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

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[1] von 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.

[2] von Friedeburg (2011), p. 31.

[3] Press (1994), p. 439.

[4] Oestmann (2012).

[5] Romein (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

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[6] von 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 1530s[10] 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 Libres 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'.

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[7]Romein (2014).

[8]Iseli (2009), p. 15.

[9]von 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.

[13]von Friedeburg (2002).

[14]von 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 (*prudentia*) 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*

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[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 interchange-able 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 Petrarch 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]

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[27]Ibid., p. 71.

[28]Ibid., pp. 89–127.

[29]Ibid., p. 139.

[30]Hirschi (2011), p. 105.

[31]Schmidt (2007).

[32]Hirschi (2011), p. 148.

[33]Ibid., p. 111.

[34]Ibid., p. 109.

[35]Kantorowicz (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

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[36]von Friedeburg (2013), pp. 305–306.

[37]Ibid., p. 307.

[38]Ibid., p. 307.

[39]Schmidt (2007).

[40]Ibid., pt. 3.

[41]Hirschi (2011), p. 102.

[42]Ibid., p. 102.

[43]Ibid., p. 95.

[44]Ibid., p. 92.

[45]Morrill (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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[46]Hirschi (2011), p. 103.

[47]Morrill (2017).

[48]Neu (2013).

[49]Schmidt (2007), p. 266.

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