the Austrian representative on 1 November 1801 concluded that in order to compensate the Habsburgs and the house of Orange, as well as all the other eligible rulers, Austria should abandon her cautious approach to the secularization issue and furthermore seek ways of extending the compensation reservoir. Only one ecclesiastical territory could be saved (Mainz). All ecclesiastical property should be secularized, including the Imperial Abbeys. All but six Imperial Cities should now also be sacrificed, since most were heavily in debt because of the war and, in view of their perennial internal problems, nothing but a burden to the crown. Only the Imperial Counts and Knights, both traditional clients of the crown and a continuing source of finance, should be spared for the time being.[19]

These comments reflected not only the scale and difficulty of the whole undertaking but also the recognition that all significant territories, Austria included, would wish to benefit from the territorial reorganization. That became abundantly clear as Austria delayed for nearly a year before convening the deputation, so that several territories, among them Prussia, moved to secure their compensation by concluding agreements direct with France. Napoleon himself was relatively indifferent to these comings and goings, but his foreign minister, Talleyrand, threw himself into the detail and eagerly filled his pockets with the bribes brought by the German delegations.

France aimed, above all, to strengthen the second rank of territories, notably Baden, Württemberg, Bavaria, and Hessen-Kassel. A secret treaty of 10 October

[18] Archduke Karl of Austria (1771–1847) was High Master 1801–4; he was succeeded by Archduke Anton Viktor (1779–1835), who had been elected Elector of Cologne and Prince-Bishop of Münster in 1801, but never took up either position since both territories were secularized in 1804.

[19] Härter, *Reichstag*, 584–5.

1801 reinforced this since it offered Russia, along with Sweden a guarantor power of the Reich (albeit never formally recognized by the latter), a share in determining 'German affairs'. The Czar was less concerned with preserving the Reich than with ensuring that his various German relatives in Baden, Württemberg, Hessen-Darmstadt, Oldenburg, and Mecklenburg-Schwerin were well rewarded.[20]

By June 1802, Paris had concluded a draft to which Russia assented; with minor amendments, this scheme was presented to the Reichstag in November 1802. Austria herself then negotiated with France to increase the Habsburg compensation package. Following agreement on this in the Paris Convention of 26 December, the Reichstag deputation was able to conclude its deliberations with a final report, the *Reichsdeputationshauptschluss* (literally, the principal conclusion of the extraordinary imperial commission), on 25 February 1803.

All of these hectic discussions and successive secret agreements had greatly extended the principle of compensation. The notion that compensation should be related strictly to loss was largely abandoned. Furthermore, the entire wealth of the Catholic Church in the Reich was now included: the property of cathedral chapters, the prince-bishoprics and Imperial Abbeys, as well as the property of all ecclesiastical foundations within the various territories, which were placed at the disposal of rulers to 'maintain religious worship, schools, and other charitable institutions, and to alleviate their finances'. The mediatization of the Imperial Cities, the subject of persistent rumours since 1799, was also included to enlarge the available compensation.[21]

The result was the most extensive redistribution of property in German history prior to 1945. Some 73,000 km^2 of ecclesiastical territory, with some 2.36 million inhabitants and 12.72 million gulden revenue per annum, was transferred to new rulers, who also collectively gained 2.87 million gulden per annum of ecclesiastical revenue from within their territories. In addition, all but six Imperial Cities lost their independence, so that forty-one cities, with 4,330 km^2 of territory with 350,000 inhabitants changed rulers. The total represented over three times the amount of land formally ceded to France on the left bank (23,850 km^2, with 800,000 inhabitants and 5.43 million gulden per annum income).

Only three ecclesiastical territories survived. The Archbishopric of Mainz was translated to Regensburg and endowed with the principalities of Aschaffenburg (what remained of Electoral Mainz east of the Rhine) and Regensburg and the County (formerly Imperial City) of Wetzlar; the Archbishop lost the Prince-Bishoprics of Constance and Worms, which he had held in addition. The Order of Teutonic Knights and the Knights of St John (the Knights of Malta) also survived and received generous compensation. According to the *Reichsdeputations-hauptschluss*, this was in recognition of the military service of their members. In fact, Austria argued strenuously for both organizations, since they might provide a living for some of the hundreds of dispossessed aristocratic members of cathedral

[20] On Russian dynastic connections in the Reich, see Scharf, *Katharina II.*, 272–332.
[21] Schroeder, *Reich*, 67–74.

chapters. These Catholic nobles were after all traditionally among the most loyal Habsburg client groups in the Reich.[22]

The most striking provisions of the *Reichsdeputationshauptschluss* were those that gave Baden over seven times the territory that it had lost, Prussia nearly five times, and Württemberg four times. Hanover gained the Prince-Bishopric of Osnabrück, even though it had lost nothing at all. Austria too had bargained well. Austria herself gained the Prince-Bishoprics of Brixen and Trent. The Grand Duke of Tuscany received the Prince-Archbishopric of Salzburg along with the Provosty of Berchtesgaden, the Prince-Bishopric of Eichstätt, and parts of Passau, with his lands being detached from the Bavarian Kreis and included in the Austrian Kreis. The Duke of Modena received the Breisgau from Austria, as agreed. Similarly, Prussia was able to ensure a generous settlement for the house of Orange, which received the Prince-Bishoprics of Fulda and Corvey, the wealthy Imperial Abbey of Weingarten on Lake Constance, and the Imperial City and County of Dortmund.[23]

At the lower end of the scale, there was a stricter balance of compensation and loss. The Counts of Quadt, for example, a very minor dynasty of virtually no political significance, lost the lordships of Wickrath and Schwanenberg (85 km^2, with 3,000 inhabitants) south-west of Düsseldorf. In exchange, they received the Swabian Imperial Abbey and Imperial City of Isny (the latter with 4 km^2, and 2,000 inhabitants) plus 11,000 gulden per annum income from the Imperial Abbey of Ochsenhausen, which became the property of the Princes Metternich.[24] The Prince of Bretzenheim, a natural son of the Elector of the Palatinate and Bavaria, lost 82.5 km^2 and 3,000 subjects on the Nahe between Bingen and Kreuznach. He gained a similar amount of land and some 5,000–6,000 subjects with the Imperial Convent and Imperial City of Lindau on Lake Constance, but he complained bitterly that the income of his new territory was inferior to that of Bretzenheim, not to mention the debts of the city of Lindau, which he was forced to assume.[25] Most of the transfers of property to minor rulers were similarly complex. In all, 112 Imperial Estates disappeared. Apart from the territory ceded to France, their lands and properties were distributed among the seventy-two rulers entitled to compensation.

The *Reichsdeputationshauptschluss* also addressed the political structure of the Reich and the rights of subjects. The former Elector of Mainz, Karl Theodor von Dalberg since July 1802, was confirmed as Elector, Imperial Archchancellor, and Metropolitan Archbishop, with the additional new title of Primate of Germany. His metropolitan authority extended to all areas of the Reich except for the lands of the King of Prussia and the Austrian archduchies (as well as, it was later argued, Habsburg Salzburg). The creation of four new secular Electorates made good the loss of two ecclesiastical Electorates (Cologne and Trier). Württemberg and

[22] The Grand Master of the Teutonic Order was a Habsburg (see fn. 228 above); the Grand Prior (Prince Prior) of the German province of the Knights of St John was a Swabian Imperial Knight, Balthasar Rinck von Baldenstein. See: Kurowksi, *Deutscher Orden*, 326–7; Wienand, *Johanniter-Orden*, 342–3.

[23] Rudolf, 'Haus Oranien-Nassau'.

[24] Schroeder, *Reich*, 434–9, has a detailed account of the negotiations.

[25] Schroeder, *Reich*, 427–33.

Hessen-Kassel achieved their long-term aim of promotion, and both Baden and the new secular territory of Salzburg were elevated.

Those princes who lost Reichstag votes received new ones; newly created principalities also gained votes; the votes of the former ecclesiastical territories transferred to their new owners. Extremely detailed arrangements were made for financial compensation of former ecclesiastical Electors and princes, as well as their administrators, military personnel, and servants, and groups such as the beneficiaries of the imperial pensions paid by monastic institutions in the Reich. The pension arrangements of those who had lost positions in the left bank territories, for which France refused to accept any responsibility, also received detailed consideration.[26]

Precise guidelines were also established, 'in order to reassure so many creditors', for dealing with the debts of transferred territories and for the debts amassed during the war by the Swabian, Franconian, Electoral Rhine, and Upper Rhine Kreise.[27] As far as possible, the rights of the former Imperial Cities were to be respected, especially where existing rights of religious worship were concerned: rulers were prohibited from interfering with the confessional status quo that prevailed in their new properties. Finally, the *Reichsdeputationshauptschluss* reaffirmed the religious rights enjoyed by subjects of the Reich and affirmed that these should not be affected by any change of ruler.

[26] For the genesis and subsequent history of what became known as the 'Subdelegationskommission für das transrhenanische Sustentationswesen', see Burgdorf, 'Untergang'.

[27] Hufeld, *Reichsdeputationshauptschluss*, 115.

66

The Transformation of the Reich, 1803–1805

Many of the territorial arrangements set out in the *Reichsdeputationshauptschluss* gave rise to legal disputes. Others failed to come into effect, or became redundant following subsequent territorial adjustments between 1805 and 1815. Of the fifteen Swabian Imperial Cities, for example, ten had been transferred to another ruler by 1810; Lindau even changed hands twice. Numerous smaller territories disappeared in further reorganizations between 1805 and 1815.[1] However, the main outlines of the settlement remained in place, and it had fundamental implications on three levels.

First, the Reichskirche was destroyed. Though a Metropolitan Archbishop and Primate of Germany remained, little else survived. The German Catholic Church lost its constitutional role in the Reich. Most of the Catholic universities were closed, and thousands of monasteries dissolved. The deposition of the prince-bishops also swept away all the old dioceses. The *Reichsdeputationshauptschluss* did for the Reich what the revolution had done for France. While Napoleon had concluded a concordat in 1801 that also covered the left bank territories, the rift between the papacy and the German Church now frustrated a new concordat for the Reich. The desire of Bavaria and Württemberg to conclude their own territorial concordats also thwarted Dalberg's efforts in this direction. The status of the remaining bishops (by 1811 there were only nine, including those living in exile; Dalberg, aged sixty-seven, was the youngest) was unclear. It was not until 1825 that new diocesan structures were in place throughout the German territories.

Stripped of its political functions, lands, and wealth, moreover, the German Church lost its predominant position in the German polity to Protestantism, and German Catholicism consequently rapidly changed its character. In this sense, the *Reichsdeputationshauptschluss* was an opportunity for the Church as much as it was in other respects a disaster. As the aristocratic elite retired on the pensions stipulated by the *Reichsdeputationshauptschluss*, non-aristocratic clergy who were generally closer to Rome and who were often fired with a missionary zeal to renew the faith in Germany gradually replaced it. Many of these impulses derived from the redefinition of Catholicism in the *Aufklärung*, which gave it an enhanced

[1] For a good survey of the implications of the *Reichsdeputationshauptschluß*, see the essays in Klueting, *Reichsdeputationshauptschluß*, and Himmelein, *Klöster*.

concern for pastoral practice and applied moral theology.[2] At the same time, German Catholicism was once more enriched by the re-emergence in invigorated form of the kind of popular religiosity that many in the hierarchy had been concerned to control or suppress during the eighteenth century. None of that made the new leaders of the Church any more congenial to the Josephinian clerical reformers who generally predominated in the religious affairs departments of the German territorial governments. Yet it did allow the emergence of a genuinely popular Church capable of rising to the social and political challenges of the nineteenth century: urbanization and industrialization, dealing with the 'secular' state, and the *Kulturkampf*.

At the local level, the radical secularization energetically carried out by many governments resulted in huge losses and significant destruction of cultural fabric. The secularization of the Upper Bavarian monastery of the Augustinian Canons Regular at Rottenbuch was typical.[3] The inspector of the Elector's art galleries chose 31 Gothic and Renaissance pictures, 9,213 prints, and 345 drawings, together with some valuable volumes of prints and woodcuts for addition to the collections in Munich; the rest was sold or simply destroyed. In May 1803, the library commission headed by Johann Christoph von Aretin took 285 manuscripts, 1,582 incunabula, and 6,545 books for the Munich library, 1,264 volumes for the University of Landshut, and 1,152 books for diverse schools. A paper merchant purchased the rest for just over 400 gulden and took them away in eight wagonloads for recycling. The monastic buildings sold to a Swiss entrepreneur who claimed he wished to establish a factory but in reality simply wanted to reclaim the building materials; the monastery's lands were also disposed of. The church alone survived on the Elector's order and served as the new parish church. Even such an outstanding monument as the pilgrimage church Die Wies near Munich, now a UNESCO World Heritage Site, was offered for demolition at 20,000 gulden and saved only when the 'ignorant peasants' of the region purchased it.[4]

Second, the transfer of territories and secularization of Church property represented a major opportunity and challenge for the secular territories entitled to receive compensation. Most moved swiftly to take possession of their new property. Many sent in their troops and commissioners in the early months of 1802, almost a year before the *Reichsdeputationshauptschluss* was formally promulgated. Speed and thoroughness were of the essence. No one knew whether the political situation would change; being in possession would guarantee bargaining power at least, or permanent ownership at best. Boundary signs needed to be changed. Laws had to be promulgated in the name of the new authorities. Inventories were prepared of properties and assets, and lists of assets to be sold were drawn up. The new owners of former Imperial Cities hastened to remove all symbols of the Reich; the gilded bronze double-headed eagle on the Augsburg town hall was ripped out and melted down.[5] Above

[2] Forster, *Catholic Germany*, 194–8; Printy, *Enlightenment*, 212–20; Hersche, *Muße*, 1029–61.
[3] Breuer, *Zensur*, 126–7.
[4] Hartmann, *Kulturgeschichte*, 443.
[5] Burgdorf, *Weltbild*, 239.

all, it was essential to extract income from the new subjects as soon as possible. Frequently, the takeover was little short of a military invasion with violence, sometimes undertaken under cover of darkness. The new Elector of Württemberg was so notoriously brutal in his 'integration' policies that some soon referred to him as the 'Swabian sultan' or the 'Swabian czar', a reputation he sustained through the following years.[6] Yet Württemberg was merely an extreme case: others used force as well and took as much as they could.

Austria also engaged in some dubious practices in reconstructing its south German lands. Forced to cede the Breisgau to the Duke of Modena, Austria moved its administration from Freiburg to Günzburg, northeast of Ulm.[7] There, the Habsburgs tried to create a consolidated territory out of a fragmented scatter of lordships by purchasing additional properties from various Imperial Counts and by land exchanges. In April 1803, for example, they acquired Lindau from the Prince of Bretzenheim in exchange for the northern Hungarian lordships of Sárospatak and Regéc; the Count of Königsegg-Rothenfels also agreed to exchange his German lands for the Hungarian lordships of Pruské and Illava.

The Habsburgs also added to their property by a rather dubious interpretation of the *Reichsdeputationshauptschluss* based on a proviso contained in the Treaty of Paris between Austria and France of 22 December 1802. This committed Francis II to facilitating the compensation process in so far as it did not infringe his rights as emperor and ruler of the Erblande. On this agreement, the lawyers of the Vienna financial authority (Hofkammer) constructed the doctrine of the *droit d'épave* (literally, the right of shoreline landowners to claim wares that washed up on the beach), by which they laid claim to any property of the secularized territories and institutions that was held on Austrian territory.[8] That included substantial amounts of land, as well as considerable financial investments and deposits in Vienna itself.

It is not clear exactly how much the Austrians gained, but they put considerable effort into claiming the relevant assets in 1804 and 1805. In the Swabian region, they were certainly able to enhance their territory, both by direct gains locally and by means of exchanges of ecclesiastical property elsewhere for the property of Swabian Imperial Knights and Imperial Counts. However, the policy also generated problems. The new owners of the relevant ecclesiastical lands and foundations were naturally incensed to find that Austria had taken key assets that might have helped them liquidate the debts they inherited with the property.

By 1805, even the official in charge of the operation had to admit that applying the policy to the new Habsburg Electorate of Salzburg had effectively ruined it; the Habsburg Duke of Modena in the Breisgau, a distant relation of the emperor, also took umbrage.[9] Relations with Bavaria reached a crisis point over what the Bavarians

[6] Schindling, 'Ende', 90–1. See also p. 627.
[7] Quarthal, 'Vorderösterreich', 55–7; Aretin, *Heiliges Römisches Reich*, i, 467–9.
[8] Aretin, *Heiliges Römisches Reich*, i, 466–9; Press, 'Droit', 562–70.
[9] Duke Hercules of Modena died in October 1803 without ever having set foot in the Breisgau; he bequeathed the territory to his son-in-law, Archduke Ferdinand of Austria-Este, who had the territory administered by the former Austrian administrator, Hermann von Greiffenegg: Quarthal, 'Vorderösterreich', 55.

in particular regarded as tantamount to theft. The fact that Austria moderated its policy with respect to the lesser territories, whose rulers it viewed as clients and future allies, merely intensified the indignation of the authorities in Munich.

In the short term, Bavaria and the others were also forced to realize that there were limits to how much advantage they could extract from the situation. From 1802, Bavaria, Württemberg, and Kassel tried to take over the territories of the Imperial Knights, in contravention of the *Reichsdeputationshauptschluss*, which expressly guaranteed their continuing independence. Just like the monasteries, the Knights were the target of deliberate military operations, though the fragmented territorial boundaries in some areas led to considerable confusion. At the end of 1803, Freiherr von Massenbach in the Kraichgau found his estates invaded by the forces of no fewer than four neighbouring rulers (Leiningen, Baden, Hessen-Darmstadt, and Bavaria), each of whom claimed overlordship; in May 1807, they ultimately became Württemberg territory.[10]

A storm of protest and a flurry of appeals to the Reichshofrat led Francis II to intervene in January 1804 with a decree ordering the return of all illegally occupied territory: Austria, Mainz, Saxony, and Baden were empowered to enforce the edict. The threat of force worked at a time when France was distracted by renewed conflict with Britain in the Channel, though many estates in fact remained occupied.

Here too, Vienna's policy was ambivalent. Austria herself had considered taking over the territories of Imperial Knights in her attempts to build up a coherent Swabian territory around Günzburg. Saving the Knights in January 1804 seemed to show the emperor standing up for the imperial constitution again, as well as supporting a group of imperial clients who had contributed 5.7 million gulden to Austria's war costs. On the other hand, it also served two purposes that were less honourable. First, it was a useful opportunity to block the consolidation of Bavaria and Württemberg. Second, Francis's ministers calculated that it was only a matter of time before the Knights lost their independence anyway and that if the emperor moved now to evict those who had occupied seven-eighths of the Knights' Swabian lands, Austria might ultimately gain more land from a final distribution.

Almost all the receiving territories acquired not only assets but also the substantial debts of the lands and cities they took over. For some administrations this was their first experience of consolidating and managing a 'national' debt. Some also found themselves with significant numbers of subjects from a different faith for the first time and had to adjust their legislation and administration accordingly. Bavaria, for example, acquired a large Protestant population in Franconia; Protestant Baden and Hessen-Darmstadt now had a majority of Catholic subjects. The destruction of the Catholic universities created an urgent need for new higher education institutions. These tasks required a mass of experts and ministers who collectively implemented an extraordinary wave of reforms in the German territories over the decade or so after the *Reichsdeputationshauptschluss*.

[10] Walther, 'Treue', 865.

This reform movement is often seen as a new departure, which finally modernized those territories that emerged as the winners in the reorganization and laid the foundations for the German state system of the nineteenth century.[11] If one focuses on Bavaria, Baden, and Württemberg, and on the Prussian reforms that unfolded after 1806, that might appear to be the case. In Württemberg, for example, Frederick II (r. 1797–1816, from 1803 as Elector and from 1806 as King Frederick I) dissolved the Estates of his original ducal lands in 1805 and, after initially keeping his old and new lands separate by means of a customs barrier and other measures, integrated both into a new uniform administrative structure from 1808.

The King of Württemberg's neo-absolutist regime also pursued other measures designed to modernize the state. Frederick ordered a severe crackdown on Pietists and any other individuals or groups, such as magnetists and Mesmerists, whom he regarded as superstitious and potentially seditious. He even attempted to impose a new constitution in March 1815 in anticipation of the German Confederation's requirement that the states of the new confederation should all have a territorial constitution that granted representation to its Estates ('eine landständische Verfassung').[12] This met with opposition from the old Estates, however, who saw that Frederick's plan threatened their traditional rights and privileges. It fell to Frederick's successor, the more popular reforming and liberal-minded King Wilhelm I (r. 1816–64), to negotiate the representative constitution finally introduced in 1819.

Frederick of Württemberg was an extreme case. The Count of Waldburg-Zeil declared he would rather be a 'swineherd in Turkey than a privileged noble ['Standesherr'] in Württemberg'.[13] Yet the ruthlessness of Frederick's actions also reflects the uncertainty of the time and his determination to seize the moment and to secure his gains for the future. Above all, his reforms of the period after 1803 also represented a continuation of the reforms of the eighteenth century, albeit accelerated, intensified, and shaped by the example of the Napoleonic reforms. In a sense, the whole secularization process and the territorial changes that accompanied it were the culmination of a process of territorial reform and development set in motion during the Reformation.

It is difficult to say whether these changes in themselves made the continued existence of the Reich impossible. The consolidation of a smaller number of larger territories inevitably strengthened their desire to be free of external interference. That pointed to the evolution of the Reich into a federal system with no meaningful role for the emperor other than as a figurehead. On the other hand, the significance of that trend only really became clear in retrospect, looking back from the perspective of 1815 and after. In 1803–4, numerous smaller territories continued to exist. At that stage, the larger second-rank territories, such as Bavaria, Baden,

[11] The following are excellent surveys: Hahn, 'Staatenwelt'; Siemann, *Deutschland*, 21–71; Demel, *Reformstaat*; Raumer and Botzenhart, *Deutschland*, 265–481; Aaslestad and Hagemann, '1806', 559–64; Sheehan, *German history*, 251–74.

[12] Sheehan, *German history*, 263–6, 411–13,416–17.

[13] Endres, 'Mediatisierung', 852.

Württemberg, and Hessen-Darmstadt, were still at the beginning of their attempts to consolidate and assert themselves. While they resented imperial authority, none of them particularly desired to leave the Reich or to see it destroyed.

Bavarian identity had been strengthened by patriotic resistance to the various exchange projects and by the accession of two external dynasties (the Palatine Wittelsbachs in 1779 and their Zweibrücken kinsmen in 1799). The reforms now initiated by Count Maximilian Montgelas (1759–1838) helped launch Bavaria on to a course that would make her into an almost plausible second-rank European power. The other middling territories remained essentially large German territories that had little future outside the Reich or some approximation of it. Even Bavaria's sovereign ambitions, however, only became more clearly articulated, and remotely feasible, after the renewed defeat of Austria in 1805 and the defeat of Prussia in 1806. The developments of the nineteenth century were not yet mapped out by 1803–4.

The openness of the situation in 1803–4 underlines the significance of the third level on which the *Reichsdeputationshauptschluss* created a new framework: the Reich and its institutions. While the *Reichsdeputationshauptschluss* contained a comprehensive set of territorial arrangements, it left key constitutional issues unresolved. The new territorial arrangements needed to be translated into viable structures at the Reichstag; the Kreise needed to be reconstructed; the financial and staffing arrangements at the Reichskammergericht needed to be adjusted. The main question was whether the Reich could continue to function at all.

The new endowment of the Archbishop of Mainz was certainly intended to make that possible. He had received both Regensburg and Wetzlar, with guarantees that both towns would be strictly neutral territory. This ensured that the Reichstag and the Reichskammergericht could survive, and gave Dalberg hope that he might continue to exercise his pivotal role in the Reich as Imperial Archchancellor. Yet reform proved no easier now that it had done in the past. The obstructive attitude of the princes, especially those who had just made large territorial gains and secured Electorates, thwarted any attempt to reorganize the Kreise and to establish a new enforcement regime for Reichstag legislation or judgments by the imperial courts. The Reichskammergericht suffered a reduction in income and lost four associate judges following the loss of the left bank territories to France. Yet the court at least continued to function, and there is evidence that its officials developed a renewed sense of their significance as servants of the Reich in these years.[14]

The situation at the Reichstag was complicated by the implications of the *Reichsdeputationshauptschluss* for the political position of the emperor, particularly since it created a clear Protestant majority. The reconstitution of the Colleges of Electors and Cities was relatively straightforward. There were now ten Electors, of whom only four were Catholic. Some speculated that it might spell the end of Habsburg tenure of the imperial crown, but that was far from certain. After all, Austria's position was stronger since she now controlled two votes (Salzburg as well

[14] Mader, *Reichskammergericht*, 15–20.

as Bohemia). Furthermore, the new adverse confessional balance was mitigated by tensions and mutual suspicion among the Protestants and by rivalries among the eight non-Habsburg Electors generally. It was highly unlikely that either Hanover or Saxony would ever have voted for a Prussian emperor; the previously dominant 'old' Electors in the north (Prussia, Saxony, and Hanover) would have to contend with the aspirations of the newly strengthened southern and Middle German Electors. Austrian officials, in fact, reckoned that Austria would be able to divide and rule.[15] The confessional imbalance played no role at all among the six remaining Imperial Cities, of which only Augsburg was even half-Catholic. Both the Cities and the Electors had re-constituted themselves by August 1803, following the introduction of the new Electors.

The College of Princes proved more problematic.[16] Here the loss of the left bank territories and the secularization had turned a Catholic majority of 53 to 45 votes into a Protestant majority of 53 to 29. Furthermore, the Electors controlled 45 of the 82 remaining votes, giving them an absolute majority in the College of Princes for the first time, while the emperor could depend on only between 20 and 22 Catholic votes. The *Reichsdeputationshauptschluss* envisaged allocating the votes of the former ecclesiastical territories to their new, often Protestant, rulers and creating new votes for others, but this still would have left a Protestant majority of 78 over 53. Moreover, the Electors would have controlled 78 out of 131 votes, and the emperor could still only have depended on roughly 40 votes, since Bavaria, with 12 votes, was always likely to vote with the Protestant opposition. Even though the confessional tensions of earlier decades had now receded, this left the emperor in an unprecedented position of weakness. No longer could he dominate the Reichstag by means of the votes of his Catholic clients and the Imperial Cities. Furthermore, even from a purely representative point of view, the new situation was unfair: the population of the Reich at the end of the eighteenth century comprised 58 per cent Catholics and only 41 per cent Protestants (plus 1 per cent Jews, gypsies, and others).[17]

Vienna's proposals to remedy this situation either by cancelling the votes of the former ecclesiastical territories or by creating new Catholic votes failed. The Electors and princes were unwilling to give up the votes they believed they had lawfully acquired with their new lands. There were simply not enough Catholic rulers with territories that could be made into plausible principalities, and elevating individuals without lands as 'Personalisten', as had been done in the sixteenth century, was now unacceptable. Consequently, the emperor simply refused to ratify this part of the *Reichsdeputationshauptschluss*. The discussion then stalled in April 1804, when the French envoy declared on behalf of Napoleon that nothing should be done until France put forward a compromise proposal. Thereafter, the only measures Francis II permitted at the Reichstag were the agreement by the Electors to determine the precise line of the Rhine customs frontier and the resolution of

[15] Schindling, 'Scheitern', 313; Härter, *Reichstag*, 600, 611.
[16] Härter, *Reichstag*, 606, 611–17; Aretin, *Heiliges Römisches Reich*, i, 456, 462–5.
[17] Hartmann, 'Bevölkerungszahlen', 368–9.

some minor territorial disputes, with the proviso that any final resolution was dependent on ratification by a properly re-constituted College of Princes.[18]

The controversy reflected fundamental differences. The emperor still thought of the Reich in terms of the traditional hierarchical system, in which he could depend on the loyalty of a substantial body of clients among the lesser territories. The Electors and princes were increasingly thinking in terms of something more like a federal system and were unwilling to accept either the authority of the emperor or the equal status of minor princes and associations of Imperial Counts with collective votes. Adam Christian Gaspari noted correctly in his commentary on the Franco-Russian compensation plan: the secular princes had become more powerful because of this 'revolution . . . both in terms of votes at the Reichstag and in terms of forces in the field. . . . It will be impossible for the Emperor to get anything through; even his refusal to ratify [the plan] will simply serve to demonstrate the decline of his reputation more starkly without holding up the agreements of the majority, and the Reich will more than before approach being a federal system.'[19]

In an essay entitled 'Germany and Poland', published in Häberlin's *Staats-Archiv* in 1802, Johann Reitemeier warned that, like an artichoke, Germany would gradually be consumed leaf by leaf, torn apart if emperor and princes could not agree on a fundamental reform of the system. Reitemeier did not believe the threat was imminent: there would be no instant collapse, as in Poland, but a slow decline over a hundred or more years. Two years later, another contributor drew a different conclusion. The Reich, he said, had become but a 'temporary barrier between France and Russia', a 'nothing to its neighbours, internally a genuine *societas leonina*'; its form of government was a 'putrescent elective monarchy' governed formally by the emperor but in reality dominated by the majority in the Reichstag under instruction from France.[20] Both writers favoured something approaching a federal solution, and both implied that the emperor was to blame for blocking a modernization of the Reich. Their pleas, and those of many others, raise the question of whether a reform of the system was in fact still possible at this stage and whether Francis II could have facilitated this.

The majority of the Electors and princes were more preoccupied with internal concerns than with the future shape of the Reich. Many now failed to renew instructions to their envoys at the Reichstag or failed to replace departing envoys. By August 1806, only sixteen envoys, representing between them thirty-six princes, remained.[21] Other perspectives seemed more important. In Prussia, Hardenberg forged plans for a federal reform of the Reich that would have made the Reichstag redundant. For now, however, Frederick William III, who was concerned above all to maintain his neutrality and ensure continuing good relations with France, did not take them seriously.[22] The other Electors were engaged in the task of securing and integrating their new lands. Moreover, they too were constantly

[18] Härter, *Reichstag*, 629. [19] Härter, *Reichstag*, 600–1.
[20] Borck, *Reichskreis*, 188–90; Häberlin, *Staats-Archiv*, viii, 3–38, and xii, 32–42.
[21] Burgdorf, *Weltbild*, 131. [22] Kittstein, *Politik*, 280–92.

anxious to maintain their own relations with France, the real arbiter of politics in the Reich.

In the circumstances, it is difficult to see what difference a strong Austrian leadership might have made. On the one hand, Francis II and his ministers found themselves in the same situation that many of their predecessors had faced over the previous centuries. They needed to safeguard the interests of the dynasty as well as the rights of the imperial crown. Trying to reconstruct a Swabian territory based on Günzburg brought them into conflict with Bavaria and Württemberg, but the Habsburgs' position as emperors had always rested on a territory in the traditional core of the Reich.[23]

Effective imperial government also depended on a sound financial base: the war had all but ruined the monarchy and deprived it of access to sources of money in the Imperial Cities, Imperial Abbeys, and the like in the southern Catholic Reich; hence, the seizure of secularized property under the *droit d'épave* was deemed essential.[24] If the Imperial Knights and Counts were to be absorbed by larger territories anyway, it made sense to try to ensure that Austria benefited along with the other rulers.

If Francis was to be a plausible emperor, however, it was also essential to try to ensure a Reichstag in which he at least stood a chance of shaping policy. Without that, there was little point in having a Reichskammergericht and, still less, a Reichshofrat, supreme courts with authority over the princes and the execution of whose judgments the emperor supervised.

The dispute over the Reichstag votes of the princes reflected a tension that had existed since the late fifteenth century and in increasingly acute form since 1648: neither side could have given in easily; a swift solution was unlikely. As in previous crises in the eighteenth century, there was discussion of how much the imperial crown was worth to Austria and of the circumstances under which one might relinquish it.[25] If all else remained equal, then the clear option was to retain the crown. If, however, that became impossible, then one should try to ensure the best possible exit; above all, the Austrian lands, without which the dynasty was nothing, must be saved. Finally, like virtually all other German rulers at the time, Francis II was constantly haunted by the spectre of Napoleon.

That threat became clearer than ever in 1804. In both the north and the south, French actions underlined the impotence of the Reich and its rulers. In May 1803, French troops had invaded Hanover, an act that breached the northern neutrality zone and marked the beginning of a series of transgressions that culminated in the kidnap of the British envoy at Hamburg in October 1804. Any Prussian aspirations to preserve something of the Reich were exposed as wishful thinking.[26] Equally seriously, on 15 March 1804 French troops blatantly violated German territory when they kidnapped the Duc d'Enghien (1772–1804), the son of the last Prince of Condé, at Ettenheim in Baden, subjected him to a show trial, and executed him

[23] Aretin, *Heiliges Römisches Reich*, i, 465–9.
[24] Press, 'Droit', 571–2. See also p. 625.
[25] Srbik, *Kaisertum*, 18–19.
[26] Simms, *Impact*, 159–68.

at Vincennes on 21 March. This generated outrage in Germany, and both Russia and Sweden as guarantor powers demanded that the Reich protest formally. Francis II refused to act, however, and he was widely held responsible for the humiliation of the Reich.[27]

For Vienna, events in Germany were overshadowed by Napoleon's announcement on 12 May, prompted partly by Enghien's alleged royalist conspiracy, that he intended to assume the title of hereditary emperor of France. Francis had no choice but to advise the Reichstag to recognize the title and to advise, rather pompously and hypocritically, that he regarded this act as the 'final completion of the suppression of the anarchic and anti-religious revolutionary principles that the coalition powers have sought in vain to conquer but which the hitherto first Consul has happily succeeded in doing'.[28]

Emollient words in the face of something over which Francis II had no control for a while concealed another more wily response by Vienna to Napoleon's undertaking that he would not use his title until both the Reichstag and the Holy Roman Emperor had formally recognized it. On 11 August, Francis announced that he himself would henceforth assume the title of hereditary emperor of Austria.

Technically, of course, the new Austrian title was illegal in terms of imperial law: the emperor no more had full sovereignty over his lands in the Reich than the King of Prussia or any other Imperial Estate. Yet anxiety about Napoleon's real aims outweighed such considerations. The very fact that Napoleon had chosen an imperial title rather than a royal one once again seemed to confirm that he saw himself as a new Charlemagne who would want to dominate Italy as well as Germany and the Netherlands, depriving the Habsburgs of their traditional position in each area. Furthermore, Napoleon might declare his hereditary crown to be superior to any merely elected crown; he might either take the German crown himself or have it transferred to one of the more malleable Electors; the Habsburgs might then find themselves without an imperial crown of any kind and be forced to watch Britain, Spain, and possibly others emulate France.[29]

It seemed that the Habsburgs were obliged to seize the moment to create their own hereditary imperial title. The coat of arms was a mess (the German imperial eagle enveloping the Austrian eagle); the title was a muddle (His Roman and Austrian Imperial and Royal-Apostolic Majesty, Francis II and I); the jewelled crown of Rudolf II was designated as the Austrian imperial crown alongside the eleventh-century German imperial crown.[30] Yet Napoleon had agreed on 7 August, and therefore it happened.

Russia and Britain did not recognize the new Austrian imperial title for some months. Gustav IV of Sweden, a prince of the Reich and one of its guarantors,

[27] Härter, *Reichstag*, 625–6.
[28] Härter, *Reichstag*, 627.
[29] Srbik, *Kaisertum*, 16–38.
[30] The imperial crown and insignia had been removed from Nuremberg in 1796 and taken to Vienna for safekeeping in 1800; they did not return to Germany until 1938; they were finally lodged at Vienna in 1946. See: Kubin, *Reichskleinodien*, 15–41, 101–40, 239–67.

wanted the Reichstag to protest, but in the event, the Reichstag agreed merely to note the new title. The King of Prussia and the other German princes recognized it with varying degrees of goodwill. Some commentators were sharply critical and suggested that it meant that the Habsburgs had finally turned their backs on the Reich. Yet again, however, things were not that clear-cut. The parallel existence of the German and Austrian imperial titles might have thrown up problems in the future. That was not the case between 1804 and 1806, and the existence of the new Austrian title did not prevent further thinking about a reform of the Reich before 1806 or thinking about the role of Austria in Germany in the years thereafter.

In the short term, the escalation of the War of the Third Coalition overshadowed both the question of Austria's real intentions and the whole issue of the future of the Reich.[31] Following a series of menacing advances by Napoleon, conflict between Britain and France resumed in May 1803. Napoleon's interventions in the affairs of the Dutch Batavian Republic from 1801 culminated in May 1805 in the installation of Rutger Jan Schimmelpenninck (1761–1825) as Grand Pensionary. His treatment of Spain, a client state since its defeat in 1795, was equally harsh. In 1802, he had intervened in the Swiss Helvetic Republic, annexing the Valais and re-establishing a Swiss Confederation that was forced into a fifty-year defensive alliance with France. It was also known that Napoleon was forging plans to establish hegemony in Italy, which in fact culminated in his self-coronation as King of Italy in Milan in May 1805.

Repeated French intervention in the Reich, and notably the abduction of the Duc d'Enghien, seemed to be part of the same pattern of relentless aggression and an insatiable desire for domination. Fearing further Napoleonic advances in the eastern Mediterranean and a possible challenge to her position in India, Britain went to war to defend Malta, her only remaining Mediterranean base alongside Gibraltar. These developments also alarmed Alexander I, who was incensed by the way the Swiss had been treated, outraged by the fate of the Duc d'Enghien, indignant at Napoleon's assumption of an imperial title, and deeply concerned at French designs in Italy and the Mediterranean.[32]

Only Gustav IV of Sweden, ruler in the Reich of West Pomerania and Rügen, immediately joined the Anglo-Russian alliance concluded on 11 April 1805. Prussia prevaricated. Frederick William III clung nervously to the neutral course set in 1795, unable to decide between, on the one hand, French overtures that included the offer of a north German imperial crown and the prospect of acquiring Hanover and, on the other hand, an alliance with the anti-Napoleonic forces.

Austria, too, hesitated to join until August 1805. Though alarmed at events in the Reich, in the Netherlands and Switzerland, in Italy and the Mediterranean, Francis II and his ministers were acutely aware of Austria's military and financial weakness, now more manifest than ever in food shortages, which culminated in riots in Vienna in July 1805. Some in Vienna argued passionately for accommodation

[31] For the following, see: Scott, *Birth*, 302–24; Schroeder, *Transformation*, 231–86; Raumer and Botzenhart, *Deutschland*, 139–60.

[32] Kusber, 'Russland', 61–3.

with Napoleon, for sharing power in Italy rather than seeking to reassert Austrian hegemony; even the Archduke Karl, the most successful Austrian military commander, was a staunch member of the peace party: as the architect of an ongoing military reform, he was acutely aware that Austria needed time to recover. An increase in the British subsidy to Austria finally tipped the balance in favour of joining the coalition. Crucially, however, Napoleon was able to deprive Austria of the resources of south Germany. Late in August, Bavaria signed an alliance with France. Baden and Württemberg followed suit in September and October.

It soon became clear that Austria was not ready for war and that her tactics were inadequate. While the British fleet prevailed decisively over the French at Trafalgar on 21 October, the land war was a disaster for Russia and especially for Austria. The fighting started before the promised Russian assistance was in place, and the bulk of the Austrian army under Archduke Karl diverted to Italy in the expectation of a decisive struggle there. The entry of Austrian troops into Bavaria on 8 September provoked a rapid French advance that defeated the Austrians at Ulm on 14 October. Ten days later, Napoleon reached Munich, where he was feted as the liberator of an oppressed people; on 13 November, he made a triumphant entry into Vienna, which the Austrians had left all but undefended. Far from aiming to strike in Italy, as the Austrians expected, Napoleon then turned north to engage the Austrian and Russian forces in Moravia. His decisive victory at Austerlitz (Slavkov), near Brünn (Brno), on 2 December ended the war. Russia withdrew, and Austria was obliged to accept the terms that Napoleon dictated.

In the Peace of Pressburg of 26 December 1805, Austria was excluded from Italy and obliged to recognize Napoleon as King of Italy; her south German lands were divided between Baden, Württemberg, and Bavaria, which also acquired Eichstätt from Salzburg, both the Vorarlberg and the Tyrol, and the Imperial City of Augsburg. In return, Austria gained Salzburg and Berchtesgaden. Grand Duke Ferdinand of Salzburg was translated (still as an Elector) to the new Duchy of Würzburg (ceded by Bavaria). The Grand Mastership of the Order of Teutonic Knights, along with the properties and revenues of the Order, was reserved for a Habsburg archduke of the emperor's choice.[33] The Duke of Modena, by contrast, lost the Breisgau to Baden and Württemberg, and Napoleon's promise to find compensation for him later was never realized.[34] Most importantly, Bavaria and Württemberg were declared sovereign kingdoms. Furthermore, France would henceforth guarantee that the rulers of Bavaria, Württemberg, and Baden would enjoy the same 'plénitude de la souveraineté et de tous les droits qui en dérivent' as the emperor and the King of Prussia did over their lands in the Reich (Art. 14). However, they would continue to belong to the 'Confédération Germanique' (Art. 7).[35]

At the same time, Napoleon had been able to solve the problem of Prussia. Despite pressure from Russia, Frederick William III had resisted the temptation to join the coalition, even when he heard that French troops under Count Bernadotte had violated his territory in Ansbach.[36] Instead of attacking France, he simply

[33] Oer, *Friede*, 198–9.
[34] Oer, *Friede*, 199–203.
[35] Oer, *Friede*, 273, 14.
[36] Bernstein, *Balance*, 85.

ordered the troops that he had mobilized for the defence of his lands to occupy Hanover instead, which the French had all but vacated. Then, however, he attempted to disarm the wrath of Britain by entering into an agreement with Russia at Potsdam on 2 November, which envisaged that Prussia might act as an armed mediator between France on the one hand, and Russia and Austria on the other. Napoleon's victory at Austerlitz undermined any Prussian hopes of a mediating role and left her isolated and vulnerable to Britain; she had no option but to sign the Treaty of Schönbrunn on 15 December. Against the offer of Hanover, Prussia was obliged to cede Ansbach to Bavaria and Neuchâtel to France. Napoleon also took the Duchy of Kleve from Prussia, as well as the Duchy of Berg from the Palatinate-Bavaria (in exchange for Ansbach), to be given a prince of his choice (in fact, his brother-in-law Joachim Murat). Though Prussia at last gained Hanover, this deal only deepened Prussia's isolation, since it incensed both her European and her German neighbours.

Many contemporaries believed that Austerlitz was a turning point of world-historical significance. Friedrich von Gentz said it was the most important event since 1789 and that it marked Europe's descent into lawlessness and barbarism, since, unlike Napoleon's previous treaties of Campo Formio, Lunéville, and Amiens, the Treaty of Schönbrunn did not contain the customary clause reaffirming all previous treaties. Metternich believed that 1805 completed what 1789 had started: 'The world is lost', he wrote; 'Europe will now be incinerated and only when it lies in ashes will a new order of things emerge.'[37] Certainly, by the treaties of December 1805, Napoleon finally transformed himself from guarantor of the Reich into the arbiter of its fate. Exactly what that might mean for the Reich, however, was far from clear.

[37] Oer, *Friede*, 221 (with further reactions at pp. 234–42); Raumer and Botzenhart, *Deutschland*, 160.

67

Final Attempts at Reform and the Dissolution of the Reich, 1806

The Reich was transformed between 1801 and 1805, but not in ways that the majority of those who wrote about its reform had envisaged. All the important questions about the future of the Reich were still open. The Reich was now more clearly divided into three discrete zones than ever before: defeated Austria, compromised Prussia, and the 'Third Germany', whose three most powerful members—Baden, Bavaria, and Württemberg—were formally allied with France and whose other members were in varying degrees of neutrality and limbo. France's south German allies had gained land and sovereignty (though their status was ambiguous), and the Reich seemed to have moved further towards becoming a federal system. Yet most of the Imperial Counts and Imperial Knights, key elements of the traditional feudal hierarchical structure of the Reich, remained in place, as did the Teutonic Order. The Reichskammergericht continued to function, though the Reichstag was paralysed by the lack of agreement over the question of the votes of the princes. Francis II remained as Holy Roman Emperor, though the extent of his authority was unclear.

The major problem of the Peace of Pressburg for the Reich was the lack of clarity over the meaning of the term 'plénitude de la souveraineté'. How did it relate to the German term 'Landeshoheit', which meant powers limited by the laws of the Reich? As far as Napoleon was concerned, this was deliberate. In March 1806, he informed Talleyrand that he had not yet decided what relationship the Duchy of Kleve and the County of Mark that he had just granted to Murat would have to the Reich. He needed time to resolve whether Berg would be a fief of the Reich or part of his own empire.[1] That left room for virtually any interpretation of the situation. The Elector of Württemberg immediately adopted the title of 'Electeur-souverain du Saint-Empire'. Like the Electors of Baden and Bavaria, he had already occupied the lands of the Imperial Knights and other minor territories in their respective regions in November and December 1805. The knights themselves had seen the way things were going: in the spring of 1805, they had dismissed the envoy they had maintained in Paris since 1802; on 20 January 1806, they formally dissolved the corporation of the Imperial Knights, which had existed since the sixteenth century.[2]

[1] Oer, *Friede*, 211. [2] Walther, 'Treue', 864–5; Demel, *Reich*, 342–3.

Despite the obvious advance of the leading territories, however, the Württemberg and Bavarian representatives at Wetzlar still advised their governments that they remained in some respects subject to the jurisdiction of the Reichskammergericht. At the Reichstag, the Austrian envoy, Egid von Fahnenberg, never tired of pointing out that the new sovereigns were still members of the Reich, and hence subject to the authority of the emperor. The Reichskammergericht judge, Heinrich Aloys von Reigersberg, expressed a common view when he wrote in an anonymous pamphlet that Germany's constitution was and 'remains, for as long as the state is not wholly overturned, monarchical'. The Peace of Pressburg merely used the word 'souveraineté', he explained, because the French did not have a word for 'Landeshoheit'.[3]

As usual, Napoleon had no blueprint, but developed his aim of achieving hegemony piecemeal. His relations with his new south German allies soon became troubled. Bavaria was the most dependable ally, reinforced by the marriage of Napoleon's adopted son Eugène de Beauharnais, the Viceroy of Italy, and the Princess Auguste. At a conference following the wedding festivities in Munich in January 1806, Napoleon tried to tie all three territories into a perpetual alliance with France and Italy, which Switzerland and others would join in due course.[4] The plan did not envisage the formal exit of Napoleon's 'alliés à perpétuité' from the Reich but, as 'états fédératifs', they were to agree that they would no longer take their complaints to the Reichstag but that they would recognize a 'commission de médiation' to be established at Paris, with Napoleon himself as the ultimate judicial authority. Furthermore, they would cease to provide troops for any future Reichskrieg and provide military support to the French army instead. Bavaria and Baden, whose heir was to marry Stephanie de Beauharnais, Eugène de Beauharnais's second cousin, in April 1806, were willing, but the treaty failed because Württemberg refused to contemplate the implied diminution of its sovereignty.

All three south German territories tried as hard as they felt able without alienating France to steer an independent course. During the spring of 1806, they gradually removed themselves from the authority of the Reichskammergericht in respect of the numerous cases brought by Imperial Knights and others against them. At the same time, their chief ministers met regularly from April onwards to resolve all territorial issues between them without recourse to France.[5] On the other hand, it became increasingly clear that Napoleon was not content to leave the territorial reorganization of south Germany to his allies there. By June 1806, first Bavaria and then other territories too were confronted with the demand that they join a Confédération de la haute Allemagne (an Upper German confederation), which would entail forswearing all their titles and offices in the Reich. A further treaty of confederation with France and Italy, in which all rights and properties were mutually guaranteed, would reinforce the new confederation. By the end of July, under massive pressure from France, the three south German territories and

[3] Mader, *Priester*, 121; Oer, *Friede*, 204–11.
[4] Wierichs, *Napoleon*, 46–50; Weis, 'Napoleon', 59–60.
[5] Mader, *Priester*, 134.

thirteen others had ratified a statute founding the Confédération du Rhin (Confederation of the Rhine). On 1 August, they announced to the Reichstag their intention to leave the Reich with immediate effect. Only a few days later, as we shall see, Francis II dissolved the Reich, which meant that for a time the Confederation of the Rhine was the only remaining union of German territories.

The new confederation was founded on reflections that went back to 1804, as well as on past precedents, such as the League of the Rhine, created by Richelieu in 1658.[6] Yet it went far beyond any previous French system in Germany by stipulating the withdrawal of all members from the Reich.[7] Its most important aspect, as far as Napoleon was concerned, was the guarantee of 63,000 men for his military campaigns. As at Pressburg, key members were promoted: the Elector of Baden, the Duke of Berg, and the Landgrave of Hessen-Darmstadt were created Grand Dukes with royal status; the head of the house of Nassau became a Duke, Count von der Leyen a prince. The Elector of Mainz received the title of Prince-Primate, though with no special rights or duties attached; Napoleon himself was designated Protector with the right to appoint the next Prince-Primate. All member states gained the right to incorporate the lands of Imperial Knights that lay within or on the frontiers of their territories, as well as the lands of some minor princes, Imperial Counts, and other lordships. A diet at Frankfurt, consisting of a house of kings and a house of princes, would safeguard the common interests of its members; the diet would also mediate in disputes between members.

While the confederal statute assured all members of their 'plénitude de la souveraineté' (defined, significantly, as their right to conscript soldiers), it was clear that they had no right to an independent foreign policy. At the outset, it was far from clear whether the Confederation could become anything more than just an association of German clients, and that remained debatable for the duration of its existence until 1813. Our focus here must be on the implications of its foundation for the continued existence of the Reich.

There were, broadly speaking, five kinds of response to the events that culminated in the formation of the Confederation of the Rhine and the dissolution of the Reich. Each unfolded in parallel to the others, and each generated an extraordinary amount of correspondence, negotiation, speculation, and rumour, which gave the last phase of the history of the Reich an exceptional intensity. The sense that the situation was open-ended heightened the tension. No one knew what was going to happen, and many held back as long as possible from acting on whatever plans they had formulated, in the hope that events would take a different course.

Those who became members of the Confederation did so for a variety of reasons and pursued variable objectives within it. The major south German territories were ambitious to extend their sovereignty beyond the limited 'Landeshoheit' afforded by the Reich, but Napoleon also placed them under duress. They went along with his plans not only out of fear of his armies, but for fear that he might decide to preserve smaller territories as thorns in the flesh of their own lands and then create

[6] See pp. 11–12. [7] Hofmann, *Quellen*, 374–92.

out of them some kind of union that would act as a 'préfecture française' in south Germany.[8] At the end of the day, by cooperating, they made further considerable gains and were able to secure the framework for their development as sovereign states for the longer term. The smaller territories really aspired to achieve in the Confederation what they had sought from the Reich: protection from their more powerful neighbours. Hence, they were interested in the development of the central institutions mentioned in the articles of confederation. Many of the rulers and ministers of the member states did not believe that Napoleon would survive, so they tended to think primarily of what they could secure for themselves.

A second response to the emergence of the Confederation, however, genuinely believed in its future as a substitute for or successor to the Reich. The most prominent exponent of this view was probably Prince-Primate Dalberg himself. Ever since talk of mass secularizations and a reorganization of the Reich had begun in the 1790s, Dalberg had agitated tirelessly both to save his own Prince-Archbishopric and the Reich, of which he was Archchancellor. His tendency to enter talks with virtually anyone who crossed his path, combined with a somewhat gullible nature, undermined his chances of success and led many to distrust him or simply not to take him seriously. He survived as Elector, Archbishop, and Archchancellor after the *Reichsdeputationshauptschluss*. Nevertheless, he failed to persuade Rome to support the re-establishment of the Reichskirche or to persuade the emperor and princes to cooperate in a major reform of the Reich.

Since 1803, it had become increasingly clear to Dalberg that Napoleon was the only real power in the Reich and, by January 1806, he was willing to throw in his lot with him. He could not offer Napoleon the German crown, nor had he military forces to contribute to the French, but he did offer Napoleon a stake in the Reich. In May 1806, he astonished the Reich by announcing that he had nominated Napoleon's uncle, Cardinal Joseph Fesch, as his own coadjutor with the right of succession.[9] Privately, he had also suggested to Napoleon that he might make Murat, the Duke of Berg, an Elector. Dalberg made both suggestions in the hope that Napoleon would preserve the Reich and ensure that it did not become a simple federation. Dalberg's gesture, however, came at a time when Napoleon had lost any interest he might have had in the Reich. On 31 May, Napoleon wrote to Talleyrand that soon there would be no more Reichstag since Regensburg would be integrated into Bavaria, and then there would be no more German empire 'and we'll keep out of it'.[10]

Ever flexible, Dalberg concluded the only logical course of action was still to follow Napoleon. He joined the Confederation and resigned as Archchancellor of the Reich on 31 July. As Prince-Primate, he tried to achieve in the Confederation what he had failed to achieve in the Reich. The first issue of the semi-official journal *Der Rheinische Bund* tried to limit the 'plénitude de la souveraineté' accorded to members by article 4 of the Act of Confederation by explaining that the

[8] Weis, 'Napoleon', 61.
[9] Aretin, *Heiliges Römisches Reich*, i, 500–1.
[10] Kraus, *Ende*, 55–6.

Confederation's member states 'only together' formed a state.[11] In reality, the new sovereigns were unwilling to accept any such limitation.

Dalberg's repeated attempts to convene a diet of the Confederation were frustrated by the opposition of the south German states and by the fact that Napoleon was perennially distracted by military campaigns. In any case, the emperor of France did not intend to become emperor in Germany only to suffer the hostility and obstruction that the Habsburgs had endured for so long: far better to have sound military allies than to have sullen clients. If Dalberg might be thought naïve, then a substantial body of informed contemporary opinion shared his passion for the reform of the Reich and its translation into the Confederation. This important strand of German patriotism only evaporated with the Confederation's collapse in 1813.[12]

Prussia pursued a third response to Napoleon's unfolding policy in Germany. Despite signing the Treaty of Schönbrunn in December and subsequently taking possession of Hanover in January, Prussia had tried to maintain her neutrality by delaying formal ratification of the treaty for as long as possible and by quietly negotiating with the Czar. Napoleon began to doubt Prussia's good faith and ordered Talleyrand to conclude a new agreement that would tie her more closely to France. On 15 February 1806, Prussia was obliged to sign the Treaty of Paris, which contained a mutual guarantee of territory and obliged Prussia both to annex Hanover without assuming the Hanoverian Electorate and to occupy all North Sea and Baltic river mouths and ports, including Lübeck, which was the port most heavily used by Russian ships.[13] While Prussia was thus isolated from the anti-French coalition, her control of the ports strengthened her position in north Germany.

This seemed to some in Berlin to present the perfect opportunity to transform the northern neutrality zone into something more substantial.[14] Ideas for such a move had circulated in Berlin since 1800, but they had failed to gain the support of the king. Now the situation seemed more favourable. In February 1806, Hardenberg proposed the division of Germany into three federations: one each under Austrian, Bavarian, and Prussian leadership, with the emperor as overall head of state and director of the Reich assembly.[15] The fact that Talleyrand too was advising Napoleon to divide the Reich into three federations seemed to enhance the prospect of such a plan succeeding, though Talleyrand envisaged the Middle German empire under French, rather than Bavarian, control. The difference lay in the fact that Talleyrand saw a future 'confédération du nord de l'Allemagne' as an integral part of the new French continental system, while Prussia, in a fatal overestimation of its own power and potential, thought of a Prussian north

[11] Schmidt, 'Souveränität', 49.
[12] Raumer and Botzenhart, *Deutschland*, 338–50; Pape, 'Revolution', 62–8; Schuck, *Rheinbundpatriotismus*.
[13] Bernstein, *Balance*, 82–4.
[14] For the following, see: Grzeszick, *Reich*, 121–2, 126; Bernstein, *Balance*, 121–9; Kittstein, *Politik*, 293–354.
[15] Stamm-Kuhlmann, 'Hardenberg', 80–2.

Germany as an independent power able to assert its position between France and the anti-French coalition.

The situation changed again in June, when Napoleon swept Talleyrand's German plans aside and forced the creation of the Confederation of the Rhine. At the same time, Britain's declaration of war on Prussia on 11 June made it imperative for Prussia to decide between France and the coalition. In response to the news of the dissolution of the Reich at the beginning of August, the Prussian chief minister, Christian von Haugwitz, and his officials developed a new plan that aimed to create a new framework to replace it. He envisaged three sovereign empires: the southern Reich was to become a French-ruled empire; Austria would be confined to the new empire of 1804. The King of Prussia would become emperor of north Germany, which would be a union of all the large and small territories; the Electors of Saxony and Hessen-Kassel would become kings; the Duke of Brunswick and others would be grand dukes. Prussia, Saxony, and Hessen-Kassel, with precedence given to the King of Prussia as emperor, would act as joint leaders of the new empire and its military forces. The proposed structure of the new northern empire was remarkably similar to the Reich: a supreme court, a common army, and Kreise.[16]

While Hessen-Kassel was willing to go along with the Prussian plans in return for significant territorial concessions, Saxony resisted. Once again, traditional Saxon loyalism to the Reich and to the Habsburgs asserted itself, as well as a profound reluctance to become subject to Prussian control.

Napoleon's continuing distrust of Prussia, however, undermined all the plans formulated in Berlin. Reports of Anglo-French talks over the return of Hanover to Britain forced Frederick William II into a fatal trap. When he heard the news of the dissolution of the Reich, he issued an ultimatum demanding the withdrawal of French troops and the dissolution of the Confederation of the Rhine. On 1 October, he declared war on France; two weeks later, his army was decimated at the battles of Jena and Auerstedt. Prussia's aspirations to be a great power, and all hopes of a north German empire, were destroyed.

Prussia shied away from any idea of a north German empire until after the formal dissolution of the Reich. To that extent, the Prussian response to Napoleon from the autumn of 1805 overlapped with the fourth broad response to the unfolding of French policy: the attempts to save the Reich. These focused on the Reichstag and on the Reichskammergericht, and they represented a continuation of the reform debate of the previous years.

The Reichskammergericht continued to the end. The judges and officials in Wetzlar were tireless in their work on new cases and in voicing their arguments for the absolute necessity of preserving the Reich and a higher court of justice for the German territories. The Reichstag, by contrast, was paralysed. It was only informed of the Peace of Pressburg in February 1806 and was not given the opportunity to debate it. Meanwhile, the remaining envoys were preoccupied with rumour and speculation about the future.

[16] Kittstein, *Politik*, 335–6.

In March 1806, the Austrian envoy, Egid von Fahnenberg, hoped that the Reich might still survive in some form, perhaps combining federal elements that recognized the new sovereignty of some territories with traditional hierarchical structures that protected the rights of the lesser territories.[17] Even in the middle of July 1806, Fahnenberg was still formulating plans for the survival of the Reich. He was by no means the only one. In April 1806, a Bavarian plan for the reform of the Reich suggested another outcome: the creation of a series of 'national states' ('Nationalstaaten'), established on the principles of the Peace of Pressburg and united in a federal system.[18] The Reich would no longer require an emperor as ruler, but one might retain him as *primus inter pares*, a figurehead who might represent the federation on certain occasions. The sovereign states would elect him and bind him to them for life by an electoral capitulation. They would transform the Reichstag into a permanent congress of representatives. The imperial courts would be replaced by high courts in each state. In due course, the sovereign states would abolish their territorial Estates, though freedom of the press was to be fundamental throughout the federation.

This plan, which seems so prescient in its anticipation of the German Confederation of 1815, did not reflect the majority view. Larger territories, such as the Electorate of Saxony, as well as smaller territories such as the Duchy of Saxony-Weimar, hoped to the last that the old Reich might survive.[19] Even the new sovereign states in south Germany were ambivalent about its demise. When the Bavarian minister Montgelas heard the news of the abdication of Francis II, he wrote: 'This event came too quickly. Never again will we have such an easy-going Emperor as the one in Vienna.'[20]

It may seem paradoxical to isolate the views of Vienna from those that wanted to preserve the Reich and to designate them as a fifth response to French policy. Yet opinion in Vienna developed in ways that differed from the views expressed by Fahnenberg as the Austrian envoy at Regensburg. Austria did not leave or abandon the Reich; she was now forced out of it.

Militarily defeated and financially ruined, Austria was ultimately obliged to accept what Napoleon dictated. Since 1801, Vienna had pursued a variety of often-contradictory policies in an increasingly desperate attempt to save the Habsburgs' lands in the Reich and the imperial crown itself. After the Peace of Pressburg there were few options left, save the hope that something might yet turn the tide against Napoleon. Thoughts now inevitably turned to the practical implications of losing the Holy Roman Imperial crown and to the possibility that Vienna might achieve at least some gain against its loss.

In May 1806, three reports drew the same stark conclusion. The first was by Joseph Haas (1771–1808), head of the chancery of the imperial representative at the Reichstag in Regensburg.[21] His verdict was bleak. 'Foreign power and politics'

[17] Härter, *Reichstag*, 636–8. [18] Mader, *Priester*, 129–31.
[19] Petschel, *Außenpolitik*, 226–44; Schmidt, 'Überleben', 350–3.
[20] Aretin, *Heiliges Römisches Reich*, i, 477.
[21] Printed in Walter, *Zusammenbruch*, 132–44.

had now achieved what the unruly spirit of the German princes and their mistaken sense of freedom had failed to do over centuries: the unity of the German Reich was destroyed. 'The German people no longer constitute a state', he wrote, 'not because of the desire for independence of its Estates, but rather in order to impose a foreign yoke all the more rigorously.' Virtually nothing was left of the system of the Reich; the emperor now only had authority in the Archchancellor's lands, in Western Pomerania, Mecklenburg, and the Hanseatic Cities—'for as long as these lands retain their present rulers'.

Haas's superior, Johann Aloys von Hügel (1753–1826), the imperial representative's deputy (*Konkommissar*), agreed, but advised that Austria postpone any decision until Napoleon revealed his true intentions.[22] Above all, the ancient imperial crown itself, which Hügel personally had rescued from Nuremberg and transferred to Vienna, should be retained until all of Austria's rights had been observed.[23] The third report concurred: Friedrich Lothar von Stadion, the Bohemian envoy at Regensburg and the brother of the foreign minister, Philip von Stadion, believed that retaining the crown would merely compromise and humiliate the emperor, obliging him to condone actions by Napoleon that were contrary to imperial law.[24] He too, however, advised delaying any action until things became clearer, though he commented that the situation was unlikely to improve.

When Francis II finally received the reports by Hügel and Stadion on 17 June, he agreed that he should relinquish the throne at the point at which he might extract the greatest advantage for his own Austrian monarchy.[25] If he could not rule the Reich according to the agreements on which he had given his coronation oaths, he would rather not do so at all. A Reich dominated by Napoleon was a Reich that he would feel obliged to leave. Count Metternich should therefore be sent to Paris as soon as possible to discover Napoleon's true plans.

For nearly two months, the Vienna authorities prevaricated and played for time. Metternich discovered nothing useful in Paris. On the contrary, his enquiries merely provoked impatience and anger. On 22 July, Napoleon issued an ultimatum: Francis II must abdicate by 10 August. On 1 August, the princes of the Confederation of the Rhine announced that they were leaving the Reich. Since 1795, their position had become progressively intolerable, they explained. They had effectively been abandoned by both major German powers; 'in vain', they declared, 'did one look for Germany in the heart of the German polity'; those whose lands lay nearest to France had had no choice but to seek peace with France; now they were all resolved to seek the protection of the Emperor of France.[26]

Five days later, Francis II bowed to the inevitable. It was more than a simple abdication. Without once referring to the French ultimatum, Francis affirmed that

[22] Raumer, 'Gutachten', 399–408.

[23] On Hügel's rescue of the imperial crown and insignia, see Kubin, *Reichskleinodien*, 103–12, 133–4.

[24] Aretin, *Heiliges Römisches Reich*, ii, 334–44.

[25] The full text of Francis II's notes on Philip von Stadion's presentation of the reports by von Hügel and Friedrich von Stadion is given by Kleinheyer, 'Abdankung', 138, n. 54.

[26] Hofmann, *Quellen*, 392–4; Buschmann, *Kaiser*, ii, 376–8.

since the Peace of Pressburg he had tried his best to fulfil his duties as emperor.[27] The interpretation placed on the peace by many princes, however, had convinced him that he could no longer rule according to his electoral capitulation. The formation of the Confederation of the Rhine made it impossible. The imperial crown could only be of value to him, he declared, 'for as long as we can live up to the confidence placed in us by the Electors, princes and Estates and other members of the Reich, and for as long as we are able to satisfy the obligations we have assumed'. Now that was no longer the case, he continued, 'we hereby decree that we regard the bond which until now tied us to the state of the Reich as dissolved'. He abdicated the crown and released the Electors and all the rest, including the members of the supreme courts and any other servants of the Reich, from any obligations to it. His own lands would continue under his rule as emperor of Austria.

Francis II's dissolution of the Reich was certainly a breach of imperial law.[28] On the other hand, it precluded an interregnum and avoided the possibility of the imperial crown falling into the hands of Napoleon or one of the Electors. The removal of the Habsburg lands from the Reich and their unification with the Austrian monarchy were also strictly illegal, but it was a logical consequence of the dissolution. Whether Francis's actions were legal or not, however, one thing was clear: on 6 August 1806, the Holy Roman Empire of the German Nation ceased to exist.

[27] The best and most accessible version of this declaration is in Buschmann, *Kaiser*, ii, 379–81.
[28] Kleinheyer, 'Abdankung', 142–4; Walter, *Zusammenbruch*, 76–81.

Conclusion

> 'The fact is so new, so unexpected, so highly important, so fundamental—so shattering of everything that existed for a millennium, that the mind cannot yet comprehend the whole. The mind can even less comprehend the question: how do things stand now? than the question: what will be in future? what will our constitution now be?'
>
> Joseph Anton von Vahlkampf
> Protonotary at the Reichskammergericht, Wetzlar
> Summer 1806[1]

> '. . . the sense that Germany makes a whole cannot be eradicated from any German breast, and it derives not only from common customs, language and literature (since we do not share it to the same degree with Switzerland or with Prussia as such) but from the memory of rights and liberties we enjoyed in common, from victories that we achieved and dangers that we withstood collectively, from the memory of a closer union forged by our fathers and which now lives only in the longing of their grandchildren. . . . It lies in the natural composition of things that in the feelings of its inhabitants and in the eyes of their neighbours, Germany will remain, within frontiers either enlarged or contracted according to circumstances, One Nation, One People, One State. . . . '
>
> Wilhelm von Humboldt
> *Thoughts on the German Constitution* (1813)[2]

Between Joseph Anton von Vahlkampf's shocked reaction to the dissolution of the Reich in 1806 and Humboldt's thoughts for the future of Germany in 1813, the lands of the former Reich experienced further years of war and a multitude of further political and territorial changes. Vahlkampf's shock and dismay were shared by many as the news made its way round the Reich during August 1806. If only one German prince, the Elector of Hanover, joined the Czar in protesting against Francis II's dissolution of the Reich, there was widespread consternation at an event which, though it seemed in many ways inevitable, was nonetheless unexpected.[3] Arguments that the Reich still continued to exist because the emperor had no right to dissolve it soon became irrelevant in the face of the new realities.[4]

[1] Mader, 'Altes Reich', 235. [2] Humboldt, *Werke*, iv, 304.
[3] Burgdorf, *Weltbild*, 98–172; Mader, *Priester*, 174–94.
[4] Walter, *Zusammenbruch*, 76–7; Mader, *Priester*, 180–94;

The task of coping with the immediate legacy of the Reich was more important. Remaining boundary disputes needed to be resolved; the compensation due to rulers and individuals under the various settlements made since 1801 had to be organized and paid; the compensations and pensions due to the officials and servants of the Reich, notably the judges and staff of the Reichskammergericht at Wetzlar, had to be funded and regulated.[5] The complex structure of imperial and territorial legislation had to be translated into new frameworks, and legal norms had to be resignified as institutional structures changed, often more than once over the following years, until the establishment of the German Confederation in 1815.[6]

The map of the lands of the former Reich also changed several times, as some territories expanded further or Napoleon created new territories, such as the Kingdom of Westphalia or the Grand Duchy of Frankfurt, both of which disappeared again by 1815. By then, the majority of the small territories had lost their independence and been integrated into larger territories, leaving only thirty-nine states that became members of the German Confederation. Amid all this, individual Germans had to navigate their lives through continual changes: Imperial Counts and minor princes, who ended up as subjects of the new sovereign states, with personal privileges that many of them retained until the revolution of 1918–19; former dignitaries of the Reichskirche or members of the Reichskammergericht with pension entitlements that generated claims and disputes into the 1840s; experts on imperial law who retrained in the law of the Confederation of the Rhine and then the law of the German Confederation; millions of ordinary Germans who struggled to rebuild their war-shattered lives through continuing conflict and change, often as subjects of several different rulers until 1815 brought territorial stability again.

In most traditional accounts of German history, the events that unfolded after 1806—the establishment of the sovereign states, Napoleon's reorganization of Germany and then the protracted struggle against his hegemony, the establishment of a new framework for Germany in 1815—have overshadowed the end of the Reich. Yet, as Humboldt's reflections make clear, contemporaries did not forget the Reich.

Humboldt's thoughts about the future were based on his reflections on the past. In his view, the Reich had not been a failure. He recognized that the common identity of the Germans was based not only on language and culture. For the Germans shared that with the Swiss and with the German communities along the eastern Baltic coast. Yet Royal Prussia and the Duchy of Prussia had long belonged to the Polish-Lithuanian Commonwealth and never to the Reich, and, further east, Lithuania, Latvia, and Estonia belonged variously and at various times to Poland or Russia. It is highly significant that Humboldt, a Prussian nobleman from the Brandenburg Neumark, included both Austria and Brandenburg in 'Germany', but not the Duchy of Prussia.

[5] See, for example: Burgdorf, 'Untergang'; Mader, *Priester*, 195–306.
[6] Härter, 'Reichsrecht', 327–37.

Humboldt recognized that it would not be possible to restore the Reich, which was his preferred option, and, in 1813, his vision for the future reflected the common view among Prussian statesmen that Germany should now be led jointly by Austria and Prussia. Like many of his contemporaries, however, until Austria's renewed defeat in 1809, he had still seen her as the natural leader of 'Germany'.[7]

What bound the Germans into a community were the rights and liberties that they had acquired in the Reich, and the wars in which they had defended themselves against the Turks and the French. Over the previous three centuries, the development of the Reich and its territories had been shaped by the Reformation and its aftermath, by successive religious movements between the late sixteenth and early eighteenth centuries, and by the subsequent seismic intellectual–religious shift of the *Aufklärung*.

It came naturally to Humboldt, as to most of his contemporaries, to refer to the Reich as a state. It was certainly a highly unusual polity, which functioned at a variety of levels. The main function of the Reich itself was both to provide defence from external attack and to guarantee internal stability and security. The Reichstag also generated framework legislation, some of which was implemented at the regional level by the Kreise, but most of which was translated into legislation and regulation by the rulers of territories or the city councils of the Imperial Cities.

This complex system sometimes generated confusion and conflict. Between 1618 and 1648, disagreements over the extent of the emperor's authority exploded into a protracted and destructive civil war. In the eighteenth century, many of the rulers of larger territories increasingly resented their formal subjugation to the higher authority of the Reich. Yet the continuities are as striking as the changes. This was a polity that had integrated and transcended the great religious divide of the early modern period. It developed judicial mechanisms for conflict resolution that solved the problems of lawlessness that characterized late medieval German society and ensured increasing stability and security in the early modern period. Within the legal and institutional framework of the Reich, the German territories had adapted successfully by reform in the face of rebellion, war, and a changing economic world. Looking back in 1800, Humboldt's contemporary, Daniel Jenisch, compared the crisis-ridden and turbulent histories of England, France, Spain, and Switzerland with the 'quiet and peaceful development of our own constitution'.[8]

The Reich, Humboldt believed, had perfectly reflected the fundamental character of the Germans, their peculiar national identity, which was generated by the sense of belonging to a particular territory: 'The German is only aware that he is a German in that he feels himself to be the inhabitant of a particular country in the common fatherland.' Hence, looking to the future, Humboldt argued that the best thing would be the reconstitution of the Holy Roman Empire. For a centralized state that did away with the 'provincial independence' ('Provincial-Selbständigkeit') of the Germans had no future in Germany. Recognizing that the old Reich could

[7] Press, *Altes Reich*; Whaley, 'Thinking', 69–70; Burgdorf, *Weltbild*, 245–6.
[8] Jenisch, *Geist*, ii, 50.

not simply be revived, he suggested that the best way forward was to create something as close as possible to it, to create a new framework that embodied its principles, even if it did not resurrect the three hundred or so principalities, the independent cities, the ecclesiastical and monastic territories, or the lands of the Imperial Knights.

Humboldt was not a romantic ingénue. He was one of the leading Prussian reformers and an outstanding member of a stellar generation of German intellectuals. Moreover, his thoughts on the future of Germany in fact reflected the consensus of informed opinion at the time. Contrary to the narrative developed by historians in subsequent generations, there was no general clamour for a centralized nation state after the demise of the Reich. Those who demanded that were no more than a small radical avant-garde. The majority who thought seriously about the future of Germany in these years were wedded to the idea of a 'federative nation'.[9] They recognized that there was no way back. Many saw the reforms unfolding in the new enlarged sovereign German states as positive progress made possible precisely by the removal of the restraints imposed by the old Reich. Yet they were determined not to abandon the traditional unity of the Germans.

The determination with which the large territories seized the opportunity to expand in the context of the Napoleonic crisis ensured that it would not be possible to revive the Reich as it had existed in the eighteenth century. Whether it could have survived if Napoleon had not existed or had been defeated earlier is probably not a realistic question. Yet there was nothing internal that inherently doomed the Reich to failure. There was undoubtedly a growing tension between the traditional hierarchical structures and the federal tendencies that became apparent as the larger territories sought to escape imperial control.[10] In the final crisis, however, few, if any, of those territories actively believed that the demise of the Reich was in their best interests.

Reform of the Reich proved impossible when it might have been required urgently. Yet no previous reform of the Reich had ever occurred rapidly: the system was inherently conservative, and since the late Middle Ages inertia had been a key political principle. It is not impossible that the Reich might have adapted in time. After all, the Reich in 1800 was not the same as the Reich in 1500, let alone the Reich founded in 800. The teleological argument that the sovereign ambitions of the larger territories were bound to prevail seems cogent, but it does not account for the survival after 1815 of minnows such as Nassau, Hessen-Homburg, Saxony-Weimar and Gotha, Waldeck-Pyrmont, and the senior and junior lines of the princes of Reuss, or indeed Luxemburg and Liechtenstein, which still exist as sovereign states today.

The thinking of Humboldt and his contemporaries was fully reflected in the shape of the German Confederation, which emerged in 1815 as the successor of both the Reich and the Rheinbund. As the historian Georg Waitz informed the Frankfurt Parliament in 1848: 'the German Confederation is but the continuity of

[9] Langwiesche, 'Reichsidee', 229–34.
[10] Aretin, *Altes Eeich*, iii, 528–31, and Aretin, 'Das Alte Reich, eine Föderation?'.

the Reich . . . we too live in the continuum of that which was, and no one is free to choose whether he wishes to be with us or not.'[11] Referring to the King of Denmark's desire to remove Schleswig-Holstein, two ancient duchies of the Reich, from the Confederation and integrate them into the Danish kingdom, Waitz declared that the legacy of the Reich to the Germans is 'an older and more sacred bond' than any modern law or treaty.

If the German Confederation could be seen as the continuation of the Reich, then two later dates emerge as major departures from its traditions. The first, 1871, saw the creation of a Reich from which Austria was excluded. Then, in 1934, Hitler abolished the Länder and tried to impose a centralized state.

Those turning points were also associated with meanings of the term 'Reich' that sought to gain legitimacy by invoking the tradition of the first Reich, but in reality they had little to do with it. The Reich that Humboldt wrote about was essentially the early modern Reich. This was the polity that gradually came into being around 1500 and that was fundamentally shaped by the Reformation, the period in which it became the Holy Roman Empire of the German Nation. By then, it already had a seven-hundred-year history from which many of its traditions derived, but when Humboldt and his contemporaries, like their predecessors in the eighteenth century, spoke of the Reich they were thinking of the polity redefined by the reforms of the reign of Maximilian, Charles V's electoral capitulation of 1519, the Peace of Augsburg 1555, and the Peace of Westphalia 1648. Together with the Golden Bull of 1356, these fundamental laws were the *lieux de mémoire* of the later Reich.

The fact of the Reich's previous existence since 800 was important in that it gave Germans a belief in its inherent durability and indestructibility. The actual memory of that earlier existence, however, played a subordinate role. The sense of being at the centre of Europe was, of course, fundamental. Since the Reformation, however, what made the Empire 'Holy' had declined in significance for most, while by the early seventeenth century the idea that it had ever been Roman was rejected as absurd.

Memories of a universal Christian empire played a small role again at the end of the eighteenth century in the definition of the Germans as a universal and post-national people.[12] After the end of the Reich, some of Freiherr vom Stein's thoughts about the future of the Reich were based on the idea of the kind of strong Reich that he imagined had existed in the Middle Ages, though he was also concerned to preserve the personal liberties of the Germans that had been secured in the Peace of Westphalia.[13] After 1815, constructed memories of the medieval Reich were cultivated increasingly by historians and by rulers such as Ludwig I of Bavaria and Frederick William IV of Prussia.[14] The larger sovereign states of the German Confederation developed their own histories, which filtered out the Reich and Austria and, particularly in the case of Prussia, emphasized their own alleged role in the liberation of Germany after 1813. Austria also developed an increasingly

[11] Siemann, 'Weiterleben', 585.
[12] See pp. 599–601.
[13] Duchhardt, *Stein*, 309.
[14] Burgdorf, *Weltbild*, 227–51, 283–90; Burgdorf, 'Kampf', 340–50.

pronounced new identity that saw the early modern period as the long prelude to the formation of the Austrian Empire in 1804. Austria remained entwined with 'Germany' for many more decades but, following the struggle with Prussia, was ultimately excluded from the Reich of 1871.

These constructed memories soon came to overlay any sense of the Reich as it had actually existed in the eighteenth century. Becoming entwined with new modern ideas of the nation, shaped by democratic visions of the mobilization of the people, these memories formed myths that served as an historical backdrop both to the Reich of 1871 and to that of 1933. Through both the second and the third Reich, the very word 'Reich' developed connotations that ultimately, following the Holocaust and the Second World War, resulted in its extirpation from the political vocabulary of the Germans.[15]

The rediscovery of its meaning before 1806 has been slow. A key theme of the accounts of German history written in the nineteenth century and the first half of the twentieth was the decline of the first Reich after the medieval period. The history of the Reich since the fifteenth century had been, according to these accounts, the history of disintegration, division, foreign subjugation, stagnation, and decline. Since 1945, the renewal of interest in the old Reich has gradually revealed a very different picture of the early modern Reich as a fascinating and complex, and, until its final crisis, viable polity. Its rediscovery is still far from complete. As in previous generations, there has also yet again been the temptation to press the past into the service of the politics of the present.[16] Some have even gone so far as to suggest that the old Reich might serve as a useful model for the new Federal Republic after 1945 or the new Berlin Republic since 1990, or for a post-national future in the European Union.

As in the case of the Prussian-German nationalist historians before 1945, such exercises tend to distort the past more than they illuminate the future. Much about the Holy Roman Empire that has seemed modern to some historians is in fact simply early modern. The Reich is more fruitfully compared with its contemporaries, such as the Polish-Lithuanian state, the Swiss Confederation, the Dutch Republic, and the composite monarchies of Spain and Britain, rather than with Europe in the late twentieth century and early twenty-first century. That in itself is an important insight: the Reich was distinctive, but not unlike other European polities of its time. It developed a culture of freedom and respect for the law as well as a national identity and a federal mentality.

The old Reich, as Humboldt knew, was extinguished irrevocably in 1806. Yet the fact of its existence has continued to shape the lives of the inhabitants of German-speaking Central Europe ever since. Understanding the history of the early modern Reich cannot help us construct a blueprint for the future of Europe. It can, however, help us understand how Germany and Europe have become what they are.

[15] Stolleis, *Transformation*; Whaley, 'Reich', 442–3.
[16] Whaley, 'Old Reich'; Schnettger, 'Reichsverfassungsgeschichtsschreibung'.

Glossary of German and other Terms

Amicabilis compositio	See under '*Itio in partes*' below.
Amt, Ämter	District or bailiwick: the key administrative unit of a German territory.
Amtmann	Administrator of a bailiwick or district.
Aufklärung	The German Enlightenment.
Bildungsbürgertum	The educated classes.
Bürgertum	Citizenry of a town or city; town and city dwellers as a social stratum generally.
Bürgerschaft	The citizenry of a town or city formally constituted as a body with a constitutional role in the government of the commune.
Confessio (*Konfession*)	Articles of faith or a faith community that subscribed to such articles.
Confessio Augustana	The twenty-eight articles of faith submitted by the Protestant Estates to Charles V at the Augsburg Reichstag 1530; subsequently the basis of Lutheran doctrine along with the Formula of Concord of 1576.
Confessionalization	The term given (first by German historians) to the process whereby new confessions and articles of faith and new Church structures were created in the century following the Reformation. Supported and often initiated by governments, the process involved the attempt to impose social discipline and to strengthen the institutions of government.
Corpus (pl. Corpora)	The organizations in the Reichstag of Protestants and Catholics devoted to defending the interests of each confessional group. See also under '*Itio in partes*' below.
Declaratio Ferdinandea	The assurance given privately by Ferdinand I in 1555 that Protestants in Catholic ecclesiastical territories would be permitted to exercise their religion. Its validity was contested by the Catholics.
Droit d'épave	The right of shoreline landowners to claim wares that washed up on the beach, a doctrine applied by Vienna after 1804 to claim ownership of any property or assets formerly belonging to a secularized territory that ended up under Austrian jurisdiction, even though the secularized territory itself (with all of its debts) had been allocated to another ruler.
Electoral capitulation (*Wahlkapitulation*)	Pre-election agreement between the emperor or the ecclesiastical princes and their Electors, confirming rights and privileges.

Erblande	Austrian hereditary lands: the Austrian archduchy and duchies, together with the County of Tyrol and other territories, which the Habsburgs held by inheritance, as opposed to other territories, such as Bohemia and Hungary, in which they were elected.
Erbverbrüderung (*Erbeinung*)	A treaty between two territorial dynasties agreeing that each might inherit the lands of the other in the absence of a male heir.
Erste Bitte (*Ius primariarum precum*)	The right of the emperors since the thirteenth century to nominate to the first vacancy that arose following his coronation in any ecclesiastical foundation (including cathedral chapters) in the Reich.
Erzstift	See 'Hochstift' below.
Estates	In the Reich, the Estates (*Stände*) were the immediate subjects of the emperor, i.e. primarily the princes and others entitled to vote, either as individuals or as members of corporations, in the Reichstag, as well as the Imperial Knights, who had no such vote. In the territories, the Estates (*Stände* or *Landschaft*) were the representatives of the nobility, towns, and other groups.
Fürstenbund	League of Princes, established 1785 (formally, Deutscher Fürstenbund).
Ganerbschaft	A noble property held in common, and often occupied collectively, by a group of noble families.
Geistlicher Rat	Administrative body in a territory with oversight over the territorial church and ecclesiastical affairs.
Generalsuperintendent	See '*Superintendent*' below.
Gravamina	A catalogue of complaints submitted to the Reichstag: originally a list of complaints about the Church, but then used more generally to denote any formal list of complaints.
Grundherrschaft	A system of landownership in which tenants rented land from their feudal overlord. Also *Grundwirtschaft*, the equivalent agricultural production system.
Gutsherrschaft	A system of landownership dominated by manorial estates which used dependent peasants (*Leibeigene*, see *'Leibeigenschaft'* below) and hired labour: largely found east of the Elbe. Also *Gutswirtschaft*, the equivalent agricultural production system.
Hochstift	The lands ruled by a bishop as a prince (as opposed to his diocese). In the case of an archbishop: Erzstift. In the case of a prelate: Stift.
Hofkriegsrat	Higher administrative body or council with responsibility for military affairs.
Immediacy	*Reichsunmittelbarkeit*, the status of a prince, etc. who was subject only to the emperor and not to any other intermediate authority.

Imperial Vicars	The Electors of Saxony and the Palatinate who held the powers of regency during interregnums in the Reich.
Itio in partes	Practice introduced in the Reichstag after 1648 in order to avoid votes by majority in religious matters: the Estates deliberated in two corpora, the Corpus Evangelicorum and the Corpus Catholicorum. The process of reaching such decisions was also referred to as *amicabilis compositio.*
Ius emigrandi	The right under the Peace of Augsburg and the Peace of Westphalia of subjects whose faith differed from that of their ruler to emigrate without loss of property.
Ius reformandi	Right of reformation, authority over the church in a territory.
Kammer	Treasury of a prince or city.
Kirchenordnung	Church ordinance, containing a comprehensive set of regulations governing Church administration, religious worship, and Church discipline.
Kleinstaaterei	A (pejorative) term coined in the early nineteenth century to denote the extreme territorial fragmentation of the Reich.
Kreis (Kreise)	Regional organizations of the Reich with responsibility for peacekeeping, enforcement of judgments of the Reichskammergericht and Reichshofrat, and currency regulation, among other things.
Kreisausschreibender Fürst	The presiding prince in a Kreis responsible for summoning meetings of its Estates.
Kreisoberst	Commanding officer of the armed forces of a Kreis.
Kreistag	Diets or meetings of representatives of the Estates of a Kreis.
Kuriatstimme	A collective vote in the Reichstag held, for example, by various groups of counts or minor ecclesiastical rulers, generally by region. (See also *Virilstimme* below.)
Landeshoheit	Territorial overlordship in the Reich; this fell short of sovereignty since rulers in the Reich were subject to imperial law and authority.
Landschaft	A single-chamber territorial diet in which only peasants were represented. The term could also refer to the entirety of inhabitants of a territory.
Landtag	Territorial diet.
Lehen	Fief, fiefdom.
Leibeigenschaft	The condition of servitude deriving from medieval feudal law, differently articulated in the various regions but nowhere akin to the forms of serfdom found east of the Reich.
Normaljahr	The Treaty of Osnabrück (Art V § 2) set 1 January 1624 as the date by which ownership of Church property and rights of religious worship were to be judged. Any group or individual in possession of such property or rights on that date was deemed to be entitled to them after 1648.

Obrigkeit	Authority, government (of a prince or an Imperial City).
Panisbriefe (*Litterae panis*)	The right enjoyed by the emperors since the thirteenth century to issue individuals with letters that obliged an ecclesiastical foundation to provide them with food and sustenance (or the financial equivalent) for life.
Policey (*Polizei*)	Legislation designed to maintain order and to address social, economic, and moral issues. A *Policeyordnung* was a statute containing a mass of detailed provisions covering every conceivable subject.
Prinzipal-Kommissar	The emperor's permanent representative and spokesman at the Reichstag.
Privilegium de non appellando	A privilege which exempted a territory from the jurisdiction of the higher courts of the Reich, usually granted in some limited form, but enjoyed almost unreservedly by the Electors.
Reichsafterlehen	Arrière fief, a fief not immediately subject to the emperor but to one of his feoffees.
Reichsarmee	Army of the Reich formed ad hoc by contingents from the Estates. This was distinct from the Austrian army, for which the German Estates also often provided troops.
Reichsabschied	The concluding document of the Reichstag, comprising all legislation agreed.
Reichsbarriere	The notion of a defensive barrier designed to protect the Reich against France. Primarily used in the late seventeenth and eighteenth centuries.
Reichsdeputation	Deputation or special committee of the Reichstag.
Reichserzkanzler	See under 'Reichsvizekanzler' below.
Reichshofrat	Imperial court or aulic council established at Vienna in 1498 to deal with feudal matters and other imperial prerogatives; from 1558 also a second supreme court for the Reich.
Reichskammergericht	Imperial cameral court, established in 1495 to maintain the peace and act as a supreme appeal court.
Reichskirche	The Imperial Church, the sum of all prince-bishoprics and other immediate ecclesiastical foundations.
Reichskrieg	A war formally declared by the Reichstag. Austria and other German powers could engage in wars that were not *Reichskriege*; even the supply of troops by other territories did not, however, make such a campaign into a *Reichskrieg*.
Reichsmatrikel	List of territories used to allocate fiscal and military levies.
Reichsmoderationstag	Meeting of Estates of the Reich commissioned to revise and update the *Reichsmatrikel* (never actually achieved).
Reichsregiment	Imperial government or administration.
Reichsschluß	An imperial law passed at the Reichstag.
Reichstag	Imperial diet, assembly of the Estates presided over by the emperor.
Reichsunmittelbarkeit	See 'Immediacy' above.

Reichsvikar	See 'Imperial Vicars' above.
Reichsvizekanzler	Permanent official based in Vienna who served as deputy to the Archchancellor, the Elector of Mainz (the *Reichserzkanzler*) and liaised between him and the emperor over Reichstag business and all important political matters.
Reservatum ecclesiasticum	The stipulation of the Peace of Augsburg 1555 that an ecclesiastical prince who converted to Protestantism should forfeit his office and title, designed to ensure that no further ecclesiastical territories should fall to Protestantism.
Rheinbund	Confederation of the Rhine, 1806–13, established by Napoleon as a system of satellite states in Germany, excluding Austria and Prussia.
Romans, King of the	See '*Römischer König*' below.
Römermonat (Roman Month)	The unit of account used to calculate the contribution of the Estates of the Reich to military expenditure—originally and literally the monthly wage bill for the troops who formerly accompanied the emperor to Rome for his coronation by the pope. From the early sixteenth century until 1806 the levy was based on the matricular list of 1521. By the late eighteenth century a *Römermonat* paid for 40,000 men.
Römischer König	King of the Romans, the designated heir of the Holy Roman Emperor.
Simultaneum	The joint use by two Christian confessions of a church or other ecclesiastical property; the parallel existence of two Christian confessions in a territory.
Sonderweg	The term used by German historians since the 1950s to denote the allegedly different path of development that Germany followed from the late 18th century. It has generally been employed in attempts to explain the long-term origins of National Socialism and the Holocaust. It also often implies a retarded or incomplete development in the early modern period.
Städtetag	The sixteenth-century organization of the Imperial Cities; the term can also refer to the individual meetings or diets of the representatives of the cities.
Standesherr (*Standesherren*)	The term used to denote those members of the upper nobility who lost their immediate status between 1804 and 1815, and who became subjects of the new German sovereigns of the German Confederation in 1815. They only lost their special rights and privileges, which set them apart from the ordinary nobility of a state (*Landadel*), in the revolution of 1918–19.
Stift	See 'Hochstift' above.
Superintendent	The leading (supervisory) clergyman in a Lutheran territory, where the prince held the powers formally held by a bishop.
Vikar (*vicarius*)	Deputy (used in the Church and in the Reich).
Virilstimme	A single vote in the Reichstag. (See also *'Kuriatstimme'* above.)

Vordere Kreise	The 'further' or 'forward' Kreise most exposed to attack by Louis XIV: the Swabian, Franconian, upper Rhine, Electoral Rhine and lower Rhine-Westphalian, the Bavarian and the Austrian Kreise.
Vorderösterreich—Vorlande	The complex of minor Austrian territories attached to the County of Tyrol that stretched westwards across southern Germany to Alsace. Further Austria.
Wahlkapitulation	See 'Electoral capitulation' above.

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