

Academics as Councillors of German Kings and Rulers (ca. 1350-1550)

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The prince-elect of Brandenburg and margrave of Ansbach in Franconia, Albrecht Achilles, was one of the most influential imperial princes of the 15th century. His attitude towards scholars or academics in his own or in other rulers' service was sceptical at first. In the year 1440, at the beginning of his rule in Ansbach, his opinion of academics was not exactly flattering, as we can see in his statement about *doctores, so in den büchern lesen. Dadurch sie maynen, allem einen schein zu geben, es hab grund oder nicht*, which roughly translates as "doctors who read books and therefore believe to give a lustre to everything, be it true or not". This resentment was not limited to opinions, but also included actions. In December 1452, he had imperial counsellor Ulrich Riederer, a doctor of both laws, thrown out of the parlour of the castle in Vienna Neustadt when he, Albrecht, entered the room. As Enea Silvio Piccolomini, who was present, relates, he rudely snubbed him: *Tu ne princeps es, [...] qui te principibus misces?* ("You are not a prince, [...] why do you mingle with princes?").

1. See E. Schubert, "Albrecht Achilles, Markgraf und Kurfürst von Brandenburg (1414-1486)", in G. Pfeiffer (ed.), *Fränkische Lebensbilder*, vol. 4: *Neue Folge der Lebensläufe aus Franken*, Würzburg, Gesellschaft für fränkische Geschichte, 1971, pp. 130-172, cit. p. 145; S. Andresen, "Akzeptanz der Grade: auf dem Weg zur Professionalisierung gelehrter Tätigkeit in der spätmittelalterlichen Gesellschaft", in R. C. Schwinges (ed.), *Examen, Titel, Promotionen: Akademisches und staatliches Qualifikationswesen vom 13. bis zum 21. Jahrhundert*, Basel, Schwabe (Veröffentlichungen der Gesellschaft für Universitäts- und Wissenschaftsgeschichte, 7), 2007, pp. 451-487, cit. p. 451. For the more detailed study I am following here *grasso modo* see R. C. Schwinges, "Im Dienst: Gelehrte im Reich der deutschen Könige und Fürsten des späten Mittelalters", in O. Auge, K.-H. Spieß (eds.), *König, Reich und Fürsten im Mittelalter: Abschlusstagung des Greifswalder Principes-Projekts. Festschrift für Karl-Heinz Spieß*, Stuttgart, Steiner, 2017, pp. 417-435.

This treatment and the use of the less polite *tu* reveal the limits of social acceptance, even for a successful lawyer of noble parentage like Doctor Riederer.

Albrecht was far from alone with his behaviour and opinions in the middle of the century. The Alsatian Peter von Andlau, doctor of canon law from the university of Pavia and most fervent advocate for the establishment of a University in Basel, repeatedly bemoans the disdain of the ruling class for the scholars, pointing out that at the same time, the rulers and nobility were facing decline and appeared unable to fulfil their erstwhile roles within the empire. Quoting influential Italian jurists like Bartolo di Sassoferrato, Peter stipulated that the hereditary nobility be supplemented by a nobility of merit, which would be recruited from the pool of university graduates. A doctoral degree was to ennoble, and after 20 years of academic work at a university, an elevation to earldom was to take place³. Peter von Andlau himself had set out for an academic career in 1438. The discrepancy between self-regard and external recognition was par for the course in his time, but there were, without a doubt, personal reasons that reinforced his chagrin. He was, after all, a scion of an Alsatian dynasty of knights and had long served in the prestigious role of vice-chancellor for the bishop of Basel⁴.

Somehow needed, but never really respected, such seems to have been the lot of scholars in attendance on German courts. But it is precisely the gruff prince-electoral of Brandenburg who seems to have learned, especially after taking over the electorate in 1470, how useful the academic doctors could be to him and his country. When counsellor Hertnidt von Stein, who held a doctorate in civil law from Bologna, had successfully lobbied for Brandenburg at the papal court in Rome, Albrecht Achilles thanked him as follows: *Schick einen weysen und bevihle im wenig, so richt er vil auß oder schick einen toren und bevihle im vil, so richt er nichts auß* ("Send a wise man with little instruction, and he will achieve much; send a fool with

2. See C. Reinle, *Ulrich Riederer (ca. 1406-1462): Gelehrter Rat im Dienst Kaiser Friedrichs III.*, Mannheim, Palatium (Mannheimer Historische Forschungen, 2), 1993, p. 346. For the episode in the castle see especially K. F. Krieger, "Fürstliche Standesvorrechte im Spätmittelalter", *Blätter für deutsche Landesgeschichte*, 122, 1986, p. 91-116. For biograms of all academics mentioned in this article you may have a look on www.rag-online.org. See thereto note 17.
3. Peter von Andlau, *Kaiser und Reich: Libellus de Caesarea Monarchia*, ed. by R. A. Müller, Leipzig/Frankfurt am Main, Insel (Bibliothek des deutschen Staatsdenkens, 8), 1998, pp. 317-331, here p. 331. See thereto H. G. Walther, "Gelehrtes Recht, Stadt und Reich in der Theorie des Basler Kanonisten Peter von Andlau", in H. Boockmann et al. (eds.), *Lebenslehren und Weltentwürfe im Übergang vom Mittelalter zur Neuzeit*, Göttingen, Vandenhoeck & Ruprecht (Abhandlungen der Akademie der Wissenschaften in Göttingen, Philologisch-Historische Klasse, 3. Folge, 179), 1989, pp. 77-111.
4. *Ibid.*, p. 79.

the most detailed instructions and he will achieve nothing"⁵. At the end of his reign, in 1486, Albrecht was the imperial prince with the greatest number of academic counsellors – barring the emperor himself, who had at least 171⁶. Albrecht's doctors numbered 64; there were noble and common jurists – many of them bearing the most prestigious title, *doctor utriusque iuris* – but also some theologians and physicians⁷. He regularly loaned them with special regards to his peers, who held the educational level of his counsellors in great esteem. Albrecht and many of his peers had realised that there was more to the "book doctors" and "know-it-all" than just big words. They increasingly became the *Strategen am Hof* ("court strategists")⁸ or, specifically the jurists among them, the *Techniker der Tagespolitik* ("engineers of daily politics")⁹. University graduates in advisory positions had a large share in political success, exerting influence on regional politics at their places of employment as well as on diplomatic missions. Having repeatedly to deal with his counsellors like Albrecht Klitzing, Georg von Absberg, Nickel Pfuhl, Hermann Reinsberger, Hertnidt von Stein or Peter Knorr seems to have softened Albrecht's approach: the previously rude prince developed a smart readiness to negotiate¹⁰.

One could cite many more examples, both positive and negative, since our knowledge about academics in the service of kings and rulers has been steadily growing in the past few years, in respect to courts as well as churches, cities

5. E. Schubert, "Albrecht Achilles...", *op. cit.*, p. 145.
6. See P. J. Heinig, *Kaiser Friedrich III. (1440-1493): Hof, Regierung und Politik*, Cologne/Weimar/Vienna, Böhlau (Beihefte zu J. F. Böhmer, *Regesta Imperii*, 17), 1997, vol. 3, pp. 147-1422. With 171 academics Heinig found 62 more than P. Moraw (109) did years before in his primary and nevertheless important article: P. Moraw, "Gelehrte Juristen im Dienst der deutschen Könige des späten Mittelalters (1273-1493)", in R. Schnur (ed.), *Die Rolle der Juristen bei der Entstehung des modernen Staates*, Berlin, Duncker & Humblot, 1986, pp. 77-147, here p. 143.
7. See S. Andresen, *In fürstlichem Auftrag. Die gelehrten Räte der Kurfürsten von Brandenburg aus dem Hause Hohenzollern im 15. Jahrhundert*, Göttingen, Vandenhoeck & Ruprecht (Schriftenreihe der Historischen Kommission bei der Bayerischen Akademie der Wissenschaften, 97), 2017, p. 17; ead., "Gelehrte Räte im Dienst des Markgrafen und Kurfürsten Albrecht: Qualifikation und Tätigkeiten in fürstlichem Auftrag", *Jahrbuch des Historischen Vereins für Mittelfranken*, 102, 2013/2014, pp. 151-172, here p. 152.
8. S. Andresen, *In fürstlichem Auftrag...*, *op. cit.*
9. P. Moraw, "Beamtentum und Rat König Ruprechts", *Zeitschrift für die Geschichte des Oberrheins*, 116, 1968, pp. 59-126, here p. 123.
10. S. Andresen, *In fürstlichem Auftrag...*, *op. cit.*, pp. 379-385; ead., "Räte am Fürstenhof: Gelehrte und andere Wissensträger im Spiegel der Korrespondenz des Kurfürsten Albrecht von Brandenburg-Ansbach", in H.-J. Gilomen, M. Müller, L. Tissot (eds.), *Dienstleistungen: Expansion und Transformation des "Dritten Sektors" (15. bis 18. Jahrhundert)*, Zürich, Chronos (Schweizerische Gesellschaft für Wirtschafts- und Sozialgeschichte/Société suisse d'histoire économique et sociale, 22), 2007, pp. 377-386.

and universities¹¹. All those examples would have in common the reference to an academic community in the process of emancipation. Sure, scholars were still viewed with suspicion around 1500. You know the sayings: *die Gelehrten – die Verkehrten, Juristen – böse Christen* (“scholars – perverts, jurists – bad christians”)¹², or what Enea Silvio Piccolomini, the later pope Pius II, reports from the Council of Basel, not without a certain admiration for Nikolaus von Kues and Johannes Hofmann von Lieser: *Cusa et Lysura pervertunt omnia iura*¹³. Ultimately, what all this teasing shows is that scholars have found their place in politics as well as in the public awareness¹⁴.

I will mention only in passing the great number of processes that ultimately led to this acceptance – general developments in terms of civilization, socio-cultural and economic processes, processes of education and professionalisation. I have called attention to them as well as to the fact that this was not so much a matter of supply and demand in another paper¹⁵. Instead, it was mostly the thrust of a growing supply that got things going, made the labour market flexible and career options more diverse. Of course, all this was subject to exceedingly strong temporal and regional variations within the empire.

11. Some excellent studies came e.g. from D. Rando, *Johannes von Hinderbach (1418-1486): eine "Selbst"-Biographie*, Berlin, Duncker & Humblot (Schriften des Italienisch-Deutschen Historischen Instituts in Trient, 21), 2008; G. Strack, *Thomas Pirckheimer (1418-1473): Gelehrter Rat und Frühhumanist*, Husum, Matthiesen (Historische Studien, 496), 2010; M. Wejwoda, *Spätmittelalterliche Jurisprudenz zwischen Rechtspraxis, Universität und kirchlicher Karriere: der Leipziger Jurist und Naumburger Bischof Dietrich von Bocksdorf (ca. 1410-1466)*, Leiden, Brill (Education and Society in the Middle Ages and Renaissance, 42), 2012; T. Daniels, *Hofmann von Lieser, Göttingen, Vandenhoeck & Ruprecht (Schriften zur politischen Kommunikation, 11)*, 2013; A. Landois, *Gelehrtentum und Patrizierstand: Wirkungskreise des Nürnberger Humanisten Sixtus Tucher (1459-1507)*, Tübingen, Mohr Siebeck (Spätmittelalter, Humanismus, Reformation, 77), 2014.
12. See C. Gilly, “Das Sprichwort ‘Die Gelehrten die Verkehrten’ oder der Verrat der Intellektuellen im Zeitalter der Glaubensspaltung”, in A. Rotondò (ed.), *Forme e destinazione del messaggio religioso: aspetti della propaganda religiosa nel cinquecento*, Florence, Olschki, 1991, pp. 229-375; here pp. 233-248.
13. See T. Daniels, “*Cura et Lysura pervertunt omnia iura!* Nikolaus von Kues und Johannes von Lieser”, *Cusanus-Jahrbuch*, 6, 2014, pp. 34-53.
14. R. C. Schwinges, “Das Reich im gelehrten Europa: ein Essay aus personengeschichtlicher Perspektive”, in B. Schneidmüller, S. Weinfurter (eds.), *Heilig – Römisch – Deutsch: das Reich im mittelalterlichen Europa*, Dresden, Sandstein, 2006, pp. 227-250, here pp. 229-231.
15. Id., *Deutsche Universitätsbesucher im 14. und 15. Jahrhundert: Studien zur Sozialgeschichte des Alten Reiches*, Stuttgart, Steiner (Beiträge zur Sozial- und Verfassungsgeschichte des Alten Reiches, 6), 1986, pp. 33-36; id., “Zur Professionalisierung gelehrter Tätigkeit im deutschen Spätmittelalter”, in H. Boockmann et al. (eds.), *Recht und Verfassung im Übergang vom Mittelalter zur Neuzeit*, Göttingen, Vandenhoeck & Ruprecht (Abhandlungen der Akademie der Wissenschaften in Göttingen, Philologisch-Historische Klasse, 3. Folge, 239), 2001, vol. 2, pp. 473-493, here pp. 476-478, 482-483.

Generally speaking, scholars in the service of kings and princes are a timeless phenomenon; nonetheless, it is reasonable to assume that the development of universities and the increase in student and graduate numbers on all levels and in all disciplines may have caused a shift towards a more “scientified” quality in employment relationships. But in spite of the studies I mentioned before and others more, this has not yet been empirically analysed for the old empire¹⁶.

This is where our research endeavour of the *Repertorium Academicum Germanicum* steps in, a project dedicated to prosopographic research including provenance, paths of life and spheres of action as well as the specific culture of German scholars between 1250 and 1550. We expect more than 50,000 personal files, most of which can already be consulted online¹⁷. The criteria for inclusion in the *Repertorium* are at minimum a promotion to Magister Artium or the enrolment in one of the higher faculties of theology, laws or medicine. In the case of the nobility, simply matriculating at a university is enough. In this context, we regard everyone as an academic counsellor who fits these criteria and is documented at least once as a counsellor. This includes *consiliarii* (*raete* in German), privy counsellors, court counsellors, and anything else that includes the label *council*, *counsellor* or *advisor*, no matter by what other names those positions may go (such as proctors, secretaries or envoys).

In the following, I want to give an overview of the academics in service in the period investigated. I will do this in five sections: first I will touch upon numbers and chronology, then we will have a look at academic education, provenance, the service of princes and, as a last point, at the matter of remuneration.

Numbers and Chronology

At the present moment, the RAG lists approximately 835 counsellors in the service of kings and princes within the empire. You may forget this number at once; it shows only the momentary state of a research process. More important are relations and trends, since this number contains merely those 1.7% of all our scholars that became “princely scholars”. At first glance, this is a very small category; however, considering the group’s education, it is one of the

16. For a bibliographical overview see R. C. Schwinges, “Das *Repertorium Academicum Germanicum* (RAG)”, in P. Moraw (ed.), *Gesammelte Beiträge zur Deutschen und Europäischen Universitätsgeschichte: Strukturen – Personen – Entwicklungen*, Leiden, Brill (Education and Society in the Middle Ages and Renaissance, 31), 2008, pp. 577-602.
17. For the current state see www.rag-online.org, for explanations see R. C. Schwinges, “Das *Repertorium...*”, *op. cit.*, and id., “Das *Repertorium Academicum Germanicum* (RAG): ein digitales Forschungsvorhaben zur Geschichte der Gelehrten des alten Reiches (1250-1550)”, *Jahrbuch für Universitätsgeschichte*, 16, 2013 [2015], pp. 215-232.

elites at court. The phenomenon that only such a small portion of the total of academics found employment at court corresponds neatly with the actual circumstances at the court of Brandenburg's elector Albrecht, who shall serve us as a reference figure today. As I mentioned before, apart from the emperor, Albrecht was the ruler with the most academic counsellors, namely 64. The total number of his counsellors, however, is a multiple of that, numbering 390 in the 40-plus years of his reign, nearly as much as the emperor Friedrich had up to 1493 (400). The academics amongst them constitute only 16.4%; but at other courts this number is much smaller¹⁸.

This comparatively small number also corresponds with the count of graduates with a title higher than *magister artium*, which is surprisingly low in Germany, compared to the rest of Europe. Around the year 1500, depending on the university, only 3 to 10% of registered attendees achieve the degree of *magister artium*. Licentiates and Doctors of the Laws, Medicine and Theology amount to less than 3 to 4% of the total number of students¹⁹. Graduates taking the path of academic counsellorship offered their services to rulers much more often than to cities. This was not only a matter of prestige, but also a result of the fact that only a small number of cities, and only the larger ones at that, was willing to incur the expense of an academic council. Even including syndics, legal counsellors and secretaries, only 0.5% of the RAG's clientele served in municipal councils – and the majority of those served cities as well as rulers. Let me illustrate this with an example of Berne, the biggest city state north of the Alps and the most powerful nucleus of the Old Swiss Confederacy. Only once in the course of the whole 15th century did Berne afford a learned lawyer as a council and legate, namely Doctor Thüring Fricker²⁰, who had graduated from the University of Pavia in 1473. Thanks to his legal studies, he was able to organize and restructure the chancery. But what was much more important for the city was to have someone who could adequately and at eye level communicate and negotiate with the legal experts, legates and counsellors of the surrounding European powers as well as the pope and his curia. This is true for all academic counsellors, of course, which may too explain their small number.

18. S. Andresen, "Gelehrte Räte im Dienst...", *op. cit.*, p. 152; P. J. Heinig, *Kaiser Friedrich III. (1440-1493)*..., *op. cit.*, vol. 1, pp. 172, 543.

19. See C. Hesse, "Acta Promotionum II: die Promovierten der Universitäten im spätmittelalterlichen Reich. Bemerkungen zu Quantität und Qualität", in R. C. Schwinges (ed.), *Examen. Universitätsbesucher aus dem Bistum Konstanz im 15. und 16. Jahrhundert*, Basel, Schwabe (Veröffentlichungen der Gesellschaft für Universitäts- und Wissenschaftsgeschichte, 8), 2007, pp. 189-228.

20. Id., "Schulen und Studium in Bern", in E. J. Beer et al. (eds.), *Berns Grosse Zeit: das 15. Jahrhundert neu entdeckt*, Bern, Stämpfli, 2003, 2nd ed., pp. 155-161.

As is to be expected, the number of actually employed counsellors began to slope upward in the 1340s. This rise in numbers did not run parallel to a general increase in university attendees, however, but rather shows some marked caesurae in itself²¹. These were caused primarily by the two great events of the 15th century: the councils of Constance and Basel, which provoked, as it were, a boom of counsellors which lasted for decades. The councils are known as stages and markets for scholars and experts of all stripes; along these lines, they offered an opportunity to tender oneself to the present rulers both spiritual and secular, including kings²². A typical example from the council of Constance is Doctor decretorum Winandus von Steeg, the energetic advocate for duty-free transport of mass wine on the Rhine. Before securing his "dream job", the lucrative post of pastor at St Peter in Bacharach, Winandus served a series of employers at and around the council of Constance – sometimes several at once, for example the bishops of Würzburg and Passau, the count palatine of the Rhine, and king Sigismund, whom he accompanied to Hungary. He also served as a counsellor or advisor for the cities of Nuremberg and Augsburg²³.

The council of Basel brought about a new boost with more than twice as many counsellors as the council of Constance. A third caesura began in the 1470s, the "take-off stage" for an emerging excess supply of academic graduates²⁴. Speaking more broadly, this was the time that is described as *Verdichtung*, that means the onset of administrative densification of the empire, a phenomenon in which the scholars at the courts of kings and princes, and especially jurists, played a part that is not to be underestimated²⁵. A fourth-marked phase shows a repeated increase in academic counsellors that begins around 1510 and lasts beyond the middle of the 16th century. What is fascinating about this phase is that it runs contrary to the so-called frequency dip of the German universities during the first decades of the reformation, namely between the 1520s and the 1540s²⁶. The supply of academics suitable for service at court clearly remained

21. R. C. Schwinges, *Deutsche Universitätsbesucher...*, *op. cit.*, pp. 23-60.

22. H. Müller, "Universitäten und Gelehrte auf den Konzilien von Pisa (1409), Konstanz (1414-1418) und Basel (1431-1449)", in R. C. Schwinges (ed.), *Universität, Religion und Kirchen*, Basel, Schwabe (Veröffentlichungen der Gesellschaft für Universitäts- und Wissenschaftsgeschichte, 11), 2011, pp. 109-144.

23. A. Schmidt, H. Heimpel, *Winand von Steeg (1371-1453): ein mittelhöfischer Gelehrter und Künstler und die Bilderhandschrift über die Zollfreiheit des Bacharacher Pfürrenweins auf dem Rhein aus dem Jahr 1426*, Munich, Beck (Abhandlungen der Bayerischen Akademie der Wissenschaften. Neue Folge, 81), 1977, pp. 14-21.

24. R. C. Schwinges, *Deutsche Universitätsbesucher...*, *op. cit.*, pp. 33-60.

25. See P. Moraw, *Von offener Verfassung zu gestalteter Verdichtung: das Reich im späten Mittelalter 1250 bis 1490*, Berlin, Propyläen, 1985, pp. 389-394; id., "Gelehrte Juristen...", *op. cit.*, pp. 138-145.

26. B. Immenhauser, "Universitätsbesuch zur Reformationszeit: Überlegungen zum Rückgang der Immatrikulationen nach 1521", *Jahrbuch für Universitätsgeschichte*, 6, 2003, pp. 69-88.

sufficient. This needs to be analysed more closely, but it appears that the consistently catholic universities in the West, such as Cologne and Leuven, as well as the Italian centres of education, maintained their productive capacity and helped accommodate the demand of the courts in large parts of the empire.

The Academic Education of the Counsellors

As you might expect, most of the princely advisors emanated from the academic elite of jurists; 60% of them were graduates, and two thirds of those were doctors of civil or canon law, half of them even doctors *utriusque iuris*. Only 5.8% were licentiates or doctors of theology, 2.7% doctors of medicine; simple *magistri artium* make up 9% of prince's counsellors. Only every fifth counsellor had studied at a university without graduating, most of them were noble men. These numbers reveal an unmistakable hierarchy, which results from the developments since the 1440s. There was an increasing tendency amongst jurists to graduate in both laws while they were at it. The majority of counsellors began to follow a pattern originating in Southern and Western Europe and increasingly spreading across the German-speaking part of Europe. The pattern was to seek professional employment only *after* graduation – excepting, of course, the tenure of sinecures and benefices such as canonries, which made it financially possible to study in the first place²⁷.

Princes' counsellors came from practically every German university, and many of the jurists among them had attended the Italian law schools, above all Bologna, but also Padua and Pavia, the three most distinguished centres of jurisprudence of the time. Other Italian universities are mentioned, but only sporadically or as the place of a second or third matriculation. This is not surprising, nor is the fact that of all French universities, Orléans was the most popular. Paris and a few others stand far behind it; only the law schools of Bourges and Dôle deserve special mention. I was surprised to find out, however, that distinctly leading the list of counsellors' *almae matres* is a cluster of German universities: the highest attended universities are, in this order, Cologne, Heidelberg and Leuven, followed by the German Nation of Bologna, than by

27. See H. de Ridder-Symoens, "Milieu social, études universitaires et carrière des conseillers au Conseil de Brabant, 1430-1600", in G. Asaert et al. (eds.), *Recht en instellingen en de oude Nederlanden tijdens de middeleeuwen en de nieuwe tijd: Liber Amicorum Jan Buntinx*, Leuven, Presses universitaires de Louvain (Symbolae Facultatis litterarum et philosophiae Lovaniensis. Sér. A, 10), 1981, pp. 257-301; R. C. Schwinges, "Karrieremuster: zur sozialen Rolle der Gelehrten im Reich des 14. bis 16. Jahrhunderts", in id. (ed.), *Gelehrte im Reich: zur Sozial- und Wirkungsgeschichte akademischer Eliten des 14. bis 16. Jahrhunderts*, Berlin, Duncker & Humblot (Zeitschrift für historische Forschung. Beiheft, 18), 1996, pp. 11-22.

Tübingen, Freiburg, the German Nation of Orléans, Leipzig, and Erfurt. Over 75% of all princes' counsellors graduated from these universities. This is of top priority, and the trend seems to be unmistakable. All of the above-mentioned universities from Cologne to Erfurt offered lectures in civil as well as canon law from the very beginning; Leuven even had a separate faculty for each law, and they were considered the strongholds of jurist education north of the Alps from the 15th century onwards²⁸. Another piece of evidence in favour of the findings concerns the Rhineland of the whole length of the river. This region is often seen as the leading area of the empire, an innovation area, which is once again confirmed by the aforementioned development²⁹. A third piece of evidence is the fact that from the 1480s onward, the political nucleus of the north-western part of the Habsburgian empire shifted towards the old Netherlands, attracting all sorts of professionals, including prospective counsellors.

Provenance

Kings and princes, themselves noble, liked to mingle with nobles, not least when it came to their advisors, and so it was predominantly educated noblemen that they employed as counsellors³⁰. Compared to the quota of nobles among the empire's overall population – which is assumed to be 2 or 3% – or among university attendees about 4%, there was a disproportional ratio of academically educated noblemen among the counsellors³¹. This is true for the 15th and even more for the 16th century, after the nobility had caught on to the fact that if they wanted to prevail in a field saturated with commoner scholars, they needed to study and obtain academic qualifications themselves³². The RAG's

28. See H. Coing, *Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte*, vol. 1: *Mittelalter (1100-1500)*, Munich, Beck, 1973, pp. 39-128; A. García y García, "The Faculties of Law", in H. de Ridder-Symoens (ed.), *A History of the University in Europe*, vol. 1: *Universities in the Middle Ages*, Cambridge, Cambridge University Press, 1992, pp. 388-408.
29. R. C. Schwinges, "Innovationsräume und Universitäten in der älteren deutschen Vormoderne", in id., P. Messerli, T. Münger (eds.), *Innovationsräume: Woher das Neue kommt in Vergangenheit und Gegenwart*, Zurich, Vdf Hochschulverlag an der ETH, 2001, pp. 31-44.
30. P. Moraw, "Gelehrte Juristen...", *op. cit.*, p. 142; I. Männal, *Die Gelehrten Juristen in den deutschen Territorien im späten Mittelalter*, PhD in phil., directed by P. Moraw, University of Giessen, 1987, pp. 202-207.
31. See R. C. Schwinges, *Deutsche Universitätsbesucher...*, *op. cit.*, pp. 31-44.
32. See R. A. Müller, *Universität und Adel: eine soziostrukturelle Studie zur Geschichte der bayerischen Landesuniversität Ingolstadt 1472-1648*, Berlin, Duncker & Humblot (Ludovico Maximilianeae. Universität Ingolstadt – Landshut – München. Forschungen und Quellen, 7), 1974, pp. 44-59; H. de Ridder-Symoens, "Adel en universiteiten in de zestiende eeuw: Humanistisch ideaal of bittere noodzaak?", *Tijdschrift voor Geschiedenis*, 93, 1980, pp. 410-432.

data shows a share of 26.2% of noblemen amongst princes' counsellors – that means a good fourth. It is very likely that the rate is even higher, since we have only been able to determine the social status of about half of all counsellors. When I talk about noblemen, I mean counts, lords, and knights, the *nobiles* of our sources, as well as members of the lower nobility.

The social status of civilian members of the councils was surprisingly high as well. The higher someone's social standing, the higher is the likelihood of this information to be recorded and consequently available to us. It may therefore be assumed to be more or less accurate when we determine that 75% of all prospective counsellors descended from the patriciate, that is, dynasties of city councilmen, jurymen and merchants – or, as they were called in the south of the empire, the burgher notables (*honoratiore*, *Ehrbarkeit*). Furthermore, many of them came from families of civil servants and scholars, who had long-elevated education and the service for king, prince and country to their family strategy³³. The remaining fourth of counsellors stemmed from the urban bourgeoisie; some of them with a background in trade, some of undetermined background. I will refrain from mentioning statistical numbers, but allow me to name a few of the occupations that some of our counsellors' fathers pursued: among the civil servants, we have governors, bailiffs, stewards, clerks, magistrates, abbey caretakers, physicians, and professors; among the tradesmen butchers, brewers, goldsmiths, hatters, stonemasons, innkeepers, rope makers, and shipcarpenters. What is particularly conspicuous about this random list are the trades that are missing, which gives us important evidence in the matter of provenance. There are no sons of weavers, tanners, bakers, fishermen, or blacksmiths in these prestigious positions.

The same profile of provenances appears *grosso modo* at the courts of Bavaria and Saxonia as well as at the court of the prince-electors of Brandenburg, albeit even more distinctly³⁴. Over a third of Albrecht's learned counsellors were noblemen, mostly from the local nobility of the Mark Brandenburg. The remaining counsellors were mainly descendants of the patriciate of the Frankish territories. There were no true social climbers to be found at this court – nor much anywhere else, to be fair. Albrecht may have relented in his frequently-mentioned class consciousness towards scholars, but the social distinctions remained firmly in place³⁵.

33. See B. Immenhauser, *Bildungswege...*, *op. cit.*, pp. 228–231.

34. See C. Hesse, *Amsträger der Fürsten im spätmittelalterlichen Reich: die Funktionselite der unteren Verwaltungsebene in Bayern-Landshut, Hessen, Sachsen und Württemberg, 1400–1515*, Göttingen, Vandenhoeck & Ruprecht (Schriftenreihe der Historischen Kommission bei der Bayerischen Akademie der Wissenschaften, 73), 2005, pp. 358–378.

35. S. Andresen, *In fürstlichem Auftrag...*, *op. cit.*, pp. 81–89; *ead.*, "Gelehrte Räte im Dienst..." , *op. cit.*, pp. 153–154.

By mentioning the Brandenburgian nobility and the Frankish patriciate I meant to indicate that regional as well as social provenience was an important criterion in the selection for court service. Albrecht (as many others) relied heavily on his own subjects, his *Landeskinder*. Here is not the place to elaborate on local provenance. I will merely touch on some instances that diverge from the normal practice of employing one's own subjects: the kings and emperors from Frederick III to Maximilian I and Charles V recruited their counsellors from all across the empire, with an emphasis on the long-term king orientated (*königsnahen*) regions of South Germany and their traditional and newly acquired Habsburg territories and, after 1500, on the old Netherlands³⁶. Some regions attract attention because they supplied several rulers at once; I would like to call them *surplus regions*. Those are the Rhineland, the Palatinate, Württemberg and Baden and above all Upper Swabia and South Baden including the Alsace and the northern part of the Swiss Confederation, as well as, last but not least, Franconia. Not only the margraves of Brandenburg drew their counsellors from those regions, but also kings and emperors, the four prince-electors of the Rhine region, the archdukes of Austria, the prince-bishops of Würzburg, Bamberg, and Eichstätt as well as those of Strasbourg and Constance. Those observations complement the image of a north-south and a west-east divide that has been popular throughout German history. There is a high concentration of cities in those regions, especially of imperial and free cities, which fostered the pertinent social and academically inclined classes. Apart from that, the general ratio of students and scholars was much higher in those regions compared to others.

Service of Princes

There were multiple kinds of social relations that could pave the way into the service of princes. The principal one appears to have been the court, which could grant patronages similar to those of the ruler himself, following the practices of the Roman Curia. There seems to have been an awareness of prospective members' comings and goings from universities – it is striking how close the dates of graduations and first references of employment often are. The prince-electors of Brandenburg managed to engage a whole series of

36. See P. J. Heinig, *Kaiser Friedrich III. (1440–1493)...*, *op. cit.*, vol. 1, chap. 1–2; *id.*, "Gelehrte Juristen im Dienst der römisch-deutschen Könige des 15. Jahrhunderts", in H. Boockmann *et al.* (eds.), *Recht und Verfassung im Übergang vom Mittelalter zur Neuzeit*, Göttingen, Vandenhoeck & Ruprecht (Abhandlungen der Akademie der Wissenschaften in Göttingen, Philologisch-Historische Klasse, 3. Folge, 228), 1998, vol. 1, pp. 167–184, here pp. 174–176.

counsellors immediately after their return from university³⁷. This was facilitated by students' relatives – brothers and fathers, but most frequently learned and often clerical uncles (mothers' brothers) – who provided the court with pertinent information. Apart from that, a key role was played by academic networks including teacher-student relationships as well as, increasingly, something very modern: a person's own merits. Court members would take notice of young men who were successfully engaged in other councils or who distinguished themselves in learned writing such as reports or academic treatises. Every fourth counsellor, often at once university professors, including the abovementioned Winandus von Steeg, had found their employment this way.

Accepting a position in someone's service is one thing; retaining it, however, is a different matter. Overlooking 200 years and more, we can observe that it was the exception rather than the rule to constantly fill a counsellor's position with scholars. Council mandates were a matter of individual assignments, not a career track, at least not before the early fifteenth century. For a long time, rulers were more interested in the prestige that the employment of academic counsellors entailed than in their actual professional services. It was enough to be able to keep up with the other lords in fielding a learned counsellor, most often a jurist. Furthermore, it was quite common among kings, princes and cities to lend and borrow learned counsellors, and the counsellors themselves often aspired to change positions³⁸. This open situation was not specific to councils, but common for several other professional groups including academics. There always were alternatives to constant employment of scholars, even for the prevalent employer, the papal church. The same was true for the higher ranks of cathedral and collegiate churches, where social provenance (from the nobility or the patriciate) took precedence over education when it came to the assignment of positions³⁹.

The counsellors' service periods reflect this assessment. No stabilization occurs over the course of time – it always comes down to individual arrangements and the duration of specific mandates, which in turn depended on the

37. S. Andresen, *In fürstlichem Auftrag...*, *op. cit.*, pp. 209–215. For similar observations in Bavaria and Württemberg see H. Lieberich, "Die gelehrten Räte: Staat und Juristen in Bayern in der Frühzeit der Rezeption", *Zeitschrift für bayerische Landesgeschichte*, 27, 1965, pp. 120–189, here pp. 121–122; D. Stievermann, "Die Gelehrten Juristen der Herrschaft Württemberg im 15. Jahrhundert: mit besonderer Berücksichtigung der Kleriker-Juristen in der ersten Jahrhunderthälfte und ihrer Bedeutung für das landesherrliche Kirchenregiment", in R. Schnur (ed.), *Die Rolle der Juristen...*, *op. cit.*, pp. 229–271, here pp. 254–255, 267–269.
38. I. Männl, *Die Gelehrten Juristen...*, *op. cit.*, pp. 216–226, 238; S. Andresen, *In fürstlichem Auftrag...*, *op. cit.*; ead., "Gelehrte Räte im Dienst...", *op. cit.*, p. 159.
39. See the observations made by P. Moraw, "Careers of Graduates", in H. de Ridder-Symoens (ed.), *A History of the University in Europe*, *op. cit.*, vol. 1, pp. 273–274. For change in the 16th century see B. Immenhauser, *Bildungswege...*, *op. cit.*, pp. 513–517.

rulers' periods of government as well as the political events of the day. The great majority of counsellors were employed only for short periods; more precisely, two thirds of them (67%) were employed for less than a year, at least as far as we can tell. The remaining third, on the other hand, remained in the service of their rulers for an average of 10.4 years, individual figures ranging from 2 to 43 years. Periods of 20 years or longer were not observed before the late 15th century. In other words, there is no proof for permanent employment of academic counsellors before that time; and by the way this is a key-note for state-building in the Old German Empire. The "record number" of 43 years of employment belongs to the Dr utr. iur. Heinrich Olisleger (Oelschläger) from Wesel. He was active in the council of the dukes of Jülich-Cleves-Berg from at least 1532 until his death in 1575; in addition to that, he acted as chancellor of Jülich from 1547 onwards. Olisleger, of course, is an early example of the type of professional counsellors descending from dynasties of officials: both his father and grandfather were counsellors and state bursars respectively; two of his brothers were counsellors like him, and his brother-in-law was Dr utr. iur. Heinrich Sudermann, the famous syndic of the Hanseatic league⁴⁰.

Not only the circumstances of employment were unstable, but also the spheres and areas of activity. The primary tasks of a learned counsellor at king's or prince's court were generally the same, namely to deal with foreign affairs. This could mean diplomatic relations with the papal court, participation in ecclesiastical synods, missions to court councils and diets of princes, or delegations to foreign kings and princes. In addition to these older, traditional counsellors' duties emerged new fields of duty more concerned with domestic and regional politics. The domestic assignments required extended stays – we are talking about tasks such as mediating in conflicts between rulers or between cities and rulers, procuration at manorial and arbitral courts, and especially mandates in the delicate business of dynastic succession and marriage contracts. Those are fields that particularly profited from the employment of jurists, especially of canonists familiar with the fourth book of the decretals (*Liber quattuor decretalium*), which deals with matrimonial law, kinship, and relationship by marriage with reference to laws of succession and inheritance, and which often was commented in treatises traditionally called *Arbor consanguinitatis et affinitatis*⁴¹.

40. For Olisleger and his family see *Premier livre des procureurs de la nation germanique de l'ancienne université d'Orléans, 1444–1546*, part II: *Biographies des étudiants*, vol. 1, ed. by H. de Ridder-Symoens, D. Illmer and C. M. Ridderikhoff, Leiden, Brill, 1978, pp. 343–345 (no. 584).
41. For this genre see A. Schmidt, H. Heimpel, *Winand von Steeg...*, *op. cit.*, pp. 31–32; especially S. Teuscher, "Flesh and Blood in the Treatises on the *Arbor consanguinitatis* (Thirteenth to Sixteenth Centuries)", in C. H. Johnson et al. (eds.), *Blood and Kinship: Matter for Metaphor from Ancient Rome to the Present*, New York/Oxford, Berghahn, 2013, pp. 83–104.

Remuneration

I will conclude with a short glance at the matter of remuneration: what was in it for the counsellors? Considering the high concentration of nobility, we may assume that being in their service must have made for a comfortable living. Remuneration corresponded to social rank. Some counsellors were granted arms or even ennobled by kings, emperors or territorial lords. The latter became more frequent after the middle of the 15th century. One example is Dr Konrad Stürtzel, a law professor from Freiburg, a counsellor and chancellor for Sigismund, archduke of Austria-Tirol, and emperor Maximilian⁴². What eluded Peter von Andlau 20 years prior, Konrad achieved when he was knighted in 1491. I assume that most counsellors, especially those who were only in service for short periods of time, provided for themselves. The typical double-track approach of pre-modern professional life suited the employers just fine: they were happy to borrow senior clergymen like canons and capitulars from their church posts and prebends. The same is true for professors, who, with regard to their livelihood, were little else than beneficiaries⁴³.

Personnel, one intended to keep in service, on the other hand, needed to be offered additional benefits. This was handled following the example of the church. Across the board and regardless of the reformation, rulers always tried to remunerate their servants with benefices and sinecures of the church, rather than appointing them properly and footing the bill themselves. Almost half of all counsellors were furnished with clerical positions. What became increasingly rare, however, was the traditional practice of providing an esteemed counsellor with an episcopate. Ecclesiastical politics, as we know, made this rather difficult, except for marginal bishoprics of limited consequence, where kings and territorial rulers were given free rein⁴⁴.

The decline of clerics in council positions brought in its wake other possibilities and means of compensation. Albrecht, prince-elect of Brandenburg, was quite serious – if not entirely selfless – in conveniently suggesting to his scholars that they find themselves a wealthy wife⁴⁵.

42. D. Mertens, "Konrad Stürtzel: Hofkanzler und Rat Kaiser Maximilians I.", *Schau-ins-Land. Jahrbuch des Breisgau-Geschichtsvereins Schauinsland*, 130, 2011, pp. 13-33.

43. See C. Hesse, "Pfründen, Herrschaften und Gebühren: zu Möglichkeiten spätmittelalterlicher Universitätsfinanzierung im Alten Reich", in R. C. Schwinges (ed.), *Finanzierung von Universität und Wissenschaft in Vergangenheit und Gegenwart*, Basel, Schwabe (Veröffentlichungen der Gesellschaft für Universitäts- und Wissenschaftsgeschichte, 6), 2005, pp. 57-86, here pp. 61-67.

44. See R. C. Schwinges, "Gelehrte Bischöfe im späten Mittelalter – Neue Autoritäten in der Reichskirche?", in H. Seibert, W. Bomm, V. Türck (eds.), *Autorität und Akzeptanz: das Reich im Europa des 13. Jahrhunderts*, Ostfildern, Thorbecke, 2013, pp. 223-236.

45. S. Andresen, *In fürstlichem Auftrag...*, *op. cit.*, p. 335.

Littérature, esthétisation et politique en Angleterre à la fin du Moyen Âge

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Lorsque Jean-Philippe Genet m'a demandé de préparer une intervention pour ce volume, il a souhaité que j'explore, parmi les huit «révolutions» qu'il a définies, celle du «sensible». Bien qu'il ne me paraisse pas évident de traiter séparément ces «révolutions», et en particulier, pour ce qui concerne mes travaux, celles de la *literacy*, des langues et du sensible, j'ai pu à cette occasion entamer une réflexion sur un aspect encore peu présent dans mes recherches, celui de l'esthétisation de l'anglais, cette langue qui se constitue tardivement – aux XIV^e et XV^e siècles – en langue intellectuelle, en articulation avec l'autonomisation d'un nouveau champ littéraire¹. Une question, en particulier, m'a interpellée: pourquoi une grande majorité des textes littéraires sur lesquels je travaille, qui réfléchissent à la société et au pouvoir dans ce «nouveau» langage qu'est l'anglais – relativement nouveau, en tout cas, dans le paysage écrit du système de communication² –, sont-ils en vers plus qu'en prose?

1. Voir l'introduction du présent volume.
2. Sur cette autonomisation, voir J.-P. Genet, *La genèse de l'État moderne: culture et société politique en Angleterre*, Paris, Presses universitaires de France, 2003. Pour un panorama d'ensemble sur la littérature en anglais à la fin du Moyen Âge, voir notamment J. Simpson, *The Oxford English Literary History*, vol. 2: 1350-1547: *Reform and Cultural Revolution*, Oxford, Oxford University Press, 2002; D. Wallace (éd.), *The Cambridge History of Medieval English Literature*, Cambridge, Cambridge University Press, 1999; P. Brown (éd.), *A Companion to Medieval English Literature and Culture, c. 1350-c. 1500*, Oxford, Blackwell, 2007; J. Wogan-Brown et al., *The Idea of Vernacular: an Anthology of Middle English Literary Theory, 1280-1520*, Exeter, University of Exeter Press, 1999; P. Strohm (éd.), *Middle English*, Oxford, Oxford University Press (Oxford Twenty-First Century Approaches to Literature), 2007.
3. Pour une définition du système de communication, voir J.-P. Genet, «Histoire et système de communication au Moyen Âge», dans id. (éd.), *L'histoire et les nouveaux publics dans l'Europe médiévale (XIII^e-XV^e siècles)*, Paris, Publications de la Sorbonne, 1997, p. 11-29. Voir également M. Mostert (éd.), *New Approaches to Medieval Communication*, Turnhout, Brepols, 1999.

Dans la même série :

- I *La légitimité implicite*
- II *Vérité et crédibilité: la construction de la vérité dans le système de communication de la société occidentale (XIII^e-XVII^e siècle)*
- III *Valeurs et systèmes de valeurs (Moyen Âge et Temps modernes)*
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- VI *Marquer la prééminence sociale*
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- VIII *Marquer la ville. Signes, traces, empreintes du pouvoir (XIII^e-XVI^e siècle)*
- IX *De Dante à Rubens: l'artiste engagé*
- X *Église et État, Église ou État? Les clercs et la genèse de l'État moderne*
- XI *Consensus et représentation*
- XII *Des chartes aux constitutions. Autour de l'idée constitutionnelle en Europe (XII^e-XVII^e siècle)*
- XIV *Pouvoir symbolique et sémantique de l'État: conclusions*

Histoire ancienne et médiévale – 175

LE POUVOIR SYMBOLIQUE EN OCCIDENT (1300-1640) – XIII

SÉRIE DIRIGÉE PAR JEAN-PHILIPPE GENET

Vecteurs de l'idéal et mutations des sociétés politiques

Actes des colloques organisés en 2013 et 2014 à Rome
par SAS et l'École française de Rome

sous la direction de
Jean-Philippe GENET

Ouvrage publié avec le concours du Conseil scientifique
de l'université Paris 1 Panthéon-Sorbonne, du European Research Council
et du Laboratoire de médiévistique occidentale de Paris

Éditions de la Sorbonne / École française de Rome
2021

Table des matières

Avant-propos	
JEAN-PHILIPPE GENET	5
INTRODUCTION	
Un modèle en question ?	
JEAN-PHILIPPE GENET	13
Vecteurs de l'idéal et mutations des sociétés politiques	
JEAN-PHILIPPE GENET	25
Quelques remarques sur « Vecteurs de l'idéal et mutations des sociétés politiques »	
JEAN-CLAUDE SCHMITT	41
PARTIE I	
L'IMPACT DE L'ÉVOLUTION CULTURELLE	
Révolution intellectuelle ou révolution des « intellectuels » ?	
Intellectuels organiques et société politique aux derniers siècles du Moyen Âge	
ANTOINE DESTEMBERG	47
Academics as Councillors of German Kings and Rulers (ca. 1350-1550)	
RAINER CHRISTOPH SCHWINGES	61
Littérature, esthétisation et politique en Angleterre à la fin du Moyen Âge	
AUDE MAIREY	75
Quelques réflexions pour une histoire matérielle de la culture écrite dans le monde occidental	
EZIO ORNATO	93
La révolution du droit est-elle une révolution de la justice ?	
Le cas français aux XIV ^e et XV ^e siècles	
CLAUDE GAUVARD	203

PARTIE II

PRATIQUE DE L'ÉTAT ET LANGAGE POLITIQUE

Le style de l'État. Réflexions sur la naissance et le développement
de la phraséologie étatique occidentale (XII^e-XVII^e s.)
BENOÎT GRÉVIN 221

L'usage politique des citations bibliques et des apologues classiques :
une petite contribution au problème des relations
entre culture ecclésiastique et culture laïque entre le XII^e et le XIV^e siècle
PAOLO CAMMAROSANO 251

Dominer, administrer, gouverner.
L'écrit administratif et la question de l'État
PIERRE CHASTANG 261

Vérité ou coutume? Une dialectique triangulaire
entre les pouvoirs symboliques de l'Église, des villes et de l'État
dans le comté de Flandre au XIII^e siècle
JAN DUMOLYN 275

PARTIE III

LANGUES ET POUVOIRS :
POUR UNE APPROCHE COMPARATIVE

Langues des rois et communication civile en France et en Angleterre
(XIII^e-XV^e siècle) : l'origine lointaine des langues nationales
SERGE LUSIGNAN 299

Langues du pouvoir et sociétés traditionnelles.
Jalons pour un comparatisme eurasiatique (Moyen Âge-époque moderne)
BENOÎT GRÉVIN 313

Zoé et Théodora (1042).
Opinion populaire, sexes et genres, société politique, communication :
les balbutiements d'un « État moderne » byzantin ?
GEORGES SIDÉRIS 339

PARTIE IV

IMAGE ET SOCIÉTÉ POLITIQUE

Un esempio di comunicazione visuale della regina ungherese con i suoi sudditi
in Dalmazia tardomedievale: l'arca di San Simeone Profeta a Zara
NIKOLA JAKŠIĆ 353

Usages et mésusages des images selon les prédicateurs du Moyen Âge
(XIII^e-XV^e s.) 371
MARIE ANNE POLO DE BEAULIEU

Fête, pouvoir et images dans la Rome pontificale 401
MARTINE BOITEUX

La gloire des humbles: peuple en armes et monument aux morts
au début du XVI^e siècle 427
JOANA BARRETO

PARTIE V

AUTOUR ET AU-DELÀ DU MODÈLE

La nouvelle emprise empirique sur le monde en Europe occidentale,
X^e-XIII^e siècle 453
WIM BLOCKMANS

Entre tribus et État, entre Maghreb et Mashrek :
le califat-imamat almohade (XI^e-XIII^e siècle) 467
PASCAL BURESI

Le modèle vu depuis la péninsule Ibérique :
le pouvoir royal comme opérateur 487
FRANÇOIS FORONDA

Dénationaliser le passé, désétatiser le politique :
les apports d'un dialogue nouveau entre historiographies française
et italienne des formations politiques de la fin du Moyen Âge 493
SOLAL ABÈLÈS

Les réformes protestantes, une rupture à ne pas oublier 511
JEAN-MARIE LE GALL

CONCLUSION

Genétique de l'État médiéval. *Pour ne surtout pas conclure* 521
PATRICK BOUCHERON