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Christel Annemieke Romein

Protecting the Fatherland: Lawsuits and Political Debates in Jülich, Hesse-Cassel and Brittany (1642-1655)

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For Bart and Jonathan

Preface

This monograph is a revised edition of my doctoral dissertation. The Netherlands Organisation for Scientific Research funded this study as part of the research project *'Reason of State' or 'Reason of Princes'? The 'New Monarchy' and its Opponents in France, Germany and the Netherlands, during the Seventeenth Century* led by Robert von Friedeburg at the Erasmus University Rotterdam. Professor Von Friedeburg gave me the chance to work on fatherland terminology under his supervision. He provided me with much feedback and generously shared his ideas with me when I wrote my dissertation. I thank him for this.

I would like to thank the other project members—Ingmar Vroomen, Marianne Klerk, Koen van Loon, and Jesper Schaap—for commenting on my research ideas and earlier drafts of the dissertation. This study has benefitted from the comments and suggestions of many colleagues at the Erasmus University, the Erasmus Research Center for Early Modern History, and other universities. In particular, I would like to thank Henk Nellen, Laurens Winkel, Raingard Esser, Jim Collins, Marjolein 't Hart, Edwin Rabbie, Conal Condren, John Morrill, Tim Neu, Angela de Benedictis, Edda Frankot, Jonathan DeWald, Willem Frijhoff, Jan van Herwaarden, Nicolas Simon, Nina Lamal, Jørgen Mührmann-Lund, Ida Nijenhuis, and the participants of the 38th International Wolfenbütteler Summer school: especially the organisers Wolfgang Adam, Giulia Cantarutti, Helga Meise, Dirk Werle, and Volker Bauer.

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I have learned a great deal while working at Ghent University. Though my colleagues there were not part of the initial Ph.D. project, I do owe them many thanks. Their confidence and trust have allowed me to grow further. Working outside my *Alma Mater* opened up new opportunities. Moving from a small university (Rotterdam) to the enormous one (Ghent) and working with colleagues across disciplines has shaken up my way of thinking. I thank my fellow members of the Institute for Early Modern History (IEMH), Group for Early Modern History (GEMS), Legal History, and my friends at Ghent Centre for Digital Humanities—the DH-Research Lab for sharing their knowledge. René, you have had more influence on my way of thinking than you might think—and I whole-heartedly thank you for that. Thomas, Kevin, Klaas, and Julie, thanks for our great conversations and discussions.

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Amsterdam, The Netherlands

Christel Annemieke Romein

Acknowledgments

Studies presented to the International Commission for the History of Representative and Parliamentary Institutions

CIII

Études présentées à la commission Internationale pour l'Histoire des Assemblées d'États

Note on Terminology

All translations are done by the present author unless indicated otherwise. The original transcripts have been placed in the footnotes when considered useful. When readability could improve by using a ‘v’ instead of an ‘u’ such substitutions, have been made. Where applicable, the readability of the text has been enhanced through modernised punctuation. For instance, a slash has become a comma, and a hyphen has replaced a colon. Parentheses replace the ‘!:’ and ‘!l’ signs.

Coinage

- Reichsthaler The Reichsthaler was the currency of the Holy Roman Empire. It was worth 25.98 g of silver.¹
- Livres The currency of the Kingdom of France during the studied period: Livres Tournois, worth approx. 8.68 g of silver.²

Weight

- Malter One (Nassauer) Malter of grain was the equivalent of 1 Hectolitre. The worth of grain is measured in grams of silver, using the yearly average as calculated by Thomas Rahlf.³

Kilocalories (kcal)

Another way of measuring the significance of food supplies and the tax burden is by calculating its value in kilocalories. The Food and Agriculture Organisation (FAO) of the United Nations has estimated that 2.100 kcal is the bare minimum humans need. If people have a lower intake, they are starving and will eventually die: in other words: this is ‘food insecurity’.⁴ Even though the FAO is a modern-day organisation,

¹Christmann (2002), p. 213.

²de Wailly (1857), pp. 177–427; Hoffman et al. (2000). For an accessible file, see: <http://www.iisg.nl/hpw/data.php>.

³Rahlf (1996, 1999).

⁴<http://www.fao.org/docrep/pdf/011/i0515e/i0515e23.pdf> [12-12-2014].

the calculations made are applied worldwide for all nations. As this seems to be the only standard—at this point—that is applied across different societies, its basic calculation of food insecurity has been used in this study for comparative reasons.

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Abbreviations

AARK	Archiv der Althessischen Ritterschaft Kaufungen (Stift Kaufungen)
EGO	European History Online
HAB	Herzog August Bibliothek, Wolfenbüttel
HStAM	Hessisches Staatsarchiv Marburg
JL	Jülicher <i>Landstände</i> , Akten Nr. (Archive of Düsseldorf/Duisburg)
Kn(uttel)	W.P.C. Knuttel, <i>Catalogus van de pamflettenverzameling berus tende in de Koninklijke Bibliotheek, 1486-1853. Bewerkt, met aantekeningen en een register der schrijvers voorzien</i> , 9 vol. (The Hague 1889-1920), also available digitally: https://primarysources.brillonline.com/browse/dutch-pamphlets-online

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Chapter 1

Introduction



“Plus capable de classer avec rigueur et de critiquer les rapprochements, il peut espérer aboutir à des conclusions de fait à des conclusions de fait à la fois beaucoup moins hypothétiques et beaucoup plus précises.”— Marc Bloch (1928), “Pour Une Historie Comparée Des Sociétés Européennes”, 19.

1.1 The Problem and Its Study

The seventeenth century was *the* era of dynastic warfare within Western Europe. It has often been assumed that this coincided with and even accelerated the development of the planned bureaucratic state. This perception is known as the Tilly thesis: ‘War made the state, and the state made war.’¹ Charles Tilly’s compelling modernisation theory suggests that warfare demanded a new development within the state-building process to cope with significant fiscal demands. This development did not go without opposition, but, according to Tilly, the objections came from outsiders to these activities.

Contrary to the modernist view of the seventeenth century, I argue that there was no deliberate—or accidental—state-building going on at the time. I have two arguments for this; one is historical, and the other one more linguistic (*Begriffsgeschichte*). The first argument against state-building is that in the historical reality of the seventeenth century, there were no states. What did exist were dominions: lands in the hands of dynasties, without clearly marked borders. Though there were imperial cities and (federation-) republics, the majority of dominions thus consisted of lands in the hands of dynasties. Within feudal structures, these lands had become hereditary, intimately tying the princes and their nobility together. In addition to this traditional hierarchical structure, patron-client relationships—for example, witnessing a marriage, or baptism—could also unite nobles or clergy to the ordinary people, or the lower nobility to those of higher birth. I cannot stress

¹Tilly (1975), p. 42.

enough that the absence of states, or rather, the presence of dynastically ruled lands, is of crucial importance to understanding early modern societies. Influential sociological interpretations of history—such as Tilly and Max Weber—have shifted the focus to the institutions (organisation of power), ignoring the legitimacy of power (nature of power).² By ignoring the nature of power, it becomes difficult, if not impossible, to explain critiques on warfare, bureaucracy, and taxations. The quest for glory, religious conversions, or wars of succession: all could personally trigger disputes amongst families. In order to finance warfare, offices were created and sold. An example of such an office was that of tax farmer: paying a set amount of money to the prince, in return for the right to collect—potentially much more—money within a specific area. Tax farming did not lead immediately to the creation of a bureaucracy, but in the long run, taxations did become institutionalised. Dominions did not become detached from their dynastic houses until the eighteenth-century revolutions, or with the constitutional reforms in the nineteenth century at the latest. It was not until then that states came into existence. In short, Tilly's theses cannot be applied to the early modern period, due to the absence of states; dynasties waged war to protect and expand their dominion(s).

Opposition to both dynastic warfare and to attempts to change existing governmental structures did not solely come from outside these structures. It also came from within: the nobility perceived warfare as a threat to the welfare and well-being of the inhabitants; and, indeed, they feared a loss of power. They consequently adopted 'fatherland' terminology—words such as *fatherland*, *Patria*, *patriot*, *natio*—to stress the need to safeguard the common good within the principality. I have found several documented examples showing that the nobles stayed within acceptable terminology, but did so with an adaptation. As vassals, they had pledged their loyalty to their prince, and critiquing his policy could—and, undoubtedly, would—be explained as an act of rebellion or treason.³ However, facing warfare, destruction, and what the nobility perceived as financial extortion, noblemen temporarily adopted a presupposed office of a patriot.⁴ This office allowed them to stand up, voice concerns, and protect the fatherland against the tyrannical rule of an *absolutus Dominatus*. This 'office' allowed them to critique possible threats to their fatherland by indicating that *they*—that is, the nobility—did stand up to protect its welfare, without pointing the finger at the perpetrator: the prince. It was mainly under threat of war, and with apprehension about this situation, that the nobility's innovative use of fatherland terminology was triggered, to avoid association with open rebellion.

The second argument against state-building lies within the use of the term *state*. Applying that modern-day term in the early modern context flaws our understanding

²von Friedeburg RCF (2010) State Forms and State Systems in Modern Europe. In: European History Online (EGO) published by the Institute of European History (IEG), Mainz. <http://www.ieg-ego.eu/friedeburg2010-en>. Accessed 30 January 2019.

³The specific term is: lèse-majesté.

⁴von Friedeburg (2012), p. 25.

of a *state*, as it is loaded with connotations and presumptions. Both constitutional and legal historians suggest that the term *state* in the sixteenth and seventeenth century did not have the modern meaning of a public institution. Hence, the term's application gives rise to needless confusion. In our current usage, the concept of *state* refers to both a government as a legal person, controlling a country and the country itself.⁵ The term *state* in the seventeenth-century vocabulary should be understood as what we would now see as the *state of a nation*, or the *state of an argument*, which is not even close to a *nation-state*. In other words, *state* (derived from *status*) referred to a condition of something or someone.⁶ Applying a modern-day term is anachronistic and superfluous, as we can simply call the political entities for what they were: kingdoms, principalities, duchies, counties, imperial cities, or federations. A precise word-choice allows us to keep a sharp focus, without—unconscious—modern-day connotations that have crept into the understanding we have of a *state*.

The focal point of this study is the period of the 1640s to mid-1650s. These roaring years were characterised by several violent events, for example the Thirty Years' War in the Holy Roman Empire, the Franco-Spanish War between France and Spain (1635–1659), and the so-called Eighty Years' War, a civil war in the Low Countries. These wars were not only fought against an external aggressor, but can equally be seen as internal strife triggered by reactions to dynastic aspirations, religious disagreements, and financial issues. Around the same time as the Civil War broke out in England, Naples' Tommaso Aniello (Masaniello) led an uproar against the risen taxes imposed by their Habsburg ruler (1647), and France experienced the Fronde. Each of these examples illustrates the phenomenon of internal disorder. These events all happened at the time of the creation of the Peace of Westphalia (1648), which is often viewed as the birth of the 'modern state'. Interestingly, while shifting the focus to less often studied principalities, the same phenomena of internal strife and objections from the nobility are found.

In this study, I expose institutional reasons for mobilising fatherland terminology within Jülich and Hesse-Cassel, both being within the Holy Roman Empire. I do so by contrasting it with the French structure in which the particularist province of Brittany forms the pivotal example. These cases are not meant to represent the situation within the *entire* Holy Roman Empire or France but may serve as starting points for possible further research. The cases are a depiction of the situation in the principalities above within their given context. It was the specific context that did—or did not—allow the use of fatherland terminology. In that respect, this work contributes to the understanding of the construction of the Holy Roman Empire: what were the duties and obligations of princes and the limits to their authority, and when could the emperor intervene? The selection of principalities for this study—Jülich, Hesse-Cassel, and Brittany—requires a more elaborate explanation. To appropriately position this current study, we first have to understand the early finds of Robert von Friedeburg in the 2000s and the research of Ingmar Vroomen on the Dutch Republic (2012).

⁵Ibid., p. 22.

⁶von Friedeburg (2002), p. 16.

In the first decade of the twenty-first century, Von Friedeburg published extensively on the use of fatherland terminology between 1646 and 1651 in the principality of Hesse-Cassel. He discovered that the use of these words was *not* to differentiate between various cultural groups, but that these words were used structurally in order to express concerns within a conflict on the legitimacy of politics and policy.⁷ The hierarchical power relations that existed made it challenging to address such issues without being accused of open rebellion. Consequently, Von Friedeburg shows, asserted to act out of love for their fatherland and stepped outside the current power balance to discuss what they perceived as problematic situations. This study fits into extensive research on resistance.

The Dutch Republic had an entirely different power structure than Hesse-Cassel: the number of noblemen was much smaller than in the Holy Roman Empire. More importantly, no prince held sovereign powers—at least, not formally. The stadtholder may have had such aspirations, but was still an officeholder appointed by the Estates-General (as commander-in-chief of the army), or by the *Gewestelijke* Estates (as head of the daily provincial government) respectively. It is important to realise that the Dutch Republic was a federation, meaning that each of the *gewesten*—commonly referred to in modern language as ‘provinces’—were, in fact, particularist republics within a federation. The power balance in the Republic’s states focussed on its cities. Within the cities, there was a tension between the *regents* and the *burghers* (citizens). Vroomen studied the application of political language in Dutch pamphlets, especially fatherland terminology between 1618 and 1672.⁸ He focussed on especially tumultuous moments (1618–1619, 1650; 1672) in order to see what rift the events had on the vocabulary of political opponents. Vroomen argues that, although there are many differences within the constellation of the Republic, there is also a parallel: the position of the nobility and the *burghers* was—on a meta-level—comparable. Neither one of them considered themselves to be subordinate either to the prince nor the regents respectively, while, technically, they were.⁹ The *burghers* had used to hold privileges—such as carrying arms—but had been facing restrictions and the loss of political influence since 1581. Vroomen explains that the resulting friction between the demand that they participate in times of war (such as the defence of the city) *versus* their decline in influence, gave rise to the use of fatherland terminology. The disgruntled inhabitants became *patriots* in order to defend their traditional rights and privileges.¹⁰ Vroomen shows that the terms fatherland and patriot occurred in 53% of the—in total—1670 pamphlets he studied.¹¹ The *burghers* expressed their concerns about ongoing politics and critiqued the policy of the regents in these texts. William III, the Prince of Orange, did also use

⁷ von Friedeburg (2001, 2005a, 2007).

⁸ Vroomen (2012), p. 37.

⁹ Ibid., p. 15.

¹⁰ Ibid., p. 15.

¹¹ Ibid., p. 244.

this terminology and those in favour of a sovereign government applied this terminology more often than their opponents (often referred to as ‘Republicans’).¹²

The research of Von Friedeburg on Hesse-Cassel and Vroomen on the Dutch Republic shows that within these small territories with entirely different constitutional constellations, the same terminology was applied. This outcome gave rise to several hypotheses and formed the trigger for this current study. *Firstly*, when—in small territories—the interests of a subordinate group were confined, fatherland terminology was used to address the situation. *Secondly*, fatherland terminology was used by relatively homogeneous interest groups—*burghers*, or (*lower*) *nobility*, who expressed their critique on politics, as there were only limited options to bring about change. Testing these hypotheses is fascinating, as it allows us to learn more about political resistance to change from *within* the established groups close to the prince: the nobility.

The principality of Jülich was positioned close to the Dutch border, which influenced the region. Its history is known for its turmoil, due to a war of succession in the early seventeenth century; and to troops passing through amidst the Thirty Years’ War. Hesse-Cassel has been (re)studied, as the *Althessische Ritterschaft* held additional sources in their archive allowing to study the conflict between the landgrave¹³ and the nobility until 1655.¹⁴ The history of Hesse-Cassel is as tumultuous as that of Jülich: the landgrave had turned to the Calvinist religion, resulting in a forced exile. Upon passing away, his minor son inherited his lands. His widow pledged to uphold her late husband’s will and set out to regain the occupied principality. To contrast these two small principalities I have chosen the large particularist French province of Brittany, due to its vast amounts of land. Brittany had heterogeneous interest groups: both lower and high nobility inhabited the lands. While France actively participated in warfare, Brittany faced only an increase in taxes, without the horrors of destruction or the billeting of soldiers.

1.2 Definitions and the Development of Terminology

Though I reject the idea of state-building already taking place in the sixteenth and seventeenth century and being instrumentally used by princes to work their way towards ‘absolutism’; I do agree that princely governments faced a continuous process of decision-making. Consequently, by reacting to unwanted situations, illegal behaviour was condemned and positive behaviour was stimulated—the aim of *bona politia* as a philosophy in legal history¹⁵—and, with every step, it became clearer what should and should not be done. As there was no focal point on the

¹²Ibid., pp. 250–251.

¹³In the Holy Roman Empire, a landgrave only answered to the emperor.

¹⁴Neu (2013).

¹⁵Simon (2004).

horizon, and so we can neither consider this as working towards a specific goal nor as state-building; instead, it was aimed at protecting property and prosperity within the dominion and with that, ultimately securing the position of that dynastic house's government.

In the following paragraphs, I will discuss the current status of literature on the development of early modern principalities. This exposure to modern scholarship is not meant to give a complete portrayal of the literature but as a general account of the topic. Understanding its development is instrumental in being able to understand the rise and use of fatherland terminology as well as why patriots deemed it necessary to protect their fatherland. However, first, the terminology to replace the generally used term 'state' needs to be determined, as well as how we refer to 'assemblies' in the early modern period.

I urge the use of terminology as close to the historical reality as possible. That is, referring to, for example, 'principalities,' rather than using the modern-day container concept of 'state'. Avoiding modern-day concepts can be challenging, as historians may find the need to distinguish and specify entities towards others befalling under the rule of the same prince. Such a distinction can be made with newly invented terminology, or, jargon: not to obscure the language, but to avoid unnecessary confusion and modern connotations. In order to indicate the position of principalities and their ruler, several theorists have been searching for terms to characterise the nature of principalities in catchphrases—bearing the notion of their long history in mind. In the past decades, such catchphrases have incorporated three aspects: (1) the changeability of the combinations of principalities under monarchical rule, (2) the dynasties involved, and (3) various traditions represented within an entity.¹⁶ Several terms have been thought of to grasp these aspects: for example, (a) dynastic states, (b) composite monarchies, and (c) dynastic agglomerates.¹⁷ The term *dynastic states* emphasises the influence of monarchies on the country's formation and organisation.¹⁸ Shortly after, the term *composite monarchies* introduced both the heterogeneity of a monarchy and the various individual countries that were united.¹⁹ In a critique of these terms, John Morrill suggests the term *dynastic agglomerates*. Morrill argues that, for example, neither the Iberian monarchy nor the Swedish monarchy remained the same over time: they sometimes added and sometimes lost territories.²⁰ Morrill's catchphrase means to emphasise the unstable, changing nature of the entity. The individual principalities that became united could fall apart after the death of their ruling house and face separate futures.²¹

¹⁶Oestreich (1974).

¹⁷Scott (2017), p. 45; Morrill (2017).

¹⁸Bonney (1991).

¹⁹This term was first suggested by H. G. Koenigsberger in 1975, see: Elliott (1992).

²⁰Morrill (2005), pp. 2–3.

²¹Ibid., p. 9.

Morrill's suggestion seems to be the most appropriate definition of the seventeenth-century principalities, for he does not use the disputed term *state*. He does take into account both the origin and the changing nature of the entities, with the remark that the core of the larger principalities remained more or less stable. A principality is a geographical area which fell under the jurisdiction of a certain prince, whose borders were decided upon by custom, and which was passed down from generation to generation of rulers unless it was conquered.²² Disintegration could also happen through the absence of a successor, and so, again, the term dynastic agglomerate is necessary to realise why different dynastic houses could inherit the unique parts. Additionally, while *composite monarchies* may have the connotation that principalities are merged into one ('melting pot'), *dynastic agglomerates* do hold the uniqueness of each entity in high esteem. This stress on 'uniqueness' makes it easier to understand why, for example, the nobility in one part of a dynastic agglomerate reacted with displeasure to violations of customs, while those elsewhere may have been compatible.

In 1959 Francis Carsten published his *Princes and Parliaments in Germany*. He explicitly chose not to refer to 'the meetings of the clergy, nobility, and towns'²³ as parliaments rather than estates. He considered the latter to be too ambiguous, and claimed that in comparison with the English Parliament, those in the German lands held the same function. Though not elected—as in the House of Commons—the German 'parliaments' did represent their 'country', despite their powers declining after the sixteenth century. Carsten is indeed right that the term 'estates' is an ambiguous term, for it mainly referred to someone's status based upon birth (clergy, nobility, and commoners) and not-so-much to the political role they could have, as there was much heterogeneity within the estates. Alternatively, according to Peter Blickle, there was a 'representation by estates in diets.'²⁴ While Carsten resorts to the term *Parliaments*, this too is a problematic term. In France, *parlements* were courts of justice, while the meetings of clergy, nobility and towns were called *états*. The German meetings were named *Landstände*. In both cases, there was no election. In France, travel distances and costs could form a severe obstacle to joining the *états*, especially for the lower nobility. The German principalities had, due to their small size, a lower threshold for travel distance, but there were relatively few noblemen, clergymen (if any) or towns to be present. Indeed, Carsten is right that the *Landstände* eventually became institutionalised and, later on, evolved into popular representations of society after the Revolutions. As we want to stay as close as possible to the historical reality at the time, I refer to the German meetings as *Landstände* and the French as *états*.

Resistance, Representation, and Community are not only frequently researched and inter-related topics, but also the title of the 1997-edited volume by Blickle. Here, resistance is explained as the common man rising and articulating his discontent

²²Soen et al. (2017).

²³Carsten (1959), chap. preface.

²⁴Brady (1997).

regarding ongoing policy. Blickle's own countless studies on the 'gemeine Mann' (common man) and his revolts suggest a heterogeneous group: the farmers, citizens of cities, and people living in mountainous areas (*Bergknappe*).²⁵ The cities had a pioneering role in the development of 'tax systems law codes, bureaucracies, and juridical management of conflicts' according to Thomas A. Brady.²⁶ Their importance was undoubtedly significant, as shown by Italian cities that became independent jurisdictions and started to exert their influence over surrounding rural communities.²⁷ The development of a properly functioning legal system was probably '[...] a demand of those who were weak, not those who were strong.'²⁸ Blickle ends his conclusions with the remark that kings had to legitimise their policies by securing justice, keeping peace and providing welfare.²⁹ He stresses that these values may have been in response to the demands of ordinary people. In either case, they were complementary to each other and kept princes in power. In other studies, Blickle adds that the Peasants' War was an attempt to breach crises that were caused by hierarchical relationships: the so-called revolution of the common man.

Returning to the vital role of cities, Maarten Prak's *Citizens without Nations* complements the abovementioned volume while focussing on urban citizenship in—mainly—Western Europe and contrasts this with China and the Americas.³⁰ Prak shows that citizens were prominent members of society and actively participated in public life (for example, by defending the city). He also stresses that the role of citizens was not fixed, but changed continuously if not abruptly. Max Weber claimed that Europe's successful domination of the world had resulted from their public organisation. Prak disagrees as Asian and American cities were also prosperous and indeed had to a degree 'economic dynamism and social well-being'.³¹ Prak turns the idea upside down: he claims that where principalities learned from the needs that were pushed forward by citizens, they became successful. The formal communal membership of citizens was meant to organise society, for example, who could hold a position in the council and have a role in the guilds. It was mainly male-dominated, but not exclusively so. Prak focusses on the prosperous regions of Italy, the Low Countries and England where the majority of people lived in cities, and it is their political interests which became dominant, as they furthered economic prosperity.

In the literature discussed above, we have seen that cities played a significant role in voicing their needs and, consequently, in the development of directive legislation to further economic prosperity. However, this prominent urban role does not explain what would happen if a prince did whatever he pleased and pursued a personal interpretation of a situation. Commenting on princely policy was a dangerous thing

²⁵Ibid.; Blickle (2014).

²⁶Blickle (1997), p. 337.

²⁷Brady (1997), p. 337.

²⁸Ibid., p. 337.

²⁹Ibid., p. 338.

³⁰Prak (2018).

³¹Ibid., p. 4.

to do, whether the disagreement was caused by religion, economic decisions, or going to war for dynastic reasons. Such commentary was not something ‘new’. *Mirrors for Princes* as a genre of politically oriented texts were published throughout the Middle Ages to instruct princes on their proper conduct—though they could also function as job applications such as Machiavelli’s *Il Principe* (1513–15; 1532).

The translation of Aristotle’s *politeia* by Willem van Moerbeke and the commentaries on the work of Thomas Aquinas had a significant impact on medieval governments: due to their mistranslation, derivatives of the word *Politeia* became associated with the Latin word *civitas*.³² It was interpreted as an organised group of people, living together under laws or in a city, rather than the far less defined Greek original. Based on this influential commentary, and within the genre of *Mirrors for Princes*, princes were taught their—new—duties and goals as a doctor were to keep a patient healthy, through dietary restrictions: a prince needed to secure his society by administering the legislation.³³ Initially, the focus of *politeia* was on how society functioned; however, due to its translations, the term became associated with the institutional organisation of society.³⁴ These institutions were responsible not only for the creation and implementation of legislation but also for its control. By controlling legislation and ‘keeping the patient healthy’, the core business of government was to ensure the common good of the *res publica*. The focus here was on how a prince should behave, and little was said on what subjects could do against improper behaviour. In the sixteenth and seventeenth century reactions to princely politics could go in two directions. *Firstly*, the most extreme reaction was a person committing regicide. *Secondly*, still dangerous but less extreme, was a small group commenting either orally or written on the prince’s policy.

It is essential to understand that neither of these actions were caused by the idea to rid a country of a certain prince, but that they were triggered by crises. A monarch turning into a tyrant and abusing his powers could cause distress, for at the very least the law of nature and customs were supposed to bound a prince.³⁵ In certain countries, such as France and England, there was the belief that the king had been anointed by God, through divine rights. Hence, he only answered to God and could not be held accountable by inhabitants. Around the 1570s, a shift can be perceived under the threat of religious warfare. Authors were keen on solving the problems at hand: either by stating that the prince would have all power and no objections could be made (Henning Arnisaeus) or only magistrates with a particular office (‘*ephors*’) could correct the monarch (Johannes Althusius). Unfortunately for some kings,

³²Mager (1988), pp. 76–77.

³³Simon (2004), pp. 12–13, 19. In German political writing, active interventions, or pre-emptive legislation, are now known as *policey* or *police-legislation* in the German field of research (*policey-geschichte*).

³⁴Mager (1988), p. 77.

³⁵von Friedeburg (2004), p. 11.

people objected to their policy and did in fact kill this person they classified as a tyrant.³⁶

With time, more normative rules were trusted to paper. This normativity fits between formal law and traditional statutes, customary law, and social norms. These normative rules could thus come in a plurality of forms; therefore, literature regularly refers to these various types as *multinormativity*.³⁷ It was not only social norms and predecessors of voluntaristic laws that were formalised; the regulation of the relationship between the prince and his subjects was—step by step—written down. This formalisation is broadly studied by those occupying themselves with *Verfassungsgeschichte*, or constitutional history. Whether these noted rules of engagement can already be seen as a principality's 'constitution', can be debated. However, the fact of the matter is that these normative rules regulated the relationship and were agreed upon by parties involved. Moreover, they were easy to refer to and therefore less disputed than biased commemorations of histories, written down upon the request of one party.

One of the closely linked themes to *Verfassungsgeschichte* is the monopolisation of violence (*Staatsgewalt*) as has been described by Wolfgang Reinhard.³⁸ Reinhard's focus is on a society's political order and how princes were victorious in gaining the upper hand in discussions with the nobility, ending communities' autonomy. Initially, this happened through power-relations between the prince's government and the peripheries, through patron-client-relationships. Reinhard's account is specifically focussed on the triumph of princes, which gives a longitudinal overview that may result in overlooking small but significant moments of protest, that may have altered the course of history.

Here we circle back to the nobility and their role in early modern society. Reinhard seems to suggest that their influence waned since the sixteenth century, while the role of the monarch grew. This division of roles touches the topic of 'dualism' which has been studied broadly in the light of the *Ständeforschung* (the study of the *Landstände* in German principalities). Otto (von) Gierke described it as a dichotomy between ruler and society. At the same time, Volker Press stressed that this division was not so clear-cut as people could belong to both the *Landstände*, the bureaucracy, as well as the princely court.³⁹ As a result of the vagueness of the term, researchers studied conflicts of the *Landstände* in the 1970s. Rainer Walz concludes that there were various types of conflicts between the *Landstände* and their prince. Gabriele Haug-Moritz went even further, concerned that the idea of Dualism obscures studying the historical reality.⁴⁰ Consequently, Haug-Moritz advises

³⁶See the several contributions in von Friedeburg, *Murder and Monarchy*.

³⁷Günther K (2014) Criminal law, Crime and Punishment as Communication, Normative Orders. In: <https://www.normativeorders.net/de/publikationen/working-paper>. <http://ssrn.com/abstract=2532868>. Accessed 12 January 2020; Duve (2017).

³⁸Reinhard (2000).

³⁹Neu (2013), p. 42.

⁴⁰Haug-Moritz (1992), p. 14.

against the use of the term, while Tim Neu disagrees and pleads for rebranding the terms by looking at legalistic claims and ongoing procedures. He explains in the contextualisation of his 2013 study on Hesse-Cassel that there can be a form of Dualism. For, so he says, when there are two actors—an individual one (prince) and a collective one (*Landstände*)—who act as legitimate, political representatives come forward to speak legally on behalf of all.⁴¹

That raises the question of how one can speak on behalf ‘of all’? Especially when speaking concerns the critique of a prince. Above, I briefly mentioned that the nobility adopted a *presupposed office* of a patriot. As this may sound exotic and special, it requires specification. Moreover, the terms *patriot*, *Patria*, *natio*, and fatherland do need further elaboration—as our perception of the terms has been profoundly influenced by the Revolutions of the 1780s and 1790s. Therefore, projecting modern-day concepts backwards risks interpreting concepts in ways contemporaries would not have.⁴² Indeed, the (modern) patriots of the French Revolution felt connected to France, and the early modern patriots using the terminology in the 1640s did express a specific affiliation: however, I argue that these affiliations were not the same.

The 1980s saw many publications on nationalism, due to the contemporary academic interest in modernism—most of these publications came from sociologists and anthropologists, *not* historians.⁴³ Modernity, industrialisation, urbanisation, secularisation, and democratisation were analysed as new features, as they did not exist in the early modern period.⁴⁴ The views on nationalism expressed by the *modernists* suggest that there was no ‘real’ nationalism before 1780.⁴⁵ Based on their publications, a list of characteristics that make this nationalism exclusive to the post-revolutions period could be created. Nationalism in the post-1780s-period is intertwined with the modern concept of ‘state’: sovereignty by the state, a fixed territory, inhabitants, legislative power, body politic (as a legal person and representative of the country), and bureaucracy. It assumes the same culture, language, and history; in other words: an identity. In order to construct an identity, concepts of ‘othering’ and ‘raising self-awareness’ are used. Nationalism has a strong moral imperative: the creation of unity and polarisation from other groups.

The fundamental objection to the idea that there was no nationalism before the 1780s is that the *modernists* assume that nationalism was fuelled by industrialisation, *ergo* that there would have been no nationalism in non-industrialised ‘states’.⁴⁶

⁴¹Neu (2013), p. 55.

⁴²Jensen (2016).

⁴³Hirschi (2011), pp. xi and 1.

⁴⁴Stein et al. (2010), p. 24; Vroomen (2012), p. 9.

⁴⁵Breuilly (1993), Anderson (2006), Gellner (2008), Hobsbawm (2012).

⁴⁶Other theories on the premeditated development of *state building* are consequently dismissed. These theories would be, (1) the Marxist theory of suppression of the people given by Eric Hobsbawm or, (2) the theory of Marc Raeff that state-building was developed in order to increase prosperity. See: Hobsbawm (1954), Raeff (1983).

Another objection is the rigid break that is perceived to have taken place in the 1780s with the American Revolution, as languages do not evolve so quickly. An emphasis on the speed of change is questionable. Critique of the rigid divide between pre-modern and modern societies has led to a movement stressing that the roots of both modern-day patriotism and nationalism can be traced back as far as the Middle Ages—known as the primordialist approach. This interpretation seems to be driven by an inherent desire to find continuity in history and an attempt to embed a culture, religion, and identity in a long tradition.⁴⁷

A source-based analysis potentially prevents jumping to flawed interpretations. Conal Condren, a historian and political theorist, laid the foundations for an entirely new perspective with his 2006 *Argument and Authority*.⁴⁸ According to Condren, a common feature of the early modern era was the claim of—presupposed—offices. For example, a midwife could—in case of an infant’s imminent death—baptise it, to prevent its doom in hell. At that moment, she did adopt the duties of a priest to save the child’s soul. Admittedly, it only happened in cases of emergency, but under those circumstances, it was a standard procedure and one taken for granted. This example shows a historical actor claiming a presupposed office (*officium*). According to Condren, this was quite common, but ignorance of this phenomenon can lead historians to misinterpret sources. What does ‘presupposed office’ mean? An office should be interpreted as a ‘duty’, *dignitas* or ‘task’ that one could adopt in an emergency.⁴⁹ Condren explains that too little attention has been paid to how people talked about offices, and what these offices entailed. Based on his study of many sources, Condren suggests that researchers should look for what authors at the time took for granted.⁵⁰ A ‘presupposition is something that in a given context is taken for granted; it is apt to be relatively general and constant but may be disclosed in a finite array of differing propositions.’⁵¹ In other words, certain aspects of daily life are too insignificant to describe in detail. When people speak or write, they assume that the receiving party knew the context. Due to these unwritten assumptions, many aspects of daily life are hidden under a veil of presupposition. Those claiming a presupposed office adopted a *persona*. A *persona* was a ‘mask’, a reference from the Greek theatrical world, which indicated a division between the *individual* and the *function* he fulfilled.⁵²

In this study, I show that when the nobility used fatherland terminology, they were adopting a presupposed office. The nobility’s deliberate choice to summon other patriots to meetings means that those people knew what this meant, what was expected of them and acted upon that request. Consequently, they adopted the *persona* or office of a patriot. I argue that adopting the office of patriot should be

⁴⁷Hirschi (2011), p. 4; Clark (2000).

⁴⁸Condren (2006).

⁴⁹Schmidt (2007), pp. 32 and 40.

⁵⁰Ibid., p. 2.

⁵¹Ibid., p. 3.

⁵²Condren (2004), pp. 49–50.

seen in the light of Condren's explanation. In accepting the *persona* of a patriot, one had the duty to expose severe government missteps: something a commoner could and should not attempt to do. Being a patriot was not an empty title. Accepting the task or 'office' of patriot meant taking on all the obligations it entailed, upholding the principality's claims, duties, and traditions, as well as protecting its inhabitants from the princely usurpation of power.⁵³ The claims of this office of patriot were prompted by their context, for example, the increasing burdens of warfare and ensuing taxation and debt in the sixteenth and seventeenth centuries.⁵⁴ The inhabitants suffered from ongoing warfare, according to the remarks of the *Landstände*. The nobility argued against additional tax burdens not only out of compassion for the subjects, but also because of their vested interest in peace. Tenants were unable to provide part of their harvest to their feudal lords when taxes heavily burdened them. For landowners to demand their rightful share during wartime would cause distress, starvation, and ruin the land even more. When the nobility—as patriots—spoke out, protecting their tenants and their interests, they criticised the policy of the prince. Such a critique could well be interpreted as a rebellion against the prince, and an uprising would mean unrest. It could lead to civil war and even regicide or—justifying it from the killer's perspective: tyrannicide.⁵⁵ It would seem that such harsh criticism could only be voiced when it was under the cloak of loyalty to the principality.⁵⁶ Acting on behalf of and in defence of the fatherland was what made a person a good patriot.⁵⁷

Hence, the seventeenth-century use of the words *patriot* and fatherland was distinctively different from their late eighteenth-century use during the French Revolution. I argue that the nobility used fatherland terminology only when they felt threatened by the consequences of war and faced desolation and loss of power. Offices themselves, as Condren shows, were no novelty. People assumed that power relations occurred in combination with the rights and duties they encompassed during the seventeenth century. Offices, together with patron-client relations, tied the whole community together, controlled it, and helped create a functioning society.⁵⁸ The function someone held within society also provided privileges and liberties. All of this was well established but poorly studied.⁵⁹ What was new in this period was the introduction of the office of a patriot to enable open criticism of policy. The nobility had always held the position of a counsellor, which was their birth-right. However, their position of critics to their prince's politics was new.⁶⁰ During the sixteenth and seventeenth centuries, a ruler's dynastic claims legitimised

⁵³Condren (2001, 2005).

⁵⁴von Friedeburg (2005a).

⁵⁵See various articles on Tyrannicide and *Monarchomachs* in: von Friedeburg (2004).

⁵⁶Romein (2014).

⁵⁷Condren (2001, 2005).

⁵⁸Dunkley (1981), Kettering (1986, 1992), Schalk (1986).

⁵⁹Condren (2006), pp. 1–12.

⁶⁰*Ibid.*, pp. 149–171.

his position. In the long run, this could lead to ruling a dynastic agglomerate.⁶¹ It is therefore not surprising that the patriots should explicitly request the prince to act in *their* fatherland's best interest and to honour their traditions: many rulers were born in other parts of the dynastic agglomerate.⁶² The acclaimed patriots were deeply involved in the principality's administration, as is illustrated by their references to its history. Subsequently, they requested a similar involvement on the part of their prince.

Maurizio Viroli argues that political terminology underwent some severe changes by the end of the sixteenth and the early seventeenth century.⁶³ It became a whole new genre. Whereas medieval kings *found* legislation, which was based on either consent or divine law; the sixteenth and seventeenth centuries saw a transformation to the '*reason of state*' or 'a government based on coercion'.⁶⁴ What is essential here, is Marianne Klerk's observation that whenever 'reason of state' is being discussed, authors addressed the 'notion of rulers pursuing their interests, not 'states' pursuing 'national interests'.⁶⁵ The two are hard to discern, since government over a principality was not much different from the rule over the princely inheritance. Dynastic ambitions of expansion often formed the core of a prince's motivations to wage war—often under the pretext of defending one's possessions. In the seventeenth century, these phenomena were especially prominent. Princes were forced to participate in war, or risk losing their principalities, requiring vast sums of money. One way to obtain the necessary funds was by raising taxes, but it was faster to obtain loans. Hence, new beneficiaries stepped forward: financiers who gained interest by lending money or who bought prestigious new offices in exchange for large sums of money. Subsequently, the nobility saw their influence diminish as these new stakeholders gained power outside the traditional hierarchical sphere. The princes and nobility struggled to overcome war and internal conflicts, testing the limits of princely powers in the process.⁶⁶

Interestingly, it was not solely a matter of dynastic competition to possess as much land as possible and eliminate competitors in the process, nor of the religious enmity between Catholics and Protestants. There was a distinctive conflict going on between princes and their nobility.⁶⁷ The nobility, facing rivalry and expensive warfare that drained all the resources from their lands and tenants, spoke out against the situation. Henri II, Duke de Rohan (1579–1638) in his *De l'interest des Princes et les Etats Chrestienté* (1638) observed that *reason of state* was mostly synonymous with the *princely pursuit of interests*. Duke de Rohan was famous, or notorious, as a Huguenot leader and wrote his book while in exile. His 'radical secular vision',

⁶¹Morrill (2005).

⁶²Oestreich (1974).

⁶³Viroli (2005), pp. 2–3.

⁶⁴Klerk (2016), p. 7.

⁶⁵*Ibid.*, p. 7.

⁶⁶von Friedeburg (2012), p. 17.

⁶⁷*Ibid.*, p. 18.

which focussed on personal interests and rational decisions, was undoubtedly a novelty within the genre of political writings during the seventeenth century.⁶⁸ Duke de Rohan's work became what can be seen as a standard work, to which one could refer without having to name the author. He coined the change in policy as 'new monarchy' in his famous work *De l'intérêt des princes et des États de la chrétienté*.⁶⁹ The innovative aspect of these so-called new monarchies referred to the change in the style of government: the rise of new stakeholders providing the money for the warfare. New argumentation had to be developed but within the accepted terminology. The princes and their advisors had to substantiate the underlying administrative changes of shifting power to the new stakeholders. The nobility attempted to argue their case against this new type of war policy and changing government, as they feared losing their position.⁷⁰

As a consequence, both the prince and the nobility responded to the situation. The nobility reacted to the devastation of their lands and asserted they felt the duty to protect the principality's population from high tax burdens.⁷¹ The nobility formed the one stable factor in the fief, in earlier centuries known as a benefice, and as power brokers they were dependent on the dynasty's survival.⁷² Fierce reactions were provoked by princely claims of '*necessitas*' when requisitioning taxes without the nobility's obligatory consent. The princely solution, namely the—temporary—usurpation of power, led to the accusation of establishing an *absolutus Dominatus*. Such a situation was consistently addressed by using fatherland terminology. *Absolutus Dominatus* is not to be understood as a founding rule based upon 'absolutism', because this term was only invented after the French Revolution, just like the term 'centralisation'.⁷³ But what does it mean? As Mario Turchetti explains, the Latin term *dominus* was the Latin equivalent of the Greek term tyrant. He claims that Cicero '[. . .] attributes to him [the *dominus*, CAR] the characteristics of a tyrant, merely sliding the notion of private law into the realm of public law. In this field, the *dominus* is the person who imperils public liberty.'⁷⁴ For instance, kings could claim to be the *Dominus* of a particular area, such as Lord of Ireland (*Dominus Hiberniae*). The term tyrant should not be confused with the term *despot*. Turchetti, drawing upon historical examples, accurately distinguishes between a *despot* and a *tyrant* by defining them as follows:

Despotism is a form of government which, while being authoritarian and arbitrary, is legitimate if not legal, in some countries, whereas tyranny, in the most rigorous sense, is a form of government which is authoritarian and arbitrary and which is illegitimate and illegal,

⁶⁸Dewald (2018), p. 71.

⁶⁹Modern edition by de Rohan (1995), p. 162.

⁷⁰von Friedeburg (2012), p. 28.

⁷¹Ibid., p. 25.

⁷²von Stieglitz (1994), p. 2; Kettering (1986), Dunkley (1981).

⁷³Burgess (1996), pp. 17–62; Bonney (1987).

⁷⁴Turchetti (2008), p. 163.

because exercised not only without, but against the will of the citizens, and also scorns fundamental human rights.⁷⁵

Being aware of the distinction between these two terms is essential.

The serious accusation of establishing an *absolutus Dominatus* meant that tyrannical rule was looming, an illegal form of government and power abuse which would threaten the population as well as the fatherland (*Patria*). The arbitrary rule that would result from tyranny meant that a prince could rule without respecting the law—except for the laws of nature and the God-given laws. When the nobility wanted to discuss such potential abuse, their vocabulary for political argumentation included patriot, *Patria* and fatherland and, to a lesser extent, *nation*. A polemic emerged in which fatherland terminology was used in defence of the rights of the nobles and the general population to critique princely politics.⁷⁶ When cooperation with the prince would ensure their influence and enabled the *états* to uphold their privileges and traditions, the use of fatherland terminology was avoided.

The legal phrase *absolutus Dominatus* should not be confused with the French *monarchie absolue* which indicated the French king's independence from other earthly authorities (for example the Pope). This terminology referred to *puissance absolue* or *pleine puissance*.⁷⁷ These terms could be used in the context of the king overcoming the resistance of a *Parlement* (the court) and were used in *Lettres de jussion*. The king would not use his position as *monarch absolue* when making laws, meaning that royal ordinances did not carry this terminology.

Let us just briefly examine fatherland terminology and consider their etymology. First I will make some remarks about 'pays', *Patria* and the related term *patriot*, followed by some clarifications on *fatherland* and *natio*. This recital is essential to understand what contemporaries understood them to be, putting our perception as influenced by the Revolutions aside.

The French word *pays*, which nowadays means 'land', was derived from the Latin word *pagensis* or *pagus*, meaning stronghold or so-called 'gou'. It referred to the village which belonged to the stronghold.⁷⁸ Depending on the context, the term *pays* could refer to a town and immediate surroundings, to a small district, like a bailiwick, to a "province" (Brittany), or even to the kingdom of France—which became more common during the sixteenth century.⁷⁹ The French *la patrie* could be interpreted as '[. . .] pays où l'on est né et auquel on appartient comme citoyen'.⁸⁰ The term *patriaux* or 'co[m]patriotes' was introduced in 1531 and referred to those who lived in the same geographical area—which could either be the whole principality or the region in which one lived. In the French context, the 'native region' (German: '*Heimat*') or *patrie* had been used ever since the time of Gregory of Tours

⁷⁵Ibid., p. 160.

⁷⁶von Friedeburg (2012), p. 29.

⁷⁷Collins (2021).

⁷⁸Gougenheim (2008), p. 332.

⁷⁹Ibid., p. 333.

⁸⁰Ibid., p. 333.

(538–594), who used the Latin *patria*. However, the term referred strictly to a region or province, and not to a principality.⁸¹ Hence, the terms *patrie et provinciae regni* were often combined.⁸² Despite this clear origin, some authors believe that the word *pays* and *patrie* or *patria* may have the same stem.⁸³ The latter two terms, however, are considered to have a far greater emotional resonance in times of crisis. The term *pays* did not have this connotation.⁸⁴ The term patriot was used in the context of *copatriotes* or *compatriots*, which meant the inhabitants of the same city as a synonym to *concitoyens*.

In the Holy Roman Empire until the eighteenth century, the term patriot was synonymous with a fellow-citizen or countryman, usually, one who possessed a house.⁸⁵ Traditionally, the patriots listened to the ‘father’. An adjectival form of the word was unknown until the eighteenth century when ‘patriotism’ came to mean the same as the love of the fatherland, or love for one’s people.⁸⁶ However, the much earlier used word patriot was usually accompanied by positive adjectives such as ‘good’ or ‘loyal’.⁸⁷ In the German principalities, the term *Patria* can be traced back to the sixth century.⁸⁸ It is, however, essential to be aware that the use of the same word does not automatically imply that it had the same meaning throughout time. The terminology of *patria* became linked to a geographical area—*terra*, *regio* or *provincia*,⁸⁹ and a tribe. The extent to which it applied to either of the situations above, is contested and seems to have changed over time.⁹⁰ The word *patria* is often accompanied by adjectives indicating the sphere it applies to: for example, heavenly or divine.⁹¹ It could, of course, also apply to a worldly *dominium*.⁹² One thing is sure: it did not refer to nationalism.⁹³ Over time, *patria* became a multi-faceted term, with a strong emotional dimension.⁹⁴

The term ‘vaterland’ or ‘faterlant’ had been used since the eleventh century.⁹⁵ It is considered to be roughly equivalent to the Latin *Patria* and was used in the context of the land where one is born, or the people to whom one belongs.⁹⁶ The terms *natus*,

⁸¹Ibid., p. 333.

⁸²Ibid., p. 333.

⁸³Lewis (1968), Dupont-Ferrier (1940, 1929), Guenée (1967).

⁸⁴Gougenheim (2008), p. 333.

⁸⁵Pfeifer (1989a), p. 1242.

⁸⁶Ibid., p. 1242.

⁸⁷Kluge and Seebold (2009), p. 617.

⁸⁸Eichenberger (1991).

⁸⁹Ibid., p. 39.

⁹⁰Ibid., pp. 37–45, 89.

⁹¹Ibid., p. 237.

⁹²Ibid., p. 242.

⁹³Ibid., p. 244.

⁹⁴Ibid., p. 249.

⁹⁵Pfeifer (1989b), p. 1886.

⁹⁶Ibid., p. 1886.: ‘Land, in dem man geboren ist, zu dessen Volk man gehört.’

natio, and *nation* are, in the French case, derived from *la naissance*, which means ‘birth’.⁹⁷ When turning to Latin, the term *natio* came from *nasci*, which meant ‘to be born’.⁹⁸ During the Middle Ages, the term was used to indicate to which family someone belonged (in other words: their place in the social order). However, it could also refer to the region of one’s birth or group of students—with various backgrounds—at universities.⁹⁹ In 1611 the word *nationaire* was found which equalled *compatriote*; that is, those who were born and raised in the vicinity.¹⁰⁰

In the ‘German’ language, *natio* first appeared in the fourteenth century (Lat. *natio*, genitive *nationis*), when it meant tribe or lineage.¹⁰¹ During the sixteenth century, it came to refer to ‘all born in the same land’.¹⁰² The word is frequently found in reference to the whole empire: the Holy Roman *Teutsche Nation*.¹⁰³ Two centuries later it became synonymous with ‘all those belonging to the same community (*Gesellschaft*), descent, land, language, laws, and government’.¹⁰⁴

1.3 Methodology, Sources and Structure

This book offers a comparative study on the use of fatherland terminology in three principalities. Using a comparative perspective allows us to see parallels between the entities, but, more importantly, it allows us to see exceptional situations. It gives room for a researcher to break free from an imposed idea and test grand old narratives.¹⁰⁵ Still, it is striking that so few comparative studies have been conducted to contrast principalities or Imperial Cities in the Holy Roman Empire. Monographs on individual entities do exist, and I connect these in this study, by restudying the source material and placing it within a broader framework: the use of a presupposed office to comment on ongoing politics. For Jülich, the work of Rainer Walz on *Landstände* is essential. The political conflict in Hesse-Cassel has been thoroughly studied in the works of Tim Neu, Armand Maruhn, and Robert von Friedeburg. Jim Collins has published many useful studies on Brittany.¹⁰⁶

This study features the argumentation used by the nobility in reaction to their princes’ new policy. The spiralling effect of dynastic competition, the intensification of warfare, and consequently, the increased demands of taxations to pay their armed

⁹⁷ von Wartburg (1955), p. 41.

⁹⁸ Ibid., p. 42.

⁹⁹ Guenée (1967).

¹⁰⁰ von Wartburg (1955), p. 41.

¹⁰¹ Kluge and Seebold (2009), p. 583.

¹⁰² Pfeifer (1989a), p. 1155.

¹⁰³ Schmidt (2007).

¹⁰⁴ Pfeifer (1989a), p. 1155.

¹⁰⁵ Bloch (1928).

¹⁰⁶ Walz (1982), Maruhn (2004a, b), von Friedeburg (2003, 2005b, 2010).

forces, could have resulted in an increase of sovereign power at the expense of the old elite: the nobility. The nobility considered the princes' usurpation of power and attempted to organise taxation a threat centrally. They argued against war and the princes' policies because these were linked to the specific crisis at hand. In other words, the conflict between the princes and the nobility was the result of the crisis at hand: warfare.

So, how do we investigate the early modern noble's use of fatherland terminology in such a crisis? It is tempting to search primarily for printed sources, but of these there are only few. Apart from historiography, the source material of this study includes political pamphlets—both written drafts and printed, reports on assemblies—*Landstände Akten* and *Assiettes*—but also legal suits, such as a massive court case to the Imperial Chamber Court. Furthermore, files containing tax reports and letters were studied for context and applied terminology. Using this wide-ranging source material, I will compare the political use of fatherland terminology in the principalities of Jülich, Hesse-Cassel, and Brittany in the period 1642–1655. This ambitious geographic exposure and time-span, also means that I have had to make selections that need some clarification. One of the limitations of this study is its representativeness. Reports on meetings voice the opinion of those present, and likely not dissident voices. For example, in Brittany, a group dramatically under-represented were the impoverished, lower-ranked nobility who could not afford to attend an assembly. Their voice was not recorded, and can consequently not be studied here.

Another limitation is the exclusion of the prince's perception of the situation. My focus has been on the nobility's perception and their application of terminology. Here and there, I may have added prince's remarks that were quoted by the nobility, but they did not cite him on a consistent basis. An exception to this is the lawsuit in Hesse-Cassel, which contains the landgrave's replies. I do think the princely reactions are interesting, but that would be an entirely different study. Finally, some may object to the lack of literary sources in this book—such as Hans Jacob Christoffel von Grimmelshausen's *Der abenteuerliche Simplicissimus*. This omission is a practical restraint of a corpus of source material that is already broad.

This study departs from the idea that the usage of fatherland terminology in monarchies could be influenced by the homogeneity or heterogeneity of society, as well as the economy of scale of the principality. The principalities are each discussed in separate chapters. Cross-referencing has been avoided as much as possible, as this distracts from mapping-out the nobility's argumentation per specific principality. The proper comparison is reserved for the conclusion. The study itself has been divided into two parts: the Holy Roman Empire and France.

In the first part of this study, the cases in the Holy Roman Empire are discussed. In Chap. 2, various studies conducted in the past decades are discussed to lay the foundations for the two German case studies that follow. It focusses on the development of political thought which was crucial for the perception of responsibilities of those in government, and of those subjected to it. Furthermore, the use of fatherland terminology in other political contexts is explained. Jülich—Chap. 3—had a turbulent history during the early seventeenth century. A war of succession

broke out among relatives of the late duke, who had no direct heirs. When his nearest nephew and grand-nephew divided the lands amongst each other, the situation was not recognised by the emperor, not least because of religious disagreements. When the Thirty Years' War broke out, those living in Jülich found themselves on the crossroads of armies passing through. The *de facto* duke attempted, to the dismay of the nobility, to levy taxes to raise an army to protect the principality. Levying taxes resulted in the use of fatherland terminology.

In the Lower Principality of Hesse-Cassel—Chap. 4—the nobility considered themselves to be genuinely loyal patriots. They had supported the landgrave's family even when he went into exile. Moreover, they pledged themselves to his minor son only hours after he passed away. This vow prevented the principality from going into the hands of the late landgrave's cousin, who ruled over Hesse-Darmstadt. Thus, the nobility went against the emperor's wishes and was still facing the occupation of their lands. The regent-landgravine took up arms and commanded an army to free her son's inheritance, but she had to pay her armies too and requisitioned money from the people. This taxation met with fierce reactions from the nobility, who—as loyal patriots—wanted to protect their already poor fatherland. According to the Hessian nobility, their traditions were violated.

The second part focusses on France, in the case of Brittany in particular. In Chap. 5, the French political developments and thought are discussed: when was fatherland terminology used in the French context? It focusses mainly on the period 1570–1620s as an introduction to the next chapter, it focusses mainly on the period 1570–1620s, when French political language changed fundamentally. The sixth chapter focusses on the particularist province of Brittany. As one of the few remaining *pays d'état* it held a unique position in the French Kingdom: it could decide matters of taxation by itself. That is, the *états* had to agree to pay a certain amount of money—but they decided how it was collected. The nobility was divided—for and against Mazarin's government in Paris. However, due to the ongoing warfare, the Parisian government demanded a contribution from Brittany. These issues caused tension among the (high) nobility but did not result in the use of fatherland terminology. The nobility sought a different approach to politics: working *with* the Parisian authorities, rather than objecting to them.

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Part I
Holy Roman Empire

Chapter 2

Political Language in the Holy Roman Empire (1500–1650s)



The *Holy Roman Empire of the German Nation*, as its full name read, became institutionalised in Nuremberg and Metz with the *Golden Bull* of 1356/57.¹ This document contains the complex structure of the empire: it was a compilation of self-governing ecclesiastical and secular principalities and imperial cities. The *Golden Bull* refers to the *Sacrum Imperium Romanum*, thus pretending to be a successor of the Western-Roman Empire. The role of the pope was minimal, as power lay in the hands of the *King of the Romans*, being the emperor.² Seven prince-electors elected the emperor. This act united the various parts of the vast realm.³ The entities within the Holy Roman Empire were part of a multi-layered system. *Firstly*, the principality itself with the prince and the *Landstände*. *Secondly*, the principalities were part of one of the ten Circles (*Kreis*)—administrative groups who organised of typical defensive structure, collected imperial taxes and tried solving problems amongst themselves. *Thirdly*, all were subordinate to the Imperial Diet, the Imperial Chamber Court, and the Aulic Council.⁴ The prince and his subjects—including the nobility or the *Landstände*—could each turn to these legal bodies when in need of legal counsel or mediation. Despite this overarching feudal hierarchy (*Reichslehensverband*), princes endeavoured to consolidate their policy, jurisdiction and create freedom of action for themselves.⁵

This chapter bridges the development of fatherland terminology and princely attempts to consolidate dynastic ambitions and possessions within an area. Many political theorists at the time did not focus on a specific individual principality while

¹von Friedeburg (2011), p. 31; The Avalon Project : The Golden Bull of the Emperor Charles IV 1356 A.D. In: The Golden Bull of the Emperor Charles IV 1356 A.D. <http://avalon.law.yale.edu/medieval/golden.asp>. Accessed 15 February 2019.

²von Friedeburg (2011), p. 31.

³Press (1994), p. 439.

⁴Oestmann (2012).

⁵Romein (2014), pp. 277–278; von Friedeburg (2013), p. 293.



Map. 2.1 Holy Roman Empire (seventeenth century). Map by: Robert Mordon, A new map of Germanie (1673). [Scale: ca. 1: 2,750,000]. Map reproduction courtesy of the Norman B. Leventhal Map & Education Center at the Boston Public Library. <https://collections.leventhalmap.org/search/commonwealth:cj82kx488>. Accessed November 23, 2020

articulating their political thoughts. However, their writings were influential throughout the Holy Roman Empire, inspiring princes and many *patriots* who found themselves in similar situations in the face of dynastic ambitions—often combined with an increase in warfare (Map. 2.1).

2.1 German Political Thought (15th–17th century)

During the fifteenth and sixteenth century, a transformation in political thought within the numerous principalities of the Holy Roman Empire became apparent in publications. Scholars adopted five interconnected elements in their writings. *Firstly*, classical thought infused German thinking, as the works of Aristotle and Cicero regarding the *polis* were applied to the princely fiefs.⁶ Consequently, the strategy of implementing princely policy became strongly connected to an ‘interventionist

⁶von Friedeburg (2016), p. 164.

government’ with coercive legislation—which became known as the genre of *Policey*.⁷ The word entered the German sphere in 1466, in an imperial charter of Emperor Frederic regarding the ‘*Pollizey und regirung*’ of the city of Nuremberg.⁸ *Secondly*, and strongly connected to the first point of the rise of *Policey*, was not so much an adherence to hierarchical order but an emphasis on—what Von Friedeburg calls—*function*, being the welfare of the inhabitants.⁹ *Thirdly*, the development of an increasingly well-defined spatial fief since the 1530s¹⁰ as a jurisdiction over which the prince lorded with—more or less—clear-cut relations between ruler and subjects.¹¹ *Fourthly*, natural law was accepted as being of fundamental importance.¹² For instance, it became possible to defend oneself against oppression or resist a prince, whereas in earlier times one was always to obey a ruler.¹³ *Fifthly*, in line with the thinking of Melanchthon and Althusius, it became accepted that subordinates of a supreme magistrate (for example, a prince) could take up an *office*. In the writings of Melanchthon and Althusius, an example of such an *office*-holder was ‘ephor’ whose duty encompassed censuring the supreme magistrate.¹⁴ The eligibility of a person for the position of ‘ephor’ differed from thinker to thinker.

The period 1580–1620 was one of relative prosperity, yet one of a religious tug of war that had to be solved politically and legally.¹⁵ It was on this playing field that German political thought met with the reception of Bodin; shortly followed by the cruelties of the Thirty Years’ War and post-war period (1648).¹⁶ The changes in political thought described above trickled down into society and were put into practice. As we will see in the cases of Jülich and Hesse-Cassel in the following chapters, noblemen adopted the office of *patriot* in order to object to princely policy. At the same time, while they resisted their duke or landgrave, they eagerly tried to avoid any association with rebellion or *lèse-majesté*, as these were capital crimes. While the Duke of Jülich and Landgravine of Hesse-Cassel acted according to what they considered was best for their principality; the nobility perceived these actions as an infringement of the fatherland’s privileges and their own.

The French author Jean Bodin had an unequalled influence on German political thought. With his *Les six Livres de la République* (1576), in which the discussion of sovereignty is central. Bodin explained that the *maiestas*, or sovereignty focussed on one single person wielding all power—with some exceptions—within a ‘state’.

⁷Romein (2014).

⁸Iseli (2009), p. 15.

⁹von Friedeburg (2016), p. 165.

¹⁰*Ibid.*, p. 144.: as protestant princes wanted to have control over the clergy in their lands, as such, it became increasingly important to have fixed borders.

¹¹*Ibid.*, p. 165.

¹²*Ibid.*, p. 166.

¹³von Friedeburg (2002).

¹⁴von Friedeburg (2016), p. 167.

¹⁵*Ibid.*, p. 168.

¹⁶*Ibid.*, pp. 168–169; von Friedeburg (2013).

However, within the Holy Roman Empire, this notion was problematic. Neither the *personal maiestas* of the emperor, nor the *real maiestas* of an assembled diet, nor even the individual princes fulfilled the requirements of Bodin's sovereign.¹⁷ Within Bodin's thesis, there was no room for small principalities within a large entity, such as the Holy Roman Empire. Creatively, scholars sought new interpretations in representation (Johannes Althusius), or sovereignty exercised by a group of people (Henning Arnisaeus).¹⁸ Althusius' interpretation in particular can be perceived as an underlying current in the studied sources from both German principalities as we will see in the next two chapters.

Bodin's primary influence should, however, be sought in the burgeoning field of politics (*politica*). The main focus of this new field of study was the organisation of prudence (*prudencia*) within society.¹⁹ Here, Hermann Conring (1606–1681) interpreted this science as 'leading and keeping together the civil community.'²⁰ Thanks to Bodin, *politica* began to receive much attention. Nonetheless, we are lucky if we find only a few direct references to Bodin, as his ideas mainly set in motion the use of fatherland terminology.

2.2 German Fatherland Terminology

With its origins in the Latin language, the early usage of fatherland terminology focusses on the Latin use of the words *Patria* and *natio*. Ernst Kantorowicz claimed the term *Patria* as 'an almost obsolete political identity in the earlier Middle Ages',²¹ stating that it was merely used either to refer to one's homeland or habitat,²² or to the Christian heaven.²³ Thomas Eichenberger objects to this stance, having found texts throughout Europe that use the term *Patria*, although, admittedly, there are not many.²⁴ In the medieval context, Eichenberger distinguishes between several usages. Within geographical references, the term *Patria* was often used to indicate the place where a particular tribe lived.²⁵ It could refer to the place one felt at home or was born (*Patria nativitatis*).²⁶ Furthermore, some medieval texts certainly had political references. In the early medieval time, *Patria* was connected to the *gens*

¹⁷ von Friedeburg (2016), p. 296.

¹⁸ Ibid., p. 298.

¹⁹ Ibid., pp. 296, 318.

²⁰ Ibid., p. 312.

²¹ Kantorowicz (1957), pp. 232–233.

²² Kantorowicz (1951), p. 476.

²³ Ibid., p. 475.

²⁴ Eichenberger (1991), p. 15.

²⁵ Ibid., pp. 37–45.

²⁶ Ibid., pp. 46–70.

(tribes).²⁷ During the Merovingian and Carolingian rule, *Patria* became interchangeable with the jurisdiction that these kings ruled.²⁸ This latter application, as a *regnum*, is abundantly present in texts from the ninth century onwards and became introduced in legislation as well.²⁹ Person Gobelinus (1358–1421) described a jurisdiction as:

political borders, which rarely had the shape of a clear and officially accepted demarcation line; rather, they formed a frontier region marked by overlapping territorial claims as the local authorities had allegiances to rulers on both sides.³⁰

A prince could claim the title *pater patriae* to stress his superiority and good intentions over his *regnum*. Alexander Schmidt describes how patriots and love for the fatherland were notions applied to the Holy Roman Empire during the sixteenth century. His lengthy descriptions show how various authors of political tracts used the terminology to focus on imperial structure, mainly to avoid competition among individual princes.³¹

The Italian Francesco Petrararch used the term *natio* with its old connotation, being that of *barbarian* or uncivilised.³² By using this vocabulary in Latin texts, the Italians put themselves on a pedestal, claiming to be better than other people and kill any possible discussion. The latter intention was not achieved, as it fuelled scholars to stress how civilised their own people were and how beautiful their fatherland was. Many authors wrote as pen-pushers for princes, putting their arguments in favour of the emperor initially, and later of the lower German princes.³³ Still, the application of this terminology was not common in the German language itself before the Reformation. The use of the Latin language was either to enable foreign readers to understand the text, or, just because scholarly texts in the vernacular were not held in high esteem.³⁴

Kantorowicz sees three reasons for such a spectacular rise of the vocabulary of *Patria* from the thirteenth century onwards—although he denies much presence in previous eras. *Firstly*, there is a new focus on individual kingdoms in combination with the emotional value attributed to the classical use of the vocabulary of *patria*. *Secondly*, the language entered the secular sphere, stating that sacrifices had to be made for the *Patria* such as paying tax. *Finally*, *Patria* became a glorified, politicised term referring to various abstract concepts of the principality in chronicles.³⁵

²⁷Ibid., p. 71.

²⁸Ibid., pp. 89–127.

²⁹Ibid., p. 139.

³⁰Hirschi (2011), p. 105.

³¹Schmidt (2007).

³²Hirschi (2011), p. 148.

³³Ibid., p. 111.

³⁴Ibid., p. 109.

³⁵Kantorowicz (1951).

The adoption of the terminology of being a *loyal patriot* who defended the *Patria* or *fatherland*—in the common language—developed during the second half of the fifteenth century. Robert von Friedeburg points out that Jakob Spiegel’s *Lexicon Iuris Civilis* referred to *patria* as early as 1549. Having cited among the listed meanings (*significationes*) of *patria*, the ‘*patria potestas*’ (the legal power of the father over his family), Spiegel also interpreted *patria* as ‘*provincia*’, a spatially defined district.³⁶ The *patria* held all power necessary to establish and uphold order. The combination of ‘provinces’ upholding ‘order’, influenced Althusius’ arguments, for they became interpreted as legal entities. The heads of these ‘provinces’ held the *maiestas*, though they had to recognise the superiority of the emperor.³⁷ Importantly, Althusius was also explicit on the role of the nobility: ‘[t]he estates, and in particular the knights, are under the obligation to defend the province, their fatherland.’³⁸

In his discussion of the Holy Roman Empire’s political discourse, Schmidt focusses on the love for the fatherland and its positioning within the religious conflicts.³⁹ Schmidt studies the use of fatherland terminology in the work of political theorists between 1555 and 1648, in reference to the Holy Roman Empire as the fatherland. Such language was an attempt to divert attention away from internal, religious discord, towards a unified fatherland. Schmidt concludes that protestants were more prone to publishing pamphlets than Catholics were. Political terminology was applied to persuade the readers that there was a necessity to act in the case of an emergency (*Notstadsrechtslehre*). The pamphlet-authors presented their readers with arguments that they should not fight in foreign armies, as that would be an act against their fatherland.⁴⁰

According to Caspar Hirschi, the adoption of the terminology of a *loyal patriot*, *fatherland*, and *patria* was ‘to stress the need for political consolidation in order to force back foreign enemies.’⁴¹ The emperor’s first use of the terminology was applied in internal communications with the German princes to stress feelings of pride.⁴² With that, the emperor pushed a feeling of ‘national honour’⁴³ that overarched all principalities. Hirschi claims that the traditional economy of honour became ‘overheated’ as there were too many alterations within society.⁴⁴ These changes, being the decline in the number of dynasties on the one hand, and, on the other, the rise of dynastic agglomerates; indeed manifested itself in the Holy Roman Empire.⁴⁵ Hoping to cool down competition within the Holy Roman Empire, these

³⁶von Friedeburg (2013), pp. 305–306.

³⁷Ibid., p. 307.

³⁸Ibid., p. 307.

³⁹Schmidt (2007).

⁴⁰Ibid., pt. 3.

⁴¹Hirschi (2011), p. 102.

⁴²Ibid., p. 102.

⁴³Ibid., p. 95.

⁴⁴Ibid., p. 92.

⁴⁵Morrill (2017), p. 17.

attempts aimed to direct aggression to outside the empire.⁴⁶ The princes indeed used fatherland terminology in that manner, stressing their attempts to protect their lands as *pater patriae*. In the chapter on Hesse-Cassel, we will see how this argument was employed.

Dynastic ambitions and pre-emptive attempts to strike first to protect the fatherland meant an increase in warfare. Some lands were conquered, others merged as the result of marriages between dynastic houses, others fell apart due to the lack of an heir.⁴⁷ Consequently, during the uncertainties of the early seventeenth century, the nobility sought a means to express their opinions and protect their tenants. The nobility employed legal specialists and scholars to address their concerns. In the end, they found themselves applying the same terminology of the *fatherland*, *Patria*, and *patriot*. Expressing concerns was a tricky business, as it came close to resisting princely politics. The innovative use of fatherland terminology, as described above, offered ample possibilities. By claiming to hold the *office* of a patriot, one bypassed the conventional hierarchical structure of being subjected to a prince. Placing oneself outside this structure, it became possible to comment on the situation at hand and to (re)open channels of communications. With that (renewed) communication, it became possible to discuss a new power structure, which became evident after the Thirty Years' War. As Tim Neu shows, this gave room to bring the concept of political representation to the table.⁴⁸

As mentioned above, Schmidt has studied the fatherland discourse of the Holy Roman Empire as unifying rhetoric. He acknowledges that the terminology could be used by the nobility to offer critique, stressing their undisputed love for the fatherland. Schmidt uses Von Friedeburg's work to exemplify the use of fatherland terminology within a principality. He explains this as being an adaptation of the argumentation used for the entire empire.⁴⁹ Schmidt offers no other examples for such local use. In the next chapters, I show that the terminology was used in Hesse-Cassel, but also in Jülich as a means of critiquing policy during the tumultuous times of the mid-seventeenth century.

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⁴⁶Hirschi (2011), p. 103.

⁴⁷Morrill (2017).

⁴⁸Neu (2013).

⁴⁹Schmidt (2007), p. 266.

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Chapter 3

Jülich: Pamphlets and Cologne Get-Togethers (1640s–1650s)



In the early months of 1645, the nobility of the German principality of Jülich assembled in a convent in Cologne. They wanted to discuss what they perceived to be an abuse of sovereign power by Wolfgang Wilhelm, Count Palatine of Neuburg, Duke of Jülich and Berg. They accused Duke Wolfgang Wilhelm of excessive taxation and attempting to implement an *absolutus Dominatus* in their principality.¹ The duke could not prevent this assembly because Cologne was outside his jurisdiction.² The attending nobility considered themselves patriots, and claimed to act out of patriotic affection for their beloved fatherland and its inhabitants.³ They referred to themselves, explicitly, as *loyal* patriots.⁴ The use of this terminology implied that the nobles saw themselves as acting for the greater good of the fatherland. As such, they shifted the focus to *their* deeds, rather than the duke's perceived misbehaviour. The Catholic Duke Wolfgang Wilhelm was not born in the principality, nor was he officially recognised by the emperor as ruler over Jülich. The nobles' statement implied that they considered the duke to be but a temporary ruler who had come to power as a result of the war of succession (1609–1614).⁵ As an already contested duke, the nobility considered his overstepping of boundaries an even greater offence than if he had been a *de jure* ruler.

The above example illustrates how the nobility of Jülich reacted to the ongoing warfare due to the severe threat it was perceived to pose to the inhabitants, the

¹JL Akten 40, 3 March 1645, p. 6.

²Importantly, Cologne was known for its unique position with regard to freedom and liberty. See: Bellingradt (2011), p. 41.

³JL Akten 40, 3 March 1645, p. 6.

Translations have been made by the author, unless stated otherwise.

⁴JL 44, 18 May 1648. The German phrase here used is: 'getrewer Patriot'.

⁵The legitimacy of his claims were still disputed in the 1640s; see JL 40, 3 March 1645, p. 5; Leffers (1971); Janssen (1997), p. 195.

dominant position of the nobility, and the means of existence within the principality. The small German Duchy of Jülich was situated at the western border of the Holy Roman Empire. The principality was rich in resources, had a population of just 215,000, and only a few nobles.⁶ Like in the other Lower Rhine principalities, most people in Jülich were Catholics, with about 25% of the inhabitants adhering to one of the protestant religions. The Niederrhein principalities were involved in agriculture, mining (coal and iron), and the textile industry.⁷ As such, the area was an essential granary for the region.

The Lower Rhine principalities, including Jülich, were involved in a war of succession between 1608 and 1614. The provisional Treaty of Xanten (1614) failed to resolve the succession issues, only postponing the decision. Neither the inhabitants of Jülich nor the emperor accepted Duke Wolfgang Wilhelm as the new ruler of Jülich. Throughout the Thirty Years' War, this unresolved succession caused tension and conflict. The duke wished to protect 'his' principalities Jülich and Berg, but he faced severe difficulties and opposition when endeavouring to obtain the consent of the nobility. He attempted to remain neutral by buying off armed forces. Unfortunately, this policy resulted not only in soaring costs but also in attracting soldiers in search of money. The longer the war lasted, the more difficult it became for the troops to acquire enough food and money, and for the armies to recruit fresh troops. The nobles felt the duke's actions harmed the principality; they objected to taxation without their prior consent. These actions all added to their fear that the duke sought to extend his power at their expense. The deteriorating situation had four causes. *Firstly*, Jülich and Berg were obliged to pay 36,000 and 24,000 *Reichsthaler* respectively, each year.⁸ *Secondly*, in 1642 Emperor Ferdinand III (1608–1657) believed that both principalities needed the imperial troops' defensive presence—at their own expense.⁹ *Thirdly*, taxes, billeting soldiers, and theft burdened the subjects of the principalities heavily.¹⁰ When such payments were not made in full, or were simply late, noblemen were held hostage until full payment had been received. *Lastly*, the nobility of Jülich and Berg objected to the duke's policy and blamed him for causing trouble.

Consequently, the nobility met to discuss the welfare of their principality. They claimed that Duke Wolfgang Wilhelm had caved in to the demands of the Hessian landgravine, forcing 'his' people to pay the price and suffer the consequences. Referring to the war of succession (1609–1614), during which Duke Wolfgang Wilhelm had taken control of the principalities of Jülich and Berg and became

⁶Tornow (1974), p. 5.

⁷Smolinsky (1993), p. 89.

⁸Engelbert (1959), p. 69.

For comparative reasons, this would be worth 935,280 grams of silver for Jülich. 1 Reichsthaler being 25.98 g of silver; according to Christmann (2002), p. 213. This amount can be expressed in kilocalories that would become available if for example grain were to have been bought with this money. This can be used to compare the areas with each other.

⁹Engelbert (1960), p. 38.

¹⁰Engelbert (1959), p. 76.

their *de facto* ruler, the Imperial commander Lamboy pointed out that the duke may not have been acting in the best interest of the inhabitants of his principality.¹¹ The nobility used historical examples specific to Jülich to counter the harmful policy of Duke Wolfgang Wilhelm. The new duke had started on the wrong foot, which three examples can illustrate. *Firstly*, he inherited the duchies and only became a *de facto* ruler as Emperor Matthias (1557–1619) did not acknowledge the succession. *Secondly*, Duke Wolfgang Wilhelm converted to Catholicism shortly before accepting governance over the principalities of Jülich and Berg, where the population was predominantly Lutheran. *Thirdly*, the duke was forced to allow soldier billeting, from which he extracted large sums of money as well as food from the population. This combination of factors elicited an angry response from the nobility.

The invitations to nobles assemblies, and the pamphlets written at these events referred to participants as loyal patriots. They were called to assembly to discuss protecting the welfare and prosperity of the fatherland. Salient to the argumentation of the nobility was that the illegal taxes seriously harmed the inhabitants of Jülich. Although not all amounts are known, the perceived impact was enormous. The population decreased, and material damages as well as the costs of the billeting of soldiers added to this perception. As payments had to be prompt, for example, needing to be delivered within a few days, a lot of pressure was placed upon the inhabitants as a result, as impatient soldiers demanded their earnings. The pamphlets and letters show that there was not much room to negotiate any delay in payment. Despite the nobility's protests, troops poured into the duchy, setting up camps and billeting soldiers in houses. With the exception of billeting soldiers, these activities had been common practice during the first part of the Thirty Years' War. However, from 1640 onwards, military activities intensified and were scaled up. By the autumn of 1640, the living conditions in Jülich had deteriorated enormously. Imperial Commander Guillaume de Lamboy (±1590–1659) had stationed his troops in the south, while the Hessian troops had settled in the north with the support of the French.¹²

In this chapter, I provide an overview of the discussions and deploy the above-sketched argumentation the nobility of Jülich had. The pamphlets and letters from the nobility will play a pivotal role in explaining their focus. Rainer Walz has studied the activities of the *Landstände*, but he did not specifically focus on their use of terminology. He did notice that the nobility did not eagerly accept Duke Wolfgang Wilhelm's policy and did object. To understand the tensions between the nobility and the duke, I discuss the dynastic lineage and the history of the principality from the sixteenth century until the 1650s. This overview allows the contextualisation of the archival sources.

¹¹Ibid., p. 68.

¹²Ibid., p. 69.

3.1 Jülich's Early History Until the War of Succession (1609–1614)

The dynastic agglomerate Jülich-Guelders fell apart shortly after the death of heirless Duke Rainald of Jülich-Guelders (c.1365–1423). Duke Adolf (c.1370–1437) succeeded in gaining control over Jülich and Guelders and merged them with the Duchy of Berg, and the County of Ravensberg in a personal union in 1423.¹³ After Adolf's death, these principalities were separated and redistributed among various heirs. During the Third Guelderian War of Succession (1538–1543) Wilhelm V, 'the Rich', Duke of Jülich-Cleves-Berg, (1516–1592) attempted to regain Guelders and unite the entities again. His *Landstände* and those of Guelders and of Zutphen welcomed this attempt.¹⁴ This way, conversions to Catholicism could be averted.¹⁵ However, the other claimant—Emperor Charles V (1500–1558)—besieged the city of Düren (in Jülich) in 1543 to ward off the claims of Wilhelm V. An army of 30 to 40,000 men pillaged and burned the city. Wilhelm V was eventually forced to sign the Treaty of Venlo (7 September 1543).¹⁶ With this treaty, authority over Guelders passed to Charles V.

Wilhelm V maintained control of his other principalities for 52 years, until his death in 1592. His only surviving son Johann Wilhelm (1562–1609) succeeded him. In 1585, Duke Johann Wilhelm of Jülich-Cleves-Berg (1562–1609) married Jacoba of Baden-Baden (1558–1597). Five years into a childless marriage, the worried nobility started to look for potential successors. The nephews of the duke were probable heirs.¹⁷ The nobility openly discussed the possibility to ask the duke to annul the current marriage and remarry.¹⁸ However, any divorce would have met with strong opposition from the Holy Roman Emperor Rudolf II (1552–1612), as well as the curie. The problems surrounding a divorce were resolved when Jacoba suddenly passed away in 1597, under suspicious circumstances.¹⁹ The negotiations to conclude a new marriage soon commenced.²⁰ In 1599, Duke Johann Wilhelm married Antonia of Lorraine (1568–1610). Unfortunately, this union did not result in any offspring either (Map 3.1).

Claimants to the enfeoffment of the Lower-Rhine Area presented themselves to Emperor Rudolf II even before Duke Johann Wilhelm's death on 25 March 1609.

¹³The Estates of Jülich and Berg did not integrate; they retained certain bureaucratic privileges. Each of the estates was made up of two curies: the nobility and the main cities. There was no representation of the clergy within the estates. Janssen (1984), pp. 18, 22. Jülich had become a Duchy in 1356; Berg in 1380; Cleves followed in 1417.

¹⁴Ibid., pp. 18, 24; von Looz-Corswaren (2003), Engelbrecht (1994) and Bers (1970).

¹⁵Hantsche and Krähe (2003), p. 36.

¹⁶Essink (1973), pp. 44–45; Keverling Buisman (2003).

¹⁷Mostert (2002).

¹⁸Janssen (1997), pp. 189–192.

¹⁹Braubach and Schulte (1925), p. 206.

²⁰Janssen (1997), pp. 189–192.



Map 3.1 Duchies of Jülich and Berg (seventeenth century). Map by Willem Janszoon Blaeu, *Juliacensis et Montensis Ducatus = De Hertoghdomen Gulick en Berghe* (1635). <https://collections.leventhalmap.org/search/commonwealth:cj82kr34w> Accessed November 23, 2020. Map reproduction courtesy of the Norman B. Leventhal Map and Education Center at the Boston Public Library

Among them were Johann George I. Prince-Elector of Saxony—based upon an old agreement—and the duke's close relatives (see below): the houses of Brandenburg, Palatinate-Neuburg, Palatinate-Zweibrücken, and Burgau. In addition, the various Habsburg families expressed an interest in the regional developments, as did the Dutch Republic, France, England, Denmark, and Sweden.²¹ Furthermore, several diets, curies, and both the Protestant and Catholic leagues, closely monitored the course of events (Fig. 3.1).²²

This broad political interest in the Lower-Rhine succession was due to the economic strength and geographical position of its principalities, which bordered on Spanish and Dutch provinces as well as on the river Rhine.²³ The Dutch Republic felt seriously threatened by the idea of a potential Catholic ally of the emperor ruling

²¹Braubach and Schulte (1925), pp. 205–210; Wagner (1977), pp. 63–64; Wilson (2004), pp. 115, 187.

²²Bergerhausen (2011), p. 56.

²³The Niederrhein principalities were involved in agriculture, mining (coal and iron), and the textile industry. See: Smolinsky (1993), p. 89.

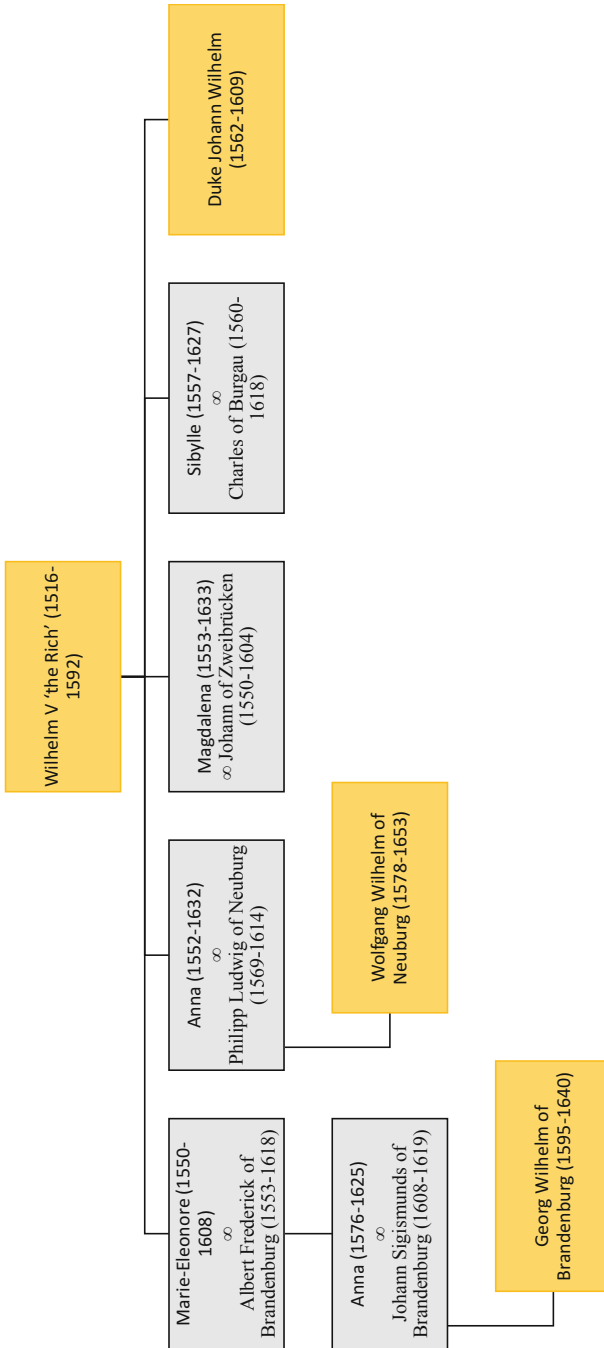


Fig. 3.1 Ancestral chart of the Dukes of Jülich-Cleves-Berg and Mark (1539–1653). Created by the author. This figure has been published earlier in German in C.A. Romein, 'Jülicher Patrioten am Ende des Dreißigjährigen Krieges (1642–1652). Die Verwendung der Vaterland-Terminologie im 17. Jahrhundert,' *Rheinische Vierteljahrsblätter*, vol. 85 (2021) 106–128. Published with permission

a neighbouring principality and sided with the Protestants. Since the Lower-Rhine Area was bordering the Republic's most vulnerable river-area, it was considered risky for it to be ruled by a pro-Spanish Catholic prince.²⁴ A river-entry had been made by the Spanish commander Ambrogio Spínola Doria, Marquis of the Balbases (1569–1630), in 1605-6, when he invaded the Republic. As such, the Dutch had legitimate cause for concern.²⁵

Three different legal justifications formed the basis of the claims held by relatives of the late duke and by the House of Saxony to inherit the Lower Rhine principalities.²⁶ *Firstly*, a claim based upon an old privilege. In 1483, Albrecht III (1443–1500), Duke of Saxony, had gained the right to inherit the Lower-Rhine principalities. Emperor Friedrich III (1415–1493) had granted this privilege, and Maximilian I as King of the Romans (1459–1519) confirmed it in 1486 to both Duke Albrecht III and Elector Ernst of Saxony (1441–1486). The right to inherit the principalities had never been revoked, though arguably, this particular right applied solely to the Albertine dynasty and not to the Ernestine line of the House of Saxony. It was, therefore, generally considered to be a relatively weak claim.²⁷

Much stronger claims could be based upon a privilege granted by Emperor Charles V to William 'the Rich' in 1546, the *Privilegium Successionis* (Eng: Succession Privilege). This privilege stipulated that any male child of the eldest sister's family line would be considered to be heir to the principality when the male line had died out. However, two different interpretations—and thus justifications—of this privilege exist. The first interpretation reads that if the first possible female line lacked male heirs—whether they be sons or grandsons—another sister's sons would become eligible. The husband of Johann Wilhelm's niece Anna, Johann Sigismund, Prince-Elector of Brandenburg (1572–1619), considered that his son fulfilled this requirement. This son, Georg Wilhelm, (1595–1640) was the great-nephew of the deceased duke and secured the future succession. According to this argument, it was important that the eldest sister had male offspring; however, it did not matter whether this was a son or a grandson—as would be the case of the House of Brandenburg. The second interpretation of this same privilege reads that the eldest nephew of the late duke should be considered to be the next in line to inherit the fief. Consequently, no claims could be made by a *grand*-nephew as only nephews were eligible. This interpretation excluded the House of Brandenburg and offered Wolfgang Wilhelm the possibility of claiming his late uncle's fief.

In addition to the Succession Privilege, the *Privilegium Unionis* (Eng: Unification Privilege) had been bestowed on the principalities by Emperor Charles V in 1546. Such a Unification Privilege prevented the separation of the principalities without the emperor's consent in case of succession. Due to these various rules, privileges,

²⁴Israel (1998), p. 407.

²⁵Ibid., p. 407; W Isaacson (1933), p. 14; Petri and Droege (1976), p. 95.

²⁶Anderson (1999), p. 249.

²⁷Ibid., p. 250.

and treaties, the succession became a highly complicated matter with many stakeholders.

In June 1609, Landgrave Maurice of Hesse-Cassel (1572–1632) arbitrated in Dortmund between the two Lutheran princes of Brandenburg and Neuburg, and an agreement was reached concerning the succession.²⁸ The result was a treaty which allowed a joint government overall Lower-Rhine principalities.²⁹ With 75% of the total population of the combined principalities being Catholic, changes towards Lutheranism were deemed unlikely.³⁰ The treaty, therefore, stipulated the guarantee of the religious *status quo*. Despite the quick outcome and otherwise peaceful conclusion, Emperor Rudolf II (1552–1612) objected to the Dortmund Treaty. At Rudolf's request, Archduke Leopold V of Further Austria (1586–1632) occupied the town of Jülich, and forces were drawn to the borders of the Palatinate as the emperor wanted to favour other claimants.³¹ Military tensions rose, as the two Lutheran princes could rely on the support of the Dutch Republic, England, and France.³² Religion seemed to have become the focal point of—what later became known as—the first crisis in the war of succession.³³ Shortly after the Treaty of Dortmund, Landgrave Maurice of Hesse-Cassel was reminded of an ancient heritage-oath (*Erbeinigung*).³⁴ This alliance, which had been passed down for generations, was meant to protect ruling families from fighting and harming each other's interests.³⁵ Houses of Hesse, Saxony, and Brandenburg had concluded this heritage oath. It collided with this treaty of Dortmund, and it endangered the alliance between the Protestant dukes.³⁶ As a result, Landgrave Maurice was forced to withdraw his support and keep his distance. With three possible successors—the Houses of Saxony, Brandenburg, and Neuburg—each referring to a different privilege, it was painful to (re-)establish an uncontested peace.

On 11 February 1610, just months before to the murder of King Henry IV of France (1553–1610), the Treaty of Hall (in Swabia) was signed.³⁷ The treaty aimed to secure the claims of the Houses of Brandenburg and Neuburg. To secure the princes' government, other parties—such as the Dutch Republic, England, and

²⁸Smolinsky (1993); Lünig (1713), pp. 69–73.

²⁹Janssen (1984), p. 35.

³⁰Gabel (2002).

³¹Asch (2005); Two 'Einzelblatt' or 'Flugblätter' have been published with regard to this event which lasted from 28 July till 2 September 1610. Harms et al. (1980), pp. 162–163.

³²Gabel (2002).

³³Israel (1998), p. 407.

³⁴In 1646 the *Erbeinigung* (heritage-oath) is (again) mentioned in a Hessian document: *Nothwendiger Bericht, darauß zu sehen, Daß nicht allein die, von Hessen-Cassel erlangte* (S.I. 1646) 3.

³⁵Anderson (1999), p. 59.

³⁶*Ibid.*, p. 59.

³⁷Trim (1999), p. 339.

France—discussed military involvement.³⁸ The unexpected death of Henry IV, in May 1610, did not undermine French involvement in the conflict, but France's ability to act decelerated as a result of the loss their inspiring force and financier.³⁹ The truce with Spain muted the Dutch, too, in defending the interests of the Houses of Brandenburg and Palatine of Neuburg. Helping the Protestant princes just across the Republic's borders by providing a supporting force of 12,250 men could result in the Dutch having to fight Spanish Habsburg troops and potentially breach the truce.⁴⁰ Although it was not certain that any fighting would occur, it became more likely when Archduke Leopold went to Prague to claim the principalities on behalf of Emperor Rudolf II.⁴¹ The Dutch, with French assistance, regained the fortress of the city of Jülich, while the Spanish troops occupied the city of Wesel, in the Duchy of Cleves.⁴² Although the emperor had not provided the archduke with military forces, it was clear that the archduke had his consent.

In the meantime, Johann George I, Prince-Elector of Saxony wished to collaborate in governing the Lower-Rhine Area. Negotiations with Johann Sigismund, Prince-Elector of Brandenburg had been successful, and the two princes had drawn up a revision of the Hall Treaty. This revision is known as the Treaty of Jüterbog (March 1611), which now had to be ratified by the third party directly involved: the House of Palatine Neuburg.⁴³ Neither the emperor approved of it, nor did Philip Louis, Count Palatine of Neuburg (1547–1614), father to Wolfgang Wilhelm, agree to the alterations of the Hall Treaty.⁴⁴ Subsequently, Johann Sigismund, Prince-Elector of Brandenburg withdrew his initial support to the Jüterbog proposal. However, it was too late, as he had lost much of his credibility by negotiating in the first place.

Nevertheless, the House of Wittelsbach—to which Count Palatine of Neuburg belonged—was left to explain to its international allies why it had not assented to the Jüterbog plan in the first place, it having been designed to lead to peace. The allies stressed the importance of reopening the negotiations. However, the emperor beat them to it by initiating a neutral committee to prepare a cordial agreement with all principal claimants.⁴⁵ Both the Catholic League and its Protestant counterpart then attempted to strengthen their positions by luring the Prince-Elector of Saxony into their camp. At the same time, the emperor attempted to reform the Catholic alliance to benefit the interests of all princes, in a similar attempt to woo the House of Saxony.⁴⁶ This tug-of-war lasted until 1614.

³⁸Lünig (1713), pp. 76–78.

³⁹Asch (2005), p. 30.

⁴⁰Ibid., p. 31; Trim (1999), p. 340.

⁴¹Trim (1999), p. 340; Bergerhausen (2011), p. 56.

⁴²Asch (2005), p. 31.

⁴³Anderson (1999), p. 139.

⁴⁴Ibid., pp. 139–147.

⁴⁵Ibid., pp. 142–143.

⁴⁶Asch (2005), p. 32.

Wolfgang Wilhelm of Neuburg converted to Catholicism on 19 July 1613.⁴⁷ He was perhaps prompted by anxiety that Johann Sigismund, Prince-Elector of Brandenburg might acquire the principalities for his son, or perhaps because he feared that another Catholic prince—other than one of the previously mentioned claimants—might be favoured. His interests in the Catholic princess Magdalena of Bavaria (1587–1628) certainly also contributed to the religious change. His conversion was kept a secret—even from his father—until 25 May 1614. From this date on, inhabitants of newly founded convents arrived in Jülich and Berg.⁴⁸ Protestant believers in Jülich and Berg received a reassurance: as fellow-Christians, they needed not to convert.⁴⁹ Catholic princes united together, with the backing of Spain and Austria, to support Duke Wolfgang Wilhelm. At the same time, Georg Wilhelm, Prince-Elector of Brandenburg, changed his religious preference to Calvinism. This conversion ensured his alliance with England and the Dutch Republic, as well as with other Protestant principalities, e.g. the Palatinate.⁵⁰

The tension increased in early 1614, and the threat of another war was imminent. The Northern Netherlands preferred to see peace restored at its border. Military governor Frederik van Pithan (1552–1632) of the Dutch forces felt the need to request more troops on 5 May:⁵¹ a second crisis started. The movement of Dutch troops was interpreted as an act of aggression, despite explanatory letters sent to both the Johann Sigismund, Prince-Elector Brandenburg and the Duke of Neuburg. The Republic was, after all, helping the Calvinist pretender, and even expelled the Catholic contender from Düsseldorf.⁵² In August, Duke Wolfgang Wilhelm requested the help of 15,000 soldiers from the Habsburg Netherlands to secure his control.⁵³ Finally, under the supervision of France and England, the truce was ratified in November.⁵⁴

The Treaty of Xanten of 12 November 1614 concluded the war of succession and warfare finally ceased. Duke Wolfgang Wilhelm and Johann Sigismund, Prince-Elector of Brandenburg were both acknowledged to be heirs of the land, but not accorded the status of *de jure* rulers.⁵⁵ The treaty itself was a provisional agreement dividing the government over the lands; it did not divide the dynastic agglomerate, as this would go against the imperial *Privilegium Unionis* of 1546.⁵⁶ This arrangement was meant to avoid more conflict but failed, as the religious disputes did not end. The

⁴⁷Janssen (1984), p. 35; Mader (2004), pp. 109–142; Hufschmidt (2004); Anderson (1999), p. 146.

⁴⁸Ackermann (2004), p. 92; Motte (2002).

⁴⁹Ackermann (2004).

⁵⁰Petri and Droege (1976), p. 107.

⁵¹Considering the 1609 struggle as the first crisis.

⁵²Anderson (1999), pp. 152–155, 163–170.

⁵³Parker (1997), pp. xvi–xviii, 25.

⁵⁴*Ibid.*, p. 27.

⁵⁵Lünig, *Das Teutsche Reichs Archiv*, 82–86; Petri and Droege (1976), pp. 109–111; Asch (2005), pp. 26–34.

⁵⁶Lünig, *Das Teutsche Reichs Archiv*, 82–86; von Looz-Corswarem (2014).

prince-elector wanted freedom of religion, whereas Wolfgang Wilhelm did not.⁵⁷ It all came down to a conflict of interest, over how best to govern principalities and their churches, especially since both possessors had changed faith. Duke Wolfgang Wilhelm accepted the influence of the bishops, whereas Johann Sigismund, Prince-Elector of Brandenburg did not.⁵⁸ The bishops' influence would be accepted until 1624—the year of additional provisional agreements on religious matters.⁵⁹ From that year onwards, Protestant meetings were forbidden; 4 years later, the Protestant Latin School in the principality of Jülich closed.⁶⁰

3.2 Jülich Until the Peace of Prague (1635)

Despite the Provisional Treaty of Xanten, the inhabitants of the principalities had difficulty accepting either Johann Sigismund, Prince-Elector of Brandenburg, and his successor Georg Wilhelm, or Duke Wolfgang Wilhelm. Failure to honour existing privileges and to obtain the nobility's consent in matters of taxations contributed to the tense relationship. The emperor did not accept the two princes as legitimate heirs either.

In 1621, Spínola sent 10,000 men to the town of Jülich in order to secure the land west of the river Rhine. As the Spanish-Dutch truce had ended, the principality of Jülich was seen as an advantageous base of operations. The nobility of the nearby Duchy of Berg protested against the presence of Dutch garrisons stationed in its principality. In addition, the two *de facto* rulers Duke Wolfgang Wilhelm and Georg Wilhelm, Prince-Elector of Brandenburg opposed each other's religious policies.⁶¹ The Spanish soldiers extorted the inhabitants of the principality of Jülich. The Dutch tried to influence policy by way of catching and stretching (Germ.: *Fangen und Spannen*) hostages, especially clergymen.⁶² In response, Duke Wolfgang Wilhelm raised an army of 2500 men to protect both 'his' principalities, and he even managed to control the County of Ravensberg in 1622 temporarily.

In 1624, this was the first *Landtag* since the assembly of 1611. Many grievances were put forward, caused by the problematic situation. The nobility eventually consented to the requested taxation but only for defensive military purposes.⁶³ However, more was levied than previously agreed. This discrepancy led to opposition from the nobility, as the money was spent on an army to fight the Georg Wilhelm, Prince-Elector of Brandenburg. A new *Landtag* convened in 1625. It

⁵⁷Engelbrecht (1994), p. 155.

⁵⁸Jaitner (1973), pp. 69–76.

⁵⁹Leffers (1971) and Ackermann (2004).

⁶⁰Leffers (1971), Ackermann (2004) and Smolinsky (1993).

⁶¹Ackermann (2004), Leffers (1971) and Dahm (1951).

⁶²Wilson (2010), p. 331.

⁶³Walz (1982), pp. 43, 146–149.

seemed that the duke attempted to gain the upper hand during this meeting, while the nobility emphasised their privileges. These privileges included the right to organise assemblies without the duke's presence, as part of the '*landständische*' freedom (*ständische Freiheit*), and subsequently, they organised just such an assembly.⁶⁴

As a consequence of the unauthorised increases in taxation in 1624 and 1625, the nobility lodged a complaint at the Aulic Court in 1626, hoping to obtain a verdict concerning the violation of their privileges.⁶⁵ Indeed, in 1627 a *Pönal mandat* (Engl.: penal mandate) was issued to prevent taxation without the necessary consent of the nobility.⁶⁶ This *Mandatum cassatorium et inhibitorium*⁶⁷ stated that Duke Wolfgang Wilhelm would be fined 100 *Goldmark* if he ignored the nobility's privileges again. The duke's presence in court caused a suspension of the ruling; however, this did not mean that his actions were accepted. The emperor himself vouched for the nobility's safety and their protection.

A year later, imperial military victories threatened the position of the duke. These successes reaffirmed that the emperor could reclaim and regain the Lower-Rhine Area by force. The duke undermined his position even further by—again—requisitioning taxes without consent. The emperor had guaranteed the safety of the nobility, and a new legal complaint was filed. During the long *Landtag* (Sept. 1628–April 1629) the Prince-Electors of Bavaria and Cologne mediated.⁶⁸ On the agenda were: (1) the duke's willingness to participate in warfare; (2) the levying of taxes without consent; and (3) the exercise of office by foreign employees. They reached a compromise on 25 March 1629, in which neither of the complainants gained the upper-hand.⁶⁹ The *Landstände* sought the emperor's recognition of this compromise. However, if they did not succeed, they could go to the Aulic Court to pursue legal recognition and enforcement of the compromise.⁷⁰ At the next *Landtag* in 1631, it became clear that both the *Landstände* and the duke had accepted the compromise.

Between 1629 and 1631, Duke Wolfgang Wilhelm and Georg Wilhelm, Prince-Elector of Brandenburg made an agreement not to dispute each other's claims for 25 years, which should prevent them from losing the Lower-Rhine principalities.⁷¹ Duke Wolfgang Wilhelm also concluded a neutrality pact with both the Spanish and the Dutch, with the required consent of the emperor himself.⁷² Emperor Ferdinand II

⁶⁴Ibid., p. 59.

⁶⁵Ibid., p. 63.

⁶⁶Ibid., p. 43.

⁶⁷With such a mandate, claimants were protected as well as their possessions (*inhibitorium*) and were also protected from prosecution (*cassatorium*). See: Neu (2013), p. 194; Romein (2015), p. 122.

⁶⁸Neu (2013), p. 43.

⁶⁹Ibid., p. 44.

⁷⁰Ibid., p. 44.

⁷¹Ibid., p. 44.

⁷²Ibid., p. 44.

had allowed Duke Wolfgang Wilhelm to pursue this in 1630 and accordingly acknowledged the successful agreement (1635).⁷³ Despite the acclaimed neutrality, troops continued to march through the principality as a result of its ideal geographical location.⁷⁴

In 1632, foreign troops started plundering the principalities of Jülich and Berg once again. First the Swedish armies, then the imperial forces, and later on the Hessian troops all passed through the Lower-Rhine Area, leaving destruction in their wake. Duke Wolfgang Wilhelm struggled not to enter the war, but peculiarly enough, it was the emperor himself who caused problems when it came to maintaining the precarious balance.⁷⁵ *Firstly*, the emperor used the principalities of Jülich as the assembly point for his troops. *Secondly*, the emperor seemed to assume that long-term billeting would not cause any problems.⁷⁶ *Thirdly*, the imperial army had to be financially supported by the inhabitants, even after the Peace of Prague (1635). *Fourthly*, the burdens of war—such as arson, damage to houses and fruit trees by soldiers, the severe disruption of trade, and extortion—were seen as unavoidable, and generally took place with impunity.⁷⁷ The emperor did not consider any of these issues to impede the neutrality of Jülich.

In 1633, the nobility did not attend the *Landtag* altogether in protest. Their absence meant that it was impossible to obtain approval for taxations. As a result, the duke's levying of taxes became illegal.⁷⁸ However, between 1635 and 1649, the nobility established their system to tax the commoners, concerning their traditional privileges.⁷⁹ Unable to communicate with the duke's council, the nobles assembled in 1634 without notifying him, pointing to their right to organise assemblies.⁸⁰ While gathered, the nobility criticised princely politics. This critique focussed on two main issues: (1) that the nobility had not been consulted; and, (2) that the duke's armed forces remained present in the principality.

3.2.1 *Until the Peace of Westphalia (1648)*

In January 1636 a pamphlet was distributed in the Duchies of Jülich and Berg announcing the imperial request to provide 2000-foot soldiers as well as 300 horses.⁸¹ The request could not be refused, despite the expressed understanding

⁷³Engelbert (1959), p. 67.

⁷⁴Kaiser (2002), pp. 182–188.

⁷⁵Walz (1982), p. 45.

⁷⁶Kaiser (2002), pp. 182–188.

⁷⁷*Ibid.*, p. 193.

⁷⁸Walz (1982), p. 61.

⁷⁹*Ibid.*, pp. 112–118.

⁸⁰*Ibid.*, p. 47.

⁸¹JL Akten 47, 7 Januari 1636: 297 v^o-298 r^o.

that this would burden the principalities. The pamphlet stressed that the contribution was necessary to provide the principality's defences. The situation in Jülich-Berg and Cleves-Mark deteriorated even further from 1639 onward: armed forces from Hesse-Cassel invaded the Lower-Rhine Area in need of resources and recruits.⁸² These troops successfully applied pressure on Duke Wolfgang Wilhelm, resulting in monthly fees totalling 60,000 *Reichsthaler* per year: 36,000 *Reichsthaler* for Jülich, 24,000 for Berg.⁸³ The duke had hoped that these payments would result in the withdrawal of troops, but instead, they attracted more foreign troops who hoped to extract money. These included imperial forces in 1642, who claimed that they constituted a protective presence, since neutrality was impossible.⁸⁴ Consequently, the people of Jülich and Berg paid higher taxes and experienced an increase in the billeting of soldiers.⁸⁵ The nobility blamed the deterioration of affairs on the duke's policy, which the nobility had previously objected.

In mid-January of 1642, the town of Uerdingen was besieged.⁸⁶ The presence of the various armed forces resulted in the only battle fought in the Lower-Rhine Area during the Thirty Years' War, the battle at St. Tönis-Haide near the town of Kempen.⁸⁷ Catholic armed forces of Cologne and the emperor's army clashed with the joined forces of France, Weimar and Hesse-Cassel. As Hesse-Cassel outnumbered the imperial forces, they decided to attack before the arrival of the Catholic reinforcements. Imperial Field Marshal, Melchior Graf von Gleichen und Hatzfeldt (1593–1658) led these troops and was *en route* to assist Guillaume de Lamboy's army. Outnumbered and lacking the protection of a strategic position, the Imperial-Cologne forces were defeated.⁸⁸ Their Supreme Commander Lamboy was imprisoned, together with many officers, and approximately 4000 ordinary soldiers. The remainder of the army fled, and some joined the army of Imperial Field Marshal, Hatzfeldt.⁸⁹ Roaming soldiers posed a significant threat to stability, peace, and well-being. The troop movements continued, and many people fled the Lower-Rhine Area

⁸²During previous years, soldiers had been billeted in the Jülich-Berg principalities, but not on such a large scale. See Walz (1982), p. 47.

⁸³JL Akten 38, 21 December 1641 (printed): *Kayserlich Schreiben an Gülische Landt-Standt abgegangen Ferdinandt der Dritte von Gottes Gnaden, Erwohlter Römischer Kayser zu alten Zeiten* (p. 466 r°–467 v°); Engelbert (1959), p. 69; For an indication on the value of the currency Wilson (2010), p. xxii.

⁸⁴Engelbert (1960), p. 38.

⁸⁵Engelbert (1959), p. 76.

⁸⁶The town was already besieged by the end of December 1641, according to imperial writing: JL Akten 38, 21 December 1641 (printed): *Kayserlich Schreiben an Gülische Landt-Standt abgegangen Ferdinandt der Dritte von Gottes Gnaden, Erwohlter Römischer Kayser zu alten Zeiten* (p. 466 r°–467 v°).

⁸⁷von Schaumburg (1882), p. 66; Kaiser (2002), p. 189.

This location was also known as: Kempe(ne)r Haide, Hülser Haide, St.Tönis Haide/ St. Antony's Haide or abbr. Tönis Haide or just as 'the Haide'.

⁸⁸Reichmann (2009), pp. 186–187.

⁸⁹Wilson (2010), p. 633; von Schaumburg (1882); Engelbert (1959); Engelbert (1960), p. 59.

to escape the horrors of war. They went into hiding in cities, forests, and across the borders, especially in the Dutch Republic.⁹⁰ In September 1642, Duke Wolfgang Wilhelm informed the city of Jülich that it would be receiving 300 ‘guests’. These soldiers would arrive through the Jülich or citadel gate under the command of Imperial Field Marshal Hatzfeldt and General Von Blumenthal.⁹¹ The town’s residents were much displeased.

When imperial commander Hatzfeldt left, the Lower-Rhine Area became, militarily-speaking, less attractive to the emperor. Hatzfeldt was in pursuit of Jean Baptiste Budes, Count of Guébriant (1602–1643), who fought under French command. Shortly after the departure, the nobility organised an assembly.⁹² They met on Saturday 8 November in the Dominican convent of the city of Cologne.⁹³ Here, they intended to talk about their beloved fatherland’s hardships, and the *Landstände* considered it their duty to do whatever they could to protect it.⁹⁴ The nobles planned to discuss the duke’s expenses, which he expected the commoners to pay. These were a high burden, and the nobility believed that they oppressed the fatherland. Those invited were urged to attend and reminded that a discussion of the problematic

⁹⁰Engelbert (1960), p. 78.

⁹¹JL Akten 39, 23 September 1642.

⁹²Engelbert (1960), p. 57.

⁹³This seems to be the *Predikercloister* on Arnold Mercator - *Kölner Stadtansicht* (1571). This map was drawn of the city of Cologne in 1571. The convent burned down 2 March 1659. See for more information the website of the Archbishopric Cologne: *Geschichte der Dominikaner in Köln*.

⁹⁴JL Akten 39, 29 October 1642 (one-page leaflet, printed): *Demnach bey jetzigem zustant wegen unterschiedlich eingefallenen Ursachen, auch auff gutbefinden der hochlöblichen generalitet der Kayserlichen KriegsVolckern, die hohe notthurfft erfordert, das beyder Fürstenthumb Güllich und Berg herrn Landstände förderlichst zusammen beschrieben werden, umb ober deß lieben Vatterlands obligen zu deliberiren und die noththurfft vorzustellen: und dan mir so woll vermög vor diesem gemachten Landtags conclusis als sonsten ex speciali commissione auffgeben worden, das auch bey abgang deß Gülischen Syndici auff erforderden nothfall die Herrn Landstände obgemelter beyder Fürstenthumben einbeschreiben solte, gestalt Sambstag der 8. negst einstehenden Monats Nouemb[e]r hieselbst in Cölln in der Herrn Dominicaner Closter zu erscheinen anbestimt worden.*

Alß wollen Ew. G. sich gefallen lassen gegen jetzt gemelten tag an besagtem ort deß vormittags umb 9. uhren zu erscheinen, noch sich daran nicht behindern lassen, damit auch bey diesen ohne das fast beschwerlichen leufften, nit die im gemelten termino erscheinende mit vieler zeit, und vergeblicher kösten verliering, auff die andere später einkommende sich verdrietzlich auffzuhalten gemüssiget, und die nöhtige deliberationes dardurch verzogen werden. So wirdt ein jeder hiemit fleisigst erinnert, das daran sein wolle, das in bemeltem termino sich einstelle und die notthurfft mit vorgehender reisslicher deliberation trewlich nach beschaffenen sachen einrahten helffe, und sintemalen wegen jetzigen Kriegs unwesen gar schwerlich diese aufschreibens einem jeden Ritterbürtigen können eingeliefert werden, so wollen die jenige so hiemit angelangt werden, dern benachbarten welchen vielleicht dieses aufschreiben nit zukommen würde dieser conuention erinnern, unnd gleich daran dem Vatterlandt bey diesen zerrütteten zeiten unnd Kriegs unwesen ein mercklicher dienst erwiesen wirdt, also versehet man sich es werde auch ein jeder hiehin zu erscheinen sich kein bedenckens machen. Sign. Cölln den 29. Octobr. [October] Anno 1642. Ex Commissione DD.

contributions to the Hessian army was scheduled.⁹⁵ During this November meeting, the nobles of Jülich appointed a *syndic*. Sigismund Mockel would represent them and safeguard the nobility's interests after that.⁹⁶

In 1643, the city of Düren was damaged, and everyday life obstructed. The nobility discussed these problems, and they agreed to reduce the burdens of Düren.⁹⁷ Debating the destitution and prosperity (Germ.: *Wollfahrt*) of 'our beloved Fatherland'⁹⁸ was on the agenda for the next assembly in Cologne, on 2 May 1643.⁹⁹ The subject of the debate was how prosperity could be improved.¹⁰⁰ Following this assembly, the nobility published a pamphlet containing its grievances regarding the duke's behaviour. The pamphlet mentioned that on 29 November 1642 and on 28 March 1643, Duke Wolfgang Wilhelm had requisitioned taxes and duties.¹⁰¹ The nobility wrote that they were dismayed at not having been consulted on the issue, despite their required consent. They were incensed by the duke's cold-heartedness when they described the desolate situation of *their* lands, which were subjected to pillaging, theft of resources, plundering and looting of towns, castles, and villages. The poor inhabitants were impoverished. Many people left hearth and home, hoping to escape these perils of war and entrusting their lives to foreign

⁹⁵JL Akten 39, 9 November 1642.

⁹⁶JL Akten 39, 9 November 1642.

⁹⁷Part from: JL Akten 39, 8 January 1643: '*Demnach bey versammlung der Gülicher Landtstände in Cölln zu erleichterung deß gemeinen Mans bey diesem beschwerlichen Kriegswesen, die In- und außwendige Geistliche von deren Jährlichs einkommenden Renten Pfachten und gefällen, vom hundert ad zehen anzuschlagen beschlossen und verabscheidt worden, dabey dan die Früchten ad Dürener maß zu reduciren, unnd daß Malter schwarer Früchten ad zween und lichter Früchten ad einen Reichstaler zurechnen. So wollen die herrn Beambten in dem anbefolenem Amt daran sein das selbige Geldere wie von altersherkommen umbgesetzt, erhaben, und dem verordneten Einnemeren Johannnen Hontheimb in Cölln vor S. Agathenkirchen inwendig dreyen wochen richtig eingeliuffert werden.*'

⁹⁸JL Akten 39, 18 April 1643 (printed): '*Demnach einige Sachen bey diesem unseres lieben Vatterlands betrübt, und armseligen zustand vorgefallen, darumb die hohe unum[m]gengliche nothhurfft zu sein erachtet worden, daß die Güliche herzen LandtStände, von Ritterschafft und Stätten sonderlichst zu sa[m]men beschrieben würden, massen mir alß dem Syndico auffgeben worden dieselbe gegen Sambstag den zweyten einstehenden Monats Maij in der Statt Cölln zu erscheinen, einzuladen.*

So wollen Ew. G. sich belieben lassen, zu besagten tag unnd Wahlstatt, vormittags umb 9. uhren in der Herren Dominicaner Kloster zu erscheinen, umb daheselbsten auff den beschehenen vortag, unnd sonsten, sambt denn obrigen anwesenden herren LandtStände[n], die bevorstehende nothhurfft beratschlagen, und darüber schliessen zu helffen, wie unseres lieben Vatterlands wolffahrt es erfordern wirdt. Signatum Cölln den 18. Aprilis 1643. Ex Commissione &c. Sigismund Mockel.'

⁹⁹JL Akten 39, 18 April 1643 (printed).

¹⁰⁰JL Akten 39, 18 April 1643 (printed).

¹⁰¹JL Akten 39, 6 May 1643, p. 1 (printed). '*Abermalige Protestirliche Contradition, und Erinnerung der Gülich- und Bergischer Land-Stände, u[sw]. Wider Ihro Fürstliche Durchleucht Pfalz-Newburg sub Dato den. 29. Nouembris [Novembris] [1]642 so dan[n] den 28. Martij [1]643 Jahrs uneingewilligte und den Priuilegijs zuwider außgeschriebene Stewr- und Licent-Geldere. Getruckt im Jahr Christi, 1643.*'

princes.¹⁰² The nobility's outcry is a means of critiquing princely policy—in the light of Althusius' ephors who wanted to redirect policy rather than overthrowing the prince.

When the nobles wrote their critique, they bore the most recent illegal taxations of March in mind. These yielded at least 1000 *Reichsthaler* in both duchies. Their main arguments, presented in their letter of 6 May 1643, were based on previously obtained legal verdicts. The case of Duke Wolfgang Wilhelm overstepping boundaries had been thoroughly investigated.¹⁰³ It led to a verdict in the form of a *Mandatum poenale cassatorium*, meaning it was a mandate with a penalty clause, with protection from prosecution for the claimants. Both rulings on behalf of the emperor Ferdinand II had restrained Duke Wolfgang Wilhelm when it came to the requisitioning of taxes, a reminder which he duke did need. The situation, on the whole, was remarkable, since the nobility had not approved of any taxation at all since 1632. The duke did not receive permission to levy tax until 1649. The duke's requests during this period, despite the lack of approval of the nobles, indicated his despair.¹⁰⁴

Duke Wolfgang Wilhelm had seriously violated the notions of freedom, noble privileges, law, and justice, according to a pamphlet issued in 1643.¹⁰⁵ Through this pamphlet, the nobility not only objected to these violations but also made them publicly known. Since the requisition of taxations was perceived as illegal, the nobility argued that nobody should collect them, nor need anyone pay.¹⁰⁶ In the summer of 1643, Duke Wolfgang Wilhelm expressed his commitment to the principality and its inhabitants, not only because of his lineage but also by written

¹⁰²Part from: JL Akten 39, 6 May 1643, pp. 2–3: '*Demnach Wir Gülich- und Bergische Landstände, von Ritterschafft und Stätten, mit höchstem unserm Leydwesen und Wehemuth vernehmen müssen, daß der Durchleuchtigste Fürst und Herr, Herr Wolfgang Wilhelm, Pfaltzgraff bey Rhein, in Bayern, zu Gülich, Cleve und Berg Herzog, u[sw.] Unser gnädigster Herr, u[sw.] bey diesen ohn das empörlischen und höchst verderblichen Kriegsleufften und Zeiten, da die arme eingesessene Underthanen zu grund und boden durch die vorgangene, sowol von Freund als Feinden erlittene und außgestandene Raub, Nahm, Plünderung, Ranzionierung, Brandschatz- und Einäscherung vieler Stätt, Flecken, Schlöss- und Dörffern, und dergleichen unzählig verübte Kriegs Dressuren und Drangseln, wie dan auch beharzlichen von Jahr zu Jahren continuirende Einlägerungen, Stewrn und Contributionen dermassen zugerichtet und ruiniert, daß schier meistentheils derselben von Hauß und Hoff verlauffen, und im Elend sich kümmerlich in frembder Herren Landen aufzuhalten bemüßigt werden: Andere auch gutentheils auß lauterer Betrübnuß und Armseligkeit jämmerlich verstorben: Die dritte, so noch obrig blieben, das liebe drucke Brod, umb deren Weib und Kinder beym Leben zu erhalten, nit haben können, u[sw.] Dessen alles aber unangesehen, under Dato Düsseldorff den 29. Novembris [1]642. Jahrs etlich viel tausent Reichsthaler in beyde Fürstenthumb Gülich und Berg, unser geliebtes Vatterland, vermeintlich ohn vorgangene Einwilligung unser der Landstände außgeschrieben, u[sw.] Item, sub Dato Düsseldorff [d]en 9. Martij scheinenden [1]643 Jahrs.'*

¹⁰³Lat.: *cum plenissima causae cognitione*.

¹⁰⁴Walz (1982), p. 90.

¹⁰⁵JL Akten 39, 6 May 1643, p. 6.

¹⁰⁶JL Akten 39, 6 May. 1643, p. 7.

traditions.¹⁰⁷ His obligation was to take care of his lands with ‘fatherly’ precautions.¹⁰⁸ How this pledge was received is unfortunately unknown, though the years following the duke’s renewed commitment show that there was little change in his behaviour.

The nobility used a ruling in the case of the *Landstände* of the principality of Berg against Duke Wolfgang Wilhelm. This text issued by the emperor in 1644 in Speyer was called ‘*Copia Mandati Poenalis sine Clavsvla. In Sachen Bergischer Ritterschaft Contra Pfalz Neuburgs 1644*’. This text contained Emperor Ferdinand III’s ruling on taxation matters of the Duchy of Berg,¹⁰⁹ restoring the rights of the dear and loyal *Landstände* and reprimanding Duke Wolfgang Wilhelm for his illicit activities in Berg. It even made a reference to a—for the time being—restricted succession to both Jülich and Berg.¹¹⁰ Even though the imperial verdict applied solely to the Duchy of Berg, the nobility of the Duchy of Jülich felt encouraged as well, as they expected the same rules to apply to Jülich. After all, they shared the same unlawful taxations. However, 4 days later, the Lower-Rhine-Westphalian Circle and the Imperial Council met and quickly sent out a signed letter concerning specific taxes in Jülich. Contrary to what the nobility of Jülich had expected, the taxes requested by the duke over the past 4 months had to be paid with only a few days’ notice, since the officers of the garrisons depended on them.¹¹¹ The fact that the requests for taxes had to be complied within several days increased the burden experienced.

The nobility received aid from those who had sworn to uphold the Provisional Treaty of Xanten, and who were soon sending letters to Duke Wolfgang Wilhelm. On 19 June 1644, a letter from France arrived, 10 days later another one from the Dutch Estates General, with the acknowledgement of the Prince of Orange.¹¹² Both letters addressed to the duke, drawing attention to his malpractices and the need to improve his behaviour towards his subjects.

Later that year, Duke Wolfgang Wilhelm requested another 1,000 *Reichsthaler* from the inhabitants of Jülich—despite all he should have learned about the nobility’s zeal to uphold their privileges.¹¹³ The nobility turned to Emperor Ferdinand III, who applauded them for turning to him for advice, as well as for filing another formal objection concerning the duke’s abuse of their rights. By his ruling—the penal mandate concerning Berg—the emperor’s decision on Jülich read

¹⁰⁷JL Akten 39, 2 August 1643 printed in Cologne (printed, 2-side leaflet).

¹⁰⁸JL Akten 39, 2 August 1643 printed in Cologne (printed, 2-side leaflet).

¹⁰⁹JL Akten 40, 16 January 1644.

¹¹⁰JL Akten 40, 16 January 1644, p. 6.

¹¹¹JL Akten 40, 20 January 1644.

¹¹²JL Akten 40, 19 July 1644, Letter in French to the duke (French signature is unreadable); JL Akten 40, 29 June 1644: Letter in Dutch of the Estates General to Duke Wolfgang Wilhelm of Pfalz-Neuburg.

¹¹³JL Akten 40, 11 July 1644: one-page leaflet (print).

that the tax collectors should not execute the task the duke had given them, and that those who had already paid must be reimbursed.

The nobility met and debated issues arising from the war, on 9 August. The dominant issue this time was not the illegal taxation levied by the duke, but how to decrease the burden of billeting of Düren. It was considered necessary to have sufficient revenues, but also to relieve the inhabitants of that city. Therefore, an alternative was suggested: should the clergy be made to pay tax, and perhaps the nobility as well?¹¹⁴ Many people had already fled the principality of Jülich due to the violence incurred. The link between violence and the mass emigration was pointed out in a document published on 12 September 1644.¹¹⁵ After losing everything, some people enlisted—supposedly because they had nothing left to lose. The depopulation and abandonment of farmland troubled the nobility of Jülich tremendously. Although they commended taking up service in defence of the Holy Roman Empire, the nobility felt that people had to be deterred from making this choice. An envoy was sent to the Imperial War Council to explain the situation, assuming that the council would understand that damaging daily life by extracting necessary workforce would be detrimental to the empire as well. On 13 August 1644, the nobility presented an account of what the disgruntled and distressed inhabitants. They were burdened with problematic taxations: unconsented and thus illegal, high, and forcefully requisitioned.¹¹⁶ On this same date, they made a reference to *soldateska* rather than soldiers.¹¹⁷ The term *soldateska* had a violent and negative connotation and referred explicitly to lawless soldiers.¹¹⁸ Commanding officers were asked to step in and prevent soldiers from harassing the treasurer and exert control over their soldiers.

A field marshal of the Imperial Forces stated in early January 1645 that he had received some complaints regarding his soldiers, referring back to the accusations in the previous August.¹¹⁹ With this choice of words, the marshal implied that his forces consisted of disciplined, not disorderly men.¹²⁰ All of the complaints, he noted, were caused by actions which occurred during the collection of monthly contributions of about 3145 *Reichsthaler*¹²¹ rising to 5000 *Reichsthaler* later that year, during which time several soldiers had allegedly extorted money and goods from local inhabitants. The malefactors had allegedly received a punishment, and the

¹¹⁴JL Akten 40, 9 August 1644.

¹¹⁵JL Akten 40, 12 Augustus 1644: one-page leaflet (print) of the Imperial Chancellery inviting people to defend the Holy Roman Empire.

¹¹⁶JL Akten 40, 13 Augustus 1644, one-page leaflet (print) reaction of the *Landstände* of Jülich concerning the Imperial request—written and signed in Cologne.

¹¹⁷JL Akten 40, 13 Augustus 1644.

¹¹⁸Wilson (2010), p. 623.

¹¹⁹JL Akten 40, 4 January 1645.

¹²⁰Wilson (2010), p. 623.

¹²¹JL Akten 40, no date: ‘*Extract Assignationem de Anno 1644*’ stated that each month 3145 *Reichsthaler* had to be collected, amounting to a total of 18349 *Reichsthaler* that year, including January 1645.

other soldiers were ordered to leave the people, their lands, and their goods in peace. Of course, the collection of the monthly fees would still proceed.

At an unknown date in early 1645, a *Manifest*¹²² against the policy of Duke Wolfgang Wilhelm was written on behalf of the *Landstände* of Jülich and Berg.¹²³ Appraisal of the duke's policy led to the conclusion that he ignored previous Imperial Rulings and that, seemingly as a consequence, the principalities were now struggling to overcome the presence of the *soldateska*. The requisitioned money led to the accusation that he was pursuing an 'absolute [sic] Dominatus'.¹²⁴ As a consequence, the loyal *Landstände* met out of loyalty and patriotic affection for the beloved fatherland and its inhabitants. The fatherland's prosperity was said to be severely damaged by the presence of *soldateska* and the—obligatory—payment of monthly fees.¹²⁵ Unfortunately, the duke had ignored the complaints of the *Landstände* so far.¹²⁶

On 3 March 1645, a pamphlet was printed in the city of Cologne.¹²⁷ Before treating the content of the pamphlet, it should be noticed that the nobility organised the printing of the pamphlet. Among the cases studied in this work, this is a unique situation, as it made the complaint publicly known; something the nobility of Hesse-Cassel would usually avoid. Content-wise it seems to be an elaboration on the previously discussed *Manifest*; but it is not an exact copy. The hand-written version of the pamphlet happens to be available in the Akten Jülicher *Landständen* as well.¹²⁸ It was a collective endeavour of the *Landstände* of Jülich and Berg, and the text referred explicitly to the tense relationship between the duke and the *Landstände*. This specific pamphlet dealt with two issues in particular: the matter of taxation without the consent of the nobility, and the assumed motives of their duke. In February of 1645, Duke Wolfgang Wilhelm had once again requisitioning taxes without consent. As in the past, the nobility addressed the duke's perceived illegal behaviour, quoting the imperial rulings that made specific references to their

¹²²This is the name given to the document by the author, this assumption is based upon the observation that the 'Manifest' is written in the same hand as the rest of the text.

¹²³JL Akten 40, no date (30 pages, handwritten). First words: 'Ob woll beijder Fursthumb Gülich und Berg [...]'.
¹²⁴JL Akten 40, no date (30 pages, handwritten). First words: 'Ob woll beijder Fursthumb Gülich und Berg [...]'. p. 5.

¹²⁵JL Akten 40, no date (30 pages, handwritten). First words: 'Ob woll beijder Fursthumb Gülich und Berg, p. 7. This complaint is repeated on page 26 and 28.

¹²⁶JL Akten 40, no date (30 pages, handwritten). First words: 'Ob woll beijder Fursthumb Gülich und Berg, pp. 28–29.

¹²⁷JL Akten 40, (pamphlet) *Wiederholte Getreue Warnung Der Gülich: und Bergischer Landstände Wieder Ihre Fürstl. Durchl. Pfalz Newburg sub dato Düsseldorf 4. Februarij oneingewilligte ein fettig außgeschriebene anmaßliche Steuer Geldere. Im Jahr 1645* (Cologne, 3 March 1645).

¹²⁸JL Akten 40, (handwritten) *Wiederholte Getreue Warnung Der Gülich: und Bergischer Landstände Wieder Ihre Fürstl. Durchl. Pfalz Newburg sub dato Düsseldorf 4. Februarij oneingewilligte ein fettig außgeschriebene anmaßliche Steuer Geldere. Im Jahr 1645* (Cologne, 3 March 1645).

privileges. The nobility expressed irritation at the continuous violations of their privileges, and therefore wrote in the pamphlet that the duke had used false pretexts to enable the levying of taxes to which they had not agreed in advance.¹²⁹ In addition to the unlawful nature of the taxes, and the coercion to pay them, Duke Wolfgang Wilhelm was accused of repeatedly contravening imperial decisions and severely harming the interest of the principality and its inhabitants. Evidently, the requisitioning went beyond what the *Landstände* could condone. The claimants stated that the duke used the soldiers in order to exact payment from his subjects.¹³⁰

¹²⁹Section from: JL Akten 40, 3 March 1645, pp. 3–4: ‘*Bevorab den punctum collectandi oder Steuer, Accisen, Licenten, Zöll, und dergleichen aufschreib- und erhebung betreffend, endtlichen abgeortheitet, auch dießfahls zu wiederholtem mahl durch Poenalia mandata, Inhibitoria & restitutioria allergnedigst befohlen, Nemblich daß höchstgemelte Ihre Fürstl. Durchl. Pfaltz Newburg unter keinerley Schein oder praetext bemächtigt seyn sollen, einige Steuergeldern, Accisen, Licenten, Zöll, oder dergleichen Auflagen, wie die auch Nahmen haben mögen, welche dero Göllich- und Bergische Landstände auff einem gemeinen außgeschriebenen Landtag nicht per maiora zuworen eingewilliget, außzuschreiben, umbzulagen, viel weniger aber von den armen Underthanen zu erzwingen un[d] abzunötigen, sondern viel mehr gehalten seyn, was der gestalt gegen der Rom. Kayserl. Mayest. allergnedigsten definitiff Urtheilen, Decisiones, Rescripta, und Mandata durch die Beambten abgepresset, solches widerumb zu restituieren, alles mehreren inhalts jetzt angeregten oben angezogenen Kaiserlichen Eudturtheilen [sic: Endurteilen], Decreten, Rescripten, Resolutionen und Mandaten.*’

¹³⁰Section from: JL Akten 40, 3 March 1645, pp. 7–9: ‘*Ob nun wol Ihre Fürstl. Durchl. in dero einseititigem [sic] Außschreibens diese Schein Ursache vorwenden, daß all solche Geldere zu Unterhaltung dero Soldatesca müssen hinverwendet werden: So kan doch selbiges mit bestendtgem grundt nicht bewehrt, noch bewiesen werden, zu mahlen die Göllich- und Bergische Landstände den jüngster abhandlung wegen Monatlicher Unterhaltung der Kayserlichen Kriegs Völckeren in beyden Fürstenthumben Göllich und Berg, mit dero Röm. Kaiserl. Mayest. in Cöllen letz anwesenden hochansehnlichen herren Gesandten den hoch wolgebornen Herren Herren Ersten Herr von Traun u[sw]. so dann der hochloblichen Kaiserl. KriegsGeneralitet (unter anderen außtrucklich mit einbedingt und vorbehalten worden) daß auß all solchen Monatlichen Gelderen den Pfaltz Newburgischen Volckeren auff die von Ihrer Kaiserl. Mayest. vorlängst reducirt Anzahl deren 800. Mann zu Fuß und 100. zu Roß gleichfals dero Monatlicher Unterhalt solte mit angewiesen werden, massen darauff auch erfolgt, daß nicht allein durch beyder Landtschafften Syndicos auß Befelch der Landstände, in macht der Käyserlichen allergnedigsten Verordnungen, die veraccordirte Geldere in beyde Fursthenthumb repartirt und außgeschrieben, sonderen auch durch Ihrer Käyserl. Mayest. Reichshoftrah und deß löblichen Westphalischen Creytz General KriegsCommissarium den Wol Edelgebornen unnd Gestrengen Herren Joachim Friederichen von Blumenthall auff gemeldte Newburgische Völckere vergleichener massen assignirte und angewiesen worden, die weniger aber nicht ober obgemelte Anzahl denen vorlengst Ihrer Fürstl. Durchl. von deß Herren General Veldmarschallen Graffen von Hatzfeldt Excell. oberlassener Soldatesca auch anderwärts dero Monatlicher Unterhalt gleichfals angewiesen, und damitten von Augusto nechstlitten bißhero in den Februarium inclusiuè continüret worden, gestalt Ihre Fürstliche Durchl. keine befugte Ursach haben, unterm Schein und Praetext dero Soldatesca die verarmbte Eingesessene und Unterthanen ferners zu grauiren, und mit unerzwinglichen Contributionen unnd Exactionen (wie leyder seyter etliche Jahren gar zu oft geschehen) onmild eiglich und dubbelt zu beschweren.*

Daß sonsten dem außgeben nach, die Landstände auff beschriebene Außschreibung zu den LandTagen nicht erschienen, oder doch ohne Ihrer Durchl. In deren Postulatis zu mitfahren von den LandTagen zuverreysen genöiget Orth vor diesen Remonstrirt, auch die gepflogene Handlungen in den Prothocollis mit mehrerem nach fahren.

These harmful actions troubled the nobility. Hence, out of patriotic feelings and affection for the fatherland, they asserted the need to speak out against the duke's politics—which seemed to be in line with Althusius' ephors.¹³¹ As a result of these

Weilen dann auß oben angezogenenen erheblichen Gründen unnd Ursachen verhoffentlich zu gnüge erhellet, daß Ihre Fürstl. Durchl. Pfaltz Neuburg keines wegs befugt beyder Fürstenthumben Gülich unnd Berg Eingesessene und Beerbte der gestalt einseitig und eigenthatlich bey diesen ohne deme höchst verderblichen Kriegszeiten mit Steuern zu belegen, viel weniger dieselbe durch deren Beambten von deren verarmbten und meistentheils zu Bettelstab getriebenen Underthanen unmildtiglich zu pressen, Und die ohne daß zu hoch beschwerte beträngte arme Underthanen mit noch weiteren Drangsalen zu beschweren und zu beleydigen. So wirdt ein jedweder deren so wol in den Natürlichen als gemeinen beschriebenen Geist- unnd Weltlichen Rechten erlaubten und angelassenen Mitteln gegen vergleichen unbillige und widerrechtliche zunötigungen sich zugebrauchen, und deren sich zu entwehren wissen, auch von den jenigen Beambten, Steuerhebern und Executoren, oder welche darzu quouis modo cooperiren unnd durch ZwangsMitteln etwas abgepresset, oder hinfüro abpressen werden, durch ArrestBeschläge, und andere zulässige wege auff deren Person und Gütere, wo dieselbe anzutreffen, zu betretten, und gelegen, die wieder erstattung oder Restitution zu suchen wol befugt seyn, unnd derselben Mittel sich wol bedienen können unnd mögen Darnach sich ein jeder zurichten, und selbstn vor schaden und gefährlicher Consequenz zu hüten wissen wirdt, deßhalben diese Abtruck zu Jedermans Nachrichtung zu publiciren für eine unombgängliche Notturfft zu seyn befunden worden. Gegen Cöllen den 3 Martij, 1645.

Gülich- und Bergische LandeStände.'

¹³¹Section from: JL Akten 40, 3 March 1645, pp. 4–7: 'Dennoch weiln die Gülich: un[d] Bergische Landstände mit dero hochstem leydwesen ober alle zuversicht und verhoffen vernehmen müssen, daß höchstgedachte Ihre Fürstl. Durchl. Pfaltz Newburg mit höchst verkleiner: und straffbarlicher hindansetzung allerhöchst gemelter Ihrer Kaiserl. Mayest. als dieser Fürstenthumben und Landen Ober- und Lehenherren Verordnungen und Befelchen unterm praetext oder schein der Unterhaltung deren erworbenen Soldatesca, in beyde Fürstenthumb Gülich und Berg eine grosse GeltSumma gegen deß Vatterlands wol herbrachte kundbare Priuilega, Freyheiten, alt herkommen Recht und gerechtigkeiten, unter dato Düsseldorf den vierdten nechst abgangenen Monats Februarij ausgeschrieben, und allsolche einseitig angelegte Contributiones von denen ohne daß auss Marck und Beyn, außgesogenen, verarmten, und noch wenig obrigen Unterthanen ohn einige milde oder reflexion auff dieser Landen elendigen zustandt, nebenst den vorhin gleicher gestalt außgeschriebenen und uneingewilligten unerzwinglichen Geldsteuern, noch weiters zu erzwingen und abzupressen dero Beambten ernstlich anbefohlen. Und dass diese höchstgemelt. Ihrer Fürstl. Durchl. Procedures und Verfahrungen von dero hochgeehrte[n] Vorfahren Herzogen zu Gülich und Berg Christseligsten andenckens, niemals gesehen, gehört, oder in Historijs dieser Fürstenthumb[e]n] (unangesehen derselbe[n] Ständt und underthanen seyther Ihrer Fürstl. Durchl. anwesenheit in dieser Lande[n] derselbe[n] mehr, als bey allen vorige[n] ungezweiffelten Landsfürsten geschehen, nach und nach unter die Arm gegriffen) gelesen worden gestalt es kein ander ansehen oder nachdencken verursach, als d[iese] Höchstg[e]ld[achte] Ihre Fürstl. Durchl. durch diese, und deren vorhin nun etliche Jahren hero zugefügte Pressuren und Exactionen, Angarias & super-angarias nur allein dahin zielen, als wie sie der Gülich und Bergische Landstände, so dann Geist- unnd Weltliche Eingesessene zupforderst enerviren, deren noch wenig obrigen Lebensmitteln entblösen, folgendts dieselbe untertruckten, gleichsamb zur Schlawerney und Knechtschafft bringen, und also den lang vorgehabten zweck eines absoluti Dominatus in diesen landen einführen, und stabiliren mogen.

Sohaben wolg[efa]ll[ene] Landtstände eine notturfft zu seyn ermessn, zu bezeigung Ihrer biß dahero getragener, und noch biß in die Grube zu beharzlicher und continuirender trewer auff richtiger redlicher und patriotischer zuneigung un[d] affection gegen dero geliebtes Vatterland, und dessen Eingesessene und Beerbte Geist- und Weltliche, Adliche und Unadliche, auch jeder,

feelings, the nobility felt the need to protect their beloved fatherland, and to mention that the duke had inherited the duchies (*Posterität*).¹³² However, it seems that by repeating this phrase, they only recognised him to be their *de facto* ruler as he lacked the imperial recognition, which would make him the *de jure* ruler.¹³³ Since the nobility regarded the duke as a possessor who violated traditions, procedures, and agreements which had been made by his ancestors, they eventually attacked Duke Wolfgang Wilhelm on a far more personal level and questioned his motives. They went so far as to articulate the belief that the duke's actions constituted an attempt to establish an *absolutus Dominatus*.¹³⁴ They claimed that the duke held the ambition of becoming an arbitrary ruler over the principalities. To be able to reach that ambition, he was using officeholders to harm his subjects. The situation as experienced with Duke Wolfgang Wilhelm who risked becoming a tyrant justified the defence of the *patria*.¹³⁵ The nobility of Hesse-Cassel—we will see—experienced a similar situation.

By the end of 1646, the *Landstände* deemed it necessary to assemble. According to the summons for this particular meeting, they needed to discuss the presence of enemy troops and the heavy burdens that accompanied them.¹³⁶ These burdens had been enumerated earlier that year.¹³⁷ This earlier pamphlet, published by the Emperor's War Council on 26 November in Siegburg, clarified what the origin of the tension was, explaining that soldiers and other military men should be content to sleep in houses; they were not to requisition more.¹³⁸ The commoners of Jülich paid monthly amounts of *Reichsthalers*—which could vary per month—to support the officers of the imperial troops. All these aggravating circumstances, combined with the presence of the army, constituted a burden too heavy to bear. For this reason, it was the most important topic on the agenda during the nobility's deliberations on 8 January 1647.¹³⁹

männiglich fürstlich etwa den ungründt deren in bemeldtem Fürstl. Außschreiben begriffenen narraten zu entdecken, der gebühr (vorbehaltlich doch in alle wege Ihrer Fürstl. Durchl. geziemenden hohen Fürstl. Respects) zu hindertreiben, unnd zu remonstriren. Warumb vielgemelte Eingesessene und Beerbte all solche von Ihrer Fürstl. Durchl. außgeschriebene, von den Landständten aber nicht eingewilligte Steuergeldere abzurichten oder zu zahlen nit schuldig oder verpflichtet, sondern viel mehr solcher unbefugter und unrechtmässiger abnötigung sich bester gestalt zu entwehren und zu widersetzen gute fueg und macht haben, auch in ihrem Gewissen der wertheu Posterität und gefährlicher consequentz halber, obligirt und verbunden seyen.'

¹³²JL Akten 40, 3 March 1645, p. 7.

¹³³JL Akten 40, 3 March 1645, p. 5.

¹³⁴JL Akten 40, 3 March 1645, p. 6.

¹³⁵Schmidt (2007), p. 67.

¹³⁶JL Akten 41, 23 December 1646.

¹³⁷JL Akten 41, 26 November 1646.

¹³⁸JL Akten 41, 26 November 1646.

¹³⁹JL Akten 41, 23 December 1646.

On 16 January 1647, a 14-page text appeared, issued in the principality of Cleves.¹⁴⁰ In it, Georg Wilhelm, Prince-Elector of Brandenburg expressed his understanding of the trouble, and the substantial contributions paid. Moreover, he addressed the *Landstände* as loving patriots.¹⁴¹ The exact meaning of this text remains unclear, though the letter seemed to undermine the policy of his cousin. On 18 February 1647, the nobility of Jülich and Berg met in Cologne to prepare before meeting the duke in a joint assembly.¹⁴²

A mere 10 days after the issuance of the invitation, another pamphlet, referring to the unification of the Duchies of Jülich, Cleves, Berg, Mark, and the county of Ravensberg, was printed.¹⁴³ Curiously enough, it was written in Dutch, and not in the German dialect of the area. The pamphlet referred to the year 1496 when the Lower-Rhine Area was united, a move accepted by Emperor Maximilian I. The pamphlet used this context to explain that the current duke acted in violation of the nobility's privileges. It mentioned that in the past, all parties involved respected these privileges and their responsibilities. These ancient rights were considered to be beneficial and indispensable. The text referred to the unification of the *Landstände* of the various principalities, who had pledged themselves to cooperate. The text stresses that this union was renewed on 15 February 1647: the date of the pamphlet. It seems reasonable to assume that there must also have been a German version of the text, though this has not yet been traced. The text seems to have been written to portray the Dutch as the nobility's sworn ally and to encourage them to uphold the Treaty of Xanten (1614). Based on other pamphlets from Spain, France, and Naples, which, as historians have concluded, were used as a desperate attempt to involve allies in internal politics, we may argue that this pamphlet probably functioned similarly.¹⁴⁴ In these non-German cases, no appeal was possible at the Aulic or Imperial Chamber Court, which did alter the dynamics. In Jülich, however, a seemingly deliberate choice was made *not* to go to court, but to press the matter by publishing pamphlets.

On 20 April 1647 a pamphlet voicing discontent with the duke's politics was printed in the Dutch Republic.¹⁴⁵ This pamphlet focussed on two arguments. The

¹⁴⁰JL Akten 42, 16 January 1647 (handwritten).

¹⁴¹JL Akten 42, 16 January 1647: p. 3 v°.

¹⁴²JL Akten 42, 5 February 1647.

¹⁴³JL Akten 42, 15 February 1647; *Erf-Vereenige der Landtstenden uyt Ridderschap ende Steeden der Hartogdommen Gulick, Cleve, Berge, ende der Graefschappen, Marck ende Ravensperg* (Knuttel 4211, n.p. 1647).

¹⁴⁴Villari (1994), pt. Afterword Two: Political and Conceptual Points of Contact Between the Seventeenth-Century Revolutions: Naples and Europe.

¹⁴⁵JL Akten 42, 20 April 1647; *Aenmaning schrijvens van de Hooghmogende Heeren Staten Generael der vereenigde Nederlanden. Aen den deurluchtigen heer hartog van Nyborgh, &c* (Knuttel 4302, 's-Gravenhage 1647); also in German JL Akten 42, 20 April 1647: *Abdruck deß Intercessional- und Warnung- Schreibens, So die hochmögende herren Staten General der Vereinigten Niederlanden, an Ihre Fürstl. Durchl. PfalzNewburg, u. Auff gebührliches Ansuchen der Erbvereinigten LandtStänden der Herzogtumben Gülüch- Cleve und Berg, wie auch beyder*

first argument was that the duke had violated existing agreements, and noted that the Imperial Chamber Court had highlighted this fact as well. A supporting argument could be found in the claim that the Duke of ‘Nieuborgh’ (Neuburg) had not called an assembly with the *Landstände* of his principalities. The absence of consultation was a violation of existing treaties. The text referred to the years 1609 and 1627. In 1609, the Dutch Republic had helped the two Protestant princes conclude the Treaty of Xanten. In 1627, a quote from the *Mandatum poenale* (a penal mandate) was used to illustrate that the duke had violated his prior agreements. The Dutch pamphlet scrutinised the *mandatum* and pointed to instances of the duke violating existing agreements. The second argument was that the Remonstrants did not enjoy religious freedom. Religion was becoming an issue once more, caused by the succession of the Protestant Friedrich Wilhelm, Prince-Elector of Brandenburg (1620–1688) in the principalities of Cleves and Mark in 1640. This young Protestant ruler had fixed ideas about the obligation to protect his fellow-believers and actively courted the Dutch Republic for aid.¹⁴⁶ For all the reasons discussed above, and primarily because of promises made to uphold the Treaty of Xanten, the Dutch Republic readied its garrisons in the cities of Wesel, Emmerich, Rees, Rheinberg, and Orsoy.¹⁴⁷ Half a year later, the Dutch States-General were still not convinced that the duke was living up to the agreements made.¹⁴⁸ In addition to the first troops deployed earlier that same year, the Dutch now placed their troops in Gennip, Ravenstein, Schenkenschans, Nijmegen, Bredevoort and Grol (Groenlo) in the highest state of alert.

Early in 1647, the nobility issued a text articulating the four main points they wished to pursue.¹⁴⁹ Although the original text does not seem to have survived, these censorious points were quoted in another text on 27 May, to which the duke

Graffschafften Marck und Ravenßberg, u[nd] Die uneingewilligten GeldtStewren in jetztgemeldten beyden Fürstenthumben Gülich und Berg betreffend, haben abgehen lassen. Mit angehengter Erinnerung wolgedachter herren LandtStänden an alle Beambten, Vögte, Dingere, Schultheissen und Einnehmere, u. Gedruckt im Jahr nach der Geburt Christi, 1647 (n.p. 20 April 1647).

¹⁴⁶Richter (2010). Note: with the death of Stadtholder William II (1626–1650), and the commencement of the “True Freedom”, these plans to help Brandenburg were put on hold until the year 1655.

¹⁴⁷JL Akten 42, 20 April 1647; Knuttel 4302, *Aenmaning schrijvens van de Hooghmogende Heeren Staten Generael der vereenigde Nederlanden. Aen den deurluchtigen heer Hartog van Nyborgh, &c* (‘s-Gravenhage 1647), p. 6; also a handwritten version available in JL Akten 42, 20 April 1647; and as a German pamphlet: JL Akten 42, 20 April 1647: *Abdruck deß Intercessional- und Warnung-Schreibens, So die hochmögende herren Staten General der Vereinigten Niederlanden, an Ihre Fürstl. Durchl. PfalzNewburg, u. Auff gebührliches Ansuchen der Erbvereinigten LandtStänden der Herzogtumben Gülich- Cleve und Berg, wie auch beyder Graffschafften Marck und Ravenßberg, u. Die uneingewilligten GeldtStewren in jetztgemeldten beyden Fürstenthumben Gülich und Berg betreffend, haben abgehen lassen. Mit angehengter Erinnerung wolgedachter herren LandtStänden an alle Beambten, Vögte, Dingere, Schultheissen und Einnehmere, u. Gedruckt im Jahr nach der Geburt Christi, 1647* (n.p., 1647).

¹⁴⁸JL Akten 43, 28 September 1647; Dutch National Archief 1.01.02 file 3253, p. 543; Dutch National Archive 1.01.02 file 98.

¹⁴⁹JL Akten 43, 27 May 1647.

responded. The first of the nobility's demands was to have their old privileges honoured. Secondly, they demanded that office-holders should be born in either Jülich or Berg. Thirdly, financial resources could not be requisitioned without the necessary consent of the *Landstände*.¹⁵⁰ The nobility requested that the various foreign armies to leave the territory, and lastly, they requested that minutes of meetings would be made available upon request.

A copy of a letter from Duke Wolfgang Wilhelm is found among the *Landständische Akten*, concerning the assembly of the *Landstände* in Cologne. It was written on 20 June 1647.¹⁵¹ It commented on the debates about the prosperity of the fatherland and conservation.¹⁵² The duke was displeased that assemblies were taking place outside his jurisdiction while such vital issues were discussed and made preparations for a *Landtag* with the *Landstände*. The duke felt the situation needed to change, as the nobility published a pamphlet concerning a ducal invitation a *Landtag* in July 1647.¹⁵³ Though the original invitation seems lost,¹⁵⁴ a verbatim rendition was added to the pamphlet. The nobility, first of all, expressed their joy that the *Landstände* of both Jülich and Berg were invited. The text of the pamphlet emphasises that the assemblies in Cologne were organised to express concern about the beloved Fatherland. It stresses that the extended invitation invites all with honourable, patriotic intentions.¹⁵⁵ The *Landstände* were most willing to come to an official assembly, mainly to obtain a more detailed answer to their four requests.¹⁵⁶ The *Landstände* tried to meet the duke's wishes with these remarks.

¹⁵⁰JL Akten 43, 27 May 1647.

¹⁵¹JL Akten 43, 20 June 1647.

¹⁵²JL Akten 43, 20 June 1647.

¹⁵³JL Akten 43, 17 July 1647 (pamphlet) *Nachrichtlicher Abtruck Der Gülich- und Bergischer Landtstanden underthanigsten Antwort Schreibens in Ihre Fürstl. Durchl. Pfalz Newburg, u [nd] sub dato den 17. Julij nechstlitten abgangen. Betreffend Ihrer Fürstl. Durchl. Erklärung auff die 4. HauptBeschwarden, und das erscheinen zum Neweraugeschriebenen Landtag* (n.p. 1647).

¹⁵⁴The text differs greatly from the text previously mentioned, written on the 20 June 1647 by the Duke; which leads to the conclusion that it must be a different text.

¹⁵⁵Section from: JL Akten 43, 17 July 1647 (pamphlet), 4–5: *'Als ist für eine unumbgängliche Notturfft befunden, unnd bey ernendter Gülich- unnd Bergischer LandtStändt letzet gehaltener Versammlung hieselbsten binnen der Stadt Cöllen beschlossen worden, zu jedermans, sonderlich aber zu der Gülich und Bergischer Underthanen, Eingessenen und Beerbten Nachrichtung, durch diesen offenen Truck kundt unnd wissend zu machen, auß was beweg- und erheblichen Ursachen mehrgemelte Gülich- und Bergischer LandtStändte vor dießmahl zum Landtag zu erscheinen, und mit höchstgedachter Ihrer Fürstl. Durchl. Erklärung auff die 4. Hauptpuncte zu acquiesciren in ihrem Wissen und Gewissen sich beschwertet befinden, inmassen auß nachfolgendem an Ihr Fürstl. Dürchl. von offbesagten, Gülich und Bergischen LandtStändten dessentwegen Underthenigst abgangenem Schreiben mit mehreren zu vernehmen ist- warauß dann ein jeder unpassionirter leichtsamb der Gülich- und Bergischer Landständt sorgfalt, und deroselben zu dem lieben Vatterlandt, wie auch zu der werther Posterität tragende auffrichtiger Patriotische Intention, wirdt vernehmen und aburtheilen können, jedoch mit Vorbehalt Ihrer Fürstl. Durchl. Hohen und Fürstlichen Respects.'*

¹⁵⁶See above, and in: JL Akten 43, 27 May 1647.

The duke's invitation also referred to the contacts with the Dutch Estates-General and the assemblies in Cologne. It stated that he, Duke Wolfgang Wilhelm, could not have defended his principality without money and that he had in fact attempted to honour the fatherland's privileges.¹⁵⁷ In order to act swiftly, he had needed to rely on his power and authority and had not intended to harm the beloved fatherland's liberties.¹⁵⁸

The Dutch sent a neatly written note on the 23 May 1647, again pledging their help as and when requested; however, they stressed that peace was the most desirable situation to pursue.¹⁵⁹ The Dutch Republic closely monitored the situation. Several texts stressed the Dutch alliance with the nobility of Jülich, emphasising that Duke Wolfgang Wilhelm needed to put an end to the financial harassment of his subjects.¹⁶⁰ On 1 June 1647, a letter was sent on behalf of the Dutch Estates-General

¹⁵⁷Section from: JL Akten 43, 17 July 1647 (pamphlet), 8-9: 'So können Wir nicht absehen, was für hoffnung seye, daß Ewer Fürstl. Durchl. so wol in dem puncto Collectandi, als anderen vielfältigen Grauminibus die geringste satisfaction zu geben gesinnet seyn sollen, umb so viel mehr, daß in dem Schreiben, so Ewer Fürstliche Durchl. unter Dato den 24. Maij nechstlitten, an die Herren General Staten der Vereinigten Niederlanden haben abgehenlassen, vermeldet, daß Sie Uns zum offermahlen zu dem LandTägen einbeschrieben, umb auff, Wege und Mittel zudencken, wie von Ewer Fürstl. Durchl. praetendirte un[d] geforderte Gelder umzusetzen, und von den Underthanen zu erheben seyen, da doch vermittelst deß Vatterlands Privilegien, und vermög alten Herkommens, vor das Erste, Ob? Zum zweyten, wieviel?

¹⁵⁸Section from: JL Akten 43, 17 July 1647 (pamphlet), p. 9-10: 'Drittens: Welcher gestalt die Underthanen mit Stewren zu belegen seyen? Muß und solle erwogen und beschlossen worden. Weilen aber Ewer Fürstl. Durchl. dardurch nicht dunckel zu verstehen geben, daß die zwey ersten Fragstücke gleichsamb Uns abzunehmen, und für sich allein auß eigener Macht unnd Autoritet zu decidiren, und sich vermeintlich vorzubehalten gesinnet: Solches aber Wir keines wegs deroselben zu Praejuditz und Nachtheil Unsers lieben Vatterlands Freyheiten nachgeben können. So wird Uns desto schlechter hoffnung zu der vertrösteten Satisfaction gegeben, bevorab Ewer Fürstl. Durchl. in dero Befehl Schreiben, so Ste unter Dato 24. Junii, und also zwey Tag nach dem Landtags Außschreiben, an dero Beamten haben abgehen lassen, außtrucklich mit einrücken, nachfolgendem Inhalt: In allen wegen die Underthanen ernstlich zu erinnern, daß Sie zu verhütung fernerer Ungelegenheit oder Executionen, ihr Contingent der von Ewer Fürstlichen Durchl. unvermeidlich außgeschriebener Stewren so, baldt der Arnd so weit fortgesetzt seyn würde, daß sie es darauß zu erheben, unweigerlich bezahlen, unnd sich daran nichts behinderen lassen sollen, u[sw.].'

¹⁵⁹JL Akten 43, 23 May 1647 (Dutch letter, signature unreadable).

¹⁶⁰JL Akten 42, Pamphlet 1647: *Abdruck deß Intercessional und Warnung: Schreibens, So die hochmögende herren Staten General der Vereinigten Niederlanden, u. an Ihre Fürstl. Durchl. Pfalz Newburg, u. Auff gebührliches ansuchen der Erbvereinigt-ten LandtStänden der Herzogthumben Gülich: Cleve und Berg, wie auch beyder Graffschafften Marck und Ravensberg, u. Die uneingewilligte GeldtSteweren in jetzgemeldten beyden Fürstenthumben Gülich und Berg betreffend, haben abgehen lassen. Mit angeengter Erinnerung wolgedachter Herren Land-Ständen an alle Beambter, Vögte, Dingere, Schultheissen und Einnehmere, u[sw.].* (Proverbiorum: N Fructus Hominis Ivsti Lignum Vitae, n.p. 1647).

The first part is signed by Sigismund Mockel, dated 2 June 1647, with a printed reference to the text of 20 April 1647; and JL Akten 42 *Klaer bewys dat de Ho: Mo: Staten Generael gherechtight ende verbonden zijn tot de garantie ende maitenüe vande privilegien, vry ende gerechtigheden der Landt-stenden inde landen Gulick, Cleve, Berge, Marck ende Ravensbergh* (Knuttel 4215,

to the *Landstände* of Jülich expressing abhorrence that the duke was pursuing his incorrect and illegal procedures.¹⁶¹ In October and December, the nobles assembled in Cologne.¹⁶² The nobles themselves had attended in order to discuss the presence of the marauding Hessian army. The invitation called ‘patriots’ to attend, as the well-being of the fatherland was at stake. Here, explicit use of the word fatherland seems to signify the importance of both the meeting itself and the presence of the nobility therein. It is striking that the nobility stressed the well-being of the fatherland and the threat posed by foreign troops. At the same time, they did not discount the possibility of assistance from the Dutch Republic, which would have entailed the presence of even more troops. Although the nobility did not request its support, it did not actively reject its interference either. In order to fulfil their office of a patriot, they would accept whatever help was required. The contributions to be paid to the Hessian—and imperial—armies, were a frequently discussed concern that recurred throughout the year.¹⁶³

On 18 May 1648,¹⁶⁴ another invitation of the nobility to join in an assembly on 8 June extended to all loyal patriots.¹⁶⁵ The purpose of this meeting was to confer about the imperial commission, which had assembled to inspect the area. A brief pamphlet in October then informed the participants that the commission would send representatives to their upcoming meeting on November 4.¹⁶⁶ On 21 November, a notice stating that the *Landstände* were relieved was issued, as a peace treaty had finally been reached in Munster, ending the Thirty Years’ War: the Treaty of Westphalia.¹⁶⁷ This Treaty brought peace and tranquillity in many parts of the empire, and also prevented other wars to regain lost lands from breaking out. Rulers were thus forced to focus on their fiefs, (re)establish balance, and create a new *modus Vivendi* that would respect the balance between the different groups.¹⁶⁸ The various princes of the Holy Roman Empire acknowledged and restored the old privileges of the *Landstände*.¹⁶⁹ The nobility of Jülich understood that the Swedish and Hesse-

n.p. 1647). Another Dutch letter, again, points out the need to obey the agreements: JL Akten 43, 8 Juni 1647 (Dutch letter), it warns that if they *Landstände* decide to act offensively, the Dutch forces will help.

¹⁶¹JL Akten 43, 1 June 1647.

¹⁶²JL Akten 43, 1 October 1647; JL Akten 43, 7 December 1647.

¹⁶³See for example: JL Akten 43, August 1647; JL Akten 43, September 1647, both have calculations on how to reach 10,600 Reichsthaler; JL Akten 43, 16 December 1647: discussing the contributions of 1648; JL Akten 43, December 1647, reaching 10,600 Reichstalers.

¹⁶⁴Walz (1982), p. 114.

¹⁶⁵JL Akten 44, 18 May 1648: ‘*Alß werden zu allerunderthänigsten ehren aller hochst ged[achten] Käys. Mayest. Ew. G. sich darnach zu bequemen, und alhie in angestellten termino obeng[eme]l [ten] der gebuehr nach einzustellen wissen, und sich daran, alß ein Getrewer Patriot, außßerhalb ehrenhaffter Ursachen nicht behinderen lassen.*’

¹⁶⁶JL Akten 44, 14 October 1648.

¹⁶⁷JL Akten 44, 21 November 1648.

¹⁶⁸W Isaacson (1933), p. 9.

¹⁶⁹*Ibid.*, p. 11.

Table 3.1 Tax and financial burden of Jülich (1639–1653)

Year	Hessian demands	Taxes ^a	Total	In grams of silver (Reichstaler: 25.98g/S) ^b	gram Sil/inh ^c
1640	36,000		36,000	935,280	4.35
1641	36,000		36,000	935,280	4.35
1642	36,000		36,000	935,280	4.35
1643	36,000	1,000	37,000	961,260	4.47
1644	36,000	1,000	37,000	961,260	4.47
1645	36,000	37,740	73,740	1,915,765	8.91
1646	36,000	60,000	96,000	2,494,080	11.60
1647	36,000		36,000	935,280	4.35
1648	36,000		36,000	935,280	4.35
1649	60,000		60,000	1,558,800	7.25
1650	60,000		60,000	1,558,800	7.25
1651	60,000		60,000	1,558,800	7.25
1652	60,000		60,000	1,558,800	7.25
1653	60,000		60,000	1,558,800	7.25

This table has been published earlier in German in C.A. Romein, 'Jülicher Patrioten am Ende des Dreißigjährigen Krieges (1642-1652). *Die Verwendung der Vaterland-Terminologie im 17. Jahrhundert.*' *Rheinische Vierteljahrsblätter*, vol. 85 (2021). Published with permission

^aThere may be many more taxes requested and/or levied, that have not been mentioned here. This can be explained by the hundreds of pages of source material at the NRW-archive that are still awaiting a researcher's attention. The author does not claim to be complete here, and merely sets out to offer an overview of the taxes she did find

^bChristmann (2002), p. 213

^cNumber of inhabitants has been fixed at 215,000 inhabitants. Based on: Tornow (1974), p. 22

Cassel army needed payment. Nonetheless, they were content with the peace treaty, as it was generally beneficial to their fatherland.¹⁷⁰ At their next assembly, they would discuss the consequences of the Peace of Westphalia.

The taxes that have been mentioned above and below make it possible to calculate how hard the crisis of the Thirty Years' War hit Jülich.

Table 3.1 certainly present an incomplete image of all the financial burdens Jülich had to cope. Nevertheless, it shows an increase of the burden the people had to pay, in the course of only a relatively short space of time. The increase was likely perceived as enormous and threatening as people faced warfare and the presence of a multitude of hostile foreign soldiers. In order to understand this financial burden, 'food insecurity', expressed in kilocalories, can be calculated, in order to determine how the inhabitants of the troubled regions must have perceived their ability to provide enough food for their families. This factor is set at 2100 kcal per person by the Food and Agricultural Organisation (FAO).¹⁷¹ Based on the grain prices found

¹⁷⁰JL Akten 44, 21 November 1648.

¹⁷¹<http://www.fao.org/docrep/pdf/011/i0515e/i0515e23.pdf>. Accessed 12-12-2014.

Table 3.2 Tax and financial burden of Jülich in kcal and days of food insecurity (1639–1653)

Year	g sil/hect. ^a	Hectoliters grain	1 hl = 100 kilo	Kcal 1 kilo organic wheat	Kilocal/ 2,100kcal	Nr. of days of food insecurity ^b
1640	47.06	19,874.20	1,987,420.31	3,338,866,128	1,589,936	7.40
1641	45.82	20,414.27	2,041,427.48	3,429,598,167	1,633,142	7.60
1642	78.68	11,886.84	1,188,683.56	1,996,988,384	950,947	4.42
1643	70.18	13,696.67	1,369,667.44	2,301,041,293	1,095,734	5.10
1644	63.44	15,153.46	1,515,346.42	2,545,781,982	1,212,277	5.64
1645	47.53	40,310.68	4,031,067.86	6,772,194,003	3,224,854	15.00
1646	30.10	82,873.57	8,287,356.70	13,922,759,262	6,629,885	30.84
1647	24.35	38,417.74	3,841,774.49	6,454,181,146	3,073,420	14.29
1648	35.68	26,215.21	2,621,520.87	4,404,155,058	2,097,217	9.75
1649	76.30	20,431.22	2,043,122.09	3,432,445,114	1,634,498	7.60
1650	74.28	20,985.74	2,098,574.29	3,525,604,814	1,678,859	7.81
1651	83.46	18,676.32	1,867,631.55	3,137,621,010	1,494,105	6.95
1652	74.90	20,812.30	2,081,230.47	3,496,467,195	1,664,984	7.74
1653	46.55	33,486.57	3,348,657.36	5,625,744,361	2,678,926	12.46

This table has been published earlier in German in C.A. Romein, 'Jülicher Patrioten am Ende des Dreißigjährigen Krieges (1642–1652). *Die Verwendung der Vaterland-Terminologie im 17. Jahrhundert.*' *Rheinische Vierteljahrsblätter*, vol. 85 (2021). Published with permission

^aIbid

^bNumber of inhabitants has been set at 215,000 based upon Tornow (1974), p. 22

by Thomas Rahlf, it is possible to calculate the purchasable amount of grain with silver.¹⁷²

The price of wheat could differ per year and with it the hectolitres of grain that could be bought with the silver (second and third column of Table 3.2). One kilogram of (organic) wheat has been set at 1680 kcal, although the amount may have varied, depending on the soil's fertility. Food insecurity is measured by the amounts of kcal in the total amount of organic wheat and dividing that by the food insecurity measure developed by the FAO of 2100 kcal per person/per day. By dividing the outcome by the number of inhabitants, it is possible to calculate the days of food insecurity expressed in kcal. For Jülich the number of 215,000 inhabitants has been applied.¹⁷³ In 1642 the tax-burden equalled nearly four and a half days of food insecurity or hunger, rising to nearly 31 days of hunger in 1646.

¹⁷²Rahlf (1996).

¹⁷³Ibid., p. 22.

3.3 Hostile Occupation: Hessian Troops

Duke Wolfgang Wilhelm was pleased with the outcome of the negotiations of Westphalia and wrote in early December that ‘the war was officially over’.¹⁷⁴ The end of the war meant that the internal tensions would soon be over, since the foreign armies were about to leave. However, the peace treaty stipulated that Jülich and Berg had to pay at least six times 100,000 *Reichsthaler* between them before the Hessian and Swedish troops would leave. A treasurer was commissioned to provide these funds. The duke seemed to realise that, despite the peace treaty, his subjects would be disappointed about having to pay for the troops to leave and would not be keen to contribute. Taxation had caused tensions and fuelled heated dissent throughout the war, and taxation to end the war seemed paradoxical. Furthermore, the war had taken its toll, and the population had shrunk by roughly one-fifth (21.8%) from 275,000 inhabitants in 1618 to 215,000 inhabitants in 1648, leaving far fewer people to bear the financial burden.¹⁷⁵

On the one hand, the duke understood the delicate nature of demands for taxes; but on the other hand, he needed to pay off the foreign troops. In January 1649, Duke Wolfgang Wilhelm expressed his sincere regrets that his god-fearing loyal subjects would have to suffer a bit longer.¹⁷⁶ Timely payments were essential, or the Hessian army would extend their stay.¹⁷⁷ The Swedes would leave as soon as payments started to arrive, according to two pamphlets written in April and May 1649.¹⁷⁸ Since hostilities had ended, the *Landstände* expressed their hopes that the inhabitants would not suffer too much from these new taxes. These sufferings may have caused the duke to attempt reconciliation with the nobility. Duke Wolfgang Wilhelm acknowledged that the *Landstände* had focussed on the well-being and prosperity of Jülich, and wanted to discuss these matters.¹⁷⁹ In the case of Hesse-Cassel, such a genuflection would not occur. The duke humbly requested them to attend an

¹⁷⁴JL Akten 44, 4 December 1648.

¹⁷⁵Tornow (1974), p. 22.

¹⁷⁶Part from JL Akten 45, 24 Januari 1649: ‘*Und weil also vorgemelte unnd andere viel wichtigere Puncte, daran unser auch Ewer und aller unser getrewer und gehorsamer lieber LandtStende unnd Underthanen zeitliches heil und wohlfahrt bestehet, und wie eins und anders am besten anzustellen reisslich zu deliberiren und abzuhandeln nötig: So haben wir eine unumbgengliche noturfft erachtet, Euch unnd andere unsere gehorsame und getrewe liebe LandtStende von Ritterschafft und Stätten anhero zum Landtag zubeschreiben, euch hiemit gnedigst befehlend, daß ihr Euch gegen Dienstag den 16 des künfffigen Monats Februarij anhero unfehlbarlich verfüget, unsere gnedigste proposition und waß wir Euch zu des Vaterlants wolffahrt und besten werden vorbringen laßen, vernehmet, darüber die noturfft deliberiret, und mit unß entschließet, auch umb obgemelten gemeinnutzigen Intents willen Euch hiran außser Gottes gewaldt nicht hinderen laßet: Versehen unß also unnd seint Euch mit gnaden gewogen. Geben zu Düßeldorffs [d]en 24. Januari Anno 1649. [Wolfgang Wilhelm].’*

¹⁷⁷Kaiser (2002).

¹⁷⁸JL Akten 49, 26 April 1649; JL Akten 49, 31 May 1649 (printed).

¹⁷⁹JL Akten 45, 24 January 1649.

assembly of February, in order to advise him on what to do to improve the fatherland's prosperity.¹⁸⁰ The duke's altered attitude is a significant development because he seemed to acknowledge the sincerity of the motives and actions of the *Landstände*, and their choice of words to pursue their aims.

In the meantime, the presence of foreign forces and monthly contributions still burdened the inhabitants of Jülich. A pamphlet was distributed, emphasising that if the inhabitants neglected the payments, it would result in severe penalties.¹⁸¹ Imperial Marshall Lamboy received letters expressing grievances about the misbehaviour of soldiers. Lamboy promised to resolve this problem in return for the regular contributions.¹⁸² Three days later, a letter informed the inhabitants of the Lower-Rhine principalities that Lamboy had attempted to oust the Swedish army, or had at least tried to remove some of the Swedish forces in order to decrease the burdens.¹⁸³ The inhabitants of the Dutch Republic noticed financial trouble in Jülich. Here, a very considerate trader, who was supposed to collect a debt of 300 Gold guilders, noted in a letter that he had become aware of the enormous war-related destruction which made him decide not to demand payment at this particular time.¹⁸⁴

It was not until 4 August 1649 that the first *Landtag* of Jülich in over a decade convened, in the presence of their duke, and there the nobility presented their substantial grievances.¹⁸⁵ In order to prevent disruption and delays, complaints had to be prepared and submitted in advance of the next *Landtag* (scheduled for 1651). The nobility complied and sent their grievances in writing. These accounts stated that some office-holders had appropriated extra money while collecting taxes. It was agreed that if soldiers had plundered subjects, this would be taken into consideration.

Furthermore, nobles were asked to share in the present financial burden, but strictly on a voluntary basis. With that, Duke Wolfgang Wilhelm seemed to have become more considerate concerning people's hardships and the privileges of the nobles. The *Landstände* of both Jülich and Berg were invited to an assembly in the open fields on August 30.¹⁸⁶ The *Landstände* met 4 days in advance in Cologne to discuss their affairs. The contributions troubled them, as is shown in the *Prothokollen* on the assembly of 30 August 1649.¹⁸⁷ Specifically, the assembly noted that the armed forces present in the principality extracted resources on their account, burdening the inhabitants, and leading to the desolation of the lands.¹⁸⁸ The

¹⁸⁰JL Akten 45, 24 January 1649.

¹⁸¹JL Akten 49, 26 April 1649.

¹⁸²JL Akten 45, 5 May 1649.

¹⁸³JL Akten 45, 8 May 1649.

¹⁸⁴JL Akten 46, 16 November 1649.

¹⁸⁵JL Akten 49, 6 January 1651 (printed).

¹⁸⁶JL Akten 46, 16 August 1649: p. 49 r° and JL Akten 47, 16 August 1649: p. 248 r°. This printed leaflet, consisting of one page is available in both JL Akten: it seems identical.

¹⁸⁷JL Akten 46, 30 August 1649: p. 40 r°–42 v°.

¹⁸⁸JL Akten 46, 30 August 1649: p. 40 r°; JL Akten 46, 30 August 1649: p. 40 v°.

Landstände, especially the nobility, sorely regretted this situation as it harmed their beloved fatherland.¹⁸⁹ Nevertheless, on 30 August 1649, a pamphlet printed on both sides was published on behalf of the duke.¹⁹⁰ It requested the cooperation of the inhabitants of Jülich regarding the imperial contributions due to payment in 8 days.¹⁹¹

Texts of the experiences and observations of the nobility—frequently referred to as the *Collegio Nobilium*—are available from March 1650 onwards.¹⁹² These mainly concern troop movements and the payment of contributions, though another subject was the that the duke ignored the nobility's ancestry and their position in society. The latter went against their special privileges of the *patria*.¹⁹³ Another complaint, voiced on 21 April 1650, was that protocol demanded the consultation of the nobility but observed that no approval had been sought concerning the *status patri*. Hence, the *Landstände* could not protect the prosperity of the fatherland and its inhabitants, though they were willing to show their minutes.¹⁹⁴ These two complaints led to the voicing of grievances.¹⁹⁵ However, the duke did not listen to the patriots who had the best interest of the fatherland at heart.¹⁹⁶ The transcripts of 22 April 1650 mentioned that the patriots wanted to meet and discuss the issues concerning the fatherland and its prosperity amongst themselves.¹⁹⁷ Here it is crucial to note that within the nobility's reports, fatherland terminology was applied. However, these texts seem not to have been intended for widespread distribution. The terminology was not only used in the *Landstände*'s external communication, or communication that *could* be read by others – as would be the case with the printed invitations—but was something they ardently believed in and consistently applied.

¹⁸⁹JL Akten 46, 30 August 1649: p. 40 r^o.

¹⁹⁰This to distinguish it from the “*Einzelblatt*”, a ‘pamphlet printed on one side’. The German term ‘*Flugblatt*’ (leaflet or flyer) has earned itself a far more negative connotation than the pamphlets numbering more pages; moreover, the ‘*Flugblatt*’ could hold a big image to illustrate matters in combination with text. See: Harms (1985), pp. VII–VIII.

¹⁹¹JL Akten 46, 30 August 1649: p. 573 r^o. Unfortunately, the amount has not been filled out.

¹⁹²For example JL Akten 48, *Prothocollum de Anno 1650*, p. 52 v^o.

¹⁹³JL Akten 48, 30 March 1650, *Prothocollum de Anno 1650*, p. 4 r.

¹⁹⁴JL Akten 48, 21 April 1650, *Prothocollum de Anno 1650*, 22 v^o-23r^o ‘*Sondern weilien daßelbe herkommen und die Prothocolle es also mit sich bringen thäten, daß die Rät̄h von nihi vocati beij der Ritterschafft erschienen sonders wahren dieselbe beij welcherst verblieben und hatten der selber mit ihren und ihnen Gütsachern assistirt, und beij gestanden alß welchen status Patria ohne besten bekundt und die wohlfahrt des Vatterlandts alß Patrioten sich mehrens also undern würdest zu herten gehen lassen, zu geschwungen daß der Landen privilegia eß auch also nach führrens daß zu den Landtags handlungen kann andern alß Landstanden von Landtsfürsten gebraucht werden solten.*’

¹⁹⁵JL Akten 48, 21 April 1650, *Prothocollum de Anno 1650*, p. 23v^o.

¹⁹⁶JL Akten 48, 21 April 1650, *Prothocollum de Anno 1650*, p. 24r^o.

¹⁹⁷JL Akten 48, 22 April 1650, *Prothocollu de Anno 1650*, p. 26r^o.

On 27 June 1650, a one-page pamphlet was published announcing that a *Landtag*, essential for the fatherland, would take place in Steinen on 4 July.¹⁹⁸ Both the *Landständen* of Jülich and Berg were invited to attend. This pamphlet also invited members to join a preparatory meeting in the Franciscan Convent on 3 July.¹⁹⁹ It is unclear whether the *Landstände* went to the Duke's *Landtag*, as their documents make no mention of it.²⁰⁰ The Akten of the Landständen do contain an invitation for an assembly on the 24 January 1651 and make it entirely clear that everyone concerned about the Fatherland—the beloved, worthy '*Posterität*' (heirloom)—should come. It explicitly says that no loyal patriot should be restrained or stopped, and that they should arrive at the set term.

At last, the *Landstände* report about ongoing debates regarding the withdrawal of foreign troops that were going on in Nuremberg.²⁰¹ The troops would leave on condition that the contributions were paid. Eager to be relieved of the burden of foreign troops roaming their lands, subjects of the principality were requested in order to deal with the expenditure swiftly, and to pay tax at short notice. The thesaurus of Jülich was asked to oversee the procedure.²⁰²

On 3 April 1651, Duke Wolfgang Wilhelm agitatedly remarked that the Dutch Republic and some reformed people had threatened and abducted Catholic clergymen.²⁰³ The duke was not pleased with these actions and feared for the well-being of his Catholic subjects—especially the clergy. He considered the non-Catholics of Jülich agitators because they were associated with reformed soldiers who had disturbed local masses. That religious troubles sprouted again, became evident on 13 June as a pamphlet was published claiming to be a translation into Dutch from a German original. Its title was a reference to the question of why the Friedrich Wilhelm, Prince-Elector of Brandenburg had invaded Jülich and Berg, and occupied several towns. The invasion itself took place a few days later. The document was a response to two earlier texts issued by Duke Wolfgang Wilhelm and explained the

¹⁹⁸JL Akten 48, 27 June 1650: '*Demnach der Durchleuchtigste Fürst und Herr, Herr Wolfgang Wilhelm Pfaltzgrave bey Rhein, in Beyeren, zu Gülich, Cleve und Berg. Herzog u[sw], Unser gnädigster Herr, die Gülich und Bergische Landständer gegen den 4. Julii in dero Dorff Steinen zum Landtag gnädigste beschrieben; Und aber die zu der von Ihrer Fürstl. Durchl. höchstgemelt. zwischen dero gemelten Landtständen gnädigst vorgeschlagener gütlicher Conferentz specialiter benente Deputirte ober das jenige, was zu Düsseldorf bey solcher Conferentz newlich vorgelauffen, dem corpori gebührend zu referieren, und sonsten anderer erheblicher ursachen halber, daran dem lieben Vaterland mercklich gelegen, sich allhie zu forderst zu unterreden, vor nötig erachtet.*

Als wollen Ew. G. gegen den dritten künfftigen Monats Julii allhie einkommen, und folgenden Morgen zu acht Uhren in der Minnebrüder Closter bey der Versammlung sich einstellen, auch daran ausser Gottes Gewalt sich nichts behinderen lassen, Signatum Cöln den 27. Junii 1650. Ex Commissione. [von Mulheim].'

¹⁹⁹JL Akten 48, 27 June 1650.

²⁰⁰JL Akten 48, 4 July 1650: *Prothocollum de Anno 1650.*

²⁰¹JL Akten 49, 20 August 1650 (printed).

²⁰²JL Akten 49, 20 August 1650.

²⁰³JL Akten 49, 3 April 1651.'

motives for the invasion.²⁰⁴ Duke Wolfgang Wilhelm had agreed to respect the Protestant religion when he signed the Treaty of Xanten but had not upheld this promise.²⁰⁵ Instead, he had imprisoned pastors, taken money away from churches and violated treaties regarding religion.²⁰⁶ Such accusations were published in several texts, translated, and consequently distributed in the Dutch Republic.²⁰⁷ It turned into a pamphlet polemic, in which texts written on behalf of Duke Wolfgang Wilhelm defended his case.²⁰⁸ The emperor also joined in as he wanted to prevent another full-blown war.²⁰⁹ Von Looz-Coozwarem has characterised this as a revival of the War of Succession, as the provisional treaties had not resolved the original dispute. The emperor had also left the *Privilegium Unionis* intact, and failed to propose an alternative solution.²¹⁰

On 14 June 1651, under the pretext of protecting ‘his’ fellow-believers, Friedrich Wilhelm, Prince-Elector of Brandenburg (1620–1688), ruler over Cleves and Mark, invaded the principalities of Jülich and Berg.²¹¹ The Prince-Elector’s disappointment with the Treaty of Westphalia prompted his actions: Catholics had gained ground since 1609 and 1612.²¹² He had questioned the right of succession of his

²⁰⁴ *Kort Bericht, waerom Sijn Cheurfursteijke Doorluchticheyt van Brandenburg is bewogen ende veroorsaecht worden, eenighe Plaetsen inde Vorstendommen Gulick ende Bergh in te nemen* (Knuttel 6968, n.l. 1651).

²⁰⁵ *Kort Bericht, waerom Sijn Cheurfursteijke Doorluchticheyt van Brandenburg, 3.*

²⁰⁶ *Kort Bericht, waerom Sijn Cheurfursteijke Doorluchticheyt van Brandenburg, 4-5.*

²⁰⁷ *Kort Vertoogh In plaets van een Manifest. Waerom Sijn Cheurvorst: Doorluch: tot Brandenburg, eenige plaetsen in de Vorstendommen Gulick en Bergh in te nemen, bewogen en veroorsaecht geweest is.* (Knuttel 6969, Dordrecht 13 June 1651); *Dero Chur: Brandenburgisch. Fürstlich. Durchl. De dato den 13. Iunij abgelassene kurze Anzeig anstatt Manifests unnd darauff Ihrer Fürstlich. Durchl. PfalzNewburg außgefertite Bestendige Widerlegung, zu mehrer Instruction, also beyeinander in Druck gegeben* (VD17 23:308525B/ HAB: M: Gm 3621 (2), n.p. 1651).

²⁰⁸ *Vorstelijck Palts Niewbvrgse Fundamentele Wederlegginge, Tegen’t ongesondeerde Kort Bericht, Waeromme Sijn Cheur-Vorstel. Doorl. van Brandenburg, is bewogen eenige Plaetsen inde Vorstendommen van Gulick ende Bergh in te nemen, zijnde alleen die daerinne so specieuse voorgestelde Relgie, een deck-mantel van de voorghenomene gheweldadige invasie door de Troupes van gemelte Cheurv. Doorl. begaen. Ghetranslateert uyt het Hooghduyts* (Knuttel 6970, n.p. 1651); *Placcaet Van Wegen Sijne Vorstelijcke Doorlucht. Den Heere Hertog van Nieubvrg, Teghen ’t gene dat den Heere Cheur-Vorst van Brandenborgh heeft laten affigeren den 13. Iunij 1651. tot verschooninge ende verbloeminghe vande onghefondeerde ende gewendadige invasie inde Landen van Gulick ende Bergh* (Knuttel 6971, Leiden 1651).

²⁰⁹ *Mandement van sijne Roomsche Keyserl. Majesteyt, tot Cassatie ende Annullatie van ’t Cheur-Brandenburgsche voor desen Affigeerde Placcaet, aen de respective Standen der Vorstendommen Gulick, ende Bergh* (Knuttel 6972, n.p. 1651); *Missive van Sijne Roomsche Keyserl. Majesteyt aen de Heere Cheur-vorst van Brandenburg, Improberende die inde Vorstendommen van Gulick ende Bergh ghedaene Invasie, vermanende ende bevelende den selvede Wapenen neder te leggen* (Knuttel 6973, n.p. 1651).

²¹⁰ von Looz-Corswarem (2014).

²¹¹ Jaitner (1973), pp. 88–101; Isaacson (1933), p. 25.

²¹² Jaitner (1973), p. 91.

distant relative ever since his acceptance of the fief in 1640.²¹³ Furthermore, the Treaty of Westphalia gave the Catholic Duke Wolfgang Wilhelm occasion to question whether Protestants could inhabit his principalities.

Duke Wolfgang Wilhelm had shown his good intentions in some respect. On 29 May 1651, he issued a one-page invitation to assemble on 16 June 1651. The agenda read a discussion of the needs of the fatherland.²¹⁴ Whether this *Landtag* ever took place is unclear. In their ‘Prothocollen’, the sole topic the *Landstände* mentioned was an invasion that took place on June 17.²¹⁵ The competition between the two princes was not appreciated as the safety of the *patria* was at stake once again.²¹⁶ The nobility wrote a pamphlet on behalf of the joint *Landstände* of Jülich, Berg, Cleves, and Mark. They indicated their displeasure and stressed the need to preserve their privileges and complained about the war.²¹⁷ The second version of this pamphlet was twice as long.²¹⁸ In addition to the 4°-pamphlet, the Dutch 8°-pamphlet emphasised the promises made during the Treaty of Xanten (1614). The extended pamphlet was signed and reprinted—probably as a reminder. Interestingly, the German version (probably the original) is a one-page print containing only the text that had been printed in the Dutch 4°-pamphlet.²¹⁹

The Jülich-war did not last long, ending in October. Duke Wolfgang Wilhelm had pawned the cities of Millen and Born to ensure the help of 4000 Lorraine soldiers;²²⁰ his son Johann Wilhelm visited the Estates-General in The Hague, successfully requesting the Dutch Republic to refrain from interference.²²¹ The *Landstände* did not appreciate the military presence of the Lorraine troops, and feared for more threats to the fatherland, stating that their presence would ruin the lands.²²² By 27 July the *Landstände* deliberated and mentioned that the *patria* depended upon the return of peace.²²³ It was now clear that religion could still be a cause for war, a *casus belli*—or could at least give rise to a pamphlet polemic—despite the end of the Thirty Years’ War. Friedrich Wilhelm, Prince-Elector von Brandenburg issued several documents and pamphlets claiming he was protecting the Protestants. He

²¹³The text is in response to 7 March 1651 and 3 April 1651. Richter (2010).

²¹⁴JL Akten 49, 29 May 1651 (printed).

²¹⁵JL Akten 50, 17 June 1651: *Prothocollum de Anno 1651*, p.5 r° and 7 v°.

²¹⁶JL Akten 50, 17 June 1651: *Prothocollum de Anno 1650*, p.8 r°.

²¹⁷*Placcaet Gepubliciceert By ende van wegen d’Erf-vereenigde Lantstanden. Uyt de Ridderschap ende Steden der Lantschappen Cleve, Gulick, Berge, ende Marck tot Conservatie van haer Privilegien* (HAB: 258.20.15 Quod 4°, n.p. 1651).

²¹⁸*Placcaet Gepubliciceert By ende van wegen d’Erf-vereenigde Lantstanden. Uyt de Ridderschap ende Steden der Lantschappen Cleve, Gulick, Berge, ende Marck tot Conservatie van haer Privilegien* (HAB: A: 32.38 Pol. 17, 8°, n.p. 1651).

²¹⁹*Wir Landstenden auß Ritterschafft und Statten der Erbvereinigten Landtschafften und Herzogtumen, Gülich, Cleve, Berg, und Graffschafft marck u.* (HAB Gm 3621 (8), n.p. 1651).

²²⁰JL Akten 50, 17 June 1651: *Prothocollum de Anno 1651*, p. 15 r°.

²²¹von Looz-Corswarem (2014).

²²²JL Akten 50, 17 June 1651: *Prothocollum de Anno 1651*, p. 15 r° (2 July 1651).

²²³JL Akten 50, 27 July 1651: *Prothocollum de Anno 1651*.

based his right to interfere upon the Treaty of Xanten (1614). Both princes – Friedrich Wilhelm, Prince-Elector von Brandenburg and Duke Wolfgang Wilhelm—were official administrators of the principalities. Hence, the Treaty of Xanten meant that the ‘*cujus regio, ejus religio*’-rule protected both Calvinists and Catholics, leaving the Lutherans without rights.²²⁴ However, according to contemporary pamphlets, the inhabitants of Jülich were being threatened and murdered by their Catholic duke. Such violence was the perfect excuse to wage war, and so Friedrich Wilhelm, Prince-Elector of Brandenburg renewed the War of Succession with the hope of expanding his principalities.

In Vienna, the emperor responded fiercely, and a pamphlet was circulated in which an imperial critique of the deeds of Friedrich Wilhelm, Prince-Elector of Brandenburg was made. In August, the emperor decided that Count Melcioren of Hatzfeldt would help to restore peace in the Lower-Rhine Area and, if necessary, would contact the Imperial Circle for help.²²⁵ However, as its coffers were empty, the Circle debated whether or not they would help. Paderborn and Osnabruck, as well as some other Catholic areas, were in favour of helping. Cologne, for its part, felt intervening could only bring trouble. Before the Circle could reach a decision, the Neuburg-Lorraine Coalition ended the renewed War of Succession. It was clear that the conflict could easily divide the members of the Circle.²²⁶ According to the letter, written in the city of Cleves on 11 October 1651, a commission to study the situation was composed of impartial Prince-Electors, Princes, and Landstände of both religions.²²⁷ Friedrich Wilhelm, Prince-Elector of Brandenburg, Duke Wolfgang Wilhelm, and Emperor Ferdinand III all agreed on this composition of the commission.

The so-called *War of the Cows* or Jülich War had been about opposing Duke Wolfgang Wilhelm and defending the fatherland.²²⁸ However, Duke of Lorraine helped Duke Wolfgang Wilhelm to regain control. Duke Wolfgang Wilhelm stated in October that he had signed a treaty with Cleves-Mark. He requested his subjects to come forward within 4 weeks if they had wrongfully benefitted from this conflict, returning obtained horses and possessions.²²⁹ In March 1652, the duke sent an invitation to the *Landstände* requesting them to attend a meeting on 15 April. The agenda of the meeting read that the beloved fatherland’s unpleasant peril and welfare demanded their attention.²³⁰ Strikingly, the duke used the word ‘the’ (*deß*) instead of

²²⁴ von Looz-Corswarem (2014).

²²⁵ JL Akten 49: 11 October 1651.

²²⁶ W Isaacson (1933), p. 26.

²²⁷ JL Akten 49: 11 October 1651.

²²⁸ JL Akten 49, 14 November, 1651.

²²⁹ JL Akten 49: 11 October 1651.

²³⁰ Part from: JL Akten 51, 29 March 1652: ‘*Liebe Getrewe: Waßmaßen wir Euch, und andere unsere getrewe liebe von Ritterschafft und Stätten, gegen den zwölfften nachlaufenden Monats, anhero zum Landtag beschrieben, dessen wisset Ihr Euch zuerinneren: Nun hetten wir unß gnedigst versehen, Ihr würdet Euch darauff gehorsamblich eingestellt haben: Die weil aber solches nit geschehen, gleichwohl die Sachen, darumb wir Euch beschrieben, und Immittelß noch ferner*

your (*Euch*) fatherland. This choice of vocabulary could be interpreted as indicating that he was now counting himself in, or at least did not exclude himself from, the fatherland. In Hesse-Cassel, the landgravine's lawyers used similar expressions. Following the *Landtag*, a text was issued to stress that the duke considered the *Landtag* a success.²³¹ He did not want to dismiss the *Landtag*'s grievances as being unimportant, but Duke Wolfgang Wilhelm stressed that they had dealt with the disobedience of the *Landstände*, the fatherland's peril, and its security.²³² Here we can see similarities to the argumentation that is found in Hesse-Cassel as well as in Brittany.

Another text was printed on 6 May, in which the duke focussed on pressing matters. He first assembled with the Bergische *Landstände*, but, the *Landstände* of Jülich needed to vote on behalf of their loyal, beloved subjects, too. Therefore a preparatory meeting was scheduled to find out who was to blame for the peril the fatherland.²³³ The text explicitly identified the burdens in question. The duke

vorgefallen seint, also beschaffen, daß nit allein unser, sondern auch, deß lieben Vatterlands unumbgängliche notturfft und wolfahrt erfordert, daß darüber schleunig (Will man nit alles über und über gehen laßen) deliberirt, und maß nötig, vorgestellt werde.'

²³¹JL Akten 51, 6 May 1652.

²³²JL Akten 51, 6 May 1652, p. 3: '*Alß haben wir Euch auch allen unseren Landtstanden solches hiemit gnädigst verstendigen wollen, mit dem abermahligen gnädigsten befehl, daß Ihr zu reassumir- und fortsetzung der angefangenen Landtags handlung, off Mitwoch den 22. dieses nacher Deuren [Düren] wider erscheinet, off unsere proposition, unnd darin begriffene nötige puncten, neben anderen unsern Landtstenden, von Ritterschafft und Stätten, deliberieren, unnd mit unß die Notturfft erheischender helffet, deßen wir anß also gänzlich versehen, inmaßen Ihr dan sonst leicht zuermeßen, daß wan Ihr und andere unsere Landtstende, wie Im Jahr 1649 verglichen, Euch nit gehorsamblich einstellen, auch unser, und deß Vatterlands notturfft und sicherheit bedencken, und darüber die notturfft schließen helffen werdet, wir alßdan das Jenige waß sich gestalten sachen und deß Vatterlands obligen nach, gebührt, für unß selbstn werden resoluiere und verordnen müßen, und werdet Ihr unß auch Immittelß nit verdencken, sonderen der sachen unumbgenglicher nothwendigkeit zuschreiben, daß wir auch noch vorhero (weil die von der Ritterschafft zu Deuren, so gahr urplötzlich verreisest, und nichts geschlossen, also auch die Bergische unangesehen wir gleich folgenden Tags unß zu Mülheim Persohnlich einzustellen erklehrt, und Sie unsere ankunfft zuerwarten, durch unsere dahin verordnete Rhäte haben erinnern laßen, solche unsere Landtfürstliche ordnung so weit niet respectiert, daß Sie unser erwartet hetten, sonderen gleichergestalt wie die Gülische, in falutato hospite, Alß man Sie unsers Ihres getrewen Landtsfürsten angesicht flichen theten, davon gezogen) für unsere Soldaten, daß unentbehrliche Brodt habe außschreiben müßen, daß wir auch wan Ihr Euch zur Landtagr [sic] handlung nit einstellt, und solche fortsetzen helffen werdet, waß die unumbgengliche Notturffterforderen würde, noch darzu außschreiben und beyspringen laßen werden, deßen underlaßung wir auch, weder bey Gott, noch dem geliebten Vatterlandt, und der posteritet zu verantworten unß getrawten, Wan wir händ unnd füeß sincken, alles über ein hauffen fallen unnd zu grundt gehen laßen, auch unß unnd unsere geliebte angehörige Menniglichen zu Ihren willen prostituieren: War nach Ihr Euch zurichten, und wir seint Euch auff den fall gehorsamer bezeugens mit gnaden gewogen. Düßfeldorff den 6. May 1652.'*

²³³Section from: JL Akten 51, 6 May 1652. (A second letter on the same date.) '*Obwohl wir zu Euch und andern unsern Bergischen Landtstanden von Ritterschafft und Stätten gnedigst versehen gehabt, Ihr würdet neben denselben bey Jüngster versammlung zu Mülheimb und dorthin von unß außgeschriebenen Landtag, auff die in unseren nahmen von unseren Rhäten proponirte puncta,*

recognised that there was a need to cooperate with his nobility and acknowledged that he should have behaved more like a father, and that he should have been more aware of their loyalty.²³⁴ He referred to the year 1649 when the nobles had proceeded to address the matter of the fatherland's peril, which he should have appreciated more.²³⁵ The duke switched back and forth between *your* (*euer*)

welche ein Jeder unpassionirten, auch un praeoccupirten gemüts, daß Sie zu unser auch unser Landt und getrewer Lieber Underthanen conservation und bestem, ehist [illigible] zu resolüiren, unnd zu Werck zu stellen, nötig auch unumbgenglich seyen erkennen muß, dem herkommen und der schuldigkeit gemeeß die notturfft mit deliberirt, und darauff mit unweigerlicher einwilligung Ewere underthenigste devotion und bereitwilligkeit gegen unß, auch Ewere schuldige lieb gegen Ewerem Vatterlandt in der that erwiesen und resoluirt haben.'

²³⁴JL Akten 51, 6 May 1652, pp. 1–2. (A second letter on the same date.): '*Nachdem aber unß der gantz unvermuthete Bericht zu Deuren [Düren] einglangt, daß Ihr und andere unsere zu Müllheim gewesene Bergische Landstandt, von Ritterschafft und Stetten ungeachtet daß wir unß erbotten, gleich folgenden Tags in der Persohn unß zu Müllheim einzufinden, unnd über ein unnd anders Persönlich mit Euch zu tractiren: Euch durch zween Deputirte von unser Gülischer Ritterschafft, und deren Gülischen Syndicum durch Ihr, allem vermuthen nach, unerfindliches angeben, auch ehe Ihr die gewißheit erlangt, ob dem also, unnd was wir dagegen einzuwenden, Euch habt verleiten laßen, unerwartet unser Persönlicher gegenwahrt davon zu ziehen, da Ihr doch vielmehr, wan Ihr die bißher nunmehr oder die 43. Jahr ungeachtet aller Leib und Lebens gefahr, auch anwendung elicher Millionien golts Euch in der that vielfeltig erwiesenen FürstVäterlicher sorgfalt und trew, auch Gnaden unnd guetthaten betrachtet, und hinwider der danckbarkeit gleicher Gestalt ein undertheniges guts herz zu unß getragen, Euch für ein fremdt sollet geachtet, vand von herzen verlangens getragen haben, unß in unserem Gottilob mit ehren erlebten Alter noch einmahl zu sehen, und unß auff zuwarten.'*

²³⁵JL Akten 51, 6 May 1652, p. 2. (A second letter on the same date.): '*Alß haben wir solches Euch und andern unsern Bergischen Landtstenden hiemit verstendigen wollen: Und befehlen Euch darauff hiemit gnädigst, daß Ihr zu reassumirung und fortsetzung der angefangenen Landtags handlung, auff Mitwcho [sic] den 22. dieses zu Müllheim unfehlbahr wieder erscheinet und neben anderen unseren gehorsahmen Landtstenden unsere proposition, und dabey begriffene nötige puncta deliberieren, unnd die Notturfft entschließen helffet, deßen wir unß also gänzlich versehen: Inmaßen Ihr dan sonst leicht zu ermeßen, daß wan Ihr und andere unsere Landtstande, wie Im Jahr 1649. verglichen, Euch nit gehorsamblich einstellen, auch unser, und deß Vatterlandtsnotturfft und sicherheit bedencken und darüber die notturfft schließen helffen werdet, wir alßdan das jenige maß sich gestalten sachen und deß Vatterlandts obligen nach, gebührt, für unß selbst werden resolüiren und verordenen müßen, und werdet Ihr unß auch Immittelß nit verdencken, sonderen der sachen unumbgenglicher nothwendigkeit zuschreiben, daß wir auch noch vorhero (weil die Gülische von der Ritterschafft zu Deuren, so gahr urplötzlich verreisest, und nichts geschlossen, also auch Ihr und andere unsere Bergische Landtstande von Ritterschafft und Stäten, unangesehen wir gleich folgenden Tags unß zu Müllheim Persönlich einzustellen erklehrt, auch Euch und Sie unsere ankunfft zuerwartten, durch unsere dahin verordnete Rhäte haben erinnern lassen, solche unsere Landtfürstliche ordnung soweit nit respectirt, daß Sie unser erwartet hetten, sondern daß Ihr und sie gleichergestalt wie die Gülischer, insalutato hospite, Alß wan Sie unsers Ihres getrewen Landtsfürsten angesicht flichtentheten, davon gezogen) für unsere Soldaten, daß unentbehrliche Brodt haben außschreiben müßen, daß wir auch wan Ihr Euch zur Landtage handlung nit einstellt, und solche fortsetzen helffen werdet, waß die unumbgengliche Notturffe erfordern würde, noch darzu außschreiben und beyspringen laßen werden, deßen underlaßung wir auch, weder bey Gott, noch dem geliebten Vatterlandt, und der posterirter zu verantworten unß getrawten, Wan wir händt unnd füeß sincken, alles ober ein hauffen fallen und zu grundt gehen laßen, Auch unß und unsere geliebte angehörige Menniglichen zu Ihren willen*

fatherland to *the (deß) fatherland*. With all these apologies and promises, he steered towards acceptance as a true lord. The clergy also wished to be given a hearing in Hambach at the next *Landtag* of Jülich, since they were opposed to specific plans regarding the taxation of their lands and goods.²³⁶ In early September, the *Syndici* of both Jülich and Berg informed the duke that the *Landstände* would assemble in Cologne. They wanted to discuss matters with their supporters from both principalities before any other meeting. This assembly was the key; there was little use in calling a *Landtag* of loyal patriots without it, as there would be little support for the duke's plans—plans which applied to both principalities.²³⁷

On 26 September 1652, a letter was written in Cologne and sent to Philipp Wilhelm of Neuburg (1615–1690), the new duke. The letter was meant to inform him that his suggested date for the meeting with the *Landstände* was not convenient, and it explained that the committee which had studied the perilous situation of the principality would report back to the nobility, and would do so in Cologne.²³⁸ Discussions both about the danger to, and potential consequences for, the fatherland were necessary.²³⁹ As a consequence, they rescheduled the meeting to a later date. It was uncertain whether the new duke, the Catholic Philipp Wilhelm of Neuburg could be accepted as *de facto* ruler of Jülich and Berg, as his legitimacy was just as contested as his father's had been.²⁴⁰ It took several treaties to resolve the remaining issues resulting in an official addition of, the principalities of Jülich and Berg to the Neuburg dynasty.²⁴¹ In 1665, the Treaty of Dorsten was accepted, downplaying the religious divisions of the period between 1612 and 1624. Moreover, the rights of

prostituiren wollen: Warnach Ihr Euch zurichten, und wir seint Euch auff den fall gehorsamen bezengens mit gnaden gewogen.'

²³⁶JL Akten 51, 31 August 1652.

²³⁷JL Akten 51, 5 September 1652.

²³⁸JL Akten 51, 26 September 1652: 'Nach de[m] Ihre Fürstl. Durchl. Unser Gnädigster Fürst und Herr, Beyder Fürstenth[umben] Gülich unnd Berg[ische] Landständt von Ritterschafft und Stätten, in dero residentzstatt Dusseldorff, gegen den 7[.] deß bevorstehenden Monatß Octobris zum Landthag zu erscheinen, von nemen Gnädigst beschrieben.

Alß werden E. G. nach anlaß deren, beyden Syndicis newlich auffgetragener Special Commission, gegen den 4[.] gemelten Monats Octobris anhero zu kommen, und folgenden morgens umb 8. uhren in der Minnenbrüder Closter sich einzufinden, krafft dieses Citirt, und eingeladen, gestalt derjenigen (welche Hochstg. Ihre Fürstl. Durchl. die ursachen deroselben Ständt damahligen nicht erscheinens zum Landthag underthänigst zu hinterpringen, von de[m] Corpore dieser thagen auff Mulheim deputirt gewesen) relation über ihre gehabte Verrichtung züforderß anzuhören, unnd diesfalß, sowoll alß auchsonsten anderwertiger, dem Vatterlandt hochstangelenere incidentien halber, mit und nebenß denen obrigen erscheinenden mitgliedern, sich der notturfft nach zu underreden, warzu jedermänniglich, so es mit dem Vatterlandt wollmeine thut, habender zuversicht nach, sich unweigerlich accomodiren, und hindangesetzt aller verhinder nußen Gottes gewaldt allein außgenommen præcise in termino dies orths unfehlbar einkommen wirt. Sig. Cölln den 26. Sept. 1652. Ex Commissione Speciali DD. [von Mulheim].'

²³⁹JL Akten 51, 26 September 1652.

²⁴⁰Jaitner (1973), p. 36.

²⁴¹Ibid., pp. 193–311.

the Protestants were clarified, thus resolving the 1647 religious matters.²⁴² Most importantly, in 1666–1672, agreements were reached that dealt with the succession.²⁴³

3.4 Conclusion

The nobility of Jülich perceived a severe threat to the welfare of the principality they inhabited. Those who felt compelled to call themselves patriots met in Cologne to discuss their perceived peril and despair. Surely their perception must have been close to the reality as the depopulation of Jülich due to warfare, extortion and taxations must have been visible. Duke Wolfgang Wilhelm failed to protect Jülich as his policy was counterproductive: he attempted to pay off foreign troops, but instead, this drew in even more payment-seeking soldiers. These money requests may explain the significant fluctuations we find in the available information on taxation. This data only concerns the exact amounts and not the damages caused by warfare to crops, plundering, billeting and other atrocities. These perceived threats to welfare likely caused the decline in population, for example, by causing people to flee the principality. The *per capita* taxation demanded by the Hessian troops may not have been high when calculated in grams of silver or kilocalories. However, because these resources had to be delivered on short notice, this would have increased the—perceived—burden.

The invitations, pamphlets, and letters of the nobility show their proclaimed compassion towards the impoverished inhabitants, and expose their fear that the area might become uninhabitable. With that, it touches upon their interest as their tenants suffered. The nobility met in Cologne outside the jurisdiction of the duke to discuss the ordeal. Such meetings, in themselves, were a very well thought through course of action. Their arguments, however, were not sophisticated. Their basic attitude questioned the legitimacy of any decision made by the *de facto* duke. All actions were placed under the microscope, especially when he failed to call the nobility to assemble. However, when he did call for them to meet, they frequently failed to show up, and consequently, Duke Wolfgang Wilhelm could not obtain the necessary consent to levy taxes. The question arose whether he was given a fair chance to explain his need, as the *Landstände* were not keen to favour any ducal appeals. Seeking means to influence Duke Wolfgang Wilhelm's policy and protect the fatherland, those calling themselves loyal patriots opted to send out political pamphlets to their Dutch allies. Opting for persuasive texts was on the one hand motivated by their geographical position on the outskirts of the Holy Roman Empire and the proximity of their ally. However, on the other, it was likely caused by their severe disappointment with the imperial court's ruling in 1627.

²⁴²Ibid., pp. 179–180.

²⁴³von Looz-Corswarem (2014); Bergerhausen (2011), p. 55.

The behaviour of the nobility's in Jülich can be summarised in five main points. *Firstly*, the nobility met *outside* the jurisdiction of the principality, in the Free City of Cologne.²⁴⁴ There are two explanations of this. On the one hand, the nobility avoided having to invite the duke. On the other, they avoided a ban on their meetings, which would have been likely if there had been so much as a hint that they undermined the government. *Secondly*, the invitations to the assembly stated that patriots were invited to discuss the welfare of the fatherland. The invitees were aware that war threatened their fatherland and that their presence was therefore needed: explicit references were made to 'our fatherland'.²⁴⁵ The duke, later on, adopted this fatherland terminology in his 1651 invitation to assemble, gradually shifting from a discussion of 'your fatherland' to 'the fatherland'.²⁴⁶ He eventually even acknowledged that he should have valued the loyalty of the nobility more than he had. *Thirdly*, the invitations and reports always referred to the loyalty of the invitees. This strong emphasis on the word 'loyalty' helped the nobles to avoid association with rebellious actions.²⁴⁷ Although not explicitly mentioned, an influence of Althusius seems perceivable in this approach. *Fourthly*, the nobility used printed texts to spread invitations and express their concerns following an assembly. The use of printed texts seems unique, at least in comparison to the other two studied cases here, as it seems to constitute a balancing act between finding allies and open rebellion. *Fifthly*, although a legal case had been won in 1627, claiming that taxation without consent was illegal, the nobility of Jülich did not continue to challenge violations of their privileges in court. This may seem surprising, given the fact that they had already obtained a favourable ruling. However, ongoing peace negotiations meant that they might have deemed a legal suit inappropriate and potentially too time-consuming. Also, the *de facto* ruler of Jülich—Duke Wolfgang Wilhelm—could be replaced by any ruler who may have had far worse intentions with the principality. By not pursuing their case in court, the nobility seems to have left the possibility of communication open. Alternatively, perhaps they had simply lost faith in the Imperial Chamber Court and appealed to other principalities for aid.²⁴⁸ The nobility's appeal to others was also strengthened by previous agreements—for example, those between the French and the Dutch Republic—to uphold the provisional treaty of Xanten (1614).

Ad hoc reactions to perceived threats, searching for the appropriate vocabulary and motivating allies to act, show the nobility's learning curve in dealing with the duke's failure to protect the fatherland. Each of these steps took a little bit more time than the previous and seemed to have been motivated by a mixture of despair, fear, and a spark of hope. The published texts were not written by lawyers or academics, as no references are found. Hence, it is interesting to see how paid servants that

²⁴⁴JL Akten 39, 29 October 1642.

²⁴⁵JL Akten 51, 6 May 1652. (A second letter on the same date.).

²⁴⁶JL Akten 51, 6 May 1652, p 1-2. (A second letter on the same date.).

²⁴⁷JL Akten 51, 6 May 1652. (A second letter on the same date.).

²⁴⁸Villari (1994), chap. Afterword Two: Political and Conceptual Points.

wielded a pen for money dealt with similar matters. The Hessian nobility may have been the ones in conflict with their landgrav(in)e; it was their paid advocates that wrote down the argumentation. The use of the terms fatherland and patriot seemed to have functioned as a key to mobilise those who felt that change was necessary. Furthermore, they signalled that only those who experienced the trouble first hand should attend. In Jülich, it was a terminology initially used by the nobility, though shortly after the end of the Thirty Years' War, these terms appeared to be accepted by the duke as well.

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Chapter 4

Hesse-Cassel: Alleged Sedition and Law-Suits (1640s–1650s)



In 1647–1655, the displeased nobility in Hesse-Cassel used similar terms to the nobility of Jülich to express criticism regarding their government. Landgravine Amelie Elisabeth von Hanau-Münzenberg (1602–1651) ruled the Lower Principality of Hesse-Cassel from 1637 to 1650, as regent for her son Wilhelm VI (1629–1663).¹ Although the nobles had supported her in her role as a regent, Amelie Elisabeth proved unwilling to acknowledge their privileges, especially their required consent in tax matters. The nobility fiercely opposed Amelie Elisabeth's taxation because the prosperity of the principality, and the livelihood of its inhabitants had already suffered much from the Thirty Years' War. Nevertheless, she requisitioned payment from the commoners to pay her armies without obtaining the necessary consent. The nobility thus argued that she had neither listened to their pleas, nor honoured prior agreements, and thus she risked establishing an *absolutus Dominatus*.² Here they applied precisely the same term as the nobility in Jülich to indicate that they considered her actions illegal. Correspondence between the nobility and the landgravine shows that the nobility would take the matter to the Imperial court if Amelie Elisabeth were to proceed with such abuses. The nobles of Hesse-Cassel reflected upon themselves as being *patriots* acting for the common good of their fatherland.³

This above case illustrates how the Hessian nobility responded to what they perceived as threats to the welfare of the Lower Hessian principality of Hesse-Cassel. These covered three aspects: the requisitioned payment from the commoners; the denial of the vital role the Hessian nobility had played throughout

¹Though there are no general spelling-rules during the seventeenth century, nor were people very consistent over time, the spelling of the landgravine's name has been adopted in accordance with her own autograph in JL 40, 9 May 1645; 11 May 1645 and 31 May 1645.

²*Replicae der niederhessischen Ritterschafft contra dem Hern Landgraff Wilhelmen zu Hessen, etc. 1652*, in HStAM 73, documents from the year 1652.

³von Friedeburg (2010), p. 170; von Friedeburg (2005); von Friedeburg (2003).

history; and above all, the continuous damage to the lands that affected all means of existence of the inhabitants. The German Landgraviate of Hesse-Cassel was small, with an estimated population of 375,000, and again, with only a few nobles.⁴ Most people in Hesse-Cassel were Lutherans since the sixteenth century, which they practised in silence when their landgrave converted to Calvinism.

In 1646 Landgravine Amalie Elisabeth requisitioned taxes to free Hesse-Cassel from its enemy occupation. When the nobility met to discuss this, the landgravine interpreted their assembly as undermining her government. Hence, she had its two chairmen humiliatingly arrested. The Hessian nobility then brought their case before the Imperial Chamber Court to seek reparations and restore their privileges; the case continued until 1655.

All debates focussed primarily on two issues: the welfare and prosperity of the landgraviate, and taxation and the cost of war. The landgrave claimed to use taxation to cover the cost of warfare, aiming to restore the welfare and prosperity of the principality. Conversely, the nobility claimed that the cost of war—and the resulting taxes—damaged Hesse-Cassel even further. Therefore the landgrave and the nobility had different perspectives on cause and effect. This does not imply that the landgrave and the nobility held opposing positions—they did judge the weight of taxes and warfare differently. Arguably, the landgravine—in contrast to the nobility—considered the hardships caused by warfare and taxation to be acceptable in comparison with the effects of ignoring the threat of war. The nobility and the landgravine barely engaged in a discussion about the governing principles that informed their arguments, only because they were generally in agreement. They agreed, for instance, on the premise that the welfare and prosperity of the land and its inhabitants ought to be protected. In addition, when the nobility referred to the risks posed by either a tyrannical rule or the establishment of an *absolutus Dominatus*, the landgravine or landgrave did not dispute that such risks were indeed detrimental and must be avoided. They merely claimed that, in this particular case, these actions were not tyrannical, because this was a case of extreme necessity. Likewise, the nobility did not attack this statement by claiming that the category of necessity was invalid, but instead stated that the landgrave's claim of *necessitas* was not applicable in the case at hand. In order to discuss these differences in interpretation, the nobles had assembled without Landgravine Amalie Elisabeth or—later on—Landgrave Wilhelm VI, respectively. Their exclusion from these meetings prompted the landgrav(in)e to use the argument that the assemblies were illegal, and to accuse the nobles of illegal protests and of committing *lèse-majesté*. Following earlier debates, the nobility accepted the landgrav(in)e's general argument, and countered by stating that while the argument's premise was correct in theory, it did not apply in this case.

The words fatherland and patriot played a crucial role in discussing the welfare and prosperity of the land and its inhabitants. Despite their sporadic usage, they indicate the need to set the discussants apart, attempting to avoid the accusation of

⁴Boehncke and Sarkowicz (2010), pp. 64–65.

rebellion. In other words, they seemed to have followed Althusius' ideas about ephors. Not until the counterargument regarding *lèse-majesté* was developed did fatherland terminology enter the conversation in any significant way. When discussing taxation or assemblies, the nobility often referred to their immunities and privileges. They offered their loyalty as a counterargument against the accusation of *lèse-majesté* and illegal assemblies. In nearly all cases that such an argument was deployed, fatherland terminology was used as well, implying a commitment to the landgraviate.

Both the landgrave and the nobility accepted that being a patriot entailed loyalty to the fatherland. However, they differed with regards to *how* the duty to defend the fatherland should be carried out. From the nobility's reactions, it can be distilled that in their interpretation of the presupposed office of patriot and their asserted duty to protect the fatherland, they were empowered and in their rights to critique the landgrave's harmful policy. The landgravine, on the other hand, had lawyers consult historical examples. The examples they employed explained that being a patriot meant being loyal to the fatherland *and* the landgrave. In the past, nobles had set aside their privileges and immunities when the landgrave needed to defend the principality. The nobility countered this by stressing that they were both: liegemen *and* patriots.⁵ They underlined their loyalty to the landgrave as liegemen and their loyalty towards the landgraviate as patriots.

The word patriot is not found exclusively in texts written by the nobility: the landgravine and her lawyers employ it as well. For example, when they used historical evidence, the landgrave's documents stress that the ancestors of the nobility had acted as *patriots* precisely because they had accepted *necessitas*. This chapter shows that the argumentation in question was used from the start of the legal debate until the nobility and landgrave reached an agreement (*Vergleich*) in 1655. This lawsuit sets Hesse-Cassel apart from Jülich and Brittany, where no such formal situation occurred. Table 4.1 shows the number of times fatherland terminology was applied in six of the primary texts that will be discussed in this chapter. This amount may seem insignificant. However, it is necessary to take into account that it is the specific application of terminology in legal texts and debates that make it noteworthy. The surviving texts of the conflict between the *Landstände* (mainly the nobility) and the landgrav(in)e are the Imperial Chamber Court's (*Reichskammergericht*) lawsuit and its drafts. The fact that these interrelated texts show a recurrence in vocabulary signifies that the terminology was generally accepted. The most obvious proof of this can be found in the *Vergleich* (2 October 1655), an official text in which the word fatherland was used.

These legal texts showed that the use of words such as *Patria*, patriot, and fatherland had entered the judicial sphere (see Table 4.1). The words were not exclusive to the *Landstände* but were used by the landgrave as well.⁶ Although the landgrave and his lawyers mainly used this vocabulary when responding to the

⁵*Replicae*, p. 4.

⁶von Friedeburg (2003), p. 268; von Friedeburg (1999).

Table 4.1 Fatherland terminology in the sources of Hesse-Cassel

	Replica ^a	Duplica ^b	Über das Duplic ^c	Triplica ^d	Memorialien ^e	Vergleich ^f
<i>Natio</i>	0	0	2	0	0	0
Patriot	1	1	0	1	1	0
<i>Patria</i>	8	9	1	2	1	0
Fatherland	8	6	0	3	7	1
Total	17	16	3	6	9	1

This table is an adaptation of an earlier published table in: C.A. Romein (2014) *Fatherland Rhetoric and the “threat of absolutism”: Hesse-Cassel and the Reichskammergericht (1646–1655), The Seventeenth Century*, 29:3, 277–292. Adapted by the author/ reprinted by permission of Taylor & Francis Ltd, <http://www.tandfonline.com> on behalf of 2014 The Seventeenth Century

^aReplicae: Patriot, 4, *Patria*, 3 (twice), 21, 41, 70 and 91 (three times); Fatherland, 26, 42, 74, 79, 81, 84, 85 and 91

^bDuplicae: Patriot, 33, *Patria*, 11, 24 (twice), 37, 41, 42, 47, 52 and 55; Fatherland, 33, 41, 78, 83 and 94 (also as an adjective, used on page 32)

^cÜber das Duplic schrift: *Natio*, 2 (twice) and 12, *Patria*, 32

^dTriplicae: Patriot, 36, *Patria*, 3 and 7; Fatherland, 36 (also as an adjective, used on 5 and 7)

^eMemorialien: Patriot, 83, *Patria*, 56; Fatherland, 37, 57, 60, 64 (twice), 80 and 107. There is also a reference to the ‘Teutscher Nation’ on 14

^fVergleich: Fatherland, § 4

nobility’s arguments, it is nevertheless noteworthy that their terminology mirrored that of the nobility.

The use of fatherland terminology, and the issues these terms were applied to show that a new mode of political-legal argumentation had dawned. During the Middle Ages, it was considered a *virtue* of protecting the feudal benefice and its inhabitants. Failure to do so constituted a weak government. During the sixteenth and seventeenth centuries, the practice and protection of the true religion could become part of this interpretation. During the seventeenth century, virtue and the asserted duty to protect the fief were interpreted as one and the same duty. This *duty* entailed not only the protection of the fief and its inhabitants, but it also meant protecting its prosperity. In the Low Countries, this argument was taken to extremes, and led to the identification of Philip II (1527–1598) of Spain as a tyrant. It was a unique situation whereby the nobility identified a tyrant, then engaged in a Revolt, and ultimately gained independence via the Act of Abjuration (1581).⁷

In the formal and informal (draft) texts discussed in this chapter, the nobility argued that they were patriots whose love for the fatherland forced them to step in to protect their endangered fatherland. The most frequently used example of their duty to do so involved taxes levied without their consent. Such taxes endangered the prosperity of the principality, and so the nobility had to act. The danger was difficult to quantify; however, stubbornly the nobility persisted in their claim that taxes and the presence of soldiers had seriously threatened the prosperity of Hesse-Cassel. They concluded that the violation of their right of assembly in order to discuss this

⁷See for example: van Gelderen (1993).

situation could lead to *tyrannical rule*.⁸ This example indicates two essential duties of the landgravine. *Firstly*, that she should respect noble privileges. *Secondly*, she needed to respect the welfare and the well-being of the principality's inhabitants. Taken as a whole, these texts, therefore, outline the characteristics of good government.

The fraught relationship between the landgrave and the *Landstände* of Hesse-Cassel had commenced in 1605–1606 when Landgrave Maurice converted to Calvinism and joined the Protestant Union.⁹ The nobility objected to the landgrave's military plans, and eventually felt compelled to negotiate with the imperial army for support. When the landgravine Amalie Elisabeth requisitioned grain and banned their assemblies 40 years later, the nobility believed their rights were curtailed once again. From 1646 onwards they wrote explicitly about the well-being of the fatherland which—they felt—had deteriorated noticeably due to the landgravine's politics—and the underlying problem related apparently to religious changes and warfare. The nobility avoided mention of their problems in any official correspondence, and nor did they publish pamphlets, contrary to the published pamphlets present in Jülich-Berg.

It has long been assumed that conflicts like the one in Hesse-Cassel were gradually resolved in favour of princes.¹⁰ However, the scenario in Hesse-Cassel suggests that the alleged struggle of the landgrave to increase his power was not straightforward and certainly did not go unnoticed. The nobility did not agree with what they perceived as the landgrave's attempts to gain more power and circumvent the need to consult them. Eventually, they filed a complaint with the Imperial Chamber Court in 1647. Here, I provide a complete overview of the complaint, and as no scholar has provided an overview of them so far, the archival sources in this chapter are a unique exposé of the debate at the time.¹¹ The supplementary texts (unofficial drafts) that have never been analysed to the officially filed ones (see: Table 4.2) are included in this chapter.¹²

In this chapter, I examine the whole conflict and the lawsuit. These legal texts provide a context to the tense situation between the *Landstände* and the *landgravine*. I look into the entire lawsuit brought before the Imperial Chamber Court, which is unique because earlier Armand Maruhn and Robert von Friedeburg have only looked at parts of the case, while Tim Neu has looked at the lawsuit, but did not focus on the terminology of the conflict. He saw it as the starting point of the new relationship that commenced between the nobility and the landgrave. In order to understand historical references, I am first going to describe the dynastic lineage and

⁸*Replicae*, 12–13.

⁹Maruhn (2004a), pp. 24–32.

¹⁰Press (1991) and Maruhn (2004b).

¹¹See for instance: Neu, *Die Erschaffung der landständischen Verfassung* refers to the sources but did not use all of the additional, unofficial sources (drafts).

¹²Maruhn (2004a, b), Eßer (2001), von Friedeburg (2003) and von Friedeburg (2005).

Table 4.2 Text concerning the conflict in Hesse-Cassel (1647–1655)

Document Name	Written on Behalf of	Date	Informal	AARK ^a
Remonstratio	The nobility	12 August 1647		
<i>Mandatum inhibitorium et cassatorium sine clausula</i>	Imperial Chamber Court	14 September 1647		
Disposition/‘Gutachten’	The nobility	1648–1650 ^b		
<i>Mandatum (renewed)</i>	Imperial Chamber Court	5 January 1650 (presented: 12 March 1650)		
<i>Exceptiones sub- et obreptionis</i>	The landgrave	17 January 1651 ^c		√
<i>Mandatum sine clausula (renewed)</i>	Imperial Chamber Court	23 September 1651		
<i>Mandatum (poenale) sine clausula (renewed)</i>	Imperial Chamber Court	19 February 1652		
<i>Replica</i>	The nobility	30 March 1652		√
PP	The nobility	1652–1653		√
<i>Duplica</i>	The landgrave	22 April 1653		√
Über die Duplic Schriftt	The nobility	Between 1653 and 1655	√	√
<i>Triplica</i>	The nobility	25 June 1655		√
Ohn Vorgreifliche Memorialien	The nobility	1653–1655(?)	√	√
Quadruplica	The landgrave	1655 ^d		
Vertrag/ Vergleich	The landgrave and nobility	2 October 1655		

Texts in italics have been filed at or issued by the Imperial Chamber Court. C.A. Romein (2014) *Fatherland Rhetoric and the “threat of absolutism”*: Hesse-Cassel and the Reichskammergericht (1646–1655), *The Seventeenth Century*, 29:3, 277–292. Adapted by the author/ reprinted by permission of Taylor & Francis Ltd, <http://www.tandfonline.com> on behalf of 2014 The Seventeenth Century

^aStift Kaufungen / Archiv der Althessischen Ritterschaft Kaufungen (AARK)

^bvon Friedeburg, ‘Widerstandsrecht Und Landespatriotismus’, 304; Maruhn, *Necessitäres Regiment*, 206 footnote 182; Neu, *Die Erschaffung der landständischen Verfassung*, 413; HStAM 73, 1816: ‘gutachten’ with modern handwriting 1648 has been added, on one of the two versions, though there is no indication to be found

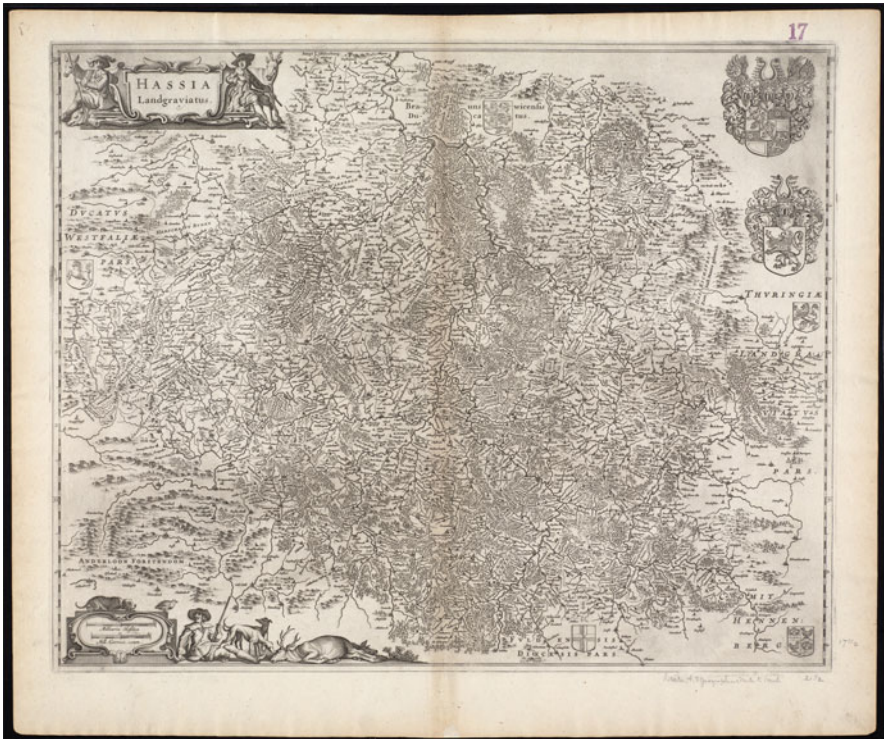
^cDate according to HStAM 5, Bestand 14660: *sub- et obreptiones* (fol. 25), as indicated with pencil (modern) on HStAM 5, 1816: *sub- et obreptiones*

^dThe *Quadruplica* is an unfinished document, as the conflict was resolved shortly after the *Triplica*: Neu (2013a), p. 413; Maruhn (2004a), p. 17

history of the principality from the sixteenth century until the end of the conflict. This overview is essential to understanding the undercurrents in the debate and references in the suit before the Imperial Chamber Court fully.

4.1 The Lineage of the Landgraviai Family: 1500–1600

Hesse-Cassel (Map 4.1) experienced considerable turmoil in the seventeenth century, but the sixteenth century had not been devoid of troubles either. Philipp of Hesse (1504–1567) lost his father at the age of five,¹³ which did not lead to any significant governmental changes because his mother Anne of Mecklenburg-Schwerin (1485–1525) had already been made regent after syphilis drove her husband insane.¹⁴ The nobility did not care for this state of affairs, as Anne no longer allowed them to assemble at will.¹⁵ The curtailment of their privileges led to



Map 4.1 Landgraviate of Hesse (seventeenth century). Map by Joan Blaeu, “Hassia Landgraviatus.” 1645. Norman B. Leventhal Map & Education Center. <https://collections.leventhalmap.org/search/commonwealth:cj82ks23k>. Accessed November 23, 2020. Map reproduction courtesy of the Norman B. Leventhal Map and Education Center at the Boston Public Library

¹³Press (1986), pp. 269–270.

¹⁴Demandt (1972), p. 222.

¹⁵Puppel (2004), pp. 158–189.

their request to Philipp to begin his reign at the age of 13½. The emperor eventually sanctioned this request.¹⁶

Philipp I of Hesse—later commonly referred to as the Magnanimous or ‘the Elder’¹⁷—attended the Imperial Diet of Worms (1521), where he met Luther (1483–1546).¹⁸ It was not until 3 years later when Phillip I met with Philipp Melancthon (1497–1560) and converted to Lutheranism. In 1526 Lutheranism became the official religion of the landgraviate.¹⁹ Fifty convents²⁰ throughout the area were closed over the following years, and Philipp I founded a Protestant university in Marburg (1527).²¹ The Imperial Diet responded by condemning Lutheranism, after which several Lutheran members of the Diet united to form the Schmalkaldic League (1531). Landgrave Philipp I of Hesse and John Frederick I, Elector of Saxony (1503–1554) headed this league.²² After their defeat at the Battle of Mühlberg (1547), the emperor forced both princes to plea for mercy. Philipp I of Hesse was then forced into captivity for 5 years.²³ The Augsburg Settlement (1555) finally ensured that Catholics and Protestants could coexist in the Holy Roman Empire, following the principle of ‘*cujus regio, ejus religio*’.²⁴

Philipp I wrote in his will that upon the event of his death—which befell him in 1567—his possessions were to be divided among the four sons born of his first marriage to Christine of Saxony (1505–1549) (see Fig. 4.1).²⁵ His second marriage had been a morganatic marriage to Margaret van der Saale (1522–1566), disqualifying heirs of that union from inheriting his lands. They were awarded the titles ‘Born in the House of Hesse, Counts of Dietz and Lords of Lißberg’ and controlled several towns and castles. In 1577, when this lineage died out, their possessions were redistributed among Philipp’s four legitimate sons.²⁶ Philipp had decided to divide Hesse into four principalities because he feared that his sons might not be able to cooperate. The welfare of the country, but more importantly, that of the

¹⁶Heinemeyer (1986), pp. 259–260; Demandt (1972).

¹⁷J. Feurborn, *Nothwendige außführliche Special-Widerlegung deren in Hessen-Casselischen publicirten also gen. Wechsel-Schriefften gerühmbten, gleichwohl aber gantz unbegründeten, Rettung eines, von Weiland herrn Landgraf Wilhelmen zu Hessen u., hochlöblichen Undenckens, sub data Cassel den 19. Aprilis Anno 1630 an herrn Georgen, herrn Philipfen und Herrn Friderichen, beede hochlöblicher gedächtniss alle Landgrafen zu Hessen u. abgegangenen Schreibens.* (Giessen, 1647) p. 3.

¹⁸Heinemeyer (1986), p. 235.

¹⁹J. Feurborn, *Nothwendige außführliche Special-Widerlegung*, 3; Neu (2013a), p. 137.

²⁰Two convents were handed to the Hessian nobility for their unmarried daughters. These were the convents of Wetter and Kaufungen. See: Demandt (1972), p. 226.

²¹Ibid., p. 226; Boehncke and Sarkowicz (2010), pp. 52–60.

²²Demandt (1972), pp. 228–229.

²³Press (1986).

²⁴Boehncke and Sarkowicz (2010), pp. 60–63.

²⁵Feurborn, *Nothwendige außführliche Special-Widerlegung*, 28–29; Ibid., pp. 63–64; Puppel (2004), p. 46; Wilson (2004), p. 45.

²⁶Demandt (1972), p. 236.

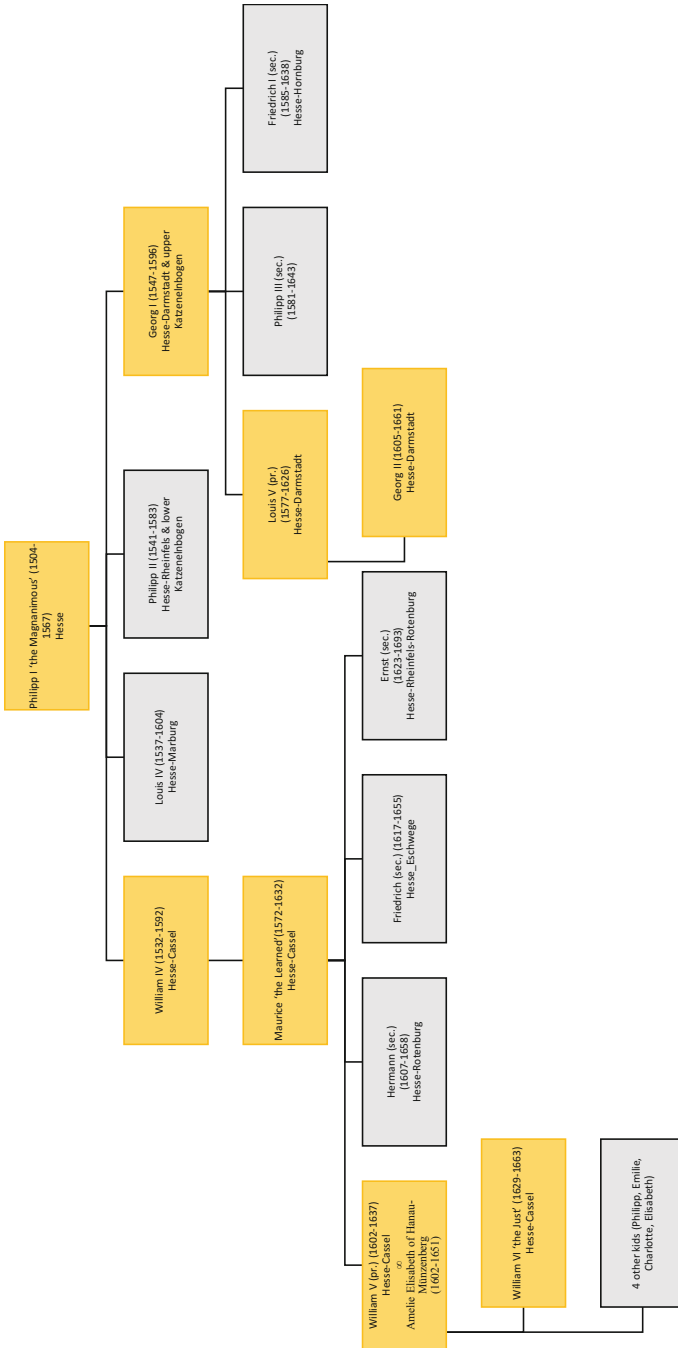


Fig. 4.1 Ancestral chart of the House of Hesse (sixteenth and seventeenth century). Created by the author

dynasty, was of paramount importance. Specific central institutions were upheld: for example the Marburg court of appeal, the university, hospitals, and church institutions.²⁷ The division resulted in four principalities. William IV (1532–1592) received Hesse-Cassel (*Niederhessen*). Louis IV (1537–1604)²⁸ ruled Hesse-Marburg (*Oberhessen*). Phillip II (1541–1583) became landgrave over Hesse-Rheinfels and the lower County of Katzenelnbogen. The youngest brother Georg I (1547–1596) obtained Hesse-Darmstadt and the upper County of Katzenelnbogen.²⁹ Hesse-Cassel was by far the largest principality with 6100 km² and 175,000 inhabitants. The Nassau family at the Dillenburg, who was conveniently close by, influenced the development of Calvinism in the region and offered marriage partners for local Protestant Houses. Hesse-Cassel also became an important centre for arts and science.³⁰

In various electorates of the Holy Roman Empire, only the eldest son could inherit the principality. In other principalities it was considered wise, on account of the need for appendages, to allow younger sons to own a small part of the fief.³¹ This line of reasoning shows that the fate of the dynasty as a whole was more important than holding the dynastic agglomerate together. The practice can perhaps best be illustrated by turning to the example of the death of Georg I of Hesse-Darmstadt, and the events that followed in its wake: his younger surviving sons each received a minor feudal benefice in 1596. The eldest son Louis V—received the most substantial part: Hesse-Darmstadt, due to his primogeniture.³² The younger sons gained, based on secondogeniture: Hesse-Butzbach (Philipp III)³³ and Hesse-Homburg (Friedrich I).³⁴

4.2 Maurice the Learned: Confessional Breakdown of Relations (1592–1627)

Maurice the Learned, who took an interest in arts and science, inherited the main parts of Hesse-Cassel upon the death of his father William IV in 1592.³⁵ When Maurice's two remaining uncles passed away, the close relationship between the

²⁷Heinemeyer (1986), p. 260; Maruhn (2004a), pp. 100–101.

²⁸The succession crisis concerning Marburg broke out in 1604; the House of Hesse-Cassel claimed the principality, but had converted to Calvinism and could therefore not inherit, according to the House of Hesse-Darmstadt: Neu (2013a), pp. 203–221.

²⁹Heinemeyer (1986), p. 238; Press (1986), pp. 269–270; Neu (2013a), pp. 159–164; Maruhn (2004a), pp. 100–104.

³⁰Boehncke and Sarkowicz (2010), pp. 64–65.

³¹Press (1986).

³²Boehncke and Sarkowicz (2010), p. 70; Press (1986).

³³It was not until 1609 that he became landgrave.

³⁴He became the principality's landgrave in 1622.

³⁵Boehncke and Sarkowicz (2010), pp. 70–72; Menk (2000a), p. 47; Neu (2013a), p. 278.

various successors of Philipp I became strained. The heir of Hesse-Darmstadt had inherited by far the smallest fief and proved to be devoted to Lutheranism, while Maurice had converted to Calvinism. Both landgraves were entitled to inherit a part of Hesse-Marburg, as their uncle had died without an heir. However, Lutheranism had to remain the official religion of this principality.³⁶ These religious differences proved detrimental to family relations and caused the Marburg Succession Crisis.³⁷

Maurice's conversion to Calvinism (1605) and joining the Protestant Union (1609) triggered the ultimate breakdown of relations.³⁸ Maurice was fascinated by theological developments and the Synod of Dordrecht (1618), in Holland. He became increasingly interested in defending the Calvinist case, and because he used military force to do so, his debts mounted massively.³⁹ Debts and taxes placed a heavy burden on Hesse-Cassel: the principality fell into decline, and the nobles were infuriated. In order to prevent any further destruction, the nobility sought mediation from the emperor. Maurice argued that he fought for his faith and the autonomy of his lands. Because Maurice was unwilling to negotiate, the emperor had General Tilly invade Hesse-Cassel.

In 1623, the Aulic Court in Vienna ruled against Landgrave Maurice in the Marburg Succession.⁴⁰ Maurice found it impossible to accept this verdict, and absented himself for 2 years in search for military alliances in the north, leaving his eldest son in charge.⁴¹ Meanwhile, the nobility turned against their landgrave, encouraging a condemnation of his behaviour by the emperor. The *Landstände* themselves received imperial protection, and Maurice's actions were marked as treasonous.⁴² In 1624 Wolfgang Günther, advisor to the landgrave, remarked that the nobility had betrayed the land through their negotiations with the emperor.⁴³ Albrecht von Wallenstein's (1583–1634) imperial armies entered Hesse-Cassel in 1625, forcing the principality to defend itself. Hesse-Cassel had neither the money nor the troops for a proper military defence, and its allies also proved too weak to assist. With the defeat of the Danish king Christian IV (1577–1648) in the battle of Lutter (1626),⁴⁴ Tilly was able to force Maurice to surrender and demilitarise.⁴⁵

Numbed by defeat and humiliation, Maurice convened a family meeting. He signed a dynastic treaty on 12 February 1627,⁴⁶ dividing his lands into Hesse-Cassel

³⁶Demandt (1972), pp. 244–245.

³⁷Boehncke and Sarkowicz (2010), pp. 73–75.

³⁸Maruhn (2004a), pp. 24–32; Eßer (2000).

³⁹Demandt (1972), p. 251.

⁴⁰Ibid., p. 252; Boehncke and Sarkowicz (2010), p. 74; Weiland (2009).

⁴¹Neu (2013a), p. 265.

⁴²Demandt (1972), p. 252.

⁴³von Friedeburg (2007), p. 181; Menk (2000a), p. 69.

⁴⁴Parker (1997), p. 139; von Friedeburg (2002), pp. 142–143.

⁴⁵Menk (2000a), p. 69; Neu (2013a), pp. 300, 308–312, 318.

⁴⁶Raingard Eßer remarks that some more research should be done with regard to this topic, as little research has been done into this document. See: Eßer (2000), pp. 199–201.

and Hesse-Rotenburg.⁴⁷ The former went to the son Maurice had had with Agnes von Solms-Laubach: Wilhelm V.⁴⁸ The latter went to his second wife Juliana of Nassau-Dillenburg and their surviving sons.⁴⁹ As he had three sons with Juliana of Nassau, the secundogeniture was divided into three parts: Hesse-Rotenburg went to Hermann; Hesse-Eschwege was given to Friedrich; the youngest son Ernst received Hesse-Rheinfels-Rotenburg.⁵⁰ On 17 March 1627, Maurice resigned from the office, leaving his lands with debts totalling close to two million *Reichsthaler*.⁵¹

4.3 Wilhelm V: The Enemy of the Emperor and Exile (1627–1636/7)

When Wilhelm V took over in Hesse-Cassel, he was already an experienced ruler after his father's absence in search of allies. He remained loyal to their Lutheran Swedish ally, despite the uncertainties this alliance brought.⁵² In November 1630, the Swedes offered to help Wilhelm V drive out the imperial forces, and in 1631 it came to an alliance.⁵³ On 28 June 1633, the armies of Hesse-Kassel won the siege of Oldendorf, creating an advantageous position in Westphalia.⁵⁴ Despite his military successes, Wilhelm V did not call a single meeting to confer with the *Landstände* until 1634.⁵⁵

In February 1634, France and Hesse-Cassel formed an alliance. In that year a French general, entrusted with the command of the Hessian army appeared on the Hessian payroll.⁵⁶ The next year France became actively engaged in the war, Sweden—which offered only military assistance—offered cooperation with France, and the possibility of receiving substantial financial contributions.⁵⁷ On 30 May 1635, the Peace of Prague was signed, whereby the Calvinists—and thus the Landgraviate of Hesse-Cassel—were left out. Calvinists did not receive any reassurances about their positions or possessions, and hence, Landgrave Wilhelm V found himself in the blind.⁵⁸ As a result of this situation, the Lutheran Landgrave of

⁴⁷Press (1986), pp. 302–307; Menk (2000a), pp. 26, 35; Lemberg (2000), p. 173.

⁴⁸Lemberg (2000), p. 174.

⁴⁹Ibid., p. 174; Menk (2000b), p. 108.

⁵⁰*Nothwendiger Bericht, darauß zu sehen, Daß nicht allein die, von Hessen-Cassel erlangte* (S.I. 1646) 34–35; Press (1986), pp. 303–305; Helbach (1977).

⁵¹Neu (2013a), p. 318; Demandt (1972), p. 253; Weiland (2009), pp. 33–34; Philippi (2007), p. 3.

⁵²Press (1986), p. 307.

⁵³Boehncke and Sarkowicz (2010), pp. 75–79; Menk (2000a), p. 16.

⁵⁴Press (1986), p. 308.

⁵⁵Ibid., p. 307.

⁵⁶Buckreus (2008), p. 65.

⁵⁷Ibid., p. 65; Medick and Marschke (2013), p. 13.

⁵⁸Buckreus (2008), p. 27.

Hesse-Darmstadt demanded the principality Hesse-Cassel from his Reformed cousin Landgrave Wilhelm V, but he met with silence.⁵⁹ Landgrave Wilhelm V felt compelled to continue the war to safeguard his assets, and freed Hanau from the imperial occupation in the process. The success was short-lived, as imperial forces soon conquered numerous cities in Westphalia. The landgrave needed strong military support, which he found when the French Cardinal de Richelieu, offered Wilhelm V a provisional treaty. This treaty was signed in Minden in early June. The final treaty,⁶⁰ signed in Wesel on 21 October 1636, entailed two important clauses, one being the instalment of an army comprising 10,000 soldiers, in support of Hesse-Cassel and paid for by France to the amount of 200,000 *Reichsthaler*; the other that no peace would be signed without France's consent.⁶¹

Wilhelm V overtly opposed the emperor through his military alliances with Sweden (22 August 1631)⁶² and France (1636),⁶³ and so the emperor banished him.⁶⁴ Landgrave Wilhelm V had become an 'enemy of the emperor'.⁶⁵ In the meantime, the Landgrave of Hesse-Darmstadt was appointed to deal with all administrative matters of Hesse-Cassel. Wilhelm V left for Eastern-Frisia with his family and the remainder of his troops. This banishment was short-lived, as Wilhelm V died on 21 September 1637.⁶⁶ His wife and two sons,⁶⁷ along with their entourage, remained in exile until 25 March 1640.⁶⁸

4.4 Politics in Exile (1637–1640)

The successor to the fief of Hesse-Cassel was the 8 year-old Wilhelm VI. As stated explicitly in his father's will, which was drawn up in 1633, Amelie Elisabeth became William's guardian.⁶⁹ Her role was first among equals of the regents.⁷⁰ Since enemy

⁵⁹Demandt (1972), pp. 256–257.

⁶⁰Buckreus (2008), p. 73.

⁶¹Ibid., p. 74; Demandt (1972), p. 257.

⁶²Weiland (2009), pp. 38, 42 a provisional treaty had already been signed on 11 November 1630; Helfferich (2013), p. 135.

⁶³Buckreus (2008), p. 65.

⁶⁴Ibid., p. 28; Asch (2005), p. 131.

⁶⁵Weiland (2009), pp. 39, 74; Helfferich (2013), p. 87.

⁶⁶Puppel (2007), p. 104.

⁶⁷The youngest son Philipp died in exile: Helfferich (2013), p. 140.

⁶⁸Buckreus (2008), pp. 26, 107–108; Three daughters—Emilie, Charlotte and Elisabeth—had remained in Cassel for the duration of the exile, another passed away—Louise; Helfferich (2013), p. 140.

⁶⁹Buckreus (2008), pp. 27, 35 Wilhelm V had married Amelie Elisabeth of Hanau-Münzenberg in 1619. They had fourteen children together, but only four survived. ; Puppel (2004), pp. 51, 193–194; Amalie Elisabeth (1994), pp. XII–XXI.

⁷⁰Buckreus (2008), p. 22.

forces occupied the entire principality, Landgravine Amelie Elisabeth was in charge of the army.⁷¹ The nobility had opposed the emperor's decision to drive out the landgrave. Wilhelm V may have been absent while governing his north-western lands, but his family had not been rejected. The nobility had been conciliatory upon Wilhelm V's death, despite two issues. *Firstly*, it was unclear who would be in charge of the defence of the occupied landgraviate.⁷² *Secondly*, two alternative claimants to Hesse-Cassel presented themselves. These were, (1) Landgravine Juliana of Hesse-Rotenburg, the second wife of the late Landgrave Maurice; and (2) Landgrave Georg II von Hesse-Darmstadt, who had already taken over the administrative matters in the interim period, and who intended to reunite Hesse.⁷³ Landgrave Georg wrote to the emperor to request help and ordered his armies to advance in order to pressure the subjects of Hesse-Cassel to accept him as their new ruler. He had a strong case since the emperor had previously forced Wilhelm V to turn the government of his fief over to him.⁷⁴ Negotiations in November and December of 1637 were designed to persuade the emperor to award the enfeoffment of Hesse-Cassel to the House of Hesse-Darmstadt. As the Landgravine Amelie Elisabeth had little contact with the principality, she was in no position to object. Eventually, she requested that Anselm Casimir Wambold von Umstadt, Archbishop-Elector of Mainz negotiate on her behalf.⁷⁵ When the *Landstände* were called to a *Landtag* on 1 November 1637, they proclaimed their loyalty to the 8 year-old Wilhelm VI.⁷⁶

This portrayal of nobility's loyalty to Wilhelm VI can be explained by the events which unfolded shortly after Wilhelm V's death. As per the late landgrave's wishes—wishes that were honoured by the *Landstände*—an inauguration for young Wilhelm VI had been arranged. In the presence of the army, Wilhelm VI had taken his oath on 27 September, and the nobility swore its allegiance in the city of Kassel.⁷⁷ As illustrated above, this had not been in vain. Both the nobility and the *Landschaft* remained loyal to the Hesse-Cassel dynasty, led by the minor Wilhelm VI and his mother, Amelie Elisabeth. This loyalty the nobility would stress in their texts later on. The *Landstände* were neither impressed by the attempts by the House of Hesse-Darmstadt to undermine their new landgrave's position by declaring his claims illegitimate, nor by the emperor's command to accept Landgrave Georg II as their new ruler.⁷⁸ On 29 October 1637, Georg II, Landgrave of Hesse-Darmstadt

⁷¹Puppel (2007), p. 104; Bechert (1946).

⁷²Bechert (1946), p. 5.

⁷³Ibid., p. 5; Puppel (2004), p. 192; Helfferich (2013), p. 111.

⁷⁴Bechert (1946), p. 5.

⁷⁵Helfferich (2013), pp. 106–107.

⁷⁶Puppel (2004), p. 195 The estates did not meet regularly, and only when there were financial measures to be taken. The *Landtag* consisted of the *Ritterschaft* and *Prälaten* combined, and the *Landschaft*, which consisted of representatives of certain privileged cities. ; Neu (2010), pp. 11–12.

⁷⁷Puppel (2004), p. 194.

⁷⁸Helfferich (2013), p. 104; Puppel (2007), p. 107.

issued a pamphlet in an attempt to convince the nobility to side with him, as he had the interests of the fatherland at heart, and felt that enough blood had been shed.⁷⁹

The regency had thus been established and accepted through the inauguration. Furthermore, thanks to her military successes and alliances, landgravine Amelie Elisabeth could negotiate a truce with the emperor. The emperor guaranteed that the Calvinist faith could be professed in the principality of Hesse-Cassel.⁸⁰ Shortly afterwards, Wilhelm V's testament was accepted, and the House of Hesse-Darmstadt had to withdraw its claims. Unfortunately, young Landgrave Wilhelm VI was not able to return to Hesse-Cassel until March 1640.⁸¹ Nevertheless, soon after the official acceptance of his rule, he wrote a letter to the *Landstände* to express his appreciation. Until he came of age, Amelie Elisabeth was to govern together with a council (*Landrät*) on Wilhelm VI's behalf. Any treaties had to be co-signed by the landgravine and a counsellor, of which there should be four. When one of the regents died, he had to be replaced within months. The council should also be called to assemble to discuss significant issues, something which Amelie Elisabeth did not always bother to do.⁸² Wilhelm V's testament stipulated who was to guide the widow-landgravine in the process of governing: one of the four *Obervorsteher*s, the Stadtholder of Kassel, Hermann von der Malsburg (1570–1636), Johann Bernhard von Dalwigk († 1638) and three citizens.⁸³ In critical matters, the regents had to consult other individuals as well. In November 1640, Amelie Elisabeth assembled her first *Landtag*, and the nobles requested another representative to be added to the council.⁸⁴ Philipp von Scholley was nominated to replace Hans Diede zum Fürstenstein (1610–1665), as the latter had little knowledge of the Latin language.⁸⁵

4.5 Amelie Elisabeth: Regent, Commander, and Negotiator (1637–1650)

Unfortunately, the landgravine's government was not off to a smooth start. *Firstly*, foreign forces occupied the principality. *Secondly*, other princes, e.g. the House of Hesse-Darmstadt, contested her regency. *Thirdly*, she was short on resources to supply her troops. Amelie Elisabeth's primary goal was to leave her son with a well-

⁷⁹HStAM, Bestand 255, H. 139: *Aufschreiben unser Gedebes von Gottes Gnaden, Landgrafen zu Hessen, u. An alle und jede Deß Nider-Furstenthums Hessen und darzu gehöriger Graf: und Herschafften, lande und Gebihte, getrew gehorsame Land-Stände, Sambt und Sonders.* (s.i. 1637).

⁸⁰Puppel (2007), p. 108; Buckreus (2008), p. 88.

⁸¹Buckreus (2008), pp. 67, 173; Philippi (2007), p. 1.

⁸²Puppel (2004, 2007) and Bechert (1946).

⁸³Puppel (2007), p. 109.

⁸⁴Helfferich (2013), p. 154.

⁸⁵Puppel (2007), p. 110.

ordered principality. To achieve this objective, she needed to recapture the dynasty's possessions, which meant regaining the entire principality of Hesse-Cassel. Since there were no directions in Wilhelm V's will as to how to proceed in this regard, the landgravine had no choice but to address this issue at her own discretion.⁸⁶ She needed to decide whether she would risk burdening her people with billeting and extra war-related taxes, in the hope of regaining the dynastic possessions, or not.

In the spring of 1638, Amelie Elisabeth and Emperor Ferdinand III (1608–1657) prolonged their cease-fire. Prince-Elector Johann Georg I. of Saxony also opened negotiations, proposing a truce. However, it proved to be an armed truce, as the 12,000 troops on either side counter-balanced one another.⁸⁷ Hesse-Cassel's military commander, Peter Melander (1589–1648), wished to include Duke Wolfgang Wilhelm of Jülich, Count of Neuburg, and Ferdinand of Bavaria, Archbishop-Elector of Cologne, and Georg II, Landgrave of Hesse-Darmstadt in any agreement. Together they would be able to submit a request for a modification of the Peace of Prague.⁸⁸ Melander succeeded in forging a new alliance, known as the Welfen or Guelph Allies, in early 1639. However, in months, the army suffered severe losses, and France approached Hesse-Cassel to join in a new alliance.⁸⁹ Amelie Elisabeth found strong allies in both France and Sweden once again, and—secretly—secured the deal. Secrecy was vital to the protection of her garrisons in Westphalia. The Dutch Republic played a vital role as well, as it occupied fortresses near the city of Meppen to prevent them from being conquered by imperial troops.

Two questions were raised during the early years of the landgravine's regency.⁹⁰ Should an independent peace be concluded between Hesse-Cassel and the emperor, or should they await a peace treaty applicable to all? Moreover, would it be preferable to wait and pursue negotiations, or engage in a military campaign? Amelie Elisabeth feared being used by other major players in the alliance, which complicated matters. Taking a neutral stand was risky, and an army had to be formed and maintained. At the same time, the armies of Ottavio Piccolomini (1599–1656) and the Count of Hatzfeldt were approaching from the west in the autumn of 1639. In early 1640, the imperial troops gathered in Bohemia and Westphalia. Amelie Elisabeth joined with Weimar, France, and Sweden, and within a few months, their forces occupied Jülich and Berg.⁹¹ At this point, Emperor Ferdinand III had hoped to win Amelie Elisabeth over, but he ultimately failed in this matter.⁹² The landgravine exerted some pressure on Duke Wolfgang Wilhelm, who agreed to pay monthly revenues to the Hessian troops totalling 60,000 *Reichsthaler* each year.⁹³

⁸⁶Buckreus (2008), p. 174.

⁸⁷Wilson (2010), p. 613.

⁸⁸Ibid., p. 613; Bechert (1946), p. 14.

⁸⁹Wilson (2010), pp. 616–618.

⁹⁰Bechert (1946).

⁹¹Parker (1997), p. 147.

⁹²Bechert (1946), pp. 11, 14; Wilson (2010), pp. 618–621.

⁹³Engelbert (1959), p. 69.

At the *Landtag* of 1643, the *Landstände* authorised Amelie Elisabeth to negotiate a peace in the cities of Munster and Osnabruck.⁹⁴ The Electors' College accepted her position in the Imperial Circle—effectively terminating the isolated position of the landgraviate.⁹⁵ Due to her recent military successes, the landgravine felt strong enough to fight the imperial ruling of 1623. She, thus, claimed the Hesse-Marburg principality, and her armies set forth to regain this principality in March 1645. Amelie Elisabeth expected the *Landstände* to endorse taxes to pay for her military expenses, but the nobility refused, hoping to force her into peace negotiations. Even without the extra funds, Amelie Elisabeth still successfully besieged Marburg and Butzbach and gained control over most parts of *Oberhessen*. Melander, who had defected⁹⁶ from Hesse-Cassel, withdrew from Marburg in 1648, and Hesse-Cassel officially gained control over part of Hesse-Marburg, ending the Hessian War.⁹⁷

4.6 The Nobility: Maintaining the Status Quo (1637–1646)

The *Landstände* had been very forthcoming in the case of Wilhelm VI's succession, even though they could have accepted Georg II of Hesse-Darmstadt as the emperor demanded.⁹⁸ Young Wilhelm VI was in Eastern-Frisia when he took the oath in front of the army accepting his rule over Hesse-Cassel. The possibility to accept the position of landgrave had entirely depended upon the loyalty of the nobility. It was not until 1640 that Amelie Elisabeth and her son returned to the principality. Between 1637 and 1644, the helpful nobility *de facto* supervised and ran affairs in the landgraviate. This, all amid the damaging atrocities of warfare.⁹⁹

Although the nobility had been loyal to Landgrave Wilhelm VI, they did object to his mother's military plans. They did so because they deemed these plans to be harmful to the unity of the lands, and the relationship with the other parts of Greater Hesse.¹⁰⁰ Landgravine Amalie Elisabeth argued that she was merely upholding the *status quo* until her son was old enough to reign. As such, the nobility had little to say in foreign affairs, even though military events had a severe impact on the domestic situation.

The nobility did not seem to have much influence at all during Amelie Elisabeth's regency. They were only called to meet in 1640, 1643, 1648, and 1650, which was

⁹⁴Helfferich (2013), pp. 159–161.

⁹⁵On behalf of Hesse-Cassel, five representatives were sent to Osnabruck. These were: Adolf Wilhelm von Krosigk; Johann Vultejus; Reinhard Scheffer; Dr. Nikolaus Christoph Muldener; Dr. Johann Antrecht. See: Langer (1994), p. 86; Buckreus (2008), p. 103.

⁹⁶In July 1640 Melander no longer commanded the armies of Hesse-Cassel.

⁹⁷Boehncke and Sarkowicz (2010), pp. 80–83; Helbach (1977).

⁹⁸Puppel (2004), pp. 194–199.

⁹⁹von Friedeburg (2005), pp. 905–906.

¹⁰⁰Puppel (2007), p. 96.

not nearly as often as they seem to have preferred.¹⁰¹ Not only did the limited number of meetings give cause for dismay, so did the terms of Amelie Elisabeth's guardianship. The nobility preferred the 1514-model of regency, in which they would actively advise the landgravine. However, Landgravine Amalie Elisabeth opposed this. In 1643, she requested the *Landstände* to agree to four matters: (1) a continuation of a tax on alcohol, (2) tightening the rules regarding Jews, (3) payment of interest, and (4) the opportunity to negotiate in Westphalia.¹⁰² In 1648 the *Landstände* were officially summoned to learn about the marriage of Landgrave Wilhelm VI and Hedwig Sophie of Brandenburg (1623–1683). In 1650 they were invited to approve and witness the young prince acceptance of government.

The opinions about Amelie Elisabeth among the Hessian population varied.¹⁰³ Some considered her the saviour of Hesse-Cassel, and attributed her with impressive political and military skills.¹⁰⁴ Some lauded her for her strategic and negotiation skills.¹⁰⁵ She may have largely governed authoritatively but did request advice at times. Others, including the nobility, saw her as a bringer of more warfare and despair. Hence, she was also seen as untrustworthy as she seemed to have a preference for war.¹⁰⁶

4.7 Final Negotiations: Peace of Westphalia (1648)

On 24 October 1648, the final details of a peace treaty were recorded and were to be signed by the Holy Roman Empire, Sweden, and France. Although people had already started to celebrate, France complained that the details relating to payments by Hesse-Cassel remained unclear. So, the French could, and indeed would not, sign the treaty. The awkward timing at which these concerns were raised led to suspicions that the French sabotaged the peace.¹⁰⁷ Their very late demand for financial compensation from Hesse-Cassel led to many misunderstandings, and the only negotiators in favour of this settlement were the French. The House of Hesse-Cassel sought compensation of the principality's war damages and the costs incurred by its army.¹⁰⁸ Any peace should end the war between the emperor and the princes, and resolve any remaining territorial and dynastic disputes. These disputes concerned issues with the *Reichsverfassung* (Imperial Legislation) and dealt with issues from

¹⁰¹Puppel (2004), p. 210.

¹⁰²Puppel (2007), p. 111.

¹⁰³Ibid., p. 101.

¹⁰⁴Buckreus (2008), p. 161.

¹⁰⁵Puppel (2007), p. 99.

¹⁰⁶Ibid., p. 101.

¹⁰⁷Helfferich (2013), p. 232; Wolff (1999), p. 112.

¹⁰⁸Wolff (1999), p. 113.

which the war had originated.¹⁰⁹ Landgravine Amelie Elisabeth genuinely believed that making war and peace was the right of every individual German Prince. As her armies held many fortresses and lands belonging to other rulers, she felt empowered to press these claims.¹¹⁰

Religious conflict also needed to be addressed, as the Peace of Augsburg (1555) no longer sufficed: Lutheranism, Calvinism and Roman-Catholicism needed to be accepted.¹¹¹ Religion formed an intrinsic part of the Hessian demands. The emperor's rights as head of the Holy Roman Empire had to be curtailed in order to prevent legal decisions from being influenced by his power.¹¹² This Hessian demand had Sweden's attention, as Sweden felt responsible for protecting the Protestant nobility, in particular, the Lutherans.¹¹³ The house of Hesse-Cassel sought the acceptance of Calvinism without alterations.¹¹⁴ Hesse-Cassel—as a military power—was positioned to make the other negotiators acquiesce to this demand and the *ius reformandi* and *ius emigrandi* were lifted.¹¹⁵

Negotiators for Hesse-Cassel pressed two demanded. *Firstly*, amnesty and restitution to the *Landstände* by the 1618-situation, meaning the retrocession of Hesse-Marburg. *Secondly*, compensations for damages—an unknown sum—caused by the Catholic armies. The Hessian troops would remain in the principalities they had occupied, for example in Jülich until they had received full payment.¹¹⁶ Hesse-Cassel required 200,000 *Reichsthaler* to disband its army, on which an agreement was reached in the end.¹¹⁷

4.8 Landgravine and Nobility: Problems Arising (1646–1650)

Amelie Elisabeth showed a growing interest in regaining the lost Marburg heirloom. Surprisingly the nobility objected to her warmongering. Their objection may have come as a surprise because Landgrave Philipp's declaration stated that the nobility should not meddle in disputes between his heirs.¹¹⁸ The declaration referred to their interest in fostering conflict hitherto. However, the policy of conquest focussed on a small principality, which collided with the nobility's interests. Most nobles had

¹⁰⁹Ibid., p. 113.

¹¹⁰Helfferrich (2013), pp. 161–196.

¹¹¹Wolff (1999), pp. 114–115; Maruhn (2004a), p. 179.

¹¹²Maruhn (2004a), p. 178.

¹¹³Parker (1997), pp. 151–152.

¹¹⁴Wolff (1999), p. 116.

¹¹⁵Ibid., p. 117; Maruhn (2004a), pp. 180–181.

¹¹⁶Wolff (1999), p. 118.

¹¹⁷Ibid., p. 122; Helfferrich (2013), p. 232.

¹¹⁸Engelbert (1959, 1960).

possessions in more than one Hessian principality, and they were wary of endangering their interest: stability.¹¹⁹ The nobility, therefore, preferred to foster an identity of ‘the Hessian nobles,’ indicating allegiance to Greater Hesse.¹²⁰ References to the wishes of Philipp I, the Magnanimous, guided the debate away from the nobles’ interests and towards a nostalgic emphasis on a more favourable period in history.¹²¹ The religious preferences of the Lutheran nobility were also important in the debate, as the landgrave was a Calvinist.¹²²

On 27 April 1646, Amelie Elisabeth called a meeting with the *Landstände* out of dire necessity: she needed grain for the troops.¹²³ She requested payment not only from cities and towns, but also from the nobility, as they would benefit from feeding the troops as well. The nobility opposed this and met in the convent (*stift*) of the town of Kaufungen in December.¹²⁴ Otto von der Malsburg, who had previously been a favourite of the landgravine, now devoted himself to the nobility’s cause. The nobles refused to allow the levy of 4000 *Malter* of grain but offered 1000 *Malter* in return for the landgravine’s acceptance to respect their rights.¹²⁵

The requested 4000 *Malter*, being 656,000 kilos of grain, were the equivalents of 113,280 grams of silver.¹²⁶ Per capita, this is such a low amount of silver that it does not explain the reaction of the nobility. However, if expressed in kilocalories (Kcal), it gives us a general idea of the amount of food that was taken away. The 656,000 kilos of grain comes to 1,102,080,000 kcal (1680 Kcal/kilo). Divided by the 2100 kcal that define food insecurity, it makes 524,800 insecure food days. With a population of 375,000, this would have resulted in 0.30 g of silver or 1.5 days of hunger per capita. These amounts do not seem to be extreme, but the promptness with which they had to be delivered was problematic, certainly on top of the relentless war damage.

Amelie Elisabeth was incensed and wanted the nobility to disband their assembly, threatening those acting contrary to her commands. The nobles turned to Landgrave Georg II of Hesse-Darmstadt, whose delegates had been invited to Kaufungen previously but who had not shown up.¹²⁷ The nobility cited their privileges, especially their right of assembly,¹²⁸ whereas Amelie Elisabeth claimed that the current state of *necessitas* entitled her to levy these taxes. The landgravine contested this right of assembly without her consent and described the actions as secret meetings of

¹¹⁹Maruhn (2004a), pp. 104–105.

¹²⁰Maruhn (2004b), pp. 71–94.

¹²¹Maruhn (2004a), pp. 112–113.

¹²²Ibid., pp. 1–2, 127; Maruhn (2004b).

¹²³Neu (2013a), p. 344; Maruhn (2004a), pp. 44–45.

¹²⁴Eßer (2001), p. 184.

¹²⁵Maruhn (2004a), pp. 40–52; Helfferich (2013), p. 207.

¹²⁶Calculations based upon Rahlf (1996). The price-average for the year 1647, was 28.32 g/ hectoliter.

¹²⁷Neu (2013a), pp. 346–347.

¹²⁸Ibid., p. 348.

private persons under suspicious circumstances.¹²⁹ Despite these objections, the nobility did assemble. Amelie Elisabeth was enraged and had Hans Diede and Otto von der Malsburg incarcerated, expecting the rest of the nobility to back down and cancel the meeting. Diede and Malsburg came up with means to deal with this government upon their release from prison in April 1647: a government that drew them in war; that disallowed the nobility to assemble; and withheld their consent in the matters of taxes.¹³⁰ Malsburg presented three options. *Firstly*, they could use force. *Secondly*, they could consider going to court. *Finally*, they could start petitioning and peaceful negotiations. The nobility opted for the latter two and decided to pay only part of the requested sum of money in order to make their point but also to keep negotiations open. Represented by Master in Laws and syndic of Gottingen, Heinrich Diederich, they appealed to the Imperial Chamber Court.

On 14 September 1647, the Imperial Chamber Court issued a *mandatum inhibitorium et cassatorium sine clausula*.¹³¹ It stated that the landgravine was indeed violating the rights and privileges of the nobility by demanding such amounts of food and taxes. Moreover, she was harming the welfare of her lands. A fine would be imposed should she continue her harmful behaviour.¹³² Significantly, the nobility did not present this *mandatum* to the landgravine, as they wished to continue negotiations. However, the document was re-issued in January 1650, accompanied by a more sharply worded formulation, when negotiations failed.¹³³ This verdict was eventually published after the *Remonstratio*¹³⁴ had been submitted. The *Remonstratio* was a document comprising a formal objection to the ban on the nobility's assembling.¹³⁵ The nobility emphasised that they must assemble, because they needed to discuss the troubles Hesse-Cassel was facing. It was their duty to defend their rights and honours.¹³⁶

¹²⁹Ibid., p. 350; Puppel (2007), pp. 114–115.

¹³⁰Maruhn (2004a), p. 47.

¹³¹HStAM Bestand 304 I, 504; Eßer (2001), p. 184; Maruhn (2004a), p. 51.

¹³²Eßer (2001), p. 184; Maruhn (2004a), pp. 40–52, 191; Puppel (2007), pp. 99–125.

¹³³von Friedeburg (2003), pp. 310–311.

¹³⁴HStAM 5, 19147: *Remonstratio*; HStAM 73, 1816: *Remonstratio*.

¹³⁵Section from: HStAM 73, 1816: *Remonstratio*: 'Durchleuchtige hochgeborne Fürstin, genedige Fraw, alß E.F.G. kurtz verwichener Zeit zweij unterschiedene Befehlschreiben ahn dero getrewe Ritterschafft des Niederfurstenthumbs Heßen abgehen laßen, worinnen demselben ein undt andere beschwerliche Ufflagen, zweifels ohne auß ungleichem Bericht, beygemeßen, dero jura und alles Herkommen, insonderheit aber der bishero zuweilen angestellten Zusammenkunfften halber disputirlich gemacht werden wollen undt nachmahls den 9[.] Junii dieses lauffenden Jahrs solche hergebrachte wohlbefugte Zusammenkunffte gemeiner Ritterschafft ernstlich verboten worden [...] [quote continues in the next footnote].

¹³⁶Section from: HStAM 73, 1816: *Remonstratio*: '[...] so hat der Ritterschafft Notturfft erfordert, pro legitima et omnibus concessa defensione juris et honoris sui, vorbehaltlich alles unterthenigen Respects und Gehorsams, welchen sie E.F.G. zuerweisen schuldig, und durchaus nicht dero Intention undt Meinung, sich demselben inn einige ungebührliche Wege zu widersetzen, wovon hiermitt feyerlich bedingt wirdt, ihre Unschuld undt Befugnis an den tag zu legen undt mit wenigem zu remonstriren, daß nicht allein bißhero von der Ritterschafft nichts Unverantwortliches,

The nobility used two different arguments. *Firstly*, they debated whether the actions of Amelie Elisabeth were tyrannical. *Secondly*, they had acted in line with the traditions and privileges of their principality.¹³⁷ The nobility added that assemblies had been banned in other principalities such as Jülich and Berg.¹³⁸ In the principalities above, the emperor had ruled in favour of the claimants, that is the nobility. The Hessian Chronicle by Wilhelm Dillich was used to illustrate the history of Hesse, and to provide examples proving that the nobles had the right of assembly.¹³⁹ If the well-being of the principality was at stake, the nobility had to debate strategy and organise actions. They referred to the situation as ‘*nottrufft*’ (Eng: emergency).¹⁴⁰ Moreover, the landgrave—and in this case, the regent—had sworn to uphold these privileges.¹⁴¹

The nobility emphasised they had sworn allegiance to their young landgrave, who in turn had to fulfil the duties of his office correctly. They focussed on the principality’s customs and stated that the oath of the inauguration was a mutually binding contract concerning upholding these traditions.¹⁴² Their privileges were

noch unbefugtes in Anstellung vorangedeuteter Zusammenkunfften begangen, sondern auch dieselbe innkunfftig rechtswegen nicht behindert werden mögen, ihrer Angelegenheiten und daß gantze corpus oder collegium der Ritterschafft betreffender sachen halber zusammen zukommen undt darüber nach notturfft zu vernehmen, dero underthenigen Zuversicht, F.Gn. werden solches anderer Gestalt nicht, alß es gemeinet, in allen Gerraden aufnehmen undt vermercken.’

¹³⁷ von Friedeburg (2003), p. 304.

¹³⁸ Section from HStAM 73, 1816: *Remonstratio*. See page 80 for full quote from the source.

¹³⁹ Maruhn (2004a), pp. 105–111, 255. The full-text *Hessische Chronica* can be found at: <http://digitale.bibliothek.uni-halle.de/vd17/content/titleinfo/10083619>. Accessed 20 May 2020.

¹⁴⁰ HStAM Bestand 73 Nr. 1816, *Remonstratio* 1647, page 4 r^o.

¹⁴¹ Section from: HStAM Bestand 73, Nr. 1816, *Remonstratio* 1647, page 5 r^o: ‘*So ist bekandt, wie heutigen Tages secundum morem et consuetudinem Germaniæ, ein Regent bey den Erb- undt Landthuldigungen seinen Underthanen zuegesagt, er wolle sie bey ihrer Religion schützen, bey gleichmäßiger durchgehender Justitz, Friede, Ruhe, Wohlstand und Einigkeit, so wohl einen jeden bey seinen erlangten, undt wohlhergebrachten Rechten, Gerechtigkeiten, Privilegien undt Freyheiten erhalten, vertheidigen undt alles das jenige verrichten, befehlen undt anordnen, waß einem löblichen Regenten, der seine getrewen Underthanen von Hertzen lieb hatt Ambts, Standts undt Gewisens halber zuethuen eignet ut gebueret, darauf sich auch eine getrewe Landtschafft gewis verlassen soll, Neumeier etc. Wie dann auch bekandt, das bey der zue Naumburgk den 8t[en] Julii A [nn]o 1567 aufgerichteten Erbverbruederung zwischen den chur- undt fürstl[ichen] Häusern Sachsen undt Hessen austrücklich verabschiedet, ob ihre Mitt parthey ohne leibes lebens Erben todts halber abginge, also, das ihre Fürstenthümer undt Herrschafft ahn die andere Partheyen die noch im Leben wehren, nach Lautt ihrer Bruederschafft Auf- undt Übergebung kehme, das sie undt ihre Erben alsdann deß abgangen Fürstenthumbs Graffen, Herrn, Ritter undt Knechte, Burgmannen, Bürgern, Städten, Landt und Leuthe, geystlich undt weltlich, bey allen ihren Rechten, Ehren, Würden, alter gutter Gewonheit undt Herkommen lasen undt getrewlich darbey erhalten sollen undt wollen, insonderheit aber ist der Ritterschafft in Niederhessen noch newlicner Zeit, [. . .]’ (This quotation continues in the next footnote.)*

¹⁴² Section from: HStAM Bestand 73, Nr. 1816, *Remonstratio* 1647, page 5 r^o and v^o: ‘[. . .] in Anno 1624, als Landtgraff Georgens Fürstliche Gn[aden] die Pfandtämbter am Schwalmstrom angewiesen, versprochen worden, sie bey hergebrachter Freyh- undt Gerechtigkeitt zue manutieniren undt zue schützen, ingleichem ebenmäßsigk in A[nn]o 1627 von Landtgraff Wilhelms

bound to the well-being of the principality of Hesse-Cassel. However, this well-being seemed to collide with the attitude of the landgrave and his mother. This perception and struggle shows resemblances with the case of Jülich.

Amelie Elisabeth's advisors focussed on one argument in particular: in times of turmoil and unrest, a prince might have to act unilaterally, laying claim to exceptional duties and taxes.¹⁴³ The debate about who was responsible for the fatherland soon turned to the differences between princes and subjects. The nobles denied that they had acted rebelliously. They had acted from love for the fatherland,¹⁴⁴ and as its representatives, the nobility must be consulted. These claims addressed arguments about *necessitas* as well as the dialogue about public matters. Resorting to history and Althusius' work, the nobility claimed to safeguard the welfare of the people and the principality.¹⁴⁵

During the conflict, the nobility did not want separate assemblies in the different parts of Greater Hesse but preferred joint-*Landstände* assemblies. With that, the nobles tried to turn back the clock when it came to the division of land. Chairman (Germ.: *Obervorsteher*) Diede remarked, shortly after the signing of the Hessian Treaty (Germ.: *Hauptakkord*) of 1648,¹⁴⁶ that the House of Hesse had experienced many difficulties due to internal differences. The *Landstände* should encourage both landgraves to return to the situation before the troubles had commenced.¹⁴⁷ For instance, during the war, the Hessian troops had numbered 20,000 and were reduced to 500 by 1649. The income of the seignory paid them. These costs still displeased the nobility, despite the modest lifestyle of Amelie Elisabeth and her son, and so they sought a way to end them.¹⁴⁸

On 24 October 1649, an assembly in Kirchhain was organised to discuss matters concerning the requested troop payments.¹⁴⁹ Again, Amelie Elisabeth considered this meeting to challenge her rule. She fined Hereditary Marshal (Germ.: *Erbmarschall*) Curt Riedesel and imprisoned Otto von der Malsburg.¹⁵⁰ After

F[ürstlichen] Gn[aden], hochseeligen andenckens, bey Einnnehmung der Landtshuldigung, undt nicht weniger in A[nn]o 1637, wie S[einer] F[ürstlichen] Gn[aden] H[err] Sohn unserm itzigen g[nädigen]lieben Landtsfürsten undt H[errn] die Erbhuldigung von den Ständen gelaistet, wiederhohlet worden.

Wie nun die Landtstände undt Underthanen verpflichtet seyn, dem jenigen, worzue sie sich in dem Huldigungsaydt verbunden seyn, getrewlich nachzuleben, also ist ,der Landesfürst nicht weniger gehalten, dem Versprechen, so desen F[ürstliche] Gn[aden] den Ständen thut, fürstlich nachzuekommen. Mutuus enim hic contractus est [etc.] So hatt auch diese Zuesage die Krafft undt Würckung eines geschwornen Aydts. Verba enim stipulationis etc.'

¹⁴³ von Friedeburg (2005), p. 911; Maruhn (2004a), pp. 262–264.

¹⁴⁴ von Friedeburg (2005), p. 912; Maruhn (2004a), pp. 264–266.

¹⁴⁵ von Friedeburg (2005), p. 914.

¹⁴⁶ Philippi (2007), p. 2; Weiland (2009), p. 166.

¹⁴⁷ Maruhn (2004b), p. 86.

¹⁴⁸ Philippi (2007), p. 6.

¹⁴⁹ Hollenberg and Jäger (1989a); Maruhn (2004a), p. 59.

¹⁵⁰ Maruhn (2004a), pp. 57–58; von Friedeburg (2003), pp. 298–299.

more than 3 weeks, Malsburg was released on 22 January 1650. A rebellion was punishable by death; however, Malsburg received a fine of 400 gold guildens.¹⁵¹ He responded violently to this fine and addressed the landgrave sharply. He claimed that she had ignored his noble ancestry, and that he had been imprisoned like a mere commoner. To those in favour of the privileges of the *Landstände*, Malsburg became a martyr. At this point, the nobles requested support from the emperor, and the Imperial Chamber Court ruled in their favour in 1650. This verdict could force Amelie Elisabeth into hearing the noble cause.¹⁵²

During the *Großer Landkommunikationstag*, which lasted from 25 September until 17 October 1650, Wilhelm VI took over the government of Hesse-Cassel.¹⁵³ During this assembly, the nobility addressed the issue of their meetings as patriots: they had done nothing to upset the landgrave, or so they claimed. Their gathering was made solely out of their love for their land.¹⁵⁴ The landgrave had come of age and was now able to govern and make his own decisions.¹⁵⁵ During his mother's regency, Landgrave Wilhelm VI had visited and established warm relations with the

¹⁵¹Maruhn (2004a), p. 59.

¹⁵²Puppel (2007) and Maruhn (2004b).

¹⁵³Hollenberg and Jäger (1989b). For more information on the frequency of meetings, see: Neu (2012).

¹⁵⁴HStAM 73, 213: *Landtag zu Kassel Sept. 1650 nur: Gravamina der Landschaft*. First mentioned of the 29 grievances: '1. *Das im künftig vorfallen den Sachen, so daß Landes Wohlfarth und auch Gefahr und beschwaren concerniren Die soll genant Landtagen <und communicationes> ex in allereits inzo von unsern F.G.fürsten und herrn stracks im ersten Tage Ihren F. Gl. angetretenen Regierung <Casselisch theils> ein löblicher Anfang- gemacht Worch, wiederumb an landt genommen, undt darauf durch die sämptliche Landstände die nottrufft und remedia berahtschlagt, ihre Anliegen und Meinungen darbeij gehort, undt Fürstens durch die Praelaten undt Ritterschafft so wohl, als durch die Städte zusammen dem gemeinen woßen gebüerede sampt hält geschehe haben, hohen die Städte von Herzen gern, wünsche auch daß sich darin ein jeder an seinem Orth alß ein Patriot in den Wercken, undt nicht in Worten allein, bezeige, auch ein des andern Höhe Praesumption des befremdliche Intention nicht wuchs und zereijung [illigible] zu seiner großmarchung undt anderer standen und Unterthanen Unterdrückung suche, oder sonst einen dem Regierenden landeßfürsten und anderen Landständen und Unterthanen nachtheiligen und unverdächtigen Anfang nach, sondern demselben beginnen vielmehr abrathe, undt die gesechte alte concorporation <der gesambte Platz Rittern- undt Lande-schafft> getreue landes-liebe, und einigkeit bestens Vermögens befordern solche, damit sich der Regierende Landesfürst sicherlich auf ein solch gesamptes getreues corpus undt deßen notwendigen beijstandt zu verlaßen, undt demselben hiergegen also landßväterliche gnade undt liebe wiederumb zuerweißen auch desselbe ins gesampte beij seines Standt undt herkommen zu conserviren ersach haben, zu welchem ander den von einer jeden in solchen corpore des landtstandes begriffener person, so eine noch nicht geschehe die gebuerende homogial – und huldigungs aydt der, alß die uhrälteste und beständigste bündniß gewischen einer Christlichen angeborenen regierung daß landes rattern <oder> Fürsten und dessen gesampten rathen landtständen, erfordert undt woherinnert <er des könnte, bevor ab weil dardurch ein jeder samt wesen Er sich zudem andere zu der solche mehr ders: ehrt, und ders rechts alte vertrauen ihr gantzes corporis unter sich selbes merklich stabilisiert wurde.'*

¹⁵⁵Philippi (2007), p. 3; Puppel (2007).

Dutch Republic, France, as well as with other principalities of the Holy Roman Empire. These contacts were maintained throughout his reign.¹⁵⁶ However, it was with some reluctance that Landgrave Wilhelm VI took over the government. Landgravine Amelie Elisabeth's influence was reduced to that of an unofficial councillor in military affairs.¹⁵⁷

The differences between the landgrave and the nobility seemed irreconcilable: the grain was not returned. Moreover, there was no indication that the landgrave would honour those privileges his mother had previously violated. The result of this uncertainty was that the nobility withdrew early from the *Landtag*.¹⁵⁸ On 17 January 1651, the nobility drafted a list of 84 points of view which they presented to the landgrave.¹⁵⁹ This list did not alleviate tensions, so the nobility had to alter their strategy. Begging and pleading did not work; now, the nobles were forced to try a more judicial path.

4.9 Preparing and Filing an Official Complaint (1647–1655)

In the case of the principality of Hesse-Cassel, I found six general themes illustrating the debate's development. The sources found in the private Archiv der Althessischen Ritterschaft Kaufungen show an on-going debate and not a linear progression.¹⁶⁰ These six themes are as follows. *Firstly*, the position of the *dominus terrae*, holding the *superioritas territorialis*—in both private and public law. The landgrave was the highest authority in the fief, a fact with which the nobility agreed. Despite that agreement, the nobles argued that the laws still applied to the *superioritas territorialis* (the highest authority within the territory). *Secondly*, the nobility and the landgrav(in)e held opposing views as to the position of patriots. The landgrave assumed that the patriots were loyal to both fatherland and landgrave, whereas the nobility stressed their exclusive loyalty to the fatherland. *Thirdly*, the issue of war. According to the landgravine, conducting war was necessary to defend the fatherland. The nobility maintained that warfare was detrimental to the country. *Fourthly*, taxation was a regular topic in the legal suit. The landgrave argued that it was a basic necessity used to protect the prosperity of the fief, but the nobility countered that it was a danger to the country. *Fifthly*, the issue whether or not the landgrave had to consult the nobility and whether she had obtained their consent

¹⁵⁶Philippi (2007), pp. 1–9.

¹⁵⁷Puppel (2007).

¹⁵⁸Eßer (2001), p. 185.

¹⁵⁹AARK, *P.P.* (Repositur 6, Gefach 15, Seite 54, Nummer 5); von Friedeburg (2003), p. 299.

¹⁶⁰Various versions of the Replica have been retrieved from two archives: Archiv der Althessischen Ritterschaft Kaufungen (AARK) and the Hessisches Staatsarchiv Marburg (HStAM). The latter holds multiple copies that seem to contain several individual persons' handwriting: HStAM 255, H 139; HStAM 73, 1816. One of these bears a signature on the title page that indicates that this is the version that was sent to the Imperial Chamber Court.

before levying taxes. Landgrave Wilhelm VI argued that the war had created a situation of *necessitas* and that there had been no time in which to request the consent of the nobility. The nobility retorted that not consulting them was a sign of tyranny. *Sixthly*, there was a question of whether or not the nobility were entitled to assemble and debate amongst themselves. The landgrave believed that such meetings undermined his government, whereas the nobility argued it was one of their ancient privileges.

4.9.1 *Remonstratio*

In 1647 the nobility objected to Landgravine Amelie Elisabeth's policy, and informed her of their objections by writing a letter—called the *Remonstratio*—containing their grievances. They stated that the fatherland was being damaged.¹⁶¹ As such, they had to voice their concerns by warning the landgravine about this grave situation, hoping to repair the strained relationship.¹⁶² Shortly after the Peace of Westphalia, the nobility re-presented their grievances. A prominent grievance concerned the conflict over the inheritance of Hesse-Marburg, as the nobles feared the landgravine's renewed interest in it would spark another war. Both the Landgravine of Hesse-Cassel and the Landgrave of Hesse-Darmstadt received these complaints in 1649.

4.9.2 *Mandatum Inhibitorium et Cassatorium Sine Clausula: 1647 and 1650, 1651*

On 14 September 1647 a *mandatum inhibitorium et cassatorium sine clausula*, was sent to the nobility containing the verdict that they need not suffer the consequences of the increased taxes unless the majority assented to said taxes.¹⁶³ If the landgravine were to continue her malpractice and keep ignoring her subjects' rights to meet and to vote on taxes, she would face a fine.¹⁶⁴ Despite the positive outcome, the nobility did not show their landgravine the document, as they interpreted her silence in the matter of the *Remonstratio* (12 August) as tacit consent of their right of assembly.¹⁶⁵ Therefore there was no need to bother her with the official verdict. The nobility could use the verdict as a benchmark to test the validity of their protests, even when the verdict was later on ignored by Landgravine Amelie Elisabeth and Landgrave

¹⁶¹Neu (2013a), p. 414.

¹⁶²Maruhn (2004a), p. 52.

¹⁶³Ibid., pp. 40–52.

¹⁶⁴Ibid., p. 191; Neu (2013a), pp. 381, 412.

¹⁶⁵Neu (2013a), p. 381.

Wilhelm VI in 1650.¹⁶⁶ The *mandatum* was renewed and re-issued on 23 September 1651 and was notably critical of the punishment of Riedesel and Von der Malsburg.¹⁶⁷

The verdict in the *mandatum sine clausula* had been reached relatively quickly, given the fact that the Thirty Years' War had severely delayed sentencing by the court.¹⁶⁸ However, only the complainant was heard in a *sine clausula*-case.¹⁶⁹ Had it been a *con clausula*-case, the landgrave would have been compelled to reply. The accuser would then be obliged to present the verdict to the defendant.¹⁷⁰ The *mandatum* encompassed legal protection for the complainants and their goods (*inhibitorium*) and guaranteed their right to be safeguarded from prosecution (*cassatorium*).¹⁷¹ The Landgrave of Hesse-Darmstadt criticised the 1650 *mandatum* in a letter to Landgravine Amelie Elisabeth, claiming that a *mandatum sine clausula* seemed arbitrary. He recommended that Amelie should respond to the Imperial Chamber Court forthwith.¹⁷²

4.9.3 Disposition or Gutachten 1648–1650

Between 1648 and 1651¹⁷³ a disposition (*Gutachten*) was written on behalf of the nobility. The author was likely David Berger, a lawyer from Speyer.¹⁷⁴ It contained three questions:

[C]ould a prince make laws or any ordinance without prior consultation of the *Landstände*?
 Could a prince ban assemblies on issues of the welfare of the fatherland (*de salute patriae*)?
 Did the *Landstände* of Hesse-Cassel possess the right to meet for such purposes whenever they saw fit?¹⁷⁵

The first question implied the acceptance of Amelie's power, but also that the landgravine's acts would be illegal when the privileges of the nobility were

¹⁶⁶HStAM Bestand 255, H 139: *mandatum sine clausula* [5 January 1650], according to the date and signature on the back it was presented to the landgravine on 12 March 1650; Maruhn, *Necessitäres Regiment*, p. 192.

¹⁶⁷*Mandatum sine clausula*, 61 and 201.

¹⁶⁸*Mandatum sine clausula*, 192.

¹⁶⁹*Mandatum sine clausula*, 193.

¹⁷⁰*Mandatum sine clausula*, 193–194.

¹⁷¹*Mandatum sine clausula*, 194.

¹⁷²*Mandatum sine clausula*, 195.

¹⁷³HStAM 73, 1816; Von Friedeburg dates this document as written in the year 1648, Maruhn and Neu indicate that it was written in 1651. Neu even suggests written prior to the *exceptiones*. See: von Friedeburg (2003), p. 304; Maruhn (2004a), p. 206 footnote 182; Neu (2013a), p. 413.

I position the *Gutachten* between 1648–1650, as it could well have functioned as a trigger for the *Exceptionis*.

¹⁷⁴*Gutachten*: Bestand 73, 1816; Maruhn (2004a), p. 201 footnote 148.

¹⁷⁵HStAM 73, 1816, r^o 1; von Friedeburg (2005), p. 909.

disrespected, (referring to the *regimen politicum*). The second issue raised, argued for the nobility's representation of the fatherland, and implied that their assembly was necessary. Amelie seemed to agree with most points, though the point of the necessity of meetings without consent remained a sensitive issue.¹⁷⁶

4.9.4 *Exceptiones sub- et obreptionis: 1651*

With the landgrave's permission, an *exceptiones sub- et obreptionis*—with 84 complaints¹⁷⁷—was sent to the Imperial Chamber Court on 17 January 1651.¹⁷⁸ A first draft of the text, drawn up by the landgrave's lawyer Georg Goll, had been written about 1 year before.¹⁷⁹ The document was a response to the *mandatum inhibitorium et cassatorium sine clausula* and challenged the jurisdiction and ruling of the Imperial Chamber Court. The reason for this was that the nobility had allegedly withheld vital information,¹⁸⁰ namely that they had plotted against the government and undermined it, thereby committing the offence of *lèse-majesté*. Strikingly, the *exceptiones* referred to some subjects and not to the *niederhessische Ritterschaft* (nobility).¹⁸¹ The landgrave had referred to all inhabitants of his principality as subjects irrespective of birth. This change in terminology is an indication that their positions changed during the seventeenth century.¹⁸² Privileges became less important, and a uniform, objective norm was developed for everyone. The use of the word *subiectus* or subject marked this development.¹⁸³

4.9.5 *Mandatum Poenale Sine Clausula: 1652*

On 19 February 1652 Imperial Chamber Court issued yet another Mandate: a *mandatum poenale sine clausula*, according to the text on the back.¹⁸⁴ It seems to be the second time the *mandatum* of 23 September 1651 was issued, although this does not become clear from any references. The nobility stated in their notes that

¹⁷⁶Ibid., pp. 910–911; Maruhn (2004a), p. 206.

¹⁷⁷The version in HStAM Bestand 255 (Reichskammergerichtssachen), H 140: *Exceptiones sub- et obreptionis*, counts a mere 64 points.

¹⁷⁸HStAM 5, 14660 fol. 25: *Exceptiones sub- et obreptionis*.

¹⁷⁹Maruhn (2004a), p. 203.

¹⁸⁰Ibid., p. 202.

¹⁸¹Ibid., p. 202.

¹⁸²AARK, *Duplicae*, Repositur 6, Gefach 15, Seite 54, Nummer 5, p. 75: 'Unde in bene constitutis rebus publicis principatibus ac Regnis ob subditorum malevolentiam mutationi facile obnoxijis sedulo praecavere solent imperantes, ne subditi praesertim nobiliores ipsi inscijs conventus aut congregationes agant, veluti in Regno Neopolitano et Siciliae.'; Stolleis (1988).

¹⁸³Ibid., pp. 276–277.

¹⁸⁴HStAM 255, H140: *mandatum poenale sine clausula* [19 February 1652].

their lawyer Konrad Blaufelder was to copy the document for them.¹⁸⁵ In this *mandatum*, the emperor criticises the imprisonment of Otto von der Malsburg and Curt Riedesel, as well as the penalties of 400 and 200 Goldgulden, respectively.¹⁸⁶ He emphasised that they were speaking on behalf of the nobility, and that they believed that much of the troubles would have been avoidable, had the nobles ever received proper replies. Moreover, the landgrave was ordered to return the fine, as well as the requisitioned resources.

4.9.6 *Replica: 30 March 1652*

The Imperial Chamber Court of Speyer received a lengthy complaint against Landgrave Wilhelm VI of Hesse-Cassel and his late mother's regency in 1652. Lawyer Blaufelder filed The *Replica*. He was a lawyer who worked in Speyer.¹⁸⁷ Before the publication of the *Replica*,¹⁸⁸ the nobility had been accused of three problematic acts. These were: (1) the crime of rebellion, (2) the crime of conspiring against the prince and the fatherland and of (3) *lèse-majesté*.¹⁸⁹ They, in turn,

¹⁸⁵HStAM 255, H140: *Ritterscha[fft] Samptliche Ritterschafft des Nider Fürstenthumbs Hessen-Cassels [etc]*.

¹⁸⁶HStAM 255, H140: *mandatum poenale sine clausula* [19 February 1652], in this respect it seems the same as the *mandatum* of 23 September 1651.

¹⁸⁷Eßer (2001), p. 186; Hollenberg and Jäger (1989c), p. 66 footnote 25.

¹⁸⁸AARK, *Replicae* [...] *Mandati Inhibitorii et cassatorii sine clausula* (Repositor 6, Gefach 15, Seite 54, Nummer 5).

¹⁸⁹Based upon *Replicae*, 3–4: ‘So will Anwaldt imperantium sowohl umb den Ungrundt und Ohnerhebligkeitt solcher Exceptionum destomehr an den tagh zu bringen, alß auch von den schweren Imputationen inepte applicati criminis rebellionis machinationis contra principem et patriam, itemq[ue] laesae majestatis, sie zu purgiren und ihre Unschuldt so viel clährer vor augen zustellen, diese seine schriftliche replicas undt ableimung dargegen übergeben haben, undt thuet neben gemeiner Widersprechung allem wiedrigen unerwießenen, unbegründten undt unerfindtlichen Inhalts, auch dienstlicher Acceptirung alles desjenigen, waß einiges wegen seines groß[ü]n[s]t[igen] hern Pr[incipa]ll[e]n in berürten exceptionibus nachgegeben undt eingestanden oder auch zum besten verstanden werden kann, hiemit undt in Crafft dießes vor Gott vor der Kayser [lichen] May[estät], vor E[wer] Chürffürstlicher Gn[aden] undt vor der gantzen Weltt fyerlich protestiren, daß das crimen Rebellionis machinationis contra principem et patriam, laesae majestatis undt waß dergleichen falschen imputationen mehr seinen Pr[incipa]ll[e]n niemahln in sein kommen, sondern Ihnen mit solcher Beschuldigung Gewalt undt Unrecht geschehe, dahero Ihnen dan solche aufflagen undt atrocissimae, welche sie sich billig ad animum revociret undt nochmahls revociren thunen, so viel tieffer ins Hertz schneiden, daß nach dem ihre weylandt Vorfahren davon sie posteriren, deren Schildt undt Helm Sie führen, diejenigen gewesen, sowegen Ihrer gegen dero Landtsfürsten undt waß von deren geblüth endtsproßen erwießen großen Trew undt Tapferkeit, dardurch selbige zu dießem Fürstenthumb gebracht, auch in verschiedenen gefährlichen Zuständen darbey erhalten, einen solchen Rühm erlangt, dergleichen vom anderen adell beydes in geschriebenen undt sonst offenen Truck außgegangenen Chronicis nicht leicht zu laßen, sie auch nach des herzens und gemüths sein, andermaßen dan auch sich jederzeit gegen Ihre Landfürsten undt das Vatterlandt dergestalt erzeigt, wie getrewen redtlichen Adels persohnen,

claimed to be harmed by this injustice and these grave falsehoods.¹⁹⁰ The nobility was convinced that their meetings had been legitimate.¹⁹¹ The *Replica* claimed that the nobility felt obliged to honour the customs of both the Holy Roman Empire and the fatherland. They needed to protest on behalf of their fatherland and to protect its prosperity.¹⁹² The 1648 peace treaties had terminated the Thirty Years' War, so the argument for *necessity* was no longer applicable.¹⁹³ Despite the protest above, they did recognise the landgrave as their superior.¹⁹⁴

The landgrave and his mother had claimed *necessity* to levy resources, but no situation had as yet been so pressing as to override the nobility's ancient privileges.¹⁹⁵ The nobility felt strengthened by the *mandatum sine clausula* of 14 September 1647 issued by the Imperial Chamber Court, which overtly stated that the 4000 *Malter* of grain were to be returned.¹⁹⁶ However, the *Replica* shows that little had changed, necessitating another complaint at court.¹⁹⁷

The nobility again stressed that their liberties had been violated when the landgrave forbade their meetings.¹⁹⁸ They suspected that the meetings were banned simply because Landgrave Wilhelm VI and his mother felt aggrieved because they had not been invited.¹⁹⁹ The emperor had ruled in favour of the nobility in similar cases—such as that of Jülich-Berg and Eastern-Frisia. Here, the nobility was allowed to gather despite their prince's restrictions.²⁰⁰ The nobility made a comparison with the Turks and the Muscovites, both of whom were ruled by an arbitrary ruler.²⁰¹ In a

Vasallen undt patrioten zu thun gebühret undt wollahnstehet, dainoch gantz unverschulter weiße, alß wan sie von Ihrer vor Eltern Redtligkeit gantz degeneriret wieder des Fürsten undt des Landes Wohlfahrt.'

¹⁹⁰ *Replicae*, 3, 5–6.

¹⁹¹ *Replicae*, 4.

¹⁹² *Replicae*, 20; see also: von Friedeburg (2005).

¹⁹³ *Replicae*, 65–68.

¹⁹⁴ *Replicae*, 81.

¹⁹⁵ *Replicae*, 6, 24–26.

¹⁹⁶ *Replicae*, 7, 51, 53.

¹⁹⁷ *Replicae*, 55–61.

¹⁹⁸ *Replicae*, 8, 10–11, 68–72.

¹⁹⁹ *Replicae*, 76–8.

²⁰⁰ *Replicae*, 79.

²⁰¹ CAR: Here the original references to sources have been removed from this quotation in order to keep it readable; the places of the quotes are indicated with the [...] -sign.

Replicae, 12–13: 'Gleichwohl wirdt Ihnen hirdurch kein dominatus absolutus, in quo Rex v[e]l Princeps pro arbitrio agit, ac neminem consulere obligatus est, sondern nurt allein principatus in spaecie, in quo graviora q[uaecum]q[ue] senatui communicantur [...] Et omnia communicanda sunt [...] Indignum [e]n[im] est christiano principe-absolutâ potestate operari velle. [...] behauptet werden können, derowegen dan beständig darher helt, daß diese forma in allen regnis et principatibus Europae (das Türckische undt Moscovitische Reich außgenommen) also observirt undt gehalten werde.'

Greek *polis*, the nobility had to be part of the policy—and decision-making—otherwise the landgrave risked becoming a tyrant.²⁰² Those were the only two forms of government mentioned: (1) monarchical rule with the consultation of the *Landstände*, as would have occurred in the polis consultation, and (2) tyrannical rule—or the rule by autocratic Greek monarchs—which was deemed illegal.²⁰³ Making the step to the meta-level of Aristotle’s theories could have helped to prevent a critique that would focus on a possible lack of any law explicitly covering this issue in Hesse-Cassel.

The corollary was that there were three requirements of a legal monarchical rule. These were: remain within the boundaries of the law, follow the customs of the land, and consult the *Landstände*.²⁰⁴ Arbitrary rule, which occurred when these requirements were not met, would endanger the welfare, wellbeing, and freedom of the inhabitants and the fatherland.²⁰⁵ The nobility stressed the importance of custom through references to the landgrave’s ancestors, especially Philipp I the Magnanimous and Maurice the Wise.²⁰⁶ These landgraves had developed laws and regulations, which Landgrave Wilhelm VI had promised to uphold when he accepted

²⁰²Section from: *Replicae*, 16: ‘*Neq[ue] [e]n[im] vera principis libertas consistit in hoc, ut faciet, quod velit, sed quod iuste possit [πολιτικώς, namq[ue] non δέσποδικώς imperat, totoq[ue] genere Imperium à domino differt, plura pro hac sententia firmanda qui faciunt videndum est apud.*’

²⁰³von Friedeburg (2005), p. 909; von Friedeburg (2003), pp. 270–271; von Friedeburg (2010), p. 170.

²⁰⁴von Friedeburg (2005), p. 909.

²⁰⁵Section from: *Replicae*, 42–43: ‘*Bey welchen dan auch dießes zufalen daß nicht in der landstände oder optimatum Wilkühr undt Gefallen stehe, der sämbtlichen Unterthanen Wohlfahrt, Notturfft undt wie die Stände beij ihren Privilegien erhalten undt beschützt werden möchten, zu gedenccken, sondern daß die Eltisten undt Vornembsten im Lande dahin verpflichtet undt verbunden sein, auff alles, darauß sowoll ihnen, als den anderen ein unwiederbringlicher Schade undt Nachtheil zuwachßen möchte, ein wachendes Auge zuhaben undt nichts vornehmen zulaßen, so des gantzen Landes Wollfahrt undt Heijl, wie auch deßelben Freyheiten zuwieder ist, undt wann sie auff daß gemeine Weßsen nicht acht haben, noch sich deß Vaterlandts Heijl undt Wohlfahrt annehmen, so handeln sie wieder die gegebene Trew, undt seindt sowoll, als wan sie daß Vatterlandt verkauffen oder verrathen hetten, zu bestraffen [etc], item de cap[ite] 6, Daß sie vor Feinde undt Verderben der armen Unterthanen zu achten undt zuhalten, wan sie dem Regenten einig undt allein zue gefallen, undt damit sie Gunst; Gnade erlangen, auff die stewer ohne noth ridderschaft undt schließen [etc], Optimates et officales singuli, inq[ui]t Althus[ius], sunt obligati ad salutem populi, ipsisq[ue] non minus cura Reipub[licae] commissa, quam si neglexerint, ipsi tenentur et meritò proditores Reipub[licae] esse dicantur etc d. loc. n. 54 et seqq[uentes]. Zu erwegung deßen sie die Ritterschafft: so viel weniger mit Fuge verdacht werden können, daß sie so woll vor der Unterthanen Noturfft undt Wollfahrth ins gemeine zu Zeiten reden müßen undt denselben zur Beschwerung undt Nachtheil, nicht jedesmal ja sagen können [etc], alß ihre undt der Ihrigen selbstn [etc]. So hat es auch wan schon obiges alles nicht wehre, mit den nobilibus vasallis, wie droben zum Theil schon erwenet, wegen ihrer Lehngüter, die sie mit ihrem Leibe zuverdienen pflichtig in, den Rechten dieße Bewandtnuß, daß sie selbige, so viel die Landstewren belanget, zu versteuren nicht schuldig, et ita indistinctè nisi consuetudine aliud receptum sit (wie in gegenwertigern fall gahr nicht, sondern vielmehr die contrar observantz undt consuedo notirtii ist) sentirt.*’

²⁰⁶*Replicae*, 25–26, 34–36.

government over his fief in 1637.²⁰⁷ The landgrave was expected to employ his reliable princely power in upholding these regulations, and not to evade laws.²⁰⁸ Similarly, in the Holy Roman Empire, an emperor could not levy taxes without the consent of the Diet.²⁰⁹ In order to rightfully and legally impose Imperial, Circle or Land tax, the approval of the imperial assembly would have to be sought. Moreover, the need for the taxation had to be unambiguous.²¹⁰

The *Landstände* represented the inhabitants, and they needed to be able to speak on their behalf. However, as they were neither allowed to assemble and hence could not learn what went on, they could not talk about the fatherland's peace, tranquillity, well-being, nor about the preservation of privileges, immunities, and justice.²¹¹ The nobility needed to be able to warn the landgrave, if necessary, of any threat to the fatherland. With the right of nobles to convene forbidden, this possibility had been taken away.²¹²

Forbidding assemblies was one characteristic of an *absolutus Dominatus*, as a *dominus* would harm immunities, privileges, freedom, and justice, and was therefore considered undesirable. The nobility explained that the landgrave had been dishonest when he stated that the nobility had agreed with the situation of *necessitas* and the consequent need to levy taxes. They had never agreed to call the situation one of *necessitas*: it was inconceivable that the nobility would ever have agreed to this because it would restrict their rights. They could have taken the argument one step further stating that even if they had agreed about there being any *necessitas*, this action would have been void because of its incongruity, mentioned above, with their legally inextricable rights. Because stressing the incompatibility of ancient rights and *necessitas* would be an attack on the principle of *necessitas* itself, they had demurred, as this was never their goal, nor in their interest. Instead, the nobility preferred to ridicule the mere suggestion that they had acknowledged *necessitas*.²¹³ The nobility could not be asked to contribute taxes because they were tax-exempt,

²⁰⁷ *Replicae*, 20, 28–29, 79–80, 86–89.

²⁰⁸ *Replicae*, 20, 28–29.

²⁰⁹ *Replicae*, 33.

²¹⁰ *Replicae*, 37–38, 50.

²¹¹ *Replicae*, 73–74: ‘*Certi Juris esse ait, quod universitas suo Juris ad onera universitatis sustinenda collectas, bellas, Schluß, stever, unguldt, mankgeldt, indicre et colligere queat q[ua] md[a]m exsat consilium Ferrarii Montani, quod et inter consil[iis] Marpurg[ensibus], vol[umen] l consil[ium] l. Undt solche Municipal verfassungen, Gesetz undt Ordnungen undt sonst der Städte undt Communen gemeinen Weßen undt Sachen ohne Zusammenkünfften undt gemeine Berathschlagungen nicht verhandelt gemacht oder angestellet werden können, so wirdt statui gradu superiori als der Ritterschafft, vielweniger den Landtständen, als dem gantzen corpori, in fällen so des gantzen Vatterlandts Friedt, Ruhe, Wollfahrt undt Bestes endtweeder zu erhalten, oder wieder einzuführen undt zuwege zubringen, oder auch Conservirung ihrer Privilegien, Immunitäten undt Gerechtigkeit betreffen, auch ohne zuvor darüber eingehohleten, Consens def superioris conventus anzustellen in Recht vergünnet sein, totum [e]n[im] quod totum habet idem juris, quod pars, quo ad partem.*’

²¹² *Replicae*, 81–85.

²¹³ *Replicae*, 39–40.

but they could offer advice or contribute voluntarily.²¹⁴ Temporary, war-related contributions could turn into permanent taxes—taxes which had not received the requisite consent. This would significantly reduce the influence of both the nobility and the general population.²¹⁵

The nobility claimed that they only dealt with matters of welfare during their assemblies, and had sought only to address the crisis. The nobles were irritated by the suggestion that they had plotted against the fatherland and their prince.²¹⁶ The landgrave had argued that he alone could issue invitations to meetings, but the nobility disagreed. If their opposition needed to be substantiated, the nobility could send proof to the landgrave's chancellor. Their liberties had been restricted despite the legitimacy of their privileges.²¹⁷ The nobility based their case on the *ius collectandi* and the *ius conventum*, as well as other imperial laws, which they claimed had been violated by the landgrave's proceedings.²¹⁸ Likewise, they used new scholarly sources.

In short, the nobility denied that they had committed *lèse-majesté* and that the *necessitas* argument used by the landgrave was invalid. Because the nobility was excluded from policy—and decision-making, the landgrave risked becoming a tyrant. When the nobility had claimed the right of assembly, their meetings were forbidden. As loyal patriots, they should be entitled to assemble in order to discuss the situation at hand. In doing so, they accepted an office of defending their fatherland, that is the principality of Hesse-Cassel. With this duty came the right to oppose the ruler. Like Althusius, they claimed this right came only when the ruler had overstepped the limits, and did not fulfil his obligations.²¹⁹

4.9.7 PP: 30 March 1652

The Archive of Marburg and the Archiv der Althessischen Ritterschaft Kaufungen have a short document attached to the *Replica*.²²⁰ This document was probably written by, or on behalf of, the nobility. It is called *PP*, and bears no other markings or signatures. It has 84 numbered remarks. It seems to be a draft of some sort, referring to the *Sub- et Obreptiones*. It is without much content, merely stating: this is not to be believed, or this is a falsehood. These notes seemed to have been used while the matter was being addressed in the *Replica*.

²¹⁴*Replicae*, 44–45.

²¹⁵*Replicae*, 47–48, 50.

²¹⁶*Replicae*, 87–91.

²¹⁷*Replicae*, 92–96.

²¹⁸*Replicae*, 45–46.

²¹⁹Neu (2010), p. 16.

²²⁰AARK, *PP* (Repositor 6, Gefach 15, Seite 54, Nummer 5); HStAM 73, 1816: 1 folio – written on all 4 sides

4.9.8 *Duplica: 22 April 1653*

Written by lawyer Georg Goll, the *Duplica* was issued on 22 April 1653 on behalf of Landgrave Wilhelm VI of Hesse-Cassel.²²¹ The landgrave seemed agitated at having to react to accusations while he was busy defending his fief.²²² Nevertheless, he acknowledged the value of the Imperial Chamber Court and stated his appreciation for the emperor's involvement in overseeing the trial.²²³

He stressed his position as *dominus terrae* by referring to his power as *superiorias territorialis*, which entailed his duty to uphold *Reichs Constitutionen* (imperial laws).²²⁴ The emperor was his feudal lord, a hierarchal reality that the landgrave emphasised and accepted. The nobility had appealed to the wrong authority, and should in fact have approached him²²⁵ as their immediate superior, rather than ignoring him in favour of the highest authority of the Holy Roman Empire. Nevertheless, Landgrave Wilhelm VI accepted the involvement of the emperor and the Imperial Chamber Court because he trusted the emperor would agree with him.²²⁶ A significant factor prompting the landgrave to acquiesce with the involvement of the Imperial Chamber Court was the ability of that court to restore his reputation.²²⁷ Since the emperor was superior to all princes, Landgrave Wilhelm VI trusted him to be impartial.²²⁸ The *salutem Patria pro suprema lege*²²⁹ had been upheld at all times, even when the landgrave was still a minor; his mother had upheld the law and had prevented abuses like pillaging under her governance.²³⁰

In the *Duplica* Tacitus was quoted. The Roman consul and historian (ca. 56–117), was staged for claiming that a sovereign has every right to ban meetings in which he

²²¹Eßer (2001), p. 186; Hollenberg and Jäger (1989c).

²²²AARK, *Duplicae*, Repositor 6, Gefach 15, Seite 54, Nummer 5.

²²³*Duplicae*, 2.

²²⁴*Duplicae*, 4, 106–109.

²²⁵*Duplicae*, 3–4, 37.

²²⁶*Duplicae*, 3–4, 8.

²²⁷*Duplicae*, 6–7, 16.

²²⁸*Duplicae*, 8.

²²⁹*Duplicae*, 37: 'Was nun ferner undt in specie die Ritterschafft abgeforderte 4000 malter Maga[t] zin frücht anlange wirdt von der Ritterschafft ein gewendet, es sie sich von das weg[en] zu deren herschießung nicht lasten verstehen komen, noch wollen, weil sie zu deren bewilligung nicht gefordert, kein landtag zu dem ende auß geschrieben, noch auch die nohtwendigkeit undt unsaghen berathschlaget undt bewilliget, dannen hero sie am Kaijß[er]l[ichen] Cammergericht darüber sich zu beklag[en] undt das Mandatum des Cammergerichtes ordnung gemäß auß zuwürcken verursacht worden, darbeij dan die Ritterschafft die höchlöbliche undt hochfahlige verstorbene landesfürsten (welche beneben dehero geheimbten undt kriegesrähnten obahngezogener maß, undt wie reichs- undt weldtkundig ist, salutem patria pro suprema lege gehalten, nicht allein die Conservation ihres damahls noch unmundigen Herr dieses anwalts herrn pricipalis, deren mit feuer undt schwerdt verfolgten landt undt lantgrafs außße sich Ahngelegen sein laße) mit hin dan Setzung alles schuldilig respects ansteht Underthts schuldige danckbahrkeit, atrocissimè ohnzugreifen undt zu injurijren sich nicht geschneit.'

²³⁰*Duplicae*, 37, 63, 111–112.

did not participate or represented.²³¹ This reference from Tacitus' *Annals* book III.40: *the Uprising of the Gauls*²³² may have signalled the Landgrave's doubts about the intentions of the Hessian nobility, and was perhaps an implicit comparison with the beggars and thieves Tacitus described.²³³ The landgrave felt compelled to inform the Imperial Chamber Court of the nobility's apparent intentions to plot against his government, even though it was his responsibility to prevent such a plot.

Tacitus neither lived in the Holy Roman Empire nor was he a jurist. The nobility of Hesse-Cassel, who mainly used sources written in the empire, apparently questioned the applicability of non-German authors to their situation.²³⁴ Yet, the landgrave allegedly often relied on non-German sources.²³⁵ This difference was vital in the on-going debate in Hesse-Cassel, where the nobility used the landgrave's approval of non-German sources to question his decisions. They added this denunciation to accusations that the landgrave had neither proven the nobility's malevolent intent, nor the *necessitas* of the demands of 4000 *Malter* of grain.²³⁶ The nobility's remark about the use of non-German texts may have been a bit hypocritical. Unlike Cleves,²³⁷ the nobility of Hesse-Cassel wrote no pamphlets with explicit inter-textual comparisons with a Machiavellian Prince, but they did refer to Machiavelli's work.²³⁸

The landgrave referred to earlier times when the nobles had still trusted the judgment of his predecessors. The nobility had then dealt with the situation as faithful, loyal patriots, who fully understood the gravity of the situation, and who thanked God for his excellent guidance in saving the fatherland.²³⁹ From fatherly precautions, he did need resources and troops for the defence of the fatherland, and his position allowed him to bypass the *Landstände*.²⁴⁰ The patriots and the

²³¹The date was not the 22 of April 1652 as seems to be the date on the document in Kaufungen which reads 1652. Since the *Triplicae* reflects back on the 1653 *Duplicae*, and this date is mentioned in HStAM 255, H139, according to Eßer, 'Landstände und Landesherrschaft', it can be assumed that 22 April 1653 is correct.

²³²The *Duplicae* wrongfully referred to book IV. The correct reference is book III, paragraph 40 which deals with the Uprising of the Gauls.

²³³Tacitus (2008), p. 116.

²³⁴*Überschicktes Bedencken Siner ebensoher Von Speijer. Uber die Duplic Schrift*, 1–2.

²³⁵*Über die Duplic Schrift*, 1–2.

²³⁶*Überschicktes Bedencken Siner ebensoher Von Speijer. Uber die Duplic Schrift*, 24.

²³⁷*Ontdeckinge van den valschen Cleefschen patriot, of Korte weder-legginghe van seker fameus geschrift onlanghs tegen de Land-stenden uyt ridderschap ende steden van't hertoghdome Cleve, als waerachtige patriotten, uyt-ghegheven* (Knuttel 5542, 's-Gravenhage 1647), 10. This is a reference to a remark made in: *Cleefsche patriot. Verthoonende de intentie van de missive, gesonden aen de heeren Staten Generael van wegens de Cleefsche Landt-stenden, gepresenteert den 20 may deses jaers 1647* (Knuttel 5540, Wesel 20 May 1647).

²³⁸AARK, *Repliae* (Repositur 6, Gefach 15, Seite 54, Nummer 5), 16.

²³⁹*Duplicae*, 32–34.

²⁴⁰*Duplicae*, 32–33: 'Am 1sten Aug: Anno 1622 sub N undt S ahngezogen die Lehn undt Ritterdienste mit Ihrem Pferde williglich virrustet [illigible], undt wie solches auß ab angezogenen Hessischen Landtags Abschieds Clarlich zu zeigen, so ist es ahn dem wann ein Regirender Fürst zu

Landstände would have to accept this situation. Proof that the dynasty had accepted their responsibility could be traced back to the *Hessian Chroniek*.²⁴¹

The primary duty of Landgrave Wilhelm VI of Hesse-Cassel was the defence of ‘our Fatherland’ and its subjects.²⁴² However, to do so, he needed weapons—and an army.²⁴³ In order to justify his policy and taxes to pay for the army, he quoted Cicero and Tacitus.²⁴⁴ The landgrave stressed that the safety of his people and the common good had been considered of vital importance ever since 1532.²⁴⁵ During the violent Thirty Years’ War, the landgrave acted swiftly, based on the *ius Divino* (divine law), the exceptional *sub- et obreptiones*, and statutes found in Saxony law.²⁴⁶ With these legal limitations, he could use this extra latitude to arrange tributes, collections, and revenues.²⁴⁷ The landgrave also used his power to prevent assemblies, which would

Hessen in Krieges Zeitte auß trew eisterigen landes vatterlicher vorsorge vor seint von Goodt ahn befehlet landt und lantze zu deren defension einen heilste mitt gelt und volck benöthiget ist, das er in Crasst habender Landesfürste hoheit und regalien, macht und gewalt hatt, seine Landtstände, Praelaten, Riter, undt Landschafft, der sachen Zeiten undt gefahr, erheischden notturfft nach zu beschreiben, undt zur Abwendung der bevorstehenden gefahr, nicht allein eine nahmhafte undt Aln Jahrliche Summa geldes von Ihnen zufordern sondern auch nach des landes gelegenheit, eine ahnzahl weleks zubeijshren [illigible], worin dan nach auß weiß der hiebe vor gehaltenen Lantäg, undt sonderlich das zum 22ten Julij A[nn]o 1619, sub lit O afgeruheten Landtags Abschieds, Ritter undt Landschafft Fl Landtgraff Moritzen Underthänig Hag fleißige damit sage, das I. F. Gl. da die sachen dero Zeit in undt außser halb Reichs in einen gefährlichen Zustandt gerahten, das sie sich der gemeinen noth, dermaßen sorgfältig, fürst undt vatterlich ahngenommen, das dargegen die Landtstände ahn ihren ort nichts, was zur defension undt rechnung des Vatterlandes, undt zu wieder bringung friede, ruh undt einigkeit nöthig undt gefarig, an sich erweise zu laße, gefliße gewewen mitt underthänigen tag erbirthen, das sie ihres theils gegen Ihr f. gl. sich hin wiederumb alß getrewe ständen undt patriotten eignet undt gebühret vermittelst Göttlichen undt leihnung erweiß undt gehorsamb ahngelagte sein laßen wollten, undt ob wohl damahls gegenwertige undt sich noch ferner onregends nach undt gefahr also groß undt wichtig gewaße, das Praelaten, Ritter undt Landschafft, die mit ihren Vermögen, nicht genügsamb abzunemen undt zu verhüthen getrawert, damit aber doch Ifg. Mit undt neben andere Churfürsten undt ständen, die defension gleichwohl desto füglicher aber sich nehmen, undt also die stände beij Ihr F. Gl. undt damahlig gemeinen maße, auch das Ihrige getrewlich thun undt leisten möchten, so haben sie auß underthannig trewer lieb undt leist affection jegen Ihr F. Gl. undt das vatterlandt, mit einer stewer von dreijmahl hundert thaußent fl[orijn], zu stadten zu kommen, undt dieselbe nach den Treilichen in a[nn]o 1576 aust gewinsten landtags abschriedt, zu sammen zu tragen sich erbotten.’

²⁴¹Duplicae, 96–98.

²⁴²Duplicae, 5 and 11.

²⁴³Duplicae, 5-6.

²⁴⁴Duplicae, 9: ‘Atq[ue] hinc 14 obligalia pacis ormenta et belli subsique Cicero pro lege Manilia, vocabat et Tacitus neq[ue] quietem gentium neq[ue] arma sine stipendijs, neq[ue] stipendia sine tributis habere posse scribit, Prudentissime etiam Romanus Senatus Neroni Cuncta vectigala omitti jubenti demonstravit, dissolutionem Imperij fare, si fruct[us] quibus res publica sustineret diminuerentur Tacitus hist lib 4 et Annalium lib 14.’

²⁴⁵Duplicae, 66.

²⁴⁶Duplicae, 10, 14–15, 48, 52, 55.

²⁴⁷To collect taxes and crops: Duplicae, 10.

undermine his government during the temporary situation of *necessitas*.²⁴⁸ Disrespect and disobedience to this decision amounted to high treason.²⁴⁹ It was the nobility who acted suspiciously by assembling at a convent. Throughout the empire, regulations (e.g. *ius collectandi*) justified a *necessitas* policy for a limited time. Swift proceedings were considered to be the only workable option in some scenarios, and so there was no need to invite the nobles, nor was the landgrave under an obligation to ask their consent.²⁵⁰ To substantiate the claim of the acceptance of *necessitas*, he referred to the papal power and the Bible, for example, 1 Kings 2, and the Gospel of St. Matthew, on the acceptance of government.²⁵¹ Arguably, the situation in Hesse-Cassel in 1647 was one of *extrema necessitas*, as both Swedish and Imperial troops had swept through the principality.²⁵²

Funds were required at short notice in order to defend the Lower Principality of Hesse-Cassel against these foreign troops.²⁵³ Those with meagre resources had suffered significant damages; however, this had been inevitable in order to defend the fatherland.²⁵⁴ The landgrave had expected few objections as the property of the nobility needed to be defended as well. The situation was compared with the imperial request for imperial taxes and land taxes, as well as the tax to avert the Turkish threat.

As a consequence, based on the principality's history, the landgrave argued that he held the highest *regalia* to be able to avert dangers from the fatherland. He was authorised to defend his land with all means, resources and forces.²⁵⁵ The nobles were allowed to contribute and share in the costs of war voluntarily; or, contribute to the defence of the principality.²⁵⁶ Ideas about the welfare and defence of the principality were thus bound to collide. The nobility used exceptionally straightforward language regarding their immunities, privileges, and exceptions which the landgrave deemed counterproductive.²⁵⁷

The nobility wanted to be allowed to assemble where and when they considered this necessary, even without the landgrave. However, the landgrave claimed that even during the reign of Landgrave Philipp I, meetings had always been convened by the landgrave. In the years 1536, 1542, 1557, 1566, and 1576 *necessity* had been accepted as a valid argument by the landgrave and his successors.²⁵⁸

²⁴⁸ *Duplicae*, 10, 12, 53, 81–85.

²⁴⁹ *Duplicae*, 14–15, 90–92.

²⁵⁰ *Duplicae*, 12–13.

²⁵¹ *Duplicae*, 50–51.

²⁵² *Duplicae*, 51.

²⁵³ *Duplicae*, 53–54.

²⁵⁴ *Duplicae*, 18–24, 52–53, 87–88.

²⁵⁵ *Duplicae*, 32. See footnote 252 for the full text.

²⁵⁶ *Duplicae*, 56–68, 71.

²⁵⁷ *Duplicae*, 69–71.

²⁵⁸ *Duplicae*, 100–104.

The nobility portrayed the landgrave as wilfully seeking to diminish their immunities. He was alleged to do this in order to abolish the *Landstände* under the pretext of *necessitas*.²⁵⁹ Landgrave Wilhelm VI did not take kindly to this kind of defamation, remarking that such statements were unworthy of the nobility. Awaiting the nobility's consent would have cost valuable time, and caused even more destruction.²⁶⁰ In contrast, the landgrave and the nobility shared one common goal: the preservation of the Lower Principality of Hesse-Cassel.²⁶¹

4.9.9 Reaction to the *Duplica* (1653–1655?)

After the issuance of the landgrave's *Duplica*, a contemplation on it emerged. It bears no significant name or known date, which is understandable as it does not constitute an official reply. It was called *Duplica*: '*Uberschicktes Bedencken Siner ebensoher Von Speijer. Uber die Duplic Schrift*'. This text is only available in the Archiv der Althessischen Ritterschaft Kaufungen.²⁶² It seems to have been written for internal advisory purposes only: it left little room for diplomacy or tact. It differs from the nobility's *Replica*, as it is a factual page by page analysis of the perceived inconsistencies in the *Duplica*'s argumentation, summarising errors, and pointing out inaccurate interpretations.

One of the first responses to the landgrave's text was about his right to demand taxes without consent. The main critique voiced throughout this text was that the landgrave considered the nobles to be subjects rather than vassals. The landgrave had based his arguments on the wrong sources, and hence, he had offended the nobility's honour and endangered their welfare and possessions as a result. The nobility had been deprived of privileges by the landgrave's claims of *necessitas*. Hence, the nobility objected, even though the landgrave was not inclined to listen to their comments.

Furthermore, in the *Duplica*, a reference was made to the knights and those in salaried employment.²⁶³ The landgrave's lawyer had lumped the nobility together

²⁵⁹ *Duplicae*, 38, 45, 54.

²⁶⁰ *Duplicae*, 43–44, 56–57, 77.

²⁶¹ *Duplicae*, 44 and 46.

²⁶² AARK, *Uberschicktes Bedencken Siner ebensoher Von Speijer. Uber die Duplic Schrift* (Repositor 6, Gefach 15, Seite 54, Nummer 5).

²⁶³ *Uberschicktes Bedencken*, 8: '*Die weil über auß vielbesagter Duplicschriff scheinete daß darinnen allerhand frembde Dinge, welche nicht unter vorgedachten zwei puncten gehören, mit ein geflankten werden alß die bestellung deß Justitiae weißend das Hoffgericht, die untern außschluß genommene unterthanen, die Ritter undt lLohendienste, die Policeij: und Landt ordnung und machung eines Landt rechtens etc: so ist nicht unzeitig dabei zur Bedencken, ob solches nicht mit gefließendem Vorsatz geschehen daß man entweder die Ritterschafft damit enlake daruff zue entwerthen, und also eo ipso die sache hieher vor das Cammergericht zue ziehen, und damit verursache, daß man am Kaißl Hoff eine repulsam bekomme.*'

with individuals in paid employment as subjects. This misrepresentation was one reason why the nobility had gone to the Imperial Chamber Court: they wanted to be heard.²⁶⁴ The nobility had been equated with ordinary subjects, whereas they still maintained an exceptional position, as no ratio was established for tax payments.²⁶⁵

Several arguments were made by the anonymous author to object to the contents of the *Duplica*. There was no evidence anywhere that the nobility had objected to the landgrave's claim of *necessitas*. This claim was substantiated by the remark that the nobility had neither objected to his superiority, nor the tokens of his *regalia*. Ultimately, it meant that he was the interpreter of a given situation and the law.²⁶⁶ It may be concluded that the nobility had not objected to the superiority of regal rule, thereby tacitly accepting the exceptional situation of war as a possible exception. The author of the commentary countered Landgrave Wilhelm VI's claims by pointing out that strict rules had been formulated in the Regensburg Diet agreements of 1630 on the use of the necessity argument.²⁶⁷ The landgrave had disregarded these.²⁶⁸ Consequently, the nobility's meetings *were* legitimate, and it was Wilhelm VI who had disrespected tradition.

This peer consultation had not been intended as preparation to undermine the landgrave's position, despite the possible claims that the assembly made concerning the welfare of the principality of Hesse-Cassel.²⁶⁹ Firstly, the nobility legitimately needed to discuss the curtailment of their right to assemble and discuss issues. Secondly, they needed to discuss the continuing costs of warfare, despite the 1648 peace treaties—costs that threatened the possessions of both the subjects and the nobility in the principality of Hesse-Cassel.²⁷⁰ Finally, but most importantly, the nobility wished to debate amongst themselves how to deal with the matter of the landgrave collecting taxes without first obtaining the nobility's consent.²⁷¹ This practice harmed not only the citizens and farmers but the nobility as well.²⁷² The emperor had ordered the 4000 *Malter* of grain to be returned; the nobles were still waiting for the landgrave to comply. Contrastingly, the landgrave attempted to levy a new land tax and tried to coerce the nobility to contribute illegally.²⁷³

²⁶⁴ *Überschicktes Bedencken*, 9.

²⁶⁵ *Überschicktes Bedencken*, 12, 23.

²⁶⁶ *Überschicktes Bedencken*, 20–21: 'Die Ritterschafft redet und führt nichts contra superioritatem et regalia principis, sondern sagt nur de modo exercendi superioritatem et regalia tam in causis ordinarijs quam extraordinarijs, alß necessitatis, belli et similium, welches das ubliche herkommen und observantz quae optimarum auch iuris et legum interpraes ist, erklären muß.'

²⁶⁷ *Überschicktes Bedencken*, 5.

²⁶⁸ *Überschicktes Bedencken*, 5–6.

²⁶⁹ *Überschicktes Bedencken*, 26–27 and 32–33.

²⁷⁰ *Überschicktes Bedencken*, 20 and 22.

²⁷¹ *Überschicktes Bedencken*, 18–19, 34. See also: von Friedeburg (2003), p. 304.

²⁷² *Über die Duplic Schrift*, 3, 13, 24–25.

²⁷³ *Über die Duplic Schrift*, 15, 22 and 4, 15, 19.

The landgrave seemed to have interpreted the nobility's silence in matters of taxation as tacit consent.²⁷⁴ According to the nobility, the landgrave bent and reinterpreted previous verdicts into a more desirable outcome.²⁷⁵ Landgrave Wilhelm VI's lawyers had read things into the *Replica* which were not there, such as the use of Saxony Law rather than Hessian laws, and the idea that the nobility used their rights to evade specific responsibilities.²⁷⁶ The nobility responded angrily to these allegations and improper references: it seemed to them to be a violation of their honour.²⁷⁷ Strikingly, the nobles did not flaunt their fidelity and loyalty, but instead complained instead that the landgrave had failed to mention their loyalty.²⁷⁸ Their responses should not be interpreted as disobedience, as they were merely trying to protect their privileges.²⁷⁹

That the landgrave's arguments had been primarily rooted in foreign sources was considered to be problematic. The views of Spanish, Italian, or other legal scholars did not apply to the *ius publicum*, the laws and the customs of the principality, or those of the Holy Roman Empire.²⁸⁰ According to the author of the commentary, using foreign sources meant that their references did not apply to the situation of either Hesse-Cassel or the Holy Roman Empire:²⁸¹ customs and laws differed substantially between the various parts of Europe.²⁸² The *Aurea Bullae* (XV) was instead used to substantiate the nobility's claims of the legitimacy of their actions.²⁸³

²⁷⁴ *Über die Duplic Schrift*, 3, 9.

²⁷⁵ *Über die Duplic Schrift*, 9.

²⁷⁶ *Über die Duplic Schrift*, 10–11.

²⁷⁷ *Über die Duplic Schrift*, 10.

²⁷⁸ *Über die Duplic Schrift*, 10.

²⁷⁹ *Über die Duplic Schrift*, 21.

²⁸⁰ *Über die Duplic Schrift*, 1–2: 'Waß ein die ingedüchten Duplic schriefft allegirte Jura belanget, seindt dieselben mehrenteils ex opinionibus Doctorum erstlichen hergenommen, welche Doctores mehrenteils Spannier, Italiäner, undt auß andern fremden nationen seindt, welche in materijs jus publicum concernib[us] geschrieben haben, de jure et consuetudine Ihrer herrschafften, undt das römischl[iche] Reichß undt die privilegia undt herkommens deßelbigen freijer leuthen nation gar nicht appliciren.'

²⁸¹ Interestingly, the anonymous 1646-document (which deals with—among others—the Marburg succession) refers to this exact argument. It states that using sources from outside the Empire is of little use as these sources do not show an understanding of the customs and practices within 'Teutschland': It is unknown who wrote this pamphlet, nor is the place of publication known. However, the arguments are in favour of the landgraviate's policy to have Hesse-Marburg returned to Hesse-Cassel, which may indicate the author's financier as being the landgravine of Hesse-Cassel. *Nothwendiger Bericht, darauß zu sehen, Daß nicht allein die, von Hessen-Cassel erlangte.* (S.I. 1646), 7.

²⁸² It is clear what standards should be met to be accepted as a non-foreign author. See for more information the analysis made by Hirschi (2011).

²⁸³ *Über die Duplic Schrift*, 31.

4.9.10 *Triplicae: 26 June 1655*

The conflict remained unresolved, despite an invitation issued on 1 May 1655 to assemble with the landgrave on the day before Ascension Day.²⁸⁴ The evidence for this comes from the *Triplicae*, presented on 26 June 1655 by Blaufelder's successor, Dr Paul Gambs.²⁸⁵ It constituted an official legal reply to the *Duplica*. Though the same arguments were used as in the *Überschicktes Bedencken Siner ebensoher Von Speijer Uber die Duplic Schrift*, it should be dealt with as an individual text as the arguments were voiced more diplomatically. The *Triplicae*, as a supplement to the *Replica*, was sent to the Imperial Chamber Court to elucidate specific issues, before a possible verdict.²⁸⁶

The nobility claimed they were harmed in the *Duplica*. They had helped Landgrave Wilhelm VI by accepting his government and supported him on his return to Hesse-Cassel.²⁸⁷ However, they were repaid with an accusation of the crime of *lèse-majesté* and rebellion against the fatherland.²⁸⁸ The nobility wished to counter these accusations by referring to their deep love of the fatherland. Furthermore they made arguments based upon their respect for and obedience to their landgrave.²⁸⁹ These matters had been addressed in the *Replica* and again in this *Triplicae*. The issue of the nobility as *subjects* was also addressed.²⁹⁰ The landgrave could not unilaterally change the various agreements made by his predecessors about the fief, or the position of individuals or the immunities of the nobility.²⁹¹ By accepting the government in 1637, Landgrave Wilhelm VI had agreed to acknowledge these laws, respect noble ancestry, and honour immunities.²⁹² The requisition of 4000 *Malter* of grain, under the pretext of *necessitas*, was seen as an attempt to evade the nobility's necessary consent.²⁹³ The nobility declared that the welfare of the principality had been seriously threatened both by warfare, and by the pressure created by the demand for grain.²⁹⁴

²⁸⁴The *Triplicae* in the Archiv der Althessischen Ritterschaft Kaufungen (AARK) does not bear a clear date. The date is, however, readable in HStAM Bestand 255, H140: *Triplicae*; HStAM 5, 14651 (microfiche) Nr. A4755: one-page pamphlet (invitation; print).

²⁸⁵Eßer (2001), p. 186; Hollenberg and Jäger (1989c).

²⁸⁶AARK, *Triplicae* (Repositur 6, Gefach 15, Seite 54, Nummer 5), 2 and 4; Maruhn (2004a), pp. 76, 82.

²⁸⁷*Triplicae*, 25.

²⁸⁸*Triplicae*, 3.

²⁸⁹*Triplicae*, 5 and 8.

²⁹⁰*Triplicae*, 11 and 23.

²⁹¹*Triplicae*, 31–33.

²⁹²*Triplicae*, 31–33, 37 ; *Triplicae*, 32: '*Justitiae enim et rationis ordo suadet, ut qui à Successoribus contractibus suos observari defiderat, praedecessoris sui contractus et voluntatem ipse custodiat ac exequatur.*'

²⁹³*Triplicae*, 22.

²⁹⁴*Triplicae*, 25.

Despite the imperial approval of such meetings, the landgrave had on various previous occasions objected to private meetings of the nobility and banned them once again in 1655.²⁹⁵ The nobility was therefore once more compelled to object to this injunction. To substantiate their case, they put forward examples the examples of the Duchies of Jülich and Berg and Eastern-Frisia. Here assemblies had also been forbidden, but imperial verdicts had eventually ensured that the nobility could meet again. As the nobility in Hesse-Cassel constituted a legitimate, loyal *collegium*, it was their firm opinion that they respected the landgrave's government, and they were keen to look out for the best interest of the fatherland and its prosperity.²⁹⁶

The nobility attached great value to the welfare of their subjects; moreover, they desired to remain within the boundaries of the law. They, therefore, needed to pursue this trial with great caution, to arrive at a peaceful solution.²⁹⁷ However, the nobility's lawyer still felt the urge to adopt a defensive tone, due to the growing rift between his clients and their opponent, the landgrave.²⁹⁸ Under the pretence of the emperor's consent, infringement of privileges, laws, and immunities had occurred.²⁹⁹ Even when levying land taxes was at stake, the *Landstände* should still have been consulted as to whether they were willing to give their consent because, by the 1536 Homburg consultation, nobles were exempt from taxes.³⁰⁰ The nobility, for their part, would bear the well-being of the landgrave's subjects and tenants in mind when assessing a tax request.³⁰¹ The problem was that the

²⁹⁵ *Triplicae*, 36.

²⁹⁶ Section from: *Triplicae*, 35–37: 'Es ist ja Reichskündig, daß in erbverbündeten Lands Sachen wie auch in Frijstift Magdeburg citra omnem veniae petitionem sich die Ritterschafft so offalß nötig, vor sich betraget; Ja kaum ein meil mags abgelegenen fürstenthum Braunschweig kammbt die Ritterschafft und Städte, oder auch jener allein auser geschehen erlaub[nis], so offte sie wollen, und es nötig achten, zusammen, Jemaßen noch von diesen 1655ten Jahre, warumb wohl und nicht landkündig wäre, wohe zu machen stände, daß nur biß an osterliche Zeit dieses jahrs die Ritter- und Landstände zum wenigsten 5 wo nicht 6 conventus propria autoritate serente Ill[ustriss]mo Domino gehabt und sich bald nach baden werden, bald nach Hirseck, bald nach Göttingen, bald gar nach Hannover begeben, vor des Landes Wohlfahrt oder auch Erschwehrungen, wie treue Patrioten wohl anstehet, fleißig communicieret, sonder mannigliches contradiction und befinderung zu geschweigen daß aus der Pfalz-Neuburgl[iche], wie auch Ostfriesländigschen Agenden bekannt, daß alß beijder seits Ständen freije conventus gefindert war den wollen, dieselbe beij Kayßerl. Mayl [iche] mandata poenalia impetriert und erlanget haben. Weilen nun die Heßl[iche] Ritterschafft und landschafft Reichskündiger weiße ein licitum collegium auch darneben dero oblingen und Treun-Sorgfalt ist, abgestatteten Pflichten ja Göttlicher und Weltlicher Rechten Befestigen und Unvordnung nach, auf uns Vatterlands conservation und Wohlfahrt zu gedancken, Und Ihres gnädigen landes fürsten Person und fürstlichen Respect unterthänigst zu beobachten, wie nach Ihre selbst einigen herbeachte freijheit und gerechtigkeit jure divino naturali gentuim ac positivo id permittente zu vertrethen, auch deswegen, wenn es die Untherfordert, Ihr anlingen dem gnädigen Landesfürsten in untertäniger Reverz und submissier vorzutragen.'

²⁹⁷ *Triplicae*, 6–7.

²⁹⁸ *Triplicae*, 7–8.

²⁹⁹ *Triplicae*, 10.

³⁰⁰ *Triplicae*, 17–18.

³⁰¹ *Triplicae*, 18–19.

landgrave's policy seemed to be aimed at undermining their immunity and making the nobility pay taxes, by lumping them together with such commoners as farmers and citizens.³⁰²

The nobility claimed that they retained a positive attitude towards the landgrave despite all this. They were most willing to advise or participate in deliberations, especially when their consent was required.³⁰³ However, the *Triplicae* claimed that the landgrave had no longer attempted to engage in talks with the nobles.³⁰⁴ The *Duplicae* made it seem that the nobility had agreed to the 4,000 *Malter* of grain in 1648. In contrast, in the *Triplicae* the nobility once more claimed that had not been consulted.³⁰⁵

The landgrave had a different reading of the *Landtag Akten*—which endured in possession of the nobility, and of history in general. This difference frustrated the nobility.³⁰⁶ They were aware that the prince's clerk had wielded his pen often and aptly, whereas they needed to content themselves with less frequent aid due to a less favourable financial situation. However, the nobility was able to use new insights and information provided by their lawyers and the current teachings of jurisprudence.³⁰⁷ The landgrave referred to some imperial laws, such as the *ius privatum*, *Aurea Bulla*, *Recessus Imperii* as well as to a *Reichsabschied* from 1575. However, the nobility did not want to repeat themselves, as they had substantiated their point in the *Replica*.³⁰⁸

Once more, the nobles were deprived of their right of assembly: these meetings were deemed an act of *lèse-majesté*. They contested this assessment, and argued that they needed to give their permission before the levying of taxes. Even though the nobles were not required to pay tax, they were deeply committed to the well-being of the fatherland and wished to protect the citizens and farmers from extortion.

4.9.11 *Ohn Vorgreiffliche Memorialien (1653–1655)*

The collection of the Archiv der Althessischen Ritterschaft Kaufungen contains a text with the title '*Ohn Vorgreiffliche Memorialien. Deren man sich bei Vorstehender gütslicher handlung zugebrauchen.*' It concerns written minutes, which could be used during upcoming negotiations.³⁰⁹ The text consists of

³⁰²*Triplicae*, 23–25, 30.

³⁰³*Triplicae*, 13–14, 39–40.

³⁰⁴*Triplicae*, 11–13, 35.

³⁰⁵*Triplicae*, 35.

³⁰⁶*Triplicae*, 9 and 38.

³⁰⁷*Triplicae*, 15.

³⁰⁸*Triplicae*, 43.

³⁰⁹AARK, *Ohn Vorgreiffliche Memorialien. Deren man sich bei Vorstehender gütslicher handlung zugebrauchen* (Repositor 6, Gefach 15, Seite 54, Nummer 5).

Table 4.3 Fatherland terminology in the Memorialien (1653–1655)

Section	Total pages	Fatherland terminology
I. Taxation without consent	10	-
II. Religious argumentation on taxation and government	42	1
III. Assemblies to discuss the welfare of the <i>landgraviate</i>	16	5
IV. <i>Jure superioritatis</i> and the nobility's subjects	20	2
V. Taxation of the nobility's possessions	14	-
VI. The office of hereditary marshal and the two <i>curiae</i>	4	1

108 pages containing arguments drafted in favour of the nobility's view. The Imperial Chamber Court did not receive this document; therefore, it can be considered an informal draft. The text is not dated, but there are clues as to when it was drafted. For example, it must have been written after the death of Landgravine Amelie Elisabeth, to whom retrospective reference was made.³¹⁰ Furthermore, the title refers to negotiations (*Handlung*), which took place in either 1653 or 1655.

The *Memorialien* has six sections, marked by Roman numerals. Each contains a different focus and argument. The themes discussed are shown in Table 4.3.

Fatherland terminology is present in most of the sections, except the first and fifth part (see Table 4.3). Contrary to the previously discussed texts, religious arguments constituted a significant component of this text. I will discuss the argumentation used in this text next.

The first part of the *Memorialien*³¹¹ deals with the '*Contribution und Immunität dero Ritterschafft*'.³¹² This section suggests that privileges and previous agreements with Landgrave Wilhelm VI's predecessors obliged him to include the nobility in the decision-making process. The nobility referred to both the *exceptionibus sub- et obreptionis* and the *Mandatum inhibitorium et cassatorium sine clausula* to stress this point.³¹³ The nobles were obligated to concede to taxations. However, the nobility did not taxes, and they duly emphasised this noble privilege.

Turning to the Bible, a religious argument was brought to bear on the question of taxation and government. It was an entirely new line of argumentation that it should not be confused with the first part of the *Memorialien*. In that first section historical examples from the principality were used to substantiate the argumentation. This second section adds arguments from the Bible and literature to these local historical sources.³¹⁴ This section notes that the Jewish people requested a sovereign government successfully. The nobility refers to the book 1 Samuel 8: 11 and 12, and

³¹⁰ *Ohn Vorgreiffliche Memorialien*, 8.

³¹¹ *Ohn Vorgreiffliche Memorialien*, 3–12.

³¹² *Ohn Vorgreiffliche Memorialien*, 3.

³¹³ *Ohn Vorgreiffliche Memorialien*, 4.

³¹⁴ *Ohn Vorgreiffliche Memorialien*, 13–54.

subsequently follows the interpretation offered by Luther.³¹⁵ In his commentary, Luther claimed that it had been sinful to request a king in the first place—referring to Deuteronomy 15 and 16. Thus, the nobles inferred that there was a limit to princely power and to the codification of law and civil rights. *Necessitas and utilitas publica* must be kept in mind, as well as the well-being of the whole principality.³¹⁶ Only in cases of need and violence could a king act according to 1 Samuel 8: 11 and 12. Harming the subjects was not part of the king’s office, as the examples of king Achab and the wine-farmer Naboth showed.³¹⁷ God punished these two kings for their wrong-doings.

Deliberations about taxation were to be organised in conjunction with the *Landstände* of the principality. Even the emperor needed to consult the *Reichsständen* in cases of *necessitas* before he could levy taxes; and, according to the nobility, foreign kings were under the obligation to ask for consent as well.³¹⁸ It was common practice to organise a *Landtag* and ask the *Landstände* to agree with the taxes. Should this process not be followed, then the prince’s actions could and would be considered tyrannical.³¹⁹ In 1514 the landgrave, the nobility, the prelates and the *Landschaft* discussed how to rule Hesse while landgrave Philipp I was still underage. Propositions included grievances and the right to ratify taxation.³²⁰

The nobility acknowledged that the book of Romans, Chap. 13 discussed obedience to the government and the payment of taxes.³²¹ They argued, however, that this constituted no excuse to either levy taxes forcefully, or to violate noble privileges. The *Landstände* preferred to preserve peace while maintaining their privileges and freedoms. Therefore they had shown deference to the landgrave, despite the evidence they possessed in support of their position.³²² In times of crisis, their judgement had to be valued; the burden borne by ordinary subjects was an issue that the nobility was expected to monitor.³²³ They desired the ongoing collection of

³¹⁵King James Bible: 1 Samuel 8, verse 11: ‘And he said, ‘This will be the behavior of the king who will reign over you: He will take your sons and appoint them for his own chariots and to be his horsemen, and some will run before his chariots. Verse 12: He will appoint captains over his thousands and captains over his fifties, will set some to plow his ground and reap his harvest, and some to make his weapons of war and equipment for his chariots.’

³¹⁶*Ohn Vorgreiffliche Memorialien*, 18.

³¹⁷*Ohn Vorgreiffliche Memorialien*, 19.

³¹⁸*Ohn Vorgreiffliche Memorialien*, 22.

³¹⁹*Ohn Vorgreiffliche Memorialien*, 26.

³²⁰*Ohn Vorgreiffliche Memorialien*, 27–28.

³²¹King James Bible: Romans 13, verse 6: ‘For because of this you also pay taxes, for they are God’s ministers attending continually to this very thing. Verse 7 Render therefore to all their due: taxes to whom taxes are due, customs to whom customs, fear to whom fear, honour to whom honor.’

³²²*Ohn Vorgreiffliche Memorialien*, 35–36.

³²³*Ohn Vorgreiffliche Memorialien*, 36.

resources to be postponed in order to protect prosperity and safeguard the fatherland.³²⁴ In other words, the nobility would protect the well-being of the fatherland, thus protecting the citizens and peasants or tenants from harm and extortion.

Moreover, it would increase the authority of the landgrave if he received the required permission to levy taxes.³²⁵ The nobility went even further by acclaiming that it would behove a beloved father of the lands to take an active interest in his subjects in times of both need and prosperity.³²⁶ *Potestates* should be used to promote prosperity.³²⁷ Respecting the privileges of the nobles would be beneficial to the Landgrave's reputation, and would ensure their respect and loyalty.³²⁸

The third section contains the highest number of references to both fatherland and patriots. It deals with the nobility's right of assembly for the purpose of discussing the welfare of the landgraviate.³²⁹ As has been shown in the *Replica*, *Duplica*, and *Triplica*, there was a heated debate about this specific right. It is therefore not surprising that the issue is brought to the fore in this text as well. The nobility claimed they were unaware of any necessity to obtain the landgrave's permission for a meeting, even when the defence of the fatherland was the topic of discussion.³³⁰ That is when they wished to discuss the fatherland's peace, prosperity and wellbeing, and the preservation of their privileges, immunities, and justice.³³¹ The nobility distinguished legitimate and illegitimate assemblies concerning Charles IV's *Aurea Bulla*, stating that their meetings belonged to the former category. Moreover, the Imperial Chamber Court had previously ruled in favour of the *Landstände*.

The nobility described the situation in great detail, emphasising that the acceptance of privileges had been part of the arrangement upon Landgrave Wilhelm VI's ascension: he would be allowed to govern the principality, however it was the

³²⁴ *Ohn Vorgreiffliche Memorialien*, 36–37: 'Und die Nottrufft daß landeß erfordert, so muß man nicht alß bald mit gewald mit enträglichen beschwahrunges und außaugnung der armen unterthanen belah des [illigible], bestandes zuerst auf einem landtage bei Ihnen erkundigen waß zuthun und herzuges bes müeglich, und also Mitt Ihrer bewillung die collectis austelles, waß zu wollfarth und nutz deß Vaterlandeß dienlich ist.'

³²⁵ *Ohn Vorgreiffliche Memorialien*, 38.

³²⁶ *Ohn Vorgreiffliche Memorialien*, 39–40.

³²⁷ *Ohn Vorgreiffliche Memorialien*, 40.

³²⁸ *Ohn Vorgreiffliche Memorialien*, 42–43.

³²⁹ *Ohn Vorgreiffliche Memorialien*, 55–70.

³³⁰ *Ohn Vorgreiffliche Memorialien*, 56.

³³¹ *Ohn Vorgreiffliche Memorialien*, 56–57: 'Dahero dan dero Ritterschafft alß fürstentumbes landstand und vielmehr dem gantzes corpori universalis, in fälles, so deß gantzes vaterlandeß tranquillitet, friede, ruhe, wollfarth und bestes, oder auch die erhaltung Ihrer privilegien immunitet und gerechtigkeit betreftes, auch ohne zuuer darüber eingeholetes consens deß superioris, conventus anzustelles und außzuschweibes erlaubt und ohne verwehre ist.'

nobility's obligation to watch over the health and prosperity of the fatherland and warn their ruler when this was at jeopardy.³³² The nobility would not undermine the *superioritas* of the landgrave at any time.³³³ Nonetheless, in the case of grievances or a problematic situation, they would object on behalf of the fatherland to restore its prosperity.³³⁴ During their meetings they had only debated the prosperity of the land, implicitly stating they had never discussed ousting their landgrave.³³⁵ They were dedicated to the landgraviate and desired to be included in all communications that might influence its well-being.³³⁶

The fourth paragraph of the *Memorialien* concerns the '*Landesfürst ratione et jure superioritatis*' and the position of the noble subjects in the principality.³³⁷ In military matters, the landgrave needed to guide his subjects.³³⁸ The nobility recognised the landgrave as the *Dominus Terrae*, and consequently mentioned the *iure lustrationis* and the *iure superioritatis* in this context.³³⁹ However, a problem arose when the landgrave needed soldiers, and the nobility's tenants were asked to make themselves available.³⁴⁰ Defending the principality in hazardous situations (cases of *necessitas*)—which was acknowledged by the nobility—contravened the authority of the nobility who usually gave orders to their tenants. The Hessian knights and their subjects would undoubtedly help in defence of the Fatherland.³⁴¹ Although this could only occur in extreme cases of *necessitas*, and substantial tax burdens had to be taken into account, the loyal Patriots honoured the *ius*

³³² Ohn Vorgreiffliche Memorialien, 60–61: 'Und weils also die landtstände des fürstendumbß Heßes einmahls Vermüge dero Rechte einmahls Vermüge dero Recht ein licitum collegium sein, Und deres oblieses und sorgfalt nicht allein nach erheischender inß gemein abgeschwornen huldigungen und respectivè erstattetes lehspflichtetes, sondern auch aller sowoll Gott und Geistlicher, alß weltlichen Rechtes auf daß vaterlandes conservation und wollfahrt und ihres gnediges landeß fürstes Persohns und hoheit zu verthediges, und für schades zu warnes, wie auch Ihre woll hergebrachte Freijheites und gerechtigkeits permittente sic jure naturali zuvertretes, auch daßweges, wenn eß die Noth erfordert Ihr anliegens dem landeß Fürstes mitt gebührender reverentz in Unterthanigkeit vorzutragens, und ein wachsambeß aug zu habes, Ihnes in allewege obliget, und gleichwol dero gleiches heilsame zu deß Vater landeß, deßes oberhaupts und gesambtes gleider ersprieffliche berathschlagunges für glicher und anders nicht, alß durch conventus und betagunges beschehes, und die consilia, durch welche deß landes fürstes superioritet (vos [illigible] welcher sie keine dependentz habes) nicht praejudiciret wirdt, zu sammengetrages werdes können.'

³³³ Ohn Vorgreiffliche Memorialien, 62.

³³⁴ Ohn Vorgreiffliche Memorialien, 64: fatherland is used in this context both to refer to the problematic situation of the fatherland and the prosperity of the fatherland.

³³⁵ Ohn Vorgreiffliche Memorialien, 67.

³³⁶ Ohn Vorgreiffliche Memorialien, 68.

³³⁷ Ohn Vorgreiffliche Memorialien, 71.

³³⁸ Ohn Vorgreiffliche Memorialien, 72.

³³⁹ Ohn Vorgreiffliche Memorialien, 73.

³⁴⁰ Ohn Vorgreiffliche Memorialien, 75.

³⁴¹ Ohn Vorgreiffliche Memorialien, 80.

superioritatis and held it in high esteem.³⁴² The loyal patriots would help to defend the landgraviate, and there could be no doubt about the nobility's loyalty towards the landgrave.

In the fifth part of the *Memorialien*, the question was raised whether the nobility's possessions were liable to taxations, similar to those of a commoner. The nobility expressed their concern about this proposal: it passed over ancestry and privileges. The noble liegeman had other services to offer than paying taxes. Quoting Joachim Mynsinger von Frundseck (1514–1588), they claimed that the exemption was not offered gratuitously, but as a result of these other services, and necessity.³⁴³ In the case of extreme need (*necessitas*), the nobility would help out, like commoners and cities; not only with money but also by providing the necessary military means. External pressure using taxation, however, was not appreciated.

The nobility, prelates and the *Landschaft*—which consisted of the 40 main cities in Hesse-Cassel—formed the principality's diet. Together, the nobility and the prelates formed the first chamber of the *Curia*; the *Landschaft* formed the second chamber. The joint meetings of the first chamber and the *Landschaft* were presided over by the hereditary marshal.³⁴⁴ The sixth section of the *Memorialien* dealt with two issues. *Firstly*, the position of the hereditary marshal, and *secondly*, the division of the individuals into two chambers.³⁴⁵ Though the nobles recognised that the chambers had the same goal—to work for the benefit of the fatherland—they stressed that the two chambers should not be merged. The *Landschaft* held an entirely different position, as they had fewer possessions than the nobility and the prelates and, consequently, felt that the *Landschaft* should be treated differently.

In short, throughout the *Memorialien*, the nobility's main argument was that they should be allowed to assemble and to protect the fatherland. They did accept the *superioritatis territorialis* and the Biblical duty to obey their government; however, this did not entitle the landgrave to impose an extra tax. That would be considered a form of extortion. The noble subjects explained that they held a unique position in

³⁴² *Ohn Vorgreifliche Memorialien*, 83–85: 'Eß ist Ihnen aber allezeit unterthänig abgeschlages, und die Uhalte observant remonstrirt wordes, darauf hochgedachte G. Fürstl. Gn. Auch gnadig acquiesart und deß halbes in die Ritterschafft weiter nicht getrunges, So könnte schließlich gebethes werdes, Sie beiß iezan [illigible] geregtis Freij: Vnd gerechtighettes zulaßes, und darin nicht zu betrübes oder mit Newerunges zu beschwehres, hingeges die Ritterschafft sich unterthäniglich erbiethes, könte vos Ihrer schuldiges devotion, Trew und gehorsam in ewigkeit nicht daß geringste sinckes zu lassen, Woltes auch ihre unterthanes in solcher bewehr: vndt verfaßung nach möglichkeit haltes, das Sie aufns [illigible] Nothfall und in casu in-optimate et extremae Necessitatis (welches Gott gnediglich verhütes wolle) und auf Ihrer fürstl. Gn. gnediges auffboth die allgemeine Landfolge mit verrichtes selffes, und darbeij, alß getrewes, redliches und auffrichtiges Patriots gebühret Leib, guet und blut nebes des Ihre ges more solito et consueto auffffsetzes woltes, dar durch das in Ihrer Fürstlicher Gnad. ius superioritatis welches die Ritterschafft iederzeit in hohen Respect gehalten vndt noch) nicht gegriffes sondern nurt allein des augen[mu]thetes Ugewöhnliches und natuerliches modum sequelae ab- und einzustelles gebethes würdte [etc].'

³⁴³ *Ohn Vorgreifliche Memorialien*, 97.

³⁴⁴ Neu (2013b), pp. 126–127.

³⁴⁵ *Ohn Vorgreifliche Memorialien*, 105–108.

society, which made them tax-exempt. This privilege meant that they could not be ignored. They were willing to help financially or militarily—in case of *necessity*—but attempts to apply pressure or avoid their council would not further the landgrave’s cause. They wished to do what they deemed best for their fatherland, regardless of other motivations, and it was their privileges that allowed them to fulfil this obligation.

4.9.12 (Draft Loco) *Quatruplika: 1655*

The *Quatruplika* is a draft (*entwurf*) written shortly after, and in response to, the *Triplica*. It mainly concerns the injustice caused by the nobility’s court case.³⁴⁶ In the *Quatruplika* the landgrave stated his obligations, but he felt hindered in complying with them, as he was still awaiting the verdict. This document refers to Landgrave Maurice, who had dealt with a similar case at his own discretion. Furthermore, the matter of taxation is addressed, based on the legal assumption that *necessitas non habet legem*.³⁴⁷ The *Quatruplika* stressed that the landgrave’s policy had focussed on *pro defensione Patria*.³⁴⁸

4.9.13 *The Agreement: The End of the Legal Conflict: 2 October 1655*

Although the ‘*Vergleich*’ or ‘*Vertrag*’³⁴⁹ is not a ruling of the Imperial Chamber Court, it did end the dispute between the nobility and the landgrave, which originated in 1605/6 and reignited in 1646. Despite our focus on fatherland vocabulary, which is more or less absent from this text, it is nevertheless essential to study this final document in the legal debate in order to provide context.

The landgrave, who lacked financial resources, chose to settle matters with the nobility of Hesse-Cassel without further imperial involvement.³⁵⁰ The nobility were also interested in reaching an agreement since the acceptance of the *Jüngster Reichsabschied* (Lat.: *recessus imperii novissimus*; 1653-54) significantly diminished their chances of success if they decided to continue to press their demands.³⁵¹ Because the imperial text had once more stressed the *superioritas territorialis*, the

³⁴⁶ ‘Entwurf loco Quadruplicarum’ [o.O., o.D.], in: StAD E2 Nr. 20/2, unfoliiert, 18 S.

³⁴⁷ ‘Entwurf loco Quadruplicarum’, 8.

³⁴⁸ ‘Entwurf loco Quadruplicarum’, 10.

³⁴⁹ *Vertrag* is the term used in HStAM, Bestand 5, 17066.

³⁵⁰ Maruhn (2004a), p. 209; von Friedeburg (2007), p. 189.

³⁵¹ Eßer (2001), p. 181; Philippi (2007), p. 4; Maruhn (2004b), pp. 88–89; Maruhn (2004a), pp. 81–83.

nobility understood that a verdict by the Imperial Chamber Court would no longer offer protection, and a compromise in the landgraviate was the best they could hope to achieve.³⁵² On 2 October 1655, the nobility and the landgrave reached a final agreement in their long-drawn-out conflict.³⁵³ This settlement was signed by Landgrave Wilhelm VI and the nobility's negotiators. Though in the case of Jülich no court was involved, the negotiations to come to an understanding shows a similar strategy.

The significance of the text has been characterised in two ways. *Firstly*, because it was meant to formulate a new relationship between the landgrave and his nobles as a *lex fundamentalis*, it has been called a consensual agreement.³⁵⁴ Such an agreement emphasises the active participation of both the landgrave and the nobility in reaching the agreement. *Secondly*, the official nature of the text can be acknowledged using the subscription of both sides.³⁵⁵ It can be seen as a 'key document' (*Schlüsseldokument*)³⁵⁶ or a 'constitutional text' (*Landesgrundgesetz*).³⁵⁷ This terminology demonstrates the official status of the document, and recognises the nobility's active involvement in politics. The principalities gained more of what is often called 'territorial sovereignty'.³⁵⁸ Additionally, the princes increased their sovereign power over that of the emperor, which led to a minimisation of competing rights.³⁵⁹ It was of little use for the nobility to continue the lawsuit, as they had few possibilities to intervene in the princely politics nor the internal politics.³⁶⁰ This lack of intervention did not open the door to arbitrary rule, but the *Vergleich* indeed offered a constitutional restraint upon the active participation of the nobility.³⁶¹

The *Vergleich* concerned eight different topics, all of which influenced the agreement.³⁶² These topics were: (1) *Landtag* meetings and consent in taxation issues, (2) justice and legal affairs, (3) the religious conviction of Lutheran nobles, (4) the military service of the nobility's tenants, (5) permission to levy taxes, (6) specifications of property, (7) the appointment of the nobility's highest financial

³⁵²Maruhn (2004a), pp. 207–208.

³⁵³Hollenberg and Jäger (1989c), p. 57.

³⁵⁴Maruhn (2004b), p. 73.

³⁵⁵Hollenberg and Jäger (1989c), p. 57. Hollenberg also shows that a century later the nobility did not recognise the text as legally important; between 1731 and 1759 the 1655-agreement was referred to as: 'Landtagsabschied', 'Abschied', and 'fürstliches Resolution'. See: footnote 2.

³⁵⁶Maruhn (2004b), p. 73.

³⁵⁷Ibid., p. 86.

³⁵⁸Puppel (2007), p. 124.

³⁵⁹Ibid., p. 124.

³⁶⁰Author's translation of: Eßer (2001), p. 185.

³⁶¹Demandt (1972), p. 266; Demandt (1969); Press (1986), pp. 323–324; Maruhn (2004b); von Friedeburg (2005); von Friedeburg (2010); von Friedeburg (2007), p. 189.

³⁶²'CCLXVI Fürstliche Resolutiones auf die Ritterschafftliche Gravamina. Vom 2ten October 1655', in: C.H. Kleinschmidt, (ed.), *Sammlung kurhessischer Landes-Ordnungen und Ausschreiben nebst dahin gehörigen Erläuterungs- und anderen Rescripten, Resolutionen, Abschieden, gemeinen Bescheiden und dergleichen. 2 Theil .1627/1670* (Kassel, 1767), 240-245.

representative and the landgrave's obligations, (8) stipulations concerning nobles' assemblies. These topics are discussed next.

The §1, which concerns the *Landtag* meetings, refers to a previous agreement with Hesse-Darmstadt (1648), regarding the jointly organised *Landtag* assemblies. Meetings of the *Landstände* of Hesse-Cassel were to take place frequently, with the landgrave as the sole instigator. As the *Landstände* had retained their right to be requested to consent to taxes, these meetings were of major significance.³⁶³ In any case, the nobility's to safeguard their legal privilege to be consulted in matters of taxation efforts from the previous decade had proved to be a success.

The nobility did not succeed in changing the principality's legal procedures, as §2 shows.³⁶⁴ The nobility wanted all legal cases to be directed to the landgrave's court (*Hofgericht*), rather than to the landgrave's chancellery. Unfortunately, difficulties arose, and the nobles returned empty-handed. An agreement (*Nebenrecess*; 1648) with Hesse-Darmstadt was used as a guideline in this matter.

Of the eight paragraphs, §3 (religious conviction) is by far the briefest.³⁶⁵ It merely states that the nobility, their spouses, and their children could be Lutheran. The nobility was now allowed to engage Lutheran preachers to hold sermons.³⁶⁶ Even though the issue of religious minorities had previously been addressed at an imperial level, it was explicitly mentioned in this agreement as well. Hence, it can be concluded that the nobility considered this matter to be of paramount importance, or they would not have included it in the negotiations. As the *Vergleich* was meant to bring closure to a 50-year-old conflict, it seemed sensible to address the issue that had caused the breakdown of relations in the first place.

The references made by the nobility to the fatherland in both the *Replica* and the *Triplica*, were repeated in §4 of the *Vergleich*. Addressing the topic of military service, the use of fatherland vocabulary seems consistent with the nobility's usage of these terms thus far. The text reads that the landgrave could—in times of need—do whatever he deemed necessary in order to ensure the fatherland's good order.³⁶⁷

If their tenants needed to assist in defence of the landgraviate—in case of necessity—the nobles had to be involved too. Their tenants fell under their

³⁶³Maruhn (2004a), pp. 86–90; Hollenberg and Jäger (1989c), pp. 58–59 § 1.

³⁶⁴Maruhn (2004a), p. 166.

³⁶⁵'CCLXVI Fürstliche Resolutiones auf die Ritterschafftliche Gravamina. Vom 2ten October 1655', in: C.L. Kleinschmidt, (ed.), *Sammlung kurhessischer Landes-Ordnungen und Ausschreiben nebst dahin gehörigen Erläuterungs- und anderen Rescripten, Resolutionen, Abschieden, gemeinen Bescheiden und dergleichen. 2 Theil. 1627/1670* (Kassel 1767), 242 §3; Hollenberg and Jäger (1989c), p. 62 §3.

³⁶⁶Maruhn (2004a), p. 87.

³⁶⁷Section from: Hollenberg and Jäger (1989c), p. 62. § 4: 'Viertens die Landfolge und Musterung betreffend behalten Ihre F.G., dieselbe vi juris superioritatis et regalium durchs ganze Land ohne Unterscheid sowohl Ihrer F.G. eigenen Unterthanen alß Ritterschafft Hintersaßen zu exerciren und darinnen sonderlich gestalten Zustand und erheischender Notturfft nach zu Versicherung des Vatterlands heilsame guete Ordnung zue stellen, sich einen Weg wie den andern nicht onbilllich frey und bevor.'

jurisdiction.³⁶⁸ However, the landgrave *could* bypass the nobility when he was in desperate need of resources. Consequently, taxes could be levied without prior consent, despite the nobility's right to endorse taxation (§1). Despite the exceptional provision, these taxes still required authorisation after the fact.³⁶⁹

On principle, the nobility would be requested to endorse the Imperial and Circle taxes (§5). However, when war broke out, and there was no time to consult them, *necessity* overruled this privilege, as quick decision-making was of the essence.³⁷⁰

The following two paragraphs, §6 and §7, deal with possessions and financial arrangements.³⁷¹ An administrator—of noble birth—would be appointed to deal with financial issues, including the details related to taxation. His assignment entailed the oversight of all taxes in the Lower Principality of Hesse-Cassel.

The role of nobility's assemblies was restricted solely to private matters (§8). Matters concerning the landgraviate, in general, could no longer be discussed. A draft (*Resolutionsentwurf*) compiled in 1653, had contained an additional restriction, stating that the landgrave was obligated to approve the order of affairs, even in private meetings.³⁷² The 1655 *Vergleich* was less restrictive than this 1653 draft, as this section was not included. However, it was agreed that the landgrave would be notified of the place and time of these private assemblies.

These eight paragraphs gave rise to a good deal of controversy among scholars upon how the document should be interpreted, but there are at least four general conclusions to be reached. *Firstly*, the landgrave had not acquired the right to levy taxes without consent, because the nobility's privilege had been restored. Conversely, in the case of *necessitas*, other rules apply, but the landgrave was still under the obligation to account for his actions after the event and in retrospect. *Secondly*, the issue of religion had been raised, though, in the light of imperial regulations, this seemed superfluous. *Thirdly*, the nobility had not gained the upper hand in issues relating to justice and financial arrangements. *Fourthly*, the nobility's right of assembly was restricted to a right of consultation on private matters only. The agreement was a real compromise; the landgrave had not gained limitless power, nor had all of the nobility's ancient privileges been honoured.

4.10 Conclusion

In this chapter, I argued that throughout the legal debate, the landgrave and the nobility both used the words fatherland and patriot. In the case of the nobility, calling themselves patriots meant accepting an office to defend the fatherland, that is, the

³⁶⁸Ibid., p. 63.

³⁶⁹von Friedeburg (2003), p. 284.

³⁷⁰Hollenberg and Jäger (1989c), p. 64.

³⁷¹Ibid., pp. 64–65§ 6 and § 7.

³⁷²Ibid., p. 65.

principality of Hesse-Cassel. This duty was accompanied by the right to oppose a ruler. This could only be the case when the prince had overstepped the limits of his office and did not fulfil his obligations. The self-acclaimed patriot depicted himself as most loyal, particularly to his fatherland, customs, and privileges. The nobility defended its obligations by reflecting upon themselves as patriots.³⁷³ This reference seemed to entail its own set of duties to protect the fatherland, and implied the landgrave's failure to do so. Based on the information provided in this chapter, it can be concluded that as early as the 1610s, fatherland terminology was used to criticise the landgrave, and this continued at least through the mid-fifties.³⁷⁴

The landgrave claimed to have received his power from the emperor. He, therefore, held the highest power in the principality: the *superioritas territorialis*. He should not, and could not, be passed over when the nobility had a complaint, and this fact nullified any imperial ruling. In perilous times, his duty was to protect the Lower Principality of Hesse, which could require immediate action. Thus, *necessitas* was of vital importance and meant that he could bypass the nobility in order to save the principality. Proof of his claims was to be found in the literature he quoted, for even though the sources may have been of foreign origin, his claim of holding the office of *superioritas territorialis* was universally accepted.

The nobility resorted to history, pointing to their ancestors from whom they had inherited their rights and privileges. They stressed their exclusive use of German scholars—scholars who had lived under the same laws, and not in some ancient or foreign land—plus the landgrave's duty to abide by existing customs, to which he had asserted when he accepted governance. More importantly, the nobility turned to the history of their principality, a feature which is not mentioned in Stolleis' synthesis regarding the *ius publicum universalis*. The nobles frequently referred to the government and deeds of Philipp I the Magnanimous (1504–1567), his grandson Maurice 'the Learned' of Hesse-Cassel (1572–1632), and the Hessian Chronicle. The nobility fully accepted the notion of a *superioritas territorialis* and the idea that their landgrave should protect his principality, its possessions, and its inhabitants. Likewise, they believed that situations of *necessitas* could occur, but that such situations had been strictly defined by the 1630 Regensburg assembly of the Imperial Diet. The nobility applied these standards, and concluded that the landgrave could not make such claims in the present case: the Treaties of Westphalia did not involve the need for an army. Looking back to their history, they concluded that they were entitled to assemble and debate the welfare and troubles of their fatherland, and that they could discuss this issue with the emperor.

The nobility and the landgrave debated how the structure of the Holy Roman Empire applied to their principality. In the meanwhile, each made arguments based on the historical setting of the principality of Hesse-Cassel or greater Hesse. This discussion seems at odds with the nobility's definition of *necessitas*, which had been established by the Imperial Diet. On the one hand, they appeared to be using

³⁷³ *Replicae*, 12–13.

³⁷⁴ Maruhn (2004a), pp. 24–32; von Friedeburg (2005, 2007).

arguments from *Reichs* legislation regarding the abuse of power as defined by imperial regulations. On the other hand, they insisted on the importance of a territorial setting of rules and privileges similar to Hesse-Cassel. Both sets of rules were considered to be of importance. With the best interests of the principality at heart, and with the overriding desire to force the landgrave into obeying customs, the nobility was obligated to disregard the landgrave's wishes in the matter of convening meetings, and in bringing the matter before the Imperial Chamber Court without the landgrave's prior consent. As loyal patriots, they were to act upon their principality's laws, customs, and honour, and to comply with the rulings of the Holy Roman Empire. Their *ius publicum territorium* was not seen as an isolated part of law-making, but as active interaction with the *ius publicum universale*.

Seven characteristics summarise the debate in Hesse-Cassel. *Firstly*, the trigger for using the terms fatherland and patriot was not solely the requisition of taxation without consent. Neither the impact of the ban on private assemblies nor the humiliating imprisonment of assembly chairmen Von der Malsburg and Riedesel should be overlooked.³⁷⁵

Secondly, when the landgravine avoided the nobility's counsel and consent, pursuing her agenda, the nobility worried that she might want to establish an *absolutus Dominatus*.³⁷⁶ The use of fatherland terminology can be attributed to the need to discuss the threat to the principality and to defend the welfare of the fatherland.

Thirdly, the nobility of Hesse-Cassel sought legal guidance and presented their case—punctuated with Latin phrases—before the Imperial Chamber Court. Not only was the emperor's judgement sought, but the nobility required it by using arguments about patriots, the fatherland, and *patria* in official documents. These documents explained the purpose of their assemblies and the need to protect their privileges. In itself, it may not have been extraordinary for the nobility to focus on concepts of loyalty, customs, and privileges, as those referred to specific, acquired rights. However, the emphasis on their great loyalty to the fatherland in the legal documents proves that the terminology could be used instrumentally. Moreover, it was loyalty to the fatherland, and not to the landgrave, a distinction leaning in favour of the relevance of the terminology.

Fourthly, the landgrave used the same terminology.³⁷⁷ The landgrave's lawyers essentially argued that the landgrave was the official caretaker of the fatherland. The office of a prince encompassed many duties, but the most critical duty was to protect peace and prosperity. Those disturbing the peace and tranquillity were to be judged and sentenced by the landgrave. The argumentation used in the *Duplica* emphasises this fact, even though it still incorporated references to patriots and the fatherland.

Fifthly, the ways in which the words fatherland and patriot were applied were significant. The landgrave did not apply them to himself. The nobility's usage of

³⁷⁵Maruhn (2004a), p. 47.

³⁷⁶*Replicae*, 12–13.

³⁷⁷*Duplicae*, 32–33.

these terms seemed to be conceived of as a warning signal. The patriots were considered vigilant guards of the common good and were now invoking this role. The landgrave recognised their commitment—by copying their use of words—and thanked them for their efforts. He then pointed out that they, like their ancestors, should now step back and let him deal with the situation. Thus, the landgrave's reasoning was in line with his asserted duty to protect the fatherland.³⁷⁸

Sixthly, and especially in the closing agreement (*Vergleich/ Vertrag*), it became clear that not only the nobility but also the landgrave favoured an earlier state of affairs. The *Vergleich* rebalances relations, and it seemed neither the landgrave nor the *Landstände* increased their power, which may be contributed to the use of fatherland terminology. The nobility claimed the office of a patriot in order to protect the fatherland and its welfare. The landgrave had to protect his principality as part of this office. As such, he accepted hearing and incorporating the warning signals of 'his' patriots. The genuflection Duke Wolfgang Wilhelm made to his *Landstände* shows a similar recognition of their role as patriots, and possibly as Althusius' ephors.

Finally, the absence of pamphlets in this conflict is noteworthy but logical, because the *Landstände* were able to appeal to the Imperial Chamber Court. It also shows that there was little chance of invoking the help of other principalities. The nobility did not air their issues with the landgrave to the rest of the world. This seclusion is contrary to the approach that the nobility from Jülich chose.

Fatherland terminology intended to describe the fatherland, and the patriots—the nobility—claimed loyalty to the fatherland rather than their landgrave. This fatherland was in danger because of the detrimental actions of its ruler. Admittedly, by emphasising the concept of the fatherland, the nobility developed a new role for themselves and excluded the landgrave. However, it was not necessarily their preconceived intention to undermine the position of the landgrave; the nobles merely sought to emphasise that the fulfilment of their duties towards the fatherland was their prime motivation. Fulfilling the office of a patriot was, at first sight, an altruistic action. The nobles professed that their higher goal was to protect the prosperity of the principality, the authority of the landgrave, and their privileges. It must not be overlooked though, that their ultimate goal was to have their privileges respected—which was not at all altruistic. Achieving this goal would ensure that their position remained unchanged and that the nobility retained a prominent position in the decision-making process in Hesse-Cassel, and in the levying of taxes. The nobility strengthened their claims to political involvement by representing themselves as one corporate, united body.³⁷⁹

The landgrave applied fatherland terminology as well, which cannot be explained by the same premise as above. In the *Duplica*, clear examples have been presented of the landgrave's usage of these terms. The landgrave's most basic argument comes down to two points: firstly, that he held the fief; and, secondly, that all persons within

³⁷⁸Simon (2004), pp. 22–23, 26–27, 93, 105, 166, 221.

³⁷⁹Harding (2013), pp. 119–120; von Friedeburg (2003), pp. 319–320.

that fief were subjects, and so under the obligation to obey his rule. In this respect, it is crucial to note that the landgrave's lawyers deemed this argument insufficient, and, consequently, the previously discussed lengthy legal text called the *Duplica* was drawn up. It is argued here, that if subjects were allowed to assemble at their initiative, this would be harmful for two reasons. First of all, the ambiguous nature of the meetings in the Hessian convents of Kaufungen and Wetter was problematic, in that they could either deal with private or political matters and might thus be used to undermine authority. Secondly, even the nobility must act within rules and regulations.³⁸⁰ It was consequently argued that if the nobility, as subjects, possessed the right of assembly, farmers and citizens might claim this right as well, which would be harmful to the entire Holy Roman Empire.³⁸¹ This argument seems to be in line with the landgrave's acclaimed *superioritas territorialis* and rule over all his subjects. This legal context shows that the landgrave's lawyers assumed that it was the landgrave who took care of the fatherland. However, it does not readily explain why words like fatherland and patriot were accepted vocabulary, as fief and subjects could easily have replaced them.

The answer may well lie in the seeming altruism of the office of a patriot. The landgrave seemed to accept that there was such an office. His lawyers even presented the Imperial Chamber Court with a historical case in which fatherland arguments were used. It seemed to have functioned as a wrecking ball that smashed the debate open. This example argued that the nobility claimed to be loyal to the landgrave in order to protect the fatherland. They set aside their privileges and immunities while the landgrave stepped up to defend the principality. In this particular example, the nobility as patriots had been loyal to the fatherland and the landgrave. The landgrave copied the vocabulary used by the nobles in order to refer to nobility's arguments, and so he accepted the use of fatherland, *patria*, and patriot in this context. However, he was also willing to go one step further by turning such arguments around.

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³⁸⁰ *Duplicae*, 81–82.

³⁸¹ *Duplicae*, 79–89.

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Part II
Kingdom of France

Chapter 5

Patriots in France, Political Talks Between 1500s and 1650s



At the start of the sixteenth century, the French were faithful adherents of the Roman Catholic Church. Throughout Europe, the clergy's abuse of privileges and power led to discontent, expressed by people who would become known as 'Protestants'. The Catholic Church failed to address these feelings of dissatisfaction and considered them to be heretical thoughts. Such dismissal led to the birth of the so-called Protestant Church. The adherents belonging to this church were by no means a homogenous group: Martin Luther, Huldrych Zwingli, and John Calvin were the most known influencers. Combined with humanistic and renaissance approaches of life, these men of the Reformation appealed to many people. The Catholic Church felt threatened by the rise of these—in their eyes—heretic groups, and saw the French king as a powerful ally.

The French crown promoted Catholicism as the only true religion and had Protestants prosecuted. Many chose to flee, but this was only possible if one's finances permitted it. Others became façade-Catholics, pretending to be something they were not.¹ Many scholars have argued that this internal disorder became the primary cause of a series of interrelated wars in France between 1562 and 1598. Nevertheless, Philip Benedict and others have emphasised that political issues raised during the period aggravated this internal disorder.² He quotes a contemporary Catholic historian François de Belleforest, who stated that the rivalry between, and ambitions of, the nobility were a cause of much strife and hatred. A contemporary protestant historian Lancelot Voisin de La Popelinière stated more or less the same: passions caused troubles and were veiled under the pretence of fighting another religion.³ The Catholic League (1585) was diffuse in its ambitions: on the one hand,

¹van der Linden (2016).

²Benedict (2016).

³Ibid., pp. 60, 63–64.

it aimed to safeguard the French throne from a Protestant king, but on the other hand, it also sought to object to tax raises and royal favouritism.⁴

In this second part, we shift our focus to the Kingdom of France, or more particularly, to the province of Brittany. I provide an overview of the main political events from the mid-sixteenth until the mid-seventeenth century, as well as the developments in political thought. I do this in broad strokes, as a general background in which to situate the developments of the absence of the use of fatherland terminology in Brittany (see: Chap. 6).⁵

5.1 Political Developments: Kings, Children, and Succession

The French throne had been particularly weak since the mid-sixteenth century. Henry II was the last person to become king as an adult; all the kings who died after 1547 had left the throne to an infant.⁶ During such extended periods of regency, rivalry amongst the nobility increased, as its members sought to gain access to the court and convince the young king and his regent to pursue a policy of their liking. If infant kings and their regents were already a hazard, this was indisputably the case for murdered kings or the extinction of a bloodline. Jacques Clément mortally wounded King Henry III (1551–1589), and the king died one day later, on 2 August 1589.⁷ His brother, the Duke of Alençon, had already died in 1584, which meant that the Valois-dynasty was extinct.⁸ According to Salic Law, the French throne had to go to the closest related male heir of the late king, which in this particular case meant that a successor was found in the twenty-second degree.⁹ Predictably, many questioned the legitimacy of this inheritor, not in the least because the successor was Henry IV, King of Navarre who had been raised a Protestant by his Calvinist mother.¹⁰ In order to inherit the French Catholic throne, the Catholic baptised Henry VI had to re-convert to Catholicism.¹¹

During his reign, Henry IV presented himself as a modern king, who sought to leave feudalism in the past. Hence, his rule is often seen as the start of arbitrary rule,

⁴Ibid., p. 66.

⁵Many, in-depth studies into the political history and the history of political thought in France have been written. This chapter is certainly not meant to repeat this works, but merely sketches developments. For more information, see for example: Bély (2009); Collins (2021) I would like to thank professor Collins for allowing me to read parts of his book before publication.

⁶Collins (2017), p. 102.

⁷Greengrass (2004), p. 176.

⁸Bonney (1991), p. 23.

⁹Mousnier and Spencer (1973), p. 106.

¹⁰Bonney (1989a).

¹¹Bonney (1991), p. 30.

since Henry IV made decisions by merely stating that it pleased him to do so. ‘*Puissance absolue*’ meant that the king was not subjected to any other worldly power—not to the emperor, nor the Pope.¹² As a result, Henry IV did not shy away from alliances with, and support for, Protestants. For example, during the early stages of the succession crisis in Jülich-Berg-Cleves-Mark he supported the Dutch and sided with the Protestants. Henry’s choices in foreign politics led to the belief among the people that he had not renounced his Protestant upbringing. The issue of religion, combined with the low degree of relative consanguinity, nursed the idea that King Henry IV had usurped the throne as a *tyrannus absque titulo* (tyrant without a title).¹³ All of these issues seem to have contributed to the king’s murder on 14 May 1610. His assassin François Ravaillac claimed to be a good Catholic, who had acted upon his true Christian beliefs by committing regicide to remove a tyrant.¹⁴ Roland Mousnier claims that it was the limited toleration of the Huguenots in the Edict of Nantes (1598) that led Ravaillac to the belief that the king had failed to convert the Protestants, and had thus forsaken his duties as king (Map 5.1).¹⁵

Subsequently, King Louis XIII ascended the throne, under the regency of his mother Maria de’ Medici. Her regency, however, did not last long. The Italian-born Queen-mother was suspected of favouring the Italians—especially minister Concino Concini—who worked in France’s service. In 1617, the regency ended, and Concini was killed after allegedly resisting arrest.¹⁶ Maria de’ Medici was sent into exile to the Château de Blois. Only seventeen years of age, King Louis XIII accepted government over France and began to govern in his own right, with the help of his trusted friend Charles d’Albert, Duke de Luynes. Unfortunately for the young king, De Luynes passed away only a few years later, in 1621.¹⁷ Shortly after the duke’s death, Cardinal de Richelieu came to the fore. He re-established the relationship between King Louis XIII and his mother, which led to Cardinal de Richelieu’s rise to a place in the royal council.

King Louis XIII entrusted Cardinal de Richelieu with the financial affairs of France, as he had little knowledge of the matter. In 1624, Cardinal de Richelieu became the first minister and could do as he pleased.¹⁸ Although he maintained the *status quo*, he encountered some resistance from the *Grandeess* (highest nobles), mainly from Gaston d’Orleans. Reforming the country turned out to be incredibly difficult. In legal matters, for example, Richelieu was met with significant resistance on the part of the aristocracy when he banned duelling.¹⁹ In foreign affairs, Richelieu tried to find allies against the Habsburg dynasty. In France, he tried to gain the

¹²Collins (2021).

¹³Bulst (2004), p. 124.

¹⁴Bonney (1991), p. 27.

¹⁵Ibid., p. 37; Mousnier and Spencer (1973), p. 22.

¹⁶Bonney (1981), p. 819.

¹⁷Chisholm (1911) Luynes. Encyclopædia Britannica 147.

¹⁸Bonney (1992).

¹⁹Bély (2009), pp. 206–208.



Map 5.1 France (seventeenth century). Map by Nicolaes Visscher, *Galliae seu Franciae tabula, qua omnes provinciae, viae angariae, et aliae res notatu dignae distincte et accurate ostendatur* (1690). Scale: [ca. 1:2,500,000]. Map reproduction courtesy of the Norman B. Leventhal Map & Education Center at the Boston Public Library. <https://collections.leventhalmap.org/search/commonwealth:cj82kq901>. Accessed November 23, 2020

Protestants' support by arranging the marriage of Princess Henrietta Maria to the Protestant King of England: a downright provocation to the Pope despite the princes remaining a Catholic. In 1625, France began to move its armies against Spain in Northern Italy, which aggravated the Spaniards enormously. In order to rally support for his foreign policy, Cardinal de Richelieu started to influence public opinion using pamphlets. Having secured political ties with England, the cardinal now turned his gaze to the revolting Protestants in the stronghold of La Rochelle. After reconquering it, he shifted his attention to the Habsburg possessions in Northern Italy once again. France and Sweden got along quite well too, supporting the anti-Habsburg forces financially and militarily.

By 1630, the health of the king declined, and fears arose that he would soon die. At this point, the Queen-mother demanded Cardinal de Richelieu's leave. However, King Louis XIII, who was satisfied with his minister's services, refused her demand. Richelieu's policies were either applauded by those who sought war against Spain; or despised by those who held the Spanish in high regard. In 1635, France became involved in the Thirty Years' War, indirectly supporting the Hessian and Swedish

troops. Additionally, France started pursuing the conquest of the principalities to the west of the Loire-river—Alsace—and in the North. In 1635, the Franco-Spanish War erupted, and France found itself surrounded by the Habsburg dynasty and its supporters.²⁰ The Spanish Prime Minister Gaspar de Guzmán, Count-Duke of Olivares, hoped to be able to attack France from all sides at once, but this plan failed. The French found themselves in peril when towns only 120 kilometres away from Paris collapsed in the face of enemy troops; people began to panic and revolt. Step by step, the French regained terrain. From 1636 onwards, the Spanish and French monarchies both suffered from revolts. In both kingdoms the people turned against their monarchs as a result of the expenses of warfare. Both parties calculated that perseverance would increase the chances of a victory because internal conflicts would wear their enemy out. This situation continued until well after Cardinal de Richelieu's death on 4 December 1642.²¹

On the day of King Louis XIII's death (14 May 1643), it was decided that Queen Anne and a council were to act on behalf of the minor King Louis XIV. During the early years of his reign, personal ties to the king himself were virtually absent, and people depended on their connections to those in the vicinity of the crown—Queen Anne, Cardinal Mazarin and some extent the *Princes-du-Sang* (royal princes, closely related to the crown). Contemporaries considered the period of political instability in France (1648–1653), commonly known as the Fronde, to be a civil war. The nobles could not solve the problems, as they had their organisational issues and lacked a common objective.²² The financial situation of the nobility, and hence their political interests, varied considerably. High-ranking nobles with many resources were close to the crown—as they functioned as moneylenders—and had strong patron-client relations. Collins claims that the causes of the Fronde should be sought in the financial troubles and pressure in the provinces to help out the crown financially, and subsequently, in a problematic situation in Paris. Disgruntlement with policy spread from the peripheries to the capital. He even writes that: '[t]he Fronde did not lead to the breakdown of order; rather, the breakdown of order led to the Fronde.'²³ Only through the use of established patron-client-relationships, thus ensuring their loyalty, was greater evil averted in 1648.²⁴ The consequences of the foreign policy—war in the Holy Roman Empire and against Spain—influenced the economy in various ways, and gave rise to the Fronde. War had taken its financial toll, in the sense of increased taxation, the creation of offices and increasing debts.²⁵

Between 1646 and 1648, it seemed as if Cardinal Mazarin had deliberately tried to prolong the war to ensure financial gain and to strengthen his position.²⁶ When the

²⁰Medick and Marschke (2013), p. 13.

²¹Bély (2009), pp. 252–254.

²²Bonney (1978), p. 92.

²³Collins (2001), p. 86.

²⁴Ibid., pp. 90–97.

²⁵Bonney (1978).

²⁶Bély (1998), Bonney (1981), p. 830; Sonnino (1998), pp. 225–227, 232.

government did not attempt to end the war, people started to feel anxious. The parlement endorsed these feelings and objected against new taxes, which were considered too heavy a burden for the people.²⁷ This first phase of critique and uprising started in the spring of 1648. It became known as the ‘Fronde of the *Parlement*’ or Fronde of the ‘judges’. Cardinal Mazarin’s government allegedly made two critical errors in this first phase. *Firstly*, he asked for more resources while leaving the grievances of officers unaddressed. *Secondly*, he allowed the Chamber Saint-Louis, a meeting of thirty-two delegates from the various Parisian bureaucratic courts, to assemble and make agreements meant to solve officers’ problems. The instability of the times, however, brought these decisions into question.²⁸ The costs of Cardinal Mazarin’s government exploded, and a desperate search for finances started; simultaneously, the Chamber Saint-Louis was in search of a way to lighten the people’s burden. According to some texts, Cardinal Mazarin’s corruption was at odds with peace, and, therefore, troublesome. The Fronde was more a rebellion in the interests of the people than a reform movement.²⁹

In the five years of the Fronde, about 5400 pamphlets were written, reflecting the public opinion via a plethora of anonymous voices.³⁰ These texts are known as Mazarinades.³¹ During the first year, there were only a few hundred, in the following years, however, the number of pamphlets rose to well over a thousand a year. They were well-written, probably by professional, learned authors, and addressed the public problems created by Cardinal Mazarin’s government.³² Not all texts opposed arbitrary rule, as some did agree with the idea of a strong and centralised state. The complainants’ primary cause of grievance seems to have been the fact that they just did not like the Italian cardinal. These pamphlets became a salient way to describe current affairs, and showed a keen eye for recent developments.

The second phase of the Fronde started with the arrest of three high noblemen: the *princes-du-sang* de Condé and de Conti, and their brother-in-law the Duke de Longueville. Their arrest happened unexpectedly on 18 January 1650—at the behest of Mazarin himself—and they were imprisoned in the Vincennes-castle. One of the factors that had contributed to this event was the feud between the *prince-du-sang* Condé and Cardinal Mazarin; another was the cardinal’s already unstable position.³³ Several authors of pamphlets demanded Mazarin’s resignation, replacing him with the Prince de Condé, the Duke de Retz or any other high official.³⁴ These requests show the true nature of the Fronde: it was a battle over which individual or group

²⁷Bély (2009), p. 305.

²⁸Bonney (1984).

²⁹Ibid.

³⁰Jouhaud (1983), Bonney (1989b).

³¹Collins (2001), p. 96; Jouhaud (1985).

³²Most authors seem to have read Machiavelli, according to: Carrier (1969), Collins (2001), p. 96; Jouhaud (1985).

³³Bonney (1981), p. 92.

³⁴Collins (2001), p. 95.

should have control over the government of France.³⁵ In these pamphlets, the focus was on the interest of France rather than on the virtues of the people. Those in power were looking for ways to expand their influence at the cost of their opponents.³⁶ Luckily for Cardinal Mazarin, each step he took was supported by the Queen-regent, Anne of Austria. However, despite the Queen's support, Mazarin eventually was forced to flee, since there was little support for his actions or the increased level of taxation. The heavy-burdened population revolted against their Italian minister, whom they believed to be the cause of all their problems. The cardinal left but swiftly returned, with approximately 6000 mercenaries, just as France opened peace-negotiations with Spain. The situation with the French *Princes-du-Sang* also remained troublesome, as they required an infusion of Spanish money to fund their troops while negotiating peace. Cardinal Mazarin, on the other hand, was able to finance his troops by drawing on his vast financial resources to finance his troop.³⁷

5.2 Governmental Organisation: Tasks, Taxes, and Ties

In the early 1500s, French society, was unequal, both in terms of status and in terms of income. As a result of the medieval feudal system, the government was divided into many hands.³⁸ The nobility held many privileges over their tenants and the inhabitants of their dominion, allowing them to cast judgments, rule their property, and collect taxes. Nevertheless, they were still bound to the French king, as he was the one who allowed them to govern their land in exchange for advice and military aid (*consilium et auxilium*). The God-given sovereign power of the French king was—in the words of Bodin: inalienable, indivisible, and perpetual.³⁹ His tasks shifted gradually, firstly from *finding* legislation to *making* laws, by kings such as Francis I. Subsequently, his seventeenth century-successors started to *administer the* legislation.⁴⁰ The king was assisted by a small group of people, each with his own expertise, who took part in a large council.⁴¹ This council was divided into four different specialised councils, each with its task:⁴² *Conseil d' état/ conseil des*

³⁵Ibid., p. 95.

³⁶Ibid., p. 96.

³⁷Bonney (1989b).

³⁸Collins (2001), pp. 8–9.

³⁹Ibid., p. 16.

⁴⁰Ibid., p. 6.

⁴¹Ibid., pp. xxi–xxii, 16.

⁴²Based on: Moote (1971), p. 3.

affaires,⁴³ *Conseil d' état et des finances*,⁴⁴ *Conseil des finances*,⁴⁵ and the *Conseil des parties*.⁴⁶ The protection of the people became more and more a task of the royal government and these councils, especially after the 1628-recapture of La Rochelle.⁴⁷ With officials holding positions as *minister* (this French word means literally 'servant'), counsellor or secretary, the system developed towards one in which every area of France was assigned to a specific *minister*. There were many officeholders involved in ruling France all of whom were stationed in Paris. These officeholders seemed to slowly replace the old feudal structure, slowly breaking the position of the *Grandeess* down.⁴⁸

King Henry IV had the habit of signing documents with the phrase 'for such is our pleasure.'⁴⁹ This phrase has often been interpreted as a sign of arbitrary rule. However, too much has been made of this phrase, as it only meant that the king had the undivided right to make laws, but was still accountable to God, and bound by God's laws. If this were not the case, he would become a tyrant.⁵⁰ In short, the administration of France focussed on three things: it administered justice and made policy, it fought wars, and it levied taxes to pay for these wars.⁵¹ France largely depended on officeholders who had bought offices in their lifetime; however, whether the office was bought or not depended to a great extent on the crown's need for money. Being a judge was considered a part of the standard noble prerogative, and those non-nobles who bought the office became, therefore, known as *noblesse de robe*, in contrast with the *noblesse d' épée*. The creation of offices was one way in which wealthy merchants could become part of the nobility and move up the social ladder.⁵²

Levying taxes and applying and administering justice in civil cases remained difficult, since much depended on local customary law and cooperation of local assemblies of the *états*, for example in the *Pays d'État*. Depending on the history of a region, there could be room to negotiate the amount of taxes to be paid. There were three different types of regions: *pays d' élection*, *pays d' états* and *pays d'imposition*. The latter were regions that were the result of recent conquests. Here, an appointed royal *intendant* would oversee the levying of taxes, while much of these areas' original tax-system remained intact. Most of France fell into the category of *pay d' élection*. Here as well, an appointed *intendant* (intermediate) oversaw the imposition of taxes. It was not possible to buy this office since this might lead to corruption. The

⁴³Council for general policy-making.

⁴⁴Council for financial affairs.

⁴⁵Council for acquirement and distribution of revenues.

⁴⁶Council for the supervision of justice.

⁴⁷Collins (2001), p. 9.

⁴⁸Moote (1971), p. 35.

⁴⁹Collins (2001), pp. 2–3.

⁵⁰Bély (2009), p. 36; Collins (2001), pp. xx–xxi.

⁵¹Collins (2001), p. 10.

⁵²*Ibid.*, p. 22; Collins (2003), p. xiv.

impôts (taxes) were collected with the aid of the *élus* (Eng. elected). The *pays d'élection* had little autonomy, and since the Estates-General did not assemble, there was hardly any room to negotiate about taxes.⁵³ During the seventeenth century, there was a change in the people who were held responsible for the taxes. Taxes had to be collected by a local parish, who had an obligation to collect the whole sum. However, if not all the money was collected, the parish was bound by the principle of common constraint. The parish itself had to pay the missing part.⁵⁴ Another system of tax collecting was applied to direct taxes, where tax-farmers would pay the crown a fixed sum of money, and consequently could do as they pleased.⁵⁵

The number of *pays d'état* steadily diminished in the seventeenth century. The most well-known were Béarn, Dauphiné, Guyenne, Languedoc, Burgundy, Provence, and Brittany. After 1650, only the last three still held this position. Here, requests for taxes went through the *états*, who could negotiate—to some extent—and decide the distribution of taxes. Low direct taxes were beneficial to the nobility, as their tenants would still be able to contribute to the nobles' maintenance as part of their duty.⁵⁶ Patrons who had access to the crown could negotiate the terms of their taxes. No *intendant* would oversee the taxes since this was a provincial matter.⁵⁷

Together with the aforementioned specialised councils, the king ruled his country. The prime minister, that is Cardinal de Richelieu, and later Cardinal Mazarin, could make proposals, which the king would then approve. The king also had governors, mostly relatives or clients, who did his bidding in the provinces. He was continuously short on money and needed to find ways to finance his expenses. Selling offices provided an income, but loans were still necessary. Hence, financiers became incredibly crucial to the system, not in the least because they also bought equipment for the army. The conventional system of justice monitored the financiers, but the king decided on protection against prosecution for his much-needed moneylenders.⁵⁸

The most notorious taxes in France were the *taille* and the *gabelle*. The *taille* was a land tax introduced during the Middle Ages in order to obtain more money quickly and eventually became a standard royal tax. People despised it, (just as they despised the *gabelle* (salt-tax)) since it directly influenced the income of the inhabitants. Although the *gabelle* was an indirect tax, salt was a much-used product, and hence the tax had a substantial impact as well. During the late sixteenth and the seventeenth century, tax-farmers collected most taxes. Initially, the king had an obligation to assemble the Estates-General, but this did not continue after 1614. Tax-farmers paid the king the requested amount upfront, in exchange for the right to collect money in a

⁵³Bély (2009), pp. 54–63.

⁵⁴Collins (2001), p. 26.

⁵⁵Ibid., p. 26; Bonney (1979).

⁵⁶Collins (2001), p. 24.

⁵⁷Bély (2009), pp. 54–63.

⁵⁸Ibid., pp. 54–63.

specific geographical area. It should not come as a surprise that this office was often accused of extortion.

With the influence of the feudal system diminishing, a new system of importance arose: the patron-client relationship.⁵⁹ Patronage is to be understood as a situation in which a person actively builds a social network of people (*clientele*)—often of lesser status—with a particular political intention, aiming to influence or control a society’s decision-making. Under this system, clients earned protection and favouritism in return for their loyalty and service to the patron.⁶⁰ Most of this happened informally. For example, the nobility could be asked to be the godfather of a farmers’ child, but peers could also request such favour. Divisions were not necessarily made among noble and non-noble lines; money, personality, private interest, personal affection, and loyalty were of more importance.⁶¹ Self-interest dominated the patron-client relationship, and could thus shape political actions.⁶² This self-interest also explains the ease with which alliances changed and loyalties shifted.

5.3 Political Thought: Sovereignty, Reason, and Patrie

During the Middle Ages, the duties and obligations of princes within their jurisdiction were ill-defined, and can be characterised as a process of ‘testing the limits.’⁶³ During the fifteenth and sixteenth century, governments steadily obtained more power, due to the increasing efficacy of the means used to govern a growing number of people. There was increasingly more contact with other parts of the world. This was partly caused by trade, but also by monetarisation as a result of the development of banks. Furthermore, the success of the printing press made it possible for a prince—and others—to disseminate texts, in order to inform people on decisions that were made and implemented.⁶⁴ At the same time, dynastic ambitions gave rise to more wars. As a result, princes sought ways of finding the means to pay their armies through increased taxations, using tax-farming, or by borrowing money from wealthy merchants.⁶⁵

Throughout Europe, princes and their *Landstände* or *états*—or whatever name they held—explored the limits of their powers. In France, Jean Bodin’s *Les six Livres de la République* (1576) settled the matter. Breaking with the medieval

⁵⁹Kettering (1986), p. 409.

⁶⁰*Ibid.*, p. 410.

⁶¹Schalk (1986).

⁶²Kettering (1986), p. 411.

⁶³Kossmann (2000), pts 2. Popular Sovereignty at the Beginning of the Dutch Ancien Regime, 133.

⁶⁴*Ibid.*, p. 134.

⁶⁵von Friedeburg RCF (2010) State Forms and State Systems in Modern Europe. In: European History Online (EGO) published by the Institute of European History (IEG), Mainz. <http://www.ieg-ego.eu/friedeburg2010-en>. Accessed 30 January 2019.

interpretation of rights and obligations, Bodin reasoned that: '[. . .] firstly, that the sovereign wielded all political power, and secondly that this power derived from the right to legislate.'⁶⁶ In other words, all power was ascribed to the King of France, with some possible exceptions. With this innovative approach, Bodin managed to address two issues. *Firstly*, the disagreements over what the king could and could not do. *Secondly*, he addressed the king's increased sphere of influence. Instead of an ever-growing list of attributed powers, Bodin worked with a positive list.⁶⁷ Addressing sovereignty did make Bodin sound something like an adherent of arbitrary monarchy, which he denied since he stated that a prince should not overstep the boundaries of '[. . .] divine, natural or fundamental laws nor, for example, levy taxes arbitrarily.'⁶⁸ Bodin's positive list broke with medieval traditions and interpretations of attributed power, and centralised all power in the monarch. Bodin himself defined it as follows: 'La souveraineté est la puissance absolue & perpetuelle d'une République, que les Latins appellent *majestatem*'.⁶⁹ The book, written in French, gained much attention, as it was immediately accessible to a broad audience.

With that, Bodin's book outpaced the ideas of the '*reason of state*', which, with the exception of Machiavelli's *Il Principe*, were not yet written down, and therefore circulated only among the high nobility. Referring to the amoral prince of Machiavelli was often *not done*; however, it did influence thinking about the role of princes and the 'state'. Giovanni Botero's (c. 1544–1617) interpretation of '*reason of state*' was published in 1589 in his *Della Ragion di Stato*. Botero understood it as a means of preserving the kingdom or principality (the 'state').⁷⁰ As Maurizio Viroli explains, the prince and his principality still formed a closely intertwined unity: the '*reason of state*' and the '*state of the prince*' were the same thing. According to Viroli, this becomes clear when Botero initially fails to address the issues of sovereignty or give a definition of a 'state' but then does define the latter as '[. . .] a firm rule over a people (*un dominio fermo sopra popoli*)'.⁷¹ Botero rejected the search for 'great things', which, according to Machiavelli, would have been the greatest achievement of a prince to pursue.⁷² According to Botero, a prince should possess four classical virtues:

[. . .]if he wants to maintain his dominion over a people, a prince needs to rely on justice and liberality, which help him keep the love of his subjects, and prudence and valour, which are the conditions of a good reputation.⁷³

⁶⁶Kossmann (2000), p. 141.

⁶⁷Ibid., p. 141.

⁶⁸Ibid., p. 141.

⁶⁹Bodin (1576), p. 122; Foisneau (2013), p. 326.

⁷⁰Foisneau (2013), p. 330.

⁷¹Ibid., p. 330.

⁷²Viroli (2005), p. 253.

⁷³Foisneau (2013), p. 331.

Here, Botero differs from Bodin's definition of good government, as he ascribes five characteristics to the—impersonal—term, sovereignty. Firstly, the king had the power to create legislation applicable to everyone.⁷⁴ Secondly, the king was decisive in declaring war and making peace.⁷⁵ Thirdly, the king could assign offices.⁷⁶ Fourthly, the king functioned as the highest court of appeal.⁷⁷ Finally, the king was able to grant clemency.⁷⁸ If the prince (for example, the King of France) administers sovereignty well, he is a good prince. In other words, how well a prince performs defines the type of government over the principality: it is the performance of the prince, the extent to which he lives up to Botero's ideal that determines whether a particular government is monarchical or tyrannical. Alternatively, in the words of Foisneau, the difference between Bodin and Botero is that they have: '[...] the perspective of an unlimited normative authority in the one case, and as an art of ruling in the other case [...]'.⁷⁹ Richelieu boldly interpreted Botero's *reason of state* as an excuse to violate people's personal lives under the pretext of pursuing France's interests.

Furthermore, under Richelieu, the role of the king—as sovereign—was much more focussed on administering legislation to France, the land given by God to the people of France. The juridical and theological roles of the king merged into one another, and profoundly influenced perceptions of the term *sovereignty*.⁸⁰ Again, the *reason of state* and the interests of the prince became two sides of the same coin.

The wars of the sixteenth century—whether called wars of religion, or civil wars—were perceived as a severe threat to the survival of the country.⁸¹ This 'threat to the very survival of the *patrie* [during the Wars of Religion] called forth one of the most massive outbursts of patriotic writings of the early modern period'.⁸² Nevertheless, the content of these writings may well have been the result of much earlier discussions about the organisation of government, and the question of what the latter's core business was supposed to be. The prince should preserve, and provide for, the *res publica* (commonwealth), or, in French, the *bien public*.⁸³ Between 1547 and 1610, this subsequently shifted from a focus on the 'bien *du* public' to the 'bien

⁷⁴Bodin (1576), p. 221'[...] c'est la puissance de donner loy à tous en general, & à chacun en particulier.'

⁷⁵Ibid., p. 221'[...] comme decerner la guerre ou traicter la paix, qui est l'un des plus grands pointcs de la majesté, d'autant qu'il tire bien souvent après soi la ruine, ou l'assurance d'un estât.'

⁷⁶Ibid., p. 228'[...] d'instituer les principaux officiers [...].'

⁷⁷Ibid., p. 231'[...] c'est à sçavoir du dernier ressort.'

⁷⁸Ibid., p. 236'[...] la puissance d'otroyer grace aux condamnés par dessus les arrests, & contre la rigueur des loix, soit pour la vie, soit pour les biens, soit pour l'honneur, soit pour le rappel du ban, il n'est pas en la puissance des Magistrats, pour grands qu'ils soyent, d'en donner un seul pointc, ny de rien alterer des jugemens par eux donnés.'

⁷⁹Foisneau (2013), p. 332.

⁸⁰Ibid., p. 333.

⁸¹Nice (2006).

⁸²Ibid.; Ranum (1975), p. 45 quoting here: W.F. Church 'France'.

⁸³Collins (2021), chap. introduction.

de la chose publique’, and finally to the ‘*bien de l’Estat*’.⁸⁴ With that, officials manoeuvred away from intrusive popular activities and pronounced that France was raised above personal interests. According to Collins, authors often petitioned the king, asking him to act for the good of the *patrie* as well.⁸⁵ As such ‘[. . .] in a Republic, the patriotic citizen who believes the war to be against the interests of the common good, shows his patriotism precisely by speaking out against it.’⁸⁶ In December 1576, Henry III used the expression ‘the honour of God, the service of the king, and the good (*bien*) and peace (*repos*) of the *patrie*’ in a letter.⁸⁷ When Henry III disbanded several meetings of the *états*, this was perceived as a violation of the commonwealth.

As from 1594, the word *Estat* or ‘state’ began to appear frequently at every level of political communications. Collins mentions that the city of Abbeville took an oath to conserve ‘his [Henry IV’s] state and crown’.⁸⁸ He illustrates that the word *Estat* competed with the term *patrie*; the terms could be used interchangeably. The term *patrie* applied to towns and provinces, but also the Commonwealth of France.⁸⁹ It is important to note that a strong emotional connection seems to be indicated when the term *patrie* was applied. The term *estat*, on the other hand, was less emotionally charged. For instance, when the *états* of Brittany sent an envoy to negotiate with the English Queen for support, their diplomat was pressed to act on behalf of the *patrie*, meaning Brittany.⁹⁰

According to Marc Greengrass, the term *patriot*, in particular, was used during periods of war and turmoil during the sixteenth century to monopolise favours.⁹¹ *Patriot* illustrated one’s passions.⁹² Protecting the *patrie* from the king was a dangerous act, as can be illustrated by the cases mentioned above of Jacques Clément and François Ravailiac as they believed that the king did not uphold the Catholic faith.⁹³ Such excesses may have contributed to a decline in the use of the term *patriot* in political communications at the highest levels, for example, in political texts of provinces such as Brittany. By the beginning of the seventeenth century, the term *patrie* was replaced by *estat*, or ‘state’ in most forms of communications.⁹⁴ At the local level and in religious texts, however, the term *patrie* was

⁸⁴Ibid., chap. Henry IV.

⁸⁵Ibid., chap. Henry IV.

⁸⁶Ibid., chap. introduction.

⁸⁷Collins, chap. Henry IV: citing *Le Roux, Un Régicide au nom de Dieu*, 64.

⁸⁸Collins, chap. Henry IV: quotes here Abbéville, 483.

⁸⁹Ibid., chap. Henry IV.

⁹⁰Ibid., chap. Henry IV.

⁹¹Greengrass (2005).

⁹²Ibid., p. 302.

⁹³Greengrass (2004).

⁹⁴Collins (2021).

still used.⁹⁵ There is still much more research to be done into the when and where, and the changes in the application, of the local use of the word *patrie* in Brittany.⁹⁶

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⁹⁵Ibid. illustrates the use of this vocabulary for the city of Rouan (Normandy); Jason Nice focusses on the ecclesiastical usage of the words, see: Nice (2009).

⁹⁶So far, no-one has taken up the challenge of exploring the *Délibérations de la communauté de ville Rennes* (see: <http://www.archives.rennes.fr/archives-et-inventaires/archives-en-ligne/deliberations-de-la-communaute-de-ville/>) which offers material for an entire dissertation.

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Chapter 6

Brittany: Pay d'États and Don Gratuit (1648–1652)



Many Parisians participated in hostilities against Cardinal Jules Mazarin in 1651. This unrest was known as ‘the Fronde’¹ and had started in May 1648. In the peripheries of France, such as Brittany, early flurries of the civil war went mostly unnoticed by the inhabitants. However, by 1651, Armand-Charles de La Porte, Duke de la Meilleraye (1632–1713) and Henri Chabot, Duke de Rohan-Chabot (1616–1655)² were quarrelling over who had the right to preside over the *états*. It was the former—a client of Cardinal Mazarin—received a severe warning from his patron, rather than the latter. *Prince-du-sang* of Condé, as well as his brother the *Prince-du-sang* of Conti, supported Henri Chabot, Duke de Rohan-Chabot.³ Armand-Charles de La Porte, Duke de la Meilleraye heeded this patron’s urgent warning. However, his long-time friend Henri Charles, Duke de la Trémoille (1620–1672) did challenge Henri Chabot, Duke de Rohan-Chabot’s presence in Nantes.⁴ The arising conflict resulted in a military intervention, which removed their challenger from the 1651 *états* assembly.⁵ His removal angered Henri Chabot, Duke de Rohan-Chabot, who went on to complain at the *parlement* of Rennes, where the judges sided with him. In Rennes, the *parlement’s* judges published a decree that stated that Henri Chabot, Duke de Rohan-Chabot was to preside over the Assembly in Nantes. With this protest, they became notorious for obstructing the *états* in

¹The French word *Fronde* means ‘sling’. Slings were used to smash the windows of Mazarin-adherents.

²To avoid confusion with Henri II, Duke de Rohan (21 August 1579 – 13 April 1638), Henri Chabot, Duke de Rohan (1616 – 27 February 1655) will be referred to as ‘Rohan-Chabot’. Henri Rohan-Chabot married Marguerite (1617 – 9 April 1684) duchess of Rohan-Glé, the only daughter of Henri II duke de Rohan. Pocquet (1913), p. 427.

³*Ibid.*, p. 428; Kettering (1986), p. 417.

⁴Le Page and Godin (2009), p. 64.

⁵Pocquet (1913), p. 429.

Brittany.⁶ However, the *parlement's* verdict was ignored, and the judges subsequently ruled that the *états'* proceedings were altogether invalid and henceforth, the assembly should quit their session.⁷ When they assembled in 1651, the *états* of Brittany faced tax requests by the government in Paris to be used to fight the Franco-Spanish War. At the time of the previous sessions, the Thirty Years' War was fought and financed. As a result, the need to protect the Breton tenants from financial extortion, or to safeguard noble interests from excessive French interference, could theoretically have led to the use of arguments that deployed fatherland terminology in order to protect Brittany. Strikingly enough, it was not applied and hence this case differs enormously from those of Jülich and Hesse-Cassel.

The assembly's session sought to deal with the tax requests from Paris and, of crucial importance, in upholding good relations with those in government. Brittany, as one of the few remaining, *pays d'état*, was to organise its internal financial affairs as it held a particularist position within France. As such, its political situation is comparable with other principalities in Europe. However, differences in demographics and geography need to be acknowledged. Brittany's population was estimated at 1,802,000 around 1660 and was almost entirely Catholic.⁸ Brittany measured about 30,000 square kilometres, so there were approximately 60 inhabitants per square kilometre. By way of comparison, this is ten times the size and population of the previously discussed principalities of Jülich and Hesse-Cassel.

Furthermore, the composition of the nobility in Brittany was entirely different. Breton noblemen were very heterogeneous in income, property size and possessions. Considerable differences in income and possessions also led to significant differences between the richest and poorest nobles. During the 1651 assembly, even though not everyone had turned up, over 230 noblemen and 14 church officials were counted; 36 cities were represented as well.⁹

The above-described polemic between the three presidents of Brittany—that is, among the most important noble families—was directly related to the Fronde. Opposition to Cardinal Mazarin and his policies led to the *parlement's* outright opposition to his wishes. The *parlement* followed Henri Chabot, Duke de Rohan-Chabot, and fought against the *états*, which was led by the Dukes de la Meilleraye and de la Trémoille in 1651. Despite opposition against extra-provincial taxation and Parisian influence, the *Assiettes* do not include the words fatherland, *patria* (*patrie*) or patriot. It was not that the vocabulary was unknown; it was applied in religious hagiographies, which means that the words and their meanings were known.¹⁰ It also meant that they were used in a specific context, which was not political.

Being an ancient Catholic Church province, as well as an independent principality initially, Brittany had fixed and recognised geographical boundaries.

⁶Collins (2003), p. 210.

⁷Kettering (1986), pp. 422–423.

⁸Croix and Goubert (1980), p. 152; Dunkley (1972), p. 4.

⁹C2655, 1–11.

¹⁰Nice (2009), p. 116.

Furthermore, in the years examined here, the tax burden was much lower than in other years. When measuring the taxations in grams of silver, the tax burden in Brittany was not high at all compared to the German principality of Jülich. The political context in Brittany was very different from that in the German principalities. In Brittany, maintaining the *status quo* and compliance with princely politics was the best way to protect noble privileges. By doing so, the chances of the king deciding to incorporate the province of Brittany into France shrunk. The advantage to the crown of incorporating Brittany was clear: the crown could then exert power directly and levy taxes without the cooperation of the *états*. This advantage was outweighed, however, by the political stability and mutual benefits derived from maintaining the *status quo*, as had been shown in the sixteenth century. In essence, direct taxation would lead to tax evasion. Thus, both parties made sure that the system worked. For the higher nobility, there was no need to resist or object to this state of affairs. Moreover, the patronage of highly placed elites in the vicinity of the crown ensured excellent communication and the possibility of conducting tax negotiations.

The province of Brittany was considered one of the wealthiest parts of France, especially during the seventeenth century, although it did experience some decline. Using William Beik's analysis, Collins remarks that Brittany was run by a 'class system' rather than by a 'society of order'.¹¹ Three groups of people formed the elite in Brittany: (1) the nobility, (2) the legal and judicial elite; and, (3) merchants.¹² The French monarchy needed to cooperate with all three groups to be able to achieve anything in Brittany. The elite did not correspond with the *états*, as ranking did not run according to wealth. For example, many nobles were considered impoverished with incomes of 6000 *livres* a year, whereas the rich had incomes exceeding 30,000 *livres* annually.¹³ Due to these differences in wealth and interest contingent upon possessions, the *états* formed a heterogeneous whole. Social climbers also occasionally emerged from the second and third group. They could be far wealthier than the poorest noblemen and act as moneylenders to or buy offices from the crown.

Brittany was only 700 km away from Jülich (Düsseldorf), and a mere 880 from Hesse-Cassel (Kassel). Interestingly enough, the nobility in each of these areas approached their discomfort with princely politics differently. I have shown how the nobility of Jülich struggled to come terms with the problems at hand and voicing their concern, learning along the way. The nobility in Hesse-Cassel left us with a lawsuit, which was neatly penned down by their lawyer(s) who were paid to formulate a sophisticated line of argumentation. The relationship between the heterogeneous Breton nobility and their French King's government is the crucial factor in this chapter. The complicated relationship between Brittany and France is explained first, in order to understand how this particularist province stood out, and how Cardinal de Richelieu wanted to cherish this position. I follow this discussion

¹¹Collins (2003), pp. 2–4.

¹²Ibid., p. 3.

¹³Ibid., pp. 67–68.



Map 6.1 Brittany (seventeenth century). Map by: Willem and Jan Blaeu, “Britannia Ducatus.” 1635. Norman B. Leventhal Map & Education Center, <https://collections.leventhalmap.org/search/commonwealth:cj82kr622> Accessed November 23, 2020. Map reproduction courtesy of the Norman B. Leventhal Map & Education Center at the Boston Public Library

with a focus on the moment that there were noticeable tensions in Brittany: the years 1649–1651 and an increase in taxations. The *Assiettes*—proceedings of the *états*—provide us with information of what went on during the assemblies and show why the nobility was lenient with princely policy. They were to bend, not to break (Map 6.1).

6.1 Brittany’s Early History: Successions and a Forced Union

The Breton War of Succession was fought between 1341 and 1365, leading to the creation of the *états* in its wake.¹⁴ This war can be considered a derivative of the Hundred Years’ War. John de Montfort (1295–1345) claimed the duchy based on

¹⁴Le Page and Godin (2009), p. 22.

the fact that he was the half-brother of the previous duke, Jean III. The English crown supported Montfort in his attempts to gain Brittany. His opponent in this conflict was his cousin Joanna of Penthiève (1324–1384), wife of Charles of Blois (1319–1364). As Charles of Blois was the French king's nephew, Joanna could rely on the crown's support.¹⁵ Duke Jean III, who had no male heir, had initially wanted to leave the Duchy of Brittany to the French crown, but the Breton nobility objected. When the duke died in 1341, the matter of succession was still undecided, and the both John of Montfort and Joanna of Penthiève attempted to seize control.¹⁶ The decisive battle of Auray (1364) concluded the war: here, the pro-Penthiève armies of Blois and Bertrand du Guesclin were defeated. Charles of Blois died.¹⁷ The Treaty of Guérande was signed a year later, and the widowed Joanna abdicated in favour of John de Montfort's son, John V (1339–1399).¹⁸ The war of succession meant that John V needed tax money to secure his claim, and therefore the *états* were assembled in 1352 for the first time.¹⁹ The *états* included the clergy, nobility and the third estate.²⁰ Every nobleman aged over 25 represented The nobility by and, most importantly, by the nine barons of Brittany. The towns and cities represented the third estate. The number of their representatives gradually increased (to 21 in 1577 and 44 in 1614) due to demographic and economic developments.²¹

The House of Montfort ruled for over a hundred years until Francis II of Brittany fell off his horse and died shortly after signing the Treaty of Le Verger (1488)—which stated that the King of France needed to consent to a marriage of a Breton Princess.²² Francis II left behind two female heirs: Anne (1477–1514) and her sister Isabeau (1478–1490). The nobility was left to protect the duchy on behalf of the eleven-year-old heiress. They did so by concluding a treaty with King Henry VII of England (1457–1509) in 1489 in order to prevent French annexation. Unfortunately, Henry VII proved unreliable as he signed the Treaty of Étaples (1492) with France 2 years later, allying England with France. Soon afterwards King Charles VIII of France (1470–1498) invaded Brittany, forcing Duchess Anne to marry him.²³ In order to secure the independence of Brittany, Anne had married Emperor Maximilian I (1459–1519) *by proxy* but—logically—the marriage was never consummated. She had done so without the consent of the French king, who therefore claimed she had violated the treaty between France and Brittany. Since the couple were engaged in 1486, it was argued that this marriage fell outside the Verger treaty.²⁴ King

¹⁵Cornette (2005), pp. 267–286.

¹⁶Le Page and Nassiet (2007), p. 16.

¹⁷Ibid., p. 16.

¹⁸Markale (2004), pp. 25–29.

¹⁹Le Page and Godin (2009), p. 93.

²⁰Ibid., pp. 21–65.

²¹Ibid., p. 25.

²²Le Page and Nassiet (2007), p. 92.

²³Major (1980), p. 94.

²⁴Le Page and Nassiet (2007), p. 167.

Charles VIII felt threatened by his total encirclement by the Habsburg dynasty and invaded Brittany. As Emperor Maximilian I failed to help Duchess Anne, the French King forced the young duchess to marry him in 1492; the marriage *by proxy* was annulled. Anne of Brittany, as Queen of France, actively tried to protect the rights and privileges of 'her' Brittany, despite her husband's exertion of power by *jure uxoris* (title by right belonging to his wife).²⁵

When Charles VIII died only six years later, the widowed Queen Anne remarried the new king, Louis XII, to continue the personal union between France and Brittany.²⁶ Louis XII was already married at the time and had to see his previous marriage annulled. Louis XII married Anne of Brittany in 1499, the contract including an explicit clause that specified that the two dynasties would remain separate, and the institutions and legislation of Brittany would be upheld.²⁷ The marriage produced no male heirs and consequently, King Louis XII married off his eldest daughter and heiress of Brittany, Claude (1499–1524),²⁸ to his cousin Francis I (1494–1547), who was the next in line to rule France under the Salic Law.²⁹ The marriage was much against his wife's wishes, as Anne had wanted her eldest daughter to marry King Charles V of Spain, in the hope of cementing a Spanish-French alliance. The queen had wanted her youngest daughter Renee (1510–1575) to inherit Brittany.³⁰ King Louis XII's desired that the heir from the marriage of Francis I and Claude of Brittany, Henry II (1519–1559), would unify Brittany and France, ending Breton independence.

King Francis I, however, did not want to wait for one of his heirs to unite Brittany and France; he wanted to rule Brittany himself. In 1532 he invited the états of Brittany signed a union in Nantes.³¹ The Edict of Plessis-Macé overruled the clause in his marriage contract on the Breton independence.³² Brittany did hold a unique position within France as a *pays d'états*, which meant that the levying of taxations went via the états and that the ancient privileges of the land were upheld.³³ Although Brittany was no longer sovereign but part of the Kingdom of France, it was still a particularist region as one of the *pays d'états*.³⁴ The edict of Plessis-Macé did guarantee Breton privileges and liberties.³⁵ The King of France and by the états of

²⁵Ibid., pp. 112–113, 130–133.

²⁶Ibid., pp. 120–124; Major (1980), pp. 94–95.

²⁷Croix (1993), pp. 13–15.

²⁸Le Page and Nassiet (2007), p. 141.

²⁹Ibid., pp. 147–151.

³⁰Ibid., pp. 142–144.

³¹Cornette (2005), pp. 418–427; Le Page and Nassiet (2007), pp. 157–164; Nice (2009), p. 11.

³²Nice (2009), pp. 11, 99; Berbouche (1992), pp. 521–522; Croix (1993), p. 13.

³³Le Page and Godin (2009), p. 33.

³⁴*Pays d'état* were: Dauphiné, Guyenne, Languedoc, Burgundy Provence and Brittany. After 1650 only the latter three held this position. The others became *pays d'élections*. Nice (2009), pp. 14–15; Major (1980), p. 566.

³⁵Dunkley (1972), pp. 26, 40; Major (1980), p. 94.

Brittany benefited both from the edict. The crown, on the one hand, recognised the *états*' privilege in consenting to taxation and therefore abstained from the creation of offices and stationing military forces. The *états*, on the other hand, were reticent because they wanted to prevent displeasing the French King and endangering their liberties and privileges.³⁶ The king later imposed taxes without first seeking consent, which led to protests and tax evasion, and resulted in much lower tax yields than the crown had initially envisioned.³⁷ A permanent *parlement* was created in Nantes in 1554 but this was moved to Rennes in 1561.

The *Chambre des Comptes* (Eng: *Court of Account* or *Audit*) was allocated to the city of Nantes.³⁸ The Breton position that it should run its own affairs also implied that taxes such as the *taille*, *aides* and the *gabelle*, as well as indirect taxes, were not collected in Brittany.³⁹ During the seventeenth century, the French government looked for new ways of obtaining money other than borrowing from Italian and German bankers.⁴⁰ Collins describes an essential change made by Queen-mother Anne of Austria: she made the *pays d'états* borrow the money, and then pass it on to the crown.⁴¹ As the province could borrow money at a much lower interest rate, they were forced to contract loans in order to provide Paris with the sums it demanded. The *états* also became responsible for paying the interest to the moneylender, which raised the tax burden.⁴² The king requested a *Don Gratuit*, or 'free gift' from 1614 onwards instead, and the *états* always granted it—though the sum could vary.⁴³ Like Béarn and Navarre, Brittany remained a *principauté* or *pays d'états*.⁴⁴ As such, it provided a steady source of income for the French crown.⁴⁵ Assenting to the *Don Gratuit* instead of collecting a regular tax protected the province's liberties, and the only visible change in the governmental structure of Brittany was the replacement of the Duke of Brittany by a governor from France.⁴⁶ This regular, formalised means of requesting taxes by France totally differs from the *ad hoc* way of convening in the Holy Roman Empire.

Arguably the power of the crown to review, change, or invalidate the *états*' actions did threaten the independence of Brittany.⁴⁷ The *états* could only assemble

³⁶Dunkley (1972), pp. 26, 40; Major (1980), p. 94; Nice (2009), p. 15.

³⁷Nice (2009), pp. 99–101.

³⁸Collins (1997), p. 621; Le Page and Godin (2009), pp. 21–65; Croix (1993), pp. 13–14; Nice (2009), pp. 15–16; Dunkley (1972), pp. 19–20; Berbouche (1992), p. 523.

³⁹Collins (1997), p. 152; Bonney (1992), pp. 35, 41.

⁴⁰Collins (2001), p. 60.

⁴¹*Ibid.*, pp. 62–63, 151–152.

⁴²Collins (2003), p. 205.

⁴³Dunkley (1972), p. 45.

⁴⁴Le Page and Nassiet (2007), pp. 15–16; Bonney (1989).

⁴⁵Croix (1993), p. 15.

⁴⁶Dunkley (1972), pp. 26, 46, 233–234.

⁴⁷*Ibid.*, p. 28.

when the king summoned them, usually in Nantes, Rennes or Vannes.⁴⁸ The participants of an assembly without royal permission would have been prosecuted as criminals.⁴⁹ However, the *états* and the royal government seem to have worked well together, and it was the *états* who managed provincial affairs.⁵⁰ Brittany's unique position was not only established by its particularist position, but also by its unique position as *pays d'obédience* or church province to the papal power.⁵¹ It fell outside the 1516 Concordat of Bologna, which meant that the Pope and not the French crown had the right to appoint bishops. The king chose to ignore this rule and used his right of *régale* to fill in vacant dioceses.⁵² The king misused his royal right to appoint non-Bretons to these positions, which led to protests.⁵³ The religious position was underlined through hagiographies to defend the Breton churches and officials.⁵⁴ In 1636 the Dominican monk Albert Le Grand was commissioned to write a book titled *Les vies des Saints* which much impressed the *états*.⁵⁵ According to Jason Nice, the text was essential, as '[...] the Estates of Brittany ensured the endurance of the sense of Breton identity produced by Albert Le Grand.'⁵⁶

⁴⁸Ibid., pp. 28, 92.

⁴⁹Archives départementales d'Ille-et-Vilaine (Rennes), Fonds général des états de Bretagne (C) C2777, 20 October 1651/ C2655, 53: '*Veue par Le Roy en son Conseil[,] la Requête présentée à sa majesté par les Gens des trois Etats du pays et Duché de Bretagne contenant que depuis l'union de la dite province à la couronne, ils se sont Toujours maintenus dans une parfaite obeissance et dans les privileges d'assembler leurs Etats par la seule permission de sa majesté Sans qu'aucune autre puissance subordonnée les puisse convoquer, empêcher, ni separer et néanmoins En l'année 1649 Sa Majesté ayant Envoyé ses commissions et lettres particulieres aux villes et communautés de la province pour assembler les d[ittes] Etats generaux du Royaume, Le parlement de Bretagne auroit pris sujet de s'assembler sur la lecture de quelqu'une des d[ittes] lettres de cachet adressées à des communautés et par une Entreprise auroit donné deux arrêts les 11 et 24 Mars au dit an 1649 portant defenses à toutes personnes de quelque ordre et qualité qu'ils soient de se trouver aux dits Etats, ni s'assembler sous ce pretexte à peine d'Estre procedé contre eux comme criminel par toutes voyes Extraordinaires dont seroit informé, ce qui est entreprendre sur l'autorité de sa majesté et sur la liberté et privilèges de la d[itté] province que sa majesté est très humblement suppliée de maintenir et à tant requeroient qu'il luy plaise casser et revokeur les dits arrêts des d[itts] Jours 11 et 24 mars 1649 et faire defenses à la d[itté] cour de parlement d'entreprendre d'ordonner à l'avenir aucune chose sur l'assemblée le lieu ou l'ordre de la convocation des Etats de la d[itté] province quand il aura plû à sa majesté [de] les permettre à peine de desobeissance, Vû aussi les dits arrêts et tout considéré, sa majesté etant en son conseil la Reine Regente sa mere presente, a cassé et annullé les arrêts donnés au parlement de Rennes des 11 et 24 Mars 1649 comme donnés par attentat, a fait defenses au dit parlement d'Entreprendre d'ordonner à l'avenir aucune chose sur L'assemblée le lieu et l'ordre de la convocation des Etats de la d[itté] province, fait au conseil d'Etat du Roy sa majesté y étant, La Reine Regente Sa mere presente Tenu à paris[,] Le 13^e Jour de Juillet 1651. Signé de Lomenie.'*

⁵⁰Dunkley (1972), p. 29; Collins (2003), pp. 23–25.

⁵¹Nice (2009), p. 15.

⁵²Ibid., p. 100.

⁵³Ibid., pp. 102–105.

⁵⁴Ibid., pp. 112–114.

⁵⁵Le Grand (1637) as referred to in; Nice (2009), p. 109.

⁵⁶Nice (2009), p. 116.

1582 constituted a significant year in Brittany's history, Philippe Emmanuel de Lorraine (1558–1602), the duke of Mercœur, cousin to the Duke of Guise, became governor in that year.⁵⁷ The reason for his appointment was that the French King, Henry III (1551–1589), had married Mercœur's half-sister Louise de Lorraine-Vaudémont (1553–1601). Despite this close connection to the French crown, Mercœur sought to use his position as leverage to liberate Brittany from French rule. He was one of the claimants to rule Brittany as an independent duchy again. He based his claim on his marriage to an heiress of Brittany, Marie de Luxemburg, Duchess of Penthiève (1562–1623) who was a distant relative to Johanna de Penthiève.⁵⁸ Unsurprisingly, the new governor was firmly in favour of upholding the unique and independent position of Brittany in France, or rather, independently of France. The result was that increasing tax requests from the French king led to a war in Brittany.⁵⁹

The Duke of Mercœur sided with the Spanish. King Henry IV (1553–1610) sent an army to fight to the Duke of Mercœur but met with defeat at the Battle of Craon (1592).⁶⁰ It took until 1598 to defeat the governor's troops at the city of Angers. To ensure control over Brittany, King Henry IV married his illegitimate son César, Duke de Vendôme, to Françoise de Lorraine, Duchesse de Mercœur and Duchesse de Penthiève (1592–1669) in 1608.⁶¹ Shortly after his father's murder (1610), the Duke de Vendôme increased his interest in Brittan, presiding over the *états* for the first time that same year, even though he had been governor since 1598.⁶² The duke started to receive regular payments from the assembly three years later. Duke de Vendôme was also able to rule more independently after the death of his father, as long as the young King Louis XIII received his tax money. Duke de Vendôme used the money that he received from the *états* to finance a hundred-man strong personal guard—a guard that he used to rebel against the king, alongside the Prince of Condé and other nobles.⁶³ In order to restore peace after this rebellion, King Louis XIII and his mother visited some of the western provinces. In August 1614, just two months before the meeting of the *Estates-General* in Paris, the king and his mother stayed in Nantes.⁶⁴

In the following year, 1615, the *états* were not assembled, allegedly because the Prince of Condé had rebelled again, and this would prejudice the meeting. The following year, taxes were requisitioned without the consent of the *états*, triggering protests and a good deal of anger.⁶⁵ In 1617, the Duke de Vendôme deceived the

⁵⁷Bonney (1991), p. 53.

⁵⁸Major (1980), p. 221.

⁵⁹Ibid., pp. 222–223.

⁶⁰Angot (1896).

⁶¹Chautard (1882).

⁶²Cornette (2005), p. 436.

⁶³Ibid., p. 528; Rothrock (1960), p. 304; Collins (2003), p. 142.

⁶⁴Major (1980), p. 437.

⁶⁵Ibid., p. 438.

états, claiming that the king needed only the usual amount of taxation; yet it turned out that the king had requested an additional 600,000 *livres*.⁶⁶ Two years later, the governor informed the assembly that he wished to create another personal guard, and so needed money. The *états* granted the request, but under the condition that paying the captain of the guard would be their responsibility. They hoped to ensure that the said captain would be loyal to the *états* and not merely to the governor.⁶⁷ In 1626, Governor Duke de Vendôme was convicted of partaking in the Calais conspiracy: an unsuccessful plot to assassinate Armand Jean du Plessis, Cardinal-Duke de Richelieu.⁶⁸ The César, Duke de Vendôme had to resign from the office of governor of Brittany.⁶⁹ Pons de Lauzières-Thémines-Cardaillac, Marquis of Thémines (1553–1627) and Marshall of France since 1616 succeeded him, a client of Cardinal de Richelieu, who died within a year of accepting the office, leaving the office vacant until 1631 (Fig. 6.2).⁷⁰

6.2 Cardinal de Richelieu's Influence and Cardinal Mazarin's Guidance

From October 1626 onwards, Richelieu, Cardinal de occupied the newly created office of Grand Master and Supreme Head of the Navy and Commerce.⁷¹ He united various admiralty functions to strengthen and modify the navy and merchant fleet.⁷² From a military perspective, alterations were necessary to build up a fleet and avoid another 'La Rochelle'.⁷³ The nobles profited from Cardinal de Richelieu's plans because the cardinal considered free trade to be of vital importance to the Breton economy and—from an economic perspective—it was useful to keep on the right side of the Bretons.

Nevertheless, the *états* did not agree to his plans to establish a maritime monopoly. They objected to the creation of a special court for maritime affairs as they feared losing influence.⁷⁴ Cardinal de Richelieu quietly used the Breton institutions—such as the *états*—to implement his plans for the naval reforms, but he did not change the institutions themselves.⁷⁵ The *parlement*, as well as the third estate, were critical of this process, as they were made up mainly of jurists from towns who

⁶⁶Ibid., p. 439.

⁶⁷Ibid., p. 440.

⁶⁸Nice (2009), p. 107; Collins (2003), pp. 187–188; Major (1980), p. 562.

⁶⁹Bonney (1988), p. 159.

⁷⁰Nice (2009), p. 107; Collins (2003), pp. 189–190; Major (1980), p. 564.

⁷¹Pocquet (1913), pp. 394, 399–400; Dunkley (1981), pp. 1–2; Dunkley (1972), p. 110.

⁷²Dunkley (1981), pp. 1–2.

⁷³Pocquet (1913), pp. 392–393; Collins (2003), p. 187.

⁷⁴Pocquet (1913), p. 396.

⁷⁵Collins (2003), p. 187.

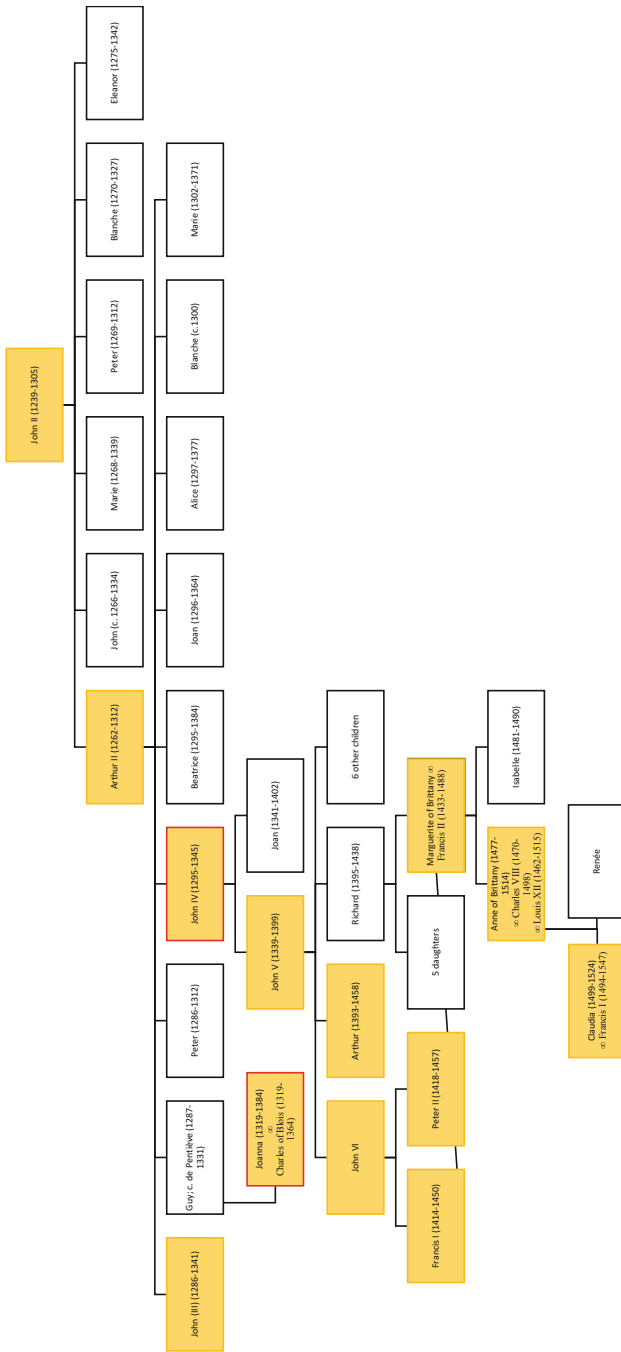


Fig. 6.2 Ancestral chart of the Dukes of Brittany (1209-1524)

feared the loss of influence.⁷⁶ Luckily for Cardinal de Richelieu, the clergy and nobility were favourable to his plans. Firstly, the nobility—with little risk of losing status or influence—wished to see free commerce.⁷⁷ Secondly, the presence of seven Royal Attendants at the *états* weighed in Cardinal de Richelieu's favour. The king paid these men, and consequently, they argued in favour of the royal policy. By placing loyal clients, Cardinal de Richelieu attempted to change the policy in his favour.

Cardinal de Richelieu obtained the position of governor over Brittany in 1631.⁷⁸ It was a much-coveted position, because the governor was the highest authority in the province. The prince of Condé requested the king to appoint Cardinal de Richelieu as the next governor, after the César, Duke de Vendôme was placed under house arrest for conspiracy in 1626, and his successor Marshal de Thémines died.⁷⁹ The Duke de Retz, on the other hand, wanted Queen-mother Marie de' Medici to become a governess—due to her substantial influence in religious affairs, and the aptitude she showed in other offices. In the end, an amendment to the Retz's proposal made it possible for Cardinal de Richelieu to hold the position between 1626 and 1640.⁸⁰ It has been suggested that the cardinal wanted to become governor of Brittany in order to force the province towards direct taxation and a form of arbitrary rule. However, the existing system of *Don Gratuit* functioned well and provided for Cardinal de Richelieu's financial needs.⁸¹ In pursuit of his plans for the navy, he gradually shifted his focus toward the possibility of warfare with the Habsburg dynasty in both the Holy Roman Empire and Spain.⁸² Unless the *états* were convinced that the privileges and liberties of Brittany would be respected, they would oppose such policies.⁸³

Cardinal de Richelieu used relatives to act on his behalf and fulfil his duties during periods of absence. Whenever vacancies arose, Cardinal de Richelieu placed trustworthy friends or relatives in these positions, strengthening his power and ability to control the affairs more fully.⁸⁴ As a result, he had many clients in place to champion the crown's interests. Although the *parlement* did not appreciate such overt nepotism, it did leave Brittany's privileges and its political structure intact and ensured the *états* functioning.⁸⁵ The *états* frequently debated taxes and articulated grievances, but there were no serious threats to the province. Strikingly, despite the growing influence of Cardinal de Richelieu and his allies, neither the structure of

⁷⁶Dunkley (1972), pp. 128, 258; Dunkley (1981), p. 3.

⁷⁷Dunkley (1972), p. 66.

⁷⁸*Ibid.*, p. II.

⁷⁹Pocquet (1913), pp. 401–402; Collins (2003), pp. 187–196; Nice (2009), p. 107.

⁸⁰Pocquet (1913), pp. 402–403; Dunkley (1972), pp. 132–134; Major (1980), p. 566.

⁸¹Dunkley (1972), p. 99.

⁸²*Ibid.*, p. I.

⁸³Pocquet (1913), p. 138.

⁸⁴*Ibid.*, p. 138; Le Page and Godin (2009), p. 51.

⁸⁵Berbouche (1992), p. 525.

Breton politics nor its privileges were harmed, and the elites in Brittany thrived. The relationship was not entirely one-sided, and the elites could likewise use nepotism to gain the king's favour and obtain profitable offices.⁸⁶ The elites could keep the king content, remain in power and protect their people from paying too many taxes—due to their direct communications with Paris—while obtaining profitable offices. Whereas the *états* mostly went along with this state of affairs and remained discreet in their protests, the opposition from the *parlement* to Cardinal de Richelieu's naval plans was more visible and hostile.⁸⁷

The *états* were the highest authority in the province.⁸⁸ The influential Breton elite was present at each of the assemblies—they received personal invitations to join. The lower elites could attend if they so desired.⁸⁹ Unlike the higher elites, however, their attendance was not obligatory. Those who did, were often there accompanying their patron; otherwise, they often could not afford to participate.⁹⁰ The patron-client networks of Brittany's elite were heavily dependent upon the king's favour, as it was ultimately the king who granted offices and possessions.⁹¹ Even though bishops and abbots gained their appointment only through royal favour, this did not stop them from blocking royal policies, even after Cardinal de Richelieu established his governorship.⁹² Cardinal de Richelieu may have had an influential position in Brittany, however his shipping and trade reforms did not go as smoothly as he had hoped.⁹³ Both the opposition of the Breton *parlement* and the displeasure of the seaside cities contributed to the failure.⁹⁴ Cardinal de Richelieu's inability to be personally present in Brittany undoubtedly influenced the situation, but France's active engagement in wars against the Habsburg dynasties also played a role.

During most of the period in question, Charles Marquise de la Porte, Duke de la Meilleraye acted on behalf of his uncle, Cardinal de Richelieu. He received regular instructions about his uncle's wishes, especially when it came to requesting the *Don Gratuit* from the *états*.⁹⁵ According to Jason Nice, frustrations with the *états'* unwillingness to meet the king's demands led De la Meilleraye to remark in 1636 that Brittany lacked affection for their (French) king.⁹⁶ Passion was no issue for Cardinal de Richelieu when pursuing his policy in Brittany.⁹⁷ Cardinal de Richelieu rushed France into the Thirty Years' War, leaving his plans for Brittany in the hands

⁸⁶Dunkley (1972), p. 65.

⁸⁷Berbouche (1992), pp. 523–524.

⁸⁸Dunkley (1972), p. 53.

⁸⁹*Ibid.*, pp. 1, 58, 61.

⁹⁰*Ibid.*, pp. 65, 68.

⁹¹*Ibid.*, p. 65.

⁹²*Ibid.*, p. 56.

⁹³*Ibid.*, p. 147.

⁹⁴*Ibid.*, p. 181.

⁹⁵Pocquet (1913), pp. 408–418; Collins (2003), p. 193.

⁹⁶Nice (2009), p. 107.

⁹⁷*Ibid.*, p. 393.

of his trusted clients. He joined the Swedes against Emperor Ferdinand II, hoping to weaken the Austrian-Habsburg dynasty. This long-term plan also influenced the decision to go to war with the Spanish Habsburg dynasty.⁹⁸

Following the death of Cardinal de Richelieu, Queen-mother Anne of Austria became governor of Brittany.⁹⁹ The Duke de la Meilleraye had recommended her, and he still governed the province in her absence. In practice, little changed as Duke de la Meilleraye had previously represented Cardinal de Richelieu and simply remained active in office. The duke supported Cardinal Mazarin who now ruled France together with the Queen-mother, since King Louis XIV was still a minor.¹⁰⁰ As Queen-mother and regent, Anne had promised King Louis XIII to “‘never abandon’ Cardinal Mazarin.”¹⁰¹ Thus, in the case of Brittany, the patronage of Queen Anne became one with the patronage of the first minister. The queen was determined to guarantee her son’s succession by proceeding with her late husband’s foreign policy.¹⁰² To Cardinal Mazarin, it was beneficial to be the queen’s favourite, as this effectively prevented possible rivals from attacking his position.¹⁰³

Anne’s decision to pursue the war policy of Cardinal de Richelieu, and her late husband, King Louis XIII, was heavily criticised by the high nobility.¹⁰⁴ The *Cabale des Importants* (1643-4), or ‘strife of the important’, was meant to overthrow Cardinal Mazarin’s power in Brittany and preferably in the whole of France.¹⁰⁵ One of the participants in this affair was François de Bourbon-Vendôme, son of the former governor Duke César de Vendôme. He attempted to murder Cardinal Mazarin but failed. Cardinal Mazarin responded by playing a balancing game: on the one hand, he controlled the noble uprising to the best of his ability; on the other hand, he sought and achieved military successes against the Habsburg armies. Victories such as the Battle of Rocroi (18-19 May 1643), only days after King Louis XIII’s death, did much to reinforce his position.¹⁰⁶

According to Richard Bonney, to force the Habsburgs into a peace settlement, France organised military interventions.¹⁰⁷ Unfortunately, France did not reach an agreement. Although the Battle of Lens (1648) concluded the Thirty Years’ War with the Austrian Habsburgs, the Franco-Spanish war with the Spanish Habsburg dynasty was not part of the treaties. Malcontent with Cardinal Mazarin’s inability to end the Franco-Spanish War was expressed in Paris during the Fronde, but other

⁹⁸Ibid., p. 393..

⁹⁹Ibid., p. 420.

¹⁰⁰In 1661, Armand de la Meilleraye (son of the aforementioned duke) married Hortense Mancini, one of Mazarin’s nieces. Pocquet (1913), p. 427; Berbouche (1992), p. 535.

¹⁰¹Bonney (1978), p. 6.

¹⁰²Ibid., p. 51.

¹⁰³Ibid., p. 6.

¹⁰⁴Ibid., p. 51.

¹⁰⁵Pocquet (1913), p. 420.

¹⁰⁶Bonney (1978), p. 51.

¹⁰⁷Ibid., p. 51.

parts of France—such as Brittany—remained relatively quiet. Cardinal Mazarin’s patronage and the favourable tax climate had much to do with the complaisance of Brittany.¹⁰⁸ Illustratively, Cardinal Mazarin was displeased with the 1647-assembly of the *états* over which Henri Chabot, Duke de Rohan-Chabot presided. Henri Chabot, Duke de Rohan-Chabot was not a client of the first minister and was disliked as a result.¹⁰⁹ In contrast, Cardinal Mazarin’s approval of the meetings in 1645 and 1649 when the Henri Charles, Duke de la Trémoille presided over them, are notable since he vigorously defended the plans of the queen-mother and her favourite.

6.3 The États and the Parlement of Brittany

During the seventeenth century, the frequency of assemblies held in Brittany varied. Collins demonstrates a frequency of every year in the late 1620s and every other year from 1630 onwards.¹¹⁰ According to his study, it was upon the *états*’ request that the assembly took place in 1649 and 1651, and not in the intervening year or the following year 1652.¹¹¹ Meetings earlier in the century usually lasted less than 19 days. Cardinal de Richelieu’s influence on the province, however, resulted in lengthier assemblies that lasted for up to a month. The trend towards longer sessions continued throughout the 1640s and 1650s when financial and social troubles took root, at which point the assemblies could last for well over two months.¹¹²

The assemblies tended to keep to a relatively standardised schedule. The royal representatives were invited—or, strictly speaking, ordered to attend. On the first day of each assembly, they read the Kings’ official letter and delivered speeches. On the second day, the attendants received information on how much money was requested for the *Don Gratuit*.¹¹³ The royal commissioners and the president of the *états* would then draw up the schedule for each day. Topics had to be brought forward 24 h in advance; decisions were only valid with the signature of the president.¹¹⁴ Voting could be public or secret—depending on the wishes of attendees.¹¹⁵ Tensions generated by the support of and opposition to Cardinal Mazarin were noticeable in the 1647-*parlement*—precisely when the Parisian judges met in December.¹¹⁶ Despite this opposition, the Armand-Charles de La Porte, Duke de la Meilleraye

¹⁰⁸Kettering (1986).

¹⁰⁹Pocquet (1913), p. 428.

¹¹⁰Collins (2003), pp. 208–209.

¹¹¹*Ibid.*, p. 207.

¹¹²*Ibid.*, p. 198; Dunkley (1972), pp. 92–93.

¹¹³Dunkley (1972), pp. 73, 96, 260.

¹¹⁴*Ibid.*, p. 73; Berbouche (1992), p. 523.

¹¹⁵Dunkley (1972), p. 97.

¹¹⁶Berbouche (1992), p. 530.

managed to pacify the *parlement*. Also, it is essential to keep in mind the events that took place in Paris, even though violence was not part of the Fronde in Brittany.¹¹⁷

6.3.1 *États Assembly and Parlement of 1649*

On 29 April 1649, the *états* of Brittany received a letter written on behalf of *Louis by the grace of God, king of France and Navarra*.¹¹⁸ The text explained the current affairs in which France was actively involved and outlined the matters of importance which had occurred over the past few years: the end of the Thirty Years' War and the war between Spain and the Dutch Republic. The letter stated that the peace treaty was favourable for the common good,¹¹⁹ but adds that the treaty did not conclude the Franco-Spanish War that sparked in 1635. A conflict of interest caused the failure to obtain peace with the Spanish Habsburgs: concluding peace would give a wrong impression of the French force.¹²⁰ The letter elaborated on the nature of the conflict. Also noteworthy was the mention of 'the civil war' in Paris and in several provinces that could lead to the dynasty's destruction.¹²¹ The letter voiced a complaint: the government felt it had earned the respect, obedience, loyalty, and affection of its subjects, but was instead met with unrest and civil war. The government sought the means to resolve the conflict. There was a reason why the *états* received such a letter. Though formal, the tone of the letter seems to be somewhat flattering towards the Bretons while addressing their generosity. The king expected ardent affection of his Breton subjects and a contribution to the welfare of the land in its present need.¹²² The Crown voiced their gratitude for the *état*'s role in collecting contributions and taxations. The *assemblée* had to deal with reforming and restoring justice, police, and discipline in the province of Brittany.¹²³ Furthermore, the *fouages ordinaires*

¹¹⁷Ibid., pp. 530–531.

¹¹⁸Archives départementales d'Ille-et-Vilaine, C2776 and C2654, 492: '*Louis par la grâce de Dieu, Roy de France et de Navare [sic].*'

¹¹⁹This refers to the the Peace of Osnabruck (*Instrumentum Pacis Osnabrugensis*) on 24 October 1648.

¹²⁰C2776, 29 April 1649 / C2654, 493: '*Il est survenu depuis Tant d'obstacles à nos bons dessins qu'il faut encore continuer nos soins et notre travail pour reduire par la force nos ennemis à la raison, il est vrai que les hollandois nos alliés qui avoient avec nous soutenu pendant treize ans les plus grands efforts de la guerre ont quitté la partie, et nous ont abandonné en faisant leur paix particuliere, mais nous sommes Restés assés puissans pour maintenir nos avantages, aussi Est-il certain que quand nous avons consenti à la paix de l'Empire çl'ja été en faveur du bien public et pour faire connoître notre bonne disposition à celle d'Espagne.*'

¹²¹C2776, 29 April 1649 / C2654, 493, 494.

¹²²C2776, 29 April 1649 / C2654, 495.

¹²³C2776, 29 April 1649 / C2654, 495–496.

(hearth tax—a property tax) had been set at seven *livres* to pay the *gendarmerie*.¹²⁴ The government, however, needed more money and supplies on top of the *fouages*.

Another letter was written on the same date, on behalf of the king, and addressed to Duke de la Meilleraye. He was asked to preside over and to facilitate the meeting organised in the city of Vannes when the *états* assembled in June.¹²⁵ Various noblemen received letters dated 29 April 1649 as well, including Baron de Ponchau Connilleau. He was informed about the role that the Marquise de la Porte, Duke de la Meilleraye, was to play in the upcoming meeting and was asked to assist him.¹²⁶ Subsequently, Count de Vertue, governor of the city of Rennes, was informed of the meeting on 17 June in Vannes and the presence of Duke de la Meilleraye.¹²⁷ The count was likewise expected to be present in Vannes. The same applied to the regular advisor of the *États*' financial counsellor's seigneur Gobelin, seigneur Sanguin, and seigneur la Bedoyere, and the General Prosecutor, all of whom received invitations to attend the Assembly and see to an orderly meeting.¹²⁸

Commencing on 16 June 1649, the *états* assembled in the city of Vannes.¹²⁹ The opening line of the minutes stated that the king assembled them to deliberate on finances.¹³⁰ Formalities dominated this first day of the assembly; the names of those present were read out, and privileges were enumerated and recognised by the king through a letter drawn up in 1647. The king highly valued the loyalty of the three *états*, according to the letter written on 15 November 1647.¹³¹ It also referred to several essential privileges, rights, immunities and liberties, especially granted to

¹²⁴C2776, 29 April 1649 / C2654, 496.

¹²⁵C2776, 29 April 1649 / C2654, 498–499.

¹²⁶C2776, 29 April 1649 / C2654, 499–500.

¹²⁷C2776, 29 April 1649 / C2654, 501.

¹²⁸C2776, 29 April 1649 / C2654, 501, 503, 504, 505.

¹²⁹C2776, 16 June 1649 / C2654, 507.

¹³⁰C2776, 16 June 1649 / C2654, 508: '*Les gens des Trois Etats du Pays et Duché de Bretagne assemblés par autorité du Roy en la ville de Vannes*'; and C2776, 16 June 1649 / C2654, 511.

¹³¹C2776, 5 November 1647 / C2654, 514: '*Louis par la grace de Dieu, Roy de France et de Navare [sic] [,] à tous presents et a venir, Salut, nous avons été dûement informés de quelle affection nos très chers et bien amés sujets les Gens des Trois Etats de notre Pays et Duché de Bretagne se sont portés au service des Roys nos prédecesseurs combien fidelement ils se sont maintenus et conservés sous les obeissances depuis que cette Province a été alliée et beaucoup plus depuis L'union d'icelle à cette couronne.*' [The text continues in the next footnote.]

them by King Louis the Just.¹³² It seemed there was a causality: due to the nobility's loyalty, the king respected the nobility's rights and privileges.¹³³

Four issues were dealt with in the course of the assembly. Firstly, as Collins notes, the *états* of Brittany granted the king a sum of 1,700,000 *livres* in 1649; these 'dix sept cent mille' are known as the *Don Gratuit*.¹³⁴ According to Collins, the fact that it was 900,000 *livres* less than the *états* paid in 1647 prevented the bankruptcy of Brittany.¹³⁵ In order to arrive at this amount, attendees of the meeting pledged contributions. These could vary from a few hundred, to thousands of *livres*, depending on their assets.¹³⁶ The *états* pronounced their motivation for agreeing to the request stating that the money usage was for necessities.¹³⁷ These voluntary contributions were given under the assumption that the king would respect the *états'* privileges about consultation and consent in matters of taxation. Brittany pushed to be allowed to collect the contribution on its own, without interference.¹³⁸ One concrete measure to be taken in the following years that would raise funds was the tax on beer, cider, and fruit brandy.¹³⁹ A day after proposing these measures, it became evident that not everyone agreed with them - especially regarding the third estate. The third estate was much averse towards annual allowances for the *Grands-écus*.¹⁴⁰ Usually, these fees would help to gain support from highly placed nobles who were often in the vicinity of the crown, but they also meant a financial burden.

Secondly, another war-related issue was brought up during the assembly. St.-Malo hosted Spanish prisoners, and the *états* addressed the cost of their nourishment and general imprisonment.¹⁴¹ There were other problems as well, and officers who

¹³²C2776, 5 November 1647 / C2654, 514: '*Et comme pour ses considerations ils sont grandement recommandables nos dits predecesseurs les ont cheri et aimé et pris soin de les Traiter favorablement sur tous leurs autres sujets, les ayant gratifiés de plusieurs notables et importants privilèges, droits, immunités, libertés et franchises qui de regne en Regne successivement leur ont été continués spécialement par le defunt Roy Louis le Juste notre très honoré Seigneur et père que Dieu absolve qui de son règne a reçu des preuves et temoinages particuliers de l'inviolable devo [tio]n des d[its] gens des Etats à l'obéissance qu'ils doivent à cette couronne Lesquels se seroient volontairement portés à acheter le Domaine alienné de la dite province qu'ils ont Entrepris à leurs propres coûts et depens ce qui nous convie à embrasser toutes les occasions de leur procurer Toute sorte de Bien et de contentement, et leur faire connoître le desir et le soin que nous voulons prendre de leur repos et conservation, de quoy les ayant fait assurer par les commissaires qui se sont trouvés de notres part en leur derniere assemblée [...].'*

¹³³C2776, 5 November 1647/ C2654, 515.

¹³⁴Collins (2003), p. 208; Pocquet (1913), p. 423.; C2776, 14 July 1649 / C2654, 570: 1,700,000 *livres*.

¹³⁵Collins (2003), p. 207.

¹³⁶C2776, 24 July 1649 / C2654, 632–634.

¹³⁷C2776, 16 July 1649 / C2654, 576.

¹³⁸C2776, 8 July 1649 / C2654, 561–562

¹³⁹C2776, 21 July 1649 / C2654, 589–608.

¹⁴⁰C2776, 22 July 1649 / C2654, 609–611; Collins (2003), p. 207.

¹⁴¹C2776, 22 June 1649/ C2654, 524–528; C2776, 23 June 1649/ C2654, 528–529; C2776, 19 July 1649/ C2654, pp.582–587; C2776, 25 July 1649 / C2654, 643–674.

did their duty faced obstructions. The example given was the nuisance faced by those collecting the *gabelles*. The *états* decided upon a *cinquante livres* fine, or 50 livres, for anyone who harassed the tax collectors.¹⁴² Thirdly, grievances concerning the malpractice of a particular individual named Meaut Marchaud were addressed. He had allegedly used violence and overstepped the boundaries of his office, violating the privileges of the *pays*.¹⁴³ The *états* suggested that the *parlement* should address the matter, since it was a legal concern. Lastly, some complaints worried that the freedom of trade was in jeopardy.¹⁴⁴ As freedom of trade was a vital part of Brittany's economy, the assembly started an investigation and requested a written rapport.

During the Vannes-meeting, an old letter from the king, dated 18 May 1648, was read. It stated the importance of following and obeying the king's decisions. Strikingly, the assembly increased its speed in decision-making after that—finalising the meeting merely two days later.¹⁴⁵ The assembly had taken 35 days to reach its conclusion, with its final meeting taking place on 25 July.

6.3.2 *États-Assembly and the 'Rump' Parlement of 1651*

The *états* of Brittany received a letter written on behalf of the king on 23 August 1651. It referred to the upcoming assembly on 25 September in the city of Nantes. The format was that of an ordinance, stating that the invitees must be present.¹⁴⁶ The following men received a personal invitation, as they were to play a role in the organisation and communication of the assembly: Comte de Vertu, Marquis de Coastin, Sieur de Harrouy, Sieur Sanguin, Sieur Huchet, and Sieur Morice.¹⁴⁷ The letter also stated that the commissioners had shown their affection to be in the king's service, especially by satisfying their ruler's financial desires.¹⁴⁸ Despite the king's strict orders, the assembly delayed, and the first reports were only written on the 28 September, while by the 30 September the assembly still awaited several members.

A conflict arose during this meeting of the *états*, between Henri Chabot, Duke de Rohan-Chabot, Armand-Charles de La Porte, Duke de la Meilleraye and Henri Charles, Duke de la Trémoille.¹⁴⁹ In this conflict between the three presidents,

¹⁴²C2776, 5 July 1649 / C2654, 552–555.

¹⁴³C2776, 22 June 1649 / C2654, 524–528.

¹⁴⁴C2776, 19 July 1649 / C2654, 582–587.

¹⁴⁵C2776, 23 July 1649 / C2654, 611–616.

¹⁴⁶van Peteghem (1996).

¹⁴⁷C2776, 23 August 1651 / C2655, 13–24.

¹⁴⁸C2776, 23 August 1651 / C2655, 24.

¹⁴⁹Pocquet (1913), p. 424.

patron-client relations played a significant role.¹⁵⁰ The governor was theoretically supposed to preside over the assembly, but in reality, the lieutenant general usually did the honours. The queen-mother—acting as governor—had delegated her official tasks to the Marshal of France, the grandmaster of the artillery and lieutenant-general of Brittany, Duke de la Meilleraye.¹⁵¹ The duke did not often preside over meetings either, so the task rotated among the highest nobles of Brittany.

Cardinal Mazarin directed his client not to interfere with the House of Rohan-Chabot.¹⁵² However, Duke de la Meilleraye's friend Henri Charles, Duke de la Trémoille contested Henri Chabot, Duke de Rohan-Chabot's claim to preside over the assembly.¹⁵³ Henri Chabot, Duke de Rohan-Chabot had openly sided with the Frondeurs and the Princes of Condé and Conti.¹⁵⁴ Other noblemen were hesitant about siding with Henri Chabot, Duke de Rohan-Chabot because they wanted to retain Cardinal Mazarin's favour.¹⁵⁵ Attempts to promote César, Duke de Vendôme as chairman of the 1651 assembly failed, and tensions rose.¹⁵⁶ Not for the first time did Armand-Charles de La Porte, Duke de la Meilleraye opt for an armed intervention; soldiers actively intimidated those nobles who intended to attend the Assembly.¹⁵⁷ This intimidation was so effective that when the meeting finally started on 30 September, it was noted that some people refused to participate.¹⁵⁸ The military intervention led to the removal of Henri Chabot, Duke de Rohan-Chabot from the city of Nantes.¹⁵⁹ Henri Chabot, Duke de Rohan-Chabot left for Rennes where he met with judges from the *parlement*.¹⁶⁰ According to Pocquet, the judges voted in favour of Henri Chabot, Duke de Rohan-Chabot's presiding over the *états*. The assembly was again delayed for a few days, but eventually, they cast aside the *parlement*'s verdict.¹⁶¹ The *états* were not impressed and stated that the legitimacy of their assembly depended solely upon the king's authority.¹⁶² Under pressing circumstances, such phrasing was used to please the king.

¹⁵⁰Ibid., p. 426.

¹⁵¹Berbouche (1992), pp. 522–526.

¹⁵²Pocquet (1913), pp. 426–427.

¹⁵³Le Page and Godin (2009), p. 64; Pocquet (1913), p. 428.

¹⁵⁴Berbouche (1992), p. 534; Kettering (1986), p. 422.

¹⁵⁵Kettering (1986), p. 422.

¹⁵⁶C2776, 12 October 1651 / C2655, 27–34; C2776, 27 October 1651 / C2655, 61; C2776, 20 October 1651 / C2655, 47–49; C2776, 27 October 1651 / C2655, 61; Ibid., p. 422; Pocquet (1913), p. 428.

¹⁵⁷Dunkley shows that la Meilleraye was known for his use of violence and intimidation of the estates in 1637: Dunkley, 'Richelieu and the Estates', 185; Pocquet, *Histoire de Bretagne*, 429; C2776, 23 August 1651 / C2655, 13–17.

¹⁵⁸C2776, 30 September 1651 / C2655, 25–27.

¹⁵⁹Kettering (1986), p. 422.

¹⁶⁰Comette (2005), pp. 524, 547–549.

¹⁶¹Pocquet (1913), p. 430; Kettering (1986), p. 422.

¹⁶²C2776, 20 October 1651 / C2655, 49.

The judges were angered, and royal intervention was needed.¹⁶³ At this point, the king made it known that he wanted the *états* to welcome both Henri Chabot, Duke de Rohan-Chabot and César, Duke de Vendôme at the assembly.¹⁶⁴ The *parlement* continued their rebellion, most commonly referred to as the ‘Fronde of the Breton *parlement*’.¹⁶⁵ The *états* deliberated and decided that they would continue their assembly without further ado and would not stop despite the *arrêts* of the *parlement*.¹⁶⁶ The *états* then addressed the king, stating that the judges were not acting in the interest of Brittany.¹⁶⁷ The king informed the assembly that to gain his support, they would need to consent to the taxes that he had requested.¹⁶⁸ The *parlement* thus wrote a new injunction stating that any decision made by the *états* was null and void, on 24 October 1651.¹⁶⁹ The next day, the *états* warned their opponents that representatives of the city of Rennes were no longer welcome at their meeting and that this situation was likely to worsen, indicating an escalation in the conflict.¹⁷⁰ Once again, a royal intervention was required. The *parlement* was pressured to withdraw all of their accusations and lift their injunction. The judges allegedly jeopardised the defence of the province.¹⁷¹

The assembly had been called together to deal with three issues in particular: taxes, the appointment of a new treasurer, and discuss the freedom of trade. After lengthy deliberations, the negotiations over Brittany’s financial contribution led to a *Don Gratuit* of 1,700,000 *livres*—the same amount granted by the previous assembly.¹⁷² A letter from the king was read on 17 November 1651.¹⁷³ In that letter, he

¹⁶³C2776, 20 October 1651 / C2655, 49–53; Pocquet (1913), p. 430.

¹⁶⁴Ibid., p. 430.

¹⁶⁵Ibid., p. 431.

¹⁶⁶Ibid., p. 431.

¹⁶⁷Kettering (1986), p. 423; Collins (2003), p. 210.

¹⁶⁸Collins (2003), p. 210.

¹⁶⁹Pocquet (1913), p. 432.

¹⁷⁰Ibid., p. 433.

¹⁷¹C2776, 17 November 1651 / C2655, 100–103; C2776, 13 December 1651 / C2655, 219–220.

¹⁷²Collins (2003), p. 208.

¹⁷³C2776, 17 November 1651 / C2655, 98–99: ‘De Par le Roy, Très chers et bien amés[,] les députés que vous nous avés Envoyés, de même que l’arrêt que nous vous avons prononcé sur les Remontrances qu’ils nous ont faite[s] de votre part sont des temoins irreprochables de l’affection que nous vous portons et du desir que nous conservons de vous maintenir en une entiere Jouissance de vos libertés et privileges, et comme ils vous ont Eté accordés par nos predecesseurs pour des recompenses de vos services et des marques de la satisfaction qu’ils en avoient et de votre fidelité nous en donnant journallement de nouvelles marques, c’est bien le moins que vous puissies attendre de notre grace et nous souhaiterions qu’il y en eût de nouvelles à vous faire, afin que vous conussies que la Bienveillance de laquelle nous vous honorons, surpasse de beaucoup celle que vous avés ressenti de nos ancestres. Aussi esperons nous que vous ne seres pas moins disposés à nous donner des marques de vos bonnes volontés qu’à ceux[-]lla, et nous[-]jmêmes en d’autres occasions En avés Temoigné, et comme ce bon prince ne desire Etre assisté de ses bons sujets que lorsque la necessité des affaires le requiert, et d’employer outre les moyens qu’ils contribuent Tous ceux qu’on retire d’ailleurs pour leur conservation et celle de l’État, il peut avec Justice esperer

stressed that the subjects must aid the crown by paying their taxes in order to keep the kingdom secure and prosperous. The law would be used to punish those opposing the king without cause, since the king was upholding the dignity of the country and the reputation of the *nation*, and France was currently under attack by foreign principalities. It is essential to realise that this is the only explicit reference to the word *nation* during this crisis. However, in this context, the word is used with a specific reference. The reference to 'nation', therefore, reads like a literary trope—a personification—that is bestowed with a reputation. As the author of the letter is the king himself, it may even be read as an indication that *his* reputation was threatened if people needlessly rose against his rule while under foreign attack. Regardless, it was evident that the word was not used to claim an office. Firstly, the word *nation* was used by the king, who was already the sovereign of the country; he did not acquire a new office by using this vocabulary. Secondly, the words patriot or fatherland did not accompany the word *nation*. The king did not need a new office, so a word to describe the office of a patriot was not in question.

The impatience of the king, his advisor, Cardinal Mazarin, and his mother, the queen—was expressed in a letter read out upon arrival on 5 December. This letter clearly stated that the king's support depended upon the consent of the *états* concerning taxations.¹⁷⁴ The long duration of the assembly probably contributed to the general sense of discontent. At that moment, it had already lasted for 39 days and would continue for another 18 days yet. The *états* were left with little room to negotiate, and eventually gave in. As a result of the estate's acquiescence, value-added taxes on beer, cider, and fruit brandy were raised. The collection of the *fouage* remained the duty of the province of Brittany as this was most efficient,¹⁷⁵ and several noblemen offered money.¹⁷⁶ Another financial issue discussed was allowances for grandees, precisely that of the Prince of Condé.¹⁷⁷

Bernardin Poullain, the province's treasurer, had died in 1648; thus, the *états* had to discuss the appointment of a new treasurer or syndic.¹⁷⁸ It was an essential position with taxes to be collected, as the syndic also oversaw the payment of interest.¹⁷⁹ Queen Anne had demanded Brittany's advancement of taxes from

qu'ils s'y rendront faciles, il s'agit presentement de soutenir la Dignité de l'État et la reputation de la nation attaquée par l'Etranger, et il faut de plus s'opposer à ceux de nos sujets qui se sont élevés contre nous sans en avoir eu aucun pretexte. Et qui font voir par leur conduite que la fin qu'ils s'en sont proposés n'est autre que de diminuer l'autorité Royale, à l'abry de laquelle vous vous ejouissés de vos fortunes; comme nous n'avons jamais rien si ardemment désiré que devoir la chretienneté en paix.'

¹⁷⁴C2776, 5 December 1651 / C2655, 147–149; Collins (2003), p. 210.

¹⁷⁵C2776, 15 December 1651 / C2655, 228.

¹⁷⁶C2776, 9 December 1651 / C2655, 170–182.

¹⁷⁷C2776, 7 December 1651 / C2655, 156–160.

¹⁷⁸C2776, 3 November 1651 / C2655, 68; C2776, 6 November 1651 / C2655, 82; Collins (2003), p. 202; Le Page and Godin (2009), p. 28.

¹⁷⁹C2776, 14 October 1651 / C2655, 37; C2776, 16 October 1651 / C2655, 38–39.

1645 onwards, and with the *états* as debtor they covered the interest as well.¹⁸⁰ The function of the treasurer was proven to be of significance when troubles arose after the death of Poullain.¹⁸¹ A lawsuit had followed his death, instigated by his creditors and heirs, and the *états* discussed this legal procedure, as many of the creditors were among the attendees and pushing for action.¹⁸² As it turned out, Poullain owed quite a few people money, and his late father Michel Poullain had even contracted some of these debts as early as in the 1620s and 1630s.¹⁸³

The third topic placed on the agenda of the *états* was the establishment of freedom of trade.¹⁸⁴ On 7 December 1651, an official request to re-establish the freedom of trade was made, since trade formed a vital part of the Breton economy.¹⁸⁵ In line with these troubles, the issue of foreign prisoners in St. Malo was also briefly raised on 3 November, when a letter written on 13 December 1650 was brought forward. The costs of guarding and feeding these people had caused financial pressure and needed to be addressed.¹⁸⁶

Henri Chabot, Duke de Rohan-Chabot protested even more aggressively than before, despite the royal warnings. He found shelter from the king's army in the city of Angers.¹⁸⁷ The *états* were thankful for the military solution and continued their deliberations. The assembly ended in mid-December: the *parlement* was still malcontent and not at rest; though it ceased its resistance, it did not revoke its sanctions.¹⁸⁸ Rennes did not obey the orders given by Duke de la Meilleraye.¹⁸⁹ He visited the city in order to clarify issues with the *parlement* and used his influence to successfully persuade the majority of the judges to side with the clients of Cardinal Mazarin.¹⁹⁰ Despite duke's best efforts, the tensions with the *parlement* were still unresolved at the next assembly of the *états* in 1653.

¹⁸⁰Collins (2003), p. 205.

¹⁸¹C2776, 3 November 1651 / C2655, 68; C2776, 6 November 1651 / C2655, 82; *Ibid.*, p. 202; Le Page and Godin (2009), p. 28.

¹⁸²C2776, 30 October 1651 / C2655, 68.

¹⁸³Collins (2003), p. 205.

¹⁸⁴C2776, 9 November 1651 / C2655, 86.

¹⁸⁵C2776, 7 December 1651 / C2655, 167.

¹⁸⁶C2776, 13 December 1650 / C2655, 78–80.

¹⁸⁷Pocquet (1913), p. 434.

¹⁸⁸*Ibid.*, pp. 435–436.

¹⁸⁹*Ibid.*, p. 439.

¹⁹⁰Kettering (1986), p. 423.

Table 6.1 Tax and financial burden of Brittany (1636–1654)

Year	Tax to the king	Amount to queen mother	Total tax	Livres (Tournois) worth in gr. Silver	Total amount in grams of silver	Breton tax in gram Sil/inh
1636	1,000,000		1,000,000	9.84	9,838,905.4	5.8
1637	1,000,000		1,000,000	8.69	8,685,378.6	5.1
1638	1,200,000		1,200,000	8.69	10,422,454.3	6.1
1639	1,200,000		1,200,000	8.69	10,422,454.3	6.1
1640	1,275,000		1,275,000	8.69	11,073,857.7	6.5
1641	1,275,000		1,275,000	8.66	11,035,425.7	6.5
1642	966,667		966,667	8.32	8,046,210.1	4.7
1643	966,667		966,667	8.32	8,046,210.1	4.7
1644	966,667		966,667	8.32	8,046,210.1	4.7
1645	1,100,000	75,000	1,175,000	8.32	9,780,307.1	5.8
1646	1,100,000	75,000	1,175,000	8.32	9,780,307.1	5.8
1647	1,300,000	100,000	1,400,000	8.32	11,653,131.9	6.9
1648	1,300,000	100,000	1,400,000	8.32	11,653,131.9	6.9
1649	850,000	75,000	925,000	8.32	7,699,390.7	4.5
1650	850,000	75,000	925,000	8.32	7,699,390.7	4.5
1651	850,000	75,000	925,000	8.32	7,699,390.7	4.5
1652	850,000	75,000	925,000	7.76	7,174,432.3	4.2
1653	1,150,000	75,000	1,225,000	7.34	8,992,218.3	5.3
1654	1,150,000	75,000	1,225,000	7.34	8,992,218.3	5.3

Sources: tax to the king is based on: Collins (2003), pp. 208–209. The worth of the Livres Tournois is based on de Wailly; Hoffman et al. (2000). The number of inhabitants has been set on 1.7 Million inhabitants. All other are own calculations

6.4 The Tax Burden in Brittany

For Brittany, the *Assiettes* meticulously recorded the taxes. As there was no property damaged due to actual warfare, the amounts stated can be considered to be the total costs. Table 6.1 indicates the requested taxes. The rows in bold are the years the *états* assembled. The amounts in taxes of these years are split over the year of the assembly and the subsequent year. Except for the years 1642–1644, the amounts are divided into three.

Table 6.1 clearly shows that the tax load in Brittany fluctuated. Comparing these data with those of Jülich, it becomes clear that the tax burden in Brittany was higher at the lowest point (0.22 g of silver per inhabitant more than in Jülich; 1652 is the lowest point in Brittany vs 1642 in Jülich). Nevertheless, as Brittany's figures give a complete overview, whereas those of Jülich do not contain the costs of damages, it is difficult to give a complete outline. The sharp fluctuations in Jülich were of significant influence on the perceived tax burdens because of prompt payments due to requisition made. The atmosphere in Brittany was more relaxed as *états* themselves organised tax distributions, and no direct requisitioning took place. The tax burdens

Table 6.2 Tax and financial burden of Brittany in kcal and days of food insecurity (1636–1654)

Year	Grams silver/ hect.	Hectoliters of grain	One hl = 100 k	Kcal 1 k of organic wheat	Kilocal/ 2100 kcal	Nr. of days of food insecurity
1636	71	137,981.5	13,798,145.2	23,180,883,947	11,038,516	6.5
1637	55	156,710.7	15,671,072.6	26,327,402,001	12,536,858	7.4
1638	52	201,310.6	20,131,061.2	33,820,182,735	16,104,849	9.5
1639	44	238,026.2	23,802,622.5	39,988,405,708	19,042,098	11.2
1640	42	262,016.3	26,201,631.9	44,018,741,528	20,961,305	12.3
1641	50	219,209.1	21,920,912.3	36,827,132,731	17,536,730	10.3
1642	53	150,466.8	15,046,676.2	25,278,416,070	12,037,341	7.1
1643	46	176,482.9	17,648,293.8	29,649,133,605	14,118,635	8.3
1644	44.01	182,826.9	18,282,686.0	30,714,912,504	14,626,149	8.6
1645	36	269,407.7	26,940,768.3	45,260,490,777	21,552,615	12.7
1646	30	328,264.3	32,826,431.9	55,148,405,607	26,261,146	15.4
1647	28.32	411,480.6	41,148,064.6	69,128,748,500	32,918,452	19.4
1648	46	251,356.4	25,135,635.3	42,227,867,335	20,108,508	11.8
1649	63	123,172.5	12,317,251.5	20,692,982,450	9,853,801	5.8
1650	52	146,691.4	14,669,138.5	24,644,152,646	11,735,311	6.9
1651	57	134,224.6	13,422,458.6	22,549,730,483	10,737,967	6.3
1652	43	167,728.8	16,772,881.3	28,178,440,618	13,418,305	7.9
1653	28	326,538.5	32,653,853.9	54,858,474,589	26,123,083	15.4
1654	21	420,708.3	42,070,825.7	70,678,987,238	33,656,661	19.8

Sources: Grams of silver per hectoliter of grain: Rahlf (1999). These measures have been used because the ‘average’ prices have been used, since prices throughout Europe did not differ too much. Detailed pricelists are available for France but seem to lack for Brittany. Number of inhabitants has been set at 1.7 million inhabitants

expressed in kilos of grain and then recalculated into kilocalories, as has been done in Table 6.2.

Each year, the price of wheat could differ and therefore, the hectolitres of grain that could be bought with the silver varied (second and third column). The kilocalories obtained from one kilogram of (organic) wheat has been set at 1680 kcal. The amount may have varied over the years, depending on the fertility of the soil. The number of insecure food days can be calculated by measuring the kcal in the total amount of organic wheat and dividing that by the FAO-calculated food insecurity measure of 2100 kcal per person per day. When divided by the number of inhabitants, the number of days of food insecurity can be calculated—these are expressed in kcal. For Brittany, 1.7 million inhabitants are used as a figure. In 1651 the financial measurements equalled the worth of approximately 6 days of food insecurity or just hunger. In 1654 the worth of taxations equalled a worth of nearly 20 days of hunger.

6.5 Conclusion

In the case of Brittany, fatherland terminology was absent in the political sphere, but this does not necessarily mean that the terminology was absent altogether. As Nice showed in his study, these words were known and applied in Brittany, though more at a cultural-religious level. It is clear that the political terminology in Brittany differed from that in the two discussed German principalities. Efficient communication and relatively cordial relations between the highly ranked nobility of Brittany and the Mazarin-government positively influenced the amount of tax Brittany had to pay. For the Parisian government, it was essential to respect a particularist province, as the *états* were able to borrow much money against a much lower interest rate than the crown. Maintaining and strengthening this relationship was therefore very important to the Breton nobility. Tax requests from the government in Paris were challenging to negotiate. The multi-layered *états* would also have caused some difficulty by objecting to princely politics. Hence, strategically stationed clients in the *états* helped to obtain the taxes without much resistance. As the request for taxations of 1649 showed, not everyone agreed with the amount, though in the end, an agreement on the amount of taxes was reached. However, the third estate opposed the allowances of *Grandeess*. As no fixed sum had to be paid to the *Grandeess* to keep them satisfied and preserve their favour, there was considerable room to negotiate. Their connections within court circles were beneficial. Not only did they allow informal negotiations, but they also worked in favour of those seeking office, and in keeping taxes as low as possible.

There was no war fought inside the Breton borders—the actual Fronde seems not to have affected it directly. Taxation formed a possible threat, but it only affected those with little income. The high elite profited from warfare, as they could lend money against a high-interest rate. Moreover, in 1649 and 1651, close ties with the crown made it possible to negotiate lower tax-burdens for the *pays d'état* of Brittany before the meeting of the *états*, as it would have bankrupted them. Maintaining the *états*' privileges and autonomy was an essential issue for the nobility. As long as their values were not threatened, the nobility was not likely to apply a new terminology. Such words would have jeopardised their relationship with the king.

The situation in Brittany can be summarised by focussing on four steps in the process of requesting taxes. *Firstly*, when in need of money, the French king did not requisition the taxes, at least not in Brittany. Instead, he sent an ordinance to the *états* inviting them to assemble.¹⁹¹ The highest noblemen received it personally, assuming their presence and their help organising the meeting. There seemed to be little room for objections to the friendly request, but there was some room for negotiations: in both 1649 and 1651, the *états* requested not to be assembled in the following year.¹⁹²

Secondly, there was little room to protest, as the crown could interpret this as disobedience to the crown and a violation of the feudal relationship. The *Assiettes*

¹⁹¹C2776/ C2655, 13–24.

¹⁹²Collins (2003), p. 207.

reminded the nobility that the king would reaffirm the privileges granted to the *états* once the matter of taxation was resolved.¹⁹³ Where discussions about the distribution of taxes occurred, there is no trace of no open resistance against the policy that caused the increase. The *Assiettes* show that obtaining this reaffirmation was of considerable significance to the *états* of Brittany. Their unique history of independence as both a duchy and a church province, and the privileges resulting, had been respected. They continued to be respected even after the union with France in the sixteenth century. Judging from the general history of France, there was a realistic threat to the independent position of the province.¹⁹⁴

Thirdly, Cardinal Mazarin's government kept a close watch on ongoing assemblies, as the disputes of 1651 showed.¹⁹⁵ Duke de la Meilleraye, as acting governor and client of Mazarin, was not to intervene in the affairs of Duke de Rohan-Chabot. However, when the situation escalated, and intervention did take place, it seemed that Mazarin accepted the situation, as he was slow to respond. However, when the rump *parlement* of Rennes blocked the decisions taken by the *états* in Nantes, a letter on behalf of the king arrived stating that the judges' verdict was not in Brittany's interest.¹⁹⁶

Finally, the *états* dealt with matters of taxation in debates that went back and forth, and numerous private discussions behind closed doors. In order to reach an agreement, the *états* had to reach a consensus about *Don Gratuit*. Large sums of money were demanded: 1,700,000 *livres* in both 1649¹⁹⁷ and 1651.¹⁹⁸ Though this was substantially less than in 1647 (2,600,000 *livres*) and 1653 (2,300,000 *livres*), it did not mean that the assemblies finished their debates quickly.¹⁹⁹ It took them weeks to determine where the money had to come from, who had to pay, and who was still in default. A consensus was always reached about the *Don Gratuit*. However, the commissions for the *Grandeées* were—at least in 1649—a matter of debate.²⁰⁰ The third estate did not want to take part in this, as they felt they were contributing enough. When we measure the tax burden in grams of silver per capita, it shows that the highest demand was still less than 7 g. The lowest demand was a little over 4 g/inhabitant. The demand is higher than the calculated demands in Jülich, but Brittany could spread the payment and had no additional costs of warfare or war-related damage. In contrast to the two German principalities, the tax load of Brittany is both the gross and net burden. When measured in days of food insecurity, it led to a minimum of 5.8 days of hunger (1649), and Brittany experienced even more than 18 days of hunger in 1647 and 1654.

¹⁹³C2654, 514.

¹⁹⁴Bonney (1989), pp. 161–177; Dunkley (1981), p. 1.

¹⁹⁵Collins (2003), pp. 197–198, 210; Kettering (1986).

¹⁹⁶C2776, 17 November 1651 / C2655, 100–103; C2776, 13 December 1651 / C2655, 219–220.

¹⁹⁷C2776, 14 July 1649 / C2654, 570; Collins (2003), p. 208.

¹⁹⁸*Ibid.*, p. 208.

¹⁹⁹*Ibid.*, p. 198.

²⁰⁰C2776, 22 July 1649 / C2654; *Ibid.*, p. 207.

In Brittany, fatherland terminology was absent from the political scene. The *états* or the nobility, in particular, made no objections against the king's policy. Duke de Rohan-Chabot did voice his disagreement with the clients of Cardinal Mazarin on how to preside over the *états*. This 1651 example reveals that many different interests were pursued within the province, and in the Kingdom of France itself. The heterogeneous composition of the *états* seems to have scattered the resistance against the warfare of Cardinal Mazarin, who continued Cardinal de Richelieu's war policy against the Habsburg dynasty of Spain. The inhabitants of Brittany did not suffer war-related burdens such as billeting, plundering, or other atrocities as the German principalities did. Therefore, the perceived impact of the war was much smaller. This difference may have contributed to the absence of fatherland terminology.

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Part III
Conclusion

Chapter 7

Comparison of the Cases



This study set out to show that the nobility fiercely objected to dynastic warfare and the increased *ad hoc* needs for taxes to pay the armed forces required do the fighting or defending. The nobility perceived both warfare and taxations as a tremendous threat to the welfare of their fatherland and the inhabitants. Discussing this perceived peril was impossible within the existing power structure, as it would likely be considered an act to undermine the princely government. Since both Duke Wolfgang Wilhelm (Jülich) and Landgravine Amalie Elisabeth (Hesse-Cassel) had already begun their reign under problematic circumstances, this placed their relationships with the nobility under pressure. The French King Louis XIV neither started his rule over Brittany amidst a war of succession, nor was his dominion entirely occupied. Brittany had owned the French crown for over a century, though it held a particularist position as a *pays d'état*.

Based on research by Von Friedeburg and Vroomen with a focus on fatherland terminology in Hesse-Cassel (1646–1651) and the Dutch Republic (1618–1619; 1650; 1672) respectively, I formulated two hypotheses. Firstly, when—in small territories—the interests of a subordinate group were confined, fatherland terminology was used to address the situation. Secondly, fatherland terminology was used by relatively homogeneous interest groups who expressed their critique on politics, as there were only limited existing options to bring about change. The research on Hesse-Cassel was expanded by adding Jülich to the scope to test these hypotheses. To contrast these two small principalities, the large, heterogeneous particular province of Brittany is added to the equation. Hence, I was able to compare the two factors that could influence the arguments: homo- or heterogeneity of the nobility, and the economy of scale. I selected tumultuous times: the last part of the Thirty Years' War and the *Fronde*, to make the situations comparable to each other. This conclusion is structured along the lines of the hypotheses mentioned above.

7.1 Answering Hypothesis 1: Within Small Principalities Fatherland Terminology Is Used

Brittany was a vast territory of about 30,000 km² and around 1660, had an estimated population of 1,802,000.¹ It had a significant economy of scale, which was beneficial as the burden of taxations could be spread over the broad population. The size of this particular province also influenced the hierarchical structure of the nobility, creating a large group of noblemen with varying amounts of income and influence. Agriculture and maritime activities characterise Brittany's economy.

The taxes levied in Brittany were not directly aimed at protecting the province itself. As such, the taxations could have generated opposition, as there seemed to be no link with their perceived benefits. However, this practice did not seem to bother the *états*, as long as their autonomy in other aspects of governing was respected. Having to pay taxes to the King of France was not necessarily different from having an independent duke, as it meant that the *états* could still protect their ancient privileges. In other words, little had changed when they accepted the French king as their ruler in 1532. Any complaints were to be addressed to the (acting) governor of the province, or directly to Paris; likewise, Paris decided on the amount of taxes to be collected; tax distribution and collection still fell under the jurisdictions of the *états*. With that, the king and *états* maintained the *status quo*; there were still only two 'participants' in the debates. Before the unification with France, a duke and the *états* governed Brittany;² after the union, the King of France—being the Duke of Brittany—still assembled the *états* when in need of taxation. Before the unification, there was no court to which to appeal when communications failed. In the post-1532 period, the only two 'participants' were the *états* and the acting governor on behalf of the absent king.³ Although it was possible to discuss irregularities and problems with the governor, the king would decide in such matters.

The *états*' had enormous freedom to levy the taxes necessary to pay the crown. As they could decide on their own where the money would come from, they were able to spread the burden evenly over the population, primarily since there was no requisitioning of funds at short notice. As long as their privileges were respected, the *états* were cooperative, and there was no need to use fatherland terminology. It also worked the other way, as long as the *états* were cooperative and did not use—what the king could perceive as—offensive language, their privileges were respected.

The two small German principalities within this study confirm the application of fatherland terminology in small—German—principalities. Jülich and Hesse-Cassel shared some characteristics. The economy of scale in these principalities was minimal. The population of 215,000 and 375,000 inhabitants respectively, bore the

¹Croix and Goubert (1980), p. 152; Dunkley (1972), p. 4.

²Le Page and Godin (2009), pp. 21–65.

³Dunkley (1981).

financial burdens warfare; with only a limited number of nobles who jointly objected to the government and policy of their prince.⁴ The number of cities within each principality—and their involvement in politics—was negligible; most wealth came directly from agriculture.

The nobility perceived the amount of the requisitioned taxes as disproportionate; moreover, the duke and landgravine had failed to obtain the nobility's permission to collect taxes at all. The small principalities had only little variation within its group of nobles, who mostly shared the same interests. Taxes targeted the resources of the nobility's tenants, which indirectly affected the nobles themselves. On top of the contributions, the two principalities suffered from roaming troops plundering and raiding the area, the billeting of soldiers, and other—unspecified—atrocities of war. The nobility unanimously voiced their complaint about the prince's arbitrary or tyrannical rule.

The nobility in both German principalities used the terminology of fatherland and patriot to address their fatherland's problems. Their princes mirrored this terminology, as they gradually adopted the word use themselves. In Jülich, the terminology seemed to have become applicable to the duke himself;⁵ in Hesse-Cassel, the landgrave used the terminology to indicate an error in the argumentation of the nobility: *if* the nobility of Hesse-Cassel were true to their word—that is, loyal patriots—they would leave matters to the landgrave's judgement.⁶ In addition, any threats to the fatherland were taken seriously but were the responsibility of the landgrave.

A striking difference between the two principalities was their divergent approach to printed documents. Within the European context, pamphlets were used to invoke help from outside the principality. It was seen as a last resort to argue the case against the violation of the fatherland or *patria*. Within the Holy Roman Empire, the last resort in conflicts was the Imperial Chamber Court or the Aulic Court. Arguably there was no need for pamphlets here, but rather lawsuits, which constituted an institutionalised form of complaint. The nobility of Jülich did use pamphlets as they may have deemed foreign aid more effective. Strong support from the Dutch Republic could have encouraged the nobility because it was almost inevitable that help would come if requested. Hesse-Cassel, on the other hand, could not count on such an alliance. The Landgrave of Hesse-Darmstadt even had his eye on the principality. This threat worked in favour of making the case at the Imperial Chamber Court, where the court could pressure the landgrave, without needing to invite outside military intervention.

The taxes in Jülich—that is, the amounts that were specified by the *Landstände*—and those in Brittany are, to an extent comparable. By expressing the worth of the respective currencies, the *Reichsthaler* or the *Livres Tournois*, in grams of silver, the

⁴Boehncke and Sarkowicz (2010), pp. 64–65; Tornow (1974), p. 22.

⁵JL Akten 51, 6 May 1652, 1–2. (The second letter on the same date.)

⁶Duplicae, 32–33.

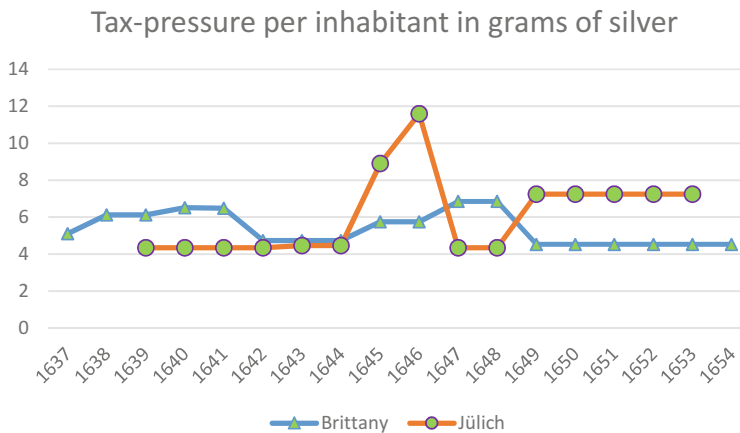


Fig. 7.1 Comparative tax burdens of Jülich and Brittany, in grams of silver/inhabitants (1639–1652). Source: Table 3.1 and Table 6.1

tax-burdens become comparable. Figure 7.1 shows the results per inhabitant, using the calculations as explained earlier.

Figure 7.1 clearly shows that although Jülich may not have had the lowest tax burden in the early 1640s, it went up quickly and exceeded that of Brittany. The overview given for Brittany is as complete as it can get and shows that the amount of taxes varied between 4 and 7 g of silver per inhabitant per year. In Jülich this amount fluctuated between 4 and as much as 12 g of silver per person per year. However, this does leave out material damages.

When these grams of silver are recalculated into kilos of grain and then into kilocalories, the image becomes slightly different (see Fig. 7.2). That is to say, the differences vary a lot less, due to the amounts of grain that could hypothetically have been bought with the silver. The tax burden of Brittany fluctuated far less than that of Jülich. A spike characterises the burdens in Jülich in the year 1646 with a burden of 12 g of silver per inhabitant (Fig. 7.1) or 31 days of hunger (Fig. 7.2). Such fluctuations coincide with the increase in used fatherland terminology as the nobility sought a way to criticise destructive princely politics. One could argue that Brittany suffered under a relatively heavy burden as well, as it never fell below a burden equal to 5 days of endangered food security, and even endured 19 such hypothetical days in both 1647 and 1654. However, Brittany *only* suffered from financial burdens and not from troop movements or any other war-related damage.

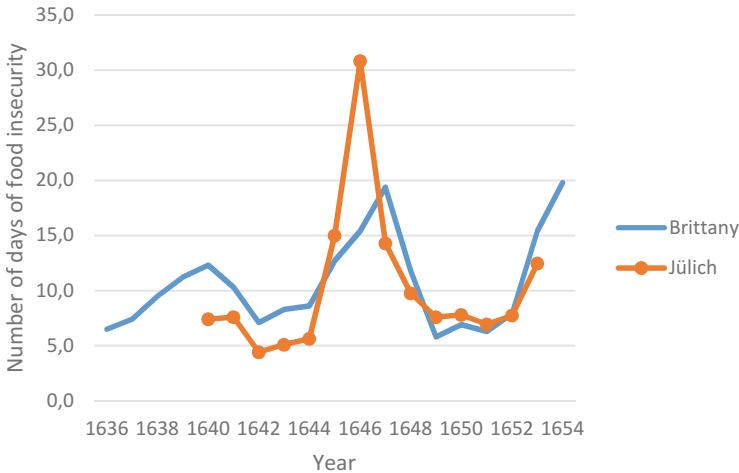


Fig. 7.2 Comparative tax-burdens of Jülich and Brittany, in a number of days below 2100 kcal (1639–1652). Source: Table 3.2 and Table 6.2

7.2 Answering Hypothesis 2: Homogeneous Interests Stimulate the Use of Fatherland Terminology

The excessive taxation and consequences of the Thirty Years' War caused significant problems. Forcing inhabitants to pay enormous amounts of taxes was perceived as a tyrannical act that led to the use of the fatherland terminology in the German principalities. This usage indicated a claim of the temporary, presupposed office of a *patriot*, being the defender of the threatened fatherland (*patria*) and the welfare of its inhabitants. The defenders of noble blood were compelled to resist the disastrous politics of the prince because the war burdened the population to a point where livelihoods were severely affected. The emergence of this new terminology came about by changes in the field of political theory; likewise, legal argumentation was required to substantiate claims by the nobility. The events that took place shaped the content and meaning of the terms. Interestingly, these events are often considered to be exclusive to the fields of social or military history, and are hardly ever fused with political, legal, or intellectual history. The original documents produced by the *Landstände* of Jülich and Hesse-Cassel between 1642 and 1655 substantiate these conclusions.

The war damage demonstrated that the inhabitants in the principalities perceived many threats. The ineffective policy of Duke Wolfgang Wilhelm or the warmongering attitude of Landgravine Amelie Elisabeth made the situation worse, according to the nobility whose pleas fell on deaf ears. So they searched for alternatives. In Jülich, the 1627-lawsuit had failed to influence the duke's policy. Consequently, the nobility—as patriots—met in Cologne to discuss state affairs. They positioned

themselves as the defenders of the fatherland, hoping to re-open lines of communication with the duke.

In Hesse-Cassel, assembling within the principality proved hazardous, with the arrest of spokespersons and such assemblies being banned.⁷ The nobility felt that their privileges were severely violated and brought matters to the Imperial Chamber Court. They turned to arguments based on the fatherland and their being a loyal patriot, which functioned as a warning vehicle for the landgravine. This terminology seems to have been the nobility's last resort, designed to open up communication, and it worked in the end.

The heterogeneous *états* of Brittany, which had a myriad of interests at stake, did not use the terminology in a political context. Brittany's different social-historical background may explain this difference. Here, the wealthy noblemen—or wealthy merchants—could profit from money lending, so they could afford to buy influence. The governor acted on behalf of the king and benefited greatly from his patron. This arrangement also revealed the benefit of strong ties between patrons and clients. These more personal relationships eased negotiations, even as direct communications were rendered more difficult with hundreds of participants.⁸ There was no third party to mediate. Within this framework, the *états* maintained their privileges, especially about taxation, which was possible only by maintaining the *status quo*. If the king had wanted to incorporate Brittany into France to govern it directly and levy taxes without the cooperation of the *états*, he could have done so—and Bonney has shown that this occurred in other parts of France.⁹ Nevertheless, this well-functioning distribution of responsibilities did not invite changes.

In Brittany, differences in wealth and the patron-client relationship with Mazarin shaped debates and influenced their outcome. Duke de Rohan-Chabot was sent away from the assembly as his interests were not the same as Cardinal Mazarin's—or, of the cardinal's clients. The majority wanted to maintain their privileges and immunities by cooperating with Cardinal Mazarin. Duke de Rohan-Chabot certainly believed in preserving noble privileges and those of Brittany; however, he favoured the Prince of Condé and their plans for a new government did not involve Cardinal Mazarin.

Based on these three case studies, I argue that the heterogeneity of the assembly in Brittany contributed to the absence of fatherland terminology. Its patron-client relationships attributed to eased communications: on the one hand, Mazarin and the high nobility enjoyed such a relationship; on the other hand, the high nobility and their clients within Brittany also functioned in this way. These relationships were strengthened by the fact that consent to the demand for taxes encouraged the French crown to respect the nobility's privileges. Within the Holy Roman Empire, arguments with the words patriot, *patria*, and fatherland were made. The Thirty Years' War caused much damage in both Jülich and Hesse-Cassel. The nobility in both

⁷Maruhn (2004), p. 47.

⁸C2655, 1–11.

⁹Bonney (1989).

principalities displayed their discontent with their rulers, Duke Wolfgang Wilhelm and Landgravine Amelie Elisabeth of Hesse-Cassel respectively.

I found open resistance against the deprivation of income as a result of disproportionate burdens and damaging princely politics only in small economies of scale with a (relatively) homogeneous estate. The *Landstände* of Jülich and Hesse-Cassel both faced threats to their income and that of their tenants by direct and imminent warfare and related burdens. In Brittany, the terminology was not unknown but not used in political discussions, despite the turmoil of the *Fronde* and its Breton derivative of 1651. Here the highly ranked elite profited from its client-relationship with the crown and the king's government. Instead of fearing for their tenants, the keys to their decision-making were gaining offices, money, and interests. These interests may have collided with the concerns of other, lesser nobles and subjects. Nevertheless, these different interests divided the Breton *états* and silenced all criticism.

7.3 Final Remarks

The use of fatherland terminology may not have occurred often in the Holy Roman Empire, but it was instrumental. When applied with some repetition, and with the same meaning and goals, it did have an effect. Both in the Duchy of Jülich and the Landgraviate of Hesse-Cassel, the nobility used the terminology to open communications without being accused of rebellious actions against their ruler. In the long run, the terminology was copied by the prince, or at the very least, by his lawyers.

Shifting the focal point from loyalty to a prince, towards loyalty to the fatherland, was a development central to the terminology studied here. Supporting a failing or harmful policy that went against the common good was troublesome. Therefore, a verbal shift to the blameless fatherland that experienced much peril and turmoil was a safe option to which real objections were hardly possible. In line with the medieval concept of *dominion* and the duty to protect this principality, the Landgrave of Hesse-Cassel quickly caught up with the terminology. He pointed out that it was indeed his duty to protect the principality, and so he would. In the case of Jülich, it was precisely the *de facto* rule that seems to have caused some difficulties here, as the *de facto* Duke Wolfgang Wilhelm, could not claim rule over the *dominion* Jülich and his policy caused much harm.

Focussing on policies that harmed the fatherland could not be seen as a traitorous act: it was aimed at the common good and did not directly accuse a prince. The group of people who felt compelled to so (the *patriots*), was only a small group of people. In the case of Jülich, they could afford to travel to Cologne, and were able to have a debate on these affairs. In Hesse-Cassel, only noblemen attended the Kirchhain assembly and, subsequently, supported the legal suit. The sources do not mention any commoners involved, except when referring to the victims of war. As soon as these inhabitants of non-noble birth had participated in the debates, accusations of a full-blown rebellion would likely have emerged. Here we may see the influence of

Althusius' ephors who—as a small group of magistrates—hold the office to point the prince right. It was tactical to place the discussion in the context of those of noble birth, protecting their tenants and other inhabitants of the principality, and avoiding any hint of revolt or rebellion.

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HAB: 258.20.15	<i>Quod, Placcaet Gepubliceert By ende van wegen d'Erf-vereenigde Lantstanden. Uyt de Ridderschap ende Steden der Lantschappen Cleve, Gulick, Berge, ende Marck tot Conservatie van haer Privilegien (4°, n.p. 1651).</i>
HAB: M: Gm 3621 (2)/ VD17 23:308525B	<i>Dero Chur: Brandenburgisch. Fürstlich. Durchl. De dato den 13. Iunij abgelassene kurze Anzeig anstatt Manifests unnd darauff Ihrer Fürstlich. Durchl. PfalzNewburg außgefertite Bestendige Widerlegung, zu mehrer Instruction, also beyeinander in Druck gegeben (n.p. 1651).</i>
HAB Gm 3621 (8)	<i>Wir Landtstenden auß Ritterschafft und Statten der Erbvereinigten Landschafften und Herzogtumen, Gülich, Cleve, Berg, und Graffschafft marck u. (n.p. 1651).</i>
HAB: A: 32.38 Pol. 17	<i>Placcaet Gepubliceert By ende van wegen d'Erf-vereenigde Lantstanden. Uyt de Ridderschap ende Steden der Lantschappen Cleve, Gulick, Berge, ende Marck tot Conservatie van haer Privilegien (8°, n.p. 1651).</i>
Kn. 05536a	<i>Erf-Vereenige der Landtstenden uyt Ridderschap ende Steeden der Hartogdommen Gulick, Cleve, Berge, ende der Graefschappen, Marck ende Ravensperg (n.p. 1647).</i>
Kn. 05537a	<i>Aenmaning schrijvens van de Hooghmogende Heeren Staten Generael der vereenigde Nederlanden. Aen den deurluchtigen heer hartog van Nyborgh, &c ('s Gravenhage 1647).</i>
Kn. 05539a	<i>Klaer bewys dat de Ho: Mo: Staten Generael gherechtight ende verbonden zijn tot de garantie ende maitenüe vande privilegien, vry ende gerechtigheden der Landt-stenden inde landen Gulick, Cleve, Berge, Marck ende Ravensbergh (n.p. 1647).</i>
Kn. 6968	<i>Kort Bericht, waerom Sijn Cheurfursteleijke Doorluchticheyt van Brandenburg is bewogen ende veroorsaect worden, eenighe Plaetsen inde Vorstendommen Gulick ende Bergh in te nemen. (n.l. 1651).</i>
Kn. 6969	<i>Kort Vertoogh In plaets van een Manifest. Waerom Sijn Cheurvorst: Doorluch: tot Brandenburg, eenige plaetsen in de Vorstendommen Gulick en Bergh in te nemen, bewogen en veroosaect geweest is. (Dordrecht 13 June 1651).</i>
Kn. 6970	<i>Vorstelijck Palts Niewbvrgse Fundamentele Wederlegginge, Tegen't ongesondeerde Kort Bericht, Waeromme Sijn Cheur-Vorstel. Doorl. van Brandenburg, is bewogen eenige Plaetsen inde Vorstendommen van Gulick ende Bergh in te nemen, zijnde alleen die daerinne so specieuse voorgestelde Relgie, een deckmantel van de voorghenomene gheweldadige invasie door de Troupes van gemelte Cheurv. Doorl. begaen. Ghetranslateert uyt het Hooghduyts (n.p. 1651).</i>
Kn. 6971	<i>Placcaet Van Wegen Sijne Vorstelijcke Doorlucht. Den Heere Hertog van Nieubvrg, Teghen 't gene dat den Heere Cheur-Vorst van Brandenburg heeft laten affigeren den 13. Iunij 1651. tot</i>

(continued)

	<i>verschooninghe ende verbloeminghe vande onghefondeerde ende gewendadige invasie inde Landen van Gulick ende Bergh (Leiden 1651).</i>
Kn. 6972	<i>Mandement van sijne Roomsche Keyserl. Majesteyt, tot Cassatie ende Annullatie van 't Cheur-Brandenburghsche voor desen Affigeerde Placaet, aen de respective Standen der Vorstendommen Gulick, ende Bergh (n.p. 1651).</i>
Kn. 6973	<i>Missive van Sijne Roomsche Keyserl. Majesteyt aen de Heere Cheur-vorst van Brandenburg, Improbierende die inde Vorstendommen van Gulick ende Bergh ghedaene Invasie, vermanende ende bevelende den selvede Wapenen neder te leggen (n.p. 1651).</i>

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Hesse-Cassel

HAB: M: Gm 4° 404	<i>[o.n.] Nothwendiger Bericht, darauß zu sehen, Daß nicht allein die, von Hessen-Cassel erlangte, und in Truck außgelassene, die vorlengst abgeurtheilte, zu Grund verglichene und trewer geschworne, also genante Marpurgische Successionis-Sach betreffende Responsa ad falsa narrata erheilt, und denen consultirten Juristen Facultäten und andern Rechtsgelehrten, in facto viel verschwiegen, theils verleugnet, und theils anders, als sichs in der That und Warheit befindet, vorbracht, sondern auch in punctio Juris die, in solchen Responsis befindliche Argumenta, fast ins gesamt in der Bestandigen Grundlichen Widerlegung der Casselischen vermeynten Rechtlichen Deduction bereits refutirt, und abgefertiget worden, also daß Justitia Causae Hasso-Darmstadinae dardurch zumahl nicht enervirt, noch geschwache werden könne oder möge, (S.I. 1646).</i>
HAB: A: 46.7 Jur. 2°	<i>Feurborn, J., Nothwendige außführliche Special-Widerlegung deren in Hessen-Casselischen publicirten also gen. Wechsel-Schriefften gerühmbten, gleichwohl aber gantz unbegründeten, Rettung eines, von Weiland herrn Landgraf Wilhelmen zu Hessen u., hochlöblichen Undenckens, sub data Cassel den 19. Aprilis Anno 1630 an herrn Georgen, herrn Philipfen und Herrn Friderichen, beede hochlöblicher gedächtniss alle Landgrafen zu Hessen u. abgegangenen Schreibens [. . .] (Giessen, 1647).</i>

(continued)

HStAM 5	14651 (microfiche) Nr: A4755
HStAM, Bestand 255, H. 139	<i>Außschreiben unser Gedeibes von Gottes Gnaden, Landgrafen zu Hessen, u. An alle und jede Deß Nider-Furstenthums Hessen und darzu gehöriger Graf: und Herschafften, lande und Gebihte, getrew gehorsame Land-Stände, Sambt und Sonders.</i> (s.i. 1637).
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