



The Use of Fatherland, *Patria* and Patriot in the Cases of Jülich, Hesse-Cassel and Brittany (1642-1655).

Political arguments in an age of confrontation.

C.A. Romein

**The Use of Fatherland, *Patria* and Patriot
in the Cases of Jülich, Hesse-Cassel and Brittany (1642-1655).**

Political arguments in an age of confrontation.

**Het gebruik van Vaderland, *Patria* en Patriot
in Jülich, Hessen-Kassel en Bretagne (1642-1655).**

Politieke argumenten in een eeuw van confrontatie.

C. Annemieke Romein



Colophon

Cover photo: cut-out of map Nicolaes Visscher, A new, plaine & exact map of Europe, described by N.I. Visscher and done into English, enlarged & corrected according to I. Blaeu, with the habits of the people, and manner of the cheife cities, 1658, the like never before (1658)

Map image courtesy of the Norman B. Leventhal Map Center at the Boston Public Library:
<http://maps.bpl.org/id/14051>

Cover design: author.

Printed by: Gildeprint – Enschede.

Copyright © 2015 by C.A. Romein/ C.A. Canton-Romein – www.caromein.nl.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form (electronic, mechanical, photocopy, recording, or any other means) without prior written permission of the publisher.

The Use of Fatherland, *Patria* and Patriot in the Cases of Jülich, Hesse-Cassel and Brittany (1642-1655).

Political arguments in an age of confrontation.

Het gebruik van Vaderland, *Patria* en Patriot
in Jülich, Hessen-Kassel en Bretagne (1642-1655).
Politieke argumenten in een eeuw van confrontatie.

Proefschrift

ter verkrijging van de graad van doctor aan de

Erasmus Universiteit Rotterdam

op gezag van de

rector magnificus

prof.dr. H.A.P. Pols

en volgens besluit van het College voor Promoties.

De openbare verdediging zal plaatsvinden op

donderdag 7 januari 2016 om 9.30 uur

door

Christel Annemieke Romein

geboren te Dordrecht.

Promotiecommissie:

Promotor:

Prof.dr. R.C.F. von Friedeburg

Overige leden:

Prof.dr. R.M. Eßer

Prof.dr. H.J.M. Nellen

Prof.mr. L.C. Winkel

Nil volentibus arduum

To Bart
and Jonathan

Table of Contents

Acknowledgements	V
Measurement and coinage	VII
Dates and language	VIII
List of Illustrations	IX
List of Graphs	X
List of Tables	XI
List of Abbreviations	XII
1. INTRODUCTION	1
1.1 PRINCES AND THEIR NOBILITY.....	5
1.2 POLITICAL ARGUMENTATION WITH WORDS AS: ‘FATHERLAND’ AND ‘PATRIOT’	9
1.2.1 Early roots of nationalism	10
1.2.2 The 1980s’ canon	10
1.2.3 Office holding: call of duty	13
1.3 TERMINOLOGY.....	17
1.3.1 Pays, Patrie, Patria, Patriot.....	17
1.3.2 Fatherland and Natio(n).....	19
1.4 METHODOLOGICAL APPROACH.....	20
1.5 COMPOSITION OF CHAPTERS.....	21
Part I. Holy Roman Empire	23
2 THE HOLY ROMAN EMPIRE — THE INSTITUTIONS AND THEIR FUNCTIONS	25
2.1 THE IMPERIAL PRINCIPALITIES (<i>STATUS IMPERII</i> ; <i>REICHSSTÄNDE</i>) AND THE IMPERIAL DIET (<i>REICHSTAG</i>).....	27
2.2 PRINCE-ELECTORS (<i>KURFÜRSTEN</i>) AND THE EMPEROR	29
2.3 IMPERIAL COURTS.....	30
2.4 IMPERIAL CIRCLES.....	30
3 JÜLICH: POSSESSION, OCCUPATION, AND DESTRUCTION (1642-1652)	33
3.1 HISTORIOGRAPHY: THE KNIGHTS OF JÜLICH.....	35
3.2 JÜLICH: EARLY HISTORY OF THE DYNASTIC AGGLOMERATE	36
3.3 THE WAR OF SUCCESSION (1609-1614) AND ITS PROVISIONAL TREATIES	38
3.4 THE LOWER-RHINE AREA UNTIL THE PEACE OF PRAGUE (1635).....	46
3.5 THE LOWER-RHINE AREA UNTIL THE PEACE OF WESTPHALIA	50
3.6 THE HESSIAN PRESENCE IN JÜLICH, UNTIL 1652	66
3.7 FINANCIAL BURDEN.....	78
3.8 SEQUEL	81
3.9 IN CONCLUSION	81

4	HESSE-CASSEL: CONFESSION, ABSENCE, AND CLASH (1600-1646)	83
4.1	HISTORIOGRAPHY: THE KNIGHTS OF HESSE-CASSEL	85
4.2	LINEAGE OF THE LANDGRAVIAL FAMILY: 1500-1600	86
4.3	MAURICE THE LEARNED: CONFESSIONAL BREAKDOWN OF RELATIONS (1592-1627)	90
4.4	WILHELM V: ENEMY OF THE EMPEROR AND EXILE (1627-1636/7)	92
4.5	POLITICS IN EXILE (1637-1640)	94
4.6	AMELIE ELISABETH: REGENT, COMMANDER-IN-CHIEF AND NEGOTIATRESS (1637-1650)	97
4.7	THE NOBILITY: MAINTENANCE OF THE 'STATUS QUO' (1637-1646)	99
4.8	FINAL NEGOTIATIONS: PEACE OF WESTPHALIA (1648)	100
4.9	LANDGRAVINE AND NOBILITY: PROBLEMS ARISING (1646-1650)	101
4.10	IN CONCLUSION	107
5	HESSE-CASSEL: DISCORD, DISSENSION, AND LEGAL DEBATES (1646-1655)	109
5.1	THEORETICAL APPROACH IUS PUBLICUM UNIVERSALE	116
5.2	DISPUTES AND LEGAL DEBATES	117
5.2.1	Remonstratio	118
5.2.2	Mandatum inhibitorium et cassatorium sine clausula — 1647 and 1650, 1651	118
5.2.3	Disposition or Gutachten (1648-1650)	119
5.2.4	Exceptiones sub- et obreptionis - 1651	120
5.2.5	Mandatum poenale sine clausula — 1652	121
5.2.6	Replica – 30 March 1652	121
5.2.7	PP – (30 March 1652)	126
5.2.8	Duplica – 22 April 1653	126
5.2.9	Reaction to the Duplica (1653-1655?)	130
5.2.10	Triplica – 26 June 1655	134
5.2.11	Ohn Vorgreifliche Memorialien (1653-1655)	137
5.2.12	(Draft Loco) Quatruplika - 1655	143
5.2.13	The Agreement: the end of the legal conflict - 2 October 1655	143
5.3	ANALYSIS OF THE ARGUMENTS	148
5.4	IMPERIAL AND/ OR TERRITORIAL RESTRICTIONS?	152
5.5	IN CONCLUSION	153
Part II. France		157
6	FRANCE — DURING THE LATE 16TH AND 17TH CENTURY	159
6.1	RELIGIOUS TURMOIL AND SUCCESSION	159
6.2	KING LOUIS XIII AND RICHELIEU	161
6.3	TAXATION POLICY AND GOVERNMENTAL STRUCTURES	162
6.4	KING LOUIS XIV, MAZARIN AND THE FRONDE	165
7	BRITTANY: ANCIENT, AUTONOMOUS, AND SELF-REGULATING (1648-1652)	169
7.1	HISTORIOGRAPHY: THE NOBILITY OF BRITTANY	172
7.2	BRITTANY AND FRANCE: A FORCED UNION	173
7.2.1	Political history of Brittany	174
7.2.2	Religious history of Brittany	179
7.3	VALOIS AND BOURBON RULE (1582-1620s)	180
7.4	RICHELIEU'S INFLUENCE (1626-1642)	182
7.5	MINORITY RULE AND MAZARIN'S GUIDANCE	186
7.6	THE ÉTATS AND THE PARLIAMENT OF BRITTANY	187
7.6.1	États-assembly and Parliament of 1649	188
7.6.2	États-assembly and the 'rump' parliament of 1651	192

7.7	TAX-LOAD IN BRITTANY	197
7.8	IN CONCLUSION	202
Part III. Comparison.....		205
8	COMPARISON: THE USE OF ARGUMENTS.....	207
8.1	PRINCIPALITIES WITHIN THE HOLY ROMAN EMPIRE	208
8.1.1	Jülich-Berg.....	210
8.1.2	Hesse-Cassel.....	212
8.1.3	Comparison with the Holy Roman Empire	214
8.2	FRANCE	215
8.2.1	Brittany	215
8.3	FRANCE VERSUS THE HOLY ROMAN EMPIRE.....	218
8.4	IN CONCLUSION	220
9	CONCLUSION	223
9.1	JÜLICH	224
9.2	HESSE-CASSEL	225
9.3	GERMAN PRINCIPALITIES: SMALL ECONOMIES OF SCALE AND HOMOGENEOUS	227
9.4	BRITTANY	228
9.5	PROVINCE OF BRITTANY: LARGE ECONOMY OF SCALE AND HETEROGENEOUS.....	229
9.6	USAGE OF FATHERLAND-TERMINOLOGY	230
9.7	IN CONCLUSION	231
Bibliography.....		233
	PRIMARY SOURCES (MANUSCRIPTS).....	233
	PRIMARY SOURCES (PRINTED)	234
	SECONDARY SOURCES	236
	SECONDARY SOURCES (DISSERTATIONS).....	248
Samenvatting.....		249
Summary		255
Curriculum Vitae		259

Acknowledgements

Some time ago somebody mentioned in passing that doing a PhD is like running a marathon: it is an exacting task that can only be completed if you are a fully determined, proactive, accurate, well-organised and systematic person, who moreover hopefully possesses such useful qualities as positivity and perseverance to the right degree. I cannot claim to possess all these qualities to the fullest, though I did experience that having some of them to an extent is of great use. Along the ‘road’ there are many people cheering and even ‘running along’, and obviously there are a number of experienced advisors and coaches *en route*, too. All of you can be considered responsible for the development of this research, though not for its errors.

First and foremost I owe a debt of gratitude to my supervisor, professor dr. Robert von Friedeburg, who invited me to take part in this project in early 2011 and who has given me much advice, critique and countless suggestions along the way. I have learned a great deal from you and have greatly appreciated the trust you vested in me for allowing me to pursue this PhD.

I have visited quite some archives. It is due to the generous invitation of Mr. H. Freiherr Schenck zum Schweinsberg of the private Archiv der Althessische Ritterschaft in Kaufungen that many new sources on Hesse-Cassel have been unveiled and unravelled. Mr. A. Maruhn and prof. dr. G. Menk are thanked for providing me with a number of transcriptions of relevant sources from the Staatsarchiv Marburg. I also wish to thank Tim Neu for his help with the text from Staatsarchiv Darmstadt, his friendship and the discussions we had in the past years. Many thanks to the sympathetic staff of Archive Départementales de Ille-de-Villaine (Rennes) who helped me retrieve my sources, though my explanations in faltering French left much to be desired. Prof.dr. J. Collins and Prof.dr. J. Nice are also thanked for their guidance from afar: it helped me to retrieve the sources quickly. The ever-friendly employees attending the reading room of the NRW-Archive in Düsseldorf/ Duisburg, and Dr. M. Früh, who took the time to give me some practical suggestions for the NRW-Archive: you have been of great help in my study on Jülich.

At many seminars, workshops and conferences I exchanged ideas and sharpened my thoughts. I wish to thank my Spanish friends Roberto Quiros Rosado and Cristina Bravo Lozano, who offered me the opportunity to share my ideas with Spanish colleagues at their international conference. It would be gross negligence on my part not to thank those attending the Althusius Tagung 2013, Wetzlarer Nachwuchstagung 2013 (esp. Prof.dr. T. Simon and Prof.dr. A. Baumann), the workshop ‘The Impact of Disasters on Pre-modern Rural Economies’ (Münster 2014), and the preconference ‘The economic impact of war, 1648-1815’ (Nias, 2014 – esp. dr. P. Brandon, Prof.dr. M. ‘t Hart, Prof.dr. Torres Sánchez and Prof.dr. O’Brien). I also wish to thank my fellow-PhDs at other universities with whom I have been connected via the Huizinga Institute, and who came to the promovendisymposium of our Institute in the spring of 2014; and – most importantly – my expert-commentator, prof. dr. R. Eßer who gave me useful remarks to continue my research with. Prof.dr. A. de Benedictis and Prof.dr. H. Cools, who gave me great advice at our frequent encounters.

My teachers and friends at the 38th Wolfenbütteler Summer School should be explicitly mentioned for availing themselves of the opportunities of commenting while the dissertation was approaching its completion: Prof.dr. W. Adam, Prof.dr. H. Meise, Prof.dr. G. Cantarutti, dr. V. Bauer, dr. D. Werle, Agnè, Carola, Claudia, Christina, Finn, Gabor, Hannes, Julia, Martina, and Nicolas. Your comments, patience, and company were a great asset and a boon.

But close at home, at our faculty the ESHCC, or at the Erasmus Center for Early Modern History, there are a number of people to whom I also wish to extend a special word of thanks. As my knowledge of Latin fails me in most instances, I could not have done this work without the help of Dr. J.H. Waszink and Dr. A. van der Laan who helped me more often than I can remember. Prof. Em. Dr. Jan van Herwaarden, though retired, was never tired of reading and critiquing bits of my dissertation. Contact with those attending the Erasmus Seminars has been of incredible value to my education, and was much appreciated: dr. E. Frankot, Prof.dr. H. Nellen, Prof.dr. E. Rabbie, and Prof.mr. L. Winkel. Support staff is often underestimated, but Linda, Theresa, Liduin, Regina, Evelien, Nelleke and Sabai, you have been wonderful. My heartfelt gratitude should also be felt by my fellow-PhDs and our post-doctorates who jogged along beside me, some faster and some still on their way: Dirk, Geerte, Hilde (I&II), Jaap, Joep, Klara, Laurie, Marten, Maryse, Norah, Pieter (I&II), Theo, Tina, Zihni; Bregje, David, Aart, Chris, Maarten, and Martijn. Last, but not least, those who were in the NWO ‘New Monarchy’-project: Ingmar, Marianne, Koen and Jesper: thank you for putting up with me, it was a great pleasure working with you all.

I wish to thank my former Develstein-colleagues and -teachers for their interest in my project and their support: especially Sam de Bruijn – who never stopped believing in my ability to master English but also did your ‘fair’ share in helping out (!), Ingrid van Bodegom, *merci beaucoup*, and mr. De Vlaming, *es ist mir gelungen!*, and of course those teaching history. The friendship of Vera & Jan-Peter, Christine and Lies is indescribable, and not forgotten. Deanne & Mike, Gwen, Mandy & Pete, Cassie, Marina, Trudy (†), though ‘far away’ should be mentioned too, as we had many great conversations which helped me get through. Sarah, Michiel and Kirsten, you too deserve many praises – though you did not consider it necessary to be mentioned. I cannot say ‘*Merci vilmal*’ enough, Daniel, for your help with the German language!

My in-laws Pieter and Mariëtte, my sister-in-law Sabien, her husband Remko and ‘the girls’ Isis and Thamal, are all to be thanked for the regular, necessary, distractions from work. I know my grandmother Riek would be proud, though her illness unfortunately prevents her from understanding. ‘Little’ brother Elwin and Marie-Aline, thank you for the frequent calls and talks and ‘keeping my computer alive’. I cannot express in words how much the faith my parents, Jaap and Lotte, put in me, means to me. Papa, you taught me to love history-stories; mama, you never failed to keep believing in me as long as I would set my heart to it.

This dissertation took no more than a total of four years to complete, though in the end it was slightly postponed. For one of the first times in my life I can actually wholeheartedly say that a delay did not add to my stress, due to its being caused by the birth of my son. Jonathan, you have already taught me a great deal: above all, to have patience. This brings me to thank my significant other. Though mentioned last, you are far from being the least. You are worth more praises than can fit this paper. It is you who got me through; in more than one sense. It was you who helped me cross the finish line. This job could not have been done without you. Therefore, this dissertation is dedicated to you, Bart (and a little to our son).

Rotterdam, December 2015

Measurement and coinage

Weight

Malter One (Nassauer) Malter of grain was the equivalent of 1 Hectolitre.¹ The worth of grain can be measured in grams of silver, using the yearly average as calculated by Thomas Rahlf.²

Kilocalories (kcal)

Another way of measuring the significance of food supplies and taxations is by recalculating its value into kilocalories. The Food and Agriculture Organisation (FAO) of the United Nations has calculated that 2,100 kcal is the bare minimum humans need. If people have a lower intake, they are starving and will eventually die.³ This is known as ‘food insecurity’. Despite the fact that the FAO is a modern-day organisation, the calculations made are applied worldwide. As this seems to be the only standard that is applied across different (modern) societies, its basic calculation of food insecurity has been used in this dissertation for comparative reasons.

Coinage

Reichsthaler The currency of the Holy Roman Empire. Worth 25.98 grams of silver.⁴

Livres The currency of the Kingdom of France during the period of research: Livres Tournois. Its value in the studied period was approx. 8.68 grams of silver.⁵

¹ L.C. Bleibtreu, *Handbuch der Münz-, Maaß- und Gewichtskunde, und des Wechsel- Staatspapier- Bank- und Actienwesens europäischer und außereuropäischer Länder und Städte* (Stuttgart 1863), 542.

² T. Rahlf, *Getreide in der Sozial- und Wirtschaftsgeschichte vom 16. bis 18. Jahrhundert: das Beispiel Köln im regionalen Vergleich* (Trier 1996). This can be found in the accessible database of www.gesis.org: T. Rahlf, *Getreidepreise in Deutschland 1500-1800* (Cologne 1999).

³ [ftp://ftp.fao.org/docrep/fao/011/i0515e/i0515e23.pdf](http://ftp.fao.org/docrep/fao/011/i0515e/i0515e23.pdf) [12-12-2014].

⁴ H.T. Christmann, ‘Die Reichsmünzordnungen und deren Umsetzung durch die Reichskreise’, in: R. Cunz (ed.) *Währungsunionen beiträge zur geschichte Überregionaler Münz- und Geldpolitik* (Hamburg 2002), pp. 197-220; here: p. 213.

⁵ N. de Wailly, ‘Mémoire sur les variations de la livre trounois depuis le règne de Saint Louis jusqu’ à l’établissement de la monnaie décimale’, in: *Mémoires de l’Institut national de France. Académie des inscriptions et belles lettres*, 21, part 2 (1857), pp. 177-427; P.T. Hoffman, G. Postel-Vinay, and J.-L. Rosenthal, *Priceless Markets: The Political Economy of Credit in Paris, 1660-1870* (Chicago 2000). For an accessible file, see: <http://www.iisg.nl/hpw/data.php>.

Dates and language

Dates

All dates are given with the year beginning on 1 January.

Language

Translations are the work of the present author, unless otherwise indicated. The original transcripts have been placed in the footnotes when it could be useful to see the original text. Where readability could be improved by using a ‘v’ instead of a ‘u’ such a substitution have been made. In the German texts, the ‘/’-symbol has been replaced by the modern-day comma. The French quotations have been left untouched.

Punctuation

Where applicable, the punctuation has been modernised to enhance the readability of the text. For instance a slash has become a comma and a colon has been replaced by a hyphen. The ‘|:’ and ‘:|’ signs have been replaced by parentheses.

List of Illustrations

FIGURE 1 HOLY ROMAN EMPIRE (17 TH CENTURY).....	27
FIGURE 2 HOLY ROMAN EMPIRE (1648).....	31
FIGURE 2 DUCHIES OF JÜLICH AND BERG (17 TH CENTURY).	38
FIGURE 3 ANCESTRAL CHART OF THE DUKES OF JÜLICH-CLEVES-BERG AND MARK (1539-1653).	39
FIGURE 4 LANDGRAVIATE OF HESSE (17 TH CENTURY).....	86
FIGURE 5 ANCESTRAL CHART OF THE HOUSE OF HESSE (16 TH AND 17 TH CENTURY).	89
FIGURE 6 TEXTS CONCERNING THE CONFLICT IN HESSE-CASSEL (1647-1655).	113
FIGURE 7 PRESENCE OF FATHERLAND-TERMINOLOGY IN THE <i>MEMORIALIEN</i> (1653-1655).	137
FIGURE 8 FATHERLAND-TERMINOLOGY, NUMBER OF USAGE WITHIN THE SOURCES OF HESSE-CASSEL.....	150
FIGURE 9 FRANCE (17 TH CENTURY).	161
FIGURE 10 BRITTANY (17 TH CENTURY).....	173
FIGURE 11 DUKES OF BRITTANY (1209-1524).	177

List of Graphs

GRAPH 1 NUMBER OF INHABITANTS - JÜLICH (ESTIMATES: 1618-1648).....67
GRAPH 2 TAX AND FINANCIAL BURDEN OF JÜLICH IN GRAMS OF SILVER/ INHABITANT (1639-1653).79
GRAPH 3 TAX-LOAD IN BRITTANY PER INHABITANT IN GRAMS OF SILVER (1636-1654).200
GRAPH 4 COMPARATIVE TAX-BURDENS OF JÜLICH AND BRITTANY, IN GRAMS OF SILVER/ INHABITANTS (1639-1652).....221
GRAPH 5 COMPARATIVE TAX-BURDENS OF JÜLICH AND BRITTANY, IN NUMBER OF DAYS BELOW 2,100 KCAL (1639-1652).222

List of Tables

TABLE 1 TAX- AND FINANCIAL BURDEN OF JÜLICH (1639-1653).78
TABLE 2 TAX- AND FINANCIAL BURDEN OF JÜLICH IN KCAL AND DAYS OF FOOD INSECURITY (1639-1653).80
TABLE 3 TAX- AND FINANCIAL BURDEN OF BRITTANY (1636-1654).199
TABLE 4 TAX- AND FINANCIAL BURDEN OF BRITTANY IN KCAL AND DAYS OF FOOD INSECURITY (1636-1654).201

List of Abbreviations

AARK	Archiv der Althessischen Ritterschaft Kaufungen (Stift Kaufungen).
AHVN	Annalen des historischen Vereins für den Niederrhein.
DJB	Düsseldorfer Jahrbuch.
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 berustende 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: http://tempo.idcpublishers.info .
ZHG	Zeitschrift des Vereins für hessische Geschichte.
ZNR	Zeitschrift für Neuere Rechtsgeschichte.

This research was funded by the Netherlands Organisation for Scientific Research (NWO). The study is part of a larger 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*. The research was supervised by Prof.dr. R.C.F. von Friedeburg and comprised four projects of which the present study is one. Ingmar Vroomen examined the use of fatherlandrhetoric in Dutch Pamphlets (1618-1672) as a response to foreign threats and internal strife. Marianne Klerk studied the Dutch political author Valckenier and the menace of the 'New Monarchy'. Jesper Schaap examined the political authors Henry, Duc de Rohan and Gabriel Naudé.

1. Introduction

In the early months of 1645 the nobility of the German principality of Jülich spoke out against their prince, Wolfgang Wilhelm, Count Palatine of Neuburg, Duke of Jülich and Berg (henceforward: Duke Wolfgang Wilhelm). They accused him of imposing excessive taxation and attempting to implement an *absolutus Dominatus* in their principality.¹ Concluding that the duke had abused his power, the nobility assembled in a convent in Cologne to discuss government affairs. Although such meetings were against his wishes, the duke could not prevent them as they took place outside his jurisdiction.² The nobles claimed to act out of their patriotic affection for their beloved fatherland and its inhabitants.³ They called themselves patriots and, at times, referred explicitly to individuals attending the meetings as being loyal patriots.⁴ This terminology implied that they, rather than the duke, acted on behalf of the well-being of the fatherland. As a result of the war of succession earlier in the century (1609-1614), the inhabitants considered the Catholic Duke Wolfgang Wilhelm to be but a temporary ruler. This view may have led to a fiercer reaction.⁵

In the period from 1647 to 1655, the disgruntled nobility in Hesse-Cassel expressed criticism in similar terms when they discussed the rule of their landgrave (count⁶). The Lower Principality of Hesse-Cassel was ruled from 1637 to 1650 by Landgravine Amelie Elisabeth von Hanau-Münzenberg (1602-1651)⁷, who acted as regent for her son, Wilhelm VI (1629-

¹ JL 40, 3 March 1645, p. 6.

² Importantly, Cologne was known for its unique position with regard to freedom and liberty. See: D. Bellingradt, *Flugpublizistik und Öffentlichkeit um 1700. Dynamiken, Akteure und Strukturen im urbanen Raum des Alten Reiches* (Stuttgart 2011) 41.

³ JL 40, 3 March 1645, p. 6.

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

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

⁵ The legitimacy of his claims were still disputed in the 1640s; see JL 40, 3 March 1645, p. 5; R. Leffers, *Die Neutralitätspolitik des Pfalzgrafen Wolfgang Wilhelm als Herzog von Jülich-Berg in der Zeit von 1636 bis 1643* (Neustadt an der Aisch 1971); W. Janssen, *Kleine rheinische Geschichte* (Düsseldorf 1997) 195.

⁶ In the Holy Roman Empire, a landgrave only answered to the emperor.

⁷ Though 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.

1663). It must be noted that she gained this position in accordance with the wishes of the nobility. Nonetheless, Amelie Elisabeth proved unwilling to acknowledge the nobility's privileges regarding the required consent in tax-matters. The nobility responded fiercely when Amelie Elisabeth requested taxes, since as a consequence of the Thirty Years' War the prosperity of the principality and the livelihood of its inhabitants had already seriously been harmed and undermined. Nevertheless, she simply requisitioned payment for her armed forces instead of acquiring the nobles' permission, which was obligatory in such a case. When she ignored their pleas, the nobles argued that her rule failed to honour prior agreements and that she thus risked establishing an *absolutus Dominatus*.⁸ This is the same term that was used in Jülich, indicating a way of ruling which seriously undermined a ruler's legitimacy. Correspondence between the nobility and the landgravine indicated a readiness among the nobles to take the matter to court if Amelie were to continue these violations. These nobles of Hesse-Cassel, too, considered themselves patriots acting on behalf of their fatherland.⁹

These two cases illustrate different – but closely related – themes significant to the history of seventeenth century Europe. At the bottom of the two conflicts lay the increase in warfare and the consequent arms race, two phenomena which were especially prominent in the seventeenth century, and as these examples show notably during the Thirty Years' War. Imperial princes were forced to participate or risk losing their principalities; consequently, a huge investment of money was required. These necessary budgets could be obtained by raising more taxes, but – for instance – contracting loans was another way of financing. The latter could be organised more swiftly. As a consequence, 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 estates (German: *Landstände*; French: *états*) saw their influence diminish as these new stakeholders gained power outside the traditional hierarchical sphere.

⁸ *Replicae der niederhessischen Ritterschafft contra dem Hern Landgraff Wilhelmen zu Hessen, etc. 1652*, in HStAM 73, documents from the year 1652.

⁹ R.C.F. von Friedeburg, 'Adel und ständische Vertretung: Repräsentationen des Landes? Weshalb aus "Rittern" und "Vasallen" "Patriotten" wurden', in: E. Conze, A. Jendorff und H. Wunder (eds), *Adel in hessen. Herrschaft, Selbstverständnis und Lebensführung vom 15. bis ins 20. Jahrhundert* (Marburg 2010), pp. 169-186, here: p. 170; Von Friedeburg, 'The Making of Patriots: Love of Fatherland and Negotiating Monarchy in Seventeenth-Century Germany', *The Journal of Modern History* 77 (2005), pp. 881-916; Von Friedeburg, 'Widerstandsrecht und Landespatritismus: Territorialstaatsbildung und Patriotenpflichten in den Auseinandersetzungen der niederhessischen Stände mit Landgräfin Amelie Elisabeth und Landgraf Wilhelm VI von Hessen-Kassel 1647-1653', in: A. De Benedictis and K.-H. Lingens (eds), *Wissen, Gewissen und Wissenschaft im Widerstandsrecht (16.-18. Jh.)* (Frankfurt am Main 2003), pp 267-326.

The princes and *Landstände* struggled to overcome war and internal conflicts; in the process they tested the limits of princely power.¹⁰ These conflicts ‘[...] did not only deliver considerable bloodshed and misery, they seemed to be made of an uneasy mixture of dynastic rivalry, confessional hostility and unprecedented societal conflict between princes and their elite.’¹¹ Criticising the princely policy of warfare and demands for money, the nobility spoke out against the ‘new monarchy’ which they were now confronted with. The term ‘new monarchy’ was first mentioned by the Henri II, Duke de Rohan (1579-1638) who used the term in his famous work *De l'intérêt des princes et des États de la chrétienté*.¹² The ‘novelty’ of the monarchies referred to the changed style of government: (almost) obligatory participation in warfare, increased need for taxes and the rise of new stakeholders. Consequently, there was an increase in rhetoric attempting to argue a case against this type of policy and government.¹³

The accusation of attempting to establish an *absolutus Dominatus* developed out of the criticism of princely politics. 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, simply sliding the notion of private law into the realm of public law. In this field, the *dominus* is the person who imperils public liberty.’¹⁴ The term tyrant should not be confused with the term *despot*. Turchetti, basing himself upon historical examples of the two, properly 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, because exercised not only without, but against the will of the citizens, and also scorns fundamental human rights.’¹⁵ It is thus important to discriminate properly between these two terms.

In other words, the accusation of establishing an *absolutus Dominatus* implied that the ruler was abusing his (or her) power and threatening the existence of the inhabitants of the principality, or their fatherland (*patria*), as the above-mentioned nobilities argued. Words that were part of the political argumentation of the nobility to discuss such an abuse included patriot,

¹⁰ Von Friedeburg, ‘How ‘new’ is the ‘New Monarchy’? Clashes between princes and nobility in Europe’s Iron Century’, *Leidschrift* 27 (2012), pp. 17–30, here p. 17.

¹¹ Von Friedeburg, ‘How ‘new’ is the ‘New Monarchy’?’, p. 17.

¹² Modern edition by C. Lazzeri (ed.)/ H. de Rohan, *De l'intérêt des princes et des États de la chrétienté* (Paris 1995) 162; Von Friedeburg, ‘How ‘new’ is the ‘New Monarchy’?’, p. 28.

¹³ *Ibidem*.

¹⁴ M. Turchetti, ‘Despotism’ and ‘Tyranny’ Unmasking a Tenacious Confusion’, in: *European Journal of Political Theory* (2008), pp. 159-182, here: p. 163.

¹⁵ *Idem*, p. 160.

patria and fatherland and, to a lesser extent, *nation*. These terms are, in short, known as fatherland-terminology.

In this research the critique of the *Landstände* of the two small German principalities of Jülich and Hesse-Cassel will be studied. The focus will be on how they experienced the crisis of the Thirty Years' War. The inhabitants suffered greatly from the consequences of warfare, as billeting soldiers, heavy taxations and occupation were generally an intrinsic part of people's experience with war. These relatively poor areas were small and had 215,000 and 375,000 inhabitants respectively.¹⁶ The nobility, of which there was a relatively small number, unanimously opposed the war politics. This homogeneous point of view can be explained from the risk they ran of losing possessions and their tenants being ruined by the burdens of warfare. Facing the crisis, the nobles applied fatherland-terminology in order to encourage their fellow-inhabitants, the emperor of the Holy Roman Empire and even outsiders such as the Dutch Republic, to persuade the duke and landgrave to change policy.

As a contrast to these two cases, the autonomous province of Brittany (France) is discussed as an example of a different governmental structure. Compared to Jülich and Hesse-Cassel, Brittany was significantly more populous, with about 1.8 million inhabitants during the midst of the seventeenth century. This offers the possibility of comparing their economies of scale with one another. A cost advantage could be reached due to the enormous size of the province of Brittany or, in the case of the small principalities, there would have been cost disadvantages. Moreover, fixed costs – such as taxes – could be spread over far more inhabitants in the French province, and would therefore be much lower per taxpayer. In Brittany, there were large differences in rank and wealth of the nobility. Interests of high noblemen – who probably lent money to the king, or gained offices – are assumed to have played a major role in the policy of the area. Though war could be beneficial to moneylenders, the burdens could harm taxpayers disproportionately. The extent of Brittany's involvement in French politics on the one hand, or the more rural politics of protecting one's tenants on the other, may be expected to have influenced the strategy, reaction and argumentation of its nobility.

¹⁶ H. Boehncke and H. Sarkowicz, *Die Geschichte Hessens* (Frankfurt 2010) 64-65; U. Tornow, *Die Verwaltung der Jülich-Bergischen Landsteuern während der Regierungszeit des Pfalzgrafen Wolfgang Wilhelm (1609-1653)* (Bonn 1974) 22.

This study will show that fatherland-terminology (that is: fatherland, *patria*, patriot and nation) was used to persuade subjects not to agree with the taxations levied for warfare; moreover, it was meant to oppose princely politics. The nobility considered the prince's usurping of power to be part of a process commonly identified as 'state building'.¹⁷ However, they argued against the war and the prince's policy because these were linked to the specific ill-perceived circumstances of the crisis at hand. In other words, there was a conflict between the prince and his nobility due to the crisis (in this case: war) that raged, and it should not be interpreted as a sign of a struggle to fight 'state building'. As such, the chosen terminology focussed on the fatherland, or *patria*, and those criticising princely politics identified themselves as patriots. They used the fatherland-terminology, but did not have preconceived concepts of nationalism in mind. In the following paragraphs, these preconceived concepts of 'state-building' (§ 1.1) and interpretations of the terminology of 'fatherland' and 'patriot' (§ 1.2) will be addressed as part of the current historiography. Deconstructing the current viewpoints in historiography is necessary to explain the choice of words as well as the way the seventeenth-century fatherland-terminology is interpreted in this study (§ 1.2.3).

1.1 Princes and their nobility

There was, undeniably, an increase in warfare during the sixteenth and seventeenth centuries. These wars tended to draw out internal political conflicts because they generated internal domestic problems. Those in power anticipated this spill-over effect. For example, during Franco-Spanish War (1635-1659), both parties calculated that perseverance would increase the chances of a victory, because internal conflicts would wear their enemy out.

On this issue Charles Tilly argued that warfare demanded extensive financial resources and, consequently, the development of a *planned* bureaucratic tax-state.¹⁸ Tilly emphasised change, but is this analysis correct? He argued that the expenses involved in this style of warfare led to the development of a bureaucratic tax state, thus articulating a link between 'wars' and

¹⁷ C. Tilly, *Coercion, Capital, and European States, AD 990-1990* (Cambridge 1990) 67-95.

¹⁸ *Ibidem*.

‘state building.’ Although influential, Tilly’s thesis has since been challenged on many accounts.¹⁹

Where Tilly’s analysis holds that a state develops due to warfare, some historians doubt that the rise of bureaucracy was a direct result of the conflicts in this period. Robert von Friedeburg for example argues that dynastic ambitions and princely glory caused tensions and rivalry between different dynasties.²⁰ Tilly focused on the effects of war and consequently perceived a break in history because of an increase in tax-related offices; his analysis of ‘state building’ suggested that bureaucracy became the instrument through which a prince enhanced his power. From this point of view, state building resulted from the need to levy taxation. Von Friedeburg²¹ disagrees and argues: ‘European monarchies became increasingly dependent on new power brokers and old and new elites to organize public debt, farm taxes and buy offices.’²² Secondly, taxation did not prevent massive debts. As debts exploded, it can be concluded that taxation did not suffice to cover the entire expenditure.

Furthermore, critique of a more linguistic nature concerns Tilly’s choice of words. The terminology of ‘state-building’ has been identified as problematic as it is doubtful whether historians should define principalities during the sixteenth and seventeenth centuries as ‘states’. Constitutional and legal historians suggest that the sixteenth-century understanding of the term ‘state’ did not address a modern sense of a public institution and that it therefore gives rise to needless confusion. ‘State’ in seventeenth century vocabulary should thus be compared to the ‘state of the nation’ or the ‘state of an argument’ in modern day terminology, and not to the nation-state. Back then, the term ‘state’ referred to the condition of something or someone. According to Robert von Friedeburg, state should be defined as: ‘[...] every person had a

¹⁹ P.S. Gorski, ‘Introduction: Beyond the Tilly Thesis: How States Did Not Make War and War Did Not Make States’ in: P.S. Gorski (ed.), *The Protestant Ethic Revisited* (Philadelphia 2011); P.S. Gorski & V. Sharma, ‘Beyond the Tilly Thesis: “Family Values” and State Formation in Latin Christendom,’ in: L.B. Kaspersen (Ed.) *Does War Make States?* (Cambridge 2016).

²⁰ Von Friedeburg, ‘How ‘new’ is the ‘New Monarchy?’’ Here von Friedeburg follows the terminology suggested by John Morrill, to stress the heterogeneity of territories. J. Morrill, *Uneasy lies the head that wears a crown*’.

²¹ Von Friedeburg bases himself on several studies. See for instance: T. C. W. Blanning, *The Culture of Power and the Power of Culture. Old Regime Europe 1660-1789* (Oxford 2002); R. Bonney, ‘The state and its revenues in *ancien regime* France’, *Historical Research* 65 (1992), pp. 150-176; Bonney, ‘The failure of the French revenue farms, 1600-60’, *Economic History Review*, 2nd series 32 (1979), pp. 11-32; Bonney, ‘Le secret de leurs familles’: the fiscal and social limits of Louis XIV’s *dixième*’, *French History* 7 (1993), pp. 383-416; J. B. Collins, *Classes, Estate and Order in Early Modern Brittany* (Cambridge 1994).

²² Von Friedeburg, ‘How ‘new’ is the ‘New Monarchy?’’, p. 25.

potential capacity to act more or less reasonably to defend his state – that is, status – or even achieve an improvement, and such strategies surely differed relating to the ‘state’ of that person.’²³ In our modern language, ‘state’ refers to a government as a legal person controlling a uniform country.²⁴

In the past decades, studies into the nature and characterisation of seventeenth century kingdoms have incorporated three key aspects: the changeability of the combinations of principalities, monarchical rule, and the dynasties involved. These analyses read: (a) dynastic states, (b) composite monarchies, and (c) dynastic agglomerates. In 1991, Richard Bonney used the term *dynastic states* to stress the influence of monarchies on their formation and organisation.²⁵ John Elliott, on the other hand, introduced the term *composite monarchies*, to stress the heterogeneity of the monarchy as well as the various individual parts.²⁶ In a critique of these earlier 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 areas to but could likewise lose parts of their territories.²⁷ He describes dynastic agglomerates as: it is ‘[...] an awkward, uncomfortable phrase for an awkward, uncomfortable entity. It helps us to keep at the front of our minds how unstable the evolving composite was. It will help us to see how different kingdoms could envisage different and separate futures for themselves [...]’.²⁸ This latter suggestion seems to be the most appropriate definition of the seventeenth century principalities, as it takes into account both the origin and the changing nature of the entities. A principality is thus defined as 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.

²³ Von Friedeburg, *Self-Defence and Religious Strife in Early Modern Europe. England and Germany, 1530-1680* (Aldershot 2002) 16.

²⁴ Von Friedeburg, ‘How ‘new’ is the ‘New Monarchy’?’, p. 22.

²⁵ Bonney, *The European Dynastic States, 1494-1660* (Oxford 1991).

²⁶ This term was first suggested by H. G. Koenigsberger in 1975, see: J. H. Elliott, ‘A Europe of Composite Monarchies’, *Past & Present*, No. 137, *The Cultural and Political Construction of Europe* (1992), pp. 48-71.

²⁷ Morrill, ‘*Uneasy lies the head that wears a crown*’, 2-3.

²⁸ *Idem*, 9.

Readdressing the assumed relation between ‘war’ and ‘state-building’ and the describing kingdoms during the seventeenth century as *dynastic agglomerates* leads to a reinterpretation of the conflicts between the princes and their nobles.²⁹ Von Friedeburg summarises the prevailing assumption until 1950 as follows, a ‘[...] gradual transfer of legitimacy in the area of civil order from universal Christianity to the modern state was caused by a putative, early-modern triumph of the coercive, bureaucratic, institutional, tax-collecting state over elites who, while initially reluctant, were eventually subdued.’³⁰ However, since the 1955 International Conference of Historians in Italy, this idea has been questioned.³¹ The theory that the nobility was losing power to their princes shifted to the idea that they were reacting to the idea that such princes might gain ‘absolute’ (arbitrary) power as the result of ‘state-building’ projects.³²

The nobility merely reacted to the devastation of their lands and felt the duty to protect the principality’s inhabitants from high tax burdens.³³ Fierce reactions were provoked by princely claims of ‘*necessitas*’ when requisitioning taxes without the nobility’s obligatory consent. The nobles then interpreted this as an abuse of power and a gross disrespect of their privileges and traditions. In addition to all of this, the nobles found themselves in an impossible position as they themselves, being power brokers and office holders in these ‘new monarchies’, were dependent on the dynasty’s survival.³⁴ As Annette von Stieglitz argues, the nobility was the one stable factor in the fief.³⁵ In order to protect the principality, a polemic emerged in which the terminology of fatherland and patriot was used in defence of the rights of the nobles

²⁹ Other theories on the premeditated development of *state building* have consequently been dismissed because there was no such thing as *state building* during the early modern period. These theories would be, 1) the Marxist theory of suppression of the people given by E. Hobsbawm or, 2) the theory of Marc Raeff that state building was developed in order to increase prosperity. See: E.J. Hobsbawm, ‘The General Crisis of the European Economy in the 17th Century’, *Past & Present*, (1954), pp. 33-53, here, p. 37; M. Raeff, *The well-ordered police state* (New Haven 1983).

³⁰ Von Friedeburg, ‘State Forms and State Systems in Modern Europe’, *European History Online* (EGO), published by the Institute of European History (IEG) Mainz, 1. URL: <http://www.ieg-ego.eu/friedeburg-2010-en>.

³¹ K. Wolf, *Tagungsbericht: Tagungen des Instituts X Congresso Internazionale di Scienze Storiche, Roma, settembre 1955. Un bilancio storiografico* (German Historical Institute, Rome – 21-24 September 2005).

³² The term *absolutism* was only invented after the French Revolution, just like the term *centralisation*. G. Burgess, *Absolute Monarchy and the Stuart Constitution* (New Haven/ London 1996) 17-62; R. Bonney, ‘Absolutism: what’s in a name?’, *French History I* (1987), pp 93-117. The term applicable to the early modern period is *absolute rule*, which meant that the prince could rule without regard for the law – except the law of nature and the laws given by God. The correct term is: arbitrary rule.

³³ Von Friedeburg, ‘How ‘new’ is the ‘New Monarchy?’’, p. 25.

³⁴ S. Kettering, ‘Patronage and Politics during the Fronde’, *French Historical Studies* Vol. 14, No. 3 (1986), pp. 409-441; K.M. Dunkley, ‘Patronage and power in seventeenth-century France: Richelieu’s clients and the estates of Brittany,’ in: *Parliaments, Estates and Representation*, Volume 1, Issue 1, (1981), pp. 1-12.

³⁵ A. von Stieglitz, *Landesherr und Stände zwischen Konfrontation und Kooperation: die Innenpolitik Herzog Johann Friedrichs im Fürstentum Calenberg 1665-1679* (Hannover 1994) 2.

and the inhabitants in order to express criticism of princely politics.³⁶ However, the use of fatherland-terminology was avoided when cooperation with the prince would ensure influence and enabled the *états* to uphold their privileges and traditions, as the example of Brittany will show later on. Studies focussing on this line of argumentation will be examined in the following section.

In short, the nobility reacted to the changing situation due to the crisis caused by warfare; during this crisis the prince appropriated power that was not rightly his. Both the prince and the nobility merely dealt with the situation at hand. On the one hand, the objections by the nobility could be seen as a plot against the princely government and could – as the case of Hesse-Cassel shows – be regarded as the crime of *lèse-majesté*. On the other hand, as the princely solution was perceived as ‘tyrannical’, it was consequently addressed by using fatherland-terminology.

1.2 Political argumentation with words as: ‘fatherland’ and ‘patriot’

The noble outcry against the Duke Wolfgang Wilhelm and Landgravine Amelie Elisabeth of Hesse-Cassel that can be found in the archival sources of Jülich and Hesse-Cassel shows the use of a particular terminology to express criticism of princely policy. A number of studies have been conducted concerning the use of such terminology, and it has sometimes been interpreted as providing hints of nationalism.³⁷ Important words within this context include: fatherland, patriot, *natio*³⁸ and *patria*. Each could be used to indicate an affiliation with a particular – that is the complainants' own – principality. Historical debate regarding these words can be divided into three types. Firstly, studies which pinpoint the birth of nationalism to any moment in the pre-modern world. Secondly, the 1980s canon discussing nationalism as a product of the eighteenth-century revolutions. Finally, studies which focus on the context of this terminology and its meaning both prior to and after the American and French revolutions. These will be discussed in the subsequent sections.

³⁶ Von Friedeburg, ‘How ‘new’ is the ‘New Monarchy’?’, p. 29.

³⁷ For instance: J.C.D. Clark, ‘Protestantism, Nationalism, and National Identity, 1660-1832’, *The Historical Journal*, vol. 43, no 1 (2000), pp. 249-276.

³⁸ Though the word ‘*natio*’ has been studied, the application of the word has not been found with reference to a principality.

1.2.1 Early roots of nationalism

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. Caspar Hirschi argues that one of the main reasons for wanting to find nationalism in earlier periods is that ‘[...] it functions as the agent of continuity within a historiographical narrative that otherwise ran the risk of fragmentation.’³⁹ One of this school’s advocates, J.C.D. Clark, argues that even a national identity would have been present very early on as people would have felt distinctly English, Scottish, Welsh, and Irish already during the Middle Ages.⁴⁰ According to Clark, patriotism should be interpreted as a ‘light’ form of nationalism. His definition presents nationalism as ‘[...] a nineteenth-century ideology that claimed as its rationale and as the intellectual matrix for collective identities, the alleged constants of race, language, and culture; it ascribed a unity and a purposive, evolutionary force to these phenomena.’⁴¹ Clark finds the roots of nationalism in the 1688-89 Glorious Revolution, in which the English turned to the Dutch Protestant William III (1650-1702), Prince of Orange, to save them from the Catholic King James II (1633-1701). This example suggests a feeling of national identity was derived from religion well before the Union of Great Britain in 1707.⁴²

1.2.2 The 1980s’ canon

John Breuilly’s *Nationalism and the State* (1982) was the first of a new wave of books on the topic of nationalism written by anthropologists and sociologists.⁴³ The rise of texts on nationalism during the 1980s may be attributed to contemporary academic interest in modernism.⁴⁴ Modernity, industrialisation, urbanisation, secularisation, and democratisation were analysed as *new* state features, absent during the early modern period.⁴⁵ This is apparent in Breuilly’s definition of nationalism as ‘[...] political movements seeking or exerting state

³⁹ C. Hirschi, *The Origins of Nationalism. An Alternative History from Ancient Rome to Early Modern Germany* (Cambridge 2012) 4.

⁴⁰ Clark, ‘Protestantism, Nationalism, and National Identity’, pp. 249-276.

⁴¹ *Idem*, p. 250-251.

⁴² *Idem*, p. 260; J.I. Israel, *The Dutch Republic. Its Rise, Greatness, and Fall 1477-1806* (Oxford 1998) 850-853.

⁴³ J. Breuilly, *Nationalism and the State* (Manchester 1993).

⁴⁴ Hirschi, *The Origins of Nationalism*, xi and 1.

⁴⁵ P. Hoppenbrouwers, ‘The Dynamics of National Identity in the Later Middle Ages,’ in: R. Stein and J. Pollmann (eds), *Networks, Regions and Nations. Shaping Identities in the Low Countries, 1300-1650* (Leiden 2010) pp. 19-41, see p. 24; I.H. Vroomen, *Taal van de Republiek. Het gebruik van vaderlandretoriek in Nederlandse pamfletten, 1618-1672* (PhD thesis, Rotterdam 2012) 9.

power and justifying such action with nationalist arguments.⁴⁶ His definition is based upon a group with specific characteristics, interests and values; a definition not relevant to the early modern period in which nobility held power.⁴⁷ The nobility was neither a political group, nor did it necessarily seek to defend the interests of all inhabitants within their principality. Breuilly concludes that historians who claim there were patriots in the Middle Ages or the early modern period are not dealing with real nationalism, as it simply did not exist.⁴⁸

Benedict Anderson published his *Imagined Communities* in 1983.⁴⁹ In his introduction Anderson describes the difficulties that exist in defining terms related to nationalism. In spite of this, he is certain that these terms have a great influence on the modern world. Anderson defined nationalism as: '[...] an imagined political community – and imagined as both inherently limited and sovereign.'⁵⁰ The group (community) is firstly imagined, as people feel connected but they do not know each and every single participant; the limitations are found in the boundaries of a group; and secondly, sovereign, as they hold the highest power as a group without being accountable to a higher order or person.⁵¹ Throughout Anderson's book it becomes clear that the *roots* of nationalism can be traced back to the pre-modern period. However, nationalism – as understood in the modern sense of the word – first occurred in America and was then exported to Europe. Anderson's book has been extremely influential and many scholars have since focussed on 'imagined communities', throughout history.⁵²

Other influential texts published in the same decade include: Ernest Gellner's *Nations and Nationalism* and Eric Hobsbawm's essay on 'Inventing Traditions'.⁵³ According to Gellner, nations have been newly created by nationalism, basing themselves on culture and mutual recognition.⁵⁴ Hobsbawm suggests that traditions are created in order to show continuity with the past and, as such, are exemplary tools for nationalism.⁵⁵ An example of this can be found

⁴⁶ Breuilly, *Nationalism and the State*, 2.

⁴⁷ *Idem*, 2.

⁴⁸ *Idem*, 3.

⁴⁹ B. Anderson, *Imagined Communities. Reflections on the Origin and Spread of Nationalism* (New York 2002).

⁵⁰ *Idem*, 6.

⁵¹ *Idem*, 6-7.

⁵² At the '30 years Imagined Communities Conference with Benedict Anderson' at the University of Amsterdam, on 12 September 2013 a paper was presented by C. Weeda (UvA), '*Meanwhile in Messianic time: premodern ethnic identification within the history of humanity' concerning 'imagined communities' in the premodern period*'.

⁵³ E. Gellner, *Nations and Nationalism* (second edition; Malden etc. 2006); Hobsbawm, 'Introduction: Inventing Traditions'.

⁵⁴ Vroomen, *Taal van de Republiek*, 16.

⁵⁵ Hobsbawm, 'Introduction: Inventing Traditions', 1.

in carnival, traditional attire, and other national symbols of historical roots. The title of Hobsbawm's 1990 *Nations and Nationalism since 1780* suggests that there was nothing really worth mentioning with regard to this subject for the period prior to 1780. He comes to this conclusion because neither nations nor democracy existed before the French Revolution or industrialisation.⁵⁶ Critics, such as the philosopher Michael Walzer, have stated that: 'Hobsbawm makes nationalism ugly by definition, for he holds that its central principle is that duty to the nation overrides every other political and moral duty.'⁵⁷ Hobsbawm does not seem to question why people want to be part of, or grow to be part of, a certain nation: they simply are.⁵⁸ Hobsbawm represents an extreme point of view, as he suggests that the only duty that counts is the duty towards one's country.⁵⁹

These previously mentioned authors, often referred to as the *modernists*, argue that before 1780 there was no real nationalism. The basic objection to this view is that they assume that nationalism would have been fuelled by industrialisation, *ergo* in non-industrialised 'states' there would have been no nationalism. Another objection is the rigid break that is perceived to have taken place in 1780 with the American Revolution, as a language does not evolve so quickly. This latter criticism mainly focuses on the swiftness of changes, which can be questioned.

These assumptions create a tautological list of characteristics which make this nationalism exclusive to the post-Revolution period. Nationalism in the post 1780s-period should be seen as intertwined with the modern concept of 'state': modern sovereignty by the state, a fixed territory, inhabitants, legislative power, body politic (as a legal person and representative of the country), and bureaucracy. It presupposes a uniform culture, language, and history; in other words an identity. Nationalism has a strong moral imperative: the creation of a unity and polarisation with other groups. This consequently leads to strong feelings within the group or state aimed at the very preservation of one's own group or state.

⁵⁶ Hobsbawm, *Nations and Nationalism*, 30.

⁵⁷ M. Walzer, 'Book Review of *Nations and Nationalism Since 1780*', *Uses and misuses of history in the debate over immigration reform*, *Social Contract Journal Issues*, Volume 1, Number 2 (1990-1991).

⁵⁸ K. Verdery, 'Whither "Nation" and "Nationalism"?' *Daedalus*, vol. 22. No. 3 (1993), pp. 37-46.

⁵⁹ Walzer, 'Book Review of *Nations and Nationalism Since 1780*'.

1.2.3 Office holding: call of duty

The interpretation of the concept of nationalism described above has met with criticism from historian and political theorist Conal Condren. Condren's 2006 book *Argument and Authority* has been important in laying the foundations for an entirely new perspective in this debate.⁶⁰ As the two examples from Jülich and Hesse-Cassel indicate, the *Landstände*, and in particular the nobility, called themselves patriots when they gathered. They objected to the government of their principality and to the (re)distribution of new offices, which were bought by money-lenders. According to Condren, such protest can be explained by the fact that these historic actors claimed a presupposed office (*officium*). What does this mean, a presupposed office? Condren explains that too little attention has been given to how people talked about offices and what the office entailed. Furthermore, '[...] to what ends the vocabulary of its specifications was actually deployed [...] has not been given much attention either.⁶¹ He explains: 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.'⁶² In other words, certain aspects of daily life are too trivial to explain in detail and when people speak amongst each other, or write, they assume that the receiving party knows what is being referred to. In such a way, many aspects of daily life are hidden under a veil of presupposition. In this research, the presupposed office of patriot is key. In the German sources studied, nobles invited other *loyal patriots* to meetings. Apparently, those addressed knew what was meant and acted upon this request. Thus, it can be said that being a patriot was not an empty title. Accepting the office of patriot meant taking up all the obligations it entailed. As Alexander Schmidt describes it, such an office should be interpreted as a 'duty' or 'task' that one could fulfil.⁶³ It could become necessary to take up this office with regard to upholding the principality's claims, duties, and traditions as well as protecting its inhabitants from the princely usurpation of power.⁶⁴

⁶⁰ C. Condren, *Argument and Authority in Early Modern England. The Presupposition of Oaths and Offices* (Cambridge 2006).

⁶¹ *Idem*, 2.

⁶² *Idem*, 3.

⁶³ A. Schmidt, *Vaterlandsliebe und Religionskonflikt. Politische Diskurse im Alten Reich (1555-1648)*. (Leiden 2007) 32 and 40.

⁶⁴ C. Condren, 'Historical Epistemology and the Pragmatics of Patriotism in Early-Modern England', in: Von Friedeburg (ed.) *'Patria' und 'Patrioten' vor dem Patriotismus. Pflichten, Rechte, Glauben und die Rekonfigurierung europäischer Gemeinwesen im 17. Jahrhundert* (Wiesbaden 2005), pp. 67-90; Condren, 'The Problem of Audience, Office and the Language of Political Action in Lawson's *Politica* and Hobbes's *Leviathan*'

The claims of the office of patriot were prompted by their context, e.g. the increasing burdens of warfare and ensuing taxation and debt in the sixteenth and seventeenth centuries.⁶⁵ The inhabitants suffered from the 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 would be unable to provide a part of their harvest to their feudal lords (the nobles) when heavily burdened by taxes, despite the right of the nobility as proprietors. For landowners demanding their share during wartime would cause distress, starvation, and ruin the land even more.

Thus the nobility spoke out, protecting their tenants and their own interests. In doing so, they criticised the policy of the prince. Such a critique could well be understood as rebellion against the prince. Moreover, uprising meant unrest and could lead to civil war and even to regicide.⁶⁶ A new *persona* or office had to be adopted by the nobility. A *persona* was a ‘mask’, a reference from the Greek theatrical world, which was used to indicate a division between the *individual* and the *function* he fulfilled.⁶⁷ It can be argued that taking up the office of patriot should be seen in this same light. In taking on the *persona* of a patriot, one had the duty to expose serious missteps of government: something an ordinary subject could and should not attempt to do. It would seem that harsh criticism could only be voiced when it was under the cloak of loyalty to the principality.⁶⁸ Acting on behalf of and in defence of the fatherland was what made a person a good patriot.⁶⁹

The use of words such as *patriot* and fatherland was distinctively different in the seventeenth century. As previously argued, the nobility did apply the fatherland-terminology because they felt threatened by the consequences of war. Furthermore, the argumentation was applied in combination with accepting the office of patriot. Offices themselves were not a novelty. The seventeenth century assumed that power relations occurred in combination with the rights and duties they encompassed. Offices, together with patron-client relations, tied the

in: Von Friedeburg (ed.), *Widerstandsrecht in der frühen Neuzeit. Erträge und Perspektiven der Forschung im deutsch-britischen Vergleich* (Berlin 2001), pp. 287-303.

⁶⁵ Von Friedeburg, ‘The Making of Patriots’.

⁶⁶ See: Von Friedeburg (ed.), *Murder and Monarchy. Regicide in European History, 1300-1800* (Houndmills 2004).

⁶⁷ C. Condren, ‘The Office of Rule and the Rhetorics of Tyrannicide in Medieval and Early-Modern Europe: An overview’, in: Von Friedeburg (ed.), *Murder and Monarchy. Regicide in European History, 1300-1800* (Houndmills 2004), pp. 48-72, see especially page 49-50.

⁶⁸ C.A. Romein, ‘Fatherland Rhetoric and the ‘threat of absolutism’: Hesse-Cassel and the Reichskammergericht (1646-1655)’, in: *Seventeenth Century* volume 29, no. 3 (2014), pp. 277-292

⁶⁹ Condren, ‘Historical Epistemology’; Condren, ‘The Problem of Audience,’

whole community together, controlled it, and helped to create a functioning society.⁷⁰ The function someone held within society also provided privileges and liberties. All of this was well established.⁷¹ What was new in this period was the introduction of the office of patriot to enable open criticism of policy. The nobility always held the position of counsellor, which came to them as a birth right; however, the position of critics of their prince was new.⁷²

In recent publications, several European scholars studied patriots in their own country and have concluded that the nobility made claims by invoking the fatherland and undertaking the duties of patriot.⁷³ Von Friedeburg has illustrated these claims in several of his publications with examples from the case of Hesse-Cassel. Here the nobility referred to the history and privileges they had received as a justification for their cause against Landgravine Amelie Elisabeth.⁷⁴

Needless to say, the above shows a sharp distinction between the use of *patria*, patriotism, *natio* and fatherland in the seventeenth century, and the use of the same terminology in the eighteenth and nineteenth centuries and beyond. During the sixteenth and seventeenth centuries, a ruler's dynastic claims legitimised his rule. This could – in the long run – lead to ruling a dynastic agglomerate.⁷⁵ It is, therefore, not surprising that the patriots should explicitly request the prince to act upon *their* fatherland's best interest and in honour of their traditions. In the cases of Jülich and Hesse-Cassel, the respective ruler and regent had not been born in the principalities in question. The acclaimed patriots, on the other hand, were greatly involved in the administration of the principality, as illustrated by their references to its history. Subsequently, they requested a similar involvement on the part of their prince.

Ingmar Vroomen has shown a similar use of fatherland terminology in the Dutch Republic, where burghers formulated arguments referring to the fatherland and accepting the office of

⁷⁰ Dunkley, 'Patronage and power in seventeenth-century France'; Kettering, 'Patronage and Politics during the Fronde'; E. Schalk, 'Clientage, Elites, and Absolutism in Seventeenth-Century France', in: *French Historical Studies*, Vol. 14, No. 3 (1986), pp. 442-446.

⁷¹ Condren, *Argument and Authority*, 1-12.

⁷² *Idem*, 149-171.

⁷³ See the various contributions in: Von Friedeburg (ed.) *'Patria' und 'Patrioten' vor dem Patriotismus. Pflichten, Rechte, Glauben und die Rekonfigurierung europäischer Gemeinwesen im 17. Jahrhundert* (Wiesbaden 2005).

⁷⁴ See especially: Von Friedeburg, 'The Making of Patriots'.

⁷⁵ Morrill, *Uneasy Lies the head that wears a Crown*.

patriot at the same time.⁷⁶ He has shown that, for the 1670 pamphlets he studied (e.g. the years 1618-1619, 1650, as well as 1672, and available in the Knuttel collection), in 53% of the individual pamphlets the words ‘fatherland’ and ‘patriot’ were used by the authors.⁷⁷ The most significant of Vroomen’s findings is that burghers used fatherland-terminology to express their concerns with the ongoing politics in pamphlets. The terms were also used by the Prince of Orange, but most printed texts originated from burghers. The burghers used the political pamphlet to express their critique on the policy of the regents.

One of Vroomen’s explicit examples is the critique voiced against Johan de Witt, who was murdered together with his brother Cornelius, on 20 August 1672.⁷⁸ Allegedly, Johan had stolen public funds and diverted these to the Republic of Venice. Plotting to murder the Prince of Orange was one of the other crimes attributed to the De Witt-brothers.⁷⁹ Murdering these two was therefore not a crime but entirely justified: Johan had seriously harmed the fatherland.⁸⁰ Burghers were therefore allowed to apprehend and punish magistrates out of love for the fatherland.⁸¹ Vroomen shows that those in favour of the Prince of Orange applied the terminology far more often than their opponents.⁸²

Vroomen’s research has revealed two important characteristics, and leads to three important hypotheses. Firstly, the use is established for years (or periods) of crisis, as these selected years represent the truce and religious controversies (1618-19), the conflict with Stadtholder William II and his siege of Amsterdam (1650), and the ‘Year of Disaster’ (1672).⁸³ Secondly, the language was used by the Orangist burghers in provinces that were still relatively small in size.

The smaller Dutch provinces can – to a large extent – be seen as socially homogeneous. As all the examples above are based on research in the Dutch Republic, this could raise the question whether this kind of terminology was applied solely in republics. This first hypothesis can only be tested by looking at other republics, which would leave but a few options to be studied. It is therefore difficult to test. By contrast, another and more verifiable second hypothesis can be raised: the use of this terminology depended on the size of a principality or

⁷⁶ Vroomen, *Taal van de Republiek*, 37.

⁷⁷ *Idem*, 244.

⁷⁸ *Idem*, 207-208.

⁷⁹ *Idem*, 209.

⁸⁰ *Ibidem*.

⁸¹ *Idem*, 214.

⁸² *Idem*, 250-251.

⁸³ *Idem*, 307.

province and the degree of social homo- or heterogeneity, rather than on the common characteristic of a government, whether a monarchy or a republic. In this way it becomes clear whether the terminology solely applies to republics or not, whereas a study into for instance Swiss Republics would not rule out the option of its presence in principalities. This research contributes to finding the answers by studying the small German principalities of Jülich and Hesse-Cassel during the tumultuous final stages of the Thirty Years' War. Moreover, it will include the autonomous French province of Brittany during the Fronde in the comparison, to establish whether or not the terminology was applied in a province with a large economy of scale and heterogeneous *états* –leading to the third hypothesis.

1.3 Terminology

To understand fatherland-terminology, it is important to consider the origin of the terms first. Therefore, the etymological origins of the words *patria*, patriot, fatherland and *natio(n)* will be discussed in the following two sections.

1.3.1 Pays, Patrie, Patria, Patriot

The French word *pays*, which nowadays means 'land', is derived from the Latin word *pagensis* or *pagus* meaning stronghold or castle, and was used to refer to the village which belonged to it.⁸⁴ In some instances, the early-modern term *pays* extended this definition and could refer to those who lived in the town as well as the town itself.⁸⁵

In 1511 author Pierre Gringore was the first to use *patrie* in a poem. Some believe that an earlier use can be traced back to *L'Histoire de Charles VII* written by Jean Chartier, but according to Georges Gougenheim and Walter von Wartburg this is probably not true and any references to *patrie* in that text were added later.⁸⁶ The French *la patrie* should be interpreted as '[...] pays où l'on est né et auquel on appartient comme citoyen'.⁸⁷ 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

⁸⁴ G. Gougenheim, *Les mots français dans l'histoire et dans la vie* (Paris 2008) 332.

⁸⁵ *Idem*, 333.

⁸⁶ *Ibidem*; W. v. Wartburg, *Französisches Etymologisches Wörterbuch. Eine Darstellung des galloromanischen Sprachschatzes*. 8. Band *Patavia – Pix* (Basel 1988) 20.

⁸⁷ *Ibidem*.

lived. Von Wartburg has remarked that, in the French context, the ‘native region’ (German: ‘*heimat*’) or *patrie* had been used ever since the time of Gregory of Tours (538 – 594), who introduced the Latin *patria*. However, the term referred strictly to a region or province, and not to a principality, according to Von Wartburg.⁸⁸ Hence, the terms *patrie et provinciae regni* were often combined.⁸⁹ Despite this clear origin, some authors such as P.S. Lewis and Gustave Dupont-Ferrier write that the word *pays* and *patrie* or *patria* may have the same stem.⁹⁰

It is important to note that Gougenheim mentions that the term *patrie* or *patria* had a much more emotional resonance in times of crisis. The term *pays* did not have this connotation.⁹¹ The term patriot was mainly used in the context of *copatriotes* or *compatriots*, which meant the inhabitants of the same city.

In the context of the Holy Roman Empire, the term patriot until the 18th century was synonymous with a fellow-citizen or countryman, usually one who possessed a house.⁹² Traditionally, the patriots listened to the ‘father’. According to the *Etymologisches Wörterbuch*, an adjectival form of the word was unknown until the 18th century when ‘patriotism’ came to mean the same as fatherland love, or love for one’s own people.⁹³ However, the much earlier used word patriot was usually accompanied by positive adjectives such as ‘good’ or ‘loyal’.⁹⁴

In the German principalities, the term *Patria* can be traced back to the Early Middle Ages. In Thomas Eichenberger’s European-wide research, examples of 6th-century usage can be found.⁹⁵ But Eichenberger cautions 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*⁹⁶, and to a tribe; however, the extent to which it applied to either one is contested and seems to have changed over time.⁹⁷ The word *patria* is

⁸⁸ *Ibidem*.

⁸⁹ *Ibidem*.

⁹⁰ P.S. Lewis, *Later Medieval France. The Polity*, (London 1968) 1-4; G. Dupont-Ferrier, ‘Le sens des mots ‘Patria’ et ‘Patrie’ en France. Au Moyen Age et Jusqu’au début du XVIIe Siecle’, in: *Revue Historique* 188/189 (1940), pp. 89-104. See also: G. Dupont-Ferrier, ‘Synonymes du Terme ‘Province’ dans le langage administratif de l’Ancienne France’, in: *Revue Historique Tome* 161, (1929), pp. 278-303; B. Guenée, ‘État et nation en France au Moyen Age’, in: *Revue Historique Tome* 237 (1967), pp. 17-30.

⁹¹ Gougenheim, *Les mots français*, 333.

⁹² W. Pfeifer (et. al.), *Etymologisches Wörterbuch des Deutschen H-P* (Berlin 1989) 1242.

⁹³ *Ibidem*.

⁹⁴ E. Seebold, *Kluge Etymologisches Wörterbuch der deutschen Sprache* (Berlin 1999) 617

⁹⁵ T. Eichenberger, *Patria. Studien zur Bedeutung des Wortes im Mittelalter (6.-12. Jahrhundert)* (Sigmaringen 1991).

⁹⁶ *Idem*, 39.

⁹⁷ *Idem*, 37-45, 89.

often accompanied by adjectives indicating the sphere it applies to: for example, heavenly or divine.⁹⁸ Obviously, it could apply to an earthly *dominium*, too.⁹⁹ Eichenberger stresses that it most certainly did not indicate a national awareness in the pre-modern period, nor did it refer to nationalism.¹⁰⁰ Over time, *patria* became a multi-faceted term, and it did maintain a strong emotional charge, but nationalism it was not.¹⁰¹

1.3.2 Fatherland and Natio(n)

The term ‘vaterland’ or ‘faterlant’ had been used since the 11th century.¹⁰² 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.¹⁰³

The terms *natus*, *natio* and *nation* are, in the French case, derived from *la naissance*, which means ‘birth’.¹⁰⁴ When turning to Latin, the term *natio* came from *nasci*, which meant to be born.¹⁰⁵ During the Middle Ages, the term was used to indicate to which family or dynasty someone belonged (in other words: the social order), but it could also refer to the region of one’s birth.¹⁰⁶ Since 1611 – according to Von Wartburg – the term *natio* was applied to the *compatriote*; thus, those who were born and raised in the vicinity.

In the ‘German’ language, *natio* appears in the 14th century (Lat. *natio*, genitive *nationis*), when it meant tribe or lineage.¹⁰⁷ During the sixteenth century, it came to refer to ‘all born in the same land’.¹⁰⁸ The word is frequently found in reference to the whole empire: ‘deß Heyl. Reichs Teutscher Nation’¹⁰⁹ (the Holy Roman *Teutsche* Nation). Two centuries later it became synonymous with ‘all those belonging to the same community (*gesellschaft*), descent, land, language, laws and government’.¹¹⁰

⁹⁸ *Idem*, 237.

⁹⁹ *Idem*, 242.

¹⁰⁰ *Idem*, 244.

¹⁰¹ *Idem*, 249.

¹⁰² W. Pfeifer (et. al.) *Etymologisches Wörterbuch des Deutschen Q-Z* (Berlin 1989) 1886.

¹⁰³ Pfeifer (et. al.) *Etymologisches Wörterbuch des Deutschen Q-Z*, 1886: ‘Land, in dem man geboren ist, zu dessen Volk man gehört.’

¹⁰⁴ v. Wartburg, *Französisches Etymologisches Wörterbuch. Eine Darstellung des galloromanischen Sprachschatzes. 7. Band N-Pas* (Basel 1981) 41.

¹⁰⁵ *Idem*, 42.

¹⁰⁶ Guenée, ‘État et nation en France au Moyen Age’.

¹⁰⁷ Seebold, *Kluge Etymologisches Wörterbuch*, 583.

¹⁰⁸ Pfeifer (et. al.) *Etymologisches Wörterbuch des Deutschen H-P*, 1155.

¹⁰⁹ *Nothwendiger Bericht, darauß zu sehen, Daß nicht allein die, von Hessen-Cassel erlangte* (S.I. 1646) 3.

¹¹⁰ Pfeifer, *Etymologisches Wörterbuch des Deutschen H-P*, 1155.

1.4 Methodological approach

Vroomen has shown that the terms fatherland and patriot were used in political pamphlets in the Dutch Republic; the two examples of Jülich and Hesse-Cassel will show that there is reason to believe that the fatherland-terminology was also applied in small principalities in the Holy Roman Empire. The situation described in both examples is connected to the crisis of the Thirty Years' War and the war-related burdens it created. For Jülich, the crisis was at its height between 1642 and 1652. This crisis thus came to its conclusion a little after the Peace of Westphalia, a delay caused by the prolonged presence of Hessian troops in the Lower-Rhine Area. Hesse-Cassel endured a crisis in the years 1646-1655. The two principalities have a similar size, population, homogeneous group of nobles (with little difference in ranks), and similar involvement in conflicts and so could also have shared styles of argumentation.

In order to determine how the terminology was applied in an area with different characteristics, a comparison with a third case is required. For this purpose Brittany (France) has been chosen. Compared to the German principalities this French province encompassed a larger area, held far more inhabitants, had a heterogeneous group of nobles, and was not as much influenced by warfare. Thus a comparison with Brittany creates the possibility of investigating how size, scale of economy, economic interests, and the presence of and active experiences with warfare and soldiers influence the usage of terminology and argumentation.

Comparing the small principalities of Jülich and Hesse-Cassel with the vast autonomous province of Brittany will shed light on possible differences in approaching princely politics. Several studies have already been undertaken on each of these three regions. Rainer Walz has laid the groundwork for Jülich, while Hesse-Cassel has been studied by Armand Maruhn as well as by Von Friedeburg.¹¹¹ For Brittany, James Collins's work serves as a starting point.¹¹² Starting with the references to primary sources made in these monographs, archives have been visited and the original texts have been studied. The terminology used in these texts will be studied with reference to several topics, including war, war burdens, and moneylenders.

¹¹¹ Jülich: R. Walz, *Stände und frühmoderner Staat. Die Landstände von Jülich-Berg im 16. Und 17. Jahrhundert* (Neustadt an der Aisch 1982). Hesse-Cassel: A. Maruhn, *Necessitäres Regiment und fundamentalgesetzlicher Ausgleich. Der hessische Ständekonflikt 1646-1655* (Marburg 2004); Maruhn, 'Duale Staatsbildung', pp. 71-94; Von Friedeburg, 'The Problems of Passions and of Love of the Fatherland in Protestant Thought: Melanchthon to Althusius, 1520s to 1620s', *Cultural and Social History. Special Issue: Passions and the Legitimacy of Rule from Antiquity to the Early Enlightenment. Volume 2, Nr 1* (2005), pp. 81-98; von Friedeburg, 'Adel und ständische Vertretungen'; von Friedeburg, 'Widerstandsrecht und Landespatritismus'.

¹¹² J.B. Collins, *Classes, Estates, and Order in Early Modern Brittany*; Collins, *The State in Early Modern France* (Cambridge 2009).

Contemporary commentary in reaction to these events may have invoked fatherland-terminology, commenting on religious affairs, illegal acts under the guise of necessity, and the use of historical precedents. One of the main concerns of the study will be to establish whether or not there was resistance towards princely politics, and if so, if that resistance was overt or concealed.

1.5 Composition of chapters

This study is divided into three parts. The first part (Chapter 2) deals with the Holy Roman Empire and its institutions. Their functions will be briefly discussed. In Chapter 3 Jülich is scrutinised. Here the unique history of Jülich is taken into account, with a special focus on what the nobility referred to when they reacted to the policy of Duke Wolfgang Wilhelm. The newly converted Catholic duke was considered a *de facto* possessor, instead of *de jure* ruler, as the emperor did not acknowledge the new rulers of the Lower-Rhine area. This greatly influenced the attitude of the nobility towards his policies in the period of crisis. On top of this, Jülich was involved in the Thirty Years' War, which resulted in the billeting of soldiers in the countryside and the extraction of large sums of money and quantities of food from the people. This caused a fierce response from the nobles.

The second principality studied here is Hesse-Cassel. Chapter 4 will focus on the period of 1600-1646. Landgrave Wilhelm V was a Calvinist and was unable to accept the outcome of the Peace of Prague (1635), as the reformed faith was still not acknowledged; he objected by taking up arms with foreign support against the emperor and was consequently sent into exile.¹¹³ When Wilhelm V passed away in September 1637, the *Landstände* immediately accepted his minor son, Wilhelm VI, as their new lord. Amelie Elisabeth, widow of the deceased Landgrave Wilhelm V, assumed the regency for her son. She turned out to be a capable negotiator and created one of the largest armies in the Holy Roman Empire. Due to the pressure of warfare, the nobility responded to requisitions of grain by submitting summons at the Imperial Chamber Court (*Reichskammergericht*). The resulting legal suit, which lasted from 1646 until the agreement in 1655 (including the 'private' comments that were kept in the *Archiv der Althessischen Ritterschaft Kaufungen* (AARK)), will be the subject of Chapter 5. Until recently, only the copies found in the Staatsarchiv Marburg (StAM) of the legal procedures were

¹¹³ S. Buckreus, *Die Körper einer Regentin. Amelia Elisabeth von Hessen-Kassel (1602-1651)* (Cologne 2008) 27.

known.¹¹⁴ Another version, with considerable alterations and differences, has been found in Kaufungen, and both versions have been compared with one another here. In addition, the *Replica*, a *Duplica* by the landgrave, and a *Triplica* and some unofficial drafts by the nobility have been studied as part of the legal debate in the Imperial Chamber Court. Furthermore, the draft *Quatruplika* of the landgrave has been included in the research.

The second part of this study focuses on the Kingdom of France (Chapter 6). In Chapter 7, the case of the autonomous province of Brittany is treated as an example of the different governmental structure in France. Here there were large differences in the rank and wealth of the nobility. The extent of Brittany's involvement in French politics on the one hand, or the more rural politics of protecting one's tenants on the other, could influence the strategy, reaction and argumentation of the nobility there.

The third part – Chapter 8 – contains a comparison of all three case studies. This is followed by the conclusion (Chapter 9). The unique historical context of the lands that have been studied will contribute towards a better understanding of these regions' differences and similarities.

¹¹⁴ Starting with the work of T. Neu, these sources found in Kaufungen are being used.

Part I. Holy Roman Empire

2 The Holy Roman Empire — the institutions and their functions

In the Golden Bull (1356), ‘Germany’ was referred to as the *Sacrum Imperium Romanum*.¹ It may have pretended to be a successor of the Western-Roman Empire, but its inhabitants were mainly Germanic peoples; the role of the pope was limited to translating the office of king into that of an emperor.² The Emperor ruled over a compilation of self-governing ecclesiastical and secular principalities and imperial cities: not a homogeneous empire. Nevertheless, Tryntje Helfferich describes it to be tied together by the Golden Bull as ‘a pseudo-state’.³

The ‘King of the Romans’ or the emperor – chosen by the seven prince-electors⁴ - united the various parts in the realm. Nevertheless many of the princes organised their own networks and jurisdictions.⁵ Within their own principality they endeavoured to consolidate their own policy and create freedom of action.⁶ The many principalities were ruled by various dynasties, who joined in matrimony and laid claims on each other’s lands through treaties. Treaties to protect each other’s principalities were also frequently concluded. Both of the uses of treaties applied in the case of the Succession Crisis (1609-1614) of the Lower-Rhine Area. Through inheritance various principalities could be brought together. What mattered most for the dynasties was to have as many principalities as possible. The lands were adjudicated by the emperor, especially in case of doubt with regard to succession. For example, the House of Palatinate-Neuburg originally ruled the principality around Neuburg on the river Danube. Through marriages, however, it could lay claims on the Lower-Rhine Area in 1609. However,

¹ Von Friedeburg, ‘Origins of Modern Germany’, in: H. Walser Smith (ed.), *The Oxford Handbook of Modern German History* (Oxford 2011), pp. 29-48, here: p. 31.

² *Ibidem*.

³ T. Helfferich, *The Iron Princess. Amalia Elisabeth and the Thirty Years War* (Cambridge (Mass) 2013) 18.

⁴ V. Press, ‘The Habsburg Lands: The Holy Roman Empire 1400-1555’, in: T.A. Brady, Jr., H.A. Oberman, and J.D. Tracy (eds.), *Handbook of European History, 1400–1600: Late Middle Ages, Renaissance, and Reformation* (Leiden 1994), volume 1, pp.437- 466, here: p. 439

⁵ Von Friedeburg, ‘Origins of Modern Germany’, p. 32.

⁶ Romein, ‘Fatherland Rhetoric and the ‘threat of absolutism’’, pp. 277-278.

without the imperial acknowledgment, the duke was only a *de facto*-ruler. Another example of accumulating fiefs was visible in the case of the House of Brandenburg which tied together various lands from east to west known as Prussia. These examples show that various lands were combined into dynastic agglomerates. For the sake of the dynasty, lands could also be divided, as was done in 1567 for example by Philipp of Hesse, who divided his lands among his four sons so as to prevent discord.

Most German principalities shared a number of similarities: their economy of scale was small, and as such the fixed costs of taxes had to be borne by only a few hundred thousand people. Furthermore, there was much social cohesion. Related to a relatively small number of inhabitants – compared with other European monarchies – there was also a small number of aristocrats.⁷ There was not so much stratification in the German nobility as could be found in, for instance, France. Consequently, in periods of crisis, such as the Thirty Years' War, the homogeneous nobility would voice their critique on princely politics unanimously.

This introduction to the Holy Roman Empire is meant to explain the (English) terminology and the institutions of the Empire. It will briefly deal with the important institutions and functions, as these will be used further on in this study.

⁷ Von Friedeburg, 'Origins of Modern Germany', p. 41.



Figure 1 Holy Roman Empire (17th century).

Map by: Robert Mordon, *A new map of Germanie* (1673). [Scale: ca. 1: 2,750,000]. Map image courtesy of the Norman B. Leventhal Map Center at the Boston Public Library.⁸

2.1 The Imperial principalities (*Status Imperii; Reichsstände*) and the Imperial Diet (*Reichstag*)

The principalities of the Holy Roman Empire were allowed to call themselves Imperial Principalities (*status imperii*), or in German: *Reichsstände*. Each had a vote in the Imperial Diet, being voiced by the prince, ruler or government.⁹ They were self-governing, as only the emperor exercised power over them. Though they could exercise their rule and defend their borders without much interference, they could not be seen as sovereign.¹⁰ Nor did the princes

⁸ <http://maps.bpl.org/id/15381> [1 December 2014].

⁹ Whaley, *Germany and the Holy Roman Empire. Volume 1*, 20.

¹⁰ Whaley, *Germany and the Holy Roman Empire. Volume 1. From Maximilian I to the Peace of Westphalia 1493-1648* (Oxford 2012) 40; Helfferich, *The Iron Princess*, 18.

hold absolute power, as they were bound by divine and natural laws, as well as the imperial regulations.¹¹

There were two types of Imperial Principalities: ecclesiastical and secular. The former were led by either members of the Church of Rome, or grand masters of religious orders. The latter, the lay lands, included the prince-electors, imperial princes (grand dukes, dukes, counts, landgraves and margraves), lower nobility, barons, and last, but not least, the Free and Imperial cities. These Imperial Principalities were obliged to pay taxes to the emperor in order to pay for the imperial forces. For example, the Turks-tax was requested of the Imperial Principalities to avert the threat of the Turks, who threatened the Holy Roman Empire with their advance.¹²

Each of the individual Imperial Principalities held one vote, which it could cast during an assembly of the Imperial Diet. Consequently, princes leading a dynastic agglomerate possessed more votes than others. It was not until the 1470s that the Imperial Diet became a formal institution, convening the Prince-Electors, the princes and clergy, and the imperial cities in separate councils.¹³ Moreover, it was not until 1648 that the imperial cities were awarded an active role, instead of the mere right to be consulted.¹⁴

The Imperial Diet held the power to raise policy-proposals concerning the fundamental structure of the empire.¹⁵ It also had the right to vote and negotiate in tax matters. The emperor presided over the assembly and did have to agree with the decisions that were taken (*imperial decree*)¹⁶; all the decisions had to be made known to the ten Imperial Circles¹⁷. Due to the number of people involved, as well as the irregularity of the meetings, decision-making was a slow process.¹⁸

¹¹ R.G. Asch and H. Duchhardt, *Der Absolutismus-ein Mythos?: Strukturwandel monarchischer Herrschaft in West- und Mitteleuropa (ca. 1550-1700)* (Cologne 1996); C.A. Romein, 'Fatherland Rhetoric and the "threat of absolutism"'.
¹² Whaley, *Germany and the Holy Roman Empire. Volume 1*, 31; Whaley, *Germany and the Holy Roman Empire. Volume 2. From the Peace of Westphalia to the dissolution of the Reich 1648–1806* (Oxford 2012) 42-45.
¹³ *Idem*, 32.
¹⁴ *Idem*, 26.
¹⁵ H. Medick and B. Marschke, *Experiencing the Thirty Years War. A Brief History with Documents* (Boston 2013) 2.
¹⁶ Whaley, *Germany and the Holy Roman Empire. Volume 1*, 26.
¹⁷ See § 2.4.
¹⁸ Helfferich, *The Iron Princess*, 14.

2.2 Prince-Electors (*Kurfürsten*) and the emperor

The Golden Bull of 1356 gave seven princes the special honour of being called Prince-Electors. Their duty to the Holy Roman Empire was to select the next emperor after the decease of the previous emperor. . The electors could be divided into two groups. The first were the spiritual electors: the Archbishop of Trier, the Archbishop of Cologne, the Archbishop of Mainz; and the second were the lay electors or prince-electors: the (elected) king of Bohemia, the Count Palatinate of the Rhine¹⁹, the Duke of Saxony²⁰ and finally the Margrave of Brandenburg.²¹ The King of Bohemia was not part of the Elector's College as he was a foreign, neighbouring prince, and as such he was not allowed to interfere in imperial dealings. According to C.V. Wedgwood, it was thus an important development when the Habsburg dynasty controlled Bohemia – the head of the family could be proclaimed emperor, though he could not intervene in the Elector's College's decisions.²²

The highest office-holder in the Holy Roman Empire of the German Nation – the name from 1512 onwards – was 'King of the Romans'. It often happened that one of the prince-electors was selected for the office of emperor.²³ The emperor held the highest executive power in the empire. He was, together with the (other) prince-electors, responsible for the appointment of the judges of the imperial courts.

The role of the emperor was especially of importance to the politics of the Lower-Rhine Area. During the War of Succession, he actively interfered and had a preference as to who should or should not rule the area. Without his permission a new ruler was not officially acknowledged, as was the case with Duke Wolfgang Wilhelm and Prince-Elector of Brandenburg. In the case of Hesse-Cassel, the emperor could redistribute the fief to whomever he preferred after banning Landgrave Wilhelm V.

¹⁹ Known as Elector Palatine.

²⁰ Known as the Elector of Saxony.

²¹ Known as the Elector of Brandenburg.

²² C. V. Wedgwood, *The Thirty Years War* (New York 1961) 39.

²³ Whaley, *Germany and the Holy Roman Empire. Volume 1*, 18; Medick and Marschke, *Experiencing the Thirty Years War*, 2.

2.3 Imperial courts

From the late 15th century onwards, the Holy Roman Empire had two courts of justice for solving disputes between – for example – princes, or princes and their *Landstände*. The Aulic Court (*Reichshofrat*) was founded in Vienna in 1498 as a counterpart of the Imperial Chamber Court (*Reichskammergericht*), which had been established three years earlier.²⁴ Emperor Maximilian I had attempted to curtail the power of the latter by establishing the Aulic Court, with deliberately overlapping jurisdictions.²⁵

The seat of the Imperial Chamber Court moved a number of times, but it is best known for its seats in Speyer and Wetzlar. During the religious disputes of the sixteenth century, and during the Thirty Years' War, the Catholic Aulic Court was more reliable for resolving conflicts between princes, at least according to Tryntje Helfferich.²⁶ Nevertheless, this did not mean that cases were not referred to the Imperial Chamber Court, as the following chapters on Jülich and Hesse-Cassel will show.

The *Landstände* of any principality had a hard time influencing the politics of the Holy Roman Empire as they did not have delegates anywhere. However, via lawsuits they could draw attention to their particular principality and could be noticed by the emperor – or those in his vicinity. This could then influence the attitude towards their ruler.

2.4 Imperial Circles

Emperor Maximilian I attempted to implement internal reforms in 1512.²⁷ He did so by increasing the number of Circles to ten for the German speaking lands, to be able to levy taxes and apply justice more efficiently.²⁸ All of them had their own Territorial Diet, system of

²⁴ T. Reich, 'Reichskammergericht – Archivgeschichte', in: P. Oestmann, W. Reininghaus (eds.), *Die Akten des Reichskammergerichts. Schlüssel zur vormodernen Geschichte* (Düsseldorf 2012), pp. 40-46, here, p. 40.

²⁵ Whaley, *Germany and the Holy Roman Empire. Volume 1*, 33.

²⁶ Helfferich, *The Iron Princess*, 13.

²⁷ *Idem*, 18.

²⁸ These ten were: Burgundian Circle; Lower Rhenish–Westphalian Circle; Electoral Rhenish Circle; Upper Rhenish Circle; Lower Saxon Circle; Upper Saxon Circle; Franconian Circle; Swabian Circle; Bavarian Circle; Austrian Circle. Savoy and the Italian lands were not part of the Circles.

justice, taxation-system and the right to protect themselves from enemies.²⁹ The judges of the Imperial Chamber Court came from the different Circles and the hierarchy of the various Circles made it easier to impose verdicts.³⁰ In financial respect, for example the Lower Rhine-Westphalian and the Upper Rhine Circle worked together. Together they had to oversee matters concerning coinage.

Jülich was part of the Lower Rhine–Westphalian Circle. In this circle eight episcopacies – among which Münster – were represented, two abbeys, and eight prelatric benefices. The Catholic clergy met with the two secular dukes, of Jülich-Berg and Cleves-Mark and 26 counts, as well as four cities that represented themselves. The Lower Rhine-Westphalian Circle actively mediated in conflicts, especially conflicts among its members. Furthermore, it levied taxes for the Holy Roman Empire when necessary – such as the Tax against the Turks.

The areas that were once part of Greater Hesse, such as Hesse-Cassel and Hesse-Darmstadt, belonged to the Upper Rhenish Circle. It was divided along confessional lines, as the Catholic Neuburg (ruling Palatinate-Simmern), Calvinist Hesse-Cassel and Lutheran Hesse-Darmstadt were represented. The core of the Circle was Catholic. Hesse-Cassel often remained absent, especially during the exile of Landgrave Wilhelm V since 1635.

Next page:

Figure 2 Holy Roman Empire (1648).

Part of the map made by Ziegelbrenner, based upon Putzger – *Historischer Weltatlas*, 89. Auflage.³¹

²⁹ T. Neu, 'The Importance of Being Seated. Ceremonial Conflict in Territorial Diets', in: J.P. Coy, B.Marschke, D.W. Sabean (Ed.), *The Holy Roman Empire, Reconsidered* (New York 2010) pp. 125-142; Whaley, *Germany and the Holy Roman Empire. Volume 1*, xxi; Whaley, *Germany and the Holy Roman Empire. Volume 2. From the Peace of Westphalia to the dissolution of the Reich 1648–1806* (Oxford 2012) 7; Helfferich, *The Iron Princess*, 18.

³⁰ Wilson, *From Reich to Revolution. German History, 1558-1806* (Houndmills 2004), 183.

³¹ Usage under Creative Commons (CC BY 2.5); as found on https://nl.wikipedia.org/wiki/Heilige_Roomse_Rijk#/media/File:HRR_1648.png.

3 Jülich: possession, occupation, and destruction (1642-1652)

From the 1640s onwards, the situation in Jülich and Berg changed dramatically. The crisis caused by the Thirty Years' War took a turn for the worse. Hessian Troops had found a possibility to extract large amounts of money from Duke Wolfgang Wilhelm and the *Niederrhein* Area (the Lower-Rhine Area): they had simply requisitioned the financial resources. Jülich became a magnet attracting the armed forces of both sides, due to its abundance of resources in comparison with other principalities of the Holy Roman Empire. 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. Jülich was thus of strategic interest.¹ Furthermore, despite the nobility's protests, troops poured into the country, setting up their camps and billeting soldiers in the houses of the inhabitants of the principalities of Jülich and Berg. With the exception of billeting, these activities had been common practice during the first part of the Thirty Years' War. However, the military activities were intensified and executed at a much larger scale from 1640 onwards. In the autumn of 1640 living conditions in Jülich became increasingly difficult. Imperial Commander Guillaume de Lamboy (±1590-1659) had stationed his troops in the south; for their part, the Hessian troops had settled in the north, with the support of the French.²

Hoping to maintain a pre-existing neutrality-pact, Duke Wolfgang Wilhelm (1578-1653) agreed to pay a monthly fee to the Hessian troops in order to keep them away. Unfortunately, this agreement did not bolster neutrality, but made the situation worse. This deterioration had four causes. Firstly, Jülich and Berg were obliged to pay 36,000 and 24,000 *Reichsthaler* respectively, each year.³ For comparative reasons, this would be worth 935,280

¹ G. Engelbert, 'Der Hessenkrieg am Niederrhein (I. Teil)', *AhVN* 161 (1959), pp.65-113, here: p.67.

² Engelbert, 'Der Hessenkrieg am Niederrhein (I. Teil)', p. 69.

³ *Ibidem*.

grams of silver for Jülich.⁴ Secondly, in 1642 Emperor Ferdinand III (1608-1657) believed that the principalities of Jülich and Berg needed the protective presence of his imperial troops — and, of course, at the principality's expense.⁵ Thirdly, the subjects of the principalities were heavily burdened with taxes, the billeting of soldiers, and theft.⁶ Furthermore, when payments were not in full, or simply late, nobles 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 and consequently met to discuss the welfare of their principality. They claimed that Duke Wolfgang Wilhelm had submitted to the demands of the Hessian landgravine, and had thus forced 'his' people to pay the price, and suffer the consequences.

Lamboy pointed out that the duke may not have been acting in the best interest of the inhabitants of his principality.⁷ He was referring to the war of succession (1609-1614), during which Duke Wolfgang Wilhelm had taken control of the principalities of Jülich and Berg. Yet, the inhabitants of the principalities regarded him merely as a '*possessierende*' (possessor) — not as their lord. Lamboy's comment thus responded to the negative feelings people already held towards the duke.

The nobility used historical examples specific to Jülich to counter the harmful policy of Duke Wolfgang Wilhelm. When he assumed government, the new duke had started off on the wrong foot. This can be illustrated with three examples. Firstly, he was not accepted as lord and ruler, but merely as a possessor of the lands he inherited from his late uncle. This rule, however, was not acknowledged by Emperor Matthias (1557-1619), nor by his successors. Secondly, Duke Wolfgang Wilhelm converted to Catholicism shortly before accepting governance over the principalities of Jülich and Berg, in which mainly Lutherans lived. Finally, on top of the burdens already caused by the Thirty Years' War, the duke was forced to allow the billeting of soldiers

⁴ 1 Reichsthaler being 25.98 grams of silver; according to Christmann, 'Die Reichsmünzordnungen', p. 213. This amount can be expressed in kilocalories that would become available if e.g. grain were to have been bought with this money. This can be used to compare the areas with each other, as will be shown further on (Graph 5 Comparative tax-burdens of Jülich and Brittany, in number of days below 2,100 kcal (1639-1652).

⁵ G. Engelbert, 'Der Hessenkrieg am Niederrhein (2. Teil)', in: *AhVN* 162 (1960), pp. 35-96, here: p. 38.

⁶ Engelbert, 'Der Hessenkrieg am Niederrhein (1. Teil)', p. 76.

⁷ *Idem*, p. 68.

and he extracted large sums of money as well as food. This combination of factors caused a fierce response from the nobility.

This chapter firstly discusses the historiography related to the nobility of Jülich. Subsequently, it deals with the history of Jülich in the first half of the seventeenth century: the War of Succession (1609-1614) and its provisional treaties; the Thirty Years' War in the Lower-Rhine Area, until 1635; the subsequent period until the peace of Westphalia; and the Hessian presence in Jülich, until 1652. The latter two sections are mainly based on archival research, supplemented with secondary literature; whereas the first two sections provide a general overview by drawing on existing literature.

3.1 Historiography: the knights of Jülich

Numerous publications have been issued on the history of the principalities of Jülich and Berg. These studies have a narrow focus. They are restricted to a single topic or theme, a relatively short time-span or use a thematic perspective. The strong regional focus means that little effort has been made in these publications to compare Jülich with other principalities of the Holy Roman Empire.⁸

One of the exceptions is Rainer Walz's dissertation *Stände und frühmoderner Staat. Die Landstände von Jülich-Berg im 16. und 17. Jahrhundert*, which is of great importance to this current study. Not only does his research cover an extensive period of time, Walz also deals with the position of the nobility in an in-depth manner. Walz questions whether *dualism* – the interplay between the prince and the *Landstände* – is a fitting term, as it has not been correctly defined, and criticises the method used by scholars who have studied 'state-building' to date.⁹ In addition to this critique, he warns against a Whig-interpretation in research: state-building was not a simple top-down affair, but involved integration and compromise as well.¹⁰ Walz notes that the nobility held certain rights, such as the right to ratify taxation before a tax was levied, and the right to assemble (*Steuerbewilligung; Versammlungsrecht*), and that these rights

⁸ Driving forces behind these publications are: *Bergische Forschungen*, *Jülicher Forschungen*, *Quellen und Forschungen zur Geschichte des Niederrheins*, and *Düsseldorfer Jahrbuch*.

⁹ Walz, *Stände und frühmoderner Staat*, 5-8.

¹⁰ *Idem*, 8.

were accompanied by particular duties, such as the duty to convene when requested (*Versammlungspflicht*).

The nobles thus regarded themselves as ‘representatives’ of the inhabitants, and they felt that they could hold the prince accountable, should their privileges not be duly respected. Nonetheless, the relationship between prince and nobles deteriorated, and, according to Walz, three phases of development can be distinguished during this process.¹¹ In the first phase, influence was exerted via feudal rights towards each other. This was followed by a phase in which a prince wished to close agreements with edicts; the *Landstände* wished to see their loyalty rewarded with rights and duties.¹² In the last phase – which is not applicable to the period of this research – the prince started to rule without the *Landstände*.

Walz notices tensions between the prince, *Landstände*, and subjects during the early seventeenth century.¹³ In the period following the 1609-succession, the nobility tried to stress the importance of their privileges. Tensions mounted in the 1630-1650 period. A specific example of these tensions can be found in the year 1639 when Duke Wolfgang Wilhelm attempted to evade the nobility’s consent by calling a farmers’ assembly (Germ.: *Bauernlandtag*) in order to demand taxations.¹⁴ According to Walz, this example shows an unprecedented model of representation to counter the old-fashioned model the nobility and cities held on to.¹⁵ This extraordinary example of a farmers’ assembly may be unusual indeed, but the question arises whether it is representative of broader seventeenth-century trends. Since the phenomenon does seem anomalous, it would appear that Walz does exactly what he cautions against: being too eager to see change and development.

3.2 Jülich: early history of the dynastic agglomerate

Shortly after the death of heirless Duke Rainald of Jülich-Guelders (c.1365-1423), the dynastic agglomerate of the principalities of Jülich-Guelders (1371-1423) fell apart. Duke Adolf (c.1370-1437) succeeded in gaining control of Jülich and Guelders, *and merged them with the*

¹¹ Walz, *Stände und frühmoderner Staat*, 35-37.

¹² *Idem*, 36.

¹³ *Idem*, 38.

¹⁴ He had not received any permission since 1632, and would not do so until 1649.

¹⁵ *Idem*, 39-52.

*Duchy of Berg, and the County of Ravensberg in a personal union in 1423.*¹⁶ After Adolf's death, the principalities were once more separated.

Years later, Wilhelm V, 'the Rich', Duke of Jülich-Cleves-Berg, (1516-1592) attempted to regain Guelders during the Third Guelderian War of Succession (1538-1543). This attempt was welcomed by both his own *Landstände*, those of the Duchy of Guelders, and the County of Zutphen.¹⁷ It was regarded as a means of preventing the area from converting to Catholicism, which would have been in accordance with the wishes of the other claimant — Emperor Charles V (1500-1558).¹⁸ In 1543, Charles V besieged the city of Düren (in the principality of Jülich) to ward off the claims of Wilhelm V. An army of 30,000 to 40,000 men pillaged and burned the city, and Wilhelm V was eventually forced to sign the Treaty of Venlo (7 September 1543).¹⁹ 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 and he was succeeded by his only surviving son Johann Wilhelm (1562-1609).

¹⁶ The 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. W. Janssen, 'Kleve-Mark-Jülich-Berg-Ravensberg 1400-1600', in: G. de Werd (ed.) *Land im Mittelpunkt der Mächte. Die Herzogtümer Jülich – Kleve – Berg* (Kleve 1984), pp. 17-40, here: p. 18 and p. 22. Jülich had become a Duchy in 1356; Berg in 1380; Cleves followed in 1417.

¹⁷ Janssen, 'Kleve-Mark-Jülich-Berg-Ravensberg 1400-1600', p. 18 and p. 24; C. von Looz-Corswaren, 'Gelre en zijn bureen Kleef, Gulik en Berg, van de late Middeleeuwen tot 1543', in: I.D. Jacobs (ed. al), *Het hertogdom Gelre. Geschiedenis, kunst en cultuur tussen Maas, Rijn en IJssel* (Utrecht 2003), pp. 127-133; J. Engelbrecht, *Landesgeschichte Nordrhein-Westfalen* (Stuttgart 1994) 60-61; G. Bers, *Wilhelm Herzog von Kleve-Jülich-Berg (1516-1592). Beiträge zur Jülicher Geschichte, Hefte 31* (Cologne 1970), pp. 2-18.

¹⁸ I. Hantsche, *Geldern-Atlas. Karten und Texte zur Geschichte eines Territoriums. Veröffentlichungen des Historischen vereins für Geldern und Umgegend. Nr. 103* (Geldern 2003) 36.

¹⁹ H.B.M. Essink, *Grave-Cuijk tussen 1481 en 1543* (Grave 1973), 44-45; F. Keverling Buisman, 'De Vrede en het Tractaat van Venlo, 1543 – gevolgen voor het bestuur van Gelre en Zutphen': in Jacobs (ed. al), *Het hertogdom Gelre. Geschiedenis, kunst en cultuur tussen Maas, Rijn en IJssel* (Utrecht 2003), pp. 65-75.



Figure 3 Duchies of Jülich and Berg (17th century).

Map by Willem Janszoon Blaeu, *Iuliacensis et Montensis Ducatus = De Hertoghdomen Gulick en Berghe* (1635). Map image courtesy of the Norman B. Leventhal Map Center at the Boston Public Library.²⁰

3.3 The War of Succession (1609-1614) and its provisional treaties

In 1585, Duke Johann Wilhelm of Jülich-Cleves-Berg (1562-1609) married Jakobeä of Baden-Baden (1558-1597). Five years later, the marriage remained without male issue, and the nobility started to look for other potential successors; the sons of the duke's sisters were the likely heirs.²¹ According to Wilhelm Janssen, the nobility openly discussed the possibility of the duke having to annul his marriage, and find himself another wife.²² However, this possible divorce would have met with strong opposition from the Holy Roman Emperor Rudolf II (1552-1612),

²⁰ <http://maps.bpl.org/id/15983> [1 December 2014].

²¹ R. Mostert, 'Der jülich-klevische Regiments- und Erbfolgestreit – ein "Vorspiel zum Dreißigjährigen Krieg"?' in: S. Ehrenpreis (Ed), *Der Dreißigjährige Krieg im Herzogtum Berg und in seinen Nachbarregionen* (Neustadt an der Aisch 2002), pp. 26-64.

²² W. Janssen, *Kleine Rheinische Geschichte* (Düsseldorf 1997) 189-192.

as well as the curie. The potential problems surrounding a divorce were solved when Jakoeba passed away in 1597. That said, her death occurred under suspicious circumstances, and Janssen even mentions the possibility of murder.²³ The negotiations to conclude a new marriage soon commenced.²⁴ In 1599, Duke Johann Wilhelm married Antonia of Lorraine (1568–1610). Unfortunately, this union was equally unsuccessful in producing (male) issue.

Claimants to the enfeoffment of the Lower-Rhine Area presented themselves to Emperor Rudolf II, even prior to Johann Wilhelm’s death on 25 March 1609. Among them were the Duke of Saxony – based upon an old agreement – and the duke’s close relatives (see Figure 4): the houses of Brandenburg, Palatinate-Neuburg, Palatinate-Zweibrücken, and Burgau. In addition to these pretenders, the various Habsburg-families showed interest in the regional developments, as did as well the Dutch Republic, France, England, Denmark, and Sweden.²⁵ Furthermore, several diets, curies, and both the Protestant- and Catholic-leagues, closely monitored the course of events.²⁶

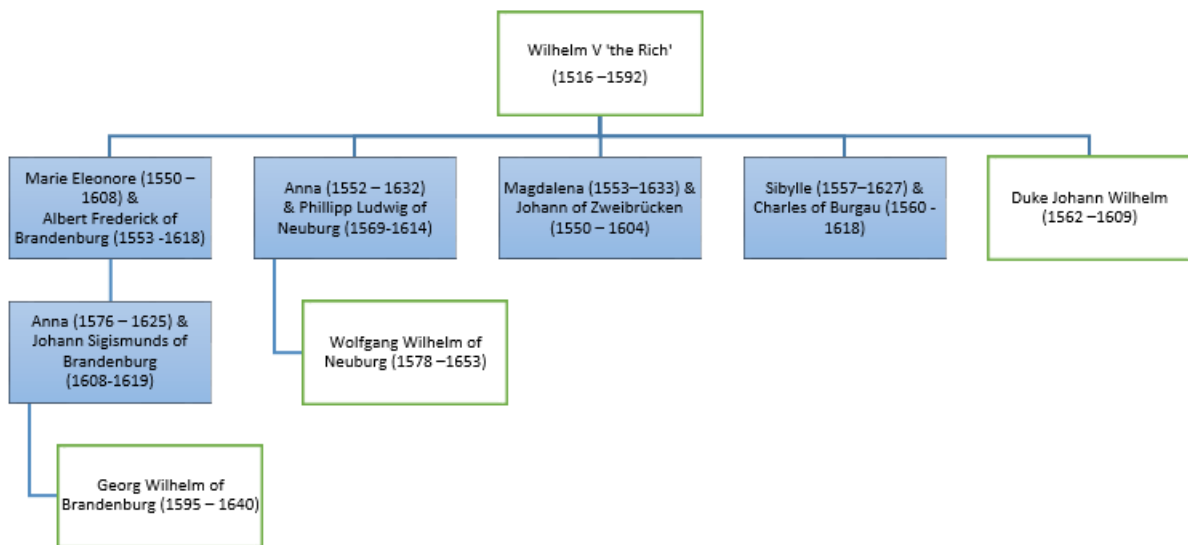


Figure 4 Ancestral chart of the Dukes of Jülich-Cleves-Berg and Mark (1539-1653).²⁷

²³ A. Schulte, *Tausend Jahre Deutscher Geschichte und Deutscher Kultur am Rhein* (Düsseldorf 1925) 206.

²⁴ Janssen, *Kleine Rheinische Geschichte*, 189-192.

²⁵ Schulte (ed.), *Tausend Jahre Deutscher Geschichte und Deutscher Kultur am Rhein*, 205-210; S. Wagner, *Kölner Vorträge und Abhandlungen zur Sozial- und Wirtschaftsgeschichte. Staatssteuern in Jülich-Berg* (Cologne 1977), 63-64; Wilson, *Reich to Revolution*, 115 and 187.

²⁶ H.-W. Bergerhausen, 'Der Jülich-Klevische Erbfolgestreit: Diplomatische Verhandlungen und Verträge', in: M. Groten, C. von Looz-Corswarem, W. Reininghaus (eds.), *Der Jülich-Klevische Erbstreit 1609. Seine Voraussetzungen und Folgen* (Düsseldorf 2011), pp. 55-68, here: p. 56.

²⁷ Ancestral chart by author.

This broad political interest in the Lower-Rhine-succession can be explained by the economic strength and geographical position of the four principalities.²⁸ They bordered on both Spanish and Dutch provinces, as well as on the river Rhine. The Dutch Republic felt seriously threatened by the idea that the neighbouring principalities could be ruled by a Catholic ally of the emperor, and consequently sided with the Protestants. According to Jonathan Israel, it was considered risky to have a pro-Spanish Catholic prince rule the Lower-Rhine Area.²⁹ This was especially troublesome, since these principalities bordered on the region where the Republic was most vulnerable, as the rivers could be used to enter the provinces. This was something that had been done by the Spanish commander Ambrogio Spínola Doria, Marquis of the Balbases (1569–1630), in 1605-6, when he invaded the Republic, so the Dutch had legitimate cause for concern.³⁰

The claims to the principalities held by relatives of the late duke and by the House of Saxony were based on three different legal justifications.³¹ First of all, a claim could be based upon an old privilege. In 1483, Albrecht III (1443-1500), Duke of Saxony, had gained the right to inherit the Lower-Rhine principalities. This privilege had been granted by Emperor Friedrich III (1415-1493), and confirmed in 1486 by Maximilian I as King of the Romans (1459-1519) to both Duke Albrecht III and Elector Ernst of Saxony (1441-1486).³² This right to inherit the principalities had never been revoked. It may be argued, however, that this particular right only applied to the Albertine dynasty and not to the Ernestine-line of the House of Saxony. It was therefore considered to be a relatively weak claim.³³

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

²⁸ The Niederrhein principalities were involved in agriculture, mining (coal and iron), and the textile industry. See: H. Smolinsky, ‘Jülich-Kleve-Berg’, in: A. Schindling (eds.), *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung: Land und Konfession 1500-1650* (Münster 1991), pp. 86-106, here: p. 89.

²⁹ Israel, *The Dutch Republic*, 407.

³⁰ *Ibidem*. For more information, see: W. Isaacson, *Geschichte des niederrheinisch-westfälischen Kreises von 1648-1667* (Dinslaken 1933), 14; F. Petri and G. Droege, *Rheinische Geschichte. Band 2. Neuzeit* (Düsseldorf 1976) 95.

³¹ A.D. Anderson, *On the Verge of War. International Relations and the Jülich-Kleve Succession Crises (1609-1614)* (Boston 1999) 249.

³² In this context A.D. Anderson mistakenly refers to the year 1586.

³³ Anderson, *On the Verge of War*, 250.

heir to the principality, when the male line had died out. However, two different interpretations of this privilege are extant. Firstly, 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 of Brandenburg (1572-1619), considered his son able to fulfil this requirement. This son, Georg Wilhelm, (1595-1640) was the great-nephew of the deceased duke, and as such, the future succession was all but ensured. Thus, 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. The latter was the case in the proposed inheritance of the House of Brandenburg.

According to the second, and alternative, interpretation of this privilege, 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 sister’s *grandson* – only sons were eligible – , thereby excluding the Brandenburg-lineage from making such claims. This interpretation offered Duke 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. This prevented a separation of the principalities without the emperor’s consent in case of succession. Due to these various rules, privileges and treaties, the succession became a highly complicated matter with many stakeholders.

In June 1609, Landgrave Maurice of Hesse (1572-1632) arbitrated in Dortmund between the two Lutheran princes Brandenburg and Neuburg, and an agreement was reached concerning the succession.³⁴ This resulted in a treaty which allowed a joint-government over all Lower-Rhine principalities.³⁵ With 75 percent of the total population of the combined principalities being

³⁴ J.C. Luenig (Ed.), *Das Teutsche Reichs=Archiv, und zwar Pars specialis nebst dessen I.II.III. vnd IV. Continuation, worin zu finden, Die merckwuerdigsten Allianzen und Buendnisse, Manifesta, Armistitia, Friedens=Schluesse, Recesses, Concordata, Erb=Verbrüderungen, Vereinigungen, Verträge und Vergleiche in Religions=und Profan-Sachen, Pacta Familae, Statuta Primogenituræ, Lehen=Brieffe, Expectanzen und Unwertschafften, Ehe=Beredungen, Reverse, Kauff=und Wiederkauffs = Contracte, Obligationes, Cossiones, Renunciaciones, Testamenta, Codicille, Geist= und Weltliche Ritter=Ordens = Statuta, Capitalitones, Gan=Erbschafften, Commerciens=Tractate, Stapel= und Niederlags=Gerichtigkeiten, Privilegia und andere Diplomata. Dritter Theil, Der Vierdten Abtheilung, Dritter Absatz* (Leipzig 1713) 69-73; Smolinsky, ‘Jülich-Kleve-Berg’, pp. 86-106.

³⁵ Jansen, ‘Kleve-Mark-Jülich-Berg-Ravensberg 1400-1600’, p 35.

Catholic, changes towards Lutheranism were deemed unlikely.³⁶ The treaty therefore stipulated the guarantee of the religious *status quo*. Despite the quick outcome and peaceful conclusion, and favouring other claimants, 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.³⁷ Military tensions rose as the two Lutheran princes could rely on the support of the Dutch Republic, England, and France.³⁸ Religion seemed to have become the focal point of the conflict.³⁹

Shortly after the Treaty of Dortmund, Maurice of Hesse was reminded of an ancient *Erbeinigung* (Eng: heritage-oath).⁴⁰ This alliance, which had been passed down for generations, was meant to protect ruling families from fighting and harming each other's interests.⁴¹ This heritage-oath had been concluded between the Houses of Hesse, Saxony, and Brandenburg. It worked at cross-purposes with the recent treaty of Dortmund and – more importantly – it endangered the alliance between the Protestant dukes.⁴² As a result, Maurice was forced to withdraw his support and keep at a distance. With three possible successors – Saxony, Brandenburg and Neuburg – each referring to a different privilege, it was difficult to (re-) establish an uncontested peace.

Two months prior to the death of King Henry IV of France (1553-1610) in 1610, the Treaty of Hall (in Swabia) was signed on 11 February 1610.⁴³ The treaty was meant to secure the claims of the Houses of Brandenburg and Neuburg. To secure the princes' government,

³⁶ H. Gabel, 'Sicherheit und Konfession. Aspekte niederländischer Politik gegenüber Jülich-Berg vor und während des Dreißigjährigen Krieges', in: S. Ehrenpreis (Ed), *Der Dreißigjährige Krieg im Herzogtum Berg und in seinen Nachbarregionen* (Bergische Forschungen. Quellen und Forschungen zur bergischen Geschichte, Kunst und Literatur. Band XXVIII. Neustadt an der Aisch 2002), pp. 132-179.

³⁷ R.G. Asch, *The Thirty Years War. The Holy Roman Empire and Europe, 1618-48* (Houndmills 1997), 30. Two 'Einzelblatt'/'Flugblätter' have been published with regard to this event which lasted from 28 July till 2 September 1610. See: W. Harms, M. Schilling, and A. Wang (eds.), *Deutsche Illustrierte Flugblätter des 16. Und 17. Jahrhunderts. Band II; Wolfenbüttel Teil 2: Historica* (München 1980) 162-163.

³⁸ Gabel, 'Sicherheit und Konfession'.

³⁹ Israel, *The Dutch Republic*, 407.

⁴⁰ In 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.

⁴¹ Anderson, *On the Verge of War*, 59.

⁴² *Ibidem*.

⁴³ D.J.B. Trim, 'Sir Horace Vere in Holland and the Rhineland, 1610–12', in: *Historical Research* vol 72 nr 179 (1999), pp. 334-351, here p. 339.

other parties – such as the Dutch Republic, England and France – discussed military involvement.⁴⁴

The unexpected death of Henry IV, in May 1610, did not undermine French involvement in the conflict. France's ability to act was, however, slowed as a result of the loss of such an inspiring force and financier: the king.⁴⁵ The Dutch, too, found their ability to defend the interests of the Houses of Brandenburg and Palatine of Neuburg muted by their truce with Spain. 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.⁴⁶ Although, it was not certain any fighting would occur, it became more likely when Archduke Leopold went to Prague to claim the principalities on behalf of Emperor Rudolf II.⁴⁷ 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.⁴⁸ Although the emperor had not provided the archduke with military forces, it was clear that the archduke had his consent.

In the meantime, the Prince-Elector of Saxony wished to collaborate in governing the Lower-Rhine Area. Negotiations with Brandenburg had been successful and the two princes had drawn up a revision of the Hall-treaty. This revision is known as Treaty of Jüterbog (March 1611), which now had to be ratified by the third party directly involved: the House of Palatine Neuburg.⁴⁹ However, this new treaty was not to be. Firstly, the emperor did not approve of it. Secondly, and slightly more importantly, Philip Louis, Count Palatine of Neuburg (1547-1614), father to Wolfgang Wilhelm, had to agree to the alterations of the Hall-Treaty, but refrained from looking into the issue for a long time. When he did finally act, he disputed the revisions and refused to sign.⁵⁰ Subsequently, the Prince-Elector of Brandenburg followed by withdrawing his initial support to the Jüterbog-proposal, but it was too late, as he had lost a lot

⁴⁴ Luenig, *Das Teutsche Reichs Archiv*. For the Treaties of Hall, see: 17 January 1610: page 74-76, and 24 January 1610: page 76-78.

⁴⁵ Asch, *The Thirty Years War*, 30.

⁴⁶ *Idem*, 31; Trim, 'Sir Horace Vere in Holland and the Rhineland, 1610-12', p. 340.

⁴⁷ *Idem*, p. 340; Bergerhausen, 'Der Jülich-Klevische Erbfolgestreit', p. 56.

⁴⁸ Asch, *The Thirty Years War*, 31.

⁴⁹ Anderson, *On the Verge of War*, 139.

⁵⁰ *Idem*, 139-147.

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 their international allies why they had not assented to the Jüterbog-plan in the first place, as it would have led to peace, since the allies stressed the importance of reopening the negotiations. Now, the emperor beat them to it by initiating a neutral committee which was tasked with preparing a cordial agreement in which the main claimants would all be served.⁵¹ Both the Catholic League and its Protestant counterpart then attempted to strengthen their positions by luring the Prince-Elector of Saxony into their camp, while 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.⁵² This tug-of-war lasted until 1614.

Wolfgang Wilhelm of Neuburg converted to Catholicism on 19 July 1613.⁵³ This may have been prompted by anxiety that his Brandenburg relative might acquire the principalities, or it may have been caused by fear that another Catholic prince – other than one of the previously mentioned claimants – might be favoured. However, 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, inhabitants of newly founded convents arrived in Jülich and Berg.⁵⁴ Protestant believers in Jülich and Berg were reassured that they would not be forced to convert, as they were fellow Christians.⁵⁵ Catholic princes united together, with the backing of Spain and Austria, to support Duke Wolfgang Wilhelm. At the same time, the Prince-Elector of Brandenburg changed his

⁵¹ *Idem*, 142-143.

⁵² Asch, *The Thirty Years War*, 32.

⁵³ Jansen, 'Kleve-Mark-Jülich-Berg-Ravensberg 1400-1600', p 35; E. Mader, '... wegen unserer conversion Irr und Perplex gemacht. Wahrnehmungen, Darstellungen und Vorbedingungen der Konversion des Pfalzgrafen Wolfgang Wilhelm von Pfalz-Neuburg zum Katholizismus (1613,14)', in: *Düsseldorfer Jahrbuch 75* (2004/5), pp. 109-142; A. Hufschmidt, 'Reflexionen und Handlungsfelder einer katholischen Fürstin. Magdalena von Bayern in ihren Briefen an Wolfgang Wilhelm von Pfalz-Neuburg (1614-1627)', in: *Düsseldorfer Jahrbuch 75* (2004/5), pp. 143-170; Anderson, *On the Verge of War*, 146.

⁵⁴ H. Ackermann, 'Die evangelischen Gemeinden in Düsseldorf unter Pfalzgraf Wolfgang Wilhelm,' in: *Düsseldorfer Jahrbuch 75* (2004/5), pp. 81-108, here: p. 92; W. Motte, 'Kriegsereignisse und Ortsgeschichte. Radevormwald im Dreißigjährigen Krieg' in: S. Ehrenpreis (ed.), *Der Dreißigjährige Krieg im Herzogtum Berg und in seinen Nachbarregionen* (Neustadt an der Aisch 2002), pp. 234-274.

⁵⁵ Ackermann, 'Die evangelischen Gemeinden'.

religious preference to Calvinism, ensuring his alliance with England and the Dutch Republic, as well as with other Protestant principalities, e.g. the Palatinate.⁵⁶

The tension increased in early 1614, and the threat of war was imminent. The Dutch Republic, for its part, preferred to see peace restored at its border. In order to restore the order, military governor Frederik van Pithan (1552-1632⁵⁷) of the Dutch forces felt the need to request more troops on 5 May⁵⁸. This can be considered to be the start of a second crisis, the first being that of 1609. The movement of Dutch troops was interpreted as an act of aggression despite explanatory letters sent to both the Prince-Elector of Brandenburg and the Duke of Neuburg. The Republic was, after all, helping the Calvinist pretender, and even expelled the Catholic contender from Düsseldorf.⁵⁹ In August, Duke Wolfgang Wilhelm requested the help of 15,000 soldiers from the Spanish Netherlands to secure his control.⁶⁰ Finally, under the supervision of France and England the truce was ratified in November.⁶¹

With the Treaty of Xanten on 12 November 1614, the war of succession was concluded. Warfare finally ceased. Duke Wolfgang Wilhelm and Prince-Elector Brandenburg were both acknowledged to be ‘possessierenden’, or possessors of the land, but not accorded the status of official rulers.⁶² 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 1546.⁶³ This arrangement was meant to avoid more conflict, but failed, as the religious disputes did not end. Brandenburg wanted freedom of religion, whereas Wolfgang Wilhelm did not.⁶⁴ It all came down to a conflict of interest on how the principalities and their churches should be run, especially since both possessors had changed faith. Duke

⁵⁶ Petri and Droege, *Rheinische Geschichte*, 107.

⁵⁷ <http://www.hetutrechtsarchief.nl/collectie/handschriften/buchelius/monumenta/226> [07-07-2013].

⁵⁸ Considering the 1609 struggle as the first crisis.

⁵⁹ Anderson, *On the Verge of War*, 152-155 and 163-170.

⁶⁰ G.N. Parker, *The Thirty Years War* (London 1997) xvi-xviii and 25.

⁶¹ Parker, *The Thirty Years War*, 32.

⁶² Luenig, *Das Teutsche Reichs Archiv*, 82-86; Petri and Droege, *Rheinische Geschichte*, 109-111; Asch, *The Thirty Years War*, 26-34.

⁶³ Luenig, *Das Teutsche Reichs Archiv*, 82-86; von Looz-Corswarem, ‘Der Düsseldorfer Kuhkrieg 1651’, in: S. Kleinbongartz (ed.), *Fürsten, Macht und Krieg. Der Jülich-Klevische Erbfolgestreit. Katalog zur Ausstellung im Stadtmuseum der Landeshauptstadt Düsseldorf* 7. Nov. 2009-3. Jan. 2010 (Düsseldorf 2014) pp. 90-129.

⁶⁴ Engelbrecht, *Landesgeschichte Nordrhein-Westfalen*, 155.

Wolfgang Wilhelm accepted the influence of the bishops, whereas Brandenburg did not.⁶⁵ The bishops' influence would be accepted until 1624, when additional provisional agreements were made regarding religious matters.⁶⁶ From that year onwards, all Protestant meetings were banned, and four years later the Protestant Latin School in the principality of Jülich was closed.⁶⁷

3.4 The Lower-Rhine Area until the Peace of Prague (1635)

Despite the Treaty of Xanten, the inhabitants of the principalities acknowledged neither Prince-Elector Johann Sigismund of Brandenburg, nor his successor Georg Wilhelm, nor Duke Wolfgang Wilhelm. This was, to a large extent, caused by the difficulty faced by the princes when attempting to honour the nobility's existing privileges, and to obtain their consent in matters related to taxation. In addition, 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, in accordance with the latest Spanish objective. As the cease-fire with the Republic had ended, the principality of Jülich was thought to be an advantageous base of operations. In the meantime, the nobility of the nearby Duchy of Berg protested against the presence of Dutch garrisons, which were currently stationed in its principality. Moreover, in addition to the presence of these foreign occupying forces now facing one another in Jülich and Berg, Duke Wolfgang Wilhelm and Prince-Elector of Brandenburg, in control of the principalities likewise, opposed each other's policies, especially when it came down to religious matters.⁶⁸

The Spanish soldiers extorted the inhabitants of the principality of Jülich. The Dutch tried to influence policy by means of catching and stretching (Germ.: *Fangen und Spannen*)

⁶⁵ K. Jaitner, *Die Konfessionspolitik des Pfalzgrafen Philipp Wilhelm von Neuburg in Jülich-Berg von 1647-1679. Reformationsgeschichtliche Studien und Texte. Band 107* (Münster 1973) 69-76.

⁶⁶ Leffers, *Die Neutralitätspolitik des Pfalzgrafen*; Ackermann, 'Die evangelischen Gemeinden'.

⁶⁷ *Idem*; Smolinsky, 'Jülich-Kleve-Berg', pp. 86-106.

⁶⁸ Ackermann, 'Die evangelischen Gemeinden in Düsseldorf', pp. 81-108; Leffers, *Die Neutralitätspolitik des Pfalzgrafen*; H. Dahm, 'Verluste der jülich-bergischen Landmiliz im Dreißigjährigen Krieg', in: *Düsseldorfer Jahrbuch* (1951), pp. 280-288

hostages — especially clergymen.⁶⁹ In response, Duke Wolfgang Wilhelm raised an army of 2,500 men to protect both ‘his’ principalities, and he even managed to temporarily control the County of Ravensberg in 1622.

In 1624, the first *Landtag* since 1611 was assembled. Given the difficult situation, many grievances (Lat.: *gravamina*) were put forward which needed to be discussed. The nobility eventually consented to the requested taxations for defensive military purposes.⁷⁰ However, in the end, more money was levied than had been agreed upon. This led to much opposition from the nobility, especially because the money was spent on an army to fight the Prince-Elector of Brandenburg. Consequently, a new *Landtag* was held in 1625. Walz concluded that the duke attempted to gain the upper-hand during this meeting, while the nobility stressed their privileges. These privileges included the right to organise assemblies without the duke’s presence, as part of the ‘*landständische*’ freedom (*ständische Freiheit*), and consequently, they organised just such an assembly.⁷¹

As a consequence of the unauthorised increase in taxation in 1624 and 1625, the nobility complained at the Aulic Court in 1626, hoping to obtain a verdict concerning the violation of their privileges.⁷² And indeed, in 1627 a *Pönal mandat* (Engl.: penal mandate) was issued to prevent taxations without the obligatory consent of the nobility.⁷³ In this *Mandatum cassatorium et inhibitorium*⁷⁴, it was stipulated that Duke Wolfgang Wilhelm would be fined 100 *Goldmark* if he ignored the nobility’s privileges again. This ruling was suspended as a result of the duke’s personal presence in court; however, this did not mean that his actions were condoned. The emperor himself vouched for the nobility’s safety and their protection.

A year later, imperial military victories threatened the position of the duke, reaffirming that the emperor could reclaim and regain the Lower-Rhine Area by force. The duke undermined his own position even further by – again – requisitioning taxes without consent.

⁶⁹ P.H. Wilson, *Europe’s Tragedy. A New History of the Thirty Years War* (London 2010), 331.

⁷⁰ Walz, *Stände und frühmoderner Staat*, 43 and 146-149.

⁷¹ *Idem*, 59.

⁷² *Idem*, 63.

⁷³ *Idem*, 43.

⁷⁴ With such a mandate, claimants were protected as well as their possessions (*inhibitorium*) and were also protected from prosecution (*cassatorium*). See: T. Neu, *Die Erschaffung der landständischen Verfassung Kreativität, Heuchelei und Repräsentation in Hessen (1509–1655)* (Cologne 2013) 194; C.A. Romein, ‘Vaterland, patria und Patriot in den Rechtsangelegenheiten Hessen-Kassels (1647-1655)’, in: A. Denzler, E. Franke & B. Schneider (eds.), *Prozessakten, Parteien, Partikularinteressen Höchstgerichtsbarkeit in der Mitte Europas vom 15. bis 19. Jahrhundert* (Oldenbourg 2015), 117-136, here p. 122.

The emperor had guaranteed the safety of the nobility, and a new legal complaint was filed; the Prince-Electors of Bavaria and Cologne mediated between September 1628 and April 1629 during the long *Landtag*.⁷⁵ The items up for debate 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. A compromise was reached on 25 March 1629, in which neither of the complainants gained the upper-hand.⁷⁶ The *Landstände* sought the emperor's recognition of this compromise, but if they did not succeed in obtaining it, they might still go to the Aulic Court to pursue legal recognition and enforcement of the compromise.⁷⁷ At the next *Landtag* in 1631, it became clear that both the *Landstände* and the duke had accepted the nine main points of the compromise.

Duke Wolfgang Wilhelm and the Prince-Elector of Brandenburg worked on a temporary agreement between the years 1629-1631. They agreed not to dispute each other's claims for 25 years.⁷⁸ Their aim was to avoid being deprived of their Lower-Rhine principalities. Duke Wolfgang Wilhelm also concluded a neutrality-pact with both the Spanish and the Dutch. This pact was agreed upon with the required consent of the emperor himself;⁷⁹ Emperor Ferdinand II had allowed Duke Wolfgang Wilhelm to pursue this in 1630 and duly acknowledged the successful agreement (1635).⁸⁰ Yet, despite the acclaimed neutrality, troops continued to march through the principality as a result of its ideal geographical location.⁸¹ From 1632 onwards, 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 passed through the Lower-Rhine Area, leaving destruction in their wake. Meanwhile, Duke Wolfgang Wilhelm struggled not to formally enter the war.

⁷⁵ Neu, *Die Erschaffung der landständischen Verfassung*, 43.

⁷⁶ *Idem*, 44.

⁷⁷ *Ibidem*.

⁷⁸ *Ibidem*.

⁷⁹ *Ibidem*.

⁸⁰ Engelbert, 'Der Hessenkrieg am Niederrhein (1. Teil)', p. 67.

⁸¹ M. Kaiser, 'Überleben im Krieg – Leben mit dem Krieg. Zum Alltagsgeschichte des Dreißigjährigen Krieges in den niederrheinischen Territorien', in: S. Ehrenpreis (ed), *Der Dreißigjährige Krieg im Herzogtum Berg und in seinen Nachbarregionen* (Neustadt an der Aisch 2002), pp. 181-233, here: p. 182-188.

Strangely enough, it was the emperor himself who eventually caused problems when it came to maintaining the precarious balance.⁸² Firstly, the emperor used the principalities of Jülich as the assembly-point for his troops. Secondly, it was assumed that long-term billeting would not cause any problems.⁸³ 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, on top of this, extortion – were accepted as unavoidable facts. Furthermore, these acts generally took place with impunity.⁸⁴ The emperor did not consider any of these issues to be an impediment to the neutrality of Jülich.

In 1633, the nobility protested and decided to refrain from attending the *Landtag* altogether. This meant that no approval for taxations could be obtained. As a result, levying taxes became illegal and the duke's actions were condemned.⁸⁵ However, between 1635 and 1649 the nobility established their own system to tax the commoners, justifying the system by referring to privileges that they traditionally held.⁸⁶

It is generally assumed that it would have been difficult for subjects to distinguish between the various marauding forces and their allegiances and therefore to condemn or support a particular side. Yet, Michael Kaiser mentions the fact that the farmers resisted the Count Palatine's soldiers in 1635.⁸⁷ Apparently, these people could tell the difference between the various armed forces after all. The complaints made and the measures taken by the nobles to protect their inhabitants from armed forces had not worked so far, and the duke's 'own' forces were considered to be an additional burden that could not be supported.

Unable to communicate with the duke's council, the nobles assembled in 1634 without notifying him. They did so while pointing to their right to organise assemblies.⁸⁸ While gathered, the nobility criticised princely politics. This critique focused on two main issues: (1)

⁸² Walz, *Stände und frühmoderner Staat*, 45.

⁸³ Kaiser, 'Überleben im Krieg', p. 182-188.

⁸⁴ *Idem*, p. 193.

⁸⁵ Walz, *Stände und frühmoderner Staat*, 61.

⁸⁶ *Idem*, 112-118.

⁸⁷ Kaiser, 'Überleben im Krieg', p. 214.

⁸⁸ Walz, *Stände und frühmoderner Staat*, 47.

that the nobility was not being consulted and (2) that the duke's own armed forces remained present in the principality.

3.5 The Lower-Rhine Area until the peace of Westphalia

A pamphlet containing an imperial request read that a total of 2,000 foot soldiers and 300 horses was required from Jülich and Berg in January 1636.⁸⁹ Despite the expressed understanding that this would burden the principalities – as they needed to provide in their own defence too, this pamphlet mentioned that the request could not be refused. 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 new recruits.⁹⁰ 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.⁹¹ The duke had hoped that these payments would result in the withdrawal of troops, but instead they attracted more foreign troops hoping to extract money from Duke Wolfgang Wilhelm. These included imperial forces in 1642, which excused themselves by claiming they constituted a protective presence, as neutrality could clearly no longer be maintained.⁹² Consequently, the people in Jülich and Berg paid high taxes, and experienced an increase in the billeting of soldiers.⁹³ The nobility blamed the deterioration in affairs on the duke's policy, which the nobility had previously objected to.

⁸⁹ JL Akten 47, 7 Januari 1636: p. 297 v^o-298 r^o.

⁹⁰ During previous years, soldiers had been billeted in the Jülich-Berg principalities, but not on such a large scale. See Walz, *Stände und frühmoderner Staat*, 47.

⁹¹ JL Akten 38, 21 December 1641 (printed): *Kayserlich Schreiben an Gvilische Landt-Standt abgegangen Ferdinandt der Dritte von Gottes Gnaden, Erwohlter Römischer Kayser zu alten Zeiten* (p. 466 r^o-467 v^o); Engelbert, 'Der Hessenkrieg am Niederrhein (1. Teil)', p. 69; For an indication on the value of the currency, see: Wilson, *Europe's Tragedy*, xxii.

⁹² Engelbert, 'Der Hessenkrieg am Niederrhein (2. Teil)', p. 38.

⁹³ Engelbert, 'Der Hessenkrieg am Niederrhein (1. Teil)', p. 76.

In mid-January of 1642, the town of Uerdingen was besieged.⁹⁴ The presence of the various armed forces eventually resulted in a battle at St. Tönis-Haide near the town of Kempen.⁹⁵ This was the only battle fought in the Lower-Rhine Area during the Thirty Years' War. During this encounter the Catholic armed forces of Cologne and the emperor's army clashed with the joined forces of France, Weimar and Hesse-Cassel. As the latter outnumbered the imperial forces, they decided to attack prior to the arrival of the Catholic reinforcements led by Field Marshal Hatzfeldt, en route to assist Guillaume de Lamboy's army. Outnumbered and lacking the protection of a strategic position, the Imperial-Cologne forces were defeated.⁹⁶ Their Supreme Commander Lamboy was imprisoned, together with a large number of officers, and approximately 4,000 common soldiers. The remainder of the army fled, and, to some extent, joined the army of Hatzfeldt.⁹⁷ Soldiers roaming around the principalities posed a major threat to the stability, peace, and well-being of the inhabitants. The troop-movements continued and a large number of individuals fled the Lower-Rhine Area, hoping to escape the horrors of war. They went into hiding in cities, forests, and across the borders — especially in the Dutch Republic.⁹⁸

In September 1642, Duke Wolfgang Wilhelm informed the inhabitants of the city of Jülich that they would be receiving 300 soldiers as 'guests'. The text of his announcement to the city of Jülich notified them that these soldiers would arrive through the Jülich- or citadel-gate, under the command of Imperial Marshall Hatzfeldt and General Von Blumenthal.⁹⁹ Needless to say, this was displeasing to the town's residents.

⁹⁴ The town was already besieged by the end of December 1641, according to imperial writing: JL Akten 38, 21 December 1641 (printed): *Kaysers Schreiben an Gültische Landt-Standt abgegangen Ferdinandt der Dritte von Gottes Gnaden, Erwohlter Römischer Kayser zu alten Zeiten* (p. 466 r^o-467 v^o).

⁹⁵ E. von Schaumburg, *Die Schlacht auf der St. Tönis-Haide (17. Januar 1642) und die Einnahme von Oedt, Neuß, Kempen und Linn*. In: *Annalen des Historischen Vereins für den Niederrhein* (1882), pp. 50–86, here: 66; Kaiser, 'Überleben im Krieg', p. 189.

⁹⁶ C. Reichmann, *Archäologische Untersuchungen an der mittelalterlichen Landwehr (Hückelsmay)*. in: *Verein für Heimatkunde e.V. Krefeld: Die Heimat - Krefelder Jahrbuch*. Ausgabe 80 (Krefeld 2009), pp. 186-189, p.186-187. (See for the full text: <http://www.heimat-krefeld.de,website,dieheimat,2009,DH80,186-189.pdf>)

⁹⁷ Wilson, *Europe's Tragedy*, 633; von Schaumburg, *Die Schlacht auf der St. Tönis-Haide*; Engelbert, 'Der Hessenkrieg am Niederrhein (1. Teil)'; Engelbert, 'Der Hessenkrieg am Niederrhein (2. Teil)', p. 59.

⁹⁸ Engelbert, 'Der Hessenkrieg am Niederrhein (2. Teil)', p. 78.

⁹⁹ JL Akten 39, 23 September 1642.

The Lower-Rhine Area became less interesting to the emperor – military speaking – after Hatzfeldt’s departure in pursuit of Jean Baptiste Budes, Count of Guébriant (1602–1643), who fought under French command. Shortly after the departure, the nobility called an assembly.¹⁰⁰ The nobles wanted to meet, as they were concerned about recent developments. They met on Saturday 8 November in the Dominican convent of the city of Cologne. Here they wanted to talk about their beloved fatherland’s hardships, and the *Landstände* considered it their duty to do whatever they could to protect it.¹⁰¹

The nobles planned to debate on the duke’s expenses, which he expected the commoners to pay. These were financial problems that greatly burdened and oppressed the fatherland. Hence the nobles were urged to attend, and they were reminded that the problematic contributions to the Hessian army were to be discussed.¹⁰² During this November meeting, the nobles of Jülich appointed a *syndic* by the name of Sigismund Mockel, who would represent them and safe-guard the nobility’s interests thereafter.¹⁰³

In 1643, the city of Düren was damaged, and everyday life was obstructed. The nobility discussed these problems, and they agreed that the burdens of Düren should be reduced.¹⁰⁴ The destitution and the prosperity (Germ.: *Wolffahrt*) within our beloved Fatherland¹⁰⁵ would be

¹⁰⁰ Engelbert, ‘Der Hessenkrieg am Niederrhein (2. Teil)’, p. 57.

¹⁰¹ Part from: JL Akten 39, 29 October 1642 (one-page leaflet, printed): ‘Demnach bey jetzigem zustant wegen unterschiedlich eingefallenen Ursachen, auch auff gutbefinden der hochlöblicher generalitet der Kayserlichen KriegsVolckern, die hohe notthurfft erfordert, das beyder Fürstenthumb Gülich und Berg herrn Landstände förderlichst zusammen beschrieben werden, umb ober deß lieben Vatterlandts obligen zu deliberiren und die notthurfft vorzustellen: und dan mir so woll vermög vor diesem gemachten Landtags conclusis als sonsten ex speciali commissione auffgeben worden, das auch bey abgang deß Gülichen Syndici auff erforderten nothfall die Herr Landstände obgemelter beyder Fürstenthumben einbeschreiben solte, gestalt Sambstag der 8. negst einstehenden Monats Novemb[e]r hieselbst in Cölln in der Herrn Dominicaner Closter zu erscheinen anbestimbt worden.’

¹⁰² JL Akten 39, 9 November 1642.

¹⁰³ JL Akten 39, 9 November 1642.

¹⁰⁴ Part from: JL Akten 39, 8 January 1643: ‘Demnach bey versamblung der Gülicher Landstände in Cölln zu erleichterung deß gemeinen Mans bey diesem beschwerlichen Kriegswesen, die In- und außwendige Geistliche von deren Jährlichs einkommenden Renten Pflichten und gefällen, vom hundert ad zehen anzuschlagen beschlossen und verabscheidt worden, dabey dan die Früchten ad Dürener maß zu reduciren, unnd daß Malter schwarzer Früchten ad zween und lichter Früchten ad einen Reichstaler zu rechnen. So wollen die herrn Beambten in dern anbefolenem Ambt daran sein das selbige Geldere wie von altersherkommen umbgesetzt, erhaben, und dem verordneten Einnemeren Johannem Hontheimb in Cölln vor S. Agathenkirchen inwendig dreyen wochen richtig eingelieffert werden.’

¹⁰⁵ JL Akten 39, 18 April 1643 (printed): ‘Demnach einige Sachen bey diesem unseres lieben Vatterlandts betrübten, und armseligen zustand vorgefallen, darumb die hohe unum[m]gengliche notthurfft zu sein erachtet worden, daß die Güliche herzen Landstände, von Ritterschafft und Stätten sonderlichst zu beschrieben würden,

discussed during the next assembly in Cologne, on 2 May 1643.¹⁰⁶ Moreover, the topic of debate would be how prosperity could be improved.¹⁰⁷ Following this assembly, a pamphlet was issued containing a number of grievances about the duke's behaviour. The pamphlet mentioned that on 29 November of the previous year, and on the 28 March of that current year 1643, Duke Wolfgang Wilhelm had requisitioned taxes and duties.¹⁰⁸ The nobility wrote that they were dismayed at not having been consulted, despite their consent being needed for the levying of resources. Moreover, they were clearly incensed by the duke's cold-heartedness when they described the desolate situation of *their* lands. These were subjected to pillaging, theft of resources, plundering and looting of towns, castles and villages. The poor inhabitants were burdened with the billeting of soldiers, taxes and contributions which impoverished them. Many people left hearth and home, hoping to escape these perils of warfare and entrusting their lives to foreign princes.¹⁰⁹

When the nobles wrote their critique, they bore the most recent illegal taxations of March in mind. These yielded at least 1,000 *Reichsthaler* in both the Duchies of Jülich and Berg. Their main arguments, presented in this letter of 6 May 1643, were based on previously

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 dem obrigen anwesenden herren LandtStände[n], die bevorste beyde notthurfft beratschlagen, und darüber Schliessen zu helffen, wie unseres lieben Vatterlands wollfahrt es erfordern wirdt. Signatum Cöln den 18. Aprilis 1643. Ex Commissione &c. Sigismund Mockel.'

¹⁰⁶ JL Akten 39, 18 April 1643 (printed).

¹⁰⁷ JL Akten 39, 18 April 1643 (printed).

¹⁰⁸ JL Akten 39, 6 May 1643, p. 1 (printed). 'Abermalige Protestirliche Contradition, und Erinnerung der Gülich- und Bergischer Land-Stände, u[sw]. Wider Ihre Fürstliche Durchleucht Pfalz-Newburg sub Dato den. 29. Nouembris [Novembris] [1]642 so dan[n] den 28. Martij [1]643 Jahrs uneingewilligte und den Privilegijs zuwider außgeschriebene Stewr- und Licent-Geldere. Getruckt im Jahr Christi 1643.'

¹⁰⁹ Part from: JL Akten 39, 6 May 1643, p. 2-3: 'Demnach Wir Gülich- und Bergische Landstände, von Ritterschafft und Stätten, mit höchstem unserm Leydwesen und Wehemuth vernehmen müssen, daß der Durchlechtigster 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 empörlichen 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 Dörfferen, und dergleichen unzählig verübte Kriegs Dressuren und Drangseln, wie dan auch beharzlichen von Jahr zu Jahren continuirende Einlägerungen, Stewrn und Contributionen dermassen zugerichtet und ruinirt, daß schier meistentheils derselben von Hauß und Hoff verlaufen, und im Elend sich kümmerlich in frembder Herren Landen auffzuhalten bemüsigt werden: Andere auch gutentheils auß lauterer Betrübnuß und Armseligkeit jämmerlich verstorben: Die dritte, so noch obrig blieben, das liebe trocken Brod, umb deren Weib und Kinder beym Leben zu erhalten, nit haben können, u[sw]. Dessen alles aber unangesehen, under Dato Düsseldorf den 29. Nouembris [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 Düsseldorf [d]en 9. Martij scheinenden [1]643 Jahrs.'

obtained legal verdicts. These verdicts had been arrived at with full knowledge of the causes¹¹⁰, and were a *Mandatum poenale cassatorium*.¹¹¹ Both rulings on behalf of the emperor had restrained Duke Wolfgang Wilhelm when it came to the requisitioning of taxes.¹¹² Nevertheless, the duke had clearly needed this reminder. The situation as a whole was remarkable since the nobility had hardly assented to any taxation at all since 1632. In fact, the duke did not again receive permission to levy taxes until 1649. Thus, the duke's requests during this period, despite the lack of approval of the nobles, indicate his despair.¹¹³

Duke Wolfgang Wilhelm had seriously violated the notions of liberty, noble privileges, law and justice, according to a pamphlet issued in 1643.¹¹⁴ By means of 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.¹¹⁵ 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 on the basis of written traditions.¹¹⁶ He was under the obligation to take care of his lands with 'fatherly' precautions.¹¹⁷ How this pledge was received, is, unfortunately, unknown – though the years following the Duke's renewed commitment show that there was little change in the duke's 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.¹¹⁸ The dear and loyal *Landstände* were established in their right and Duke Wolfgang Wilhelm was reprimanded for his illegitimate activities in Berg and a reference to a – for the time being – restricted succession to both Jülich and Berg was made.¹¹⁹ Despite the fact that

¹¹⁰ Lat.: *cum plenissima causae cognitione*.

¹¹¹ Mandate with a penalty clause, with protection from prosecution for the claimants.

¹¹² JL Akten 39, 6 May 1643, p 4.

¹¹³ Walz, *Stände und frühmoderner Staat*, 90.

¹¹⁴ JL Akten 39, 6 May 1643, p 6.

¹¹⁵ JL Akten 39, 6 May. 1643, p 7.

¹¹⁶ JL Akten 39, 2 August 1643 printed in Cologne (printed, 2-side leaflet).

¹¹⁷ JL Akten 39, 2 August 1643 printed in Cologne (printed, 2-side leaflet).

¹¹⁸ JL Akten 40, 16 January 1644.

¹¹⁹ JL Akten 40, 16 January 1644, p. 6.

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, four days later the Lower-Rhine-Westphalian Circle and the Imperial Council met and quickly sent out a signed a letter concerning specific taxes in Jülich. Contrary to what the nobility of Jülich had expected, the taxes requested by the duke over the past four months, had to be paid with only a few days' notice, because the officers of the garrisons depended on them.¹²⁰ It is important to note that the requests for taxes had to be complied with within several days, which heightened the experienced burden.

The nobility did receive help, from those who had sworn to uphold the Xanten Treaty, and who were soon sending letters to Duke Wolfgang Wilhelm. On 19 June 1644 a French letter arrived. Dated ten days later, another one from the Dutch Estates General, with the acknowledgment of the Prince of Orange was received.¹²¹ Both letters addressed to the duke, stressed his malpractices and focussed on his need to improve his behaviour towards his subjects.

Somewhat later in the same 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 privileges.¹²² 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. In accordance with his ruling – the penal mandate concerning Berg – the emperor's decision on Jülich read that the tax collectors should not execute the task they had received from the duke. The verdict read that those who had already paid, would be reimbursed.

On 9 August, the nobility met and debated the issues arising from the war. In contrast to most of their former meetings, the illegal taxation levied by the duke was not the dominant issue.

¹²⁰ JL Akten 40, 20 January 1644.

¹²¹ JL Akten 40, 19 July 1644, French letter to the duke (French signature is unreadable); JL Akten 40, 29 June 1644: Dutch letter of the Estates General to Duke Wolfgang Wilhelm of Pfalz-Neuburg.

¹²² JL Akten 40, 11 July 1644.

The possibilities of decreasing the burdens caused by billeting as borne by the city of Düren were the main agenda. It was considered a necessity to have sufficient revenues, but also a necessity to relieve the inhabitants of that city. Therefore, an alternative was suggested: should the clergy be made to pay taxes, and perhaps the nobility as well?¹²³

Many people had already left the principality of Jülich due to the violence. The link between the violence and the emigration was pointed out in a document published on 12 September 1644.¹²⁴ After losing their homes and goods, some people answered the call to enter service in the army – supposedly on the grounds that there was nothing left to lose. This troubled the nobility of Jülich, as farmland was abandoned in the process. Although they did consider taking up service in defence of the Holy Roman Empire to be an important purpose, the nobility concluded it was necessary for people to be deterred from making this choice. An envoy was sent to the Imperial War Council in order to explain the situation, assuming that the council would understand that damaging daily life by extracting vital manpower would be detrimental to the empire as well.

On 13 August 1644 the nobility presented an account of what the disgruntled and distressed inhabitants of the Duchy of Jülich were burdened with: taxations which were too high and which were forcefully imposed.¹²⁵ Moreover, it was stressed once more that the taxes were – in general – not legitimate, because of the absence of consent by the *Landstände*. On this same date, a reference to *soldateska* rather than soldiers was made.¹²⁶ This was far more than just a reference to armed forces. As Peter Wilson explains, *soldateska* had a violent and negative connotation, and referred specifically to lawless soldiers.¹²⁷ Commanding officers were asked to step in and prevent soldiers from harassing the treasurer; the commanding officers were accused of lack of control over their soldiers.

This accusation was countered the next year. A field marshal of the Imperial Forces stated in early January 1645 that he had received a number of complaints regarding his

¹²³ JL Akten 40, 9 August 1644.

¹²⁴ JL Akten 40, 12 Augustus 1644: one-page leaflet (print) of the Imperial Chancellery inviting people to defend the Holy Roman Empire.

¹²⁵ JL Akten 40, 13 Augustus 1644, one-page leaflet (print) reaction of the *Landstände* of Jülich concerning the Imperial request.

¹²⁶ JL Akten 40, 13 Augustus 1644.

¹²⁷ Wilson, *Europe's Tragedy*, 623.

soldiers.¹²⁸ With this choice of words, the marshal implied that his forces consisted of disciplined, not disorderly men.¹²⁹ All of the complaints, he noted, were caused by actions which occurred during the collection of monthly contributions of about 3,145 *Reichsthaler*¹³⁰ rising to 5,000 *Reichsthaler* later that year, during which time several soldiers had allegedly extorted money and goods from local inhabitants. The malefactors allegedly received punishment, and the other soldiers were ordered to leave the people, their lands, and their goods unharmed. Of course, the monthly fees would still have to be collected, but otherwise, the army was expected to leave inhabitants alone.

At an unknown date in early 1645, a *Manifest*¹³¹ against the policy of Duke Wolfgang Wilhelm¹³² was written on behalf of the *Landstände* of Jülich and Berg.¹³³ Appraisal of the duke's policy leads 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 requisition of money led to the accusation that he was pursuing an 'absolute [sic] Dominatus'.¹³⁴ As a consequence, the loyal *Landstände* met out of loyalty and patriotic affection for the beloved Fatherland and its inhabitants.¹³⁵ The fatherland's prosperity was said to be severely damaged by the presence of *soldateska* and the – obligatory – payment of monthly fees.¹³⁶ Unfortunately, the duke had ignored the complaints of the *Landstände* so far.¹³⁷

On 3 March 1645, a pamphlet was printed in the city of Cologne.¹³⁸ Content-wise it seems to be an elaboration on the previously discussed *Manifest*; but it is not an exact copy.

¹²⁸ JL Akten 40, 4 January 1645.

¹²⁹ Wilson, *Europe's Tragedy*, 623.

¹³⁰ JL 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.

¹³¹ This 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.

¹³² JL Akten 40, no date (30 pages, handwritten). The first words read 'Ob woll beijder Furstenthumb Gülich und Berg [...]'.
¹³³ *Idem*.

¹³⁴ *Idem*, p. 5.

¹³⁵ *Idem*, p. 5.

¹³⁶ *Idem*, p. 7. This complaint is repeated on page 26 and 28.

¹³⁷ *Idem*, p. 28-29.

¹³⁸ JL Akten 40, (pamphlet) *Wiederholte Gerreive Warnung Der Gülich: und Bergischer Landtstände Wieder Ihre Fürstl. Durchl. Pfalz Newburg sub da to Düsseldorf 4. Februarij oneingewilligte einfettig außgeschriebene anmaßliche Steuer Geldere Im Jahr 1645* (Cologne, 3 March 1645).

The hand-written version of the pamphlet happens to be available in the Akten Jülicher *Landständen* as well.¹³⁹ It was a collective endeavour of the *Landstände* of Jülich and Berg. This text explicitly referred 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 requested that taxes be collected without the nobility's consent. As in the past, the duke was accused of illicit behaviour and imperial rulings were quoted that made specific reference to the privileges of the nobility. The nobility was irritated by the continuous violations of their privileges. Therefore, they wrote in the aforementioned pamphlet that the duke had used false pretexts to enable the mandatory levy of taxes to which they had not agreed in advance.¹⁴⁰

In addition to the unlawful nature of the taxes, and the fact that the subjects were coerced into paying them, Duke Wolfgang Wilhelm was accused of: repeatedly going against imperial decisions and seriously harming the interest of the principality and its inhabitants. It was obvious that the requisitioning went beyond what the *Landstände* could condone. According to the claimants, the Duke clearly used the deployment of soldiers as a means of exacting payment of the compulsory taxes from his subjects.¹⁴¹ These harmful actions troubled the nobility, and

¹³⁹ JL Akten 40, (handwritten) *Wiederholte Gerreive Warnung Der Gülich- und Bergischer Landstände Wieder Ihre Fürstl. Durchl. Pfaltz Newburg sub da to Düsseldorff 4. Februarij oneingewilligte einfettig außgeschriebene anmaßliche Steuer Geldere Im Jahr 1645* (Cologne, 3 March 1645).

¹⁴⁰ Section from: JL Akten 40, 3 March 1645, p. 3-4: 'Bevor ab den punctum collectandi oder Steuer, Accisen, Urenten, Zöll, und vergleichen außschreib- und erhebung betreffend, endtlichen abgeortheitet, auch dießfahls zu wiederholtem mahl durch Poenalia mandata, Inhibitoria & restitutioria allergnädigst befohlen, Nemblich daß höchtemelme Ihre Fürstl. Durchl. Pfaltz Newburg unter seinerley Schein oder praetext bemächtigt seyn sollen, einige Steuergeldern, Urcisen, Licenten, Zöll, oder dergleichen Auflagen, wie die auch Nahmen haben mögen, welche dero Gülich- unnd Bergische Landstände auff einem gemeinen außgeschriebenen Landttag nicht per maiora zuvoren eingewilliget, außzuschreiben, umbzulagen, viel weniger aber von den armen Underthanen zu erzwingen und 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 Endturtheilen, Decreten, Rescripten, Resolutionen und Mandaten.'

¹⁴¹ Section from: JL Akten 40, 3 March 1645, p. 7-9: 'Ob nun wol Ihre Fürstl. Durchl. in dero einseitigem Ausschreibens 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 Gülich- und Bergische Landstände den jüngster abhandlung wegen Monatlicher Unterhaltung der Kayserlichen Kriegs Völckeren in beyden Fürstenthumben Gülich und Berg, mit dero Röm. Kaiserl. Mayest. in Cöllen den hoch wolgebornen Herren Herren Ernstern 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 reducirte Anzahl die ren [*illigible*] 800. Mann zu Fuß und 100. zu Roß gleichfals dero Monatlicher Underhalt 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

hence out of patriotic feelings and affection for the fatherland they spoke out against the duke's politics.¹⁴²

As a result of their patriotic feelings, they felt the need to protect their beloved fatherland. They also mentioned that the area was not the duke's rightful possession, but that it

beyde Fürstenthumb repartirt und außgeschrieben, sonderen auch durch Ihrer Käyserl. Mayest. Reichshoft Raht und deß löblichen Westphalischen Creytz General KriegsCommissarium den Wol Edelgebornen unnd Gestrengen Herren Joachim Friederichen von Blumenthall auff gemeldte Newburgische Volckere vergleichener massen affignirt und angewiesen worden, die weniger aber nicht ober obgemelte Anzahl denen vorlengkt Ihrer Fürstl. Durchl. von deß Herren General Veldmarschallen Graffen von Hatzfeldt Ercell Oberlassener Soldateska auch anderwärts dero Monatlicher Underhalt gleichfals angewiesen, und damitten von Augusto nechstlitten bißhero in den Februar rium inclusiuè continuiret worden, gestalt Ihre Fürstliche Durchl. seine befugte Ursach haben, unterm Schein und Praetert dero Soldatesca die verarmbte Eingesessene und Unterthanen ferners zu graviren, und mit unerzwinglichen Contributionen unnd Exactionen (wie leyder seyter erliche Jahren gar zu oft geschehen) onmild eiglich und uubbelt [*illigible*] zu beschweren.'

¹⁴² Section from: JL Akten 40, 3 March 1645, p. 4-7: 'Dennoch weiln die Gülich: un[d] Bergische Landstände mit dero höchstem leydtwesen ober alle zuversicht und verhoffen vernehmen müssen, daß hochstgedachte Ihre Fürstl. Durchl. Pfaltz Newburg mit höchst verkleiner: und straffbarlicher hindansetzung allerhochst gemelter Ihrer Kaiserl. Mayest. Als dieser Fürstenthumben und Landen Ober- und Lehenherren Verordnungen und Befelchen unterm praetext oder schein der in beyde Fürstenthumb Gülich und Berg eine grosse GeltSumma gegen deß Vatterlandts wol herbrachte kundbare Privilega, Freyheiten, alt herkommen Recht und gerechtigkeiten, unter dato Düsseldorf den vierdten nechst ab gangenen Monats Februarij außgeschrieben, und allsolche einseitig angelegte Contributiones von denen ohne daß auss Marck und Beyn außgesogenen, verarmten, und noch wenig obrigen Unterthanen ohn einige mildte oder reflexion auff dieser Landen elendigen zustandt, nebenst den vorhin gleicher gestalt außgeschrieben und uneingewilligten unerzwinglichen Geltsteuern, noch weiters zu erzwingen und abzupressen dero Beamten ernstlich anbefohlen. Und dass diese höchstgemelt. Ihrer Fürstl. Durchl. Proceduren und Verfahrungen von dero hochgeehrte[n] Vorfahren Herzogen zu Gülich und Berg Chriftseligsten andenkens, niemals gesehen, gehört, oder in Historijs dieser Fürstenthumben (unangesehen derselbe Ständt und underthanen seyther Ihrer Fürstl. Durchl. anwesenheit in dieser Lande[n] derselbe[n] mehr, als bey allen vorige[n] ungezweifelten Landsfürsten geschehen, nach und nach unter die Arm gegriffen) gelesen worden gestalt es kein ander ansehen oder nachdencken verursach, als d[iese] Höchst[ge]da[chte] 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 Landtstände, so dann Geist- unnd Weltliche Eingesessene zufferst enervieren, deren noch wenig ubrigen Lebensmitteln entblößen, folgendts dieselbe untertruckten, gleichsamb zur Schlavieren und Knechtschafft bringen, und also den lang vorgehabten zweck eines absoluti Dominatus in diesen landen einführen, und stabiliren mogen.

Sohaben wolg[efa][ene] Landtstände eine notthurfft zu seyn ermessent, zu bezeugung Ihrer biß dahero getragener, und noch biß in die Grube zu beharzlicher und continuirender trewer auss richtiger redlicher und patriotischer zunergung un[d] affection gegen dero geliebtes Vatterland, und dessen Eingesessene und Beerbte Geist- und Weltliche, Adliche und Unadliche, auch jeder, manniglich fürstlich etwa den ungrundt deren in bemeldtem Fürstl. Außschreiben begriffenen anraten zu entdecken, der gebühr (vorbehaltlich doch in alle wege Ihrer Fürstl. Durchl. geziemenden hohen Fürstl. Respects) zu hinder treiben, unnd zu remonstriren. Warumb vielgemelte Eingesessene und Beerbte all solche von Ihrer Fürstl. Durchl. Außgeschriebene, von den Landtständen aber nicht eingewilligte Steuergelde 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 werthen Posserität und gefährlicher consequenz halber, obligirt und verbunden seyen.'

was a possession (*Possesitüt*).¹⁴³ This clearly indicates that he was still regarded as possessor and not as their ruler, even in 1645.¹⁴⁴

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. The nobility went so far as to articulate the belief that the duke's actions constituted an attempt to establish an *absolute* [sic] *Dominatus*.¹⁴⁵ Thus, they literally claimed that the duke held the ambition of becoming an arbitrary ruler over the principalities, and was using office-holders to harm his subjects. According to Alexander Schmidt, a situation such as experienced with Duke Wolfgang Wilhelm who risked becoming a tyrant, justified the defence of the *patria*.¹⁴⁶

By the end of 1646, the *Landstände* deemed it necessary to assemble. According to the summons for this particular meeting, the agenda included the need to discuss the presence of enemy troops and the heavy burdens that accompanied them.¹⁴⁷ The aforementioned burdens had already been enumerated earlier that year.¹⁴⁸ Based on this earlier pamphlet, published by the Emperor's War Council on 26 November in Siegburg, it was obvious what the origin of the tension was. The pamphlet explained that soldiers and other military men should be content to sleep in houses, and should not demand more than just accommodation – i.e. they were not to requisition more.¹⁴⁹ The common inhabitants in Jülich paid monthly amounts of *Reichsthalers* – which could vary per month – to support the officers of the imperial troops. Additionally, soldiers were billeted in their houses. All these aggravating circumstances, combined with the presence of the army, constituted a burden too heavy for the subjects to bear. For this reason, it was the most significant topic on the agenda during the nobility's deliberations on 8 January 1647.¹⁵⁰

¹⁴³ JL Akten 40, 3 March 1645, p. 7.

¹⁴⁴ JL Akten 40, 3 March 1645, p. 5.

¹⁴⁵ JL Akten 40, 3 March 1645, p. 6.

¹⁴⁶ Schmidt, *Vaterlandsliebe und Religionskonflikt*, 67.

¹⁴⁷ JL Akten 41, 23 December 1646.

¹⁴⁸ JL Akten 41, 26 November 1646.

¹⁴⁹ JL Akten 41, 26 November 1646.

¹⁵⁰ JL Akten 41, 23 December 1646.

On 16 January 1647, a 14-page-text appeared, issued in the principality of Cleves.¹⁵¹ It was written by the Prince-Elector of Brandenburg, who expressed his understanding for the troubled situation, and the heavy contributions that had to be paid. Moreover, he addressed the *Landstände* as loving patriots.¹⁵² The exact meaning 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. Matters had to be prepared prior to meeting the duke in a joint assembly.¹⁵³ A mere ten days after the invitation to the meeting had been issued, a pamphlet was printed whose title referred to the unification of the Duchies of Jülich, Cleves, Berg, Mark, and the county of Ravensberg.¹⁵⁴ Curiously enough, it was written in Dutch, and not in the German dialect of the area.¹⁵⁵ The pamphlet referred to the year 1496, when the Lower-Rhine Area was united. This unification had been accepted by Emperor Maximilian I. The pamphlet used this context to explain that the current duke acted in violation of the nobility's privileges, mentioning that in the past these privileges and their consequent responsibilities had been respected by all parties involved. These ancient rights were considered to be beneficial and indispensable. Reference was made to the unification of the *Landstände* of the various principalities, who had pledged themselves as well as their children to this cooperation. The text stresses that this union was renewed on 15 February 1647, being the date of print of the pamphlet. Moreover, it also becomes clear that there must also have been a German version of the text, but so far this version has not 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, it can be argued that this pamphlet probably functioned in a similar way.¹⁵⁶ In these non-German cases, no appeal was possible at the Aulic

¹⁵¹ JL Akten 42, 16 January 1647 (handwritten).

¹⁵² JL Akten 42, 16 January 1647: p. 3 v°.

¹⁵³ JL Akten 42, 5 February 1647.

¹⁵⁴ JL 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).

¹⁵⁵ It may have been written by Lieuwe van Aitzema, a Dutch diplomat: G. van der Plaat, *Eendracht als opdracht. Lieuwe van Aitzema's bijdrage aan het publieke debat in de zeventiende-eeuwse Republiek* (Hilversum 2003).

¹⁵⁶ R. Villari, 'Afterword Two: Political and Conceptual Points of Contact between the Seventeenth-Century Revolutions: Naples and Europe' in: *The Revolt of Naples*, translated by James Newell (Cambridge 1993).

or Imperial Chamber Court, which did alter the dynamics. Here in Jülich, however, a seemingly deliberate choice was made *not* to go to court, but to press the matter by publishing pamphlets.

In the Dutch Republic a pamphlet was printed on 20 April 1647, in which the discontent with the duke's politics was voiced.¹⁵⁷ This pamphlet focused on two arguments. Firstly, it stated that the duke had violated existing agreements, and noted that the Imperial Chamber Court had highlighted this fact as well. This argument was supported by the claim that the Duke of 'Nieuborgh' (Neuburg) had not called an assembly with the *Landstände* of his principalities; the absence of such an assembly was regarded as a violation of existing treaties. Furthermore, references were made to the years 1609 and 1627. In 1609, the Dutch Republic had helped the two Protestant princes conclude the Treaty of Xanten. In the latter, the *Mandatum poenale* was published: an Imperial Chamber Court ruling that stated that the duke had violated his former 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 Prince-Elector Friedrich Wilhelm von Brandenburg (1620-1688) in the principalities of Cleves and Mark in 1640. This young Protestant ruler had more pronounced ideas regarding the obligation to protect his fellow-believers and actively courted the Dutch Republic for aid.¹⁵⁸ For all the reasons discussed above, and especially 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.¹⁵⁹ Half a year later the Dutch States-General were apparently still not convinced that the duke was living up to the agreements.¹⁶⁰ In addition to the initial troops

¹⁵⁷ JL Akten 42, 20 April 1647; *Aenmaning schrijvens van de Hoogmogende Heeren Staten Generael der vereenigde Nederlanden. Aen den deurluchtigen heer hartog van Nyborgh, &c* (Knuttel 4302, 's-Gravenhage 1647)

¹⁵⁸ O. Richter, 'Und die Klugheit hört nicht auf Klugheit zu sein, wenn ihr ein Tröpschen Trug beigemischt wird. Das Patent des brandenburgischen Kurfürsten Friedrich Wilhelm zur jülich-klevischen Erbfrage von 1654', in: *DJB* 90 (2010), pp. 15-29.

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.

¹⁵⁹ JL Akten 42, 20 April 1647; Knuttel 4302, *Aenmaning schrijvens van de Hoogmogende 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.

¹⁶⁰ JL Akten 43, 28 September 1647; Dutch National Archief 1.01.02 file 3253, page 543; Dutch National Archive 1.01.02 file 98.

deployed earlier that same year, Gennip, Ravenstein, Schenkenschans, Nijmegen, Bredevoort and Grol (Groenlo) were now placed in the highest state of alert.

At an unknown date in 1647, the nobility issued a text articulating the four main points they wished to pursue.¹⁶¹ Although the original text has seemingly not survived, these censorious points were quoted in a text on 27 May, when the duke responded. The first of the nobility's demands was to have their old privileges honoured. Secondly, they demanded that office-holders should be native of either Jülich or Berg. Thirdly, financial resources could not be levied without the obligatory consent of the *Landstände*.¹⁶² Finally, the nobility wanted the various foreign armies to leave the principalities as they harmed the inhabitants by extracting contributions, and because of their need for housing. In addition to these four points, there was a request that minutes of meetings would be made available upon request.

A copy of a letter from Duke Wolfgang Wilhelm was enclosed with the *Landständische Akten*, it concerned the assembly of the *Landstände* in Cologne. It was written on 20 June 1647.¹⁶³ It commented on the debates regarding the prosperity of the fatherland and conservation.¹⁶⁴ The duke was apparently displeased with the assemblies taking place outside his jurisdiction, while such important issues were discussed and did prepare a *Landtag* with the *Landstände*.

In July 1647, a pamphlet was published by the nobility concerning an invitation of the duke to a *Landtag*.¹⁶⁵ Though the original invitation seems to have been lost¹⁶⁶, a verbatim quotation of the text was added to the pamphlet. First of all, joy was expressed that the *Landstände* of both Jülich and Berg were invited. It is stressed that the assemblies in Cologne were organised to express concerns regarding the beloved Fatherland and all those with

¹⁶¹ JL Akten 43, 27 May 1647.

¹⁶² JL Akten 43, 27 May 1647.

¹⁶³ JL Akten 43, 20 June 1647.

¹⁶⁴ JL Akten 43, 20 June 1647.

¹⁶⁵ JL Akten 43, 17 July 1647 (pamphlet) *Nachrichtlicher Abdruck Der Gulich: 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).

¹⁶⁶ The 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.

righteous Patriotic Intentions were invited.¹⁶⁷ Nevertheless, the *Landstände* were most willing to come to an official assembly. One of the items on their agenda was to obtain a more detailed answer to their four requests.¹⁶⁸ The *Landstände* seemed to have been trying to meet the wishes of the duke through these remarks. Furthermore, the contacts with the Dutch Estates General and the assemblies in Cologne were mentioned in the duke's invitation. It also stated that he, Duke Wolfgang Wilhelm, could not have defended his principality without money, and that he had attempted to honour the fatherland's privileges.¹⁶⁹ In order to act swiftly, he had needed to rely on his own power and authority, and had intended to harm our beloved fatherlands liberties.¹⁷⁰

The Dutch sent a neatly written note on the 23 May 1647, again pledging their help as requested; however, they did stress that peace was the most desirable situation to be pursued.¹⁷¹ The Dutch Republic closely monitored the situation; several texts were written stressing the

¹⁶⁷ Section from: JL Akten 43, 17 July 1647 (pamphlet), p. 4-5: 'Als ist für eine unumbgängliche Notturfft befunden, unnd bey ernendter Gülich- unnd Bergischer LandtStandt letztt gehaltener Versammlung hieselbsten binnen der Stadt Cöllen beschlossen worden, zu jedermans, sonderlich aber zu der Gülich und Bergischer Underthanen, Eingesessenen und Beerbten Nachrichtung, durch diesen offenen Druck kundt unnd wissend zu machen, auß was beweg- und erheblichen Ursachen mehrgemelte Gülich- und Bergischer LandtStandte vor dießmahl zum Landtag zu erscheinen, und mit höchstgedachter Ihrer Fürstl. Durchl. Erklärung auff die 4. Hauptpuncten zu acquiesciren in ihrem Wissen und Gewissen sich beschwertet befinden, inmassen auß nachfolgendem an Ihr Fürstl. Durchl. von offtbesagten Gülich und Bergischen LandtStändten dessentwegen Underthenigst abgangenem Schreiben mit mehrerem 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 aufrichtiger Patriotische Intention, wirdt vernehmen und aburtheilen können, jedoch mit Vorbehalt Ihrer Fürstl. Durchl. Hohen und Fürstlichen Respects.'

¹⁶⁸ See above, and in: JL Akten 43, 27 May 1647.

¹⁶⁹ Section from: JL Akten 43, 17 July 1647 (pamphlet), p.7-8: 'So können Wir nicht absehen, was für hoffnung seye, daß Ewer Fürstl. Durchl. so wol in dem puncto Collectandi, als anderen vielfältigen Gravaminibus die geringste satisfaction zu geben gesinnet seyn sollen, umb so viel mehr, daß in dem Schreiben, so Ewer Fürstliche Durchl. unter Dato den 24. Majj nechstlitten, an die Herren General Staten der Vereinigten Niederlanden haben abgehen lassen, vermeldet, daß Sie Uns zum offtermahlen zu dem LandTägen einbeschrieben, umb auff Wege und Mittel zudencken, wie von Ewer Fürstl. Durchl. praetendirte un[d] geforderte Gelder umbzusetzen, und von den Underthanen zu erheben seyen, da doch vermittelst deß Vatterlands Privilegien, und vermög alten Herkommens, vor das Erste, Ob? Zum zweyten, wieviel?'

¹⁷⁰ Section from: JL Akten 43, 17 July 1647 (pamphlet), p. 8-9: '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 erste 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 vertrösteter Satisfaction gegeben, bevorab Ewer Fürstl. Durchl. in dero Befelch Schreiben, so Steht unter Dato 24. Junii, und also zwey Tag nach dem Landtags Außschreiben, an dero Beambten haben abgehen lassen, außtrucklich mit einrücken, nachfolgenden Inhalt: In alle wege 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.]'

¹⁷¹ JL Akten 43, 23 May 1647 (Dutch letter, signature unreadable).

Dutch alliance with the nobility of Jülich, emphasising that Duke Wolfgang Wilhelm needed to put an end to the financial harassment of his subjects.¹⁷² On 1 June 1647, a letter was sent on behalf of the Dutch Estates-General to the *Landstände* of Jülich expressing abhorrence that the duke was pursuing his incorrect and illegal procedures.¹⁷³

In both October and December the nobles assembled in Cologne.¹⁷⁴ The latter meeting was meant to discuss the presence of the marauding Hessian army, and consequently the patriots were called to attend, as the well-being of the fatherland was at stake. Here, an 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, on the one hand, the nobility stressed the well-being of the fatherland, and the threat posed by foreign troops. But on the other hand, they did not discount the possibility of assistance from the Dutch Republic, even though that would involve the presence of more troops. Although the nobility did not request support from its neighbour, it did not actively reject its interference either. In order to fulfil their office of patriot, to protect their fatherland from the duke who had overstepped the boundaries of his office, 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.¹⁷⁵

On 18 May 1648,¹⁷⁶ another invitation of the nobility to join in an assembly on 8 June was issued to all loyal patriots.¹⁷⁷ The purpose of this meeting was to confer about the imperial

¹⁷² JL 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 Erbvereinig-ten LandtStänden der Herzogthumben Gülich: Cleve und Berg, wie auch beyder Graffschafften Marck und Ravenßberg, u. Die uneingewilligte GeldtSteweren in jetztgemeldten 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, 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.

¹⁷³ JL Akten 43, 1 June 1647.

¹⁷⁴ JL Akten 43, 1 October 1647; JL Akten 43, 7 December 1647.

¹⁷⁵ See 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 Reichsthalers.

¹⁷⁶ Walz, *Stände und frühmoderner Staat*, 114.

¹⁷⁷ JL 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]l[ten] der gebeuhr nach

commission, which had assembled to inspect the area. A short pamphlet in October then informed the participants that the commission would send representatives to their upcoming meeting on November 4.¹⁷⁸

On 21 November, a notice was issued stating that the *Landstände* were relieved: a peace treaty had finally been reached in the city of Munster, ending the Thirty Years' War.¹⁷⁹ In many parts of the empire, the Treaty of Westphalia brought peace and tranquillity. It also took away the possibility of waging another war in order to regain lost lands. Rulers were thus forced to focus on their own fiefs, (re)establish balance, and create a new *modus Vivendi* that would respect the balance between the different groups.¹⁸⁰ The various princes of the Holy Roman Empire had to acknowledge that the *Landstände* still held power, and since old privileges had been formally restored, they may now have possessed even more power than before.¹⁸¹ The nobility of Jülich understood that the Swedish and Hesse-Cassel army would have to be paid. Nonetheless, they were content with the peace treaty, as it was generally beneficial to their fatherland.¹⁸² At their next assembly, they would discuss the consequences of the Peace of Westphalia.

3.6 The Hessian presence in Jülich, until 1652

Duke Wolfgang Wilhelm was pleased with the outcome of the negotiations of Westphalia. He wrote in early December that the war was officially over.¹⁸³ It could be assumed that the end of the war meant that the internal tensions were nearly over as well, since the foreign armies were on the verge of leaving. However, the peace treaty stipulated payment of at least six times 100,000 *Reichsthaler* divided over Jülich and Berg before the Hessian and Swedish troops would leave. A treasurer was commissioned to provide for the funds needed.

einzustellen wissen, und sich daran, alß ein Getreuer Patriot, außerhalb ehehaffter Ursachen nicht behindern lassen.⁷

¹⁷⁸ JL Akten 44, 14 October 1648.

¹⁷⁹ JL Akten 44, 21 November 1648.

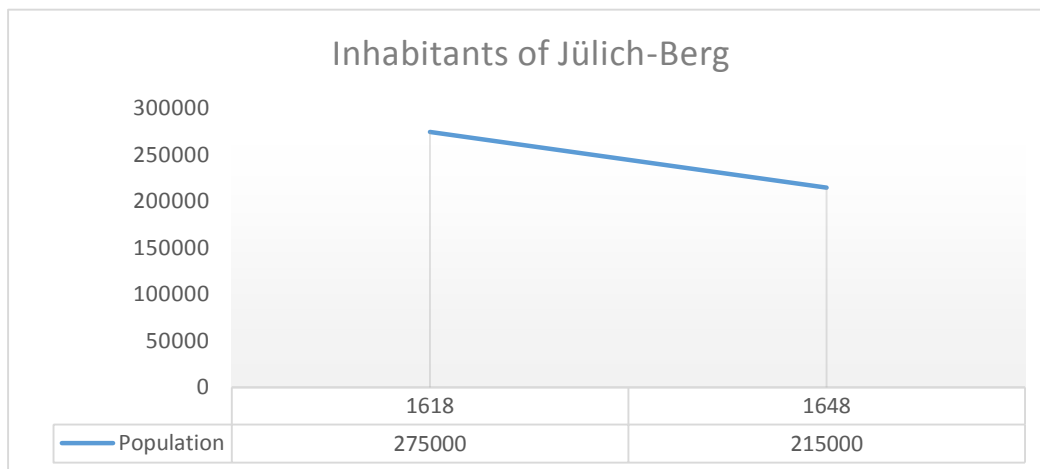
¹⁸⁰ Isaacson, *Geschichte des niederrheinisch-westfälischen Kreises*, 9.

¹⁸¹ *Idem*, 11.

¹⁸² JL Akten 44, 21 November 1648.

¹⁸³ JL Akten 44, 4 December 1648.

The duke seemed to realise that, despite the peace treaty, his subjects would inevitably 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 number of inhabitants had shrunk by roughly one-fifth (21.8%). Thus, far fewer people end up bearing the financial burden of paying the 100,000 *Reichsthaler*. The figure below shows Ulrike Tornow's estimates regarding population decline, concluding that the period of 1618-1648 saw the loss of at least 60,000 inhabitants in this region.



Graph 1 Number of inhabitants - Jülich (estimates: 1618-1648).¹⁸⁴

On the one hand, the duke realised the delicate nature of demanding taxes; on the other hand, he was indeed obliged to pay off the foreign troops. In late January 1649, Duke Wolfgang Wilhelm expressed his sincere regrets that his god-fearing loyal subjects would have to suffer a bit longer.¹⁸⁵ If payments were not made in a timely fashion, the Hessian army would extend their stay.¹⁸⁶ The Swedes would leave as soon as payment started to arrive, according to two pamphlets written in April and May 1649.¹⁸⁷ As hostilities had ended, the *Landstände* expressed

¹⁸⁴ Based on: Tornow, *Die Verwaltung der Jülich-Bergischen Landsteuern*, 22.

¹⁸⁵ JL Akten 45, 24 Januari 1649: 'Und weil also vorgemelte unnd andere viel wichtige Puncten, daran unser auch Ewer und aller unser getreuer und gehorsamer lieber LandtStende unnd Underthanen zeitliches heil und wohlfahrt bestehet, und wie eins und anders am besten anzustellen reisslich zu deliberiren und abzuhandlen nötig: So haben wir eine unumbgengliche noturfft erachtet, Euch unnd andere unsere gehorsame und getrewe LandtStende von Ritterschafft und Stätten anhero zum Landtag zu beschreiben, euch hiemit gnedigst befehlend, daß ihr Euch gegen Dienstag den 16 des künfftigen Monats Februarij anhero unfehlbarlich verfüget, unsere gnedigste proposition und waß wir Euch zu des Vatterlants wolffahrt und besten werden vorbringe 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].'

¹⁸⁶ Kaiser, 'Überleben im Krieg', pp. 181-233.

¹⁸⁷ JL Akten 49, 26 April 1649; JL Akten 49, 31 May 1649 (printed).

their hopes that the inhabitants would not suffer too much from the new tax-burden. These sufferings may have caused the duke to attempt reconciliation with the nobility, but whatever the reason, he took a more conciliatory tone. Duke Wolfgang Wilhelm acknowledged that the *Landstände* had been focussed on the well-being and prosperity of Jülich, and felt that there was a need to discuss matters thoroughly together.¹⁸⁸ He humbly asked them to attend the assembly of February, in order to advise him on what to do to improve the fatherland's prosperity.¹⁸⁹ This development is significant, as it seemed to acknowledge the sincerity of the motives and actions of the *Landstände*, and of the choice of words they used to pursue their aims.

In the meantime, the inhabitants of Jülich were still burdened by the presence of foreign forces. The people of the principality were reminded that they were under an obligation to pay monthly fees to these forces. A pamphlet was distributed, emphasizing the severe penalties should these payments be forgotten.¹⁹⁰ During this period, Marshall Lamboy also received letters expressing grievances about the misbehaviour of soldiers. In return for the regular contributions, Lamboy promised to resolve this problem.¹⁹¹ 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.¹⁹² The troublesome financial situation was noticed in the Dutch Republic. 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 fact that warfare had caused much destruction and that he would consequently not demand payment at this particular time.¹⁹³

The *Landstände* of both Jülich and Berg were invited to an assembly in the open fields near Dempelfuhrt on August 30.¹⁹⁴ However, prior to this *Landtag*, the *Landstände* were to meet four days in advance in Cologne to discuss their affairs. The contributions troubled the *Landstände*, as is apparent in the *Prothokollen* on the assembly of 30 August 1649.¹⁹⁵

¹⁸⁸ JL Akten 45, 24 January 1649.

¹⁸⁹ JL Akten 45, 24 January 1649.

¹⁹⁰ JL Akten 49, 26 April 1649.

¹⁹¹ JL Akten 45, 5 May 1649.

¹⁹² JL Akten 45, 8 May 1649.

¹⁹³ JL Akten 46, 16 November 1649.

¹⁹⁴ JL 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.

¹⁹⁵ JL Akten 46, 30 August 1649: p. 40 r°-42 v°.

Specifically, the assembly noted that the armed forces present in the principality extracted resources on their own account, burdening the inhabitants.¹⁹⁶ It was observed that this led to the desolation of the lands.¹⁹⁷ The *Landstände*, especially the nobility, sorely regretted this situation as it harmed their beloved Fatherland.¹⁹⁸ Nevertheless, on 30 August 1649 a pamphlet printed on both sides, was published on behalf of the duke.¹⁹⁹ It requested the cooperation of the inhabitants of Jülich regarding the imperial contributions that had to be paid in eight days' time.²⁰⁰

In Nuremberg, the details surrounding the withdrawal of foreign forces were discussed in 1650.²⁰¹ On the condition that the contributions to these forces – e.g. the imperial forces – were paid, the troops would leave. Eager to be relieved of the burden of foreign troops roaming the lands, another request was made to the extent that the subjects of the principality were to deal with the expenditure swiftly. The subjects were therefore asked to pay taxes at short notice. Consequently, the thesaurus of Jülich was asked to oversee the procedure.²⁰²

Despite previous invitations and joint assemblies, it was not until 4 August 1649 that the first *Landtag* of Jülich in over a decade, and in the sole presence of their duke, convened, and presented their substantial grievances.²⁰³ To prevent disruption and delays, it was requested that complaints be prepared and submitted prior to 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. In this respect an agreement was reached that if subjects had been plundered by soldiers, this would be taken into consideration. Furthermore, nobles were asked to share in the present financial burden, but solely on a

¹⁹⁶ JL Akten 46, 30 August 1649: p. 40 r^o.

¹⁹⁷ JL Akten 46, 30 August 1649: p. 40 v^o.

¹⁹⁸ JL Akten 46, 30 August 1649: p. 40 r^o.

¹⁹⁹ This 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: W. Harms (ed.), *Deutsche Illustrierte Flugblätter des 16. Und 17. Jahrhunderts. Band I; Wolfenbüttel Teil 1* (Tübingen 1985), VII-VIII.

²⁰⁰ JL Akten 46, 30 August 1649: p. 573 r^o. Unfortunately, the amount has not been filled out.

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

²⁰² JL Akten 49, 20 August 1650.

²⁰³ JL Akten 49, 6 January 1651 (printed).

voluntarily basis. With that, Duke Wolfgang Wilhelm, seemed to have become more considerate with respect to people's hardships and the privileges of the nobles.

There are texts of the experiences and observations of the nobility – frequently referred to as the *Collegio Nobilium* – available from March 1650 onwards.²⁰⁴ These mainly concern the movement of troops, and the heavy contributions that had to be paid. In these documents one of the complaints was that the nobility's ancestry was ignored as well as their position, which went against the privileges of the *patria*.²⁰⁵ Another complaint, voiced 21 April 1650, was that protocols demanded that the nobility be consulted, however, their approval had not 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.²⁰⁶ These two complaints led to the voicing of grievances.²⁰⁷ Nevertheless, the patriots who had the best interest of the fatherland at heart, were not heard.²⁰⁸ As a consequence, on 22 April 1650, the transcripts mentioned that the patriots wanted to meet and discuss the issues concerning the fatherland and its prosperity amongst themselves.²⁰⁹

It is important to note that in the nobility's own reports, which seem not to have been intended for widespread distribution, fatherland-terminology was applied. 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.

²⁰⁴ For example JL Akten 48, *Prothocollun*, p. 52 v°.

²⁰⁵ JL Akten 48, 30 March 1650, *Prothocollun*, p. 4 r.

²⁰⁶ JL Akten 48, 21 April 1650, *Prothocollun*, p. 22 v°-23r° 'Sondern weiln daßelbe herkommen und die Prothocolle es also mit sich bringen thüen, daß die Råth von nihi vocati beij der Ritterschafft erschienen sonders wahren dieselbe beij welchst 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 ndern würdest zu hertzen 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.'

²⁰⁷ JL Akten 48, 21 April 1650, *Prothocollun*, p. 23v°.

²⁰⁸ JL Akten 48, 21 April 1650, *Prothocollun*, p. 24r°.

²⁰⁹ JL Akten 48, 22 April 1650, *Prothocollun*, p. 26r°.

On 27 June 1650, a one-page text was published stating that on 4 July, in the town of Steinen, a *Landtag* would take place that was important for the fatherland.²¹⁰ Both the *Landständen* of Jülich and Berg were invited to attend. This pamphlet; however, also invited members to join in a preparatory meeting in the Franciscan Convent on 3 July.²¹¹ It is unclear whether the *Landstände* did indeed go to the Duke's *Landtag*, as their own documents make no mention of it.²¹²

On 3 April 1651, Duke Wolfgang Wilhelm agitatedly remarked that the Dutch Republic and some reformed people had threatened and abducted Catholic clergymen.²¹³ The duke was not pleased with these actions, and feared for the well-being of his Catholic subjects — especially the clergy. The non-Catholic people who inhabited Jülich were considered agitators, especially since they were associated with reformed soldiers who had disturbed local masses. On 13 June a pamphlet, claiming to be a translation into Dutch from a German original, and whose title was a reference to the question why the Prince-Elector of Brandenburg had invaded Jülich and Berg, and occupied a few towns, was published. The invasion itself took place a few days later. This document was a response to two earlier texts issued by Duke Wolfgang Wilhelm and explained the motives which Prince-Elector Brandenburg had for his invasion.²¹⁴ Duke Wolfgang Wilhelm had agreed to respect the Protestant religion when he signed the Treaty of

²¹⁰ JL Akten 48, 27 June 1650: 'Demnach der Durchleuchtigster Fürst und Herr, Herr Wolfgang Wilhelm Pfaltzgrave bey Rhein, in Bayern, zu Gülich, Cleve und Berg. Herzog u[sw], Unser gnädigster Herr, die Gülich und Bergische Landständ 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 Düsseldorff bey solcher Conferentz newlich vorgelauffen, dem corpori gebührend zu referieren, und sonsten anderer erheblicher ursachen halber, daran dem lieben Vatterland 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 behindern lassen, Signatum Cölln den 27. Junii 1650. Ex Commissione. [von Mulheim].'

²¹¹ JL Akten 48, 27 June 1650.

²¹² JL Akten 48, 4 July 1650: *Prothocollen*.

²¹³ JL Akten 49, 3 April 1651: 'Unseren gnedigsten gruß zuvor Liebe getrewe: Waß wir wegen der gewaltsamer verfolg- und gesenglicher hin schleissung unser Catholischer Pastoren und Seelsorger, auch anderer Geistlichen in beyder unseren Fürstenthumben Gülich unnd Berg damit die Herrn Staden General der Vereinigten Niederlanden auff ungleich anbringen einiger friedtheßiger und unruhigen Predicanten, auch anderen unser Underthanen und Ingesetzten, welche sich zu der Reformirter Confession bekennen, von neuen wieder einen anfang gemacht haben, für ein getrucktes Patent unterm 7. Martij Jüngst haben auß gehen laßen, undd Euch so wol auch anderen unseren Beamten zu publiciren gnedigst bevohlen, deßen wißet ihr Euch zuerinneren, und es hat dabey sein verbleiben.'

²¹⁴ *Kort Bericht, waerom Sijn Cheurfursteleijke Doorluchticheyt van Brandenburgh is bewogen ende veroorsaecht worden, eenighe Plaetsen inde Vorstendommen Gulick ende Bergh in te nemen* (Knuttel 6968, n.l. 1651).

Xanten, but he had not upheld this promise.²¹⁵ He had imprisoned pastors, taken money away from churches, and violated treaties regarding religion.²¹⁶ This was not the only text published, subsequently translated, and then distributed in the Republic.²¹⁷ It turned into a pamphlet polemic, in which texts written on behalf of Duke Wolfgang Wilhelm defended his case.²¹⁸ The emperor also joined in the conversation as he wanted to prevent another full-blown war.²¹⁹ Von Looz-Coozwarem has characterised this activity as a revival of the War of Succession, as the original dispute had never been resolved beyond provisional treaties. The emperor had also left the *Privilegium Unionis* intact, and failed to propose an alternative solution.²²⁰

On 14 June 1651, under the pretext of protecting ‘his’ people, Prince-Elector Friedrich Wilhelm von Brandenburg (1620-1688), ruler over Cleves and Mark invaded the principalities of Jülich and Berg.²²¹ His action was prompted by his disappointment with the Treaty of Westphalia: Catholics had gained ground since the years 1609 and 1612.²²² He had questioned the right of succession of his distant relative ever since his acceptance of the fief in 1640.²²³ Furthermore, the Treaty of Westphalia gave the Catholic Duke Wolfgang Wilhelm occasion to question whether his principalities could be inhabited by Protestants. The Prince-Elector of Brandenburg felt the need to intervene, to protect his fellow-believers.

²¹⁵ *Idem*, 3.

²¹⁶ *Idem*, 4-5.

²¹⁷ *Kort Vertoogh In plaets van een Manifest. Waerom Sijn Cheurvorst: Doorluch: tot Brandenburgh, eenige plaetsen in de Vorstendommen Gulick en Bergh in te nemen, bewogen en veroosaect 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)

²¹⁸ *Vorstelijck Palts Niewbvrge Fundamentele Wederlegginge, Tegen 't ongesondeerde Kort Bericht, Waeromme Sijn Cheur-Vorstel. Doorl. van Brandenburgh, 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 verschooninghe ende verbloeminghe vande onghefondeerde ende gewendadige invasie inde Landen van Gulick ende Bergh* (Knuttel 6971, Leiden 1651)

²¹⁹ *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).

²²⁰ von Looz-Corswarem, ‘Der Düsseldorfser Kuhkrieg 1651’.

²²¹ Jaitner, *Die Konfessionspolitik*, 88-101; Isaacson, *Geschichte des niederrheinisch-westfälischen Kreises*, 25;

²²² Jaitner, *Die Konfessionspolitik*, 91.

²²³ The text is in response to 7 March 1651 and 3 April 1651. Richter, ‘Und die Klugheit hört nicht auf Klugheit zu sein’, pp. 15-29.

Duke Wolfgang Wilhelm had shown his good intentions in some respect. On 29 May 1651, a one-page invitation was issued for an assembly that was to be held on 16 June 1651. The agenda read that the needs of the fatherland were to be discussed.²²⁴ Whether this *Landtag* took place, seems unclear. In their ‘Prothocollen’ the sole topic the *Landstände* mentioned was an invasion that took place on June 17.²²⁵ The competition between the two princes was not appreciated, and the safety of the *patria* was once again at stake.²²⁶ To show their displeasure, the nobility wrote a pamphlet on behalf of the joint *Landstände* of Jülich, Berg, Cleves and Mark, stressing the need for the preservation of their privileges and complaining about the war.²²⁷ A second version of this pamphlet was twice as long.²²⁸ In addition to the 4°-pamphlet, the Dutch 8°-pamphlet emphasised the promises made during the Treaty of Xanten (1614). It was signed and it was reprinted in the longer pamphlet – probably as a reminder. Interestingly enough, the German version (probably the original) is a one-page print containing only the text that had been printed in the Dutch 4°-pamphlet.²²⁹

Ending in October, the Jülich-war did not last long. Duke Wolfgang Wilhelm had pawned the cities of Millen and Born to ensure the help of 4,000 Lorraine soldiers²³⁰; his son Johann Wilhelm visited the Estates General in The Hague, successfully requesting that the Republic would refrain from further interference.²³¹ The *Landstände* did not appreciate the military presence of the Lorraine troops, and feared for more threats to the fatherland; they mentioned that their presence would ruin the lands.²³² By the end of the month – 27 July – the *Landstände* deliberated and mentioned that the *patria* depended upon the return of peace.²³³ It was now clear that religion could still be a cause for war, a *casus belli* — or could at least give rise to a

²²⁴ JL Akten 49, 29 May 1651 (printed).

²²⁵ JL Akten 50, 17 June 1651: *Prothocollen*, p.5 r° and 7 v°.

²²⁶ JL Akten 50, 17 June 1651: *Prothocollen*, p.8 r°.

²²⁷ *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* (HAB: 258.20.15 Quod 4°, n.p. 1651).

²²⁸ *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* (HAB: A: 32.38 Pol. 17, 8°, n.p. 1651)

²²⁹ *Wir Landtstenden auß Ritterschafft und Statten der Erbvereinigten Landtschafften und Herzogtumen, Gülich, Cleve, Berg, und Graffschafft marck u.* (HAB Gm 3621 (8), n.p. 1651)

²³⁰ JL Akten 50, 17 June 1651: *Prothocollen*, p. .15 r°.

²³¹ von Looz-Corswarem, ‘Der Düsseldorfer Kuhkrieg 1651’.

²³² JL Akten 50, 17 June 1651: *Prothocollen*, p. 15 r° (2 July 1651).

²³³ JL Akten 50, 27 July 1651: *Prothocollen*.

pamphlet polemic — despite the end of the Thirty Years' War. The Prince-Elector of Brandenburg issued several documents and pamphlets claiming he was protecting the Protestants. He based his right to interfere on the Treaty of Xanten (1614). As both princes — Prince-Elector of Brandenburg and Duke Wolfgang Wilhelm — were official administrators throughout the principalities, it meant that the '*cujus regio, ejus religio*'-rule protected both Calvinists and Catholics, leaving the Lutherans without rights.²³⁴ But, according to contemporary pamphlets, the inhabitants of Jülich were being threatened by their Catholic duke and some were even murdered. This was the perfect excuse to wage war, and so the 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 spread in which the imperial critique of the deeds of Prince-Elector of Brandenburg were brought to the attention of the public. In August, it was 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.²³⁵ 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.²³⁶ According to a 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.²³⁷ The 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.²³⁸ However, the duke was aided by the Duke of Lorraine and thus regained control. Duke Wolfgang Wilhelm stated in October that he had signed a treaty with Cleves-Mark. He requested his subjects to come forward if they had wrongfully benefitted

²³⁴ von Looz-Corswarem, 'Der Düsseldorfer Kuhkrieg 1651'.

²³⁵ JL Akten 49: 11 October 1651.

²³⁶ Isaacson, *Geschichte des niederrheinisch-westfälischen Kreises*, 26.

²³⁷ JL Akten 49: 11 October 1651.

²³⁸ JL Akten 49, 14 November, 1651.

from this conflict, to return obtained horses and possessions. This was to take effect within four weeks after the publication of the pamphlet.²³⁹

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.²⁴⁰ Strikingly, the duke used the word 'the' (*deß*) instead of your (*Euch*) fatherland. This could be interpreted as indicating that he was now counting himself in, or at least did not exclude himself from, the fatherland.

Following the *Landtag*, a text was issued to stress that the duke considered the *Landtag* a success.²⁴¹ 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.²⁴²

²³⁹ JL Akten 49: 11 October 1651.

²⁴⁰ From: JL Akten 51, 29 March 1652: 'Liebe Getrewe: Waßmaßen wir Euch, und andere unsere getrewe liebe Landstande von Ritterschafft und Stätten, gegen den zwölfften nachlauffenden Monats, anhero zum Landtag beschrieben, dessen wisset Ihr Euch zuerinneren: Nun hetten wir unß gnedigst versehen, Ihr würdet Euch darauff gehorsamblich eingestelt haben: Die weil aber solches nit geschehen, gleichwohl die Sachen, darumb wir Euch beschrieben, und Immittelß noch ferner 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.'

²⁴¹ JL Akten 51, 6 May 1652.

²⁴² JL Akten 51, 6 May 1652, p. 3: 'Alß haben wir Euch auch allen unseren Landtstanden solches hiemit gnädigst verstendigen wollen, mit dem abermahligen gnädigsten befelch, daß Ihr zu reassumir- und fortsetzung der angefangener Landtags handlung, off Mitwoch den 22. dieses nacher Deuren [Düren] wider erscheinet, off unsere proposition, unnd darin begriffene nötige puncten, neben anderen unsern Landtstanden, 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 selbsten werden resoluieren und verordnten 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 Persöhnlich einzustellen erklehrt, und Sie unsere ankunfft zuerwartten, 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 angesichtlichen theten [*illigible*], davon gezogen) für unsere Soldaten, daß wir auch wan Ihr Euch zur Landtagr [sic] handlung nit einstellt, und solche fortsetzen helffen werdet, waß die unumbgengliche Notturfft erforderen würde, noch darzu außschreiben und beyspringen laßen werden, deßen underlaßung wir auch, weder bey Gott, noch dem geliebten Vatterlandt, und der posteritet zu verantwortten unß getrawten, Wan wir händ unnd füeß sincken, alles über ein hauffen fallen unnd zu grundt gehen laßen, auch unß unnd unsere geliebte angehorige Menniglichen zu Ihren willen prostituieren: War nach Ihr Euch zurichten, und wir seint Euch auff den fall gehorsamer bezeugens mit gnaden gewogen. Düßeldorff den 6. May 1652.'

Another text was printed on 6 May as well, in which the duke mentioned some 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. Thus a preparatory meeting was scheduled to find out who was to blame for the peril the fatherland had been put through.²⁴³ The text explicitly identified the burdens in question. The duke recognised that there was a need to cooperate with his nobility. He even acknowledged that he should have behaved more like a father, and that he should have been more aware of their loyalty.²⁴⁴ 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.²⁴⁵ The duke switched back and forth from *your (euer)* fatherland to *the*

²⁴³ Section 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 versamblung zu Mülheimb und dorthin von unß außgeschriebenen Landtag, auff die in unseren nahmen von unseren Rhäten proponirte puncta, 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 resoluiren, 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.’

²⁴⁴ JL Akten 51, 6 May 1652, p 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 Mülheim gewesene Bergische Landtstandt, von Ritterschafft und Statten ungeachtet daß wir unß erbotten, gleich folgenden Tags in der Persohn unß zu Mülheim einzufinden, unnd über ein unnd anders Persöhnlich mit Euch zu tractiren: Euch durch zween Deputirte von unser Gülischer Ritterschafft, und deren Gülischen Syndicum durch Ihr, allem vermuthen nach, unerfindtliches angeben, auch ehe Ihr die gewißheit erlangst, ob dem also, unnd was wir dagegen einzuwenden, Euch habt verleiten laßen, unerwartet unser Persöhnlicher 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 etlicher Millionen golts Euch in der that vielfeltig erwiesenen Fürst Vatterlicher 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 Gottlob mit ehren erlebten Alter noch einmahl zu sehen, und unß auff zuwarten.’

²⁴⁵ JL Akten 51, 6 May 1652, p 1-2. (A second letter on the same date.): ‘Alß haben wir solches Euch und andern unsern Bergischen Landtstanden hiemit verstendigen wollen: Und befehlen Euch darauff hiemit gnädigst, daß Ihr zu reassumirung und fortsetzung der angefangener Landtags handtlung, auff Mittwcho [sic] den 22. Dieses zu Mülheimb unfehlbahr wieder erscheint und neben anderen unseren gehorsahmen Landtstenden unsere proposition, und dabey begriffene nötige puncta deliberieren, unnd die Notturfft erheischen helffet, deßen wir anß 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 selbstn werden resoluieren und verordnen 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 verreisen, und nichts geschlossen, also auch Ihr und andere unsere Bergische Landtstande von Ritterschafft und Stätten, unangesehen wir gleich folgenden Tags unß zu Mülheim Persöhnlich einzustellen erklehrt, auch Euch und Sie unsere ankunfft zuerwarten, 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 sichen theten [*illigible*], 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

(*deß*) fatherland. With all these apologies and promises, he steered a course towards being regarded as a true lord and not merely a possessor.

The clergy also wished to be given a hearing in Hambach at the coming *Landtag* of Jülich, because they were opposed to certain plans regarding the taxations of their lands and goods.²⁴⁶ 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 prior to 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.²⁴⁷

On 26 September 1652, a letter was written in Cologne and sent to Philipp Wilhelm of Neuburg (1615-1690), the new duke. It was meant to inform him that his suggested date for the meeting with the *Landstände* was not convenient. The letter explained that the commission which had studied the perilous situation of the principality would report back to the nobility and would do so in Cologne.²⁴⁸ Discussions about the danger to, and potential consequences for the fatherland were necessary.²⁴⁹ This meant that the meeting with their new duke had to be rescheduled, which was, apparently, not a problem.

underlaßung wir auch, weder bey Gott, noch dem geliebten Vatterlandt, und der posterirter zu verantwortten unß getrawten, Wan wir hand unnd füeß sincken, alles ober ein hauffen fallen und zu grundt gehen laßen, Auch unß und unsere geliebte angehörige Menniglichen zu Ihren willen prostiviren [*illigible*] wollen: Warnach Ihr Euch zurichten, und wir seint Euch auff den fall gehorsamen bezengens mit gnaden gewogen.'

²⁴⁶ JL Akten 51, 31 August 1652.

²⁴⁷ JL Akten 51, 5 September 1652.

²⁴⁸ JL Akten 51, 26 September 1652: 'Nach de[m] Ihre Fürstl. Durchl. Unser Gnädigster Fürst und Herr, Beyder Fürstenth[umben] Gülich unnd Berg[ische] Landtständt von Ritterschafft und Stätten, in dero residentzstatt Dusseldorff, gegen den 7[.] deß bevorstehende 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 Mulheimb deputirt gewesen) relation über ihre gehabte Verrichtung züforderß anzuhören, unnd diesfalß, sowoll alß auchsonsten anderwertiger, dem Vatterlandt hochst angelener 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 accommodiren, und hindangesetzt aller verhinder nußen Gottes gewaldt allein außgenommen praecisein termino dies orths unfehlbar einkommen wirt. Sig. Cölln den 26. Sept. 1652. Ex Commissione Speciali DD. [von Mulheim]'

²⁴⁹ JL Akten 51, 26 September 1652.

3.7 Financial burden

The crisis of the Thirty Years' War hit Jülich hard. The substantial financial burden it caused, the economic damage accrued in the cost of plundering soldiers, billeting and other atrocities is almost incalculable. Nevertheless, based upon the taxes that have been mentioned throughout this chapter, it is possible to calculate the burden based upon what is known.

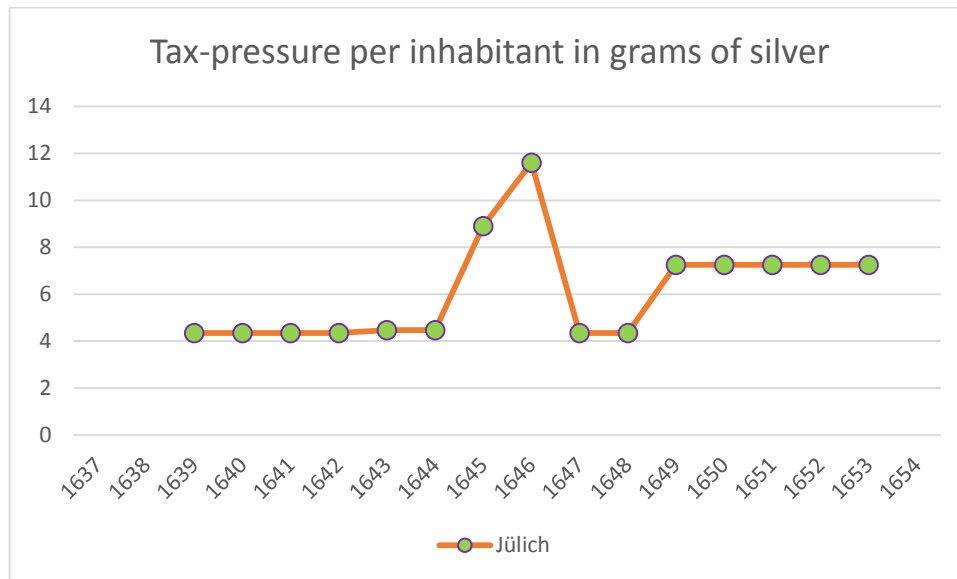
Year	Hessian demands	Taxes ²⁵⁰	Total	In grams of silver (Reichstaler: 25.98g/S) ²⁵¹	gram Sil/inh ²⁵²
1639	36,000		36,000	935,280	4.35
1640	36,000		36,000	935,280	4.35
1641	36,000		36,000	935,280	4.35
1642	36,000		36,000	935,280	4.35
1643	36,000	1,000	37,000	961,260	4.47
1644	36,000	1,000	37,000	961,260	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

Table 1 Tax- and financial burden of Jülich (1639-1653).

²⁵⁰ There 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.

²⁵¹ Christmann, 'Die Reichsmünzordnungen', p. 213.

²⁵² Number of inhabitants has been fixed at 215,000 inhabitants. Based on: Tornow, *Die Verwaltung der Jülich-Bergischen Landsteuern während der Regierungszeit des Pfalzgrafen Wolfgang Wilhelm (1609-1653)* (Bonn 1974) 22.



Graph 2 Tax and financial burden of Jülich in grams of silver/ inhabitant (1639-1653).

It cannot be sufficiently stressed that the above table and graph present an incomplete image of all the financial burdens Jülich had to contend with. Nevertheless, it shows an increase of the burden the people had to pay, in the course of only a relatively brief space of time. Facing warfare and the presence of a multitude of hostile foreign soldiers, the increase is likely to have been perceived as enormous and threatening.

In order to understand this financial burden the amount can be expressed in kilocalories, in order to determine the factor of ‘food insecurity’, i.e. the insecurity the inhabitants of the troubled regions must have felt with regard to the question whether or not they would continue to be able to provide enough food for their families. This factor is set at 2,100 kcal per person, according to the Food and Agricultural Organisation (FAO).²⁵³ Based upon the grain prices found by Thomas Rahlf, it is possible to calculate the amount of kilos in grain that would have been bought with this amount of silver.²⁵⁴

²⁵³ <ftp://ftp.fao.org/docrep/fao/011/i0515e/i0515e23.pdf>

²⁵⁴ Rahlf, *Getreide in der Sozial- und Wirtschaftsgeschichte vom 16. bis 18. Jahrhundert*.

Year	g sil/ hect. ²⁵⁵	Hectoliters grain	1 hl = 100 kilo	Kcal 1 kilo organic wheat	Kilocal / 2,100kcal	Nr. of days of food insecurity ²⁵⁶
1639	50.575	18,492.93	1,849,293.129	3,106,812,457	1,479,435	6.88
1640	47.060	19,874.20	1,987,420.314	3,338,866,128	1,589,936	7.40
1641	45.815	20,414.27	2,041,427.480	3,429,598,167	1,633,142	7.60
1642	78.682	11,886.84	1,188,683.562	1,996,988,384	950,947	4.42
1643	70.182	13,696.67	1,369,667.436	2,301,041,293	1,095,734	5.10
1644	63.435	15,153.46	1,515,346.418	2,545,781,982	1,212,277	5.64
1645	47.525	40,310.68	4,031,067.859	6,772,194,003	3,224,854	15.00
1646	30.095	82,873.57	8,287,356.704	13,922,759,262	6,629,885	30.84
1647	24.345	38,417.74	3,841,774.492	6,454,181,146	3,073,420	14.29
1648	35.677	26,215.21	2,621,520.868	4,404,155,058	2,097,217	9.75
1649	76.295	20,431.22	2,043,122.092	3,432,445,114	1,634,498	7.60
1650	74.279	20,985.74	2,098,574.294	3,525,604,814	1,678,859	7.81
1651	83.464	18,676.32	1,867,631.554	3,137,621,010	1,494,105	6.95
1652	74.898	20,812.30	2,081,230.473	3,496,467,195	1,664,984	7.74
1653	46.550	33,486.57	3,348,657.358	5,625,744,361	2,678,926	12.46

Table 2 Tax- and financial burden of Jülich in kcal and days of food insecurity (1639-1653).

Each year, the price of wheat could differ and therefore the various hectolitres of grain that could be bought with the silver vary (second and third column of Table 2). The amount of kilocalories that could be obtained from one kilo of (organic) wheat has been set at 1680 kcal, although the amount may have varied over the years, depending on the fertility of the soil. Measuring the amounts of kcal in the total amount of organic wheat, and dividing that by the food insecurity measure developed by the FAO of 2,100 kcal per person (per day), the number of insecure food days can be established. When this number is divided by the number of inhabitants it is possible to postulate how many days of food insecurity tax-measurements

²⁵⁵ *Idem.*

²⁵⁶ Number of inhabitants has been set at 215,000 based upon Tornow, *Die Verwaltung der Jülich-Bergischen Landsteuern*, 22.

would have brought about when expressed in kcal. For Jülich the number of 215,000 inhabitants has been applied.²⁵⁷ In 1642 the financial measurements added up to nearly four and a half days of food insecurity, or hunger. In 1646 this led to nearly 31 days of hunger.

3.8 Sequel

It was uncertain whether the new duke, the Catholic Philipp Wilhelm of Neuburg would be accepted as ruler of Jülich and Berg, as his legitimacy was no less contested than his father's had been.²⁵⁸ It was not until treaties in 1665, 1666 and 1672 were signed that the issues were resolved. As a result of these treaties, the principalities of Jülich and Berg were added to the principalities of the Neuburg dynasty.²⁵⁹ In 1665, the Treaty of Dorsten was accepted, downplaying the religious divisions of the period between 1612 and 1624. Moreover, the rights of the Protestants were clarified, thus resolving the 1647 religious matters.²⁶⁰ Most importantly, agreements were reached in 1666-1672 that dealt with the succession.²⁶¹

3.9 In Conclusion

The principality of Jülich – as well as the other Lower-Rhine principalities – went through a difficult War of Succession from 1609 to 1614. The Treaty of Xanten (1614) failed to put an end to the succession-disputes; it only postponed a resolution to this dispute. Therefore, the inhabitants of Jülich did not accept Duke Wolfgang Wilhelm as their new ruler, but merely as a possessor of the area.

Throughout the Thirty Years' War, the unresolved succession caused tension and conflict. The duke wished to protect 'his' principalities, but he was faced with serious difficulties and opposition when endeavouring to obtain the consent of the nobility in order to collect taxations which he assumed he was rightfully entitled to. When he bypassed the nobility and simply requisitioned taxes, the nobility either went to the Imperial Chamber Court to ask for a ruling, or went to Cologne to debate amongst themselves on how next to proceed.

²⁵⁷ *Ibidem*.

²⁵⁸ Jaitner, *Die Konfessionspolitik*, 36.

²⁵⁹ *Idem*, 193-311.

²⁶⁰ *Idem*, 179-180.

²⁶¹ von Looz-Corswarem, 'Der Düsseldorfer Kuhkrieg 1651'; Bergerhausen, 'Der Jülich-Klevische Erbfolgestreit', p. 55.

The respective invitations to these meetings referred to participants as loyal patriots. The nobles were requested to assemble to discuss protecting the welfare and prosperity of the fatherland. The nobility used this fatherland-terminology to express their concerns, and to explain the necessity for a meeting outside the jurisdiction of the duke. It was not until well after the Peace of Westphalia that Duke Wolfgang Wilhelm gradually adopted the same terminology, though his texts were ambiguous. It remains unclear as to whether he was referring to ‘the’ fatherland or to ‘your’ fatherland.

The tax burden inflicted on the inhabitants of Jülich can be regarded as increasingly detrimental to those involved. Even though not all amounts are known, the decrease in the number of inhabitants, as well as the material damages and the cost of the billeting of soldiers added to the perceived impact of the war being waged in their regions. Furthermore, when payments for troops were demanded, there was the added burden for the tax payers of being required to make prompt payments, i.e. within a few days. The pamphlets and letters did not seem to give much room to negotiate a delay in payment, as impatient soldiers demanded their salary.

4 Hesse-Cassel: confession, absence, and clash (1600-1646)

On 12 August 1647 the nobility of Hesse-Cassel wrote a political document that goes by the name of *Remonstratio*. In this document they compared the situation of Jülich and Berg with their own, and remarked that the emperor had ruled against Duke Wolfgang Wilhelm when he had attempted to ban noble assemblies.¹ The fraught relationship between the landgrave and the *Landstände* of Hesse-Cassel, which erupted again in 1646, was pointedly referenced to in the *Remonstratio*.²

The difficulties in the principality of Hesse-Cassel had commenced during the years 1605-1606 when Landgrave Maurice converted to Calvinism and subsequently joined the Protestant union.³ The nobility objected to the landgrave's military plans, and eventually felt compelled to negotiate with the imperial army for support.

¹ HStAM 73, 1816: *Remonstratio*: '[...] Und ist reichßkundig, daß alß Pfaltz Newburgh seinen Ständen in den Gölischen und Bergischen Landen ingleichem der Graff von Ostfrießlandt seinen Landtständen, solche Zusammenkunfften verwehren wollten, dieselbe dagegen mandata inhibitoria poenalia und Manutenentz bey Kays. Maytt. außgewürcket und erlanget haben. Videantur [etc] Daß nun die Ritterschafft des Niederfursdenthumbß Heßen ein Standt deß Landes und ein licitum et approbatum corpus et collegium sey, welchem vermöge alten Herkommenß, auch algemeinem Gebrauch im gantzen Römischen Reich auch vermöge ihrer abgestatteten Huldigung und Lehenspflichten obliege, auff des Vatterlands Conservation undt Wohlfahrt ein wachendes Auge zu haben, ihrem genedigen Landtsfursten fur seinen Schaden zu warnen, ihre hergebrachten Frey- und Gerechtigkeiten rechtlicher Gebühr zu vertretten, auch dieser wegen erheischender Notturfft nach ihr Anliegen ihrem genedigen Landtsfursten in undertheniger Reverentz vorzubringen, solches wirdt verhoffentlich von niemandt in einigen Zweiffell können gezogen werden. Quemadmodum enim etc. Die eltisten undt furnembsten in einem Landte, (inquit Newmeyer) vom Auffstandt der Unteren C: 4 P: 223 sindt schuldig uff alles, darauß so wohl ihnen alß den anderen ein unwiederbringlicher Schade und Nachtheil zuwachßen möchte, ein wachendes Auge zuhaben und nichts fornehmen zulaßen, so des gantzen Landes Wolfart undt Heil wie auch deßelben Freyheiten undt Gerechtigkeiteil zuwieder ist, und wann sie uff daß gemeine Weßen nicht Acht haben, noch sich deß Vatterlands Heyl undt Wohlfart annehmen, so handeln sie wieder die gegebene Trew und seindt so wohl alß wann sie daß Vatterlandt verkaufft oder verrathen hatten, zu bestraffen, wie dann auch in solchen Fällen, da die Stände dieses ihr officium negligiren oder aber von der hohen Obrigkeit nitt wollen gehört werden, nicht anderß alß große Confusion erfolgen kan.'

See also: Maruhn, *Necessitäres Regiment*, 216 and 224-227.

² Maruhn, 'Duale Staatsbildung', p. 71.

³ Maruhn, *Necessitäres Regiment*, 24-32.

The nobility wrote explicitly about their concerns regarding the well-being of the fatherland from 1646 onwards. According to them, the situation had deteriorated noticeably as a result of the landgrave's politics. However, the underlying problem seemed to concern religious changes and warfare. Here, the nobility avoided mentioning their problems in any official correspondence, and contrary to the situation in Jülich-Berg, no pamphlets were published.

Sources divulge that the nobility warned Landgravine Amelie Elisabeth that she could not demand money for troops without consent, as it would be considered tyrannical.⁴ When the nobles, in turn, wished to assemble to discuss this matter, Amelie Elisabeth claimed they were plotting against her government and against the fatherland. These accusations caused a significant strain on the relationship between landgravine and the nobility, and matters were eventually brought to court. Lawyers of both sides attempted to support and prove their case with historical precedents.

Armies had been disbanded after the Thirty Years' War, but this did not automatically create stability, as the nobility's role in governance had been disrupted. The legal position of the nobility had to be restored. It is important to note that the sources found describing this process do not give any indication that the landgravine was moving towards arbitrary rule, but focus instead on a restoration of the state of affairs that preceded the Thirty Years' War.

This chapter, as well as the next, will deal with the Landgraviate of Hesse-Cassel. This section will deal with the history of the area chronologically from the start of the century. The lineage of the landgrave's family will be considered, followed by an examination of the government of the landgraves during the first half of the seventeenth century: Maurice the Learned, Wilhelm V, and the regency by Amelie Elisabeth on behalf of the minor Wilhelm VI. This will include an inquiry into the troublesome periods: the forced abdication (1627), exile (1636-1640), and the Hessian *Standenkonflikt* (1646-1655). The next chapter will deal with the legal matters at the Imperial Chamber Court between 1650-1655 based on legal sources and the unofficial commentary written in letters by the nobility.

⁴ Tyrannical rule is illegal, contrary to despotic rule, which was legal, see for more information: Turchetti, "Despotism' and 'Tyranny'", p. 160.

4.1 Historiography: the knights of Hesse-Cassel

Hesse-Cassel is a well-studied area, especially the conflict between the landgrave and the knights in the first half of the seventeenth century. One of the most recent *foci* in research has been on the House of Hesse-Cassel, in particular on Amelie Elisabeth who governed on behalf of her son. A number of regency-cases during the sixteenth and seventeenth centuries have been the focus of research by Pauline Puppel.⁵ Tryntje Helfferich has focussed on the rule of the *Iron Princess*, as she refers to Landgravine Amelie Elisabeth.⁶

However, most research has focussed on the development of *landständische Verfassung* or a 'constitution', thus restricting the *Landstände* in favour of princely power. Studies conducted by Karl E. Demandt and Volker Press have had a lot of influence in this respect.⁷ One of the most recent studies, with longitudinal focus, has been conducted by Tim Neu, focussing on the development and position of the *Landstände* during the sixteenth and the first half of the seventeenth century.⁸ With this, he has studied a far longer period than Raingard Eßer, Robert von Friedeburg and Armand Maruhn, who focussed on the legal body of texts produced during the conflict (1646-1655).⁹ It is worth noting that, with the exception of the work of Von Friedeburg, little attention has been paid to the terminology applied in the various texts that have been published throughout the conflict that has become known as the *hessische Ständekonflikt*.

⁵ Puppel, *Die Regentin. Vormundschaftliche Herrschaft in Hessen 1500-1700* (Frankfurt 2004); Puppel, „Heroína Hassiaca“ oder „Schwester der Gorgo“? Landgräfin Amelie Elisabeth und die Hessische Ritterschaft”, in: *Hessisches Jahrbuch für Landesgeschichte*, Volume 57 (2007), pp. 99-125

⁶ Helfferich, *The Iron Princess*.

⁷ K.E. Demandt, *Geschichte des Landes Hessen* (Kassel 1972); Press, 'Hessen im Zeitalter der Landesteilung (1567-1655)', p. 267-332.

⁸ Neu, *Die Erschaffung der landständischen Verfassung*.

⁹ R.M. Eßer, „Landstände und Landesherrschaft. Zwischen „status provincialis“ und „superioritas territorialis“: Landständisches Selbstverständnis in deutschen Territorien des 17. Jahrhunderts“ in: *ZNR* 23 nr 3/4 (2001), pp. 177-194; Maruhn, *Necessitäres Regiment*. See for examples of Von Friedeburg's work: von Friedeburg, 'Adel und ständische Vertretung'; von Friedeburg, 'The Making of Patriots'.



Figure 5 Landgraviate of Hesse (17th century).

Map by Joan Blaeu, *Hassia Landgraviatus* (1645). Map image courtesy of the Norman B. Leventhal Map Center at the Boston Public Library.¹⁰

4.2 Lineage of the landgravial family: 1500-1600

As outlined in the introduction, Hesse-Cassel experienced a good deal of turmoil during 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.¹¹ This did not lead to any great changes, however, since his mother, Anne of Mecklenburg-Schwerin (1485–1525), had already been made regent after syphilis drove her husband to insanity.¹² The nobility did not care for this

¹⁰ <http://maps.bpl.org/15331> [1 December 2014].

¹¹ Press, 'Hessen im Zeitalter der Landesteilung (1567-1655)', p. 269-270.

¹² Demandt, *Geschichte des Landes Hessen*, 222.

state of affairs as they were no longer allowed to assemble at will.¹³ The curtailment of their privileges led them to request that the young Philipp begin his reign at the age of 13½, a request which was eventually sanctioned by the emperor.¹⁴

Philipp I – later to be commonly referred to as the Magnanimous, though some seventeenth century sources refer to him as ‘the Elder’¹⁵ – attended the Imperial Diet of Worms (1521), where he met Luther (1483-1546).¹⁶ It was not until three years later, when he met with Philipp Melanchthon (1497-1560) that the young landgrave converted to Lutheranism. In 1526 Lutheranism became the official religion of the landgraviate.¹⁷ Fifty convents¹⁸ throughout the area were closed over the next several years and a protestant university was founded in Marburg (1527).¹⁹ The Imperial Diet responded by condemning Lutheranism, after which a number of Lutheran members of the Diet united to form the Schmalkaldic League (1531). This league was commanded by Philipp I of Hesse and John Frederick I, Elector of Saxony (1503–1554).²⁰ After being defeated at the Battle of Mühlberg (1547), both princes were forced to plead for mercy with the emperor. Philipp I of Hesse was then forced into captivity for a period of five-years.²¹ The Augsburg Settlement (1555) finally ensured that Catholics and Protestants could coexist within the Holy Roman Empire, following the ‘*cujus regio, ejus religio*’-principle.²²

¹³ Puppel, *Die Regentin*, 158-189.

¹⁴ W. Heinemeyer, ‘Das Zeitalter der Reformation’, in: W. Heinemeyer (ed), *Das werden Hessens* (Marburg 1986), pp 225-266, here: pp. 259-260; Demandt, *Geschichte des Landes Hessen*, 229-230.

¹⁵ J. Feurborn, *Nothwendige außführliche Special-Widerlegung deren in Hessen-Casselischen publicirten also gen. Wechsel-Schriffthen 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) 3.

¹⁶ Heinemeyer, ‘Das Zeitalter der Reformation’, p. 235.

¹⁷ J. Feurborn, *Nothwendige außführliche Special-Widerlegung*, 3; Neu, *Die Erschaffung der landständischen Verfassung*, 137.

¹⁸ Two convents were handed to the Hessian nobility for their unmarried daughters. These were the convents of Wetter and Kaufungen. See: Demandt, *Geschichte des Landes Hessen*, 226.

¹⁹ *Idem*, 226; Boehncke and Sarkowicz, *Die Geschichte Hessens*, 52-60.

²⁰ Demandt, *Geschichte des Landes Hessen*, 228-229.

²¹ Press, ‘Hessen im Zeitalter der Landesteilung (1567-1655)’, pp. 267-332.

²² Boehncke and Sarkowicz, *Die Geschichte Hessens*, 60-63.

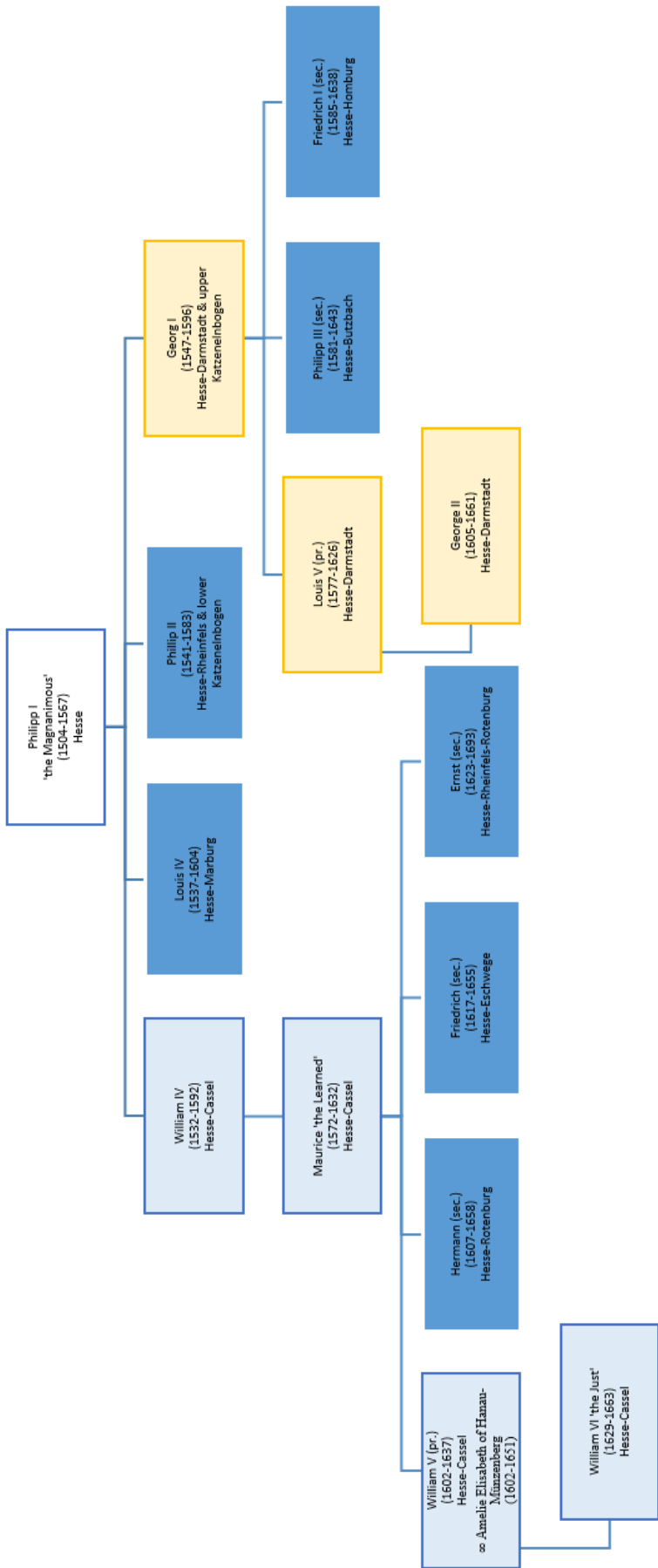


Figure 6 Ancestral chart of the House of Hesse (16th and 17th century). (previous page)²³

Philipp I wrote in his will that upon the event of his death – which befell him in 1567 – his possessions were to be split and divided among the four sons born of his first marriage to Christine of Saxony (1505 –1549).²⁴ His second marriage had been a morganatic marriage to Margaret van der Saale (1522-1566), thus disqualifying any heirs that resulted from that union from inheriting his lands. Instead, these children were awarded the title ‘Born in the House of Hesse, Counts of Dietz and Lords of Lißberg’ and controlled a few towns and castles. However, in 1577, these possessions were redistributed among the four legal sons of Philipp when the lineage died out.²⁵ The decision to divide Hesse into four principalities was the result of the birth of more than one son. Philipp feared that his sons might not be able to work together. The welfare of the country, but more importantly, that of the dynasty, was of paramount importance. Despite the division, certain central institutions were upheld: e.g. the Marburg court of appeal, the university, hospitals and church institutions.²⁶ The divide eventually resulted in four principalities: William IV (1532-1592) received Hesse-Cassel (*Niederhessen*); Louis IV (1537-1604)²⁷ 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.²⁸

Hesse-Cassel was by far the largest principality with 6,100 square kilometres and 175,000 inhabitants. The Nassau-family at the Dillenburg, who were conveniently close by, influenced the development of Calvinism in the region, and offered marriage partners for

²³ Ancestral chart by author. Based upon: Heinemeyer, ‘Das Zeitalter der Reformation’, pp. 259-260; Demandt, *Geschichte des Landes Hessen*, 238; Press, ‘Hessen im Zeitalter der Landesteilung (1567-1655)’, pp. 269-270; Maruhn, *Necessitäres Regiment*, 100-104; Boehncke and Sarkowicz, *Die Geschichte Hessens*, 70; Helbach, ‘Die Niedergrafschaft Katzenelnbogen und der Hessenkrieg’, pp. 1-4.

²⁴ Boehncke and Sarkowicz, *Die Geschichte Hessens*, 63-64; J. Feurborn, *Nothwendige außführliche Special-Widerlegung*, p. 28-29; Puppel, *Die Regentin*, 46; Wilson, *Reich to Revolution*, 45.

²⁵ Demandt, *Geschichte des Landes Hessen*, 236.

²⁶ Heinemeyer, ‘Das Zeitalter der Reformation’, p. 260; Maruhn, *Necessitäres Regiment*, 100-101.

²⁷ The 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, *Die Erschaffung der landständischen Verfassung*, 203-221.

²⁸ *Idem*, 100-104; Heinemeyer, ‘Das Zeitalter der Reformation’, p. 238; Press, ‘Hessen im Zeitalter der Landesteilung (1567-1655)’, pp. 269-270; Neu, *Die Erschaffung der landständischen Verfassung*, 159-164.

regional protestant houses. In addition to this, despite its size, Hesse-Cassel became an important centre for science and art.²⁹

In the various electorates of the Holy Roman Empire, the laws prescribed that only the eldest son could inherit the principality. However, 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.³⁰ 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 largest part: Hesse-Darmstadt, due to primogeniture.³¹ The younger sons gained, based upon secundogeniture: Hesse-Butzbach (Philipp III)³² and Hesse-Homburg (Friedrich I).³³

4.3 Maurice the Learned: confessional breakdown of relations (1592-1627)

Maurice the Learned, who took an interest in science and art, inherited the main parts of Hesse-Cassel upon the death of his father William IV in 1592.³⁴ When Maurice's two remaining uncles passed away, the close relationship between the various successors of Philipp I became strained. The heir of Hesse-Darmstadt had inherited the smallest fief by far, and proved to be devoted to Lutheranism, while Maurice had shifted towards Calvinism. Both landgraves were entitled to inherit a part of Hesse-Marburg, as their uncle had died without issue. However, Lutheranism was supposed to remain the official religion of this principality.³⁵ These religious differences were seriously detrimental to family relations, and caused the Marburg Succession Crisis to be disputed.³⁶

²⁹ Boehncke and Sarkowicz, *Die Geschichte Hessens*, 64-65.

³⁰ Press, 'Hessen im Zeitalter der Landesteilung (1567-1655)', pp. 267-332.

³¹ Boehncke and Sarkowicz, *Die Geschichte Hessens*, 70; Press, 'Hessen im Zeitalter der Landesteilung (1567-1655)', pp. 267-332.

³² It was not until 1609 that he became landgrave.

³³ He became the principality's landgrave in 1622.

³⁴ Boehncke and Sarkowicz, *Die Geschichte Hessens*, 70-72; G. Menk, 'Ein Regent zwischen dem Streben nach politischer Größe und wissenschaftlicher Beherrschung des Politischen', in: G. Menk (ed.) *Landgraf Moritz der Gelehrte. Ein Calvinist zwischen Politik und Wissenschaft*. (Marburg a/d Lahn 2000), p. 7-78, here: pp. 47; Neu, *Die Erschaffung der landständischen Verfassung*, 278.

³⁵ Demandt, *Geschichte des Landes Hessen*, 244-245.

³⁶ Boehncke and Sarkowicz, *Die Geschichte Hessens*, 73-75.

Maurice's conversion to Calvinism in 1605 triggered the ultimate breakdown of relations.³⁷ Especially after the landgrave joined the Protestant Union in 1609, and started to receive money from France.³⁸ Maurice was fascinated by the 1618-theological developments and the debates held in the city of Dordrecht, in the province of Holland. Throughout the years, he became increasingly interested in defending the Calvinist case, and, consequently, his debts mounted massively as he also defended it with military force.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 further destruction, the nobility was keen to reach an agreement with the emperor. Maurice argued that he fought for his faith and for the autonomy of his lands; consequently, he did not want to negotiate. Hence, the emperor had General Tilly invade Hesse-Cassel.

In 1623 the Aulic Court ruled against Maurice in the Marburg Succession.⁴⁰ Maurice found it impossible to accept this verdict, and started a search for military alliances in the north, leaving his eldest son in charge while he was away for two years.⁴¹ Meanwhile, the nobility turned against their own landgrave, encouraging a condemnation of his behaviour by the emperor. The *Landstände* themselves received imperial protection and Maurice's actions were described 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 militarily. Unfortunately, Hesse-Cassel had neither the money nor the troops to provide for a proper defence. Hesse-Cassel's allies also proved of insufficient strength to assist, and the

³⁷ Maruhn, *Necessitäres Regiment*, 24-32; R.M. Eßer, 'Landgraf Moritz' Abdankung und sein politisches Vermächtnis', in: G. Menk (ed.) *Landgraf Moritz der Gelehrte. Ein Calvinist zwischen Politik und Wissenschaft*. (Marburg a/d Lahn 2000), pp. 196-215, here: p. 129.

³⁸ von Friedeburg, 'Why did seventeenth-century estates address the jurisdictions of their princes as fatherlands?' in: R.C. Head & D. Christensen (eds), *Orthodoxies and Heterodoxies in German-Speaking Lands: Religion, Politics and Culture 1500-1700* (Leiden 2007), pp. 169-194, p. 177-181; Demandt, *Geschichte des Landes Hessen*, 248.

³⁹ Demandt, *Geschichte des Landes Hessen*, 251.

⁴⁰ *Idem*, 252; Boehncke and Sarkowicz, *Die Geschichte Hessens*, 74; K. Weiland, *Hessen-Kassel und die Reichsverfassung. Ziele und Prioritäten landgräflicher Politik im Dreißigjährigen Krieg* (Marburg 2009) 34.

⁴¹ Neu, *Die Erschaffung der landständischen Verfassung*, 265.

⁴² Demandt, *Geschichte des Landes Hessen*, 252.

⁴³ Von Friedeburg, 'Why did seventeenth-century estates address the jurisdictions of their princes as fatherlands?', p. 181; Menk, 'Ein Regent zwischen dem Streben', p. 69.

Danish king Christian IV (1577–1648) was defeated at the battle of Lutter (1626).⁴⁴ Tilly was, therefore, 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 1627⁴⁶, which divided his lands into Hesse-Cassel and Hesse-Rotenburg.⁴⁷ The former went to the son he 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 son Hermann; Hesse-Eschwege was given to son Friedrich; and lastly, Hesse-Rheinfels-Rotenburg was bestowed upon the youngest son Ernst.⁵⁰ On 17 March 1627, Maurice resigned from the office of landgrave, leaving his lands with debts totalling close to 2 million *Reichsthaler*.⁵¹

4.4 Wilhelm V: enemy of the emperor and exile (1627-1636/7)

Wilhelm V took over the government in Hesse-Cassel, when his father stepped down. He had already become an experienced ruler during the period when Maurice had been searching for military allies. The new landgrave remained loyal to his Lutheran Swedish ally, despite the uncertainties this alliance brought.⁵² From November 1630 onwards, the Swedes offered to help

⁴⁴ Parker, *The Thirty Years' War*, 139; Von Friedeburg, *Self-Defence and Religious Strife*, 142-143.

⁴⁵ Menk, 'Ein Regent zwischen dem Streben', p. 69; Neu, *Die Erschaffung der landständischen Verfassung*, 300, 308-312 and 318.

⁴⁶ Raingard 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, 'Landgraf Moritz', pp. 199-201.

⁴⁷ Press, 'Hessen im Zeitalter der Landesteilung (1567-1655)', pp. 302-307; Menk, 'Ein Regent zwischen dem Streben', pp. 26 and 35; M. Lemberg, 'Frauen um Landgraf Moritz. Wirkungsmöglichkeiten einer Fürstin zu Anfang des 17. Jahrhunderts', in: G. Menk (ed.) *Landgraf Moritz der Gelehrte. Ein Calvinist zwischen Politik und Wissenschaft*. (Marburg a/d Lahn 2000), pp. 173-195, here: p. 173.

⁴⁸ *Idem*, p. 174.

⁴⁹ *Ibidem*; Menk, 'Die Konfessionspolitik des Landgrafen Moritz', p. 108.

⁵⁰ *Nothwendiger Bericht, darauß zu sehen, Daß nicht allein die, von Hessen-Cassel erlangte* (S.I. 1646) 34-35; Press, 'Hessen im Zeitalter der Landesteilung (1567-1655)', p. 303-305; J. Helbach, 'Die Niedergrafschaft Katzenelnbogen und der Hessenkrieg', in: *Hansenblatt. Schriftenreihe des Internationalen Hansenordens e.V., St. Goar am Rhein*. Jahrgang 15, Heft 30, (St. Goar 1977), pp. 1-4.

⁵¹ Neu, *Die Erschaffung der landständischen Verfassung*, 318; Demandt, *Geschichte des Landes Hessen*, 253; Weiland, *Hessen-Kassel und die Reichsverfassung*, 33-34; H. Philippi, *Die Landgrafschaft Hessen-Kassel 1648-1806* (Marburg 2007) 3.

⁵² Press, 'Hessen im Zeitalter der Landesteilung (1567-1655)', p. 307.

Wilhelm V drive out the imperial forces and in 1631 it came to an alliance.⁵³ On 28 June 1633, Hesse-Kassel won the siege of Oldendorf, creating a beneficial 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 entered into an alliance, as in that year the name of a French general appeared on the Hessian payroll, due to his being entrusted with the command of the Hessian army.⁵⁶ France became actively engaged in the war one year later. Contrary to Sweden – which offered only military assistance – the cooperation with France offered 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, creating a difficult situation for Landgrave Wilhelm V.⁵⁸ In other words, the Calvinists received no reassurances concerning their position or possessions. As a result of this situation, Lutheran Hesse-Darmstadt demanded the principality Hesse-Cassel from his Reformed cousin Wilhelm V, but he was met with silence.⁵⁹ Landgrave Wilhelm V felt compelled to continue the war in order to safeguard his assets, and he freed Hanau from 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. That support was found in the French Cardinal de Richelieu, who offered Wilhelm V a treaty. A provisional treaty, signed in Minden in early June, was soon followed by the final treaty⁶⁰, which was signed in Wesel on 21 October 1636, and which entailed two important clauses, one being the instalment of an army comprising 10,000 soldiers in support of Hesse-Cassel, and paid for by Franc to the amount of 200,000 *Reichsthaler*, and the other that no peace would be signed without France's consent.⁶¹

⁵³ Boehncke and Sarkowicz, *Die Geschichte Hessens*, 75-79; Menk, 'Ein Regent zwischen dem Streben', p. 16.

⁵⁴ Press, 'Hessen im Zeitalter der Landesteilung (1567-1655)', p. 308.

⁵⁵ *Idem*, p. 307.

⁵⁶ Buckreus, *Die Körper einer Regentin*, 65.

⁵⁷ *Ibidem*; Medick and Marschke, *Experiencing the Thirty Years War*, 13.

⁵⁸ Buckreus, *Die Körper einer Regentin*, 27.

⁵⁹ Demandt, *Geschichte des Landes Hessen*, 256-257.

⁶⁰ Buckreus, *Die Körper einer Regentin*, 73.

⁶¹ *Idem*, 74; Demandt, *Geschichte des Landes Hessen*, 257.

Wilhelm V was overtly opposing 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 Meanwhile, 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 did not last long, as Wilhelm V died on 21 September 1637.⁶⁶ His wife and two sons⁶⁷, and their entourage remained in exile for several years after his death, until they returned on 25 March 1640.⁶⁸

4.5 Politics in exile (1637-1640)

The successor to the fief of Hesse-Cassel was the eight-year old Wilhelm VI. As stated explicitly in his father’s will, which had been drawn up in 1633, Amelie Elisabeth became her son William’s guardian because the marriage had always been strong.⁶⁹ She was to be one of six regents, but – obviously – her role was of more significance and importance; she was to be seen as the first among equals, according to Simone Buckreus.⁷⁰ Since the entire principality had been occupied by enemy forces, Landgravine Amelie Elisabeth was also left in charge of the army.⁷¹

It is important to stress that 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,

⁶² Weiland, *Hessen-Kassel und die Reichsverfassung*, 42 and 38: a provisional treaty had already been signed on 11 November 1630; Helfferich, *The Iron Princess*, 135.

⁶³ Buckreus, *Die Körper einer Regentin*, 65.

⁶⁴ *Idem*, 28; Asch, *The Thirty Years’ War*, 131.

⁶⁵ Weiland, *Hessen-Kassel und die Reichsverfassung*, 39 and 74; Helfferich, *The Iron Princess*, 87.

⁶⁶ Puppel, “‘Heroina Hassiaca’”, p. 104.

⁶⁷ The youngest son Philipp died in exile: Helfferich, *The Iron Princess*, 140.

⁶⁸ Buckreus, *Die Körper einer Regentin*, 26, 107 and 108. Three daughters – Emilie, Charlotte and Elisabeth – had remained in Cassel for the duration of the exile, another passed away — Louise; Helfferich, *The Iron Princess*, 140.

⁶⁹ Buckreus, *Die Körper einer Regentin*, 27 and 35: Wilhelm V had married Amelie Elisabeth of Hanau-Münzenberg in 1619. They had fourteen children together, but only four survived. See also: Puppel, *Die Regentin*, 51 and 193-194; E. Bettenhäuser, *Familienbriefe der Landgräfin Amalie Elisabeth von Hessen-Kassel und ihrer Kinder* (Marburg 1994) XII-XXI.

⁷⁰ Buckreus, *Die Körper einer Regentin*, 22.

⁷¹ I. Bechert, *Die Aussenpolitik der Landgräfin Amalie Elisabeth von Hessen-Kassel* (Marburg 1946); Puppel, “‘Heroina Hassiaca’”, p. 104.

though two difficulties became perceptible. Firstly, it was unclear who would be in charge of the defence of the occupied landgraviate.⁷² Secondly, two claimants to Hesse-Cassel presented themselves: (1) Landgravine Juliana of Hesse-Rotenburg, the second wife of the late Landgrave Maurice; (2) Landgrave George von Hesse-Darmstadt, who had already taken over the administrative matters of the area 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 ruler. He had a strong case, as 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 or no contact with the principality, she was in no position to object. Eventually she requested the Prince-Elector of Mainz to negotiate on her behalf with the Landgrave Georg, the Landgravine Juliana and Emperor Ferdinand III.⁷⁵ When the *Landstände* were called to a *Landtag* on 1 November 1637, they proclaimed their loyalty to the eight-year old Wilhelm VI.⁷⁶

This loyalty of the nobility 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, young Wilhelm VI had taken his oath on 27 September and now possessed the loyalty of the nobility 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. The *Landstände* were neither impressed by the attempts made by the House of Hesse-Darmstadt to undermine their new landgrave's position by declaring his claims illegitimate, nor by the emperor's commission to accept

⁷² Bechert, *Die Aussenpolitik*, 5.

⁷³ *Ibidem*; Puppel, *Die Regentin*, 192; Helfferich, *The Iron Princess*, 111.

⁷⁴ Bechert, *Die Aussenpolitik*, 5.

⁷⁵ Helfferich, *The Iron Princess*, 106-107.

⁷⁶ Puppel, *Die Regentin*, 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. See: T. Neu, 'Rhetoric and Representation: Reassessing Territorial Diets in Early Modern Germany', in: *Central European History* 43 (2010), pp. 1-24, p. 11-12.

⁷⁷ Puppel, *Die Regentin*, 194.

Landgrave Georg II as their new ruler.⁷⁸ On 29 October 1637, Georg, Landgrave of Hesse-Darmstadt issued a pamphlet in order to convince the nobility to side with him as he had the interests of the fatherland at heart, and as enough blood had already been shed.⁷⁹

The regency had been established and accepted through the inauguration. Furthermore, thanks to military successes and alliances, Amelie Elisabeth could negotiate a truce with the emperor, who guaranteed that the Calvinist faith could be professed in the principality of Hesse-Cassel.⁸⁰ Soon afterwards, Wilhelm V's will was accepted and the House of Hesse-Darmstadt had to withdraw its claims.

Unfortunately, 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 (*Landrüt*) on Wilhelm VI's behalf. If treaties were formulated, the landgravine was to sign together with a member of this council. It was to be comprised of four persons, and if one of them were to die, he was to be replaced within a few months. The council would also assemble when important matters were to be discussed, something which Amelie Elisabeth did not always bother to do.⁸² Wilhelm V's will also 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 very important cases, other individuals should be asked for advice as well. In November 1640, Amelie Elisabeth gathered her first *Landtag* and the nobles requested that another representative be added to her counsel.⁸⁴ Philipp von Scholley was nominated to replace Hans Diede zum Fürstenstein (1610-1665), who had little knowledge of the Latin language.⁸⁵

⁷⁸ Helfferich, *The Iron Princess*, 140; Puppel, “Heroina Hassiaca”, p. 107.

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

⁸⁰ Puppel, “Heroina Hassiaca”, p. 108; Buckreus, *Die Körper einer Regentin*, 88.

⁸¹ Buckreus, *Die Körper einer Regentin*, 67 and 173; Philippi, *Die Landgrafschaft Hessen-Kassel 1648-1806*, 1.

⁸² Puppel, “Heroina Hassiaca”; Puppel, *Die Regentin*; Bechert, *Die Aussenpolitik*.

⁸³ Puppel, “Heroina Hassiaca”, p. 109.

⁸⁴ Helfferich, *The Iron Princess*, 154.

⁸⁵ Puppel, “Heroina Hassiaca”, p. 110.

4.6 Amelie Elisabeth: regent, commander-in-chief and negotiatress (1637-1650)

Unfortunately, the landgravine's government was not off to a smooth start, and there were three main reasons for this: (1) the principality was occupied; (2) other princes, e.g. the House of Hesse-Darmstadt, contested her regency; (3) she was short on resources to supply her troops. Amelie Elisabeth's main goal was to leave her son with a well-ordered fief; to achieve this objective it was imperative that she recapture the dynasty's possessions, which meant regaining the entire principality of Hesse-Cassel. Since there were no directions in Wilhelm V's will on how to proceed in this regard, the landgravine had no choice but to address this issue at her own discretion.⁸⁶ She thus had to decide whether she would risk burdening her people with billeting and extra war-related taxes in the hope of regaining dynastic possessions or not.

In the spring of 1638, Amelie Elisabeth and Emperor Ferdinand III (1608–1657) prolonged their cease-fire. Duke Georg of Saxony also opened negotiations, suggesting a truce, although 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, the Bishop of Cologne, and the Landgrave of Hesse-Darmstadt in the possible agreement. Together, they would be able to submit a request for an alteration of the Peace of Prague.⁸⁸ Melander did succeed in forging a new alliance, known as the Welfen or Guelph Allies in early 1639. However, within months, the army suffered serious 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 important because it protected her garrisons in Westphalia. France agreed to cover her military expenses, no questions asked. The Dutch Republic played a vital role as well, as it occupied fortresses near Meppen to prevent them from being conquered by imperial troops.

Two questions were raised during the early years of the landgravine's government.⁹⁰ Firstly, should an independent peace be concluded between Hesse-Cassel and the emperor, or should general pacification be awaited? Secondly, would it be preferable to wait and meanwhile

⁸⁶ Buckreus, *Die Körper einer Regentin*, 174.

⁸⁷ Wilson, *Europe's Tragedy*, 613.

⁸⁸ *Ibidem*, 613; Bechert, *Die Aussenpolitik*, 14.

⁸⁹ Wilson, *Europe's Tragedy*, 616-618.

⁹⁰ Bechert, *Die Aussenpolitik*.

pursue negotiations, or engage in a military campaign? All of this was complicated by the fact that Amelie Elisabeth feared being used by other major players within the alliance. Taking a neutral stand was risky, and an army had to be formed and maintained. Meanwhile, 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 in 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 hoped to win Amelie Elisabeth over, but ultimately failed.⁹² Meanwhile, pressure was exerted on Duke Wolfgang Wilhelm, who agreed to pay monthly revenues to the Hessian troops totalling 60,000 *Reichsthaler* each year.⁹³

At the *Landtag* of 1643, Amelie Elisabeth was officially authorised to negotiate a peace in the cities of Munster and Osnabrück⁹⁴; and the Electors' College also accepted her position in the Imperial Circle – thus effectively terminating the isolated position of the landgraviate.⁹⁵ Due to the military successes of the past years, the landgravine felt strong enough to fight the imperial ruling of 1623, and to lay claim to the Marburg principality. Her armies set forth to regain this principality in March 1645. Amelie Elisabeth expected the *Landstände* to endorse taxes enabling her to pay for her military expenses. However, the nobility refused, hoping to force her into negotiating a peace. Nevertheless, without extra tax money, Amelie Elisabeth 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

⁹¹ Parker, *The Thirty Years' War*, 147.

⁹² Bechert, *Die Aussenpolitik*, 11 and 14; Wilson, *Europe's Tragedy*, 618-621.

⁹³ Engelbert, 'Der Hessenkrieg am Niederrhein (1. Teil)', p. 69.

⁹⁴ Helfferich, *The Iron Princess*, 159 and 161.

⁹⁵ On behalf of Hesse-Cassel, five representatives were sent to Osnabrück. These were: Adolf Wilhelm von Krosigk; Johann Vultejus; Reinhard Scheffer; Dr. Nikolaus Christoph Muldener; Dr. Johann Antrecht. See: M. Braubach and K. Repgen, *Acta Pacis Westphalicae III D1* (Münster 1962) 346-353, as quoted in: H. Langer, *1648. Der Westfälische Frieden. Pax Europaea und Neuordnung des Reiches* (Berlin 1994) 86; Buckreus, *Die Körper einer Regentin*, 103.

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

⁹⁷ Boehncke and Sarkowicz, *Die Geschichte Hessens*, 80-83; Helbach, 'Die Niedergrafschaft Katzenelnbogen'.

4.7 The nobility: maintenance of the 'status quo' (1637-1646)

The *Landstände* had been very forthcoming in the case of Wilhelm VI's succession, even though they could have submitted to the emperor's demand that they accept Georg II of Hesse-Darmstadt as the new landgrave.⁹⁸ Though young Wilhelm VI was in Eastern-Frisia, he took the oath in front of the army, and consequently accepted his rule over Hesse-Cassel. This had depended entirely on the loyalty of the nobility, who had helped the young prince. It was not until 1640 that Amelie Elisabeth and her son actually returned to their lands. Between 1637 and 1644, the nobility *de facto* supervised and ran affairs in the landgraviate – a principality seriously damaged by the atrocities of war.⁹⁹

Though the nobility had been loyal to Wilhelm VI, they did object to Amelie Elisabeth's military plans, since they seemed to harm the unity of the lands as well as the relationship with the other parts of Greater Hesse.¹⁰⁰ The landgravine, for her part, argued that she was merely upholding the *status quo* until her son was old enough to reign. Unfortunately, this situation meant that the nobility had little say in foreign affairs, even though the military events had a serious impact on the domestic situation. In fact, the nobility did not seem to have much influence at all during Amelie Elisabeth's regency, and they were only called upon four times. They met in 1640, 1643, 1648, and 1650, which was not nearly as frequently as they would have preferred.¹⁰¹

Not only did the small number of meetings give cause for dismay, the terms of Amelie Elisabeth's guardianship was debateable as well. The nobility preferred the 1514-model of regency, in which they would be active advisers to the landgravine. This was contrary to Amelie's preferences. In 1643, she requested the *Landstände* to agree to four matters: (1) the continuation of a tax on alcohol, (2) a sharpening of the rules regarding Jews, (3) payment of interest, and (4) the possibility of negotiating in Westphalia.¹⁰² In 1648 and 1650 the

⁹⁸ Puppel, *Die Regentin*, 194-199.

⁹⁹ von Friedeburg, 'The Making of Patriots', pp. 905-906.

¹⁰⁰ Puppel, "'Heroina Hassiaca'", p. 112.

¹⁰¹ Puppel, *Die Regentin*, 210.

¹⁰² Puppel, "'Heroina Hassiaca'", p. 111.

Landstände were officially summoned again. The former meeting was about the marriage of Wilhelm VI, the latter to approve and witness the young prince's acceptance of government.

The Hessian people also had divergent opinions about Amelie Elisabeth.¹⁰³ Some considered her the saviour of Hesse-Cassel, with impressive political and military skills.¹⁰⁴ She was also lauded for her strategy and negotiation skills.¹⁰⁵ She may have governed on her own account, but at times she did request advice to substantiate her policy. Others, for example the nobility, saw her to be a bringer of more warfare and despair, and she could not be trusted since she seemed to prefer war to peace.¹⁰⁶

4.8 Final negotiations: peace of Westphalia (1648)

On 24 October 1648, the final details of a peace treaty were written down and were to be signed by the emperor, Sweden and France. In spite of the fact that people had already started to celebrate, France complained that, as the details relating to payments coming from Hesse-Cassel remained unclear, the French could not, and would not, sign the treaty.

The late hour at which the French articulated these concerns led to the suspicion that such payments were being used to deliberately sabotage the peace.¹⁰⁷ The financial compensation of Hesse-Cassel was demanded very late in the process and led to much misunderstanding, and the only negotiators in favour were the French. The House of Hesse-Cassel had two goals for peace in Westphalia: indemnification of the principality's war damages, and the costs incurred by its army.¹⁰⁸ Moreover, it was generally desired that any peace should end the war between the emperor and the princes, and resolve any remaining territorial and dynastic disputes. The disputes in question concerned issues with the *Reichsverfassung*, and were meant to deal with the issues from which the war had stemmed.¹⁰⁹ As Amelie Elisabeth sincerely believed that making war and peace was a right of every

¹⁰³ *Idem*, p. 101.

¹⁰⁴ Buckreus, *Die Körper einer Regentin*, 161.

¹⁰⁵ Puppel, "Heroina Hassiaca", p. 99.

¹⁰⁶ *Idem*, p. 101.

¹⁰⁷ Helfferich, *The Iron Princess*, 232; F. Wolff, 'Hessen-Kassel auf dem Westfälischen Friedenskongreß 1648', in: *Hessisches Jahrbuch für Landesgeschichte, Volume 49* (1999), pp. 111-125, here 112.

¹⁰⁸ *Idem*, p. 113.

¹⁰⁹ *Ibidem*.

individual German Prince, and as her armies held many fortresses and lands belonging to other rulers, she felt empowered to press these claims.¹¹⁰

Religious conflict also had to be addressed, as the Peace of Augsburg (1555) in effect no longer sufficed: the Calvinist faith – not exclusively the Lutheran religion – needed to be accepted in addition to the Roman-Catholic faith.¹¹¹ Thus, religion formed an intrinsic part of the Hessian demands. The rights of the emperor as head of the Holy Roman Empire, had to be trimmed down in order to prevent legal decisions from being influenced by his power.¹¹² As legal rulings effected religion, this demand had Sweden's close attention. Sweden felt responsible as far as protecting the protestant nobility was concerned, and in particular, the Lutheran nobles.¹¹³ To the house of Hesse-Cassel, it was of major importance that Calvinism were accepted, and that this demand would be adopted without alterations.¹¹⁴ Hesse-Cassel – as a military power – was positioned to make the other negotiators acquiesce to this demand, and eventually the *ius reformandi* and *ius emigrandi* were lifted.¹¹⁵

Negotiators for Hesse-Cassel also demanded: (1) amnesty and restitution to the *Landstände* in accordance with the 1618-situation, meaning the retrocession of Hesse-Marburg; (2) compensations for damages – an unknown sum – caused by the Catholic armies. The Hessian troops would remain in the principalities they had occupied, e.g. Jülich, until full payment had been received.¹¹⁶ Eventually, it was agreed upon that the sum of money required by Hesse-Cassel to disband its army, would amount to 200,000 *Reichsthaler*.¹¹⁷

4.9 Landgravine and nobility: problems arising (1646-1650)

Amelie Elisabeth showed an increasing interest in regaining the Marburg heirloom. The nobility unambiguously objected to her warmongering.¹¹⁸ This objection may be a surprise, as Landgrave Philipp's declaration stated that the nobility should not meddle in affairs concerning

¹¹⁰ Helfferich, *The Iron Princess*, 161-196.

¹¹¹ Wolff, 'Hessen-Kassel auf dem Westfälischen Friedenskongreß 1648', pp. 114-115; Maruhn, *Necessitäres Regiment*, 179.

¹¹² *Idem*, 178.

¹¹³ Parker, *The Thirty Years' War*, 151-152.

¹¹⁴ Wolff, 'Hessen-Kassel auf dem Westfälischen Friedenskongreß 1648', p. 116.

¹¹⁵ *Idem*, p. 117; Maruhn, *Necessitäres Regiment*, 180-181.

¹¹⁶ Wolff, 'Hessen-Kassel auf dem Westfälischen Friedenskongreß 1648', p. 118.

¹¹⁷ *Idem*, p. 122; Helfferich, *The Iron Princess*, 232.

¹¹⁸ Engelbert, 'Der Hessenkrieg am Niederrhein (1. Teil)'; Engelbert, 'Der Hessenkrieg am Niederrhein (2. Teil)'.

fighters between his heirs. It indicated that they had hitherto had an interest in fostering conflict. However, the policy of conquest focused on too small a principality, which collided with the interests of the nobility. Most nobles held fiefs in more than one of the Hessian principalities, and they were wary of endangering their best interest: stability.¹¹⁹ The nobility therefore preferred to foster an identity of ‘the Hessian nobles,’ indicating an allegiance to the Greater Hesse.¹²⁰ References to the wishes of Philipp I, the Magnanimous guided the debate away from the nobles’ personal 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 stark necessity: she needed grain for the troops.¹²³ She requested that the nobility pay along with the cities and towns, as feeding the troops would be beneficial to them as well. The nobility opposed this and met in the town of Kaufungen. 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 4,000 Malter of grain, but offered 1,000 Malter instead, in return for the landgravine’s acceptance to respect their rights.¹²⁴

In grams of silver, the requested amount of grain measured up to 113,280 grams.¹²⁵ 4000 Malter of grain (656.000 kilos) can be expressed in an amount of silver grams per inhabitant; however, this is such a low number that it does not explain the reaction of the nobility. However, if this amount is expressed in kilocalories (Kcal), this will present us with a general idea of the amount of food that was taken away. The amount of 656,000 kilos of grain leads to 1,102,080,000 kcal (1680 Kcal per kilo of wheat). If this is divided by the 2,100 kcal that define food insecurity, it leads to 524,800 insecure food days. With 375,000 inhabitants, this would have resulted in 0.30 grams of silver per inhabitant, or a day and a half of hunger in Hesse-Cassel. Though these amounts do not seem to be extreme; the most problematic part about this

¹¹⁹ Maruhn, *Necessitäres Regiment*, 104-105.

¹²⁰ Maruhn, ‘Duale Staatsbildung’, p. 71-94

¹²¹ Maruhn, *Necessitäres Regiment*, p.112-113.

¹²² *Idem*, 1-2 and 127; Maruhn, ‘Duale Staatsbildung’.

¹²³ Neu, *Die Erschaffung der landständischen Verfassung*, 344.

¹²⁴ Maruhn, *Necessitäres Regiment*, 40-52; Helfferich, *The Iron Princess*, 207.

¹²⁵ Calculations based upon Rahlf, *Getreide in der Sozial- und Wirtschaftsgeschichte vom 16. bis 18. Jahrhundert*. This can be found in the accessible database of www.gesis.org. The price-average for the year 1647, was 28.32 grams/ hectoliter.

request was the promptness with which they had to be delivered on top of the damages that had already caused by warfare.

Amelie Elisabeth was incensed, and she wanted the nobility to disband their assembly, threatening those acting contrary to her biddings. The nobles felt threatened, and so they turned to Landgrave Georg II of Hesse-Darmstadt, whose delegates had been invited to Kaufungen previously but who had not shown up.¹²⁶ The nobility cited their privileges, especially their right to assemble¹²⁷, whereas Amelie Elisabeth claimed that the current state of *necessitas* entitled her to levy these taxes. The landgravine claimed absence of proof that this privilege to assemble without consent existed, and described the actions as: meetings of private persons in secret and under suspicious circumstances.¹²⁸ Despite these objections, the nobility assembled. 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.

Upon their release from prison in April 1647, Diede and Malsburg set about answering the question of how the *Landstände* could deal with a government that drew the Lower Principality of Hesse into a war, and neither allowed the nobility to assemble, nor to withhold their consent in the matter of the levying of taxes.¹²⁹ Malsburg came up with three options: (1) the use of force; (2) going to court; (3) petitioning and starting 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. Consequently, they appealed to the Imperial Chamber Court. Master in Laws and Syndicus of the city of Göttingen, Heinrich Diederich, represented them.

On 14 September 1647, the Imperial Chamber Court issued a *mandatum inhibitorium et cassatorium sine clausula*.¹³⁰ It stated that the landgravine was indeed violating the rights and privileges of the nobility by demanding innumerable amounts of food and taxes. Moreover, she was harming the welfare of her lands. Should she continue her harmful behaviour, a

¹²⁶ Neu, *Die Erschaffung der landständischen Verfassung*, 346-347.

¹²⁷ *Idem*, 348.

¹²⁸ Puppel, “Heroina Hassiaca”, pp.114-115; Neu, *Die Erschaffung der landständischen Verfassung*, 350.

¹²⁹ Maruhn, *Necessitäres Regiment*, 47.

¹³⁰ HStAM Bestand 304 I, 504.

pecuniary penalty could be imposed.¹³¹ Despite this ruling, the *mandatum* was not disclosed to the landgravine as the nobility was still attempting to keep communications open.

This verdict was eventually published shortly after the *Remonstratio*¹³² had been proffered, a document which formally objected to the ban on the nobility's assembling.¹³³ The nobility stressed that they were obliged to gather because it was imperative that they discussed the troubles Hesse-Cassel was facing. They had to do so, as it was their duty to defend their rights and honours.¹³⁴

The nobility used two different arguments: (1) they debated whether the actions of Amelie Elisabeth were tyrannical; (2) they acted in line with the traditions and privileges of their principality.¹³⁵ They added that these kinds of tactics had been attempted in other principalities such as in Jülich and Berg – where assemblies had been banned, as well.¹³⁶ In the aforementioned principalities, the emperor ruled in favour of the claimants, *e.g.* the nobility.

The Hessian Chronicle was used to illustrate the history of Hesse, and to provide examples proving the nobles' case that they had the right to assemble.¹³⁷ If it concerned the well-being of the principality, the nobility should assemble and debate strategy and what actions

¹³¹ Puppel, “Heroina Hassiaca”, pp. 99-125; Maruhn, *Necessitäres Regiment*, 40-52 and 191.

¹³² HStAM 5, 19147: *Remonstratio*; HStAM 73, 1816: *Remonstratio*.

¹³³ Section 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 verbotten worden [...]’ [quote continues in the next footnote].

¹³⁴ Section 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 feijerlich bedingt wirdt, ihre Unschuld undt Befugnis an den tag zu legen undt mit wenigem zu remonstriren, daß nicht allein bißhero von den Ritterschafft nichts Unverantwortliches, noch unbefugtes in Anstellung vorangedeuteter Zusammenkunfften begangen, sondern auch dieselbe innkunfftig rechtswegen nicht behindert werden mögen, ihrer Angelegenheiten undt daß gantze corpus oder collegiumder 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.’

¹³⁵ Von Friedeburg, ‘Widerstandsrecht und Landespatriotismus’, p. 304.

¹³⁶ Section from HStAM 73, 1816: *Remonstratio*. See page 80 for full quote from the source.

¹³⁷ Maruhn, *Necessitäres Regiment*, 105-111, see especially page 111 and 255.

should be taken. This is referred to as “*nottrufft*” (Eng: emergency).¹³⁸ Moreover, the landgrave – and in this case the regent – had sworn to uphold these privileges.¹³⁹

The nobility stressed that they were bound to their new lord, but this also implied that their lord should of necessity properly fulfil the duties belonging to his office. They focussed on the principality’s customs and stated that the oath of the inauguration was a mutually binding contract with respect to upholding these traditions.¹⁴⁰ The nobility were of the opinion that their privileges were bound up with the well-being of the principality of Hesse-Cassel, which seemed – at the time – to collide with the attitude of the landgrave or, rather, of his mother.

Amelie Elisabeth’s advisors stressed one argument in particular: they claimed that, in times of turmoil and unrest, it would be necessary for a prince to act unilaterally, laying claim to exceptional duties and taxes.¹⁴¹ The debate focussed on the question of who was responsible for the fatherland, and it soon turned to the differences between prince and subjects. The nobles

¹³⁸ HStAM Bestand 73 Nr. 1816, *Remonstratio* 1647, page 4 r^o

¹³⁹ Section from: HStAM Bestand 73, Nr. 1816, *Remonstratio* 1647, page 5 r^o: ‘So ist bekandt, wie heutiges Tages secundum morem et consuetudinem Germaniæ, ein Regent bey den Erb- undt Landtshuldigungen 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 Landschafft 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 todtshalber abginge, also, das ihre Fürstenthümer undt Herrschafften 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 Ritterschaft in Niederhessen noch newlicner Zeit, [...]’ (This quotation continues in the next footnote.)

¹⁴⁰ Section from: HStAM Bestand 73, Nr. 1816, *Remonstratio* 1647, page 5 r^o and v^o: ‘[...] in Anno 1624, als Landtgraff Georgens F[ürstliche] Gn[aden] die Pfandtämpter am Schwalmstrom angewiesen, versprochen worden, sie bey hergebrachter Freyh- undt Gerechtigkeit zue manuteniren undt zue schützen, ingleichem ebenmäsigg in A[nn]o 1627 von Landtgraff Wilhelms F[ürstlichen] Gn[aden], hochseeligen andenckens, bey Einnehmung der Landtshuldigung, undt nicht weniger in A[nn]o 1637, wie S[einer] F[ürstlichen] Gn[aden] H[err]n Sohn unserm itzigen g[nädigen]lieben Landtsfursten undt H[err]n 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 Landesfurst nicht weniger gehalten, dem Versprechen, so desen F[ürstliche] Gn[aden] den Ständen thut, furstl[ich] nachzuekommen. Mutuus enim hic contractus est [etc.] So hatt auch diese Zuesage die Krafft undt Würckung eines geschwornen Aydts. Verba enim stipulationis etc.’

¹⁴¹ *Idem*, p. 911; Maruhn, *Necessitäres Regiment*, 262-264.

denied any notion that they had acted rebelliously, and stressed that they had acted for love for the fatherland.¹⁴² Or, as Von Friedeburg puts it: '[t]he duty to care for the fatherland was turned into the right to meet and discuss matters of state. The nobility's hereditary title to power was not, as it had been in 1509, at the core of this argument.'¹⁴³ The nobility felt that they, as representatives of the fatherland, should be consulted. These claims addressed the arguments pertaining to *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.¹⁴⁴

The nobility did not want to gather separately in each part of Greater Hesse during the conflict. They wanted joint *Landstände*-assemblies to start taking place again. According to Maruhn, the nobles tried to turn back the clock when it came to the division of land. Chairman (Germ.: *Obervorsteher*) Diede remarked, shortly after the Hessian Treaty (Germ.: *Hauptakkord*) of 1648 had been signed¹⁴⁵, that the House of Hesse had experienced many difficulties due to internal differences. Consequently the *Landstände* should encourage both landgraves to return to the situation before the troubles had commenced.¹⁴⁶ For instance, during the war, the Hessian troops had numbered 20,000 men, which number was reduced to 500 men who were paid by the income of the seignior in 1649. These costs still displeased the nobility, despite the moderate lifestyle of Amelie Elisabeth and her son, and so they sought a way to terminate them.¹⁴⁷

On 24 October 1649 an assembly in Kirchhain was organised to discuss matters concerning the requested payment for troops.¹⁴⁸ Again, Amelie Elisabeth considered this meeting to be challenging her rule. Consequently, she fined Hereditary Marshal (Germ: *Erbmarschall*) Curt

¹⁴² *Idem*, 264-266.

¹⁴³ Von Friedeburg, 'The Making of Patriots', p. 912.

¹⁴⁴ *Idem*, p. 914.

¹⁴⁵ Philippi, *Die Landgrafschaft Hessen-Kassel 1648-1806*, 2; Weiland, *Hessen-Kassel und die Reichsverfassung*, 166.

¹⁴⁶ Maruhn, 'Duale Staatsbildung', p. 86.

¹⁴⁷ Philippi, *Die Landgrafschaft Hessen-Kassel 1648-1806*, 6.

¹⁴⁸ 'Ritterschaftliches Protokoll, Kirchhain 1649 Okt. 24', in: G. Hollenberg and B. Jäger (eds.), *Hessen-Kasselische Landtagsabschiede 1649-1798* (Marburg 1994), 3-5; Maruhn, *Necessitäres Regiment*, 59.

Riedesel, and imprisoned Otto von der Malsburg.¹⁴⁹ After having been imprisoned for more than three weeks, Malsburg was released on 22 January 1650. The punishment for rebellion was death; however, Malsburg received a fine to the amount of 400 gold guildens.¹⁵⁰ He responded violently to this fine, and addressed the landgravine sharply: she had ignored his noble ancestry, and humiliatingly enough, his imprisonment had been comparable to that of a simple commoner's. 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, therefore, be used to force Amelie Elisabeth into hearing the noble cause.¹⁵¹

During the *Großer Landkommunikationstag*, which lasted from 25 September until 17 October 1650, Wilhelm VI took over the government of Hesse-Cassel.¹⁵² There seemed to be irreconcilable differences between the landgrave and the nobility. These differences led to the early withdrawal of the nobility from this *Landtag*.¹⁵³ Consequently, on 17 January 1651, a list of 84 points of view was drafted by the nobility and presented to the landgrave.¹⁵⁴ This list did not ameliorate the tensions. Consequently, the nobility altered their strategy. It had become self-evident that begging and pleading did not work; now the nobles were compelled to try a more judicial path.

4.10 In conclusion

Based on Maruhn and Von Friedeburg's findings regarding Maurice's terminology, it can be concluded that the words fatherland and patriot were indeed used in the early seventeenth century.¹⁵⁵ Von Friedeburg distinguishes two types of usage by the landgrave, firstly when

¹⁴⁹ *Idem.*, 57-58; Von Friedeburg, 'Widerstandsrecht und Landespatritismus', pp. 298-299.

¹⁵⁰ Maruhn, *Necessitäres Regiment*, 59.

¹⁵¹ Puppel, "'Heroina Hassiaca'", pp. 99-125; Maruhn, 'Duale Staatsbildung', p. 71-94.

¹⁵² 'Abschiedsloser Landtag, Kassel 1650 Sept. 25 bis Okt 17', in: G. Hollenberg and B. Jäger (eds.), *Hessen-Kasselische Landtagsabschiede 1649-1798* (Marburg 1994), 5-7. For more information on the frequency of meetings, see: T. Neu, 'Von Ständischer Vielfalt zu Verfasster Einheit. Zum Konstruktionscharakter landständischer Herrschaftspartizipation am Beispiel der Landgrafschaft Hessen(-Kassel)', in: O. Auge/ B. Büsing (eds.), *Der Vertrag von Ripen 1460 und die Anfänge der politischen Partizipation in Schleswig-Holstein, im Reich und in Nordeuropa*. (Ostfildern 2012), pp. 299-326.

¹⁵³ Eßer, 'Landstände und Landesherrschaft', p. 185.

¹⁵⁴ AARK, *P.P.* (Repositur 6, Gefach 15, Seite 54, Nummer 5); von Friedeburg, 'Widerstandsrecht und Landespatritismus', p. 299.

¹⁵⁵ Maruhn, *Necessitäres Regiment*, 24-32; von Friedeburg, 'The Making of Patriots'; Von Friedeburg, 'Why did seventeenth-century estates address the jurisdictions of their princes as fatherlands?'

Maurice had a map drawn ‘of his fatherland and its adjacent regions’¹⁵⁶; secondly, when the landgrave wanted to emphasise the obligation of the nobility with regard to the *patria*.¹⁵⁷

The nobility defended its own obligations by reflecting upon themselves as patriots.¹⁵⁸ This reference seemed to entail its own set of duties to protect the fatherland, implying 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 were used to criticise the landgrave and continued to do so at least until the midst of the century.

¹⁵⁶ *Idem*, 177.

¹⁵⁷ *Ibidem*.

¹⁵⁸ *Ibidem*.

5 Hesse-Cassel: discord, dissension, and legal debates (1646-1655)

A sovereign had every right to ban meetings in which he did not participate or was not represented, at least according to the Roman consul Publius Cornelius Tacitus (ca. 56-117). This right was quoted by the Landgrave Wilhelm VI of Hesse-Cassel on 22 April 1653.¹ One of the references substantiating this particular claim was Tacitus' *Annals* book III.40: 'the Uprising of the Gauls'², and this reference seems to have been meant to cast doubt on the intentions of the Hessian nobility. Even though it is not explicit, this tentative reference can be interpreted as a comparison with the beggars and thieves described by Tacitus.³ The landgrave was compelled to inform the Imperial Chamber Court of the nobility's possible intentions to plot against his government, even though it was his responsibility to prevent such an occurrence.

Obviously, Tacitus was neither a jurist, nor an inhabitant of the Holy Roman Empire, even though that empire may be perceived as a successor of the Roman Empire in which Tacitus had lived. It might even be argued that the laws were based on Roman predecessors, though the nobility seemed – in general – to question the applicability of foreign, non-German authors to the situation in the Holy Roman Empire or its principalities.⁴ The knights mainly used sources written within the empire itself, whereas the landgrave had allegedly based his work largely on non-German sources.⁵ These differences in sources were of vital importance to the on-going debate in Hesse-Cassel. Moreover, the nobility used the landgrave's approval of non-German sources to question the rightfulness of his decisions. The nobility added this denunciation to

¹ The 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.

² The *Duplicae* wrongfully referred to book IV. The correct reference is book III, paragraph 40 which deals with the Uprising of the Gauls.

³ Tacitus, *The Annals, The Reigns of Tiberius, Claudius, and Nero*, transl. J.C. Yardley (Oxford 2008), 116.

⁴ *Überschicktes Bedencken Siner ebensoher Von Speijer. Uber die Duplic Schrift*, 1-2.

⁵ *Über die Duplic Schrift*, 1-2.

accusations that the landgrave had neither proven the nobility's malevolent intent, nor the *necessitas* of his demands of 4,000 *Malter* of grain.⁶

Reference to Tacitus was made in the *Duplica*, which was part of a legal suit. The dispute in the Lower Principality of Hesse-Cassel reached its zenith in the 1650s. The nobility and their landgrave took part in the debate regarding noble duties *versus* their rights, and attempts were made to define and create a theoretical framework regarding the limits of power. Unlike pamphlets produced in Cleves⁷, no explicit inter-textual comparisons with a Machiavellian Prince were made, though Machiavelli's work was mentioned as a reference.⁸ However, it is apparent that Wilhelm VI of Hesse-Cassel was suspicious of his nobility's intents. They were forced to rebut three grave accusations: the crime of rebellion, the crime of conspiring against the prince and the fatherland and, lastly, committing *lèse-majesté*.⁹ This was not too different from the explanation the nobility of Cleves gave when they claimed the Prince-Elector of Brandenburg had been trying to gain – in their perception – unlimited power.¹⁰ Even though it may be uncertain whether the Hessian nobles had explicitly called their landgrave a tyrant, or

⁶ *Überschicktes Bedencken Siner ebensoher Von Speijer. Uber die Duplic Schriftt*, 24.

⁷ *Ontdeckinge van den valschen Cleefschē patriot, of Korte weder-legginghe van seker fameus geschrift onlanghs tegen de Land-stenden uyt ridderschap ende steden van't hertoghdōm Cleve, als waerachtige patriotten, uytghegheven* (Knuttel 5542, 's-Gravenhage 1647), 10. This is a reference to a remark made in: *Cleefschē patriot. Verthoonende de intentie van de missive, gesonden aen de heeren Staten Generael van wegens de Cleefschē Landstenden, gepresenteert den 20 may deses jaers 1647* (Knuttel 5540, Wesel 20 May 1647).

⁸ AARK, *Replicae* (Repositur 6, Gefach 15, Seite 54, Nummer 5), 16.

⁹ *Replicae*, 2-3: 'E[wer] Chürf[ürstlicher] Gn[aden] undt des hochlöblichten Kammergerichts Jurisdiction durch allerhandt Behelf undt Scheinreden zu disputirn undt hirdurch das wollerlangte undt mit recht erkandte Mandatum zu hintertreiben der gegen Anwalt gahr operosè, wiewoll vergeblich sich bemühet, besondern auch Anwaltdts herrn Pr[incipa]ll[e]n undt hochbefugten Impetranten der abschewligsten Laster als hochstraffbarhen Widersetzlichkeit gegen ihre ordentliche Obrigkeit, machinationum wieder des Fürsten undt des Landes wohlfahrt und criminis laesae majestatis, beschuldigt undt von dieben des H[eyligen] Römischen Reichs höchsten tribunali unverschuldeter dinge außgeschrien und diffamiret werden So will Anwaldt imperantium sowohl umb den Ungrundt und Ohnerhebligheit solcher Exceptionum destomehr an den Tagh zu bringen, alß auch von den schweren Imputationen inepte applicati criminis rebellionis machinationis contra principem et patriam, itemque laesae majestatis, sie zu purgiren und ihre Unschuld so viel clahrer vor augen zustellen, dieße seine schriftliche replicas undt ablehnung dargegen übergeben haben, undt thuet neben gemeiner Widersprechung allem wiedrigen unerwießenen, unbegründten undt unerfindtlichen Inhalts, auch dientlicher Acceptirung alles desjenigen, waß einiges wegen seinen großg[ün]s[tiger] hern Pr[incipa]ll[e]n in berürten exceptionibus nachgegeben undt eingestanden oder auch zum besten verstanden werden kann.'

¹⁰ *Ontdeckinge van den valschen Cleefschē patriot*, 10. This is a reference to a remark made in: *Cleefschē patriot*. See also: F.L. Carsten, 'The Resistance of Cleves and Mark to the Despotic Policy of the Great Elector', in: *The English Historical Review* 66 (1951), pp. 219-241.

if they had engaged in a more abstract indication of resistance, their legal documents show that they did question whether their landgrave was becoming a *tyrant*.¹¹

The minor Wilhelm VI (1629-1663) had been installed in 1637 as the official lord, and heir of the House of Hesse-Cassel, ruling over the fief of Hesse-Kassel. In 1650, when he was considered of age, his mother stepped down, and Wilhelm VI assumed the lordship in his own right. This occurred during the long *Landtag*, which lasted from 25 September to 17 October 1650.¹² During this assembly, the nobility addressed the issue of their meetings as patriots: they did nothing that should upset the landgrave, or so they claimed. Their gathering was solely out of their love for their land.¹³ The landgrave had come of age and was now able to govern on his own, and so he could start to make his own decisions; this should have been simple enough, as his mother maintained that her regency had upheld the *status quo*.¹⁴ While his mother ruled as guardian, Landgrave Wilhelm VI had visited and established warm relations with the Dutch Republic, France, as well as with other principalities of the Holy Roman Empire. These contacts

¹¹ *Replicae*, 16.

¹² ‘Abschiedsloser Landtag, Kassel 1650 Sept. 25 bis Okt 17’, in: G. Hollenberg and B. Jäger (eds.), *Hessen-Kasselische Landtagsabschiede 1649-1798* (Marburg 1994) 5-7; R. Eßer, ‘Weil ein jeder nach seinem habeden Verstand... seine Meinung nach aller Völker Rechten ungehindert außzusprechen hat: Herrschaft und Prache auf frühneuzeitlichen Landtagen’, in: M. Meumann and R. Pröve (eds) *Herrschaft in der Frühen Neuzeit. Umrisse eines dynamisch-kommunikativen Prozesses* (Münster 2004), see here: 93.

¹³ HStAM 73, 213: *Landtag zu Kassel Sept. 1650 nur: Gravamina der Landschaft*. First mentioned of the 29 grievances:

‘1. Das im künftig vorkommen dem Sachen, so daß Landes Wohlfarth und auch Gefahr und beschwaren concerniren Die soll genannt Landtagen <und communicationes> ex in allereits inzo von unsern F.G.fürsten undt herrn stracks im ersten Tage Ihren F. Gl. angetretenen Regierung <Casselsch theils> ein löblicher Anfang- gemacht Worch, wiederumb an landt genommen, undt darauf durch die samptliche Landstände die nottrufft und remedia berathsclagt, ihre Anliegen undt 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 gesampte Platz Rittern- undt Lande-schafft> getrewe landes-liebe, und einigkeit bestens Vermögens befordern solche, damit sich der Regierende Landesfürst sicherlich auf ein solch gesampten getreues corpus undt deßen notwendigen beijstandt zu verlaßen, undt demselben hiergegen also landßvatterliche 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 landtstande begriffen person, so eine noch nicht geschehe die gebuerende homogial – und huldigungs aydt der, alß die uhrälteste und beständigste bundnuß gewischen einem Christliche angeborne regierung daß landes rattern <oder> Fürsten und dessen gesampten rathen landtständen, erfordert und wohlerinnert <er des könte, 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.>’

¹⁴ Philippi, *Die Landgrafschaft Hessen-Kassel 1648-1806*, 3; Puppel, “‘Heroina Hassiaca’”, pp. 99-125.

were maintained during his government.¹⁵ However, it was with some reluctance that Landgrave Wilhelm VI took over the government. Meanwhile, Landgravine Amelie Elisabeth's influence was reduced to that of an unofficial councillor in military affairs.¹⁶

As has been shown in the previous chapter, the regency of Landgravine Amelie Elisabeth had not been without difficulties, and especially since the landgraviate had been occupied. Nevertheless, Amelie regained control, and was very successful during the Thirty Years' War. In order to fight these battles and pay her armies, she had levied taxes without the consent of the nobility. This situation eventually led to a legal suit at the Imperial Chamber Court. Despite a *mandatum inhibitorii et cassatorii sine clausula* (1647), in favour of the *Landstände*, little had changed and the relationship between the landgrave and the nobility remained strained.

It has long been assumed that conflicts like the one in Hesse-Cassel were gradually resolved in favour of princes.¹⁷ 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 the nobility. Eventually they had filed a complaint with the Imperial Chamber Court.

This chapter will look into the changes in the interpretation of laws, the lawsuits brought before the Imperial Chamber Court, as well as unofficial drafts. The archival sources that have been used in this chapter are of a unique character. There are few scholars who have already written about the additional sources.¹⁸ Moreover, these supplementary texts have never been analysed as one related body of texts (see: Figure 7), and even when others have worked with them, the unofficial drafts have been ignored or overlooked.¹⁹

¹⁵ *Idem*, 1-9.

¹⁶ Puppel, "'Heroina Hassiaca'", pp. 99-125.

¹⁷ Press, *Kriege und Krisen. Deutschland 1600-1715*; Maruhn, 'Duale Staatsbildung', p. 71-94.

¹⁸ See for instance: T. Neu, *Die Erschaffung der landständischen Verfassung*.

¹⁹ Maruhn, *Necessitäres Regiment*; Maruhn, 'Duale Staatsbildung', pp. 71-94; Eßer, 'Landstände und Landesherrschaft'; von Friedeburg, 'Widerstandsrecht und Landespatritismus'; Von Friedeburg, 'The Making of Patriots'; von Friedeburg, 'In Defense of Patria: Resisting Magistrates and the Duties of Patriots in the Empire from the 1530s to the 1640s', in: *The Sixteenth Century Journal, Volume 32, Nr. 2* (2001), pp. 357-382.

Name:	Written on behalf of:	Written on:	Informal	AARK²⁰
Remonstratio	The nobility	12 August 1647		
<i>Mandatum inhibitorium et cassatorium sine clausula</i>	<i>Imperial Chamber Court</i>	<i>14 September 1647</i>		
Disposition/ 'Gutachten'	The nobility	1648-1650 ²¹		
<i>Mandatum (renewed)</i>	<i>Imperial Chamber Court</i>	<i>5 January 1650 (presented: 12 March 1650)</i>		
<i>Exceptiones sub- et obreptionis</i>	The landgrave	17 January 1651 ²²		√
<i>Mandatum sine clausula (renewed)</i>	<i>Imperial Chamber Court</i>	<i>23 September 1651</i>		
<i>Mandatum (poenale) sine clausula (renewed)</i>	<i>Imperial Chamber Court</i>	<i>19 February 1652</i>		
<i>Replica</i>	The nobility	30 March 1652		√
PP	The nobility	1652-1653		√
<i>Duplica</i>	The landgrave	22 April 1653		√
Über die Duplic Schrift	The nobility	Between 1653-1655	√	√
<i>Triplica</i>	The nobility	25 June 1655		√
Ohn Vorgreifliche Memorialien	The nobility	1653-1655(?)	√	√
Quadruplica	The landgrave	1655 ²³		
Vertrag/ Vergleich	The landgrave and nobility	2 October 1655		

Figure 7 Texts concerning the conflict in Hesse-Cassel (1647-1655).

Texts in italics have been filed at or issued by the Imperial Chamber Court.

On 30 March 1652, a document titled *Replica* was written.²⁴ The court of Speyer was approached to rule in the conflict. The source of the conflict was the levying of taxes without consent; and, furthermore, forbidding the nobility to assemble as a possible feature of arbitrary rule.²⁵ Moreover, the nobility felt their reputation had been seriously damaged as they had been accused of plotting against prince and *patriae*, as well as of committing *lèse-majesté*.

²⁰ Stift Kaufungen / Archiv der Althessischen Ritterschaft Kaufungen (AARK).

²¹ von Friedeburg, 'Widerstandsrecht und Landespatritismus', 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.

²² Date according to HStAM 5, Bestand 14660: *sub- et obreptiones* (fol. 25), as indicated with pencil (modern) on HStAM 5, 1816: *sub- et obreptiones*

²³ The *Quadruplica* is an unfinished document, as the conflict was resolved shortly after the *Triplica*: Neu, *Die Erschaffung der landständischen Verfassung*, 413; Maruhn, *Necessitäres Regiment*, 17.

²⁴ 1652, HStAM 73; also available in: AARK, *Replicae* (Repositur 6, Gefach 15, Seite 54, Nummer 5).

²⁵ Maruhn, 'Duale Staatsbildung', pp. 71-94.

Various 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.²⁶ 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. As is shown in Figure 7Figure 7 Texts concerning the conflict in Hesse-Cassel (1647-1655). , there have been quite a number of texts which can be found in the Archiv der Althessischen Ritterschaft Kaufungen. In addition to the texts that were filed at the Imperial Chamber Court, some informal drafts are stored here as well.

The *Replica* concerned the reaction of the nobility on the ongoing crisis. They had already obtained a positive verdict ruling against the landgrave's requisitioning of 4000 *Malter* of grain; but were not allowed to assemble and were accused of *lése-majesté*. These issues drove them to appeal to the Imperial Chamber Court again, in order to obtain a verdict.

In 1653, the landgrave had his lawyer file a document at the Imperial Chamber Court, titled *Duplica*, defending the landgrave's position. This text is available in both the HStAM-collection and the AARK.²⁷ Landgrave Wilhelm VI stressed that he was *territorialis superioritatis*. He meant to say that the *Landstände* should have turned to him with their issues, rather than approaching the emperor. Nevertheless, the landgrave was content with the emperor's willingness to judge the situation; this would enable him to clear his name. A situation of *necessitas* had been created by the need to protect the principality's prosperity with the help of an army, Landgrave Wilhelm VI explained. The immediate threat made it impossible to involve the nobility in policy-making, and meant that there was no time to request their consent in the matter of taxation.

An analysis of its inaccuracies was written for the nobility shortly after the *Duplica* was produced.²⁸ Only part of the harsh criticism expressed in this made it into the official *Triplica* written by the nobility's lawyer, Paul Gambs. On 25 June 1655 the *Triplica* was submitted to the Imperial Chamber Court, as a supplement to the *Replica*. Though Maruhn has referred to the *Triplica* as being a *Supplik* (supplement), he does not analyse the whole text.²⁹ Nevertheless,

²⁶ HStAM 255, H 139; HStAM 73, 1816.

²⁷ HStAM 255, H139.

²⁸ AARK, *Überschicktes Bedencken Siner ebensoher Von Speijer. Uber die Duplic Schrift* (Repositor 6, Gefach 15, Seite 54, Nummer 5).

²⁹ Maruhn, *Necessitäres Regiment*, 76 and 82.

this text is important as it seems to show that the nobles were disappointed. In 1637, they had put the young Landgrave Wilhelm VI first by helping him to gain governance over Hesse-Cassel;³⁰ yet now they were accused of lèse-majesté and rebellion against the fatherland.³¹ The nobility wished to counter this accusation by stressing their deep love of the fatherland, as well as their respect for and obedience to their landgrave.³² They also found it important to make note that by accepting the government of his fief on 29 October 1637, Landgrave Wilhelm VI implicitly declared that he: accepted the laws, would respect descent, and would honour the immunities.³³

More texts followed. The *Ohn Vorgeiffliche Memorialien* was probably written around the same time as the *Triplica*, and it is a compilation of various arguments. Shortly after the *Triplica* was issued the lawyers of the landgrave must have started writing a reply, as some 18 pages of the *Quatruplika* remain in the archive of Darmstadt. However, on 2 October 1655 the landgrave and the nobility reached a final agreement (*Vergleich/Vertrag*) which does not resemble the *Quatruplika*.

The texts described above will be analysed in order to give insight into the deliberations in Hesse-Cassel between the landgrave and the nobility. To begin with, since the judicial framework which formed the basis of these documents was constituted by the general public law (*ius publicum universale*), it will be necessary to explain said public law as well (§ 5.1). Furthermore, an in-depth analysis of the individual texts will be offered through the study of the lengthy lawsuit brought to the Imperial Chamber Court (§ 5.2). In addition to the three texts that were formally filed, as well as the final decision, the two informal drafts will be taken into account, as they offer insight into the ‘other’ arguments that were ultimately passed over. The argumentation and fatherland terminology will be analysed to understand the meaning and content of the texts (§ 5.3). The theoretical framework will subsequently be put to the test (§ 5.4). With the aid of this vast number of legal texts, it will be possible to flesh out the contemporary interpretation of the German legal framework of the Holy Roman Empire, or at least to that of the principality of Hesse-Cassel.

³⁰ *Triplicae*, 25.

³¹ *Triplicae*, 3.

³² *Triplicae*, 5 and 8.

³³ *Triplicae*, 31-33, 37.

5.1 Theoretical approach *ius publicum universale*

Michael Stolleis analysed the German public law between 1600 and 1800 in the first volume of his renowned *Öffentlichen Rechts*.³⁴ In it he describes the development of *ius publicum universale*, or general public law. This type of law is positioned between *natural law* (*ius naturalis*) and *international law* (*ius gentium*). It is influenced by — as well as closely linked to — practical philosophy, government, *reason of state* ideas, and positive constitutional law.³⁵

According to Stolleis the *ius publicum universale* was, on the one hand, rooted in: (1) natural law and (2) politics. On the other hand it was influenced by two co-existing movements: (1) historicised positive law and (2) abstracted positive public law to substantiate legitimate rule, natural freedom, and control.³⁶ Natural law, itself, has been liable to different interpretations over time.³⁷

In Hesse-Cassel both the position of the landgrave and of the inhabitants altered the mid-seventeenth century. The landgrave had referred to all inhabitants of his principality as being subjects, irrespective of birth.³⁸ Stolleis describes this as part of a legal change in which privileges became less important, and in which a uniform, objective norm was developed for everyone. The use of the word *subiectus* or subject marked this development.³⁹

With the above, Stolleis has put forward a framework regarding the development and function of the *ius publicum universale*. It was – according to Stolleis – the basis of all laws within the imperial framework. Princes received their power from the emperor, therefore they held the *superioritas territorialis* over a fief. In practice, this could mean arbitrary power as long as the imperial legislation was upheld.⁴⁰

³⁴ M. Stolleis, *Geschichte des öffentlichen Rechts, Reichspublizistik und Policywissenschaft 1600–1800* (München 1988).

³⁵ *Idem*, 291-292.

³⁶ *Idem*, 268.

³⁷ Von Friedeburg, *Europa in der frühen Neuzeit*, 205-211.

³⁸ AARK, *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 ipsis inscijs conventus aut congregationes agant, veluti in Regno Neopolitano et Siciliae.’

³⁹ Stolleis, *Geschichte des öffentlichen Rechts*, 276-277.

⁴⁰ *Idem*, 403-404.

In the case of the principality of Hesse-Cassel, six general themes, which focus on vocabulary and argumentation, are found and used to illustrate how the debate developed. This reinforces the argument that the sources found in the archives of the Archiv der Althessischen Ritterschaft Kaufungen show an on-going debate and not a linear progression. These six themes are as follows. Firstly, the position of the *Dominus terrae*, holding the *superioritas territorialis* – in both private and public law – was a major theme. The landgrave was the highest authority within the fief, a fact with which the nobility agreed. Nonetheless, the nobles argued that the *superioritas territorialis* was still subjected to laws. Secondly, the nobility held opposing views as to the position of patriots. The landgrave assumed that the patriots were loyal to both the fatherland and the landgrave, whereas they stressed their exclusive loyalty to the former. Thirdly, the issue of war was frequently addressed. According to the landgrave, fighting the war was necessary to defend the fatherland. The nobility, however, maintained that warfare was detrimental to the country. Fourthly, taxation was a regular topic within 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 actually a danger to the country. Fifthly, the issue of whether or not the landgrave had to consult the nobility and obtain their consent before levying taxes was debated. Landgrave Wilhelm VI argued that the war had created a situation of *necessitas*, and that there had been no time 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 could assemble and debate amongst themselves. The landgrave believed that such meetings undermined his government, whereas the nobility argued that the right to hold such an assembly was one of their ancient privileges.

5.2 Disputes and legal debates

Landgravine Amelie Elisabeth had requested a large amount of grain in 1646.⁴¹ Eventually, she requisitioned this grain without the consent of the *Landstände*. The nobles argued that their agreement was necessary before any such tax could be levied; consultation in such matters was one of their privileges and they were angry that it had been ignored. They, therefore, met in December in the *Stift Kaufungen*.⁴² These meetings were subsequently forbidden. With the help

⁴¹ Maruhn, *Necessitäres Regiment*, 44-45.

⁴² Eßer, 'Landstände und Landesherrschaft', p 184.

of Dr. Heinrich Dietrich, a lawyer in the city of Göttingen, the nobility successfully complained at the Imperial Chamber Court.⁴³ On 14 September 1647 a *mandatum inhibitorium et cassatorium* was issued, and the resources had to be returned.⁴⁴ 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.⁴⁵

5.2.1 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*⁴⁶ – containing their grievances. They mentioned that the fatherland was in the process of being damaged.⁴⁷ As such was the case, they had voiced their concerns in this respect by warning the landgravine about this grave situation. They still hoped to repair the strained relationship.⁴⁸

Shortly after the Peace of Westphalia, the nobility 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 Hesse-Marburg would spark off another war. These complaints were offered to the landgravine of Hesse-Cassel and to the Landgrave of Hesse-Darmstadt in 1649.

5.2.2 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.⁴⁹ If the landgravine were to continue her malpractice, and continue to ignore her subjects' rights to meet and to vote on taxes, she would face a financial penalty.⁵⁰ Despite the positive outcome, the nobility did not show their landgravine the document as – according to Tim Neu – they interpreted her silence in the matter of the

⁴³ *Idem*, p. 186.

⁴⁴ *Idem*, p 184; Maruhn, *Necessitäres Regiment*, 51.

⁴⁵ Von Friedeburg, 'Widerstandsrecht und Landespatritismus', pp. 310-311.

⁴⁶ See for more: 4.9 Landgravine and nobility: problems arising (1646-1650) on page 97.

⁴⁷ Neu, *Die Erschaffung der landständischen Verfassung*, 414.

⁴⁸ Maruhn, *Necessitäres Regiment*, 52.

⁴⁹ *Idem*, 40-52.

⁵⁰ *Idem*, 191; Neu, *Die Erschaffung der landständischen Verfassung*, 381 and 412.

Remonstratio (12 August) as a tacit consent of their right to assemble.⁵¹ Therefore there was no need to bother her with the official verdict. According to Maruhn, the nobility could use the verdict as a benchmark to test the validity of their protests, even when the verdict was ignored by Landgravine Amelie Elisabeth and Landgrave Wilhelm VI in 1650.⁵² The *mandatum* was renewed and re-issued on 23 September 1651, and was notably critical of the punishment of Riedesel and Von der Malsburg.⁵³

The verdict in the *mandatum sine clausula* had been reached relatively quickly, given the fact that, according to Maruhn, the Thirty Years' War had seriously delayed sentencing by the court.⁵⁴ However, it is worth noting that only the complainant was heard in a *sine clausula*-case.⁵⁵ Had it been a *con clausula*-case, the landgrave would have been requested to contribute a reply, too. The accuser would then be obliged to present the verdict to the defendant.⁵⁶ The *mandatum* encompassed a legal protection for the complainants and their goods (*inhibitorium*), and guaranteed their right to be safeguarded from prosecution (*cassatorium*).⁵⁷ 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, therefore, recommended that Amelie respond to the Imperial Chamber Court forthwith.⁵⁸

5.2.3 Disposition or Gutachten (1648-1650)

Between 1648 and 1651⁵⁹ a *Gutachten* – a disposition – was written on behalf of the nobility, in all likelihood by a lawyer from Speyer by the name of David Berger.⁶⁰ It contained three questions: '[C]ould a prince make laws or any ordinance without prior consultation of the

⁵¹ *Idem*, 381.

⁵² HStAM 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*, 192.

⁵³ *Idem*, 61 and 201.

⁵⁴ *Idem*, 192.

⁵⁵ *Idem*, 193.

⁵⁶ *Idem*, 193-194.

⁵⁷ *Idem*, 194.

⁵⁸ *Idem*, 195.

⁵⁹ HStAM 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, 'Widerstandsrecht und Landespatritismus', 304; Maruhn, *Necessitäres Regiment*, 206, footnote 182; Neu, *Die Erschaffung der landständischen Verfassung*, 413. The author of this dissertation would like to position the *Gutachten* between 1648-1650, as it could well have functioned as a trigger for the *Exceptionis*.

⁶⁰ *Gutachten*: Bestand 73, 1816; Maruhn, *Necessitäres Regiment*, 201 footnote 148.

Landstände? Could a prince ban assemblies on issues pertaining to 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?’⁶¹

The first question implied the acceptance of Amelie’s power. It also meant that when the privileges of the nobility were disrespected, the landgravine’s acts would be illegal (referring to the *regimen politicum*). The second issue raised, argued on the nobility’s representation of the fatherland, and implied that assembling was necessary. Amelie seemed to agree with most points, though the point of the necessity of meetings without consent remained a sensitive issue.⁶²

5.2.4 *Exceptiones sub- et obreptionis*⁶³ - 1651

With the landgrave’s permission, an *exceptiones sub- et obreptionis* – containing 84 complaints⁶⁴ – was sent to the Imperial Chamber Court on 17 January 1651.⁶⁵ Maruhn claims that a first draft of the text, created by the landgrave’s lawyer Georg Goll, had been written about one year prior.⁶⁶ The document was a response to the *mandatum inhibitorium et cassatorium sine clausula*⁶⁷, and challenged the jurisdiction and ruling of the Imperial Chamber Court on the grounds that the nobility had withheld vital information.⁶⁸ For they had not admitted to the court that they had plotted against and undermined the government, thereby committing the offence of *lèse-majesté*. Strikingly, the *exceptiones* referred to some subjects and not to the *niederhessische Ritterschaft* (nobility).⁶⁹

⁶¹ HStAM 73, 1816, r^o1; von Friedeburg, ‘The Making of Patriots’, 909.

⁶² *Idem*, 910-911; Maruhn, *Necessitäres Regiment*, 206.

⁶³ AARK, *Exceptiones sub- et obreptionis*; von Friedeburg, ‘Widerstandsrecht und Landespatritismus’, 299.

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

⁶⁵ HStAM 5, 14660 fol. 25: *Exceptiones sub- et obreptionis*.

⁶⁶ Maruhn, *Necessitäres Regiment*, 203.

⁶⁷ *Sine clausula* meant that the accused was not being heard, in other words, he (or she) was not able to present a plea or argue his (or her) case. With this mandate, claimants were protected as well as their possessions (*inhibitorium*), and were also protected from prosecution (*cassatorium*). See: Neu, *Die Erschaffung der landständischen Verfassung*, p. 194; C.A. Romein, ‘Vaterland, *patria* und Patriot’, p. 92.

⁶⁸ *Idem*, 202.

⁶⁹ *Ibidem*.

5.2.5 Mandatum poenale sine clausula — 1652

On 19 February 1652 yet another Mandate is issued by the Imperial Chamber Court. It is a *mandatum poenale sine clausula*, according to the text on the back.⁷⁰ It seems to be a second time the *mandatum* of 23 September 1651, is issued, although this does not become clear from any references. The nobility remarked in their notes that their lawyer Konrad Blaufelder was to copy the document for them.⁷¹ In this *mandatum*, the emperor criticises the imprisonment of Otto von der Malsburg and Curt Riedersel, as well as the penalty of 400 and 200 Goldgulden, respectively.⁷² He stresses that both were only speaking on behalf of the nobility, and that much of the troubles could have been avoided if the nobles had received proper replies to their questions. Moreover, the landgrave is commanded to return the fine as well as the requisitioned resources.

5.2.6 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. The *Replica* was filed by Blaufelder, a lawyer for the nobility who worked in Speyer.⁷³ Prior to the publication of the *Replica*⁷⁴, the nobility had been accused of (1) the crime of rebellion, (2) the crime of conspiring against the prince and the fatherland and of (3) *lèse-majesté*.⁷⁵ They in turn claimed to be

⁷⁰ HStAM 255, H140: *mandatum poenale sine clausula* [19 February 1652].

⁷¹ HStAM 255, H140: *Ritterscha[fft] Samptliche Ritterschafft des Nider Fürstenthumbs Hessen-Cassels [etc]*.

⁷² HStAM 255, H140: *mandatum poenale sine clausula* [19 February 1652], in this respect it seems the same as the *mandatum* of 23 September 1651.

⁷³ Eßer, 'Landstände und Landesherrschaft', p 186; 'Vergleich Landgraf Wilhelms VI. mit der Ritterschaft, Kassel 1655 Okt. 2', in: G. Hollenberg and B. Jäger (eds.), *Hessen-Kasselische Landtagsabschiede 1649-1798* (Marburg 1994), 66, footnote 25.

⁷⁴ AARK, *Replicae [...] Mandati Inhibitorii et cassatorii sine clausula* (Repositur 6, Gefach 15, Seite 54, Nummer 5).

⁷⁵ Based 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 clärer 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 dientlicher Acceptirung alles desjenigen, waß einiges wegen seinen großg[ün]s[tiger] 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[licher] May[estät], vor E[wer] Chürf[ürstlicher] Gn[aden] undt vor der gantzen Weltt fyerlich protestiren, daß das crimen Rebellionis machinationis contra principem et patriam, laesae majestatis undt waß dergeleichen 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 nochmalts 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,

wronged by this injustice and these grave falsehoods.⁷⁶ The nobility felt the need to emphasise this point, as they were convinced that their meetings had been legitimate.⁷⁷ The *Replica* claimed that the nobility felt obliged to honour the customs of both the Holy Roman Empire and the fatherland. Consequently, they felt the need to protest on behalf of their fatherland and to protect its prosperity.⁷⁸ Since the Thirty Years' War had been terminated by the 1648-peace treaties, there was little danger left, and the argument for *necessity* was no longer applicable.⁷⁹ Despite the aforementioned protest, they did recognise the landgrave as their superior.⁸⁰

The landgrave, and his mother, had claimed *necessity* in order to levy resources, but according to the nobility no situation had as yet been so pressing as to override their ancient privileges.⁸¹ The nobility felt strengthened by the content of the *mandatum sine clausula* of 14 September 1647; it had been issued by the Imperial Chamber Court, and overtly stated that the 4,000 Malter of grain were to be returned.⁸² However, as the *Replica* shows, little had changed, rendering another complaint at court imperative.⁸³

The nobility stressed that their liberties had been violated when the landgrave forbade their meetings without a legally tenable explanation.⁸⁴ They suspected that the meetings were banned simply because Landgrave Wilhelm VI and his mother felt aggrieved, as they had not been invited.⁸⁵ The nobility stressed that in similar cases – such as that of Jülich-Berg and Eastern-Frisia – the emperor had ruled in the favour of the nobility: they were allowed to gather despite their prince's restrictions.⁸⁶ The nobility made a comparison to the government of the Turks and the Muscovites who were ruled by an arbitrary ruler.

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 erzeugt, wie getrewen redtlichen Adels persohnen, Vasallen undt patrioten zu thun gebühret undt wollahnstehet, dannoch gantz unverschulter weißt, alß wan sie von Ihrer vor Eltern Redtligkeit gantz degeneriret wieder des Fürsten undt des Landes Wohlfahrt.'

⁷⁶ *Replicae*, 3, 5-6.

⁷⁷ *Replicae*, 4.

⁷⁸ *Replicae*, 20; see also: Von Friedeburg, 'The Making of Patriots'.

⁷⁹ *Replicae*, 65-68.

⁸⁰ *Replicae*, 81.

⁸¹ *Replicae*, 6, 24-26.

⁸² *Replicae*, 7, 51, 53.

⁸³ *Replicae*, 55-61.

⁸⁴ *Replicae*, 8, 10-11, 68-72.

⁸⁵ *Replicae*, 76-78.

⁸⁶ *Replicae*, 79.

‘So you will not be awarded arbitrary rule for it is unworthy when a Christian Prince attempts to obtain arbitrary power. An exception to these forms of government in principalities in Europe can (with the exception of the Turks and the Muscovites) be observed and does exist.’⁸⁷

The nobility concluded that they should be included in policy- and decision-making, like in a Greek *politicos*, otherwise the landgrave risked becoming a tyrant.

‘[F]or true freedom of a prince does not consist of being able to do what he wants, but in what he can do rightfully, according to the rules of the politeia⁸⁸, for he does not rule in the way of the arbitrary ruler.’⁸⁹ In its nature the [Holy Roman] Empire differs [greatly] from a dominium.’⁹⁰

Those were the only two forms of government mentioned: (1) monarchical rule with consultation of the *Landstände*, as would have occurred in the polis consultation, and (2) tyrannical rule – or the kind of rule exercised by Greek monarchs, that of sole rulers – which was deemed illegal.⁹¹ Making the step to the meta-level of Aristotle’s theories could have helped to prevent critique that would focus on a possible lack of a law specifically covering this issue in Hesse-Cassel. The corollary was, according to Von Friedeburg, that there were two requirements of legitimate monarchical rule: to remain within the boundaries of the law, follow the customs of the land, and consult the *Landstände*.⁹² Arbitrary rule, which occurred when these two requirements were not met, would endanger the welfare, wellbeing and freedom of the inhabitants and of the fatherland.⁹³ The nobility stressed the importance of custom through

⁸⁷ CAR: 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 spacie, 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.’

⁸⁸ As would happen in a *politicos* with a constitutional law.

⁸⁹ In the way of a *despoticos*, without a constitution.

⁹⁰ Section 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 â domino differt, plura pro hac sententia firmanda qui faciunt videndum est apud.’

⁹¹ Von Friedeburg, ‘The Making of Patriots’, p. 909; Von Friedeburg, ‘Widerstandsrecht und Landespatritismus’, p. 270-271; Von Friedeburg, ‘Adel und ständische Vertretungen’, p. 170.

⁹² Von Friedeburg, ‘The Making of Patriots’, p. 909;

⁹³ Section 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

references to the landgrave's ancestors, especially Philipp I the Magnanimous and Maurice the Wise.⁹⁴ These landgraves had developed laws and regulations, which Landgrave Wilhelm VI had promised to uphold when he accepted government over his fief in 1637.⁹⁵ The landgrave was expected to employ his righteous princely power in upholding these regulations, and not to evade laws.⁹⁶ This was illustrated with the example of the Holy Roman Empire. Here, the emperor himself could not levy taxes without the consent of the Diet.⁹⁷ In order to rightfully and legally impose Imperial-, Circle- or Land-tax, the approval of the imperial assembly would have to be sought, and moreover the need for the taxation had to be unambiguous.⁹⁸

The *Landstände* represented the inhabitants, and they needed to be able to speak on their behalf. However, they were not allowed to assemble, and could thus not learn what went on. Nor could they talk about the fatherland's peace, tranquillity, wellbeing or about the preservation of privileges, immunities and justice.⁹⁹ The nobility needed to be able to warn the

beij ihren Privilegien erhalten undt beschützt werden möchten, zu gedencken, sondern daß die Eltisten undt Vornembsten in 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 Weßen nicht acht haben, noch sich deß Vaterlandts Heijl undt Wollfahrt 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 stewart ohne noth ridderlich undt schließen [etc], *Optimates et officiales singuli, inq[ui]t Althus[ius], sunt obligati ad salutem populi, ipsiq[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 Landtstewren 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.'

⁹⁴ *Replicae*, 25-26, 34-36.

⁹⁵ *Replicae*, 20, 28-29, 79-80, 86-89.

⁹⁶ *Replicae*, 20, 28-29.

⁹⁷ *Replicae*, 33.

⁹⁸ *Replicae*, 37-38, 50.

⁹⁹ *Replicae*, 73-74: 'Certi Juris esse ait, quod universitas suo Juris ad onera universitatis sustinenda collectas, bellas, Schluß, stewart, unguldt, mankgeldt, indre et colligere queat q[ua]md[a]m exsatis 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 angestellt 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 endt weder zu erhalten, oder wieder einzuführen undt zuwege zubringen, oder auch Conservierung ihrer Privilegien, Immunitäten undt Gerechtigkeit betreffen, auch ohne zuvor darüber eingehohleten, Consens deß superioris conventus anzustellen in Recht vergünnet sein, totum [e]n[im] quod totum habet idem juris, quod pars, quo ad partem.'

landgrave, if necessary, of a possible threat to the fatherland. This possibility had been taken away by forbidding the nobles to convene.¹⁰⁰

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 lied when he indicated that the nobility had agreed with the situation of *necessitas* and the consequent need to levy taxes. The nobility had never agreed to call the situation one of *necessitas*. Furthermore, because such assent would restrict their rights, it was not even conceivable that they had ever agreed to this. They could have taken this argument one step further stating that even if they had agreed about there being a situation of *necessitas*, this action would have been void because of its aforementioned incongruity to their legally inextricable rights. However, to stress the incompatibility of ancient rights and *necessitas* would be an attack on the principle of *necessitas* itself, and so they 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*.¹⁰¹ The nobility could not be asked to contribute taxes, as they were exempted, but they could offer advice or contribute voluntarily.¹⁰² It was feared that temporary, war-related contributions would turn into permanent taxes – taxes which had not received the requisite consent; this would diminish the influence of both the nobility and the inhabitants greatly.¹⁰³

The nobility claimed to have only dealt with matters of welfare during their assemblies. They had not done anything else, and had sought only to address the crisis. In fact, the nobles were irritated by the suggestion that they had plotted against the fatherland and their prince.¹⁰⁴ The landgrave had argued that he alone could issue invitations to meetings, but the nobility opposed this claim. If their opposition needed to be substantiated, the nobility could send proof to the landgrave's chancellor. Thus, they argued that their liberties had been restricted despite the legitimacy of their privileges.¹⁰⁵ 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.¹⁰⁶ Likewise, they used recent scholarly sources, applying the

¹⁰⁰ *Replicae*, 81-85.

¹⁰¹ *Replicae*, 39-40.

¹⁰² *Replicae*, 44-45.

¹⁰³ *Replicae*, 47-48, 50.

¹⁰⁴ *Replicae*, 87-91.

¹⁰⁵ *Replicae*, 92-96.

¹⁰⁶ *Replicae*, 45-46.

legislation and history of their own territories to argumentation that concerned other lands throughout their texts.

In short, the nobility argued that they had not committed *lèse-majesté*. They also stated 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. The nobility claimed the right to assemble, but their meetings were forbidden. They claimed to be loyal patriots who should be allowed to assemble in order to discuss the situation at hand. Doing so, they accepted an office to defend their fatherland, i.e. the principality of Hesse-Cassel. With this duty came the right to oppose the ruler who had overstepped the limits, and who did not fulfil his obligations.¹⁰⁷

5.2.7 *PP* – (30 March 1652)

Both the Archive of Marburg and the Archiv der Althessischen Ritterschaft Kaufungen have a short document attached to the *Replica*.¹⁰⁸ It is quite likely to have been written by or on behalf of the nobility, and is called *PP*, and bares 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 matter was being addressed in the *Replica*.

5.2.8 *Duplica* – 22 April 1653

Written by Georg Goll, the *Duplica* was issued on 22 April 1653 on behalf of Landgrave Wilhelm VI of Hesse-Cassel.¹⁰⁹ The landgrave seemed agitated, having to react to accusations

¹⁰⁷ T. Neu, 'Rhetoric and Representation', p. 16.

¹⁰⁸ AARK, *PP* (Repositur 6, Gefach 15, Seite 54, Nummer 5); HStAM 73, 1816: *PP*. 1 folio – written on all 4 sides

¹⁰⁹ Eßer, 'Landstände und Landesherrschaft', p 186; 'Vergleich Landgraf Wilhelms VI. mit der Ritterschaft, Kassel 1655 Okt. 2', in: G. Hollenberg and B. Jäger (eds.), *Hessen-Kasselische Landtagsabschiede 1649-1798* (Marburg 1994) 66, footnote 25.

while he was busy defending his fief.¹¹⁰ Nevertheless, he stressed the value of the Imperial Chamber Court and his appreciation for the emperor's involvement in overseeing the trial.¹¹¹

He stressed his position as *dominus terrae* by referring to his power as *superiorias territorialis*, as well as his duty to uphold *Reichs Constitutionen* (imperial laws), which was included in this role.¹¹² The emperor was his feudal lord, a hierarchal reality that the landgrave emphasised and accepted. Given this hierarchy, the landgrave drew the conclusion that the nobility appealed to the wrong authority and should, instead, have approached him.¹¹³ The nobility should have addressed their immediate superior – the landgrave – 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.¹¹⁴ An important factor prompting the landgrave to acquiesce with the involvement of the Imperial Chamber Court, was the ability of that court to restore his reputation, which may have been damaged by all the controversy.¹¹⁵ Since the emperor was superior to all princes, Landgrave Wilhelm VI trusted him to be impartial.¹¹⁶ It was stressed that the *salutem patria pro suprema lege*¹¹⁷ 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 by virtue of her governance.¹¹⁸

The landgrave mentioned that during the reign of his predecessors, the nobles had relied on the judgment of the landgrave's ancestors. The nobility had then dealt with the situation as faithful, loyal and patriotic people, who fully understood the gravity of the situation, thanking

¹¹⁰ AARK, *Duplicae*, Repositur 6, Gefach 15, Seite 54, Nummer 5.

¹¹¹ *Duplicae*, 2.

¹¹² *Duplicae*, 4, 106-109.

¹¹³ *Duplicae*, 3-4, 37.

¹¹⁴ *Duplicae*, 3-4, 8.

¹¹⁵ *Duplicae*, 6-7, 16.

¹¹⁶ *Duplicae*, 8.

¹¹⁷ *Duplicae*, 37: 'Was nun ferner undt in specie die Ritterschafft abgeforderte 4000 malter Maga[t]zin frucht anlange wirdt von der Ritterschafft ein gewendet, es sie sich von das weg[en] zu deren herschießung nicht lasten verstehen komen, nach wollen, weil sie zu deren bewilligung nicht gefordert, kein landtag zu dem ende auß geschrieben, noch auch die nohtwendigkeit undt unsaghen berahtschlaget undt bewilliget, dannen hero sie am Kaiß[er]l[ichen] Cammergericht darüber sich zu beklag[en] undt das Mandatum der Cammergerichtes ordnung gemäß auß zuwürcken verursacht worden, darbeij dan die Ritterschafft die höchlobliche undt hochfahlige verstorbene landesfürsten (welche beneben dehro geheimbtten undt kriegesrähten obahngezogener maße, undt wie reichs- undt weldtkundig ist, salutem patria pro suprema lege gehalten, nicht allein die Conservation ihres damahls noch unmundigen Herr deses anwalts herrn pricipalis, deren mit feuer undt schweedt verfolgten landt undt lantgrafs außßenße sich Ahngelegen sein laße) mit hin dan Setzung alles schuldigig respects anstaht Underthts schuldige danckbahrkeit, atrocissimè ahn zugreifen undt zu injuriren sich nicht geschnet.'

¹¹⁸ *Duplicae*, 37, 63, 111-112.

God for his good guidance in order to save the fatherland.¹¹⁹ He then went on to note that from the point of view of fatherly precautions, he did need resources and troops for the defence of the fatherland, and that his position allowed him to bypass the *Landstände*.¹²⁰ The patriots and the *Landstände* would have to accept this situation. Proof that the dynasty had accepted this responsibility was traced back to the *Hessian Chroniek*.¹²¹

The main duty for Landgrave Wilhelm VI of Hesse-Cassel was the defence of ‘our Fatherland’ and its subjects.¹²² But he needed weapons – and an army – to do so, even though he acted according to the laws.¹²³ In order to justify his policy and taxes, he therefore quoted Cicero and Tacitus:

‘[T]hus in pro lege Manilia Cicero called taxes ornaments of peace; Tacitus [said] that without taxes neither peace among people, nor armies [can exist] without payment; and these payments cannot exist without taxations. Justifiably the Roman Senate remonstrated with Nero, who had given the order to abolish

¹¹⁹ *Duplicae*, 32-34.

¹²⁰ *Duplicae*, 32-33: ‘Am 1sten Aug: Anno 1622 sub N undt S ahngezogen die Lehn undt Ritterdienste mit Ihren Pferde williglich virrustet [*illigible*], undt wie solches auß ab angezogenen Hessischen Landtags Abschieds Clarlich zu zeigen, so ist es ahn den wann ein Regirender Fürst zu Hessen in Kreiges Zeitte auß trew eisterigen landes vatterlicher vorsorge vor seint von Goodt ahn befahlet landt undt lantge zu deren defension einen heilste mitt gelt undt volck benöthiget ist, das er in Crasst habender Landesfürste hoheit undt regalien, macht undt gewalt hatt, seine Landtstande, Praelaten, Riter, undt Landtschafft, der sachen Zeisten 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 ahnzahll 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 afgeruhteten Landttags Abschiedts, Ritter undt Landtschafft Fl Landtgraff Moritzen Underthanig Hag fleißige damit sage, das I. F. Gl. da die sachen dero Zeit in undt außer 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 erwijde [*illigible*] zu laße, gefliße geweßen 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 ahngelage 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 Landtschafft, 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 stewart von dreijmahl hundert thaußent fl[orijn], zu stadten zu kommen, undt dieselbe nach den Treülichen in a[nn]o 1576 aust gewinsten landtags abschriedt, zu sammen zu tragen sich erbotten.’

¹²¹ *Duplicae*, 96-98.

¹²² *Duplicae*, 5 and 11.

¹²³ *Duplicae*, 5-6.

all taxes, in that it causes the destruction of the imperium when the fruits on which it supports are diminished.’¹²⁴

The landgrave stressed that, ever since 1532, the safety of his people and the common good had been considered of vital importance, even during wartime.¹²⁵ 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.¹²⁶ With these legal limitations, he could use this extra latitude to arrange tributes, collections and revenues.¹²⁷ The landgrave also used his power to prevent assemblies, which would undermine his government during the temporary situation of *necessitas*.¹²⁸ Disrespect and disobedience of this decision were regarded as high treason.¹²⁹ It was the nobility itself that gave rise to this suspicion by assembling at a convent. Throughout the empire, as well as in the principality of Hesse-Cassel, regulations – such as the *ius collectandi* – justified a *necessitas*-policy for a limited period in time. Since swift proceedings were considered to be the only workable option in some scenarios, there was no need to invite the nobles, nor was the landgrave under an obligation to ask their consent.¹³⁰ To substantiate the claim of the acceptance of *necessitas*, references were made to papal power and the Bible, e.g. 1 Kings 2, and the Gospel of St. Matthew, in which the acceptance of government was stressed.¹³¹ Arguably, the situation in Hesse-Cassel in 1647 was one of *extrema necessitas*, as both Swedish and Imperial troops had swept through the principality.¹³²

Funds were required at short notice in order to defend the Lower Principality of Hesse-Cassel against these foreign troops.¹³³ Consequently great damage was done to people with few resources; however, it had been inevitable in order to defend the fatherland.¹³⁴ 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 imminent land- and imperial taxes as well

¹²⁴ *Duplicae*, 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 iubenti demonstravit, dissolutionem Imperij fare, si fruct[us] quibus res publica sustineret diminuerentur Tacitus hist lib 4 et Annalium lib 14.’

¹²⁵ *Duplicae*, 66.

¹²⁶ *Duplicae*, 10, 14-15, 48, 52, 55.

¹²⁷ To collect taxes and crops: *Duplicae*, 10.

¹²⁸ *Duplicae*, 10, 12, 53, 81-85.

¹²⁹ *Duplicae*, 14-15, 90-92.

¹³⁰ *Duplicae*, 12-13.

¹³¹ *Duplicae*, 50-51.

¹³² *Duplicae*, 51.

¹³³ *Duplicae*, 53-54.

¹³⁴ *Duplicae*, 18-24, 52-53, 87-88.

as the tax to avert the Turkish threat.¹³⁵ 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. Thus, he was authorised to defend his land with all means, resources and forces.¹³⁶ Although it was not compulsory, the nobles were allowed to contribute and share in the costs of war or, rather, the defence of the principality.¹³⁷ 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.¹³⁸

According to the nobility, they should be allowed to assemble where and when they considered this necessary, even without the landgrave. However, according to the landgrave, during the reign of Landgrave Philipp I, meetings had been called by the landgrave, not by the nobility. Moreover, in the years 1536, 1542, 1557, 1566, and 1576 *necessity* had been accepted as a valid argument by the landgrave and his successors.¹³⁹

The nobility portrayed the landgrave as wilfully seeking to diminish their immunities in order to abolish the *Landstände* under the pretext of *necessitas*.¹⁴⁰ Landgrave Wilhelm VI did not take kindly to this kind of defamation, remarking that such statements were beneath the nobility's dignity. Awaiting the nobility's consent would have led to the loss of valuable time, and even more destruction.¹⁴¹ It was stressed that both the landgrave and the nobility shared a common goal: the preservation of the Lower Principality of Hesse-Cassel.¹⁴²

5.2.9 Reaction to the *Duplica* (1653-1655?)

After the issuance of the landgrave's *Duplica*, a commentary emerged. It bears no significant name or known date, which is understandable as it does not constitute an official reply. Its name merely signifies that it was a contemplation on the *Duplica*: '*Uberschicktes Bedencken Siner*

¹³⁵ *Duplicae*, 26-31.

¹³⁶ *Duplicae*, 32. See footnote 120 for the full text from which this is quoted.

¹³⁷ *Duplicae*, 56-68, 71.

¹³⁸ *Duplicae*, 69-71.

¹³⁹ *Duplicae*, 100-104.

¹⁴⁰ *Duplicae*, 38, 45, 54.

¹⁴¹ *Duplicae*, 43-44, 56-57, 77.

¹⁴² *Duplicae*, 44 and 46.

ebensoher Von Speijer. Uber die Duplic Schrift'. This text is only available in the Archiv der Althessischen Ritterschaft Kaufungen.¹⁴³ The text seems to have been written for advisory, internal purposes only: it left little room for diplomacy or tact. It differs from the nobility's *Replica*, as it is a factual, page to page, analysis, touching upon 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 to question whether or not he was allowed to demand taxes without the consent of the nobility. The main critique, voiced throughout this text, was that the landgrave considered the nobles subjects rather than vassals. The landgrave had based his arguments on the wrong sources, and had offended the nobility with respect to their honour and endangered their welfare and possessions as a result. The nobility had been deprived of certain privileges as a result of the landgrave's claims of *necessitas* and now they objected, even though the landgrave was not inclined to listen to their comments.¹⁴⁴ Furthermore, in the *Duplica* a reference was made to the knights and those in salaried employment.¹⁴⁵ The landgrave's lawyer had lumped the nobility, as subjects, together with individuals in paid employment. This was one of the reasons the nobility has gone to the Imperial Chamber Court: they wanted to be heard.¹⁴⁶ On the one hand, the nobility had been equated with the common subjects, whereas, on the other hand, they still maintained an exceptional position, as no ratio is established for tax payments.¹⁴⁷

Several arguments were used by the anonymous author to object to the contents of the *Duplica*. He stressed that nowhere was there any evidence that the nobility had objected to the landgrave's claim of *necessitas*, as they had neither objected to his superiority, nor to the tokens

¹⁴³ AARK, *Uberschicktes Bedencken Siner ebensoher Von Speijer. Uber die Duplic Schrift* (Repositur 6, Gefach 15, Seite 54, Nummer 5).

¹⁴⁴ *Uber die Duplic Schrift*, 7.

¹⁴⁵ *Uber die Duplic Schrift*, 8: 'Die weil uber auß vielbefagter Duplicschrift schinet daß darinnen allerhandt frembde Dinge, welche nicht unter vorgedachte zwei puncten gehoren, mit ein geflankhten werden alß die bestellung deß Justitiae weßend das Hoffgericht, die untern außschluß genommene vnterthanen, die Ritter vndt Ilohendienste, die Policeij; und Landt ordnung und machung eines Landt rechtens etc: so ist nicht unzeitig dabei zur Bedencken, ob solches nicht mit gefließenem Vorsatz geschehen daß man entweder die Ritterschafft damit enlake daruff zue entwertten, und also eo ipso die sache hieher von das Cammergericht zue ziehen, und damit verursache, daß man am Kaijßl Hoff eine repulsam bekomme.'

¹⁴⁶ *Uber die Duplic Schrift*, 9.

¹⁴⁷ *Uber die Duplic Schrift*, 12, 23.

of his *regalia*. This meant that he was the ultimate interpreter of a situation and of the law.¹⁴⁸ 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 to be abided by.

Landgrave Wilhelm VI had claimed necessity to act, but the author of the commentary countered that in 1630 strict rules had been formulated regarding when the necessity argument could be used.¹⁴⁹ These rules dated from the Regensburg Diet agreements (1630), and the landgrave had contravened them.¹⁵⁰ Consequently, it was argued that the nobility's meetings were legal, and that it was Wilhelm VI who had disrespected tradition.

Peer consultation was not intended as preparation for undermining the landgrave's position, despite the possible claims that the assembly made with reference to the welfare of the principality of Hesse-Cassel.¹⁵¹ Firstly, the nobility legitimately needed to discuss the curtailment of their privilege 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 within the principality of Hesse-Cassel.¹⁵² 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.¹⁵³ This practice harmed not only the citizens and farmers, but the nobility as well.¹⁵⁴ The emperor had ordered the 4,000 *Malter* of grain to be returned; the nobles were still waiting for the landgrave to comply. Moreover, the landgrave attempted to levy a new land tax and tried to illegally coerce the nobility to contribute.¹⁵⁵

The landgrave seemed to have interpreted the nobility's silence in matters of taxation, as a tacit consent.¹⁵⁶ According to the nobility, the landgrave bent and reinterpreted previous verdicts into a more desirable outcome;¹⁵⁷ Landgrave Wilhelm VI's lawyers had read things in

¹⁴⁸ *Über die Duplic Schrift*, 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 similibus, welches das ubliche herkommen und observantz quae optimarorum auch iuris et legum interpraes ist, erklären muß.'

¹⁴⁹ *Über die Duplic Schrift*, 5.

¹⁵⁰ *Über die Duplic Schrift*, 5-6.

¹⁵¹ *Über die Duplic Schrift*, 26-27, 32-33.

¹⁵² *Über die Duplic Schrift*, 20, 22.

¹⁵³ *Über die Duplic Schrift*, 18-19, 34. See also: Friedeburg, 'Widerstandsrecht und Landespatritismus', p. 304.

¹⁵⁴ *Über die Duplic Schrift*, 3, 13, 24-25.

¹⁵⁵ *Über die Duplic Schrift*, 15, 22 and 4, 15, 19.

¹⁵⁶ *Über die Duplic Schrift*, 3, 9.

¹⁵⁷ *Über die Duplic Schrift*, 9.

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 certain responsibilities.¹⁵⁸ The nobility responded angrily to these allegations and improper references: it seemed to them a violation of their honour.¹⁵⁹ Strikingly, the nobles did not flaunt their fidelity and loyalty, but complained instead that the landgrave had failed to mention their loyalty.¹⁶⁰ However, their responses should not be interpreted as disobedience, as they were merely trying to protect their privileges.¹⁶¹

The understanding that the landgrave's position had been primarily rooted in foreign sources by his lawyers was also seen as problematic. The views of Spanish, Italian, or other legal scholars were not applicable to the *ius publicum*, the laws and the customs of the landgrave's own principality, or to those of the Holy Roman Empire.¹⁶² Using foreign sources meant – at least according to the author of the commentary – that the references did not apply to the situation of either Hesse-Cassel or the Holy Roman Empire¹⁶³: customs and laws differed greatly between the various parts of Europe.¹⁶⁴ The *Aurea Bullae* (XV) was instead used to substantiate the nobility's claims of the legitimacy of their actions.¹⁶⁵

¹⁵⁸ *Über die Duplic Schrift*, 10-11.

¹⁵⁹ *Über die Duplic Schrift*, 10.

¹⁶⁰ *Über die Duplic Schrift*, 10.

¹⁶¹ *Über die Duplic Schrift*, 21.

¹⁶² *Über die Duplic Schrift*, 1-2: 'Waß ein die ingedüchten Duplic schriefft allegirte Jura belanget, seindt dieselben mehrentheils ex opinionibus Doctorum erstlichen hergenommen, welche Doctores mehrentheils Spannier, Italiäner, undt auß andern fremden nationen seindt, welche in materijs jus publicum concertib[us] geschrieben haben, de jure et consuetudine Ihrer herrschafften, undt das romischl[iche] Reichß undt die privilegia undt herkommens deßelbigen freijer leuthen nation gar nicht appliciren.'

¹⁶³ 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.

¹⁶⁴ It is clear what standards should be met to be accepted as a non-foreign author. See for more information the analysis made by Caspar Hirschi. Hirschi, *The Origins of Nationalism*.

¹⁶⁵ *Über die Duplic Schrift*, 31.

5.2.10 Triplicae – 26 June 1655¹⁶⁶

No solution in the conflict was reached, despite an invitation issued on 1 May 1655 to assemble with the landgrave on the day prior to Ascension Day.¹⁶⁷ This becomes apparent as the *Triplicae* was presented on 26 June 1655 by Blaufelder's successor, Dr. Paul Gambs.¹⁶⁸ It constituted an official legal reply to the *Duplicae*. Though the same arguments were used as in the *Überschicktes Bedencken Siner ebensoher Von Speijer Uber die Duplic Schift*, it should be dealt with as an individual text as the arguments were voiced with more diplomacy. The *Triplicae* was sent to the Imperial Chamber Court in order to elucidate certain issues, prior to a possible verdict.¹⁶⁹ Maruhn has, therefore, referred to this text as a supplement to the *Replica*.¹⁷⁰

The nobility claimed to have been wronged by the content of the *Duplicae*. The nobility had helped Landgrave Wilhelm VI by accepting his government, and they had helped him immensely when he returned to Hesse-Cassel.¹⁷¹ Now, without consideration of their noble birth, they had been accused of the crime of *lèse-majesté* and rebellion against the fatherland.¹⁷² The nobility wished to counter these accusations by arguing their deep love of the fatherland, as well as their respect for and obedience to their landgrave.¹⁷³ These matters had been addressed in the *Replica* and now again in the *Triplicae*. The issue of the nobility as *subjects* was mentioned too.¹⁷⁴ The landgrave simply could not unilaterally change the various agreements made by his predecessors with regard to the fief, or the position of individuals or the immunities of the nobility.¹⁷⁵ By accepting the government in 1637, Landgrave Wilhelm VI had agreed to acknowledge the laws, respect descent, and honour immunities.¹⁷⁶

¹⁶⁶ The *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*.

¹⁶⁷ HStAM 5, 14651 (microfiche) Nr. A4755: one-page pamphlet (invitation; print).

¹⁶⁸ Eßer, 'Landstände und Landesherrschaft', p 186; 'Vergleich Landgraf Wilhelms VI. mit der Ritterschaft, Kassel 1655 Okt. 2', in: G. Hollenberg and B. Jäger (eds.), *Hessen-Kasselische Landtagsabschiede 1649-1798* (Marburg 1994), 66, footnote 25.

¹⁶⁹ AARK, *Triplicae* (Repositur 6, Gefach 15, Seite 54, Nummer 5), 2 and 4.

¹⁷⁰ Maruhn, *Necessitäres Regiment*, 76 and 82.

¹⁷¹ *Triplicae*, 25.

¹⁷² *Triplicae*, 3.

¹⁷³ *Triplicae*, 5 and 8.

¹⁷⁴ *Triplicae*, 11 and 23.

¹⁷⁵ *Triplicae*, 31-33.

¹⁷⁶ *Triplicae*, 31-33, 37.

‘Justice and the logic of reason convinces us that the person requesting his successors to comply with his contracts and agreements; [should] himself honour and execute the agreements of his predecessor.’¹⁷⁷

The requisition of 4,000 *Malter* of grain, under the pretext of *necessitas*, was seen as an attempt to evade the nobility’s obligatory consent.¹⁷⁸ The nobility declared that the welfare of the principality had been seriously threatened by the war and, in particular, by this demand; in other words, the pressure created by the demand for grain was considered harmful.¹⁷⁹

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 1655.¹⁸⁰ The nobility were 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, where assemblies had been forbidden, too, and where, however, 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.¹⁸¹

¹⁷⁷ *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.’

¹⁷⁸ *Triplicae*, 22.

¹⁷⁹ *Triplicae*, 25.

¹⁸⁰ *Triplicae*, 36.

¹⁸¹ Section from: *Triplicae*, 35-37: ‘Es ist ja Reichskündig, daß in erbverbünderten Lands Sachen wie auch in Frijstiftt 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 oferliche Zeit dieses jahrs die Ritter- und Landstände zum wenigsten 5 wo nicht 6 conventus propria autoritate serente Ill[ustrissi]mo Domino gehabt und sich bald noch boden werden, bald noch Hirseck, bald nach Göttingen, bald gar noch Hannover begeben, vor des Landes Wohlfahrt oder auch Erschwehrungen, wie treue Patrioten wohl anstehet, fleißig communicieret, sonder mannigliches contradition 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 Vatterlandts 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 gentium ac positivo id permittente zu vertrethen, auch deswegen, wenn es die Untherfordert, Ihr anlingen dem gnädigen Landesfürsten in untertäniger Reverz und submissier vorzutragen.’

The nobility attached great value to the welfare of their subjects and desired to remain within the boundaries of the law. They therefore needed to pursue this trial with great caution, so as to arrive at a peaceful solution.¹⁸² 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.¹⁸³

Under the pretence of the emperor's consent, privileges, laws and immunities had been infringed.¹⁸⁴ Even in the event that it concerned the levying of land taxes, the *Landstände* should still have been consulted as to whether they were willing to give their consent, because, in accordance with the 1536 Homburg consultation, the nobles were exempt from taxes.¹⁸⁵ The nobility, for their part, would bear the well-being of the landgrave's subjects and tenants in mind when assessing a taxation request.¹⁸⁶ The problem was that the landgrave's policy seemed to be aimed at undermining immunity and making the nobility pay taxes, by lumping the nobility together with commoners like farmers and citizens.¹⁸⁷

The nobility claimed, in spite of all this, that they retained a favourable attitude towards the landgrave. They were most willing to speak their minds when asked for advice, to participate in deliberations, or when their consent was required.¹⁸⁸ However, the *Duplica* claimed that in the recent past, the landgrave had no longer attempted to engage in explicit conversation with the nobles.¹⁸⁹ It appears from the *Duplica* that the nobility would have agreed to the 4,000 *Malter* of grain in 1648, but claimed not to have been consulted.¹⁹⁰

The landgrave interpreted the *Landtag Akten* – which remained in the possession of the nobility – and the history in general, differently than the nobility did. This difference in opinion frustrated the nobility.¹⁹¹ 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 were able to use new insights and information provided by their lawyers and the current teachings of jurisprudence.¹⁹² The landgrave referred

¹⁸² *Triplicae*, 6-7.

¹⁸³ *Triplicae*, 7-8.

¹⁸⁴ *Triplicae*, 10.

¹⁸⁵ *Triplicae*, 17-18.

¹⁸⁶ *Triplicae*, 18-19.

¹⁸⁷ *Triplicae*, 23-25, 30.

¹⁸⁸ *Triplicae*, 13-14, 39-40.

¹⁸⁹ *Triplicae*, 11-13, 35.

¹⁹⁰ *Triplicae*, 35.

¹⁹¹ *Triplicae*, 9 and 38.

¹⁹² *Triplicae*, 15.

to a number of imperial laws, such as the *ius privatum*, *Aurea Bulla*, *Recessus Imperii* as well as to a *Reichsabschied* from 1575, but the nobility did not want to repeat themselves, as they had substantiated their point in the *Replica*.¹⁹³

Once more, the nobles were deprived of their privilege to assemble, since such meetings were deemed an act of *lèse-majesté*. The nobility contested this assessment and argued that it was absolutely necessary that they give their permission before taxes were levied. Even though the nobles were not required to pay taxes, they were deeply committed to the well-being of the fatherland and wished to protect the citizens and farmers from extortion.

5.2.11 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 concerned the written minutes, which could be used during upcoming negotiations.¹⁹⁴ The text consists of 108 pages containing arguments drafted in favour of the nobility’s view. It was not filed at the Imperial Chamber Court, and can thus be considered to be an informal draft. This text is not dated, but there are indications as to when it was written; for example, it was obviously drafted after the death of Landgravine Amelie Elisabeth, to whom a reference is made.¹⁹⁵ Furthermore, the title refers to negotiations (*Handlung*), which took place in either 1653 or 1655.

The *Memorialien* has been divided into six sections, marked by Roman numerals. Each of them contains a different focus and argument. The themes discussed are: (I) taxation without consent, (II) religious arguments about taxation and government, (III) assemblies to discuss the welfare of the landgraviate, (IV) *jure superioritatis* and the nobility’s subjects, (V) taxation of the nobility’s possessions as if they were commoners, (VI) the office of hereditary marshal and the two *Curia*.

Figure 8 Presence of fatherland-terminology in the *Memorialien* (1653-1655).

¹⁹³ *Triplicae*, 43.

¹⁹⁴ AARK, *Ohn Vorgreiffliche Memorialien. Deren man sich bei Vorstehender gütslicher handlung zugebrauchen* (Repositor 6, Gefach 15, Seite 54, Nummer 5).

¹⁹⁵ *Ohn Vorgreiffliche Memorialien*, 8.

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

Fatherland terminology is present in most of the sections, with the exception of the first and fifth part (see Figure 8). Contrary to the previously discussed texts, religious arguments constituted a voluminous component of this text. The argumentation used in this text will be subsequently discussed.

The first part of the *Memorialien*¹⁹⁶ deals with the ‘*Contribution und Immunität dero Ritterschafft*’.¹⁹⁷ 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 made reference to both the *exceptionibus sub- et obreptionis* and the *Mandatum inhibitorium et cassatorium sine clausula* to stress this point.¹⁹⁸ The nobles were obliged to concede before taxes could be levied. However, the nobility was excluded from taxes and they duly emphasised this 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, which should not be confused with the first part of the *Memorialien*, as first argumentation was substantiated using historical examples from the principality alone. This second section adds arguments from the Bible and literature to these local historical sources.¹⁹⁹ This section notes that the Jewish people requested regal government successfully. The nobility refer to the book 1 Samuel 8, explicitly to verses 11 and 12, and subsequently follow the interpretation offered by Luther.²⁰⁰ In his

¹⁹⁶ *Ohn Vorgeiffliche Memorialien*, 3-12.

¹⁹⁷ *Ohn Vorgeiffliche Memorialien*, 3.

¹⁹⁸ *Ohn Vorgeiffliche Memorialien*, 4.

¹⁹⁹ *Ohn Vorgeiffliche Memorialien*, 13-54.

²⁰⁰ King 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

commentary on this text, Luther claimed that it had been sinful to request a king in the first place – referring to Deuteronomy 15 and 16 – and from this the nobles inferred that there was thus a limitation to the power of a prince and a codification of law and civil rights. *Necessitas and utilitas publica* need therefore be kept in mind, as well as the well-being of the whole principality.²⁰¹ Only in cases of need and violence could a king act according to 1 Samuel 8: 11 and 12. Harming the subjects would not have been part of the king's office, as the examples of king Achab and king Naboth showed.²⁰² These two kings were punished by God for their wrong-doings.

The deliberations on the taxes 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.²⁰³ It was common practice to organise a *Landtag* and ask the *Landstände* to agree with the taxes. Should this process not be followed, the prince's actions could and would be considered tyrannical.²⁰⁴ In 1514 the landgrave, the nobility, the prelates and the *Landschaft* discussed how to rule Hesse while Philipp I remained underage. Propositions included the grievances and the right to ratify taxation.²⁰⁵

The nobility acknowledged that the book of Romans, Chapter 13 discussed obedience to the government and the payment of taxes.²⁰⁶ They argued, however, that this constituted neither an excuse to either levy taxes forcefully, nor to violate noble privileges. The *Landstände* preferred to preserve peace on the one hand, and maintain their privileges and freedoms on the other. Therefore they showed deference to the landgrave, despite the evidence they possessed in support of their position.²⁰⁷ In times of crisis, their judgement had to be valued, the burden borne by ordinary subjects was an issue that the nobility were expected to monitor.²⁰⁸ They desired the ongoing collection of resources to be postponed, in order to protect prosperity and

some to plow his ground and reap his harvest, and some to make his weapons of war and equipment for his chariots.'

²⁰¹ *Ohn Voreiffliche Memorialien*, 18.

²⁰² *Ohn Voreiffliche Memorialien*, 19.

²⁰³ *Ohn Voreiffliche Memorialien*, 22.

²⁰⁴ *Ohn Voreiffliche Memorialien*, 26.

²⁰⁵ *Ohn Voreiffliche Memorialien*, 27-28.

²⁰⁶ King 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.'

²⁰⁷ *Ohn Voreiffliche Memorialien*, 35-36.

²⁰⁸ *Ohn Voreiffliche Memorialien*, 36.

safeguard the fatherland.²⁰⁹ 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 actually received the obligatory permission to levy taxes.²¹⁰ The nobility went even further by acclaiming that it would behave a beloved father of the lands to take an active interest in his subjects in times of both need and prosperity.²¹¹ The *potestates* should be used to promote prosperity.²¹² Respecting the nobles' privileges would be beneficial to the Landgrave's reputation, and ensure their respect and loyalty.²¹³

The third section contains the greatest number of references to both fatherland and patriots. It deals with the nobility's right to assemble in order to discuss the welfare of the landgraviate.²¹⁴ As has been shown in the *Replica, Duplica, and Triplica*, a heated debate was fought with regard to this specific right. It is, therefore, not surprising that the issue is brought to the fore in this text as well. The nobility claimed to be unaware of a need to obtain the landgrave's permission prior to a possible meeting, even when it concerned the topic of defence of the fatherland.²¹⁵ That is, when they wished to discuss

‘the whole fatherland’s peacefulness, peace and quiet, prosperity and wellbeing, and also concerning the preservation of your privileges, immunities and justice, also, without the required consent of the superior, to assemble a meeting when this is allowed and not forbidden.’²¹⁶

The nobility distinguished between a legitimate and an illegitimate assembly with reference to Charles IV's *Aurea Bulla*, stating that their meetings belonged to the former category.

²⁰⁹ *Ohn Vorgeiffliche 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 Ihes erkundiges waß zuthun und herzugesbes müeglich, und also Mitt Ihrer bewillung die collectis austelles, waß zu wollfarth und nutz deß Vaterlandeß dienlich ist.’

²¹⁰ *Ohn Vorgeiffliche Memorialien*, 38.

²¹¹ *Ohn Vorgeiffliche Memorialien*, 39-40.

²¹² *Ohn Vorgeiffliche Memorialien*, 40.

²¹³ *Ohn Vorgeiffliche Memorialien*, 42-43.

²¹⁴ *Ohn Vorgeiffliche Memorialien*, 55-70.

²¹⁵ *Ohn Vorgeiffliche Memorialien*, 56.

²¹⁶ *Ohn Vorgeiffliche 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 gerechtikeits betreftes, auch ohne zuer darüber eingeholetes consens deß superioris, conventus anzustelles und außzuschweibes erlaubt und ohne verwehre ist.’

Moreover, when Duke Wolfgang Wilhelm and the Count of Eastern-Frisia had forbidden their *Landstände* to meet, the Imperial Chamber Court ruled in favour of the *Landstände*.

Describing the situation in even greater detail, the nobility stressed 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, but it was the nobility's obligation to watch over the health and prosperity of the fatherland and warn their ruler when this was at jeopardy.²¹⁷ The nobility stressed that they would not undermine the *superioritas* of the landgrave at any time.²¹⁸ Nonetheless, in case of grievances or a problematic situation, they would object on behalf of the fatherland in order to restore prosperity.²¹⁹ The nobility claimed that during their meetings they had solely debated the prosperity of the land, implicitly stating they had never discussed ousting their landgrave.²²⁰ In addition, they claimed to be dedicated to the landgraviate and desired to be included in all communications that might influence its well-being.²²¹

The fourth paragraph of the *Memorialien* concerns the '*Landesfürst ratione et jure superioritatis*' and the position of the noble subjects within the principality.²²² In military matters, it was essential that the landgrave guided his subjects.²²³ The nobility recognised the landgrave as the *Dominus Terrae*, and consequently mentioned the *iure lustrationis* and the *iure superioritatis* in this context.²²⁴ However, a problem arose when the landgrave needed soldiers and the nobility's tenants were asked to make themselves available.²²⁵ Thus, defending the

²¹⁷ *Ohn Vorgreifliche Memorialien*, 60-61: 'Und weils also die landstände des fürstendumbß Heßes einmahls Vermüge dero Rechte einmahls Vermüge dero Recht ein licitum collegium sein, Und deres oblieges und sorgfalt nicht allein nach erheischender inß gemein abgeschwornen huldigunges und respectivè erstattetes lehspflichtetes, sondern auch aller sowoll Gott und Geistlicher, alß weltlicher 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 anlieges dem landeß Fürstes mitt gebührender reverentz in Unterthanigkeit vorzutrages, und ein wachsambeß aug zu habes, Innes in allewege obliget, und gleichwol dero gleiches heilsame zu deß Vater landeß, deßes oberhaupts und gesambtes gleider ersprießliche berathsschlagunges für gleicher 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.'

²¹⁸ *Ohn Vorgreifliche Memorialien*, 62.

²¹⁹ *Ohn Vorgreifliche Memorialien*, p. 64: fatherland is used in this context both to refer to the problematic situation of the fatherland and the prosperity of the fatherland.

²²⁰ *Ohn Vorgreifliche Memorialien*, 67.

²²¹ *Ohn Vorgreifliche Memorialien*, 68.

²²² *Ohn Vorgreifliche Memorialien*, 71.

²²³ *Ohn Vorgreifliche Memorialien*, 72.

²²⁴ *Ohn Vorgreifliche Memorialien*, 73.

²²⁵ *Ohn Vorgreifliche Memorialien*, 75.

principality in extremely dangerous situations (cases of *necessitas*) – which was acknowledged by the nobility – contravened the authority of the nobility who normally gave orders to their tenants. The Hessian knights and their subjects would certainly help with the defence of the Fatherland²²⁶. Although this could only occur in extreme cases of *necessitas*, and heavy tax burdens had to be taken into account, the loyal Patriots honoured the *ius superioritatis* and held it in high esteem.²²⁷ The loyal patriots would help to defend the landgraviate, and there was to be no doubt about the nobility's loyalty towards the landgrave.

In the fifth part of the *Memorialien* the question of whether the nobility's possessions were liable to taxations, similar to a commoner's, was raised. The nobility expressed their concern with regard to this proposal: it passed over descent and privileges. The noble liegeman had other services to offer, rather than that of 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.²²⁸ In case of extreme need (*necessitas*) the nobility would, like commoners and cities, help out; not only with money, but also by providing the necessary military means. External pressure by means of 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 first chamber, as well as the *Landschaft*, when it met as a whole, was presided over by the hereditary marshal.²²⁹ The sixth section of the *Memorialien* deals with this position of the hereditary marshal and with the division of the individuals present in the two chambers.²³⁰ Though the

²²⁶ *Ohn Vorgreifliche Memorialien*, 80.

²²⁷ *Ohn Vorgreifliche Memorialien*, 83-85: 'Eß ist Ihnen aber allezeit unterthanig abgeschlages, und die Uhralte observant remonstrirt wordes, darauf hochgedachte G. Fürstl. Gn. Auch gnadig acquiesart und deß halbes in die Ritterschafft weiter nicht getrunge, So könnte schließlich gebethes werdes, Sie beij iezan [*illigible*] geregts Freij: Vnd gerechtigeites zulaßes, und darin nicht zu betrübes oder mit Newerunge 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 mugligkeit haltes, das Sie aufns [*illigible*] Nothfall und in casu in-optimate et extremæ Necessitatis (welches Gott gnediglich verhütes wolle) und auf Ihrer fürstl. Gn. gnediges auffboth die allgemeine Landtfolge 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 sonders nurt allein des augen[mu]thetes Ugewöhnliches und natuerliches modum sequelae ab- und einzustelles gebethes würdte [etc].'

²²⁸ *Ohn Vorgreifliche Memorialien*, 97.

²²⁹ Neu, 'The Importance of being Seated', pp. 126-127.

²³⁰ *Ohn Vorgreifliche Memorialien*, 105-108.

nobles recognised that each of chambers had the same goal – to work for the benefit of the fatherland – they stressed that the two chambers should not be merged into one. The *Landschaft* held an entirely different position, as they had fewer possessions than the nobility and the prelates and, consequently, the *Landschaft* should be treated differently.

In short, throughout the *Memorialien*, the nobility's main argument states 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 within society, which led to their exemption from taxation. This special privilege meant 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 thought was best for their fatherland, regardless of other motivations, and it was their privileges that allowed them to fulfil this obligation.

5.2.12 (Draft Loco) Quatruplika - 1655

This text is a draft (*entwurf*) written shortly after the Triplica, to which it is a response. It mainly concerns the injustice caused by the nobility's court case.²³¹ In the *Quatruplika* the landgrave mentioned his obligations, but felt hindered complying with them, as he was awaiting the verdict. The document mentions that Landgrave Maurice had dealt with a similar case, but was left to deal with matters at his discretion. Furthermore, the matter of taxation is addressed, based on the legal assumption that *necessitas non habet legem*.²³² The *Quatruplika* stressed that the landgrave's policy had been focused on *pro defensione Patria*.²³³

5.2.13 The Agreement: the end of the legal conflict - 2 October 1655

Though the '*Vergleich*' or '*Vertrag*'²³⁴ is not a ruling of the Imperial Chamber Court, it did end the dispute between the nobility and the landgrave. The conflict originated in the years 1605/6, and was reignited again in 1646. Despite this dissertation's focus on fatherland vocabulary,

²³¹ 'Entwurff loco Quadruplicarum. [o.O., o.D.], in: StAD E2 Nr. 20/2, unfoliiert, 18 S.

²³² 'Entwurff loco Quadruplicarum', 8.

²³³ 'Entwurff loco Quadruplicarum', 10.

²³⁴ Vertrag is the term used in HStAM, Bestand 5, 17066.

which is more or less absent from this text, it is nevertheless important to study this final document in this legal debate in order to provide context.

The landgrave, who lacked financial resources, chose to settle matters with the knights of Hesse-Cassel without further imperial involvement.²³⁵ The nobility were interested in reaching an agreement as well, since the acceptance of the *Jüngster Reichsabschied* (Lat.: *recessus imperii novissimus*; 1653-54) greatly diminished their chances of success if they decided to continue to press home their demands.²³⁶ For the imperial text had once more stressed the *superioritas territorialis*. The nobility thus realised that a verdict by the Imperial Chamber Court would no longer offer protection; a compromise within the landgraviate was the best they could achieve.²³⁷ On 2 October 1655, the nobility and the landgrave reached a final agreement in their long-drawn-out conflict.²³⁸ This settlement was signed by Landgrave Wilhelm VI and the negotiators on behalf of the nobility.

The significance of the text has been characterised in two ways. First of all, as 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.²³⁹ This expression stresses the active participation of both the landgrave and the nobility in reaching the agreement. Secondly, Armand Maruhn has identified this specific text as a ‘key document’ (*Schlüsseldokument*)²⁴⁰ and a ‘constitutional text’ (*Landesgrundgesetz*),²⁴¹ terminology which indicates the official status of the document. Günter Hollenberg concludes that the official character of the text may be acknowledged by means of the subscription of both sides.²⁴²

²³⁵ Maruhn, *Necessitäres Regiment*, 209; Von Friedeburg, ‘Why did seventeenth-century estates address the jurisdictions of their princes as fatherlands?’, p. 189.

²³⁶ Eßer, ‘Landstände und Landesherrschaft’, p. 181; Philippi, *Die Landgrafschaft Hessen-Kassel 1648-1806*, 4; Maruhn, ‘Duale Staatsbildung’, p. 88-89; Maruhn, *Necessitäres Regiment*, 81-83.

²³⁷ *Idem*, 207-208.

²³⁸ ‘Vergleich Landgraf Wilhelms VI. mit der Ritterschaft, Kassel 1655 Okt. 2’, in: G. Hollenberg and B. Jäger, *Hessen-Kasselische Landtagsabschiede 1649-1798* (Marburg 1989), 57.

²³⁹ Maruhn, ‘Duale Staatsbildung’, p. 73.

²⁴⁰ *Ibidem*, 73.

²⁴¹ *Idem*, 86.

²⁴² ‘Vergleich Landgraf Wilhelms VI. mit der Ritterschaft, Kassel 1655 Okt. 2’, in: G. Hollenberg and B. Jäger (eds.), *Hessen-Kasselische Landtagsabschiede 1649-1798* (Marburg 1994), 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: page 57, footnote 2.

Both Raingard Eßer and Pauline Puppel seem to agree mainly with the former interpretation, as both authors stress that the nobility deemed an active involvement in politics necessary. Puppel also emphasises the increase of – what she calls – territorial sovereignty,²⁴³ as well as the growth of princely power over the emperor, which led to a minimisation of competing rights.²⁴⁴ Raingard Eßer stresses that the nobility could not proceed, as they had few possibilities to intervene in the princely politics nor the internal politics.²⁴⁵ This remark is not dissimilar to earlier comments made by Karl Demandt and Volker Press. Demandt, claiming that – this document opened the door to *absolutism*, limiting the active participation of the knights.²⁴⁶ Press was more careful in drawing his conclusions, as he refers to the new situation as a form of ‘Semi-Absolutismus’.²⁴⁷ This semi-absolutism, or absolutistic projection, should rather be described as arbitrary rule. Maruhn and Von Friedeburg argue that the *Vergleich* offered a constitutional restraint with the active participation of the nobility; they do so by basing their analysis on the whole conflict and not just the agreement itself.²⁴⁸

The *Vergleich* concerned eight different topics, all of which influenced the agreement.²⁴⁹ These topics were: (1) *Landtag*-meetings and consent in taxation-issues, (2) justice and legal affairs, (3) the religious conviction of Lutheran nobles, (4) military service of the nobility’s tenants, (5) permission to levy taxes, (6) specification of property, (7) the appointment of the nobility’s highest financial representative and the landgrave’s obligations, (8) stipulations concerning nobles’ assemblies. These topics will now be discussed.

The first paragraph which concerns the *Landtag* meetings, refers to a previous agreement with Hesse-Darmstadt (1648), regarding the conjointly organised *Landtag*-assemblies. Meetings of the *Landstände* of Hesse-Cassel were to take place frequently, with the landgrave as sole instigator. As the *Landstände* had retained their right to be requested to

²⁴³ Puppel, “‘Heroina Hassiaca’”, p.124.

²⁴⁴ *Ibidem*.

²⁴⁵ Author’s translation of: Eßer, ‘Landstände und Landesherrschaft’, p 185.

²⁴⁶ Demandt, *Geschichte des Landes Hessen*, 266; Demandt, ‘Die Hessischen Landstände nach dem 30jährigen Krieg’, in: D. Gerhard (ed.), *Ständische Vertretungen in Europa im 17. und 18. Jahrhundert* (Göttingen 1969), p. 162-182.

²⁴⁷ Press, ‘Hessen im Zeitalter der Landesteilung (1567-1655)’, pp. 323-324.

²⁴⁸ Maruhn, ‘Duale Staatsbildung’, pp. 71-94; Von Friedeburg, ‘The Making of Patriots’, pp. 881-916; Von Friedeburg, ‘Adel und ständische Vertretungen’, pp. 169-186; Von Friedeburg, ‘Why did seventeenth-century estates address the jurisdictions of their princes as fatherlands?’ p. 189.

²⁴⁹ ‘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.

consent to taxes, these meetings were of major significance.²⁵⁰ Andreas Würigler concludes that the nobility's efforts of the previous decade to safeguard their legitimate privilege to be consulted in matters of taxation,²⁵¹ had proved to be a success.

Unlike Hollenberg and Demandt, Maruhn concludes that the nobility did not accomplish what they had set out to achieve with respect to the *Hofgericht* (being the landgrave's court of justice) (§ 2).²⁵² The nobility desired legal cases of all sorts to be directed to the landgrave's court, rather than the landgrave's chancellery; however, 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.²⁵³ It simply states that the nobility, their spouses and their children could be Lutheran. The nobility were now allowed to have a Lutheran preacher at home for the purpose of performing sermons.²⁵⁴ 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 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, for example, the *Replica* or *Triplica*, were reiterated in the fourth paragraph 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.²⁵⁵

²⁵⁰ 'Vergleich Landgraf Wilhelms VI. mit der Ritterschaft, Kassel 1655 Okt. 2', 58-59 § 1; Maruhn, *Necessitäres Regiment*, 86-90.

²⁵¹ A. Würigler, 'Desideria und Landesordnungen. Kommunal- und landständischer Einfluß auf die fürstliche Gesetzgebung in Hessen-Kassel 1650-1800', in: *Historische Zeitschrift. Beihefte, New Series Vol. 25 Gemeinde und Staat im Alten Europa* (1998), p. 149-207, pp. 183.

²⁵² Maruhn, *Necessitäres Regiment*, 166.

²⁵³ 'CCLXVI Fürstliche Resolutiones auf die Ritterschaftliche 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; 'Vergleich Landgraf Wilhelms VI. mit der Ritterschaft, Kassel 1655 Okt. 2', in: G. Hollenberg and B. Jäger (eds.), *Hessen-Kasselische Landtagsabschiede 1649-1798* (Marburg 1994), 62 §3.

²⁵⁴ Maruhn, *Necessitäres Regiment*, 87.

²⁵⁵ Section from: 'Vergleich Landgraf Wilhelms VI. mit der Ritterschaft, Kassel 1655 Okt. 2', in: G. Hollenberg and B. Jäger (eds.), *Hessen-Kasselische Landtagsabschiede 1649-1798* (Marburg 1994), 62 § 4: 'Viertens die

In the event that their tenants needed to assist in the defence of the landgraviate – in cases of necessity – the nobles were to be involved as well. Their tenants fell under their jurisdiction.²⁵⁶ 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 ratify taxation (§ 1). As Von Friedeburg stresses, these taxes still required authorisation after the fact.²⁵⁷ Hence, the exceptional provision cannot be seen as a means of avoiding the nobility's participation.

On principle, the nobility would be requested to endorse the Imperial and Circle-taxes. This was mentioned in the fifth paragraph. However, when a war arose and there was no time to consult them, *necessity* overruled this privilege, as speedy decision-making was of the essence.²⁵⁸

The following two paragraphs deal with possessions and financial arrangements (§ 6 and § 7).²⁵⁹ 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 within the Lower Principality of Hesse-Cassel.

The role of noble assemblies was restricted solely to private matters (§ 8). Matters concerning the landgraviate in general could no longer be discussed. According to Hollenberg, a draft (Germ: *Resolutionsentwurf*) compiled in 1653, had contained an additional restriction, stating that the landgrave was obliged to approve the order of affairs, even in private meetings.²⁶⁰ 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 regarding when and where these private assemblies would take place.

These eight paragraphs have led to a good deal of controversy among scholars concerning how the document should be interpreted, but there are at least four general conclusions that can be

Landfolge und Musterung betreffend behalten Ihre F.G., dieselbe vi juris superioritatis et regalium durchs gantze Land ohne Unterscheid sowohl Ihrer F.G. eigenen Unterthanen alß Ritterschafft Hintersaßen zu exerciren und darinnen sonderlich gestaltem Zustand und erheischer Notturfft nach zu Versicherung des Vatterlands heilsame guete Ordnung zue stellen, sich einen Weg wie den andern nicht onbillich frey und bevor.'

²⁵⁶ 'Vergleich Landgraf Wilhelms VI. mit der Ritterschafft, Kassel 1655 Okt. 2', 63.

²⁵⁷ Von Friedeburg, 'Widerstandsrecht und Landespatritismus', p. 284.

²⁵⁸ 'Vergleich Landgraf Wilhelms VI. mit der Ritterschafft, Kassel 1655 Okt. 2', 64.

²⁵⁹ *Ibidem*, § 6; 64-65 § 7.

²⁶⁰ *Idem*, 65, see: footnote 24.

reached. Firstly, the landgrave had not acquired the right to levy taxes without consent, because the nobility's privilege in this regard had been restored. Conversely, in case of *necessitas*, other rules applied, 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. Finally, the nobility's right to assemble was restricted to a right to consult on private matters only. The agreement was a true compromise; the landgrave had not gained limitless power, nor had all the nobility's ancient privileges been restored.

5.3 Analysis of the arguments

All debates focused primarily on two issues: firstly, the welfare and prosperity of the landgraviate; secondly, taxes and the cost of war. The landgrave claimed to use taxation to cover the cost of warfare with a view to restoring 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. Thus the landgrave and the nobility had different perspectives when it came to the issue of cause and effect. This does not imply that the landgrave and the nobility held opposing positions; rather, the weight of taxes and warfare were judged differently. It can be argued that the landgrave – 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 landgrave barely engaged in a discussion concerning the governing principles that informed their arguments, because, here, 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. Also, when the nobility referred to the risks posed by either a tyrannical rule or the establishment of an *absolutus Dominatus*; the landgrave did not dispute that such risks were indeed detrimental and to be avoided. He merely claimed that, in this case, his 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 Landgrave Wilhelm VI. His exclusion from these meetings prompted the landgrave to use the argument

that they were illegal, and to accuse the nobles of illegal protests and of committing *lèse-majesté*. In accordance with earlier debates, the nobility accepted the landgrave'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 obviously played a role in discussing the welfare and prosperity of the land and its inhabitants. Their use is, however, sporadic. Not until the counterargument regarding *lèse-majesté* was developed, did fatherland-terminology enter the conversation in any significant way. When discussing taxes 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, both parties argued differently 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 duty to protect the fatherland, they were empowered and within their rights to critique the landgrave's harmful policy. The landgrave, on the other hand, had his lawyers consult historical examples, and used these examples to explain that being a patriot meant being loyal to the fatherland as well as to 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.²⁶¹ Thus they underlined their loyalty towards the landgrave as liegemen and their loyalty towards the landgraviate as patriots.

²⁶¹ *Replicae*, 4.

	Replica ²⁶²	Duplica ²⁶³	Über das Duplic ²⁶⁴	Triplica ²⁶⁵	Memorialien ²⁶⁶	Vergleich ²⁶⁷
<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

Figure 9 Fatherland-terminology, number of usage within the sources of Hesse-Cassel.

The number of times fatherland and patriot was used may seem insignificant (see Figure 9). Nevertheless, it is necessary to take into account that it is the usage within legal texts and debates that makes it significant. The fact that these texts succeeded each other with 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.

The word patriot is not found exclusively in texts written by the nobility. The landgrave and his lawyers employ it as well. For example, when using historical evidence, the landgrave's documents stress that the ancestors of the nobility had acted as *patriots* precisely because they had accepted *necessitas*. Whereas Von Friedeburg's analysis focussed only on the 1647

²⁶² Replica: Patriot, 4, Patria, 3 (twice), 21, 41, 70 and 91 (three times); Fatherland, 26, 42, 74, 79, 81, 84, 85 and 91.

²⁶³ Duplicae: 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).

²⁶⁴ Über das Duplic schrift: Natio, 2 (twice) and 12, Patria, 32.

²⁶⁵ Triplicae: Patriot, 36, Patria, 3 and 7; Fatherland, 36 (also as an adjective, used on 5 and 7).

²⁶⁶ Memorialien: Patriot, 83, Patria, 56; Fatherland, 37, 57, 60, 64 (twice), 80 and 107. There is also a reference to the 'Teutscher Nation' on 14.

²⁶⁷ Vergleich: Fatherland, § 4.

depositions and 1652 *Replica*,²⁶⁸ this chapter has shown that the argumentation in question did not cease after 1652, but continued to develop until the 1655-*Vergleich*.

These judicial, Imperial Chamber Court-texts showed that the use of words such as *patria*, patriot and fatherland had entered the judicial sphere because they were used in legal texts. The words were not exclusive to the *Landstände*, as Von Friedeburg had assumed, but used by the landgrave as well.²⁶⁹ Although the landgrave and his lawyers were mainly using this vocabulary when responding to the nobility's arguments, it is nevertheless noteworthy that their terminology mirrored that of the nobility.

The use of fatherland-terminology, and the topics that these words were applied to, show that a new mode of political argumentation had dawned. During the Middle Ages, it was considered a *virtue* to protect the feudal benefice and its inhabitants. The failure to do so defined poor 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 duty to protect the fief were considered to be one and the same. This *duty* entailed not only the protection of the fief and its inhabitants, it also meant protecting its prosperity. In the Low Countries, this argument was taken to extremes, and eventually led to the identification of Philip II (1527 – 1598) of Spain as a tyrant. This led to a unique situation whereby the nobility identified a tyrant, then engaged in a Revolt, and – ultimately – gained independence via the Act of Abjuration (1581).²⁷⁰

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

²⁶⁸ Von Friedeburg, *Widerstandsrecht und Konfessionskonflikt*; Von Friedeburg, 'Widerstandsrecht und Landespatritismus', pp. 267-326; Von Friedeburg, 'The Making of Patriots'.

²⁶⁹ Von Friedeburg, *Widerstandsrecht und Konfessionskonflikt*.; Von Friedeburg, 'Widerstandsrecht und Landespatritismus', p. 268.

²⁷⁰ See for example: M. van Gelderen, *The Dutch Revolt* (Cambridge 1993).

this situation could lead to *tyrannical rule*.²⁷¹ This example shows that – next to the need to respect noble privileges – the landgrave had a duty to respect the welfare and the well-being of the inhabitants of the principality. Taken as a whole, these texts therefore outline the characteristics of good government.

5.4 Imperial and/ or territorial restrictions?

The landgrave claimed to have received his power from the emperor. He therefore held the highest power in the principality: the *superioritas territorialis*. The landgrave stressed that he should not, and could not, be passed over when the nobility had a complaint, and that this fact nullified any imperial ruling. In perilous times, his duty required him 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 were to be found within the literature which 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. The necessity to abide by existing customs, to which the landgrave had assented when he accepted governance, was stressed as well. More importantly, the nobility turned to the history of their own 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

²⁷¹ *Replicae*, 12-13.

standards, and concluded that such claims could not be made by the landgrave in the present case: the Treaties of Westphalia did not involve the need of an army. Looking back on their *own* history, they concluded that they were allowed to assemble and debate about the welfare and troubles of their fatherland, and that they could discuss this issue with the emperor.

Even though the nobility and the landgrave debated about how the structure of the Holy Roman Empire was to be applied in their own principality, they each used arguments that were based on the historical setting of the principality of Hesse-Cassel or greater Hesse. This 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 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 specific similar to that of Hesse-Cassel. It can be concluded that 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 were obliged 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 had to act upon their principality's laws, customs and honour, and to comply with the rulings of the Holy Roman Empire. Their own *ius publicum territorium* was not seen as an isolated part of law-making, but as in active interaction with the *ius publicum universale*.

5.5 In conclusion

This chapter has argued that throughout the legal debate, the words fatherland and patriot were used by both parties: the landgrave and the nobility. In the case of the nobility, calling themselves patriots meant accepting an office to defend the fatherland, that is, the principality of Hesse-Cassel. This duty was accompanied by the right to oppose a ruler who had overstepped his limits and did not fulfil his obligations. The self-acclaimed patriot depicted himself as most loyal, especially to his fatherland, customs and privileges.

Fatherland-terminology was meant to describe the fatherland. The patriots – i.e. the nobility – claimed a loyalty towards this fatherland, rather than towards their landgrave. The fatherland was in danger because of the detrimental actions of their ruler. Admittedly, by emphasising the concept of 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 own duties towards the fatherland was their prime motivation. Fulfilling the office of patriot was at first sight an altruistic action, as time and again the nobles professed that their greater goal was to protect the prosperity of the principality, the authority of the landgrave, as well as their own 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 an important position with regard to the decision-making process in Hesse-Cassel and the levying of taxes. The nobility fortified their claims to political involvement by representing themselves as one corporate, united body.²⁷²

Yet, this does not explain why the landgrave used the fatherland-terminology as well. 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 that fief were subjects. Consequently, all subjects were under an 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 there, that if subjects would be allowed to assemble at their own 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 the rules and regulations.²⁷³ It was consequently argued that if the nobility, as subjects, possessed the right to assemble, farmers and citizens might claim this right as well. This would be harmful to the entire Holy Roman Empire.²⁷⁴ 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.

²⁷² E. Harding, 'Staging Individual Rank and Corporate Identity. Pre-Modern Nobilities in Provincial Politics', in: J.P. Coy (et al), *The Holy Roman Empire Reconsidered* (New York 2010), pp. 107-123, see esp. 119-120; Von Friedeburg, 'Widerstandsrecht und Landespatritismus', p. 319-320.

²⁷³ *Duplicae*, 81-82.

²⁷⁴ *Duplicae*, 79-89.

However, it does not readily explain why words like fatherland and patriot were accepted vocabulary, as they could have been replaced by fief and subjects.

The answer could well lay within the seeming altruism of the office of patriot. The landgrave seemed to accept that there was such an office of patriot. His lawyers even presented the Imperial Chamber Court with a historical case in which fatherland arguments were used. 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. Thus, the nobility as patriots had – in this particular example – been loyal to the fatherland and to the landgrave. The landgrave copied the vocabulary used by the nobles in order to refer to noble arguments. Thus, 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.

Part II. France

6 France — during the late 16th and 17th century

On 1 August 1589, King Henry III (1551–1589) of France was mortally wounded by Jacques Clement; he died a day later. It happened in the midst of religious turmoil known as the Wars of Religion (1562-1598).¹ Henry III was the last of the Valois-dynasty; he had no son, and his younger brother the Duke of Alençon or Anjou – as he was later called – had died in 1584.² His successor was therefore the King of Navarre, Henry IV, a Protestant. He had been baptised as a Roman Catholic, but thereafter was raised a Protestant by his Calvinist mother.³ However, since France was Catholic, Henry converted upon ascending to the throne.⁴ King Henry IV was the father of King Louis XIII, and the grandfather of King Louis XIV.

6.1 Religious turmoil and succession

Salic Law governed the search to find Henry III's rightful heir, and Henry IV was able to claim the throne because he was related to the former king in the twenty-second degree.⁵ This very distant kinship unsurprisingly, meant that there were many who questioned Henry IV's legitimacy.

During his reign, Henry IV modelled himself as a modern king, who sought to leave feudalism in the past. His rule has therefore often been interpreted as the start of 'absolutism' – or rather, arbitrary rule – since Henry made decisions simply by stating that it pleased him to do so. In his foreign policy, he did not shy away from alliances with and support for Protestants, which led to a belief that he had not actually turned away from his Protestant upbringing. For instance, Henry supported the Dutch and sided with the Protestants during the early stages of

¹ M. Greengrass, 'Regicide, Martyrs and Monarchical Authority in France in the Wars of Religion', in: Von Friedeburg (ed.), *Murder and Monarchy*, pp. 174-192, here: p. 176.

² Bonney, *The King's Debts*, p. 23.

³ Bonney, 'Was there a Bourbon style of government?', pp. 161-177.

⁴ Bonney, *The King's Debts*, p. 30.

⁵ R. Mousnier, *The Assassination of Henry IV. The Tyrannicide Problem and the Consolidation of the French Absolute Monarchy in the Early Seventeenth Century* (transl. Joan Spencer) (London 1973), 106.

the succession crisis in Jülich-Berg-Cleves-Mark (see: paragraph 3.3). The issue of religion, in combination with the inadequate degree of relative consanguinity, nursed the idea that King Henry IV had usurped the throne as a *tyrannus absque titulo* (Eng: tyrant without a title).⁶ These issues all seem to have contributed to the King's murder.

On 14 May 1610, King Henry IV was assassinated by a religious fanatic named François Ravailac. This happened just one day after the king had appointed his wife, Marie de' Medici, as regent over their minor son, in case of an untimely death.⁷ Ravailac claimed to be a good Catholic, who had acted upon his true Christian beliefs, committing regicide for the purpose of removing a tyrant.⁸ Roland Mousnier claims that it was the Edict of Nantes (1598) – that is, the limited toleration of the Huguenots – that led Ravailac to the conviction believe that the king had failed to convert the Protestants, and had thus forsaken his duties as king.⁹



⁶ N. Bulst, 'France in the Fifteenth Century', in: Von Friedeburg (ed.), *Murder and Monarchy*, pp. 122-135, here: p. 124.

⁷ *Idem*, 122; Mousnier, *The Assassination of Henry IV*, 22.

⁸ *Idem*, 27.

⁹ *Idem*, 37.

Figure 10 France (17th century).

Map on the previous page is by: Nicolaes Visscher, *Galliae seu Francia tabula, qua omnes provinciae, viae angariae, et aliae res notatu dignae distincte et accurate ostendatur* (1690). Scale: [ca. 1:2,500,000]. Map image courtesy of the Norman B. Leventhal Map Center at the Boston Public Library.¹⁰

6.2 King Louis XIII and Richelieu

Under the regency of Maria de' Medici, King Louis XIII ascended to the throne. Her regency did not last long. The Italian-born Queen-mother was suspected of favouring the Italians – especially minister Concini – who worked in France's service. In 1617, the regency ended, and Concini was killed after allegedly resisting arrest.¹¹ Maria de' Medici was sent into exile in 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 1621.¹² Shortly after the duke's death, Cardinal de Richelieu presented himself and re-established the relationship between King Louis XIII and his mother, which led to his taking up a place in the royal council.

King Louis XIII entrusted Richelieu with the financial affairs of France as he himself had little knowledge of finances. As of 1624, Richelieu was the first minister and could do as he pleased.¹³ He continued the *status quo*, and the policies of France remained relatively the same. Yet he did encounter some resistance from the *Grandeess* (highest nobles), in particular Gaston d'Orleans. Richelieu then became governor of Bretagne, and subsequently admiral of the navy, because he wanted to invest in the military fleet. In the end though, it turned out to be incredibly difficult to reform the country. For example, in legal matters Richelieu banned duelling, a decision which met with a lot of resistance on the part of the aristocracy.¹⁴

In foreign affairs, Richelieu tried to find allies against the Habsburg family. In France, he tried to get the Protestants in line for support, arranging the marriage of the princess Henrietta Maria to the Protestant King of England, which was a provocation to the pope. Nevertheless,

¹⁰ <http://maps.bpl.org/id/15961> [1 December 2014].

¹¹ Bonney, 'Cardinal Mazarin and the great nobility during the Fronde', in: *English Historical Review* 96 (London 1981) pp. 818-833, here p. 819.

¹² H. Chisholm (ed.) 'Luynes' in: *Encyclopædia Britannica* 17 (Cambridge 1911), 147.

¹³ Bonney, 'Louis XIII, Richelieu, and the royal finances', in: J.A. Belgin and L. Brockliss (eds.), *Richelieu and his Age* (Oxford 1992), pp. 99-133.

¹⁴ L. Bély, *La France au XVII^e siècle: Puissance de l'Etat, controle de la société* (Paris 2009), 206-208.

she did remain Catholic. In 1625, France started to move its armies against Spain in Northern Italy, which aggravated the Spaniards enormously. In order to rally support for his foreign policy, Richelieu started to influence the public opinion with the aid of pamphlets. He also now focussed on the revolting Protestants in the stronghold La Rochelle, having secured the political ties with England. Richelieu re-conquered La Rochelle and then turned his attention to the Habsburg possessions in Northern Italy once again. Furthermore, 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 there were fears that he would soon die. At this point, the Queen-mother demanded Richelieu's leave. However, King Louis XIII was satisfied with his services and kept him on as first minister. Richelieu's policies were applauded by those who sought war against Spain and 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.¹⁵ Furthermore, France started to pursue the conquest of principalities to the west of the Loire – Alsace – and in the North. Furthermore, 1635 marked the year in which the Franco-Spanish War erupted.¹⁶ France then found itself surrounded by the Habsburg dynasty and its supporters. Consequently, the Spanish Prime Minister Gaspar de Guzmán, Count-Duke of Olivares, had hoped to attack France from all sides but this plan failed. Nevertheless, the French found themselves in peril when 120 kilometres away from Paris towns collapsed in the face of pressure created by enemy troops; people were panicking and revolting. Step by step, the French gained back terrain. Starting in 1636, the Spanish and French both suffered from revolts, as the people turned against their monarchs as a result of the expenses of warfare. This situation persisted until well after Richelieu's death on 4 December 1642.¹⁷

6.3 Taxation policy and governmental structures

The governmental structure of 1610 was relatively simple. The king held the God-given sovereign power over France.¹⁸ The power of the king was – in the words of Bodin – inalienable, indivisible, and perpetual.¹⁹ The king was assisted by a small group of people, with specific

¹⁵ *Idem*, 210-215; Treaty of Wesel, 21 October 1636; see: Demandt, *Geschichte des Landes Hessen*, 257.

¹⁶ Medick and Marschke, *Experiencing the Thirty Years War*, 13.

¹⁷ Bély, *La France au XVIIe siècle*, 252-254.

¹⁸ *Idem*, 12.

¹⁹ Collins, *The State in Early Modern France*, 16.

expertise, who took part in a large council.²⁰ This council was divided into four different specialised councils with their own tasks²¹: *Conseil d'état/ conseil des affaires*²², *Conseil d'état et des finances*²³, *Conseil des finances*²⁴, and the *Conseil des parties*²⁵.

With officials holding positions as *minister* (this French word means literally 'servant'), counsellor or secretary, the system developed towards one in which each and every area of France was assigned to a *minister*. Many office-holders were involved in ruling France and, rather than depending on the old feudal structure, were increasingly stationed in Paris. Thus the position of the *Grandeess*, the – high – nobility, was slowly broken down.²⁶

King Henry IV had the habit of signing documents with the phrase 'for such is our pleasure.'²⁷ According to Collins, this phrase has often been interpreted as a sign of 'absolutism', or to use the proper 17th-century term: 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 he always remained accountable to God and was bound by God's laws, or else he would become a tyrant.²⁸ At base, the administration of France focussed on three things – in line with the councils previously mentioned: it administered justice and made policy, it fought wars, and it levied taxes to pay for these wars.²⁹ France largely depended on officeholders who had bought offices in their own lifetime; however, whether the office was inheritable depended largely on the crown's need for money. Being a judge was considered a part of the normal noble prerogative, and those non-nobles who bought the office became, therefore, known as *noblesse de robe* contrary to the *noblesse d'épée*. It was therefore one of the ways for rich merchants to become part of the noble estates and move up the social ladder.³⁰

²⁰ *Idem*, xxi and xxii, 16.

²¹ Based on: A.L. Moote, *The Revolt of the Judges. The Parlement of Paris and the Fronde 1643-1652* (Princeton 1971), 3.

²² Council for general policy-making.

²³ Council for financial affairs.

²⁴ Council for acquirement and distribution of revenues.

²⁵ Council for the supervision of justice.

²⁶ Moote, *The Revolt of the Judges*, 35.

²⁷ Collins, *The State in Early Modern France*, 2-3.

²⁸ Bély, *La France au XVIIe siècle*, 36; J.B. Collins, *The State in Early Modern France* (Cambridge 2009), xx and xxi.

²⁹ *Idem*, 10.

³⁰ *Idem*, 22; Collins, *Classes, Estates, and Order in Early Modern Brittany*, xiv.

Together with the specialised councils, the king ruled his country. The prime minister, i.e. Richelieu, and later Mazarin, could make proposals which the king would then approve. The king had governors who did his bidding in the provinces; most of the time these people were relatives or clients of the ruler. The king was continuously short on money and needed to find ways to finance his expenses. Therefore, the selling of offices provided an income, but loans remained necessary, and so much was borrowed from financiers. Financiers became incredibly important to the system, as they bought equipment for the army too. The financiers were monitored by the ordinary system of justice, but the king decided that the much-needed moneylenders should be protected against prosecution.³¹

The *taille* was a land-tax introduced during the Middle Ages in order to obtain more money quickly, and it became a standard royal tax. It was much hated, like the *gabelle* (salt-tax), as it directly influenced the income of the inhabitants. Though the *gabelle* was an indirect tax, salt was a much used product and thus the tax had a big impact. Originally, the king had the obligation to call together the Estates General, but after 1614 they were not assembled anymore.

Depending on the history of a region, there could be room to negotiate the amount of taxes that had to be paid. There were three different types of regions: *pays d'élection*, *pays d'états* and *pays d'imposition*. The latter group of regions were recent conquests. Here an appointed royal *intendant* would oversee the levying of taxes, while much of these area's original tax-system remained intact.³² Most of France fell in the category *pay d'élection*. Here, also, an appointed *intendant* (intermediate) oversaw the imposition of taxes. It was not possible to buy this office, as this might lead to corruption. The *impôts* (taxes) were collected with the aid of the *élus* (Eng. elected). The *pays d'élection* had little autonomy and as the Estates General did not assemble, there was hardly any room to negotiate about the amount of taxes that were required.³³ What changed during the seventeenth century was who was held responsible for the taxes. Taxes had to be collected by a local parish, who had the obligation to collect the whole sum. But if, by any chance, not all the money was collected the parish was held by the principle of collective

³¹ Bély, *La France au XVIIe siècle*, 54-63.

³² Bonney, 'The state and its revenues in *ancien regime* France', pp. 150-176; Bonney, 'Comparative fiscal systems on the eve of modernity: the French enquiry of 1763' in: J.-Ph. Genet (et al), *La genèse de l'État moderne et le cas ottoman, Table-ronde d'Istanbul*, (1991) (Istanbul 1994), pp. 61-81.

³³ Bély, *La France au XVIIe siècle*, 54-63.

constraint: the parish had to pay the rest.³⁴ Another system of tax collecting applied to direct taxes, where tax-farmers would pay the crown a fixed sum of money and could consequently do as they pleased.³⁵

The *pays d'état* were: Béarn, Dauphiné, Guyenne, Languedoc, Burgundy, Provence and Brittany. After 1650, only the latter three still held this designation. Here, requests of taxes went through the *états*, who could negotiate – to some extent – and could decide how to distribute the 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.³⁶ Patrons who had access to the crown, or those in the vicinity of the crown, could negotiate the terms of the taxes and no *intendant* would oversee the taxes as this was a provincial matter too.³⁷

6.4 King Louis XIV, Mazarin and the Fronde

On the death of King Louis XIII (14 May 1643), it was decided that Queen Anne, and a council would act on behalf of the minor King Louis XIV. During the early years of his reign, personal ties (patron-client relations) to the king himself were virtually absent and people depended on their connections to those in the vicinity of the crown — Queen Anne, Mazarin and to 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. According to Bonney, the nobles could not solve the problems themselves, as they had their own organisational problems and lacked a mutual goal.³⁸ The financial situation of the nobility differed greatly, and therefore their political interests varied. High ranking nobles with many resources were close to the crown and had tight patron-client relations. Collins claims that the causes of the Fronde can be found in the financial troubles and pressure in the provinces, 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

³⁴ Collins, *The State in Early Modern France*, 26.

³⁵ *Ibidem*; Bonney, 'The failure of the French revenue farms, 1600-60', pp. 11-32.

³⁶ Collins, *The State in Early Modern France*, 24.

³⁷ Bély, *La France au XVIIe siècle*, 54-63.

³⁸ Bonney, 'The French Civil War, 1649-53', in: *European Studies Review* 8 (London 1978), pp. 71-100; here: p. 92.

to the Fronde.³⁹ In 1648 several provinces had armed troops against this collapse of government. Only by means of establishing strong patron-client-relationships, thus ensuring loyalty, was greater evil averted.⁴⁰

With this analysis, Collins seems to disagree with A.L. Moote, who studied the situation in Paris. Moote's study focuses on the Fronde of the Judges, who objected to political reforms: they wanted to return to a sixteenth-century style of 'balanced monarchy,' during which the judges' opinions were valued. They believed it was their right to be consulted.⁴¹ Moote, therefore, finds that the judges brought the crisis upon themselves and should have acknowledged their responsibility.⁴² However, according to both Richard Bonney and Lucien Bély, the consequences of the foreign policy influenced the economy in various ways and caused the Fronde to develop. War had taken its financial toll: taxation, creation of offices and increasing debts.⁴³ With this, Bonney, Bély and Collins seem to adopt a wider perspective to explain the developments that caused the Fronde.

In the period from 1646-1648, it seemed as if Mazarin had deliberately tried to prolong the war in order to gain financially and strengthen his own position.⁴⁴ When the behaviour of the crown did not change, people started to feel anxious. The parliament endorsed these feelings and was consequently against new taxes, as these burdened the people too much.⁴⁵ This first phase, starting in the spring of 1648, is known as the 'Fronde of the *Parliament*' or Fronde of the 'judges'.

According to Bonney, Mazarin's government made two important 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

³⁹ Collins, *The State in Early Modern France*, 86.

⁴⁰ *Idem*, 90-97.

⁴¹ *Idem*, 88.

⁴² Moote, *The Revolt of the Judges*.

⁴³ Bonney, 'The French Civil War, 1649-53'.

⁴⁴ L. Bély, 'The Peace Treaties of Westphalia and the French Domestic Crisis', in: *Historische Zeitschrift. Beihefte, New Series*, Vol. 26 (1988), pp. 235-252; Bonney, 'Cardinal Mazarin and the great nobility during the Fronde', p. 830; P. Sonnino, 'Prelude to the Fronde. The French Delegation at the Peace of Westphalia', in: *Historische Zeitschrift. Beihefte, New Series, Vol. 26, Der Westfälische Friede. Diplomatie – politische Zäsur – kulturelles Umfeld – Rezeptionsgeschichte* (1998), pp. 217-233 here page 225-227 and 232.

⁴⁵ Bély, *La France au XVIIe siècle*, 305.

from the various Parisian bureaucratic courts, to assemble and make agreements to solve problems of officers, but the instability of the times brought the decisions into question.⁴⁶ As the costs of Mazarin's government exploded, there was a desperate search for finances; at the same time, the Chamber Saint-Louis sought a means of diminishing the burden of the inhabitants. According to some texts, Mazarin's corruption was at odds with a peace and was, therefore, troublesome. The Fronde was more a rebellion for the interests of the people than a movement for reform.⁴⁷

In the five years that the Fronde lasted, about 5,400 pamphlets were written, reflecting public opinion via a *plethora* of anonymous voices.⁴⁸ These pamphlets are now known as the Mazarinades.⁴⁹ During the first year, the number was barely a few hundred; in the following years, the number of pamphlets rose to well over a thousand a year. They were well-written, probably by professional, learned⁵⁰ authors and they dealt with the public problems created by Mazarin's government.⁵¹ Not all texts were against arbitrary rule, as some did agree on the idea of a strong and centralised state. The main cause of grievances was that the complainants just did not seem to like Mazarin. These pamphlets became a way of describing the current affairs. Moreover, the texts 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. This happened unexpectedly on 18 January 1650 — at the behest of Mazarin himself. A feud between the *prince-du-sang* Condé and Mazarin, as well as Mazarin's already unstable position contributed to the imprisonment at Vincennes-castle.⁵² In the pamphlets, authors demanded Mazarin's

⁴⁶ R. Bonney, 'La Fronde des officiers: mouvement reformiste ou rebellion corporatiste?' in: *XVIIe Siecle 145* (Paris 1984), pp. 323-340.

⁴⁷ *Idem*.

⁴⁸ C. Jouhaud, 'Écriture et action au XVIIe siècle: sur un corpus de mazarinades' in: *Annales. Économies, Sociétés, Civilisations. 38e année, N. 1*, (1983). pp. 42-64; Bonney, 'Mazarin et la Fronde: la question de responsabilité', pp. 329-338.

⁴⁹ Collins, *The State in Early Modern France*, 96; C. Jouhaud, *Mazarinades: la Fronde des Mots* (Paris 1985).

⁵⁰ Most authors seem to have read Machiavelli, according to: H. Carrier, 'Machiavel dans les pamphlets de la Fronde', in: *Actes L'Italianisme en France au XVIIe siècle Actes du VIIIe congrès de la Société française de littérature comparée* (Turin 1969), pp 39-46.

⁵¹ Jouhaud, *Mazarinades*.

⁵² Bonney, 'Cardinal Mazarin and the great nobility during the Fronde', p. 92.

resignation and replacement by the Prince de Condé, the Duke de Retz or any other high official.⁵³ This shows the true nature of the Fronde: it was a battle over which individual or group controlled the government of France.⁵⁴ In these pamphlets the focus became the interest of France rather than the virtues of the people. Those in power looked for ways to expand their influence at the cost of their opponents.⁵⁵

Luckily for Mazarin, his every step was supported by Queen-regent Anne of Austria. Mazarin eventually had to flee despite the Queen's support, as there was little support for his actions or for the increased levels of taxation. The heavy-burdened population revolted against this Italian minister, whom they believed had caused all these problems. Mazarin left, but he returned with approximately 6,000 mercenaries just as France opened peace-negotiations with Spain. The situation with the French *Princes-du-Sang* also remained troublesome, as they needed an infusion of Spanish money to fund their troops whilst they were negotiating a peace. Mazarin, on the other hand, drew money from his own vast resources to finance his troops.⁵⁶

⁵³ Collins, *The State in Early Modern France*, 95.

⁵⁴ *Idem*, 95.

⁵⁵ *Idem*, 96.

⁵⁶ Bonney, 'Mazarin et la Fronde: la question de responsabilité', pp. 329-338.

7 Brittany: ancient, autonomous, and self-regulating (1648-1652)

In 1651, many Parisians still participated in fighting against Cardinal Mazarin. This unrest was known as the Fronde and had started in May 1648. In the peripheries of France, such as Brittany, the early flurries of civil war went largely unnoticed. However, by 1651, Duke de la Meilleraye and Duke de Rohan-Chabot¹ were quarrelling over who had the right to preside over the *états*. La Meilleraye – a client of Mazarin – received a serious warning from his patron not to harass Rohan-Chabot. For the latter duke was supported by the *Prince-du-sang* of Condé, as well as his brother the Prince of Conti.²

Although Duke de la Meilleraye himself heeded this warning, his long-time friend Duke de la Trémoille contested Rohan-Chabot's presence in Nantes.³ The conflict forced military intervention on the part of La Meilleraye, who was lieutenant general. This intervention was followed by the removal of Duke de Rohan-Chabot from the 1651-estates assembly.⁴ Rohan-Chabot subsequently went to Rennes to complain to the *parliament* (Eng: the court of justice). The judges sided with him, and henceforth the *parliament* became notorious for its protests and obstruction of the *états* in Brittany.⁵ In Rennes, the judges published a decree that stated that Duke de Rohan-Chabot was to preside over the Assembly in Nantes. However, as this verdict was ignored they ruled that the *états*' proceedings were altogether invalid and the assembly should quit their session for this reason.⁶

¹ To 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. B. Pocquet, *Histoire de Bretagne. La Bretagne Province. Tome Cinquième: 1515-1715* (Rennes 1913) 427.

² Pocquet, *Histoire de Bretagne*, 428; Kettering, 'Patronage and Politics during the Fronde', p. 417.

³ D. Le Page and X. Godin, 'Les États de Bretagne sous l'Ancien Régime, survivance féodale ou ébauche d'une décentralisation?' in: D. Le Page (ed.), *11 questions d'Histoire qui ont fait la Bretagne* (Morlaix, 2009) p. 64.

⁴ Pocquet, *Histoire de Bretagne*, 429.

⁵ Collins, *Classes, Estates, and Order in Early Modern Brittany*, 210.

⁶ Kettering, 'Patronage and Politics during the Fronde', pp. 422-423.

Despite the efforts of Duchess Anne of Brittany (1477-1514), Brittany had been annexed by France in the late 15th century. By 1532, Brittany and France were united by the Edict of Plessis-Macé.⁷ Nevertheless, Brittany held a special position within France as a *pays d'états*; this meant that taxations could only be levied via the *états* and that the ancient privileges of the land were upheld.⁸ Although Brittany was no longer sovereign but part of the Kingdom of France, it was still rather autonomous as one of the *pays d'états*.⁹

The province was considered to be one of the wealthiest parts of France 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'.¹⁰ This conclusion is based upon the value of economic competence within Brittany. According to Collins, the key to understanding French society – including Brittany – is to: '[...] consider classes (classifying people by the nature of their economic activity and by their level of wealth), estates (or orders) (classifying people by culturally determined legal categories), and order'.¹¹

Three groups of people formed the elite in Brittany: (1) nobility, (2) legal and judicial elite; and, (3) merchants.¹² The French monarchy had to cooperate with all three groups to be able to achieve anything in Brittany. The elite did not correspond with the *états*, as these cannot be ranked according to wealth: numerous nobles were considered to be poor (6,000 *livres* a year) whereas the rich had incomes exceeding 30,000 *livres* annually.¹³ Due to these differences in wealth and interest concerning possessions, each of the groups within the *états* formed a heterogeneous whole. Social climbers also occasionally emerged from the second and third group and could be far richer than the poorest noblemen and could consequently act as moneylenders to or buy offices from the crown.

⁷ J. Nice, *Sacred History and National Identity: Comparisons between Early Modern Wales and Brittany* (London 2009), 11 and 99; A. Berbouche, 'De la résistance légale à la fronde parlementaire en Bretagne: l'opposition du Parlement d'un pays d'Etats à la montée de l'absolutisme royal', in: *Revue histoire du droit*, 70 (1992), pp 521-535, here: 521-522.

⁸ Le Page and Godin, 'Les États de Bretagne sous l'Ancien Régime', p. 33.

⁹ *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, *Sacred History and National Identity*, 14-15; J.R. Major, *Representative Government in Early Modern France* (New Haven/ London 1980), 566.

¹⁰ Collins, *Classes, Estates, and Order in Early Modern Brittany*, 4.

¹¹ *Idem*, 2.

¹² *Idem*, 3.

¹³ *Idem*, 67-68.

During the seventeenth century, the French government looked for new ways of obtaining money that did not involve borrowing from Italian and German bankers.¹⁴ It turned out that a *pays d'états* such as Brittany, as well as the *pays d'élection*, could lend money more easily, and so the crown could borrow at a much lower interest rate. These *pays* proved to be a reliable source of income, which had not been used efficiently in the past.¹⁵ Collins describes an essential change made by Queen-mother Anne of Austria: she made the *états* borrow the money and then pass it on to the crown. 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 demanded sums. The *états* were, consequently, also responsible for paying the interest to the moneylender, which heightened the tax burden.¹⁶ When France got involved in various wars during the seventeenth century, the situation was becoming increasingly complex. This was most noticeable when it got involved in both the Thirty Years' War and the Franco-Spanish War, from 1635 onwards. As a consequence of all this warfare and borrowing money, taxes increased throughout most parts of France. As a result, Mazarin's regency-period fostered discontentment and resistance – and ultimately, the Fronde (1648-1652).

Because Brittany was an autonomous region in France, it is possible to compare it with other principalities within Europe. But despite the political similarity, there are demographic and geographic differences that need to be acknowledged. The number of inhabitants in Brittany has been estimated to have been 1,802,000 people around 1660.¹⁷ The size of Brittany was about 30,000 square kilometres, meaning that there were approximately 60 inhabitants per square kilometre. By way of comparison, these numbers are a tenfold of the previously discussed principalities of Jülich and Hesse-Cassel. Furthermore, the composition of the nobility in Brittany was very different. In the small German principalities, the nobility formed a more or less homogeneous group of relatively poor noblemen. They did not have many tenants, nor much wealth. In Brittany the nobility was – specifically in regards to wealth – very heterogeneous as here the income of the nobility as well as the size of their possessions varied greatly.

¹⁴ Collins, *The State in Early Modern France*, 60.

¹⁵ *Idem*, 62-63, 151-152.

¹⁶ Collins, *Classes, Estates, and Order in Early Modern Brittany*, 205.

¹⁷ Croix, *La Bretagne aux 16^e et 17^e siècles. La vie – la mort – la foi. Tome I* (Paris, 1981), 152; Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 4.

During this period, the *états* of Brittany were assembled – as usual – to assent to taxation that would be collected during the Thirty Years’ War and the Franco-Spanish War. This is roughly analogous to the situation in the principalities of the Holy Roman Empire. As a result, the need to protect the tenants from financial extortion, or to safeguard noble interests from excessive French interference, could have led to the use of arguments that deployed fatherland-terminology in order to protect Brittany. This chapter seeks to establish whether or not that occurred.

This chapter provides an overview of research concerning the history of Brittany and consists of four sections. First the earlier history of Brittany – from the War of Succession (1341-1365) until the unification with France (1532) – will be explored. Subsequently, the influence of Richelieu will be discussed. This will be followed by a section on the minority rule of King Louis XIV, Mazarin’s regency, and the Fronde. Finally, the last part of this chapter will be an in-depth study of the *Assiettes*, or the proceedings of the *états* in the years 1649 and 1651.

7.1 Historiography: the nobility of Brittany

Whereas much research on France focuses on the whole country, or on the city of Paris, Brittany is often regarded as an extraneous part. During the early 20th century Barthélemy Pocquet wrote a voluminous book on the history of Brittany, describing in great detail all assemblies and meetings that took place.¹⁸ He did not focus on specifics, but simply described the course of events, basing himself on the *Assiettes*. Russell Major and Bonney focus mainly on the functioning of government and taxation policy, respectively. The focus of Kenneth Dunkley with his 1972 dissertation lies mainly on the government of Richelieu and the attempts the cardinal made to change and influence Brittany.

Recent studies have been mainly conducted by Jim Collins, Alain Croix, Dominique Le Page and Xavier Godin and have focussed on the development of the duchy and – later on – province.¹⁹ Especially the period after 1532 has been studied by these authors.²⁰ Jason Nice has recently made a comparison with Wales, looking for signs of national identity, especially in

¹⁸ Pocquet, *Histoire de Bretagne*.

¹⁹ Croix, *L’âge d’or de la Bretagne, 1532-1675* (Rennes 1993).

²⁰ Nevertheless, numerous books have been published on the history prior to this year.

religious affairs. Thus far, little focus has been on the specific use of fatherland-terminology in political debates.



Figure 11 Brittany (17th century).

Map by: Willem and Jan Blaeu, *Le Theatre Du Monde, ou Nouvel Atlas / 2,1* (Amsterdam 1635/ 1640), 34. Map image courtesy of the Norman B. Leventhal Map Center at the Boston Public Library.²¹

7.2 Brittany and France: a forced union

In order to understand the position Brittany held within France, it is necessary to understand the period from the fourteenth until the sixteenth century. The unique position of the province in later periods, as well as the development of the influence of the *états*, are deeply rooted in this period.

²¹ <http://maps.bpl.org/id/15990> [1 December 2014].

7.2.1 Political history of Brittany

Between 1341 and 1365, the Breton War of Succession was fought, leading to the creation of the *états*.²² This war can be considered a derivative of the Hundred Years' War. John de Montfort (1295–1345) claimed the duchy based on the fact that he was the half-brother of the previous duke, Jean III. Montfort was supported by the English crown 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 support of the French crown.²³

Duke Jean III, who had been without a male heir, had originally wanted to leave the Duchy of Brittany to the French crown, but the nobility had objected. When the duke died in 1341, the matter of succession had not yet been decided and the aforementioned claimants both attempted to seize control.²⁴ The war was eventually concluded by the decisive battle of Auray (1364): here the pro-Penthiève armies of Blois and Bertrand du Guesclin were defeated. Charles of Blois was killed.²⁵ 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).²⁶

The war of succession meant that John V needed tax money to defend his claim, and consequently the *états* were assembled in 1352 for the first time.²⁷ The *états* included the clergy, nobility and the third estate.²⁸ The nobility was represented by every nobleman over 25 years old and, most importantly, by the nine barons of Brittany. The third estate was represented by the towns and cities. The number of their representatives gradually increased (to 21 in 1577, and then 44 in 1614) due to demographic and economic developments.²⁹

The House of Montfort ruled for over a hundred years. 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 would need to give permission for a marriage of a Breton Princess.³⁰ He left behind two

²² Le Page and Godin, 'Les États de Bretagne sous l'Ancien Régime', p. 22.

²³ J. Cornette, *Histoire de la Bretagne et des Bretons. Tome I. Des âges obscurs au règne de Louis XIV* (Paris 2005) 267-286.

²⁴ D. Le Page and M. Nassiet, *L'Union de la Bretagne à la France* (Morlaix 2003) 16.

²⁵ *Ibidem*.

²⁶ J. Markale, *Histoire de la Bretagne. De Jean de Montfort à la Révolution (1364-1789)* (Paris 2004) 25-29.

²⁷ Le Page and Godin, 'Les États de Bretagne', 93.

²⁸ *Idem*, pp. 21-65.

²⁹ *Idem*, p. 25.

³⁰ Le Page and Nassiet, *L'Union de la Bretagne*, 92.

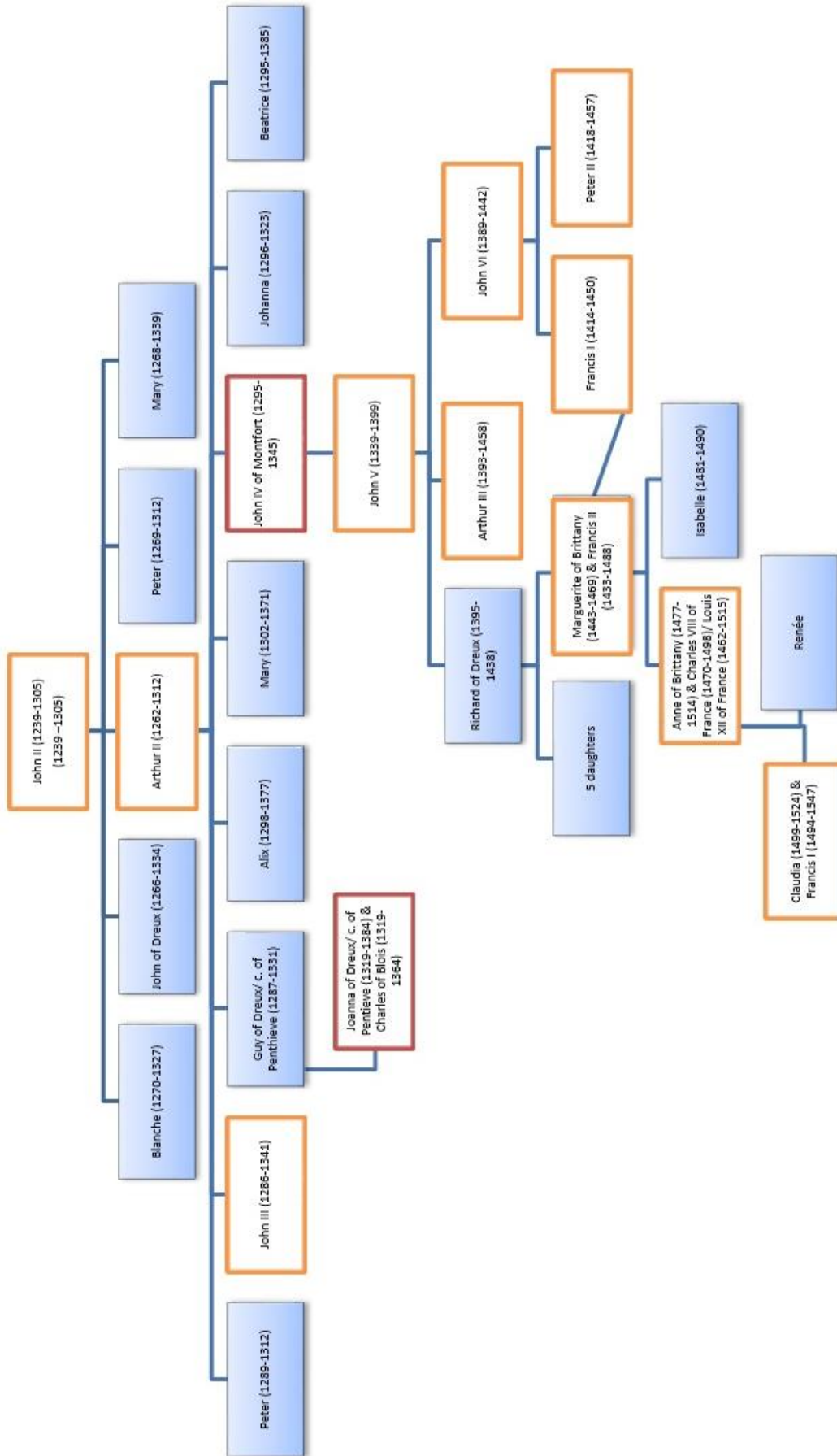
female heirs: Anne (1477-1514) and her sister Isabeau (1478–1490). The nobility, therefore, needed to protect the duchy on behalf of the eleven-year-old heiress. They did so by concluding a treaty with Henry VII of England (1457-1509) in 1489 in order to prevent a French annexation. Unfortunately, Henry VII proved unreliable as he signed the Treaty of Étapes (1492) with France two years later, forging an alliance between England and France. Soon afterwards Charles VIII of France (1470-1498) invaded Brittany, forcing Duchess Anne to marry him.³¹

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 then claimed she had violated the treaty between France and Brittany. Nevertheless, it was argued that this marriage fell outside the Verger-treaty, as they had been engaged ever since early 1486.³² Charles VIII did not appreciate a total encirclement by the Habsburg dynasty and thus invaded Brittany. As Emperor Maximilian I failed to help Anne, she was forced to marry the French king in 1492 and the questionable marriage with the Habsburg Emperor 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* (Eng: by right of his wife).³³

³¹ Major, *Representative Government*, 94.

³² Le Page and Nassiet, *L’Union de la Bretagne*, 167.

³³ *Idem*, 112-113, 130-133.



Previous page:

Figure 12 Dukes of Brittany (1209-1524).³⁴

When Charles VIII died only six years later, the widowed Queen Anne was to be married to the new king, Louis XII.³⁵ However, Louis was already married. This marriage was annulled, and so Louis XII married Anne of Brittany in 1499 to secure his claims to the throne of France and rule over Brittany. The marriage contract included a clause that specified that the two dynasties would remain separate, and the institutions and legislation of Brittany would be upheld.³⁶ The marriage produced no male heirs and consequently King Louis XII married off his eldest daughter and heiress of Brittany, Claude (1499–1524),³⁷ to his cousin Francis I (1494–1547), who was the next in line to rule France under the Salic Law.³⁸ The marriage was against his wife's wishes, as Anne had wanted her eldest daughter to marry King Charles V of Spain, in the hopes of cementing a Spanish-French alliance. The queen had wanted her youngest daughter Renee (1510–1575) to inherit Brittany.³⁹ According to King Louis XII's wishes, the heir produced out of the marriage of Francis I and Claude of Brittany, Henry II (1519–1559), was supposed to unify Brittany and France, ending the Breton independence.

King Francis I, however, did not want to wait for one of his heirs to unite Brittany with France; he wanted to be recognised as Brittany's formal ruler himself. In 1532 he invited the Duchy of Brittany to join France; a union was signed by the *états* of Brittany in Nantes.⁴⁰ The clause in Anne and King Louis XII's marriage contract specifying Breton independence was overruled by this agreement, which is known as the Edict of Plessis-Macé.⁴¹

This edict did guarantee Breton privileges and liberties.⁴² The agreement was signed by both the King of France and the *états* of Brittany. Both benefited: the crown, on the one hand, recognised the *états*' privilege in consenting to taxation, abstained from the creation of offices

³⁴ Ancestral chart by author.

³⁵ *Idem*, 120-124; Major, *Representative Government*, 94-95.

³⁶ Croix, *L'âge d'or de la Bretagne*, 13-15.

³⁷ Le Page and Nassiet, *L'Union de la Bretagne*, 141.

³⁸ *Idem*, 147-151.

³⁹ *Idem*, 142-144.

⁴⁰ Cornette, *Histoire de la Bretagne et des Bretons*, 418-427; Le Page and Nassiet, *L'Union de la Bretagne*, 157-164; Nice, *Sacred History and National Identity*, 11.

⁴¹ Croix, *L'âge d'or de la Bretagne*, 13.

⁴² Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 26 and 40; Major, *Representative Government*, 94.

and the stationing of 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.⁴³ The king later imposed taxes without first seeking consent, which led to protest and tax evasion; subsequently resulting in much lower taxes than the crown had originally envisioned.⁴⁴ Furthermore, a permanent *parliament* was created in Nantes in 1554, but moved to Rennes in 1561. The city of Nantes was left with the *Chambre des Comptes*.⁴⁵ The independence of Brittany to run its own affairs also implied that, contrary to other parts of France, taxes such as the *taille*, *aides* and the *gabelle*, as well as certain indirect taxes, were not collected in Brittany.⁴⁶ The king requested a *Don Gratuit*, or ‘free gift’ from 1614 onwards instead, and the *états* always granted it – though the sum could vary.⁴⁷ Like Béarn and Navarre, Brittany remained an autonomous *principauté* or *pays d’états*.⁴⁸ As such it provided a steady source of income for the French crown.⁴⁹ Assenting to the *Don Gratuit* instead of collecting a regular tax protected the province’s liberties and the only perceivable change in the governmental structure of Brittany was that the Duke of Brittany was replaced by a governor from France.⁵⁰

It could be argued that the fact that the crown could review, change or invalidate the *états’* actions also posed a threat to the independence of Brittany.⁵¹ The *états* could only assemble when the king summoned them, usually in Nantes, Rennes or Vannes.⁵² If there had been an assembly without royal permission, the participants would have been prosecuted as

⁴³ *Idem*, 96; Nice, *Sacred History and National Identity*, 15.

⁴⁴ *Idem*, 99-101.

⁴⁵ J.B. Collins, ‘State Building in Early-Modern Europe’, in: *Modern Asian Studies* 31.3 (1997), pp. 603-633, here p. 621; Le Page and Godin, ‘Les États de Bretagne sous l’Ancien Régime’, p. 21-65; Croix, *L’âge d’or de la Bretagne*, 13-14; Nice, *Sacred History and National Identity*, 15-16; Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 19-20; Berbouche, ‘De la résistance légale à la fronde parlementaire en Bretagne’, p. 523.

⁴⁶ Collins, ‘State Building in Early-Modern Europe’, p. 152; Bonney, ‘Louis XIII, Richelieu, and the royal finances’, p. 35 and 41.

⁴⁷ Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 45.

⁴⁸ Le Page and Nassiet, *L’Union de la Bretagne*, 15-16; Bonney, ‘Was there a Bourbon style of government?’, pp. 161-177.

⁴⁹ Croix, *L’âge d’or de la Bretagne*, 15.

⁵⁰ Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 26, 46 and 233-234.

⁵¹ *Idem*, 28.

⁵² *Idem*, 28 and 92.

criminals.⁵³ However, the *états* and the royal government seem to have worked well together, and it was the former who managed provincial affairs.⁵⁴

7.2.2 Religious history of Brittany

In addition to these privileges concerning taxation, Brittany held a special position with regards to religious affairs. The French crown had the right to appoint bishops as a result of the 1516 Concordat of Bologna; however, Brittany was not part of this agreement and remained a *pays d'obédience* of the papal power.⁵⁵ In other words, the papal power was the highest in religious affairs. Yet the king did use his right of *régale* to fill in vacant dioceses.⁵⁶ Eventually, the king used his royal power (*regale*) to appoint non-Bretons to these positions, which led to protests.⁵⁷ Thus, Brittany was not only an ancient duchy that had upheld its independence for long, it was also a church province. This is a sharp contrast with the previously discussed German principalities, which did not form church unities.

The religious history was of great importance to the inhabitants of Brittany. In 1636 the Dominican monk Albert Le Grand wrote a book with the title *Les vies des Saints* which greatly

⁵³ Archives départementales d'Ille-et-Vilaine (Rennes), Fonds général des états de Bretagne (C) C2777, 20 October 1651/ C2655, p. 53: 'Veu 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, empecher, 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[ites] 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'Etre 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[itte] province que sa majesté est très humblement suppliée de maintenir et à tant requeroient qu'il luy plaise casser et revoquer les dits arrêts des d[its] Jours 11 et 24 mars 1649 et faire defenses à la d[ite] 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[itte] 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[itte] 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.'

⁵⁴ *Idem*, 29; Collins, *Classes, Estates, and Order in Early Modern Brittany*, 23-25.

⁵⁵ Nice, *Sacred History and National Identity*, 15.

⁵⁶ *Idem*, 100.

⁵⁷ *Idem*, 102-105.

impressed the *états*.⁵⁸ The work supported their position as it underlined – by means of hagiographies – the position Brittany should hold *vis-à-vis* France. For instance, Brittany had defended her churches and the church officials from violating the *indults* – the direct papal power over the Breton churches.⁵⁹ According to Nice, the text was extremely important, as ‘the Estates of Brittany ensured the endurance of the sense of Breton identity produced by Albert Le Grand.’⁶⁰

7.3 Valois and Bourbon rule (1582-1620s)

According to Major, 1582 was 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.⁶¹ One of the reasons that he was appointed was that he was the brother-in-law of the French King, Henry III (1551 – 1589), who had married Mercœur’s half-sister Louise de Lorraine-Vaudémont (1553 – 1601). Despite this close connection to the French crown Mercœur sought a way to use his position as leverage to free Brittany from French rule. He was one of the claimants to rule Brittany as an independent duchy again. His claim was based on his marriage to an heiress of Brittany, Marie de Luxemburg, Duchess of Penthiève (1562 – 1623) and distant relative to the aforementioned Johanna de Penthiève.⁶² The new governor was thus strongly in favour of upholding the unique and independent position of Brittany within France, or rather, independently of France. The result was that increasing tax-requests from the French king led to a war in Brittany.⁶³

It could be seen in this light that in 1580 a commission was struck to have the *Histoire de Bretagne* written. Later on the *états* contributed to the construction of parts of the cathedral of Rennes as well.⁶⁴ These activities were meant to glorify Breton history and show its unique position.

⁵⁸ A. Le Grand, *Les vies des saints de la Bretagne Armorique: ensemble un ample catalogue chronologique et historique des evesques des neuf eveschez d’icelle* (Nantes 1637) – as referred to in: J. Nice, *Sacred History and National Identity: Comparisons between Early Modern Wales and Brittany* (London 2009), 109.

⁵⁹ Nice, *Sacred History and National Identity*, 112-114.

⁶⁰ *Idem*, 116.

⁶¹ Bonney, *The King’s Debts*, 53.

⁶² Major, *Representative Government*, 221.

⁶³ *Idem*, 222-223

⁶⁴ *Idem*, 437.

Mercœur sided with the Spanish. King Henry IV (1553 – 1610) sent an army to fight to the duke, but met with defeat at the Battle of Craon (1592).⁶⁵ It was not until 1598 that the governor's troops were finally defeated at 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 Penthièvre (1592 – 1669) in 1608.⁶⁶

Shortly after his father was murdered (1610), the Duke de Vendôme increased his interest in Brittany. He presided over the *états* for the first time that same year, even though he had been governor since 1598.⁶⁷ The duke started to receive regular payments from the assembly three years later. Duke de Vendôme could also 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.⁶⁸ In order to restore the peace after this rebellion, King Louis XIII and his mother visited some of the western provinces. In August, just two months prior to the meeting of the *Estates General* in Paris, the king and his mother stayed in Nantes.⁶⁹

Major mentions that in 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 three estates, and this triggered protests and a good deal of anger.⁷⁰ In 1617, the Duke de Vendôme tricked the *états*, claiming that the king needed only the usual amount in taxation; yet it turned out that an additional 600,000 *livres* had been requested.⁷¹ Two years later, the governor informed the assembly that he desired to create another personal guard, and therefore needed money. The *états* granted the request, but only so

⁶⁵ A. Angot, 'Un soldat catholique de la bataille de Craon (23 mai 1592)', in: *le Bulletin de la Commission historique et archéologique de la Mayenne*, 1896, n° 12, p. 367-373.

⁶⁶J. Chautard, 'Jetons de César, duc de Vendôme, avec 3 planches', in: *Bulletin de la Société archéologique, scientifique et littéraire du Vendômois* (1882), pp. 98-120.

⁶⁷ Cornette, *Histoire de la Bretagne et des Bretons*, 436.

⁶⁸ *Idem*, 528; G. A. Rothrock, Jr., 'The French Crown and the Estates General of 1614', in: *French Historical Studies*, Vol. 1, No. 3 (1960), pp. 295-318, see p. 304; Collins, *Classes, Estates, and Order in Early Modern Brittany*, 142.

⁶⁹ Major, *Representative Government*, 437.

⁷⁰ *Idem*, 438.

⁷¹ *Idem*, 439.

that they would be responsible for the pay going to the captain of the guard, hoping to ensure that the said captain would be loyal to the *états* and not just to the governor.⁷² The *Don Gratuit* was introduced in Brittany from the 1610s onwards, in addition to other taxes. Though the amount was still subject to compromise, Major considers it to be surprising that it got accepted in the first place.⁷³

In 1626, Governor Duke de Vendôme was convicted of partaking in the Calais conspiracy: an unsuccessful plot to assassinate Cardinal de Richelieu.⁷⁴ Consequently, the Duke de Vendôme had to resign from the office of governor of Brittany.⁷⁵ He was succeeded by Marshal Thémines, a client of Richelieu, who died within a year of accepting the office, leaving the office vacant until 1631.⁷⁶

7.4 Richelieu's influence (1626-1642)

From October 1626 onwards, Richelieu occupied the newly created office of Grand Master and Supreme Head of the Navy and Commerce.⁷⁷ He did so in order to strengthen and modify the navy and trading fleet by: '[...] consolidating all admiralty functions in one bureau headed by the grand master, chief, and superintendent-general of the navigation and commerce of France, who was to be none other than the cardinal himself.'⁷⁸

From a military perspective, alterations were necessary to build up a fleet and avoid another 'La Rochelle'.⁷⁹ The nobles profited from Richelieu's plans, because the cardinal deemed free trade of vital importance to the Breton economy and thus – from an economic perspective – it was useful to keep on the right side of the Bretons.⁸⁰ Nevertheless, the *états* did

⁷² *Idem*, 440.

⁷³ *Idem*, 440.

⁷⁴ Nice, *Sacred History and National Identity*, 107; Collins, *Classes, Estates, and Order in Early Modern Brittany*, 187-188; Major, *Representative Government*, 562.

⁷⁵ '186. Declaration of Monsieur de Vendôme, 16 January 1627', in: Bonney, *Society and Government in France under Richelieu and Mazarin, 1624-61* (Houndmills 1988), 159.

⁷⁶ Nice, *Sacred History and National Identity*, 107; Collins, *Classes, Estates, and Order in Early Modern Brittany*, 189-190; Major, *Representative Government*, 564.

⁷⁷ Pocquet, *Histoire de Bretagne*, 394 and 399-400; Dunkley, 'Patronage and power in seventeenth-century', pp. 1-2; Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 110.

⁷⁸ Dunkley, 'Patronage and power in seventeenth-century France', p. 2.

⁷⁹ Pocquet, *Histoire de Bretagne*, 392-393; Collins, *Classes, Estates, and Order in Early Modern Brittany*, 187.

⁸⁰ Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 33.

not agree to his plans to establish a maritime monopoly and objected to the creation of a special maritime related court as they feared losing influence.⁸¹

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.⁸² The *parliament* as well as the third estate were critical of this process, as they were made up mainly of jurists from towns who feared the loss of influence.⁸³ Luckily for Richelieu, the other two *états* were sympathetic to his plans. Firstly, the nobility – who had little risk of losing status or influence – wished to see free commerce and this desire supported Richelieu's plans.⁸⁴ Secondly, the presence of seven Royal Attendants at the *états* weighed in Richelieu's favour. These men were paid by the king and consequently argued in favour of royal policy. By placing loyal clients, Richelieu attempted to change the policy according to his wishes.

In 1631, Richelieu obtained the position of governor over Brittany.⁸⁵ It was a much sought-after position as the governor was the highest authority in the province. When the Duke de Vendôme was placed under house arrest for conspiracy in 1626, and his successor Marshal de Thémynes died, the prince of Condé requested the king to make Richelieu the next governor.⁸⁶ The Duke de Retz, on the other hand, wanted Queen-mother Marie de' Medici to become governess – due to her substantial influence in religious affairs and aptitude when filling other offices. In the end, an amendment to the Retz's proposal made it possible for Richelieu to obtain the position between 1626 and 1640.⁸⁷

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.⁸⁸ In contrast, Dunkley argues that Richelieu was heavily dependent upon the *états*, but that he did not want to change the existing tax-system. According to Dunkley, the cardinal was in serious need of money, both

⁸¹ Pocquet, *Histoire de Bretagne*, 396.

⁸² Collins, *Classes, Estates, and Order in Early Modern Brittany* 187.

⁸³ Dunkley, 'Patronage and power in seventeenth-century France', p. 3; Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 128 and 258.

⁸⁴ Dunkley, *Richelieu and the Estates of Brittany, 1624-1640*, 66.

⁸⁵ *Idem*, II.

⁸⁶ Pocquet, *Histoire de Bretagne*, 401-402; Collins, *Classes, Estates, and Order in Early Modern Brittany* 187-196; Nice, *Sacred History and National Identity*, 107.

⁸⁷ Pocquet, *Histoire de Bretagne*, 402-403; Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 132-134; Major, *Representative Government*, 566.

⁸⁸ Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 99.

when pursuing his plans concerning shipping and when his focus shifted toward the possibility of warfare with the Habsburg dynasty in both the Holy Roman Empire and Spain.⁸⁹ The *états* – and the *parliament* – of Brittany opposed these policies, unless they were convinced that the privileges and liberties of the province would be respected.⁹⁰

Richelieu used relatives to act on his behalf and fulfil his duties during periods of absence. Whenever vacancies arose, Richelieu placed trustworthy friends or relatives in these positions, thus strengthening his own power and ability to more fully control the affairs.⁹¹ As a result, he had many clients in place to champion the crown's interests. Although such overt nepotism was not appreciated by the *parliament*,⁹² it did leave Brittany's privileges and its political structure intact and ensured that the *états* could function. The *états* frequently debated taxes and articulated grievances, but there were no serious threats to the province. Strikingly, despite the growing influence of Richelieu and his allies, neither the structure of Breton politics nor its privileges were harmed, and the elites in Brittany thrived. Furthermore, the relationship was not entirely one-sided, and the elites could likewise use nepotism to gain the king's favour and obtain profitable offices.⁹³ Thus, the elites could keep the king content, remain in power and protect their people from paying too many taxes – due to the direct communications with Paris – while obtaining profitable offices. Whereas the *états* largely went along with this state of affairs, and remained discrete in their protests, Berbouche argues that the opposition from the *parliament* to things like Richelieu's naval plans was more visible and hostile.⁹⁴

It is fair to say that the *états* were the highest voice in the province.⁹⁵ The most important Breton elite were present at each of the assemblies – they were personally invited to join. The lower elites could attend as well, if they so desired.⁹⁶ Unlike the higher elites, however, the lower elites were not required to attend. Those who did were often there accompanying their patron;⁹⁷

⁸⁹ *Idem*, 1.

⁹⁰ Pocquet, *Histoire de Bretagne*, 138.

⁹¹ *Idem*, 202; Le Page and Godin, 'Les États de Bretagne sous l'Ancien Régime', p. 51.

⁹² Berbouche, 'De la résistance légale à la fronde parlementaire en Bretagne', 525.

⁹³ Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 65.

⁹⁴ Berbouche, 'De la résistance légale à la fronde parlementaire en Bretagne', 523-524.

⁹⁵ Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 53.

⁹⁶ *Idem*, 1, 58 and 61.

⁹⁷ *Idem*, 65.

otherwise, they often simply could not afford to participate.⁹⁸ Furthermore, the patron-client networks of Brittany's elite were heavily dependent upon the king's favour, as it was the king who ultimately granted offices and possessions.⁹⁹ For instance, Dunkley mentions that the bishops and abbots gained their appointment only through royal favour; nevertheless, this did not stop them from blocking royal policies even after Richelieu established his governorship.¹⁰⁰

Despite Richelieu's influential position in Brittany, his shipping and trade reforms did not go as smoothly as he had hoped.¹⁰¹ Both the opposition of the Breton *parliament* and the displeasure of the seaside cities contributed to this failure.¹⁰² Furthermore, the situation may have been influenced by the fact that Richelieu was unable to maintain a personal presence in the province, but France's active engagement in wars against the Habsburg dynasties also played a role.¹⁰³ During most of the period in question, Charles Marquis de la Porte, Duke de la Meilleraye acted on behalf of Richelieu, who was his uncle. He received regular instructions regarding Richelieu's wishes, especially when it came to the *Don Gratuit* to be requested from the *états*.¹⁰⁴ According to 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.¹⁰⁵

For Richelieu passion was no issue when pursuing his policy in Brittany, according to Pocquet.¹⁰⁶ Abandoning Brittany and leaving his plans for the province in the hands of his clients, Richelieu rushed France into the Thirty Years' War. 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.¹⁰⁷

⁹⁸ *Idem*, 68.

⁹⁹ *Idem*, 65.

¹⁰⁰ *Idem*, 56.

¹⁰¹ *Idem*, 147.

¹⁰² *Idem*, 181.

¹⁰³ Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 182, 189; Pocquet, *Histoire de Bretagne*, 407

¹⁰⁴ *Idem*, 408-418; Collins, *Classes, Estates, and Order in Early Modern Brittany*, 193.

¹⁰⁵ Nice, *Sacred History and National Identity*, 107.

¹⁰⁶ Pocquet, *Histoire de Bretagne*, 393.

¹⁰⁷ *Idem*, 393.

7.5 Minority rule and Mazarin's guidance

With the death of Richelieu, Queen-mother Anne of Austria became governor over Brittany.¹⁰⁸ She had been recommended by the Duke de la Meilleraye, who governed the province in her absence. This meant that, in practice, little had changed as la Meilleraye had previously represented Richelieu and so he simply remained in office. Moreover, the duke was a supporter of Mazarin who now ruled France together with the Queen-mother, since King Louis XIV was still a minor.¹⁰⁹

As Queen-mother and Regent, Anne promised King Louis XIII – in the words of Bonney – to “‘never abandon’ Mazarin.”¹¹⁰ Thus, it can be concluded that in the case of Brittany, the patronage of Queen Anne became one with the patronage of the former first minister. The queen was determined to guarantee her son's succession by proceeding with her late husband's foreign policy.¹¹¹ Moreover, being the queen's favourite was – in a sense – beneficial to Mazarin, as this resulted in keeping away possible rivals from attacking his position.¹¹²

Anne's decision to pursue Richelieu's war policy – and that of her late husband, King Louis XIII – led to much criticism from the high nobility.¹¹³ The *Cabale des Importants* (1643-4), or ‘strife of the importants’, was meant to overthrow Mazarin's power in Brittany and preferably in the whole of France.¹¹⁴ One of the participants in this affair was François de Bourbon-Vendôme, son of the former governor Duke César de Vendôme, who had attempted to murder Mazarin but failed. 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.¹¹⁵

¹⁰⁸ *Idem*, 420.

¹⁰⁹ In 1661, Armand de la Meilleraye (son of the aforementioned duke) married Hortense Mancini, one of Mazarin's nieces. Pocquet, *Histoire de Bretagne*, 427; Berbouche, ‘De la résistance légale à la fronde parlementaire en Bretagne’, 535.

¹¹⁰ Bonney, *Political Change in France under Richelieu and Mazarin 1624-1661* (Oxford 1978), 6.

¹¹¹ *Idem*, 51.

¹¹² *Idem*, 6.

¹¹³ *Idem*, 51.

¹¹⁴ Pocquet, *Histoire de Bretagne*, 420.

¹¹⁵ Bonney, *Political Change in France*, 51.

According to Bonney, the military interventions in the Habsburg Netherlands were aimed at forcing the Habsburgs into a peace-settlement.¹¹⁶ Unfortunately, no agreement was reached between the French and its rivals. 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 these peace treaties. The initial malcontent with Mazarin's inability to end the Franco-Spanish War was most prominently expressed in Paris during the Fronde, but other parts of France – such as Brittany – remained relatively quiet.

It has been suggested that Mazarin's patronage and the favourable tax-climate had much to do with the complaisance of Brittany.¹¹⁷ This may be illustrated by Mazarin's malcontent with the 1647 assembly of the *états* which Duke de Rohan-Chabot presided over. Rohan-Chabot was not a client of the first minister, and was consequently disliked.¹¹⁸ In contrast, when the Duke de la Trémoille presided over the meetings in 1645 and 1649, these earned Mazarin's approval, especially since he vigorously defended the plans of the queen-mother and her favourite.

7.6 The États and the Parliament of Brittany

During the seventeenth century, the frequency of assemblies held in Brittany varied. Collins shows a frequency of every year in the late 1620s, and every other year from 1630 onwards.¹¹⁹ 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 1652.¹²⁰

During the early seventeenth century, meetings had usually lasted fewer than 19 days. 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.¹²¹

¹¹⁶ *Idem*, 51.

¹¹⁷ Kettering, 'Patronage and Politics during the Fronde'.

¹¹⁸ Pocquet, *Histoire de Bretagne*, 428.

¹¹⁹ Collins, *Classes, Estates, and Order in Early Modern Brittany* 208-209.

¹²⁰ *Idem*, 207.

¹²¹ *Idem*, 198; Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 92-93.

The assemblies tended to have a relatively standardised schedule. The royal representatives were invited – or, strictly speaking, ordered – to come. On the first day of each assembly, the kings’ official letter was read and speeches were delivered. On the second day, the attendants were informed of how much money had been requested for the *Don Gratuit*.¹²² The royal commissioners and the president of the *états* then drew up the schedule for each day, and topics had to be brought forward 24 hours in advance; decisions were only valid with the autograph of the president.¹²³ Voting could be public or secret – depending on the wishes of attendees.¹²⁴

Berbouche argues that tensions generated by support of and opposition to Mazarin were noticeable in the 1647-*parliament* – specifically, he identifies problems when the judges met in December.¹²⁵ Despite this, the Duke de la Meilleraye managed to pacify the *parliament*. Also, it is important to keep the events that took place in Paris in mind, even though violence was not part of the Fronde in Brittany.¹²⁶

7.6.1 États-assembly and Parliament of 1649

On 29 April 1649, a letter written on behalf of *Louis by the grace of God, king of France and Navarra*¹²⁷ was sent to Brittany. 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: e.g. it mentioned the end of the Thirty Years’ War and the end of the war between Spain and the Dutch Republic. The letter stated that peace with the Holy Roman Empire was concluded because it was favourable for the common good.¹²⁸ Nevertheless, the negotiations did not conclude the Franco-Spanish War which had flared in 1635, as this would give Spain the wrong impression of the force of France.¹²⁹ The failure to obtain a peace with the Spanish Habsburgs was blamed on a conflict of interest, but the nature of that conflict was not further

¹²² Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 73, 96 and 260.

¹²³ *Idem*, 73; Berbouche, ‘De la résistance légale à la fronde parlementaire en Bretagne’, p. 523.

¹²⁴ Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 97.

¹²⁵ Berbouche, ‘De la résistance légale à la fronde parlementaire en Bretagne’, 530.

¹²⁶ *Idem*, 530-531.

¹²⁷ Archives départementales d’Ille-et-Vilaine, C2776 and C2654, p. 492: ‘Louis par la grâce de Dieu, Roy de France et de Navare [sic].’

¹²⁸ This refers to the the Peace of Osnabruck (*Instrumentum Pacis Osnabrugensis*) on 24 October 1648.

¹²⁹ C2776, 29 April 1649 / C2654, p. 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 ç[’]a été en faveur du bien public et pour faire connoitre notre bonne disposition à celle d’Espagne.’

elaborated upon. Mention of the civil unrest in the city of Paris and in some of the provinces which could lead to the dynasty's destruction was also noteworthy.¹³⁰ This was especially true because the conflict was explicitly called a civil war.¹³¹ The letter voiced a complaint: the government supposed it had earned the respect, obedience, loyalty and affection of its subjects, but was met with unrest and civil war instead. The letter concluded by explaining that solutions to the conflict were currently being sought.

Such a letter would not have been sent without reason. Though formal, the tone of the letter seems to be somewhat flattering towards the subjects in Brittany. This is most obvious when the generosity of the subjects in Brittany was addressed. The king expected a more ardent affection of his Breton subjects than from those of the other provinces and contribution to the welfare of the land in its present need.¹³² This was followed – further on – by an expression of gratitude for the Province's role in collecting contributions and taxations on behalf of the Crown. The Queen-mother, regent to King Louis XIV, requested that the next meeting of the *assemblée* in the city of Vannes discuss the letter. Moreover, they had to deal with reforming and restoring justice, police and discipline in the province of Brittany.¹³³ Furthermore, it is mentioned that the *fouages ordinaires* (hearth tax – a property tax) had been set at 7 *livres* and this money was to be used to pay the *gendarmerie*.¹³⁴ 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 la Meilleraye.¹³⁵ The letter asked him to be present at the meeting organised in the city of Vannes when the *états* assembled in the month of June; the *grand maître* would be present to oversee and facilitate the meeting.¹³⁶

Other noblemen, such as the Baron de Ponchau Connilleau received letters dated 29 April 1649 too. De Ponchau Connilleau was informed of the role that the Marquise de la Porte, Duke de la Meilleraye, had to play in the upcoming meeting and was asked to assist him.¹³⁷ Subsequently, the Count de Vertue, governor of the city of Rennes, was informed of the meeting

¹³⁰ C2776, 29 April 1649 / C2654, p. 493.

¹³¹ C2776, 29 April 1649 / C2654, p. 494.

¹³² C2776, 29 April 1649 / C2654, p. 495.

¹³³ C2776, 29 April 1649 / C2654, p. 495-496.

¹³⁴ C2776, 29 April 1649 / C2654, p. 496.

¹³⁵ C2776, 29 April 1649 / C2654, p. 498.

¹³⁶ C2776, 29 April 1649 / C2654, p. 499.

¹³⁷ C2776, 29 April 1649 / C2654, p. 499-500.

on 17 June in Vannes and the presence of Duke de la Meilleraye.¹³⁸ The count, too, was expected to be present in Vannes. The same applied to the regular advisor of the *États*' private and state financial counsels *signeur Gobelin*,¹³⁹ *signeur Sanguin*¹⁴⁰, and *signeur la Bedoyere*¹⁴¹ and the General Prosecutor,¹⁴² who all received invitations to attend the Assembly and see to an orderly meeting.

Starting 16 June 1649,¹⁴³ the *états* met in the city of Vannes. The opening line of the minutes stated that they were assembled by authority of the king¹⁴⁴ in order to deliberate on finances.¹⁴⁵ This first day of the assembly was dominated by formalities; the names of those present were mentioned, the privileges were enumerated and recognised by the king by means of a letter drawn up in 1647. The three *états* were considered loyal to the crown, and this was valued greatly by the king, according to a letter written on 15 November 1647.¹⁴⁶ This letter also mentioned that they had been granted several important privileges, rights, immunities and liberties, especially by King Louis the Just.¹⁴⁷ It seems that because of their loyalty, the privileges and rights of the nobility were respected by the king's special graces.¹⁴⁸

¹³⁸ C2776, 29 April 1649/ C2654, p. 501.

¹³⁹ *Ibidem*.

¹⁴⁰ C2776, 29 April 1649/ C2654, p. 503.

¹⁴¹ C2776, 29 April 1649/ C2654, p. 504.

¹⁴² C2776, 29 April 1649 / C2654, p. 505.

¹⁴³ C2776, 16 June 1649/ C2654, p. 507.

¹⁴⁴ C2776, 16 June 1649/ C2654, p. 508: 'Les gens des Trois Etats du Pays et Duché de Bretagne assemblés par autorité du Roy en la ville de Vannes.'

¹⁴⁵ C2776, 16 June 1649/ C2654, p. 511.

¹⁴⁶ C2776, 5 November 1647 / C2654, p. 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.]

¹⁴⁷ C2776, 5 November 1647 / C2654, p. 514: 'Et comme pour ses considerations ils sont grandement recommandables nos dits predecesseurs les ont chéri 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 [...].'

¹⁴⁸ C2776, 5 November 1647/ C2654, p. 515.

Four issues, all of which were recorded in the Assiettes, were dealt with in the course of the assembly. Firstly, as Collins made note of in his work, the *états* of Brittany granted the king a sum of 1,700,000 *livres* in 1649.¹⁴⁹ These ‘*dix sept cent mille*’ are known as the *Don Gratuit*.¹⁵⁰ According to Collins, the fact that it was 900,000 *livres* less than the *états* paid in 1647 prevented a bankruptcy of Brittany.¹⁵¹ In order to arrive at this amount, attendees of the meeting pledged contributions, varying from a few hundred to thousands of *livres* to much more, depending on the scale of their assets.¹⁵² The *états* pronounced their motivation for agreeing with the request by simply stating that the money was to be used for necessities and affairs.¹⁵³ These voluntary contributions were given under the assumption that the king would respect the privileges of the *états* with regard to consultation and consent in matters of taxation.¹⁵⁴ Moreover, Brittany pushed on to be allowed to collect the contribution on its own, without interference.¹⁵⁵ One concrete measure to be taken in the coming years that would raise funds was the tax on beer, cider and fruit brandy.¹⁵⁶ A day after these measures were proposed, it became obvious that not everyone agreed with them and the third estate was especially averse towards annual allowances for the *Grandées*.¹⁵⁷ Normally 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, besides the *Don Gratuit* and the granting of money to the *grandees*, another war-related issue was brought up during the assembly. Spanish prisoners were being held in the city of St.-Malo, and the cost of their nourishment and general imprisonment needed to be addressed.¹⁵⁸ There were other problems as well, and officers who did their duty were often troubled for doing so. The example given was the nuisance faced by those collecting the

¹⁴⁹ Collins, *Classes, Estates, and Order in Early Modern Brittany*, 208; Pocquet, *Histoire de Bretagne*, 423.

¹⁵⁰ C2776, 14 July 1649 / C2654, p. 570: 1,700,000 *livres*.

¹⁵¹ Collins, *Classes, Estates, and Order in Early Modern Brittany*, 207.

¹⁵² C2776, 24 July 1649 / C2654, p. 632-634.

¹⁵³ C2776, 16 July 1649 / C2654, p. 576.

¹⁵⁴ Collins, *Classes, Estates, and Order in Early Modern Brittany*, 207; C2776, 25 July 1649 / C2654, p. 643.

¹⁵⁵ C2776, 8 July 1649 / C2654, p. 561-562

¹⁵⁶ C2776, 21 July 1649 / C2654, p. 589-608.

¹⁵⁷ C2776, 22 July 1649 / C2654, p. 609--611; Collins, *Classes, Estates, and Order in Early Modern Brittany*, 207.

¹⁵⁸ C2776, 22 June 1649 / C2654, p. 524-528; C2776, 23 June 1649 / C2654, p. 528-529; C2776, 19 July 1649 / C2654, p.582-587; C2776, 25 July 1649 / C2654, p. 643-674.

gabelles. The *états* decided upon a *cinquante livres* fine, or 50 livres, for anyone who harassed the tax collector.¹⁵⁹

Thirdly, the malpractice of certain individuals was cited as a grievance. A man by the name of Meaut Marchaud had allegedly used violence and overstepped the boundaries of his office, consequently violating the privileges of the *pays*.¹⁶⁰ The *états* suggested that the case be referred to the *parliament*.

Fourthly, according to some complaints, the freedom of trade¹⁶¹ was in jeopardy. As freedom of trade was a vital part of the economy of Brittany, the assembly started an investigation and a rapport was to be written.

During the meeting, an old letter from the king, dated 18 May 1648, was read. It stated that it was important that the king's decisions were followed and obeyed. Strikingly, the assembly increased its speed in decision-making thereafter.¹⁶² Just two days later, the whole assembly was completed, and the contributions were finalised. The assembly took 35 days in total to come to this conclusion, with its final meeting taking place on 25 July.

7.6.2 *États-assembly and the 'rump' parliament of 1651*

On 23 August 1651, a letter was written on behalf of the king, who resided in Paris, and was sent to Brittany. It referred to the upcoming assembly on 25 September in the city of Nantes. The format is that of an ordinance, stating that the invitees must be present.¹⁶³ 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.¹⁶⁴ The letter also stated that the commissioners showed their affection to be in the king's service, especially by satisfying their ruler's financial

¹⁵⁹ C2776, 5 July 1649 / C2654, p. 552-555

¹⁶⁰ C2776, 22 June 1649 / C2654, p. 524-528

¹⁶¹ C2776, 19 July 1649 / C2654, p. 582-587.

¹⁶² C2776, 23 July 1649 / C2654, p. 611-616.

¹⁶³ P. van Peteghem, 'Policeygesetzgebung in der Republik der Vereinigten Provinzen: Überblick über Lage und Entwicklung der Gesetzgebung im Ancien Régime', in: M. Stolleis, K. Härter en L. Schilling (eds.), *Policey im Europa der Frühen Neuzeit* (Frankfurt am Main 1996), pp. 457-488.

¹⁶⁴ C2776, 23 August 1651 / C2655, p. 13-24.

desires.¹⁶⁵ Despite the king's strict orders, the assembly was delayed, and the first reports were only written on the 28 September, while on the 30 September the assembly still waited after several of its members.

During this meeting of the *états*, a conflict arose. The battle was between Duke de Rohan-Chabot, Duke de la Meilleraye's and Duke de la Trémoille, and was partly fought outside the *états*.¹⁶⁶ In this conflict between the three presidents, patron-client relations played a major role.¹⁶⁷ According to Berbouche, the governor was theoretically supposed to preside over the assembly, but in reality the honours were usually done by the lieutenant general. Thus, the queen-mother – acting as governor – had delegated her official tasks to the Marshal of France, grand master of the artillery and lieutenant-general of Brittany, Duke de la Meilleraye.¹⁶⁸ The duke did not often preside over meetings either, and the task rotated among the highest nobles of Brittany.

Mazarin strongly advised his client, la Meilleraye, not to interfere with the House of Rohan-Chabot.¹⁶⁹ However, la Meilleraye's friend the Duke de la Trémoille contested Rohan-Chabot's claim to preside over the assembly.¹⁷⁰ Duke de Rohan-Chabot had openly sided with the Frondeurs, and the Princes of Condé and Conti.¹⁷¹ The other dukes were hesitant about siding with Duke de Rohan-Chabot because they wanted to retain Mazarin's favour.¹⁷² Attempts to promote Duke de Vendôme as chairman of the 1651 assembly failed and tensions rose.¹⁷³

¹⁶⁵ C2776, 23 August 1651 / C2655, p. 24.

¹⁶⁶ Pocquet, *Histoire de Bretagne*, 424.

¹⁶⁷ *Idem*, 426.

¹⁶⁸ Berbouche, 'De la résistance légale à la fronde parlementaire en Bretagne', pp. 522 and 526.

¹⁶⁹ Pocquet, *Histoire de Bretagne*, pp. 426-427.

¹⁷⁰ Le Page and Godin, 'Les États de Bretagne sous l'Ancien Régime', p. 64; Pocquet, *Histoire de Bretagne*, 428.

¹⁷¹ Berbouche, 'De la résistance légale à la fronde parlementaire en Bretagne', p. 534; Kettering, 'Patronage and Politics during the Fronde', p. 422.

¹⁷² *Idem*, p. 416.

¹⁷³ C2776, 12 October 1651 / C2655, p. 27-34; C2776, 27 October 1651 / C2655, p. 61; C2776, 20 October 1651 / C2655, p. 47-49; C2776, 27 October 1651 / C2655, p. 61; Kettering, 'Patronage and Politics during the Fronde', p. 422; Pocquet, *Histoire de Bretagne*, 428.

Not for the first time did Duke de la Meilleraye opt for an armed intervention;¹⁷⁴ soldiers actively intimidated those nobles who intended to attend the Assembly.¹⁷⁵ The intimidation was so effective that when the meeting finally started on 30 September, five days late, it was noted that some nobles refused to participate.¹⁷⁶ Furthermore, the military intervention led to the removal of Duke de Rohan-Chabot from the city of Nantes.¹⁷⁷

Rohan-Chabot left for Rennes where he met with judges from the *parliament*.¹⁷⁸ The judges voted, according to Pocquet, in favour of Rohan-Chabot's presiding over the *états*. The assembly was delayed for a few days, but eventually the *parliament*'s verdict was set aside.¹⁷⁹ The *états* were not impressed, as they mention in their minutes that the legitimacy of their assembly depended solely on the king's authority.¹⁸⁰

The judges were angered and royal intervention was necessary.¹⁸¹ At this point, the king made it known that he wanted the *états* to welcome both Duke de Rohan-Chabot and Duke de Vendôme at their meeting.¹⁸² The *parliament* continued their rebellion, most commonly referred to as the Fronde of the Breton *parliament*.¹⁸³ The *états* deliberated and decided that they would continue their assembly without ado and would not stop despite the *arrêts* of the *parliament*.¹⁸⁴ The *états* then addressed the king, stating that the judges were not acting in the interest of Brittany.¹⁸⁵ The king informed the assembly that, in order to gain his support, they would need to consent to the taxes that he had requested.¹⁸⁶

In a new injunction, written 24 October 1651, the *parliament* declared that any decision made by the *états* was null and void.¹⁸⁷ 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

¹⁷⁴ Dunkley shows that la Meilleraye was known for his use of violence and intimidation of the estates in 1637: Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 185; Pocquet, *Histoire de Bretagne*, 429.

¹⁷⁵ C2776, 23 August 1651 / C2655, p. 13-17.

¹⁷⁶ C2776, 30 September 1651 / C2655, p. 25-27.

¹⁷⁷ Kettering, 'Patronage and Politics during the Fronde', p. 422.

¹⁷⁸ Cornette, *Histoire de la Bretagne et des Bretons*, 524 and 547-549.

¹⁷⁹ Pocquet, *Histoire de Bretagne*, p. 430; Kettering, 'Patronage and Politics during the Fronde', p. 422.

¹⁸⁰ C2776, 20 October 1651 / C2655, p. 49.

¹⁸¹ C2776, 20 October 1651 / C2655, p. 49-53; Pocquet, *Histoire de Bretagne*, p. 430.

¹⁸² *Idem*, p. 430.

¹⁸³ *Idem*, 431.

¹⁸⁴ *Idem*, 431.

¹⁸⁵ Kettering, 'Patronage and Politics during the Fronde', p. 423; Collins, *Classes, Estates, and Order in Early Modern Brittany*, 210.

¹⁸⁶ Collins, *Classes, Estates, and Order in Early Modern Brittany*, 210.

¹⁸⁷ Pocquet, *Histoire de Bretagne*, 432.

situation was likely to worsen, indicating an escalation in the conflict.¹⁸⁸ Again, a royal intervention was required. The *parliament* was pressured to withdraw all of their accusations and lift their injunction, as the judges were jeopardising the defence of the province.¹⁸⁹

The assembly had been called together to deal with three issues in particular. Most importantly, taxes had to be discussed, a new treasurer had to be appointed, and lastly, freedom of trade was discussed.

The negotiations regarding Brittany's financial contribution led, after long deliberations, to a *Don Gratuit* of 1,700,000 *livres* – the same amount that had been granted during the previous assembly.¹⁹⁰ On 17 November 1651, a letter from the king was read.¹⁹¹ In that letter he stressed that the subjects needed to help the crown by paying the taxes in order to keep the kingdom secure and prosperous. In order to uphold the dignity of the country and the reputation of the nation – which was then under attack from foreign principalities – the law would be used to punish those who opposed the king without cause. It should be noted that this is the only clear reference to the word *nation* during this crisis. However, in this context, the word is used with obvious reference to the nation's reputation, which is attacked by foreign forces. As such, the nation needed to be protected. The use of 'nation' within the quote 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 would

¹⁸⁸ *Idem*, 433.

¹⁸⁹ C2776, 17 November 1651 / C2655, p. 100-103; C2776, 13 December 1651 / C2655, p. 219-220.

¹⁹⁰ Collins, *Classes, Estates, and Order in Early Modern Brittany*, 208.

¹⁹¹ C2776, 17 November 1651 / C2655, p. 98-99: 'De Par le Roy, Très chers et bien amés[,] les deputés que vous nous avés Envoyés, de même que l'arrêt que nous vous avons prononcé sur les Remonstrances 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 journellement de nouvelles marques, c'est bien le moins que vous puissiés attendre de notre grace et nous souhaiterions qu'il y en eût de nouvelles à vous faire, afin que vous connussiés 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[-]la, et nous[-]mêmes 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'employér 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 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 elevés 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 ejoyssés de vos fortunes; comme nous n'avons jamais rien si ardemment desiré que devoir la chretiennté en paix.'

be weakened if people needlessly rose against his rule while under foreign attack. Regardless, it is obvious that the word is not used to claim an office. Firstly, the word *nation* was used by the king who is already the sovereign of the country; he does not acquire a new office by using this vocabulary. Secondly, the word *nation* is never accompanied by the word patriot. The king has no need for a new office, thus the word to describe this office is absent altogether.

The impatience of the king – or rather, that of 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* with respect to taxations.¹⁹² The long duration of the assembly, which had already lasted 39 days and would continue for another 18, likely contributed to the general sense of discontent. Left with little room to negotiate, the *états* eventually gave in. As a result of the estate's acquiescence, value-added taxes on beer, cider and fruit brandy were raised. Moreover, the collection of the *fouage* remained the duty of the province of Brittany as this was most efficient,¹⁹³ and several noblemen offered money.¹⁹⁴ Furthermore, the allowances for grandees, most importantly that allocated to the Prince of Condé, were discussed.¹⁹⁵

Since Bernardin Poullain, the province's treasurer, had died in 1648, the *états* had to discuss the appointment of a new treasurer, or syndic.¹⁹⁶ This was an essential position if taxes were to be collected, as the syndic also oversaw the payment of interest.¹⁹⁷ Queen Anne had demanded that Brittany should advance the approved taxes from 1645 onwards, with the *états* covering the interest, as they were the debtor.¹⁹⁸ The function of treasurer was proven to be of significance when troubles arose after the death of Poullain.¹⁹⁹ The lawsuit following his death, instigated by his creditors and heirs, was discussed during the assembly, as many of the

¹⁹² C2776, 5 December 1651 / C2655, p. 147-149; Collins, *Classes, Estates, and Order in Early Modern Brittany*, 210.

¹⁹³ C2776, 15 December 1651 / C2655, p. 228.

¹⁹⁴ C2776, 9 December 1651 / C2655, p. 170-182.

¹⁹⁵ C2776, 7 December 1651 / C2655, p. 156-160.

¹⁹⁶ C2776, 3 November 1651 / C2655, p. 68; C2776, 6 November 1651 / C2655, p. 82; Collins, *Classes, Estates, and Order in Early Modern Brittany*, 202; Le Page and Godin, 'Les États de Bretagne sous l'Ancien Régime', p. 28.

¹⁹⁷ C2776, 14 October 1651 / C2655, p. 37; C2776, 16 October 1651 / C2655, p. 38-39.

¹⁹⁸ Collins, *Classes, Estates, and Order in Early Modern Brittany*, 205.

¹⁹⁹ C2776, 3 November 1651 / C2655, p. 68; C2776, 6 November 1651 / C2655, p. 82 Collins, *Classes, Estates, and Order in Early Modern Brittany*, 202; Le Page and Godin, 'Les États de Bretagne sous l'Ancien Régime', p. 28.

creditors were among the attendees and pushed the *états* to act.²⁰⁰ As it turned out, Poullain owed quite a few people money, and some of these debts had even been contracted by his late father Michel Poullain in the 1620s and early 1630s.²⁰¹

The third topic placed on the agenda of the *états* was the establishment of freedom of trade.²⁰² 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.²⁰³ In line with these troubles, the issue of foreign prisoners was 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 thus needed to be addressed.²⁰⁴

Duke de Rohan-Chabot protested even more aggressively than before, despite the royal warnings. He took cover in the city of Angers. Here he found shelter from the king's army.²⁰⁵ The *états* were thankful for the military solution and continued their deliberations. The assembly ended in mid- December.

The *parliament* was still malcontent and not at rest; though it ceased its resistance, it did not revoke its sanctions.²⁰⁶ Thus the city of Rennes did not obey the orders given by the la Meilleraye.²⁰⁷ He visited the city in order to clarify issues with the *parliament* and used his influence to successfully persuade the majority of the judges to side with the clients of Mazarin.²⁰⁸ Despite la Meilleraye's best efforts, when the *états* met again in 1653, the tensions with the *parliament* were still unresolved.

7.7 Tax-load in Brittany

For Brittany, the taxes have been clearly recorded in the *Assiettes*. As there were no damages caused by warfare, the amounts stated can be considered to be the total costs. The table below

²⁰⁰ C2776, 30 October 1651 / C2655, p. 68.

²⁰¹ Collins, *Classes, Estates, and Order in Early Modern Brittany*, 205.

²⁰² C2776, 9 November 1651 / C2655, p. 86.

²⁰³ C2776, 7 December 1651 / C2655, p. 167.

²⁰⁴ C2776, 13 December 1650 / C2655, p. 78-80.

²⁰⁵ Pocquet, *Histoire de Bretagne*, 434.

²⁰⁶ *Idem*, 435-436.

²⁰⁷ *Idem*, 439.

²⁰⁸ Kettering, 'Patronage and Politics during the Fronde', p. 423.

gives an indication of the taxes that had to be paid. The rows in bold are the years in which the *états* were assembled. The tax-amounts of these years have been divided over the year of the assembly and the subsequent year. With the exception of the years 1642-1644 the amount has been split into three.

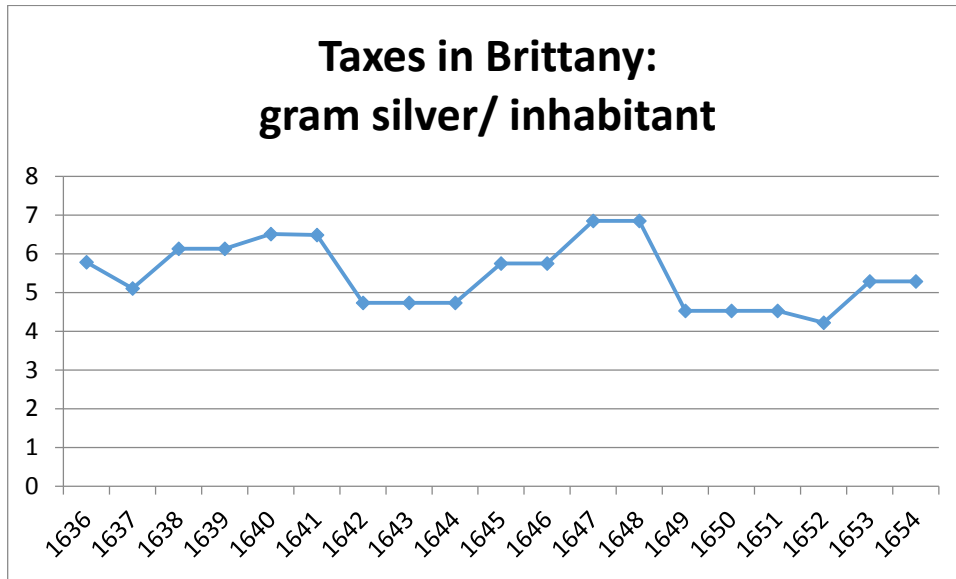
Year	Tax to the king ²⁰⁹	Amount to queen mother	Total tax	Livres (Tournois) worth in gr. Silver ²¹⁰	Total amount in grams of silver	Breton tax in gram Sil/inh ²¹¹
1636	1,000,000		1,000,000	9.839	9,838,905.421	5.787591
1637	1,000,000		1,000,000	8.685	8,685,378.578	5.109046
1638	1,200,000		1,200,000	8.685	10,422,454.290	6.130855
1639	1,200,000		1,200,000	8.685	10,422,454.290	6.130855
1640	1,275,000		1,275,000	8.685	11,073,857.690	6.514034
1641	1,275,000		1,275,000	8.655	11,035,425.690	6.491427
1642	966,667		966,667	8.324	8,046,210.115	4.733065
1643	966,667		966,667	8.324	8,046,210.115	4.733065
1644	966,667		966,667	8.324	8,046,210.115	4.733065
1645	1,100,000	75000	1,175,000	8.324	9,780,307.123	5.753122
1646	1,100,000	75000	1,175,000	8.324	9,780,307.123	5.753122
1647	1,300,000	100000	1,400,000	8.324	11,653,131.890	6.854783
1648	1,300,000	100000	1,400,000	8.324	11,653,131.890	6.854783
1649	850,000	75000	925,000	8.324	7,699,390.714	4.529053
1650	850,000	75000	925,000	8.324	7,699,390.714	4.529053
1651	850,000	75000	925,000	8.324	7,699,390.714	4.529053
1652	850,000	75000	925,000	7.756	7,174,432.256	4.220254
1653	1,150,000	75000	1,225,000	7.341	8,992,218.293	5.289540
1654	1,150,000	75000	1,225,000	7.341	8,992,218.293	5.289540

Table 3 Tax- and financial burden of Brittany (1636-1654).

²⁰⁹Based upon: Collins, *Classes, Estates, and Order in Early Modern Brittany*, 208-209.

²¹⁰ de Wailly, "Mémoire sur les variations", 177-427; Hoffman, Postel-Vinay, and Rosenthal, *Priceless Markets*. For an accessible file, see: <http://www.iisg.nl/hpw/data.php>.

²¹¹ The number of inhabitants has been set at: 1,700,000 inhabitants.



Graph 3 Tax-load in Brittany per inhabitant in grams of silver (1636-1654).

From the table and graph above, it becomes clear that the tax load in Brittany fluctuated quite a bit. Comparing these data with that of Jülich, it becomes clear that the tax burden in Brittany was higher at the lowest point (0.22 grams of silver per inhabitant more than in Jülich; 1652 is the lowest point in Brittany vs 1642 in Jülich). Nevertheless, as these figures of Brittany give the whole overview whereas those of Jülich do not contain the costs of damages, it is difficult to give a total outline. Of great influence to perceived tax burdens were the sharp fluctuations in Jülich and Hesse-Cassel, where prompt payments due to requisition had to be made. This was much more difficult than in the more relaxed sphere in Brittany where tax distributions were organised by the *états* themselves and no direct requisitioning took place.

The tax burdens can also be expressed in kilos of grain and then recalculated into kilocalories, as has been done below.

Year	g sil/ hect. ²¹²	Hectoliters grain	1 hl = 100 kilo	Kcal 1 kilo organic wheat	Kilocal / 2,100kcal	Nr. of days of food insecurity ²¹³
1636	71	137,981.4521	13,798,145.21	23,180,883,947	11,038,516	6.1
1637	55	156,710.7262	15,671,072.62	26,327,402,001	12,536,858	7.0
1638	52	201,310.6115	20,131,061.15	33,820,182,735	16,104,849	8.9
1639	44	238,026.2245	23,802,622.45	39,988,405,708	19,042,098	10.6
1640	42	262,016.3186	26,201,631.86	44,018,741,528	20,961,305	11.6
1641	50	219,209.1234	21,920,912.34	36,827,132,731	17,536,730	9.7
1642	53	150,466.7623	15,046,676.23	25,278,416,070	12,037,341	6.7
1643	46	176,482.9381	17,648,293.81	29,649,133,605	14,118,635	7.8
1644	44.01	182,826.8601	18,282,686.01	30,714,912,504	14,626,149	8.1
1645	36	269,407.6832	26,940,768.32	45,260,490,777	21,552,615	12.0
1646	30	328,264.3191	32,826,431.91	55,148,405,607	26,261,146	14.6
1647	28.32	411,480.6458	41,148,064.58	69,128,748,500	32,918,452	18.3
1648	46	251,356.3532	25,135,635.32	42,227,867,335	20,108,508	11.2
1649	63	123,172.5146	12,317,251.46	20,692,982,450	9,853,801	5.5
1650	52	146,691.3848	14,669,138.48	24,644,152,646	11,735,311	6.5
1651	57	134,224.5862	13,422,458.62	22,549,730,483	10,737,967	6.0
1652	43	167,728.8132	16,772,881.32	28,178,440,618	13,418,305	7.5
1653	28	326,538.5392	32,653,853.92	54,858,474,589	26,123,083	14.5
1654	21	420,708.2574	42,070,825.74	70,678,987,238	33,656,661	18.7

Table 4 Tax- and financial burden of Brittany in kcal and days of food insecurity (1636-1654).

Each year, the price of wheat could differ and therefore the various hectolitres of grain that could be bought with the silver vary (second and third column of the table). The amount of kilocalories that could be obtained from one kilo of (organic) wheat has – again – been set at 1680 kcal, although the amount may have varied over the years depending on the virility of the soil. By measuring the amounts of kcal in the total amount of organic wheat and dividing that by the FAO-calculated food insecurity measure of 2,100 kcal per person (per day), the number of insecure food days can then be calculated.

²¹² Rahlf, *Getreidepreise in Deutschland 1500-1800*. These measures have been used because the ‘average’ prices have been used, since prices throughout Europe did not differ too much (according to J. Dijkman (Utrecht University) at Münster Conference 2014). Moreover, detailed pricelists are available for France but seem to lack for Brittany.

²¹³ Number of inhabitants has been set at 1.8 million.

When this number is divided by the number of inhabitants we can calculate how many days of food insecurity tax-measures would have brought when expressed in kcal. For Brittany the number of 1.8 million inhabitants has been used. In 1651 the financial measurements caused nearly six days of food insecurity, or simply hunger. In 1654 there were nearly 19 days of hunger.

7.8 In conclusion

The polemic that arose between the three presidents of Brittany – that is, the most important noble families – was directly related to the Fronde. The opposition to Mazarin and his policies led to the *parliament's* outright opposition to his wishes. The *parliament* followed 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 the opposition against extra-provincial taxation and Parisian influence, the *Assiettes* do not include the words fatherland, *patria* (*patrie*) or patriot. As Nice's research has shown, however, religious hagiographies did include such vocabulary.²¹⁴ This means that the words – in at least one of their possible meanings – were known, though not used in a political context.

Being an ancient Roman Catholic Church province, as well as originally an independent principality, Brittany had fixed, acknowledged geographical boundaries. Furthermore, in the years examined here the tax-pressure was much lower than in other years. When measuring the taxations in grams of silver, it shows that the tax burden in Brittany was not high at all compared to the German principality of Jülich.

As has been shown, the political context in Brittany was very much 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 this, the chances of the king deciding to incorporate the province of Brittany into France diminished. 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, however, outweighed by the political stability and mutual benefits derived from maintaining the *status quo*, as had been

²¹⁴ Nice, *Sacred History and National Identity*, 116.

shown in the sixteenth century: 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 the state of affairs. Moreover, the patronage of highly placed elites in the vicinity of the crown ensured good communication and the possibility of conducting tax negotiations.

Part III. Comparison

8 Comparison: the use of arguments

'Dulce et decorum est pro patria mori'

- Horace, Odes III, 2.13 (c. 23 BC)/ Wilfred Owen, *Dulce et Decorum Est* (1917)

The fact that the ancient world greatly valued the *patria* (fatherland) can be seen in works of Cicero and Horace. In Vitruvius, the term *natio* can also be found. However, this held a negative connotation, and it was used to refer to barbarian strangers, whereas the term *populus* applied to the more civilised Romans.¹

The introduction has outlined how different historians have interpreted the use of fatherland-terminology in the seventeenth century. It has argued that the acceptance of an office best explains the use of these terms. This terminology represented more than just words on a page, it addressed a presupposed office. The content and meaning of those terms was informed by the events that took place around them – events which are often considered the field of social or military history. Changes in thinking – in the field of political theory – as well as the legal argumentation required to substantiate noble claims influenced the emergence of this new terminology.

This work is the first to compare the use of the words fatherland, *patria* and patriot in three principalities: Jülich, Hesse-Cassel and Brittany. The principalities in the Holy Roman Empire shared many similarities: their economy of scale, the homogeneous nature of the *Landstände*, and most importantly: the crisis of war that informed their political situation and inflicted much harm. The nobles in the imperial principalities therefore applied the aforementioned terminology as a protest against high taxation and the violation of their immunities and privileges.

¹ Hirschi, *The Origins of Nationalism*, 36.

Brittany, on the other hand, had a far larger economy of scale and was not involved in direct warfare during this period. Nevertheless, taxes were levied and this could have burdened the inhabitants, despite the contributory system that would be spread over far more inhabitants. Here, the *états* were heterogeneous, which meant that myriad interests were at stake. Rich noblemen – or rich merchants – could profit from money lending and could therefore afford to buy influence.

8.1 Principalities within the Holy Roman Empire

It has been shown that arguments with the words patriot and fatherland were used within the Holy Roman Empire. In both Jülich and Hesse-Cassel, the Thirty Years' War caused a lot of damage. The nobility in both principalities showed discontent with their rulers, Duke Wolfgang Wilhelm and Landgravine Amelie Elisabeth of Hesse-Cassel respectively.

In Jülich, the provisional Treaty of Xanten (1614) was not acknowledged by the emperor.² This meant that the position of Duke Wolfgang Wilhelm was still legally uncertain in the 1640s: he remained a *de facto* ruler instead of an accepted *de jure* duke.³ When combined with the religious changes brought about by the duke and the soldiers (*soldateska*)⁴ who were roaming and plundering the principality, the situation caused much distress.

Duke Wolfgang Wilhelm's attempt to buy his principality's freedom only led to an increase of 60,000 *Reichsthaler* in the expenses for that year, spread over Jülich and Berg.⁵ Moreover multiple armies invaded the principality of Jülich in pursuit of resources, and the payment to the Hessian troops did not address this reality. The 60,000 *Reichsthaler* was also requisitioned without seeking the consent of the nobility of the principalities of Jülich and Berg. The duke considered these taxes necessary to pay the Hessian army, but failed to assemble the *Landstände*.⁶ The irritated nobles therefore met in a convent in Cologne. On 3 March 1645,

² von Looz-Corswarem, 'Der Düsseldorfer Kuhkrieg 1651'; Luenig, *Das Teutsche Reichs Archiv*, 82-86.

³ *Ibidem*; Petri and Droege, *Rheinische Geschichte*, 109-111; Asch, *The Thirty Years War*, 26-34.

⁴ Kaiser, 'Überleben im Krieg', p. 214.

⁵ *Ibidem*.

⁶ Engelbert, 'Der Hessenkrieg am Niederrhein (1. Teil)', p. 69; For an indication on the worth of the currency, see: Wilson, *Europe's Tragedy*, xxii.

during one such a meeting, they published a pamphlet stating that to avoid consulting with the nobility was one step in the direction to establish an *absolutus Dominatus*, or arbitrary rule.⁷

The absence of their landgrave – who had been banished in 1636 – led to a peculiar situation in Hesse-Cassel. They were governed by the Landgrave of Hesse-Darmstadt, but the nobility still formally acknowledged the dynasty of Hesse-Cassel as their official rulers.⁸ The succession by the minor Landgrave Wilhelm VI (1637) did not improve the situation, as he could not return to the occupied principality. His regent-mother, Amelie Elisabeth, was determined to regain her sons' rightful possessions and did actually succeed in doing so during the mid-1640s. Nonetheless this led to new difficulties, because a huge number of soldiers had to be fed and paid for by the inhabitants of Hesse-Cassel – as well as other conquered lands such as Jülich.⁹

Landgravine Amelie Elisabeth governed Hesse-Cassel during her son's minority and proved herself to be an excellent commander of the army. She regained her late husband's principality and attempted to reclaim the lost Hesse-Marburg as well. Moreover, among Amelie Elisabeth's successes should be counted the fact that the Hessian armies were among the largest in the region during the last part of the Thirty Years' War. In order to protect her lands, Amelie Elisabeth claimed 4,000 *Malter* of grain to feed her troops.¹⁰ Basing her argument on *necessitas*, she believed there was no need to assemble the *Landstände* and ask their permission.¹¹ However, these actions were perceived as a serious threat to the welfare of the principality. The nobility objected by means of the *Remonstratio* (1647), but they were met with silence.¹² Subsequently, they interpreted this as a tacit consent to their right to assemble. However, their assembly met with a fierce reaction resulting in a ban on all such meetings. The nobility went to the Imperial Chamber Court to obtain a verdict against Amelie Elisabeth's injunction and were validated. That having been said, not long afterwards the landgravine again prohibited the nobility from meeting since she could not be assured of the nature of the debates. The nobility

⁷ JL Akten 40, 3 March 1645.

⁸ Puppel, "Heroina Hassiaca", p. 104.

⁹ Engelbert, 'Der Hessenkrieg am Niederrhein (1. Teil)'; Engelbert, 'Der Hessenkrieg am Niederrhein (2. Teil)'.

¹⁰ Maruhn, *Necessitäres Regiment*, 40-52.

¹¹ Simon, "Gute Policey", *Ordnungsleitbilder und Zielvorstellungen politischen Handelns in der Frühen Neuzeit* (Frankfurt am Main 2004) 301.

¹² *Remonstratio*, HStAM 5, 19147; Maruhn, *Necessitäres Regiment*, p. 111.

remarked that these actions were signs that she attempted to establish an *absolutus Dominatus* (arbitrary rule).

In both cases, the legitimacy of the government of the respective duke or landgravine was seriously questioned because of the turmoil caused by the combination of warfare and political choices. The crisis that developed led to excessive taxations, requisitioning of money or resources and thus to what was perceived as a tyrannical government, which led opponents to invoke the use of fatherland-terminology.

8.1.1 Jülich-Berg

Jülich was occupied by foreign troops, while Duke Wolfgang Wilhelm was – unsuccessfully – attempting to stay out of the war. Here, the behaviour of the nobility can be summarised in four main points.

Firstly, the nobility met *outside* the jurisdiction of the principality: they met in the Free City of Cologne.¹³ Two explications for this behaviour can be given. The nobility avoided having to invite the duke. Furthermore, if the nobles had assembled within Jülich, it would have been possible to ban their meetings if there was even a hint of undermining 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 their fatherland was in peril due to the war crisis and their presence was therefore needed. Clear references were made to ‘our fatherland’.¹⁴ The duke later on adopted this terminology of fatherland in his 1651 invitation, gradually shifting from a discussion of ‘your fatherland’ to ‘the fatherland’.¹⁵ He eventually even acknowledged that he should have valued the loyalty of the nobility more than he had before.

Thirdly, whenever invitations were sent or a rapport was written, references were made to the loyalty of the invitees. There was a strong emphasis on this word – loyalty – which helped the nobles avoid associations with rebellious actions.¹⁶

Fourthly, although a 1627 case had been won claiming that taxation without consent was illegal, the nobility of Jülich did not continue to challenge the violations of their privileges

¹³ JL Akten 39, 29 October 1642.

¹⁴ JL Akten 51, 6 May 1652. (A second letter on the same date.)

¹⁵ JL Akten 51, 6 May 1652, p 1-2. (A second letter on the same date.)

¹⁶ JL Akten 51, 6 May 1652. (A second letter on the same date.)

in court. This may seem surprising given the fact that they had already obtained a favourable ruling. However, ongoing peace negotiations meant that they may have deemed a legal suit inappropriate and potentially time consuming as well, especially since the Imperial Chamber Court was notorious for its long waiting list. Additionally, the *possessor* of Jülich – the Duke Wolfgang Wilhelm – could be replaced by a ruler that may have had far worse intentions with the principality. By not pursuing their case in court, the nobility seemed to leave the possibility of communication open; or perhaps the nobility had just lost faith in the Imperial Chamber Court.

This latter theory is substantiated by the European context. By publishing the pamphlet of 3 March 1645, the nobility showcased the fact that there was a serious problem in Jülich. In cases such as Catalonia and Naples, pamphlets were used to appeal to other principalities for aid.¹⁷ As people in these principalities could not appeal to an equivalent of the Imperial Chamber Court, they had no other means than to publish pamphlets. The similarities with the situation in Jülich are obvious. The nobility's appeal to others was also strengthened by previous agreements – for example, those reached with the French and the Dutch Republic – to uphold the provisional treaty of Xanten (1614).

The use of terms such as 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 should to come. In Jülich, it was a terminology initially used by the nobility, though shortly after the end of the Thirty Years' War, the words appeared to be accepted by the duke as well.

The information available regarding taxations indicates quite sharp fluctuations in tax-burdens. As this data only concerns the factual amounts and not the damages caused by warfare, there is much outside its scope. Especially the damages to crops, plundering, billeting and other atrocities cannot be taken into account. The diminishing of the population by roughly one-fifth (21.5%) should also be seen in this light. The taxations demanded by the Hessian troops may not have been high per head, when calculated in grams of silver or in kilocalories. However,

¹⁷ Villari, 'Afterword Two: Political and Conceptual Points'.

the sources indicate that these resources had to be delivered within a few days or weeks, which would have increased the – perceived – pressure.

8.1.2 Hesse-Cassel

In Hesse-Cassel, a full-blown conflict arose over the requisitioning of 4,000 *Malter* of grain in 1647. The Thirty Years' War had taken its toll and this helped to explain why the nobility reacted so fiercely. Another reason for their reaction can be found in religious changes that had taken place around 1605 and had strained the relations.¹⁸ These religious changes also dragged Hesse-Cassel into a dynastic conflict with Hesse-Darmstadt over the rule of Hesse-Marburg.¹⁹ In this case, the arguments went further than in Jülich, as continuous recourse to court was not eschewed. Terms such as fatherland and patriot were used in official legal documents by both sides. It seemed to have functioned as a wrecking ball that burst open the debate. The debate in Hesse-Cassel can be typified as follows:

Firstly, the trigger to use the words fatherland and patriot was not solely the requisition of taxes without consent. Other causes can be found in the ban on private assemblies and the humiliating imprisonment of Von der Malsburg and Riedersel, and these should not be overlooked.²⁰

Secondly, when the landgravine avoided the nobility's counsel and consent, pressing her own agenda, it resulted in the nobility worrying that she might want to establish an *absolutus Dominatus*.²¹ The use of words such as fatherland and patriot can thus 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 – which was punctuated with Latin phrases – before the Imperial Chamber Court. Not only was the emperor's judgement sought, but the nobility sought it by using arguments about patriots and the fatherland or *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 the concepts of 'loyalty', customs and privileges, as these referred to the specific rights that they had acquired throughout history. However, the

¹⁸ Maruhn, *Necessitäres Regiment*, 24-32.

¹⁹ Boehncke and Sarkowicz, *Die Geschichte Hessens*, 73-75.

²⁰ Maruhn, *Necessitäres Regiment*, 47.

²¹ *Replicae*, 12-13.

emphasis on their noble loyalty to the fatherland, within their legal documents, proves that the terminology could now be used instrumentally as an argumentative category when it came to law. Moreover, loyalty to the fatherland was stipulated, not the loyalty to their landgrave. This distinction should be taken note of, as it argues in favour of the relevance of the terminology.

Remarkably, the landgrave used the same terminology.²² It is important that the landgrave's lawyers argued that, in a legal sense, the landgrave was the official caretaker of the fatherland. The office of a prince encompassed many duties, but the single most important duty was governing in such a way that the peace and the prosperity of the principality were protected. Those disturbing the tranquillity of the fatherland were to be judged and sentenced by the prince – in this case the landgrave. The argumentation used in the *Duplica* emphasises this fact, even though it still incorporated references to patriots and the fatherland.

Fifthly, the way in which the words fatherland and patriot were applied was significant. The landgrave did not apply them to himself. The nobility's usage of 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 word use – and thanked them for their efforts. He then pointed out that – like their ancestors – they should now step back and let him deal with the situation. Thus, the landgrave's reasoning was in line with his duty to protect the fatherland.²³

Sixthly, and especially in the closing agreement (*Vergleich/ Vertrag*), it became clear that not only the nobility favoured an earlier state of affairs but the landgrave did so as well. The *Vergleich* rebalances relations and it seemed neither the landgrave nor the *Landstände* gained in power. Again, this was accomplished by the use of the terms fatherland and patriot. The nobility, on the one hand, claimed the office of patriot in order to protect the fatherland and its welfare. The landgrave had to protect his principality as part of this office and – thus – accepted hearing and incorporating the warning signals of 'his' patriots.

Finally, the absence of pamphlets in this conflict is noteworthy. Or rather, it is logical since the *Landstände* were able to appeal to the Imperial Chamber Court, but 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 out in the open.

²² *Duplicae*, 32-33.

²³ Simon, "Gute Policey", 22-23, 26-27, 93, 105, 166 and 221.

The absence of exact tax-amounts makes it difficult to give an indication of the tax-burden within this principality. The only known figure is the 4,000 Malter of grain that was demanded by the landgravine. These 656,000 hectolitres of resources amounted– when converted – to 33,144,400 grams of silver (33,144.4 kg). Per head, it was 88.4 grams. This may seem but a little, but it had to be paid promptly. Requesting such an amount for warfare was seen as problematic and even tyrannical as the peasant-tenants were already ruined by war and the presence of foreign troops. The reactions caused by the demand of such a relative small contribution indicate that the perceived impact of warfare was far more extensive.

8.1.3 Comparison with the Holy Roman Empire

Jülich and Hesse-Cassel shared a number of characteristics. For example, both were relatively small with a population varying between 215,000 and 375,000 inhabitants.²⁴ The number of cities within each principality – and their involvement in politics – was negligible; most wealth came directly from agriculture. In the case of Jülich, trade and mining were important to the economy.²⁵ The principalities, being so small, had only a few nobles, and there was little variation within this group. Taxes targeted the resources of the nobility's own tenants and subsequently involved the noblemen themselves.

The nobility in both German Principalities used the terminology of fatherland and patriot when problems with the welfare of their beloved fatherland were addressed. These terms were mirrored by their princes, who gradually adopted the word use. In Jülich, the terminology seemed to have become applicable to the duke himself;²⁶ in Hesse-Cassel, the landgrave used the terminology to indicate a fault 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.²⁷ 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 differing approach to printed documents. Within the European context, pamphlets were used to invoke help from

²⁴ Boehncke and Sarkowicz, *Die Geschichte Hessens*, 64-65; Tornow, *Die Verwaltung der Jülich-Bergischen Landsteuern*, 22.

²⁵ Smolinsky, 'Jülich-Kleve-Berg', p. 89.

²⁶ JL Akten 51, 6 May 1652, p 1-2. (A second letter on the same date.)

²⁷ *Duplicae*, p. 32-33.

outside a principality. They should therefore be seen as a last resort to help argue in favour of one's case, against the violation of the fatherland or *patria*. Within the Holy Roman Empire the last resort was actually the Imperial Chamber Court or the Aulic Court, and it could thus be argued that there was no need for pamphlets. Nevertheless, the nobles of Jülich did use pamphlets; the nobility of Hesse-Cassel did not. In the case of Jülich, strong support from the Dutch Republic could have been the factor that encouraged the nobility to use this medium, as it was nearly certain that help would come if requested. Hesse-Cassel, on the other hand, could count on no such alliances, and the Landgrave of Hesse-Darmstadt even had his eye on the principality himself, hoping to add it to his possessions. This threat worked in favour of making the case at the Imperial Chamber Court, where the court could be used to pressure the landgrave, without inviting outside military intervention.

8.2 France

Since 1635 France fought in the Holy Roman Empire as a participant during the Thirty Years' War. It was also caught up in a war with Spain. Since 1648, France experienced an internal strife – the Fronde – which attacked the government of Mazarin and his war-politics. The Fronde may not have been as violent as the other two wars, but it did obstruct government and lasted for five years. Cardinal Mazarin was the scapegoat in this conflict, as he allegedly led the maladroit government of the minor King Louis XIV. The Fronde took place mainly in Paris, but some remote provinces were caught up in the fight as well.

8.2.1 Brittany

The actual Fronde seems not to have affected the province of Brittany. Nevertheless, in 1651, the disputes between Duke de Rohan-Chabot, Duke de la Trémoille, and Duke de la Meilleraye hinted at the Fronde.²⁸ Rohan-Chabot was a client to the Prince of Condé and thus opposed the clients of Mazarin.²⁹ This led to a tense situation known as the 'rump *parliament*' of Rennes.³⁰ Efficient communication and relatively cordial relations between the high nobility of Brittany and the minister of finance Mazarin positively influenced the amount of taxes that Brittany had

²⁸ C2776, 20 October 1651 / C2655, p. 49-53.

²⁹ Collins, *Classes, Estates, and Order in Early Modern Brittany*, 197-198 and 210; Kettering, 'Patronage and Politics during the Fronde'.

³⁰ *Idem*.

to pay. Maintaining and strengthening this relationship was therefore very important to the Breton nobles. The situation in Brittany can be typified by a number of issues.

First of all, 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 estates inviting them to assemble.³¹ The highest noblemen received such a document personally, assuming their presence at the assembly as well as their help organising the meeting. There seemed to be little room for objections to such a friendly request. Nevertheless, there was some room for negotiations, as Collins remarks that, in 1649 and 1651, the estates requested not to be assembled for two years.³²

Secondly, there was little room left to protest, as this could have been interpreted as disobedience to the crown and a violation of the feudal relationship. The sources all reminded the nobility that the privileges granted to the *états* would only be reaffirmed once the matter of taxation had been resolved.³³ Where discussions about the distribution of taxes occurred, no open resistance against the war-policy that caused the taxes can be found.

The *Assiettes* show that obtaining this reaffirmation was of great significance to the *états* of Brittany. Their unique history of independence as both a duchy and a church province and their resulting privileges had been respected, even after the union with France in the sixteenth century. Nevertheless, judging from the general history of France, it seemed obvious that there was a realistic threat to the independent position of the province. For – despite previous agreements – what had been granted could always be taken back.³⁴

Thirdly, Mazarin's government kept a close watch on ongoing assemblies, as the disputes of 1651 showed.³⁵ Duke de la Meilleraie, acting governor and client of Mazarin, was not to intervene in the affairs of Duke de Rohan-Chabot. Nevertheless, when the situation escalated and an intervention did take place, it seemed – for a while – that Mazarin accepted the situation, since he was slow to act. However, when the rump *parliament* of Rennes blocked

³¹ C2776/ C2655, p. 13-24.

³² Collins, *Classes, Estates, and Order in Early Modern Brittany*, 207.

³³ C2654, 514.

³⁴ Bonney, 'Was there a Bourbon style of government?', pp. 161-177; Dunkley, 'Patronage and power in seventeenth-century France', p. 1.

³⁵ Collins, *Classes, Estates, and Order in Early Modern Brittany*, 197-198 and 210; Kettering, 'Patronage and Politics during the Fronde'.

the decisions taken by the *états* in Nantes, a letter on behalf of the king arrived. This letter stated that the judges' verdict was not in the interest of Brittany.³⁶

Finally, the *états* dealt with matters of taxation in debates that went back and forth; there were also numerous private discussions that occurred behind closed doors. The contents of these remain unknown. In order to reach an agreement, consensus had to be obtained with regard to the *Don Gratuit*. Large sums of money were demanded: 1,700,000 *livres* in both 1649³⁷ and 1651.³⁸ 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 were finished in just a few days.³⁹ Determining where the money had to come from, who had to pay – and who was still in default – were issues discussed during these meetings, which guaranteed that they lasted several weeks. Though a consensus was always reached with regard to the *Don Gratuit*, the assigning of commissions for the *Grandeess* were – at least in 1649 – an issue of debate.⁴⁰ The third estate did not want to take part in this, as they felt they were contributing enough.

When the tax burden is measured in grams of silver per inhabitant, it becomes visible that there are quite some fluctuations but that the highest demand is still less than 7 grams per head. The lowest demand is a little over 4 grams/ inhabitant. This is still more than the calculated demand in Jülich, but it should be noted that Brittany could spread the payment well and that there were no additional costs of warfare or damages. 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 – yearly – to a minimum of 5 ½ days of hunger (1649) and Brittany even experienced more than 18 days of hunger in 1647 and 1654.

It has been estimated that Brittany had 1,802,000 inhabitants in 1660.⁴¹ The province was 30,000 square kilometres in size, meaning that the number of inhabitants varied between 25 and 50 people per square kilometre. A great difference in income and possessions also led to a great difference between the richest and poorest noblemen. During the 1651 assembly, despite the

³⁶ C2776, 17 November 1651 / C2655, p. 100-103; C2776, 13 December 1651 / C2655, p. 219-220.

³⁷ C2776, 14 July 1649 / C2654, p. 570; Collins, *Classes, Estates, and Order in Early Modern Brittany*, 208.

³⁸ *Idem*, 208.

³⁹ *Idem*, 198.

⁴⁰ C2776, 22 July 1649 / C2654; Collins, *Classes, Estates, and Order in Early Modern Brittany*, 207.

⁴¹ Croix, *L'âge d'or de la Bretagne*, 152; Dunkley, *Richelieu and the Estates of Brittany 1624-1640*, 4.

fact that not everyone turned up, over 230 noblemen and 14 church officials were counted; 36 cities were represented as well.⁴²

8.3 France versus the Holy Roman Empire

The taxes levied in Brittany were not directly aimed at the protection of that particular province. This could have generated opposition, as the link between the use of the taxes and the perceived benefits was seemingly detached. 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 did not change much from having their own independent duke, as it meant that the *états* would still be able to protect their ancient privileges. In other words, little 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, the amount of taxes that had to be collected was decided upon by the government in Paris. Nevertheless, the distribution of taxes and the matter of tax collection itself were still the jurisdiction of the *états*. This right was mutually agreed upon and reflected by the regular restatement of privileges. With that, the *status quo* was maintained.

In practice there were still only two ‘participants’ in the debates. Prior to the unification with France, Brittany was governed by the duke and the *états*.⁴³ But after the union, when in need of taxation, the King of France – being the Duke of Brittany as well – still assembled the *états* and they would discuss the issue of taxes. In the period before the unification, there was no higher court to appeal to when communications failed. When France and Brittany were joined and co-ruled, the duke was replaced by a governor, as the King of France was absent (although there were several assemblies in which the king did participate). Nevertheless, in the post 1532-period, there were still only two ‘participants’: the *états* and the acting governor.⁴⁴ Though irregularities and problems could be discussed with this governor, the actual decisions were taken by the king. Moreover, the governor⁴⁵ was acting on behalf of the king and

⁴² C2655, p. 1-11.

⁴³ Le Page and Godin, ‘Les États de Bretagne sous l’Ancien Régime’, pp. 21-65.

⁴⁴ Dunkley, ‘Patronage and power in seventeenth-century France’.

⁴⁵ Being Richelieu until 1642, followed the Queen Mother, but ruled in practice by Duke de la Meilleraye who was a cousin of Richelieu.

benefiting greatly from his patron. This arrangement also revealed the benefit of having strong ties between patrons and clients especially when there were many people attending the *états*.

These more personal relationships eased negotiations, even as direct communications were rendered more difficult with hundreds of participants.⁴⁶ There was still no third party to judge matters when trouble arose. Within this framework, the estates maintained their privileges, especially with regard to taxation. Holding ground, that is, protecting their privileges was possible, but only by maintaining this *status quo*. If, for any reason, the king thought it fit to incorporate the province of Brittany into France in order to exercise government more directly and levy taxes without the cooperation of the estates, he could have done – and Bonney has shown that this occurred in other parts of France.⁴⁷ Nevertheless, this well-functioning distribution of responsibilities did not invite changes.

In the Holy Roman Empire, the hierarchy was very different from that found in France. Three layers can be discerned. Firstly, within a principality the *Landstände* and the prince played a pivotal role; when in need of taxation, the request was directed to the *Landstände*, who were subordinated to this prince. As the principality was part of the empire, they were also (to an extent), subordinate to the Imperial Diet, the Imperial Chamber Court and the Aulic Council.⁴⁸ Thus, when in need of legal counsel and intermediation, the prince as well as his subjects – which included the nobility or the *Landstände* – could turn to these legal bodies.

The question arises, why was there a need to use words such as fatherland and patriot in the German Principalities? The severity of the warfare and the direct consequences that resulted from it demonstrated that the principalities were in danger. The ineffective behaviour of the Duke Wolfgang Wilhelm or the warmongering attitude of Landgravine Amelie Elisabeth did not diminish these threats, and it was believed that their actions actually made the situation worse. The pleas of the noblemen in these principalities did not work, and therefore matters were taken to the next level. In the case of Jülich, a previous lawsuit had not accomplished anything, and so the nobility met in Cologne. Here, they discussed the affairs of the principality,

⁴⁶ C2655, pp. 1-11.

⁴⁷ Bonney, 'Was there a Bourbon style of government?', pp. 161-177.

⁴⁸ Oestmann, 'Leitfaden zur Benutzung von Reichskammergerichtsakten', in: P. Oestmann and W. Reiningshaus (eds.), *Die Akten des Reichskammergerichts. Schlüssel zur vormodernen Geschichte* (Düsseldorf 2012), pp. 6-20.

hoping to be able to normalise the situation and open up the lines of communication with the duke. Moreover, they positioned themselves as the defenders of the principality.

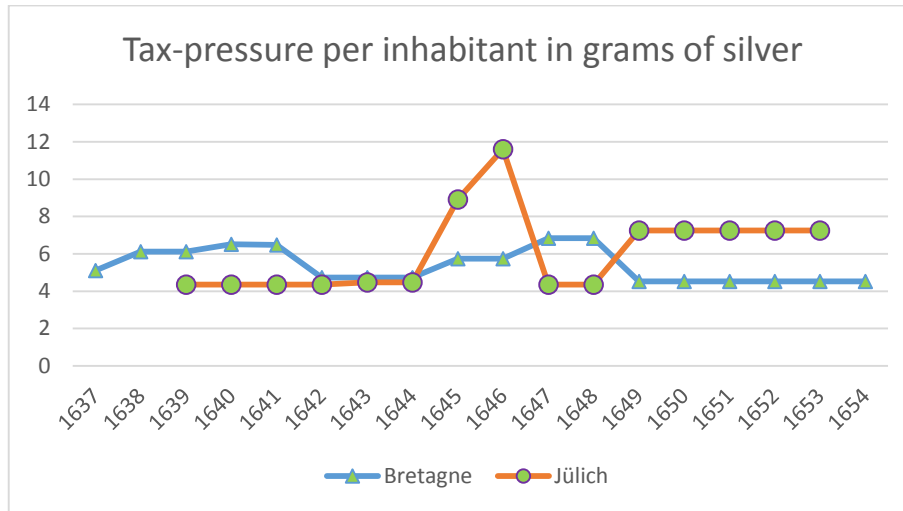
In Hesse-Cassel, assembling within the principality proved to be a risky affair, resulting in the capture of their spokespersons and a ban on such assemblies.⁴⁹ Assuming a severe violation of privileges, matters were brought to the Imperial Chamber Court. In Hesse-Cassel, warfare had also led the landgravine to disrespect noble privileges; or, at least, this is what the nobles perceived. As a result, they turned to arguments based on the fatherland and the ‘office’ of patriot, which functioned as a warning vehicle, both during the private assemblies, held in Cologne and in the legal case presented before the Imperial Chamber Court. This terminology seems to have been a last resort, designed to open up communication, and it worked.

In Brittany, the differences in wealth and the patron-client relationship with Mazarin shaped the debates and influenced their outcome. Duke de Rohan-Chabot was sent away from the assembly as his interests were not the same as Mazarin’s – or of Marazin’s clients. The majority were to maintain their privileges and immunities by cooperating with Mazarin. This is not to say that Rohan-Chabot did not share in the goal of preserving noble privileges; however, he was more favourable towards the Prince of Condé and his plans for government without Mazarin.

8.4 In conclusion

Taxes for the principality of Jülich – that is, the amounts that were specified by the *Landstände* – and the province of 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 tax-burdens become comparable. The graph below shows the results per inhabitant, using the same calculations as explained above.

⁴⁹ Maruhn, *Necessitäres Regiment*, 47.

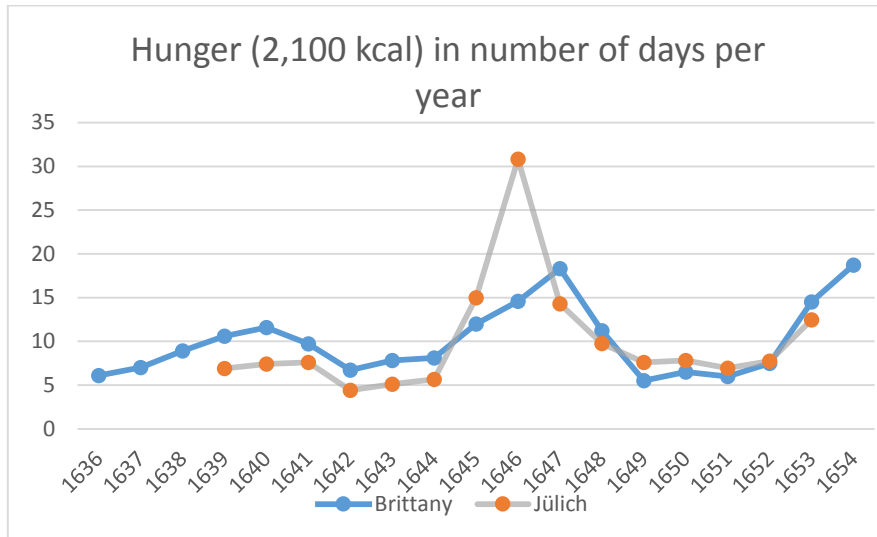


Graph 4 Comparative tax-burdens of Jülich and Brittany, in grams of silver/ inhabitants (1639-1652).

This graph clearly shows that though 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 (in grams of silver) were between 4 and 7 grams per inhabitant per year. This amount was exceeded by the figures from Jülich, which fluctuated between 4 and as much as 12 grams per person, which still leaves out material damages.

When these grams of silver are recalculated into kilos of grain and then into kilocalories, this image becomes slightly different. That is to say, the differences vary a lot less, which is due to the amounts of grain that could be bought with the silver. The tax-burden of Brittany fluctuates far less than that of Jülich. The burdens in Jülich are characterised by a sharp spike in the year 1646 with a burden of 12 grams of silver per inhabitant (Graph 4) or 31 days of hunger (Graph 5). This coincides with the increase in used fatherland terminology as the nobility sought a way to criticise princely politics that harmed the fatherland.

One could argue that Brittany suffered from a relative high burden as well, as it never came under 5 days of endangered food security and even knew 18 such days in 1647 and 1654. Nevertheless it is important to realise that this French province only suffered from taxes and was not endangered by any troop movements or damaged in any way or form.



Graph 5 Comparative tax-burdens of Jülich and Brittany, in number of days below 2,100 kcal (1639-1652).

Based on these three cases, it can be argued that the heterogeneity of the assembly in Brittany contributed to the absence of fatherland terminology. This can be attributed to the patron-client relationships that eased communications: on the one hand, Mazarin and the high nobility enjoyed such a relationship; on the other hand, the high nobility and their own clients within Brittany also functioned in this way. These relationships were strengthened by the fact that consenting to the demand for taxes encouraged the French crown to respect noble privileges.

In the German Principalities, the debates were characterised by the small number of participants, who all shared in the same experiences of warfare. Consequently, they shared the same belief regarding its dangers to the welfare of the principality as well as to noble privileges and immunities. This homogeneity resulted in an organised commentary with respect to the performance of Duke Wolfgang Wilhelm and Landgravine Amelie Elisabeth, as well as her successor, Landgrave Wilhelm VI.

9 Conclusion

This research set out to study the use of fatherland-terminology in several principalities to determine whether the economy of scale and the homogeneity or heterogeneity of the estates (being the *Landstände* and *états* respectively) influenced its usage. As Ingmar Vroomen established in his dissertation, the words patriot, *patria* and fatherland – and *natio* – were used in the Dutch Republic by the burghers. A question that arose from his work was whether their use was characteristic of a republic or whether it was present because of the small economy of scale of the individual Dutch provinces and their relatively homogenous provincial estates (especially in Holland and Zeeland).

Consequently, the small German principalities of Jülich and Hesse-Cassel have been studied so as to compare their conditions with those in the Dutch Republic. Considering the size of the Dutch Provinces and the German Principalities, it can be concluded that they were all small economies of scale with a relatively small number of inhabitants who had to bear this burden. Furthermore, this comparison allows us to rule out the ordinary characteristics of government as a factor of influence. Including the large province of Brittany (France) in the comparison added the possibility of comparing the three principalities regarding the economy of scale and the composition of the estates; in other words, the two factors that could influence the arguments could be compared by making a parallel between the German principalities and Brittany. In all cases tumultuous times have been chosen to make the situations as comparable as possible to both previous research and to one another. These years cover the last part of the Thirty Years' War and the Fronde.

The excessive taxation and consequences of the war were considered problematic. Forcing inhabitants to pay taxes was perceived as a tyrannical act that consequently led to the use of the terminology. It has been shown that the use of the fatherland-terminology indicated a claim of the temporary, presupposed office of defender of the fatherland when that *patria* was threatened and the welfare of the inhabitants diminished. The disastrous politics of the prince had to be resisted as the war and its consequent burdens made it difficult to provide for a

livelihood. This conclusion can be substantiated using the documents produced by the *Landstände* of Jülich and Hesse-Cassel in the period from 1642 until 1655. The *états* of Brittany did not use the terminology, which could be explained from its different social-historical background.

9.1 Jülich

The threats of war and warfare itself were clearly present in Jülich — as well as Hesse-Cassel. In their argumentation, the nobility of Jülich drew attention to the fleeing of inhabitants and the despair these people found themselves in. Safety and order were used as arguments; in the context of war, stealing, burning, pillaging and other direct threats to private property were mentioned. Sympathy towards the inhabitants of the city of Düren, who had to endure billeting, illustrates the main cause of protest: acts of war.

In addition to the Thirty Years' War, the unsolved issue of Duke Wolfgang Wilhelm's *de facto* rule was added to the mix. These two issues – warfare and the *de facto* rule – were intimately tied together, at least, according to the nobility. Requests to the duke to act in accordance with *their* fatherland's best interest point in this direction, as they suggest that the duke did exactly the opposite. The nobility accused the duke of attempting to establish an *absolutus Dominatus* (arbitrary rule) with the aid of lawless soldiers; these allegations substantiated the duke's negative image among the nobility. Moreover, the inability to solve the crisis successfully and the vain hope of paying off the Hessian forces added to the image of a failing princely rule. This trade-off was counter-productive – in search of payment, more foreign troops flocked to the principality of Jülich, causing even more peril.

Duke Wolfgang Wilhelm, as well as the nobility, viewed the imperial forces staying in the principality as troublesome, especially since the emperor failed to acknowledge that their presence seemed to violate a previously agreed upon truce. The lack of imperial approval of the rule of Duke Wolfgang Wilhelm and Prince-Elector of Brandenburg over the Lower Rhine area also caused increasing difficulties, not least because a *de facto* ruler could easily be replaced by an imperial favourite. More specifically, objections to the presence of 'protective' imperial forces reminded the emperor of the unresolved succession issue.

The nobility, in their turn, did not seem to favour imperial involvement either. But whether the presence of the armed forces contributed to this perception remains unclear. What

is clear is that the nobility preferred issuing pamphlets to going to the Imperial Chamber Court. Despite the positive 1627-verdict regarding the requisition of taxes, the nobility brought no case to court in the following years. The loyal patriots who met in Cologne did issue several pamphlets that even appeared in the Dutch Republic. It was likely that this strategy was aimed at rallying support, as the Dutch had garrisons in the area and – most importantly – had pledged help to uphold the treaty of Xanten (1614). At the same time, two other issues were urgent as well. First of all, peace negotiations took place in Osnabruck; secondly, the rumour that court cases could last for a very long time before reaching a verdict did not encourage litigiousness in the threatening situation. These two factors seemed to contribute to opting for writing and distributing pamphlets.

In the Holy Roman Empire, court cases were a more common way of resolving disputes over political issues, and pamphlets were unusual. However, the nobility did not seem to have taken this into consideration. Their aim was to avert further harm and devastation of the lands, and they claimed the presupposed office of patriot as a means to this end. The nobility also argued their ancient privileges were violated by the duke's actions. Moreover, in order to fight enemy forces, the duke requisitioned taxes without the obligatory consent of the nobility. This was considered to be a severe violation of their privileges. The pamphlets were written in Cologne during or shortly after the assemblies that took place there. This suggests that the content and aims of these pamphlets were agreed upon during these meetings by all who were present — or at least the majority.

9.2 Hesse-Cassel

Imperial intervention had been sought in Hesse-Cassel during the conflicts that arose during the rule of Landgrave Maurice and later on with landgrave Wilhelm V. The invocation of imperial aid had been instrumental, and it had been aimed at avoiding even more warfare.

When Wilhelm V, his wife Amelie Elisabeth and their two sons left for East-Frisia, the nobility remained loyal to them. Despite the *de facto*-rule of the Landgrave of Hesse-Darmstadt, the nobility accepted Wilhelm VI of Hesse-Cassel as their new *de jure*-ruler as soon as Landgrave Wilhelm V had died. Away in exile, depending on his mother as well as his home-stay council, the eight-year old 'ruled' the occupied principality of Hesse-Cassel. This government – and regency – were fully backed by the Hessian nobility, who remained loyal to

the house of Hesse-Cassel. Amelie Elisabeth followed in her late husband's footsteps, not only by ruling, but also by commanding the armed forces. Interpreting Wilhelm V's will, she set out to regain his lost lands in order to restore her son's heritage.

The nobility objected when, in 1646, she requisitioned 4,000 *Malter* of grain. The landgravine claimed that *necessitas* to feed the armed forces justified this action, as these were responsible for the immediate defence of the principality when there was a threat of war. The nobility did not share the view that *this* was a particular case of necessity and they planned to assemble to discuss the situation. Amelie Elisabeth considered such an assembly, without her presence, to be undermining her government and consequently forbade the meeting. The case was quickly brought to court and the nobility obtained a positive ruling. Hesitant to let the situation spiral out of control, the nobility attempted to negotiate and reasoned that the actions of the landgravine had violated, and continued to violate, the nobility's privileges. As these negotiations and pleadings resulted in the humiliating imprisonment of their chairman, tensions increased and the case was brought to the attention of the Imperial Chamber Court again.

The united nobility – stating to be loyal patriots – wanted to protect the principality from the unnecessary, continuous presence of armed forces. Moreover, they argued that the inhabitants of Hesse-Cassel had suffered immensely from warfare and that the requisition of resources was therefore extraordinarily troublesome. Furthermore, they claimed that usurping power by violating privileges and immunities under false pretences was dangerous. They stressed the importance of their own arguments and involvement as loyal patriots safeguarding and defending the fatherland.

The nobility began to focus on their loyalty to the fatherland rather than their allegiance to the landgrave as his vassals. It was undeniably a good cause to protect the fatherland from harm, and it was a task not at odds with the loyalty to the landgrave. Avoiding association with rebellion, the nobility could, by accepting the office of patriot, contest princely politics. The lawyers of the landgrave seem to have carefully weighed the nobility's arguments. As the landgrave undeniably held the *superioritas territorialis* over his fief, it was his responsibility to protect all his subjects. The landgrave's lawyers therefore argued that the landgrave was the official caretaker of the fatherland. His foremost duty was to protect the peace and prosperity of the land. The medieval concept of *dominion* was replaced by the fatherland, showing the incorporation of the language applied by the nobility. Noteworthy is the fact that, subsequently, the roles were reversed. The landgrave's lawyers applied the terminology to the nobility, which

came out looking like a threat. Warnings had been given, and the landgrave would punish anyone who threatened the fatherland. This indicated that those with the temporal office of patriot to defend the fatherland could now resign from their office as the problem would be taken care of.

The nobility's objections seemed to focus on alleged changes to the previous agreements regarding privileges and immunities. A closer examination, however, shows that the medieval duties and rights of princes included the *necessitas*-argument. Moreover, the court-documents of the nobility show that they did recognise this right. They acknowledged the possibility of emergency actions taking place and the use of *necessitas* in such cases. Yet it was not applicable in this case. In this particular case, it was argued, warfare could be averted and there was no *necessitas* to begin with. In addition to this, the nobility had no plans to undermine the government, but were confronted with a ban on their assemblies. The loyal nobility who had helped Landgrave Wilhelm VI to regain power were portrayed in such a negative manner that they could not but feel humiliated: all they strove for was the common good of Hesse-Cassel.

Warfare and violations of privileges triggered the use of the terminology of fatherland, *patria* and patriot. Since the landgrave and the nobility had such divergent perspectives, the accusations flung back and forth between the two were harsh. The possible undermining of government was met with the accusation of *lèse-majesté*; the misuse of *necessitas*-argument was met with the allegation of the willingness to establish an *absolutus Dominatus*.

The *Vergleich* or *Vertrag* showed that both parties clearly contributed to reaching an agreement. The *necessitas*-argument received a prominent place, as did obtaining consent. Most importantly, the fatherland's good order was mentioned (§ 4), indicating an acceptance of the terminology once again.

9.3 German principalities: small economies of scale and homogeneous

Comparing these two small German principalities with the Dutch Republic, it can be concluded that fatherland-terminology was applied in small principalities as well. The economy of scale of these principalities was very limited, with a small group of people bearing the financial burdens warfare placed upon them and with only a limited number of nobles who jointly objected to the government and policy of their prince. The critique voiced was that the amount of taxes was perceived as being disproportionate and that permission should have been asked

before requisitioning the taxes. Needless to say, on top of the financial contributions – or in the case of Hesse-Cassel, the contribution measured in grain – the two principalities suffered from: troops crossing, plundering and raiding the area, billeting of soldiers, and other atrocities of war which were not always specified.

The nobility concluded that the landgravine was acting illegally by requisitioning resources for her armed forces. As she violated an ancient privilege that said that permission should have been asked for such a request, the nobles expressed their concern that Amelie Elisabeth would attempt to establish an *absolutus Dominatus*. This complaint about arbitrary or tyrannical rule seems to have been voiced unanimously, as part of the resistance against the government that failed to protect its inhabitants from warfare. The disastrous politics of the Duke Wolfgang Wilhelm as well as the warmongering-policy and seeming unwillingness to negotiate a peace by Landgravine Amelie Elisabeth, as regent of the House of Hesse-Cassel, were seen as endangering the livelihoods of the subjects: the nobility and their tenants alike.

9.4 Brittany

In the case of Brittany it should be noted that the absence of fatherland-terminology from the sources is no proof that it was not in fact used. The vocabulary was not used in the political texts studied in this period, but this does not necessarily mean that the terminology was entirely absent. As Nice showed in his study, the words were known and applied to Brittany, though more at a cultural-religious level. Nevertheless it is clear that the political terminology in Brittany differed from that in the German principalities.

The claim that one defended the fatherland out of love and took up the office of patriot in order to do so, demanded a serious threat or violation to the common good – as has been shown for the German principalities. Harmful policy, threat of war or a combination of both could cause this. In the case of Brittany, there was no war fought within its borders; however, a possible threat came in the form of taxation.

This threat, however, only affected those with little income. The high elite profited from warfare, as they had close connections to the crown and could lend money, which would lead to profit. Moreover, in the years 1649 and 1651 the close relations with the crown led to the possibility of requesting lower tax-burdens for the *pays d'état* of Brittany, as it would otherwise cause a bankruptcy. Maintaining their privileges and autonomy was an important issue for the

nobility of Brittany, and it may be assumed that as long as these values were not seriously threatened no new means or terminology were used. Had the terminology have been used without such a threat, the relation with their feudal lord and king would have been in jeopardy.

The multi-layered *états* would also have caused some difficulty in objecting to princely politics. As the request for taxations of 1649 showed, not everyone agreed with the amount of money that had been requested. In the end, an agreement on the amount of taxes was reached, but the third estate opposed the allowances of *Grandeess*. As there was no fixed sum that had to be paid to the *Grandeess* to keep them satisfied and preserve their favour, there was considerable room to negotiate.

When taxes were requested by the government in Paris, it was much more difficult to negotiate. Strategically stationed clients of the Parisian government of Mazarin helped to obtain these taxes without too much resistance. The various layers of government were connected through a dense network of patron-client relations. Obviously, close ties to those in the vicinity of the crown would be beneficial as informal negotiations could take place and work in favour of those seeking to obtain offices, but – as previously mentioned – also in attempting to keep taxes as low as possible.

During the Fronde, Mazarin's government experienced heavy opposition, especially from the *Princes-du-sang* Condé and Condi, who had their own loyal clients, such as Duke de Rohan-Chabot. Rohan-Chabot was clearly opposed by Dukes de la Trémoille and de la Meilleraye in 1651, as he was not allowed to preside over the *états*, and was subsequently escorted out of the city of Nantes. Angered, he went to the *parliament* of Rennes to obtain the judges' verdict, who indeed condemned the proceedings. A letter from Paris arrived shortly after, stating that it was not in the interest of Brittany to proceed in this manner. A year later, order was restored. La Meilleraye had gone to the *parliament* to convince the judges, or at least the majority of the judges, to comply with the decisions made by the *états*.

9.5 Province of Brittany: large economy of scale and heterogeneous

In the case of the large province of Brittany it can be concluded that here the fatherland-terminology was absent from the political scene. No direct objections against the king's policy were made, although Rohan-Chabot did not agree with the clients of Mazarin on how to run the *états*. This 1651-example clearly reveals that many different interests were pursued in the

province, as well as in the Kingdom of France itself. The heterogeneous composition of the *états* seems to have scattered the resistance against the warfare of Mazarin, who continued Richelieu's war policy against the Habsburg dynasty of Spain.

The taxations in Brittany, measured both in livres and in grams of silver, show a decrease in the years 1649 and 1651 to prevent a possible bankruptcy. It should be noted, however, that when the impact of the taxation measures is expressed in kilocalories, the variation between Jülich and Brittany comes down to about five to seven more days of food insecurity per year. Again, only the tax-burden is measured here and calculated per head. Moreover, though less measurable, the burden per inhabitant of Brittany was much lower than in the German Principalities as they did not suffer from war-related burdens such as billeting, plundering and other atrocities. Therefore, the perceived impact of war may have been much smaller and this may have contributed to the absence of the terminology.

9.6 Usage of fatherland-terminology

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 in 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 himself or at the very least by his lawyers.

Shifting the focal point from loyalty to a liege lord towards loyalty to the fatherland was a development that was central to the terminology studied here. Supporting a failing or harmful policy that went against the common good of the principality was troublesome. Therefore, the verbal shift to the 'innocent 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 *dominion*, 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 exactly the *de facto* rule that seems to have caused some difficulties here, as the 'possessor', outsider Duke Wolfgang Wilhelm, could not claim rule over the *dominion* Jülich and was seen as causing a lot of harm through his interventions.

Focussing on the policies harming the fatherland could not be seen as a traitorous act, as it was aimed at the common good and did not directly accuse the landgrave or duke. It was strictly applied to a small group of people, who could – in the case of Jülich – 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.

Commoners were not mentioned in the sources, except when referring to victims of the war. As soon as these inhabitants of non-noble birth had become involved in the debates, accusations of a full-blown rebellion would likely have been raised. However, these are not in the sources. It was tactical to place the discussion in the context of those of noble birth protecting their tenants and other inhabitants of the principality, avoiding any hint of revolt or rebellion. Finally, the nobility either tried to find support with their foreign allies or applied to the Imperial Chamber Court.

9.7 In conclusion

Fatherland-terminology was used in both the Republic and in the small principalities of Jülich and Hesse-Cassel. As such it cannot be seen as a characteristic of a specific government, so the explanation for its usage should be sought at a different level. This has been done by including the economy of scale and the structure of the estates (*Landstände/ états*) in this research.

It can be concluded that open resistance against the deprivation of income as a result of disproportionate burdens and damaging princely politics was only voiced in small economies of scale where a (relatively) homogeneous estate could be found. The *Landstände* of Jülich and Hesse-Cassel both faced threats to their own 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 high elite profited from its client-relationship with the crown and the king's government. Instead of fearing for their tenants, the gaining of offices, money and interest was key to the decision-making. 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 possible criticism.

Bibliography

Primary sources (manuscripts)

Jülich

Landesarchiv Nordrhein-Westfalen (NRW), Düsseldorf/ Duisburg (Germany):
Jülich, Landstände Akten, 0046 (JL) 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51.

Nationaal Archief, The Hague (the Netherlands):
Staten Generaal 1.01.02 (SG) 98; 3253.

Hesse-Cassel

Archiv der Althessischen Ritterschaft Kaufungen (AARK)

AARK, Repositur 6, Gefach 15, Nr. 5, S. 54: *Exceptiones sub- et obreptionis*

AARK, Repositur 6, Gefach 15, Nr. 5, S. 54: *Replicae*.

AARK, Repositur 6, Gefach 15, Nr. 5, S. 54: *P.P.*

AARK, Repositur 6, Gefach 15, Nr. 5, S. 54: *Duplicae*

AARK, Repositur 6, Gefach 15, Nr. 5, S. 54: *Uberschicktes Bedencken Siner ebensoher Von Speijer. Über die Duplic Schrift*

AARK, Repositur 6, Gefach 15, Nr. 5, S. 54: *Triplicae*

AARK, Repositur 6, Gefach 15, Nr. 5, S. 54: *Ohn Vorgreiffliche Memorialien*

Hessische Staatsarchiv Marburg (HStAM)

HStAM, Bestand 5 (Hessischer Geheimer Rat), 19147: *Remonstratio*

HStAM, Bestand 5, 17066: Vertrag (= Vergleich) 2 October 1655.

HStAM, Bestand 73, 213: *Landtag in Kassel Sept. 1650. Nur: Gravamina der Landschaft.*

HStAM, Bestand 73, 1816: Gutachten (1648?)

HStAM Bestand 5, 14660: *sub- et obreptiones* (fol. 25)

HStAM Bestand 255, H 140: *Exceptiones sub- et obreptionis*

HStAM Bestand 5, 1816: *Exceptiones sub- et obreptiones*

HStAM Bestand 5, 19147: *Remonstratio*

HStAM Bestand 73, 1816: *Remonstratio* (no first page).

HStAM Bestand 304 (Stift Kaufungen) I, Nr. 504

HStAM Bestand 255, H 140: *mandatum poenale sine clausula* [19 February 1652].

HStAM 255, H140: *Ritterschaft Samptliche Ritterschafft des Nider Fürstenthumbs Hessen-Cassels.*

HStAM 255, H140: *Triplicae*.

HStAM 255, H129: *Duplicae*.

Hessische Staatsarchiv Darmstadt (StAD)

StAD E2 Nr. 20/2: Entwurff loco Quadruplicarum. [o.O., o.D.], unfol. 18 pp.

Brittany

Archives départementales d'Ille-et-Vilaine (Rennes), Fonds général des états de Bretagne (C)

C2654; C2655.

C2775; C2776; C2777.

Primary sources (printed)

Jülich

HAB: 258.20.15 *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).

HAB: M: Gm 3621 (2)/ VD17 23:308525B *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).

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

HAB: A: 32.38 Pol. 17 *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).

Kn. 05536a *Erf-Vereenige der Landtstenden uyt Ridderschap ende Steeden der Hartogdommen Gulick, Cleve, Berge, ende der Graefschappen, Marck ende Ravensperg* (n.p. 1647).

Kn. 05537a *Aenmaning schrijvens van de Hooghmogende Heeren Staten Generael der vereenigde Nederlanden. Aen den deurluchtigen heer hartog van Nyborgh, &c ('s Gravenhage 1647).*

Kn. 05539a *Klaer bewys dat de Ho: Mo: Staten Generael gherechtight ende verbonden zijn tot de garantie ende maitenië vande privilegien, vry ende gerechtigheden der Landtstenden inde landen Gulick, Cleve, Berge, Marck ende Ravensbergh* (n.p. 1647).

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

Kn. 6969 *Kort Vertoogh In plaets van een Manifest. Waerom Sijn Cheurvorst: Doorluch: tot Brandenburgh, eenige plaetsen in de Vorstendommen Gulick en Bergh in te nemen, bewogen en veroosaecht geweest is.* (Dordrecht 13 June 1651).

- Kn. 6970 *Vorstelijck Palts Niewbvrge Fundamentele Wederlegginge, Tegen 't ongesondeerde Kort Bericht, Waeromme Sijn Cheur-Vorstel. Doorl. van Brandenburgh, 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 (n.p. 1651).*
- Kn. 6971 *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 (Leiden 1651).*
- Kn. 6972 *Mandement van sijne Roomsche Keyserl. Majesteyt, tot Cassatie ende Annullatie van 't Cheur-Brandenburghsche voor desen Affigeerde Placcaet, aen de respectieve Standen der Vorstendommen Gulick, ende Bergh (n.p. 1651).*
- Kn. 6973 *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).*
- Lünig, J.C. (ed) *Das Teutsche Reichs=Archiv, und zwar Pars specialis nebst dessen I.II.III. vnd IV. Continuation, worin zu finden, Die merckwuerdigsten Allianzen und Buendnisse, Manifesta, Armistitia, Friedens=Schluesse, Recesse, Concordata, Erb=Verbrüderungen, Vereinigungen, Verträge und Vergleiche in Religions=und Profan-Sachen, Pacta Familae, Statuta Primogenituræ, Lehen=Brieffe, Expectanzen und Unwartschafften, Ehe=Beredungen, Reverse, Kauff=und Wiederkauffs = Contracte, Obligationes, Cossiones, Renunciaciones, Testamenta, Codicille, Geist= und Weltliche Ritter=Ordens = Statuta, Capitulationes, Gan=Erbschafften, Commerciën=Tractate, Stapel= und Niederlags=Gerichtigkeiten, Privilegia und andere Diplomata. Dritter Theil, Der Vierden Abtheilung, Dritter Absatz, (Leipzig 1713).*

Hesse-Cassel

- HAB: [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, tehils verleugnet, und theils anders, als sich 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).*
- HAB: 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).

HStAM 5 14651 (microfiche) Nr: A4755

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

‘Abschiedsloser Landtag, Kassel 1650 Sept. 25 bis Okt 17’, in: G. Hollenberg and B. Jäger (eds.), *Hessen-Kasselische Landtagsabschiede 1649-1798* (Marburg 1994), 5-7.

‘Ritterschaftliches Protokoll, Kirchhain 1649 Okt. 24’, in: *Günter Hollenberg und Berthold Jäger (Eds.): Hessen-Kasselische Landtagsabschiede 1649–1798*. Marburg 1994, 3–5.

‘Vergleich Landgraf Wilhelms VI. mit der Ritterschaft, Kassel 1655 Okt. 2’, in: G. Hollenberg and B. Jäger (eds.), *Hessen-Kasselische Landtagsabschiede 1649-1798* (Marburg 1994) 56-66.

Other

Tacitus, P.C. *The Annals, The Reigns of Tiberius, Claudius, and Nero*, transl. J.C. Yardley (Oxford 2008).

Secondary sources

Ackermann, H., ‘Die evangelischen Gemeinden in Düsseldorf unter Pfalzgraf Wolfgang Wilhelm,‘ in: *Düsseldorfer Jahrbuch 75* (2004/5), pp. 81-108.

Anderson, A.D., *On the Verge of War. International Relations and the Jülich-Kleve Succession Crises (1609-1614)* (Boston 1999).

Anderson, B., *Imagined Communities. Reflections on the Origin and Spread of Nationalism* (Second edition, London/New York 2002).

Angot, A., ‘Un soldat catholique de la bataille de Craon (23 mai 1592)’, in: *le Bulletin de la Commission historique et archéologique de la Mayenne* (1896), n° 12, pp. 367-373.

Asch, R.G., *The Thirty Years War. The Holy Roman Empire and Europe, 1618-1648* (Basingstoke 1997).

Asch R.G., and Duchhardt, H., *Der Absolutismus-ein Mythos?: Strukturwandel monarchischer Herrschaft in West- und Mitteleuropa (ca. 1550-1700)* (Cologne 1996).

Bellingradt, D., *Flugpublizistik und Öffentlichkeit um 1700. Dynamiken, Akteure und Strukturen im urbane Raum des Alten Reiches* (Stuttgart 2011).

Bély, L., *La France au XVIIe siècle: Puissance de l'Etat, controle de la société* (Paris 2009).

- , “The Peace Treaties of Westphalia and the French Domestic Crisis”, in: *Historische Zeitschrift. Beihefte, New Series, Vol. 26.: Der Westfälische Friede. Diplomatie – politische Zäsur – kulturelles Umfeld – Rezeptionsgeschichte* (1988), pp. 235-252.
- Berbouche, A., ‘De la résistance légale à la fronde parlementaire en Bretagne: l’opposition du Parlement d’un pays d’Etats à la montée de l’absolutisme royal’, in: *Revue histoire du droit*, (70.4), oct-dec 1992, pp 521-535.
- Bergerhausen, H.-W., ‘Der Jülich-Klevische Erbfolgestreit: Diplomatische Verhandlungen und Verträge’, in: M. Groten, C. von Looz-Corswarem, W. Reiningshaus (et al), *Der Jülich-Klevische Erbstreit 1609. Seine Voraussetzungen und Folgen* (Düsseldorf 2011), pp 55-68.
- Bers, G., *Wilhelm Herzog von Kleve-Jülich-Berg (1516-1592). Beiträge zur Jülicher Geschichte, Hefte 31* (Cologne 1970), pp. 2-18.
- Bettenhäuser, E., *Familienbriefe der Landgräfin Amalie Elisabeth von Hessen-Kassel und ihrer Kinder* (Marburg 1994).
- Blanning, T. C. W., *The Culture of Power and the Power of Culture. Old Regime Europe 1660-1789* (Oxford 2002).
- Bleibtreu, L.C, *Handbuch der Münz-, Maaß- und Gewichtskunde, und des Wechsel- Staatspapier- Bank- und Actienwesens europäischer und außereuropäischer Länder und Städte* (Stuttgart 1863).
- Boehncke, H. and Sarkowicz, H., *Die Geschichte Hessens* (Frankfurt 2010).
- Bonney, R., ‘Absolutism: what’s in a name?’ *French History I* (1987) pp. 93-117.
- , ‘Cardinal Mazarin and the great nobility during the Fronde’, in: *English Historical Review* 96 (London 1981), pp. 818-833
- , ‘Comparative fiscal systems on the eve of modernity: the French enquiry of 1763’ in: J.-Ph. Genet (et al), *La genèse de l’État moderne et le cas ottoman, Table-ronde d’Istanbul, 1991* (Istanbul 1994), pp. 61-81.
- , ‘Le secret de leurs familles’: the fiscal and social limits of Louis XIV’s *dixième*’, *French History* 7 (1993), pp. 383-416.
- , ‘Louis XIII, Richelieu, and the royal finances’, in: *Richelieu and his Age*, ed. J.A. Belgin and L. Brockliss. (Oxford 1992), pp. 99-133.
- , ‘The failure of the French revenue farms, 1600-60’, *Economic History Review, 2nd series* 32 (1979), pp. 11-32.
- , ‘The French Civil War, 1649-53’, in: *European Studies Review* 8 (London 1978), pp. 71-100
- , ‘La Fronde des officiers: mouvement reformiste ou rebellion corporatiste?’ in: *XVIIe Siecle* 145 (Paris 1984), pp. 323-340
- , ‘The state and its revenues in *ancien regime* France’, *Historical Research* 65 (1992), pp. 150-176.
- , ‘Was there a Bourbon style of government?’, in: *From Valois to Bourbon: Dynasty, State & Society in Early Modern France*, ed. K. Cameron (Exeter 1989), pp. 161-177.
- , *Political Change in France under Richelieu and Mazarin 1624-1661* (Oxford 1978).

- , *The European Dynastic States, 1494-1660* (Oxford 1991).
- , *The King's Debts. Finance and Politics in France 1589-1661* (Oxford 1981).
- Breuilly, J., *Nationalism and the State* (Manchester 1993).
- Buckreus, S., *Die Körper einer Regentin. Amelia Elisabeth von hessen-Kassel (1602-1651)* (Cologne 2008).
- Bulst, N., 'France in the Fifteenth Century', in: R.C.F. von Friedeburg (ed.), *Murder and Monarchy. Regicide in European History, 1300-1800* (Houndmills 2004), pp. 122–135.
- Burgess, G., *Absolute Monarchy and the Stuart Constitution* (New Haven/ London 1996).
- Carrier, H., 'Machiavel dans les pamphlets de la Fronde', in: Actes L'Italianisme en France au XVIIe siècle Actes du VIIIe congrès de la Société française de littérature comparée (Turin 1969), pp. 39-46.
- Carsten, F.L., 'The Resistance of Cleves and Mark to the Despotic Policy of the Great Elector', *The English Historical Review* 66 (1951), pp. 219-241.
- Chautard, J., 'Jetons de César, duc de Vendôme, avec 3 planches' in: *Bulletin de la Société archéologique, scientifique et littéraire du Vendômois* (1882), pp. 98-120.
- Chisholm, H. (ed.) "Luynes" in: *Encyclopædia Britannica* 17 (Cambridge, 11th ed. 1911), p. 147.
- Christmann, H.T., 'Die Reichsmünzordnungen und deren Umsetzung durch die Reichskreise' in: Reiner Cunz (ed.) *Währungsunionen beiträge zur geschichte Überregionaler Münz- und Geldpolitik* (Hamburg 2002), pp. 197-220
- Clark, J.C.D., 'Protestantism, Nationalism, and National Identity, 1660-1832', *The Historical Journal*, vol. 43, no 1 (March 2000), pp. 249-276.
- Collins, J.B., *Classes, Estates, and Order in Early Modern Brittany* (Second revised edition, Cambridge 2001).
- , *The State in Early Modern France* (Cambridge, 2009).
- , 'State Building in Early-Modern Europe', in: *Modern Asian Studies* 31.3 (1997), pp. 603-633.
- Condren, C., 'Beyond the Republic: Capability and the Ethics of Office', in: J. Hartman, J. Nieuwstraten and M. Reinders (eds), *Public Offices, Personal Demands: Capability in Governance in the Seventeenth-Century Dutch Republic* (Newcastle upon Tyne 2009), pp. 237-251.
- , 'Historical Epistemology and the Pragmatics of Patriotism in Early-Modern England', in: R.C.F. von Friedeburg (ed.) *'Patria' und 'Patrioten' vor dem Patriotismus. Pflichten, Rechte, Glauben und die Rekonfigurierung europäischer Gemeinwesen im 17. Jahrhundert* (Wiesbaden 2005), pp. 67-90.
- , 'The Office of Rule and the Rhetorics of Tyrannicide in Medieval and Early-Modern Europe: An overview', in: R.C.F. von Friedeburg (ed.), *Murder and Monarchy. Regicide in European History, 1300-1800* (Houndmills 2004).

- , ‘The Problem of Audience, Office and the Language of Political Action in Lawson's *Politica* and Hobbes's *Leviathan*’ in: R.C.F. von Friedeburg (ed.), *Widerstandsrecht in der frühen Neuzeit. Erträge und Perspektiven der Forschung im deutsch-britischen Vergleich* (Berlin 2001) pp. 287-303.
- , *Argument and Authority in Early Modern England. The Presupposition of Oaths and Offices* (Cambridge 2006).
- Cornette, J., *Histoire de la Bretagne et des Bretons. Tome 1. Des âges obscurs au règne de Louis XIV* (Paris 2005).
- Croix, A., *L'âge d'or de la Bretagne, 1532-1675* (Rennes 1993).
- , *La Bretagne aux 16^e et 17^e siècle. La vie – la mort – la foi. Tome I* (Paris 1981).
- Dahm, H., ‘Verluste der jülich-bergischen Landmiliz im Dreißigjährigen Krieg,’ in: *Düsseldorfer Jahrbuch, Beiträge zur Geschichte des Niederrheins* 45. Band (1951), pp. 280-288.
- Demandt, K.E., ‘Die Hessischen Landstände nach dem 30jährigen Krieg’, in: Dieter Gerhard (ed.), *Ständische Vertretungen in Europa im 17. und 18. Jahrhundert* (Göttingen 1969), pp. 162-182.
- , *Geschichte des Landes Hessen* (2nd edition, Kassel/ Basel 1972).
- Dunkley, K.M., ‘Patronage and power in seventeenth-century France: Richelieu's clients and the estates of Brittany’, in: *Parliaments, Estates and Representation*, Volume 1, Issue 1, (1981) pp. 1-12.
- Dupont-Ferrier, G., ‘Le sens des mots ‘Patria’ et ‘Patrie’ en France. Au Moyen Age et Jusqu’au début du XVIIe Siecle’, in: *Revue Historique* 188/189 (1940) pp. 89-104.
- , ‘Synonymes du Terme ‘Province’ dans le langage administratif de l’Ancienne France’, in: *Revue Historique* T. 161, (1929), pp. 278-303.
- Eichenberger, T., *Patria. Studien zur Bedeutung des Wortes im Mittelalter (6.-12. Jahrhundert)* (Sigmaringen 1991).
- Elliott, J. H., ‘A Europe of Composite Monarchies’, *Past & Present*, No. 137, *The Cultural and Political Construction of Europe* (1992), pp. 48-71.
- Engelbert, G., ‘Der Hessenkrieg am Niederrhein (1. Teil)’, *AhVN* 161 (1959) pp. 65–113.
- , ‘Der Hessenkrieg am Niederrhein (2. Teil)’, in: *AhVN* 162 (1960) pp. 35-96.
- Engelbrecht, J., *Landesgeschichte Nordrhein-Westfalen* (Stuttgart 1994).
- Eßer [Esser], R.M., ‘Landgraf Moritz’ Abdankung und sein politisches Vermächtnis’, in: G. Menk (ed.) *Landgraf Moritz der Gelehrte. Ein Calvinist zwischen Politik und Wissenschaft*. (Marburg a/d Lahn 2000), p. 196-215
- , ‘„Landstände und Landesherrschaft. Zwischen „status provincialis“ und „superioritas territorialis“: Landständisches Selbstverständnis in deutschen Territorien des 17. Jahrhunderts“’ in: *ZNR* 23 nr 3/4 (2001), pp. 177-194.
- , ‘Weil ein jeder nach seinem habeden Verstand... seine Meinung nach aller Völker Rechten ungehindert außzusprechen hat: Herrschaft und Sprache auf frühneuzeitlichen Landtagen’, in:

- M. Meumann and R. Pröve (eds) *Herrschaft in der Frühen Neuzeit. Umriss eines dynamisch-kommunikativen Prozesses* (Münster 2004) pp. 79-96.
- Essink, H.B.M., *Grave-Cuijk tussen 1481 en 1543* (Grave 1973).
- von Friedeburg, R.C.F., 'Adel und ständische Vertretung: Repräsentationen des Landes? Weshalb aus „Rittern“ und „Vasallen“ „Patriotten“ wurden', in: E. Conze, A. Jendorff und H. Wunder (eds), *Adel in hessen. Herrschaft, Selbstverständnis und Lebensführung vom 15. bis ins 20. Jahrhundert* (Marburg 2010), pp. 169-186.
- , *Europa in der frühen Neuzeit* (Frankfurt am Main 2012).
- , 'How 'new' is the 'New Monarchy'? Clashes between princes and nobility in Europe's Iron Century', *Leidschrift* 27 (2012) pp. 17–30.
- (ed.), *Murder and Monarchy. Regicide in European History, 1300-1800* (Houndmills 2004).
- , 'Origins of Modern Germany', in: H. Walser Smith (eds.) *The Oxford Handbook of Modern German History* (Oxford 2011), pp. 29-48
- (ed.) *'Patria' und 'Patrioten' vor dem Patriotismus. Pflichten, Rechte, Glauben und die Rekonfigurierung europäischer Gemeinwesen im 17. Jahrhundert* (Wiesbaden 2005).
- , *Self-Defence and Religious Strife in Early Modern Europe. England and Germany, 1530-1680* (Aldershot 2002).
- , 'State Forms and State Systems in Modern Europe', *European History Online (EGO), published by the Institute of European History (IEG)*, Mainz 2010-12-03. URL: <http://www.ieg-ego.eu/friedeburgr-2010-en>].
- , 'The Making of Patriots: Love of Fatherland and Negotiating Monarchy in Seventeenth-Century Germany', *The Journal of Modern History*, Vol. 77, No. 4 (December 2005), pp. 881-916.
- , 'The Problems of Passions and of Love of the Fatherland in Protestant Thought: Melancthon to Althusius, 1520s to 1620s', *Cultural and Social History. Special Issue: Passions and the Legitimacy of Rule from Antiquity to the Early Enlightenment*. Volume 2, Nr 1 (2005), pp. 81-98.
- , 'Why did seventeenth-century estates address the jurisdictions of their princes as fatherlands?', in: R.C. Head & D. Christensen (eds), *Orthodoxies and Heterodoxies in German-Speaking Lands: Religion, Politics and Culture 1500-1700* (Leiden 2007), pp. 169-194.
- , 'Widerstandsrecht und Landespatriotismus: Territorialstaatsbildung und Patriotenpflichten in den Auseinandersetzungen der nieder-hessischen Stände mit Landgräfin Amelie Elisabeth und Landgraf Wilhelm VI von Hessen-Kassel 1647-1653', in: A. De Benedictis and K-H Lingens (eds.), *Wissen, Gewissen und Wissenschaft im Widerstandsrecht (16.-18. Jh.)* (Frankfurt am Main 2003), pp. 267-326.
- Gabel, H., 'Sicherheit und Konfession. Aspekte niederländischer Politik gegenüber Jülich-Berg vor und während des Dreißigjährigen Krieges', in: S. Ehrenpreis (Ed), *Der Dreißigjährige Krieg im Herzogtum Berg und in seinen Nachbarregionen* (Neustadt an der Aisch 2002), pp. 132-179.
- van Gelderen, M., *The Dutch Revolt* (Cambridge 1993).

- Gellner, E., *Nations and Nationalism* (second edition; Malden 2006).
- Gorski, P., 'Introduction: Beyond the Tilly Thesis: How States Did Not Make War and War Did Not Make States' in: *The Protestant Ethic Revisited* (Philadelphia 2011).
- Gorski, P.S. & V. Sharma, 'Beyond the Tilly Thesis: "Family Values" and State Formation in Latin Christendom,' in: L.B. Kaspersen (Ed.) *Does War Make States?* (Cambridge 2016).
- Guenée, B., 'État et nation en France au Moyen Age', in: *Revue Historique* T. 237 (1967), pp. 17-30.
- Greengrass, M., 'Regicide, Martyrs and Monarchical Authority in France in the Wars of Religion', in: R.C.F. von Friedeburg (ed.), *Murder and Monarchy. Regicide in European History, 1300-1800* (Houndmills 2004), pp. 176-192.
- Hantsche, I., *Geldern-Atlas. Karten und Texte zur Geschichte eines Territoriums. Veröffentlichungen des Historischen vereins für Geldern und Umgegend. Nr. 103* (Geldern 2003).
- Harding, E., 'Staging Individual Rank and Corporate Identity. Pre-Modern Nobilities in Provincial Politics', in: J.P. Coy (et al), *The Holy Roman Empire Reconsidered* (New York 2010), pp. 107-123.
- Harms W., (ed.), *Deutsche Illustrierte Flugblätter des 16. Und 17. Jahrhunderts. Band I; Wolfenbüttel Teil 1* (Tübingen 1985).
- , Schilling, M. and Wang, A. (eds.), *Deutsche Illustrierte Flugblätter des 16. Und 17. Jahrhunderts. Band II; Wolfenbüttel Teil 2: Historica* (München 1980).
- Hartman, J., Nieuwstraten, J. and Reinders, M., 'Introduction', in: *Public Offices, Personal Demands: Capability in Governance in the Seventeenth-Century Dutch Republic* (Newcastle upon Tyne 2009).
- Heinemeyer, H. 'Das Zeitalter der Reformation', in: W. Heinemeyer (ed), *Das werden Hessens* (Marburg 1986), pp 225-266.
- Helbach, J, 'Die Niedergrafschaft Katzenelnbogen und der Hessenkrieg'. In: *Hansenblatt. Schriftenreihe des Internationalen Hansenordens e.V., St. Goar am Rhein. Jahrgang 15, Heft 30* (St. Goar 1977), pp. 1-4.
- Helfferich, T., *The Iron Princess. Amalia Elisabeth and the Thirty Years War* (Cambridge (Mass) 2013).
- Hirschi, C., *The Origins of Nationalism. An Alternative History from Ancient Rome to Early Modern Germany* (Cambridge 2011).
- Hobsbawm, E.J., *Nations and Nationalism. Since 1780. Programme, Myth, Reality* (rev. ed. 1992; Cambridge etc. 1997).
- , 'Introduction: Inventing Traditions' in: E.J. Hobsbawm and T. Ranger (eds), *The Invention of Tradition* (Cambridge 1983).
- , 'The General Crisis of the European Economy in the 17th Century', *Past & Present*, (1954) pp. 33-53.
- Hoffman, P.T., G. Postel-Vinay, and J.-L. Rosenthal, *Priceless Markets: The Political Economy of Credit in Paris, 1660-1870* (Chicago 2000).

- Hoppenbrouwers, P., 'The Dynamics of National Identity in the Later Middle Ages,' in: R. Stein and J. Pollmann (eds), *Networks, Regions and Nations. Shaping Identities in the Low Countries, 1300-1650* (Leiden/Boston 2010), pp. 19-41.
- Hufschmidt, A., 'Reflexionen und Handlungsfelder einer katholischen Fürstin. Magdalena von Bayern in ihren Briefen an Wolfgang Wilhelm von Pfalz-Neuburg (1614-1627)', in: *Düsseldorfer Jahrbuch* 75 (2004,5), pp. 143-170.
- Isaacson, W., *Geschichte des nieder-rheinisch-westfälischen Kreises von 1648-1667. Inaugural-Dissertation zur Erlangung der Doktorwürde genehmigt von der philosophischen Fakultät der Rheinischen Friedrich-Wilhelms-Universität zu Bonn* (Dinslaken 1933).
- Israel, J.I., *The Dutch Republic. Its Rise, Greatness, and Fall 1477-1806* (Oxford 1998).
- Jaitner, K., *Die Konfessionspolitik des Pfalzgrafen Philipp Wilhelm von Neuburg in Jülich-Berg von 1647-1679. Reformationsgeschichtliche Studien und Texte. Band 107* (Münster 1973).
- Janssen, W., 'Kleve-Mark-Jülich-Berg-Ravensberg 1400-1600', in: Guido de Werd (Ed.) *Land im Mittelpunkt der Mächte. Die Herzogtümer Jülich – Kleve – Berg* (Kleve 1984), pp. 17-40.
- , *Kleine rheinische Geschichte* (Düsseldorf 1997).
- Jouhaud, C., 'Écriture et action au XVIIe siècle: sur un corpus de mazarinades', in: *Annales. Économies, Sociétés, Civilisations. 38e année, N. 1*, (1983). pp. 42-64.
- , *Mazarinades: la Fronde des Mots* (Paris 1985).
- Kaiser, M., 'Überleben im Krieg – Leben mit dem Krieg. Zum Alltagsgeschichte des Dreißigjährigen Krieges in den niederrheinischen Territorien', in: S. Ehrenpreis (Ed), *Der Dreißigjährige Krieg im Herzogtum Berg und in seinen Nachbarregionen* (Bergische Forschungen. Quellen und Forschungen zur bergischen Geschichte, Kunst und Literatur. Band XXVIII. Neustadt an der Aisch 2002), pp. 181-233.
- Kettering, S., 'Patronage and Politics during the Fronde', *French Historical Studies* Vol. 14, No. 3 (1986), pp. 409-441.
- Keverling Buisman, F., 'De Vrede en het Tractaat van Venlo, 1543 – gevolgen voor het bestuur van Gelre en Zutphen': in: I.D. Jacobs (ed. al), *Het hertogdom Gelre. Geschiedenis, kunst en cultuur tussen Maas, Rijn en IJssel* (Utrecht 2003), pp. 65-75.
- Koselleck, R., 'Patriotismus. Gründe und Grenzen eines neuzeitlichen Begriffs', in: R.C.F. von Friedeburg (ed.), *Patria' und 'Patrioten' vor dem Patriotismus. Pflichten, Rechte, Glauben und die Rekonfigurierung europäischer Gemeinwesen im 17. Jahrhundert* (Wiesbaden 2005), pp. 535-552.
- Langer, H., *1648. Der Westfälische Frieden. Pax Europaea und Neuordnung des Reiches* (Berlin 1994).
- Leffers, R., *Die Neutralitätspolitik des Pfalzgrafen Wolfgang Wilhelm als Herzog von Jülich-Berg in der Zeit von 1636-1643* (Neustadt an der Aisch 1971).

- Lemberg, M. 'Frauen um Landgraf Moritz. Wirkungsmöglichkeiten einer Fürstin zu Anfang des 17. Jahrhunderts', in: G. Menk (ed.) *Landgraf Moritz der Gelehrte. Ein Calvinist zwischen Politik und Wissenschaft*. (Marburg a/d Lahn 2000), pp. 173-195.
- Lewis, P.S., *Later Medieval France. The Polity*, (London 1968).
- von Looz-Corswarem, C., 'Der Düsseldorfer Kuhkrieg 1651', in: S. Kleinbongartz (ed.), *Fürsten, Macht und Krieg. Der Jülich-Klevische Erbfolgestreit. Katalog zur Ausstellung im Stadtmuseum der Landeshauptstadt Düsseldorf 7. Nov. 2009-3. Jan. 2010* (Düsseldorf 2014) pp. 90-129.
- , 'Gelre en zijn bureen Kleef, Gulik en Berg, van de late Middeleeuwen tot 1543', in: I.D. Jacobs, (et al), *Het hertogdom Gelre. Geschiedenis, kunst en cultuur tussen Maas, Rijn en IJssel* (Utrecht 2003), pp. 127-134.
- Mader, E-O., '... wegen unserer conversion Irr und Perplex gemacht. Wahrnehmungen, Darstellungen und Vorbedingungen der Konversion des Pfalzgrafen Wolfgang Wilhelm von Pfalz-Neuburg zum Katholizismus (1613,14)', in: *Düsseldorfer Jahrbuch* 75 (2004/5), pp. 109-142.
- Major, J.R., *Representative Government in Early Modern France* (New Haven/ London 1980).
- Markale, J., *Histoire de la Bretagne. De Jean de Montfort à la Révolution (1364-1789)* (Paris 2004).
- Maruhn, A., 'Duale Staatsbildung contra ständisches Landesbewusstsein 1655 als Epochenjahr der hessischen Landesgeschichte', *Zeitschrift des Vereins für hessische Geschichte (ZHG)* Band 109 (2004) pp. 71-94.
- , *Necessitäres Regiment und fundamentalgesetzlicher Ausgleich. Der hessische Ständekonflikt 1646-1655* (Darmstadt/ Marburg, 2004).
- Marx, A.W., *Faith in Nation. Exclusionary Origins of Nationalism* (Oxford 2003).
- Medick, H. and Marschke, B., *Experiencing the Thirty Years War. A Brief History with Documents* (Boston 2013).
- Menk, G., 'Ein Regent zwischen dem Streben nach politischer Größe und wissenschaftlicher Beherrschung des Politischen', in: G. Menk (ed.) *Landgraf Moritz der Gelehrte. Ein Calvinist zwischen Politik und Wissenschaft*. (Marburg a/d Lahn 2000), pp. 7-78.
- , 'Die Konfessionspolitik des Landgrafen Moritz', in: G. Menk (ed.) *Landgraf Moritz der Gelehrte. Ein Calvinist zwischen Politik und Wissenschaft*. (Marburg a/d Lahn 2000), pp. 95-138.
- Moote, A.L., *The Revolt of the Judges. The Parlement of Paris and the Fronde 1643-1652* (Princeton (N.J.) 1971).
- Morrill, J., *Uneasy lies the head that wears a crown': Dynastic crises in Tudor and Stuart Britain 1504-1746* (Reading 2005).
- Mostert, R-A., 'Der jülich-klevische Regiments- und Erbfolgestreit – ein „Vorspiel zum Dreißigjährigen Krieg“?' in: S. Ehrenpreis (Ed), *Der Dreißigjährige Krieg im Herzogtum Berg und in seinen Nachbarregionen* (Neustadt an der Aisch 2002), pp 26-64.

- Motte, W., ‚Kriegsereignisse und Ortsgeschichte. Radevormwald im Dreißigjährigen Krieg‘ in: S. Ehrenpreis (Ed), *Der Dreißigjährige Krieg im Herzogtum Berg und in seinen Nachbarregionen* (Neustadt an der Aisch 2002), pp. 234-274.
- Mousnier, R., *The Assassination of Henry IV. The Tyrannicide Problem and the Consolidation of the French Absolute Monarchy in the Early Seventeenth Century* (transl. Joan Spencer) (London 1973).
- Neu, T., ‚Rhetoric and Representation: Reassessing Territorial Diets in Early Modern Germany‘, in: *Central European History* 43 (2010), pp. 1-24.
- , ‚The Importance of Being Seated: Ceremonial Conflict in Territorial Diets‘, in: J.P. Coy, B. Marschke, and D.W. Sabean (ed) *The Holy Roman Empire Reconsidered* (Volume 1, New York/Oxford 2010), pp. 125-142.
- , ‚Von Ständischer Vielfalt zu Verfasster Einheit. Zum Konstruktionscharakter landständischer Herrschaftspartizipation am Beispiel der Landgrafschaft Hessen(-Kassel)‘, in: O. Auge/ B. Büsing (eds.), *Der Vertrag von Ripen 1460 und die Anfänge der politischen Partizipation in Schleswig-Holstein, im Reich und in Nordeuropa*. (Band 43 Hieler Historische Studien, Ostfildern 2012), pp. 299-326.
- , *Die Erschaffung der landständischen Verfassung Kreativität, Heuchelei und Repräsentation in Hessen (1509–1655)* (Cologne, Vienna, Weimar 2013).
- Nice, J., *Sacred History and National Identity: Comparisons between Early Modern Wales and Brittany* (London 2009).
- Oestmann, P., ‚Leitfaden zur Benutzung von Reichskammergerichtsakten‘, in: P. Oestmann and W. Reininghaus (eds.), *Die Akten des Reichskammergerichts. Schlüssel zur vormodernen Geschichte* (Düsseldorf 2012), pp. 6-20.
- , *Wege zur Rechtsgeschichte: Gerichtsbarkeit und Verfahren* (Vienna 2015).
- Le Page, D. and Godin, X., ‚Les États de Bretagne sous l’Ancien Régime, survivance féodale ou ébauche d’une décentralisation? ‘, in: D. Le Page (ed.), *11 questions d’Histoire qui ont fait la Bretagne* (Morlaix 2009).
- , and Nassiet, M., *L’Union de la Bretagne à la France* (Morlaix 2003).
- Parker, G.N., *The Thirty Years’ War* (Second edition, London and New York 1997).
- van Peteghem, P., ‚Policeygesetzgebung in der Republik der Vereinigten Provinzen: Überblick über Lage und Entwicklung der Gesetzgebung im Ancien Régime‘, in: M. Stolleis, K. Härter en L. Schilling (eds.), *Policey im Europa der Frühen Neuzeit* (Frankfurt am Main, 1996), pp. 457-488.
- Petri, F. and Droege, G., *Rheinische Geschichte. Band 2. Neuzeit* (Düsseldorf 1976).
- Pfeifer W. (et. al.), *Etymologisches Wörterbuch des Deutschen H-P* (Berlin 1989).
- , *Etymologisches Wörterbuch des Deutschen Q-Z* (Berlin 1989).

- Philippi, H., *Die Landgrafschaft Hessen-Kassel 1648-1806* (Marburg 2007).
- van der Plaats, G., *Eendracht als opdracht. Lieuwe van Aitzema's bijdrage aan het publieke debat in de zeventiende-eeuwse Republiek* (Hilversum 2003).
- Pocquet, B., *Histoire de Bretagne. La Bretagne Province. Tome Cinquième: 1515-1715* (Rennes 1913).
- Press, V., 'Hessen im Zeitalter der Landesteilung (1567-1655)', in: W. Heinemeyer (ed), *Das Werden Hessens* (Marburg 1986) pp. 267-332.
- , *Kriege und Krisen. Deutschland 1600-1715* (München 1991) Michael Stolleis, *Geschichte des öffentlichen Rechts, Reichspublizistik und Policeywissenschaft 1600–1800* (München 1988).
- , 'The Habsburg Lands: The Holy Roman Empire 1400-1555', in: Thomas A. Brady, Jr., Heiko A. Oberman, and James D. Tracy (eds.), *Handbook of European History, 1400–1600: Late Middle Ages, Renaissance, and Reformation* (volume 1, Leiden and New York, 1994–1995), pp.437- 466.
- Puppel, P., '„Heroina Hassiaca“ oder „Schwester der Gorgo“? Landgräfin Amelie Elisabeth und die Hessische Ritterschaft', in: *Hessisches Jahrbuch für Landesgeschichte*, Volume 57 (2007), pp. 99-125.
- , *Die Regentin. Vormundschaftliche Herrschaft in Hessen 1500-1700* (Frankfurt/ New York 2004).
- Raeff, M., *The well-ordered police state* (New Haven 1983).
- Rahlf, T., *Getreide in der Sozial- und Wirtschaftsgeschichte vom 16. bis 18. Jahrhundert: das Beispiel Köln im regionalen Vergleich* (Trier, 1996).
- , *Getreidepreise in Deutschland 1500-1800* (Cologne 1999)
- Reich, T., 'Reichskammergericht – Archivgeschichte', in: P. Oestmann, W. Reininghaus (eds.), *Die Akten des Reichskammergerichts. Schlüssel zur vormodernen Geschichte* (Düsseldorf 2012), pp. 40-46.
- Reichmann, C., 'Archäologische Untersuchungen an der mittelalterlichen Landwehr (Hückelsmay)', in: Verein für Heimatkunde e.V. Krefeld (Ed.), *Die Heimat - Krefelder Jahrbuch*. Ausgabe 80, (Krefeld 2009), pp. 186-189.
- Richter, O., 'Und die Klugheit hört nicht auf Klugheit zu sein, wenn ihr ein Tröpfchen Trug beigemischt wird. Das Patent des brandenburgischen Kurfürsten Friedrich Wilhelm zur jülich-klevischen Erbfrage von 1654' in: *DJB* 90 (2010). pp. 15-29.
- Romein, C.A., 'Fatherland Rhetoric and the 'threat of absolutism': Hesse-Cassel and the Reichskammergericht (1646-1655)', *The Seventeenth Century*. Volume 29, no. 3 (2014) pp. 277-292.
- , 'Vaterland, patria und Patriot in den Rechtsangelegenheiten Hessen-Kassels (1647-1655)', in: A. Denzler, E. Franke & B. Schneider (Eds.), *Prozessakten, Parteien, Partikularinteressen Höchstgerichtsbarkeit in der Mitte Europas vom 15. bis 19. Jahrhundert* (bibliothek altes Reich, 17). (Oldenbourg 2015), 117–136.

- Rothrock, G.A. Jr., 'The French Crown and the Estates General of 1614', in: *French Historical Studies*, Vol. 1, No. 3 (Spring, 1960), pp. 295-318.
- Schalk, E., 'Clientage, Elites, and Absolutism in Seventeenth-Century France', *French Historical Studies*, Vol. 14, No. 3 (1986), pp. 442-446.
- von Schaumburg, E., 'Die Schlacht auf der St. Tönis-Haide (17. Januar 1642) und die Einnahme von Oedt, Neuß, Kempen und Linn', In: *Annalen des Historischen Vereins für den Niederrhein* (Band 38, 1882), pp. 50–86.
- Schmidt, A., *Vaterlandsliebe und Religionskonflikt. Politische Diskurse im Alten Reich (1555-1648)*. (Leiden/ Boston 2007).
- Schmidt, G., '„Absolutes Dominat“ oder „deutsche Freiheit“', in: R.C.F. von Friedeburg (ed), *Widerstandsrecht in der frühen Neuzeit. Erträge und Perspektiven der Forschung im deutsch-britischen Vergleich* (Berlin 2001), pp. 265-284.
- Schulte, A. (Ed.), *Tausend Jahre Deutscher Geschichte und Deutscher Kultur am Rhein* (Düsseldorf 1925).
- Seebold, E., *Kluge Etymologisches Wörterbuch der deutschen Sprache* (Berlin 1999)
- Simon, T., "Gute Policy", *Ordnungsleitbilder und Zielvorstellungen politischen Handelns in der Frühen Neuzeit* (Frankfurt am Main 2004).
- Smolinsky, H., 'Jülich-Kleve-Berg', in: A. Schindling (eds.), *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung: Land und Konfession 1500-1650* (Münster 1991), 86-106.
- Sonnino, P., 'Prelude to the Fronde. The French Delegation at the Peace of Westphalia', in: *Historische Zeitschrift. Beihefte, New Series, Vol. 26, Der Westfälische Friede. Diplomatie – politische Zäsur – kulturelles Umfeld – Rezeptionsgeschichte* (1998), pp. 217-233.
- von Stieglitz, A., *Landesherr und Stände zwischen Konfrontation und Kooperation: die Innenpolitik Herzog Johann Friedrichs im Fürstentum Calenberg 1665-1679* (Hannover 1994).
- Stolleis, M., *Geschichte des öffentlichen Rechts, Reichspublizistik und Policywissenschaft 1600–1800* (München 1988).
- Tilly, C., *Coercion, Capital, and European States, AD 990-1990* (Cambridge 1990).
- Trim, D.J.B., 'Sir Horace Vere in Holland and the Rhineland, 1610–12', in: *Historical Research* vol 72 nr 179 (1999), pp. 334-351.
- Turchetti, M., "'Despotism' and 'Tyranny' Unmasking a Tenacious Confusion", in: *European Journal of Political Theory* (2008), pp. 159-182
- Verdery, K., 'Whither "Nation" and "Nationalism"?', *Daedalus*, vol. 22. No. 3 (1993), pp. 37-46.

- Villari, R., 'Afterword Two: Political and Conceptual Points of Contact Between the Seventeenth-Century Revolutions: Naples and Europe', in *The Revolt of Naples*, translated by James Newell (Cambridge 1993).
- Wailly, N. de, 'Mémoire sur les variations de la livre trounois depuis le règne de Saint Louis jusqu' à l'établissement de la monnaie décimale,' *Mémoires de l'Institut national de France. Académie des inscriptions et belles lettres*, 21, part 2 (1857), 177-427
- Wagner, S., *Kölner Vorträge und Abhandlungen zur Sozial- und Wirtschaftsgeschichte. Staatssteuern in Jülich-Berg*. Heft 27 (Köln 1977).
- Walz, R., *Stände und frühmoderner Staat. Die Landstände von Jülich-Berg im 16. Und 17. Jahrhundert* (Neustadt an der Aisch 1982).
- Walzer, M., 'Book Review of Nations and Nationalism Since 1780', *Uses and misuses of history in the debate over immigration reform, Social Contract Journal Issues*, Volume 1, Number 2 (Winter 1990-1991) pp. 90-92.
- Wedgwood, C. V., *The Thirty Years War* (New York 1961).
- Weiland, K., *Hessen-Kassel und die Reichsverfassung. Ziele und Prioritäten landgräflicher Politik im Dreißigjährigen Krieg* (Marburg 2009).
- Wessels, L.H.M. and Bosch, T. (eds), *Nationalisme, naties en staten. Europa vanaf circa 1800 tot heden* (Nijmegen 2012).
- Whaley, J., *Germany and the Holy Roman Empire. Volume 1. From Maximilian I to the Peace of Westphalia 1493-1648* (Oxford 2012).
- , *Germany and the Holy Roman Empire. Volume 2. From the Peace of Westphalia to the dissolution of the Reich 1648–1806* (Oxford 2012).
- Wilson, P.H., *From Reich to Revolution. German History, 1558-1806* (Houndmills 2004).
- , *Europe's Tragedy. A New History of the Thirty Years War* (London 2010).
- Wolf, K., *Tagungsbericht: Tagungen des Instituts X Congresso Internazionale di Scienze Storiche, Roma, settembre 1955. Un bilancio storiografico* (German Historical Institute, Rome – 21-24 September 2005).
- Wolff, F., 'Hessen-Kassel auf dem Westfälischen Friedenskongreß 1648', in: *Hessisches Jahrbuch für Landesgeschichte*, Volume 49 (1999), pp. 111-125.
- Würgler, A., 'Desideria und Landesordnungen. Kommunal- und landständischer Einfluß auf die fürstliche Gesetzgebung in Hessen-Kassel 1650-1800', in: *Historische Zeitschrift. Beihefte, New Series Vol. 25 Gemeinde und Staat im Alten Europa* (1998), pp. 149-207.

Secondary sources (dissertations)

Bechert, I., *Die Aussenpolitik der Landgräfin Amelia Elisabeth von Hessen-Kassel* (Marburg 1946).

Dunkley, K.M., *Richelieu and the Estates of Brittany 1624-1640* (PhD-dissertation Emory University, Atlanta 1972).

Tornow, U., *Die Verwaltung der Jülich-Bergischen Landsteuern während der Regierungszeit des Pfalzgrafen Wolfgang Wilhelm (1609-1653)* (Bonn 1974).

Vroomen, I.H., *'Taal van de Republiek. Het gebruik van vaderlandretoriek in Nederlandse pamfletten, 1618-1672'* (PhD thesis, Rotterdam 2012).

Samenvatting

In dit onderzoek wordt gekeken naar het gebruik van vaderland-terminologie; dit omvat de termen ‘vaderland’, ‘patria’, ‘patriot’ en ‘natio’, zoals gebruikt door de adel in de periode 1642-1655. Er wordt hierbij een vergelijking gemaakt tussen Gulik, Hessen-Kassel en Bretagne. De keuze voor deze gebieden is ingegeven door de grootte van de gebieden, waardoor schaalvoordelen te behalen vielen (*economy of scale*). Deze dissertatie maakt onderdeel uit van een groter onderzoeksproject getiteld ‘New Monarchy’. Binnen dit project is door Ingmar Vroomen reeds het gebruik van vaderland-terminologie in de Nederlanden onderzocht. Hij heeft aangetoond dat Orangistische burgers en de Prins van Oranje van deze woorden gebruik maakten. Eerstgenoemden deden dit met name wanneer zij kritiek wilden uiten op het beleid van hun regenten in perioden van crisis. Vroomens onderzoek richtte zich op een gebied dat gekenmerkt kan worden als beperkt in omvang, homogeen en zonder vorst. Zodoende wordt binnen dit voorliggende onderzoek een vergelijking gemaakt met kleine homogene vorstendommen (Gulik en Hessen-Kassel), alsook met een groot heterogeen vorstendom (Bretagne).

De twee Duitse vorstendommen zijn erg klein en hebben een geringe bevolking van tussen de 200.000 en 400.000 inwoners; bovendien is de adel heel homogeen van aard. Beide gebieden hadden veel schade opgelopen door de Dertigjarige Oorlog. Het oude hertogdom Bretagne daarentegen bleef volledig buiten de Dertigjarige Oorlog, en ook buiten de Frans-Spaanse Oorlog. Het telde een bevolking van ruim 1,8 miljoen inwoners en had een zeer heterogene adel: variërend van heel arm met nauwelijks bezit tot heel rijk met zo veel bezit dat zij zelfs geld aan de Franse koning uitleenden. Ondanks dat Bretagne sinds 1532 deel uitmaakte van Frankrijk, kende het nog een grote mate van zelfstandigheid als *Pays d'état*.

Gulik, als één van de vorstendommen van het Neder-Rijngebied werd sinds 1609 bestuurd door Wolfgang Wilhelm van Palts-Neuburg. Zijn oom was in 1609 kinderloos gestorven, waarop een erfopvolgingsstrijd uitbrak. Deze werd in 1614 voor enige tijd beslecht middels het provisorische verdrag van Xanten. De gebieden werden verdeeld tussen de Keurvorst van Brandenburg en de Paltsgraaf, waardoor een *de facto* bestuur ontstond zonder dat de gebieden daadwerkelijk van elkaar gescheiden werden. Deze scheiding had met toestemming van de keizer bewerkstelligd kunnen worden, maar deze weigerde zijn medewerking. Zodoende werd de Paltsgraaf, die zich nu ook Hertog van Gulik en Berg noemde, gezien als een *bezitter* (‘possessierende’) en niet als vorst. Daar de keurvorst zich bekeerde van luthers naar calvinistisch en de Paltsgraaf van luthers naar rooms-katholiek, werden geloofszaken gecompliceerd. Met name aangezien de regel ‘wiens gebied, wiens geloof’ bleef gelden. Omdat officieel beide vorsten de gebieden bestuurden, waren er frequent problemen.

Met het uitbreken van de Dertigjarige Oorlog trokken regelmatig soldaten vanuit de Spaanse Nederlanden naar het Heilig Roomse Rijk – dwars door het op de grens gelegen Neder-Rijngebied. Palts-Neuburg poogde een neutrale status te handhaven, en voerde hier zelfs met toestemming van de keizer onderhandelingen over in 1635. Het gebied was aantrekkelijk voor legers omdat het verhoudingsgewijs nog veel voedselvoorraden kende. Dat de keizer zelf in Gulik soldaten inkwartierde, ondermijnde echter de neutraliteit. Verder kwamen Hessische troepen naar het gebied. De hertog probeerde het Hessische leger af te kopen, maar dit resulteerde vervolgens in een nog grotere aantrekkingskracht van het gebied: hier viel immers ook geld te halen. De hertog vergaarde dit geld middels extra belastinginningen. Het was deze situatie waar de edelen kritiek op leverden: hun

privilegiën werden geschaad doordat de vereiste toestemming om belastingen te mogen heffen niet werd gevraagd. Bovendien werden de inwoners ernstig geschaad in hun bestaansmogelijkheden. De uitgenodigde ‘getrouwe patriotten’ troffen elkaar in Keulen om te kunnen overleggen over de situatie waarin het ‘geliefde vaderland’ zich bevond. Hier in Keulen werden tevens pamfletten vervaardigd die ook hun weg naar de Republiek vonden. In één van deze pamfletten (3 maart 1645) werden de kwade intenties van de hertog nadrukkelijk benoemd: hij zou bandeloze soldaten (*soldateska*) inzetten om uiteindelijk een *absolutus Dominatus* te vestigen, waardoor de macht van de adel ernstig beperkt zou worden.

Nadat de Vrede van Westfalen getekend was, moesten de Hessische troepen nog worden afgekocht alvorens zij zouden vertrekken. De hertog toonde zijn begrip voor een mogelijk negatieve reactie hierop: hij gaf aan dat hij zich vaderlijker zou moeten gedragen en hij veranderde zijn woordkeuze; van ‘jullie vaderland’ naar ‘het vaderland’. In 1652 laaide de strijd nog eenmaal op in Gulik, toen de Keurvorst van Brandenburg zijn onvrede over de behandeling van de protestanten in Gulik en het nabijgelegen Berg tot uiting bracht. Deze zogeheten Koeienoorlog eindigde na een paar korte schermutselingen.

De Vrede van Praag (1635) had de Dertigjarige Oorlog moeten beëindigen, maar omdat Hessen-Kassel werd bestuurd door een calvinistische landgraaf bleef het onrustig. Er bleef namelijk veel onduidelijkheid bestaan over het lot van de calvinisten: mochten de calvinistische vorsten hun functie blijven uitoefenen, was hun bezit gewaarborgd? De lutherse Landgraaf van Hessen-Darmstadt verzocht de keizer het vorstendom Hessen-Kassel aan hem toe te kennen en zijn calvinistische achterneef van zijn bezit te ontdoen. Landgraaf Willem V wachtte niet op een uitspraak, maar nam weer de wapens op om zijn gebied te verdedigen. Als gevolg hiervan werd hij door de keizer verbannen en trok hij met zijn vrouw en zonen naar Oost-Friesland. Zijn dochters bleven in Kassel achter.

De edelen in Hessen-Kassel bleven trouw aan hun landgraaf en toen Willem V overleed (1637) zwoeren zij op heel korte termijn trouw aan de – absente – Willem VI. Zijn moeder, Amelie Elisabeth, werd regent en legeraanvoerster van het in Oost-Friesland resterende leger; de edelen in Hessen-Kassel vielen voorlopig onder het waarnemend bestuur van de Landgraaf van Hessen-Darmstadt. Toen laatstgenoemde het gebied formeel tot het zijne wilde maken, verklaarde de adel dat ze slechts loyaal konden zijn aan één vorst tegelijk. Het duurde tot het voorjaar van 1640 voordat de jonge landgraaf en zijn moeder terugkeerden. Amelie had tot taak het beleid van haar wijlen echtgenoot voort te zetten. Daar het vorstendom volledig bezet werd, nam zij de taak op zich om het te bevrijden.

In 1646 hadden de troepen van Amelie Elisabeth dringend voedsel nodig. Toen de vereiste toestemming van de adel op zich liet wachten, vorderde Amelie 4.000 Malter graan. Dit leidde tot groots protest, aangezien oude adellijke privilegiën werden geschonden. Toen de adel elkaar wilde spreken in hun klooster te Kaufungen, werd hierop ingegrepen: Amelie interpreteerde zulk een samenkomst als ondermijning van haar autoriteit en majesteitsschennis.

In de hierop volgende polemiek gebruikte de adel van Hessen-Kassel vaderland-terminologie om aan te geven dat de oorlog en aanverwante belastingen de welvaart van het vaderland schaadden en zij hierover – als goede patriotten – moesten overleggen. De landgravin, en later haar zoon Willem VI, stelde hiertegenover dat belastingen geheven moesten worden om de welvaart en het vorstendom juist te beschermen in tijden van crisis. Dit verschil in inzicht leidde ertoe dat de adel de vorst zag als iemand

die mogelijk een *absolutus Dominatus* probeerde te vestigen, terwijl de vorst de adel zag als opstandelingen die juist in crisistijd de macht van de vorst ondermijnden.

Het verbod op samenkomsten werd als een ernstige beperking van privilegiën gezien. De adel liet een advocaat een verzoek bij het Rijkskamergerecht indienen. Ze werden in hun gelijk gesteld middels een *mandatum inhibitorium et cassatorium sine clausula* (1647). Daar de edelen de situatie eerst zonder drukmiddel wilden oplossen, toonden zij de uitspraak van de rechtbank pas in 1650. Kort hierop werd er in naam van de landgravin afwijzend gereageerd middels de *exceptiones sub- et obreptionis*. Het Rijkskamergerecht vaardigde een opnieuw uitgevaardigd mandatum uit in 1651. Hierin werd vooral aandacht besteed aan de gevangenneming van twee edellieden door de landgravin, enkele jaren eerder. Toen, in 1652, de problemen nog steeds niet opgelost waren, reageerden de edelen middels een *Replica*. De belangrijkste punten hierin waren: de ontwijking van hun rechten inzake belastingen, het verbod op samenkomen en de gevangenschap van adellijke vertegenwoordigers. Landgraaf Willem VI, die zijn moeder inmiddels was opgevolgd, stuurde een formele reactie (*Duplica*). In deze tekst legt de Landgraaf uitgebreid de beweegredenen voor zijn handelen uit. In reactie hierop schreef de adel een korte aanvulling op hun eerdere *Replica*. In dit stuk, de *Triplica*, stelden zij dat hun loyaliteit niet werd erkend, terwijl zij Landgraaf Willem VI vanaf het begin hadden gesteund. Een *Quatruplica* werd door de Landgrafelijke Advocaten geschreven, maar hoefde niet meer te worden ingezet: op 2 oktober 1655 kwam het tot een verdrag tussen de edelen en de landgraaf. Dit gebeurde zonder de – kostbare – tussenkomst van het Rijkskamergerecht en dient als een compromis te worden gezien. De vorst mocht in noodgevallen belastingen heffen, zonder toestemming, maar moest dan wel achteraf verantwoording afleggen. Tevens werd vaderland-terminologie overgenomen in het verdrag (§ 4) door te stellen dat horigen ingezet mochten worden bij het verzekeren van de veiligheid van het vaderland.

In Bretagne mochten de *états* zelf bepalen hoe zij de belastingen organiseerden, zonder tussenkomst van de koning. De regering in Parijs besliste wel hoeveel belastingen betaald moesten worden. Hier speelden de goede contacten van de hoge adel met het hof (patron-clientrelaties) een grote rol, daar er enige onderhandelruimte bestond omtrent de belastingbedragen. Vanaf 1635 was Frankrijk betrokken bij zowel de Dertigjarige Oorlog als de Frans-Spaanse Oorlog, dientengevolge nam ook de belastingdruk toe. Onder de bevolking groeide het idee dat minister Mazarin profiteerde van de oorlogen en liever geen vrede wilde hebben. In 1648 brak daarom de Fronde uit.

In Bretagne bleef het in eerste instantie rustig. Dit kan mede worden verklaard door de goede contacten die twee van de belangrijkste edelen, Hertog de la Meilleraye en Hertog de la Trémoille, met Mazarin onderhielden. Hertog de Rohan stond aan de zijde van de Prinsen Condé en Conti, die tegen Mazarin's beleid waren. In 1649 werden de *états* van Bretagne bijeengeroepen om over de belastingen van dat jaar te spreken. Zij kwamen overeen dat er 1.700.000 livres betaald moesten worden, en hoe de belastingdruk over de bevolking verdeeld zou worden. Verder werd er gesproken over wat er gedaan moest worden met Spaanse gevangenen, werden zaken van wanbeleid doorgestuurd naar het *Parliament* (gerechtshof) en werd er een onderzoek naar de vrijheid van handel werd ingezet.

De vergadering van 1651 verliep minder soepel. Vooraleerst deed zich een probleem voor rondom de keuze van een voorzitter van de vergadering. De Hertog van Rohan wilde deze rol op zich nemen, maar werd hierin dwarsgezet door De la Trémoille – ondanks een waarschuwing van Mazarin om dit niet te doen. Uiteindelijk werd Rohan door soldaten de stad Nantes uitgezet en vertrok hij naar Rennes om zijn gelijk via het *Parliament* te halen. Dit lukte, maar had uiteindelijk als gevolg dat Mazarin zich vanuit Parijs met het conflict ging bemoeien. Hij gaf aan dat het echt nodig was dat de standen nu

besluiten zouden gaan nemen, aangezien er al 39 dagen verstreken waren. Uiteindelijk werd wederom akkoord gegaan met 1.700.000 *livres*.

In niet één van de teksten uit Bretagne wordt gebruik gemaakt van vaderland-terminologie. Er zijn hiervoor meerdere verklaringen. Vooraleerst had dit gebied geen directe last van de oorlogsvoeringen: er waren geen legers aanwezig, noch trokken deze door het gebied heen. Verder mochten de standen van Bretagne zelf hun belastingzaken organiseren en behielden zij hun autonomie, mits zij geen kritiek leverden op het koninklijk beleid. Tot slot had de hoge adel baat bij de situatie op dat moment.

Enerzijds hadden de standen in Bretagne weinig ruimte om de hoogte van de belastingen te beïnvloeden, maar anderzijds had de rijke hoge adel via persoonlijke contacten aan het hof wel enige ruimte voor onderhandeling. Bovendien had de koning regelmatig extra geld nodig, bovenop de belastinginkomsten. De rijke adel voorzag in grote leningen en verkreeg zo een machtige positie. De koning had als tegenwicht de mogelijkheid om rechten formeel te beperken. De meeste Franse gebieden waren *Pays d'élection*, wat inhield dat zij rechtstreeks vanuit Parijs werden bestuurd. Bretagne, als *Pays d'état*, had een meer autonome positie. Deze grotere autonomie was niet onaantastbaar. Veel gebieden hadden hun rechten verloren en waren omgevormd van *Pays d'état* naar *Pays d'élection* door de koning. De rechten en privileges van Bretagne en haar adel konden dus weggenomen of beperkt worden. Deze wederzijdse afhankelijkheid betekende dat meebuigen met de verzoeken vanuit Parijs zo dus haar positieve effecten had voor beide partijen.

De belastingdruk in Gulik nam in de onderzochte periode (1642-1652) drastisch toe toen de Hessische troepen het gebied bezochten en financiële 'ondersteuning' eisten. De belastingdruk voor inwoners verdrievoudigde vervolgens. In Bretagne bleef de belastingdruk nagenoeg hetzelfde, met slechts kleine fluctuaties. De in grammen zilver uitgedrukte belastingdruk geeft echter een beperkt beeld. Dit komt enerzijds doordat schade aan gebouwen, land en voedselvoorzieningen niet wordt meegenomen. Dit laatste is zeer relevant voor Gulik. Anderzijds blijft de hoeveelheid voedsel (graan) die met dit zilver gekocht kon worden buiten beeld. Zodoende zijn berekeningen gemaakt hoeveel graan er gekocht kon worden, alsook hoeveel kCal dit zou opleveren. Door uit te rekenen hoeveel kCal de bevolking onthouden werd door hogere belastingen, is uitgerekend hoeveel honger (in dagen) er werd geleden. Hieruit blijkt dat in Gulik de bevolking in 1646 45 dagen en in 1653 35 dagen honger leed en over het algemeen meer dan 15 dagen per jaar te weinig voedsel had. In Bretagne bleef de honger in twee jaar beperkt tot minder dan 15 dagen.

Vaderland-terminologie werd dus in de onderzochte kleine en homogene vorstendommen van het Heilige Roomse Rijk gebruikt. Het werd door de adel aangewend om kritiek te leveren op de vorstelijke oorlogs- en belastingpolitiek in crisistijd. De edellieden leverden vooral kritiek vanwege de schending van hun privilegiën. Dit zou uiteindelijk kunnen leiden tot de vestiging van een absoluut bestuur, waardoor de adel in het geheel geen invloed meer zouden hebben. Door kritiek te uiten, middels pamfletten of een rechtszaak, hoopten zij hun positie te beschermen. Hiermee vertoont de vaderland-terminologie dus overeenkomsten met het door Vroomen onderzochte gebruik in de Republiek. In de grote en heterogene provincie Bretagne werd er geen gebruik gemaakt van vaderland-terminologie. Hier dient de verklaring gezocht te worden in het verlies van autonomie wanneer er *wel* kritiek geuit werd.

Indien de welvaart van het vaderland en haar inwoners ernstig werd bedreigd en dit gevaar merkbaar was voor de edelen, zagen zij de noodzaak het vooronderstelde ambt van patriot op zich te nemen. Op die manier kon de edelen in de Duitse vorstendommen kritiek uiten op de politiek van hun vorst zonder als rebellen te worden gezien. De liefde voor het vaderland stond centraal in de argumentatie en niet de loyaliteit aan hun vorst. Zodoende konden de hertog en landgraaf weinig problemen hebben met deze onderbouwing.

Summary

This thesis deals with the use of fatherland terminology—including fatherland, *patria*, patriot (and *natio*)—by the nobility in the period between 1642-1655, and does so in the format of a comparative study of the principalities of Jülich and Hesse-Cassel and the province of Brittany. This study poses the question under what circumstances the nobility used the above mentioned words, and whether the economy of size of the said principalities, or the homogeneity or heterogeneity of the nobility, impacted the use of this terminology. With these questions, this research is complementary to Ingmar Vroomen's study of the Dutch Republic, which found that both the Prince of Orange and the burghers supporting his rule used these words. However, where Vroomen's research focused on a small homogeneous area with no prince, this dissertation focuses on both small homogeneous principalities (Jülich and Hesse-Cassel), and on a large heterogeneous province (Brittany), in its objective to study what influenced the use of the terminology.

The two small German principalities in this research numbered between 200,000 and 400,000 inhabitants. Furthermore, they both had a homogeneous nobility, and the same objectives: protecting their lands and tenants. The areas had been severely damaged by the Thirty Years' War. The ancient Duchy of Brittany, on the other hand, did not engage in either the Thirty Years' War or the Franco-Spanish War. The population of Brittany amounted to 1.8 million, and the region had a very heterogeneous nobility: varying from the very poor with barely any possessions to those rich enough to lend money to the French King. Despite unification with France in 1532, Brittany maintained an autonomous position as a *Pays d'état*.

Jülich, as one of the principalities of the Lower Rhine Area, was ruled by Wolfgang Wilhelm, Count Palatine of Neuburg, Duke of Jülich and Berg since 1609. His uncle died without issue, resulting in a war of succession (1609-1614). The war ended with the provisional treaty of Xanten (1614), which divided the principalities between the Prince-Elector of Brandenburg and Duke Wolfgang Wilhelm. Thus a *de facto* rule commenced, as the principalities were neither officially separated from each other, nor did the emperor acknowledge the treaty. Moreover, the emperor would have been obliged to grant his permission to separate the areas, but he refused to cooperate. As such, the inhabitants of Jülich did not consider Duke Wolfgang Wilhelm to be their ruler, and instead considered him possessor of the principality. Religious matters were enormously complicated with a Lutheran prince-electoral converting to Calvinism, and vice versa, a Lutheran duke converting to Catholicism. The 'whose realm, whose religion' rule still applied, and as both officially ruled over the whole Lower-Rhine Area, both religions had to be accepted.

Jülich found itself at the crossroads of armed forces moving from the Habsburg Netherlands into the Holy Roman Empire when the Thirty Years' War broke out. Duke Wolfgang Wilhelm attempted to maintain a neutral position and even negotiated in 1635, with imperial permission, to achieve it. However, having plenty of resources, the area was too appealing to be left alone. The emperor himself billeted his soldiers in Jülich, and Hessian troops also came to seek resources. The duke had hoped that payments would result in the withdrawal of the Hessian troops, but instead they attracted more foreign troops eager to extract money. Thus the duke was compelled to levy extra taxes. The nobility criticised this situation: their privileges were being violated because the necessary consent in tax-matters had not been sought, and the inhabitants were being severely endangered in their means of life. 'Loyal patriots'

met each other in Cologne to deliberate about the situation of their ‘beloved fatherland’. In Cologne pamphlets were issued and spread as far as the Dutch Republic. In one of these pamphlets, printed on 3 March 1645, the malicious intentions of the duke were explicitly mentioned. The pamphlet claimed that the duke was employing *soldatesca* (uncontrolled soldiers) to damage the lands, in an effort to establish an *absolutus Dominatus*, and thereby significantly limit the influence of the nobility.

The Hessian troops needed to be paid before they would leave, well after the signing of the Peace of Westphalia. Anticipating possible negative reactions, the duke admitted that he should have acted in a more fatherly way, and changed his terminology from ‘your fatherland’ to ‘the fatherland’. In 1652 troubles rose once more in Jülich, when the Prince-Elector of Brandenburg expressed his concerns regarding the ill-treatment of Protestants in Jülich and Berg. The subsequent so-called War of the Cows ended after only a few skirmishes.

The Thirty Years’ War should have ended with the Peace of Prague (1635), but the Calvinist Landgrave of Hesse-Cassel did not consider his possessions sufficiently safeguarded by the treaty. The position of Calvinist princes was inconclusive: were they to remain in power? The Lutheran Landgrave of Hesse-Darmstadt even requested the emperor to grant him the Landgraviate of Hesse-Cassel in reward. Landgrave William V did not await the verdict and took up arms again to defend his principality. As a result of this – and alliances he had struck with Sweden and France – he was banished to Eastern-Frisia with his wife and sons, though his daughters remained in Cassel.

The nobility of Hesse-Cassel remained loyal to their landgrave, and when Landgrave William V passed away in 1637 they swore their oath of allegiance to the then absent William VI. His mother, Amelie Elisabeth, became regent and commander-in-chief of the remainder of the forces in Eastern Frisia. The nobles fell under the acting government of the Landgrave of Hesse-Darmstadt. When he attempted to formalise his rule, the nobles declared that they could only serve one landgrave, Landgrave William VI. It was not until the spring of 1640 that the young landgrave and his mother were in a position to return to Hesse-Cassel. In Landgrave William V’s will it had been stipulated that Landgravine Amelie Elisabeth was to continue the policy of her late husband, and as the principality was occupied, she interpreted this to include liberating the lands.

In 1646 Amelie’s troops needed resources. Unfortunately however, the required consent of the nobility to levy taxes was not received expediently enough. Hence, Amelie ordered the requisitioning of 4,000 *Malter* of corn. This led to much protest, as ancient noble privileges were being violated. The nobility assembled in their convent in Kaufungen, but were reproached: the landgravine interpreted such an assembly as undermining her authority and committing *lèse-majesté*. A polemic followed in which the nobility of Hesse-Cassel applied fatherland terminology to indicate that the warfare and related taxation damaged the welfare of the fatherland, and that they, as loyal patriots, would have to consult each other in this matter. Landgravine Amelie Elisabeth, and later her son, Landgrave William VI, argued that the taxes had to be levied in order to protect the principality from further harm. This different point of view caused the nobility to fear for the establishment of an *absolutus Dominatus*, whereas the landgravine viewed the actions of the nobility as possibly undermining her government.

Amelie Elisabeth also forbade the nobles to assemble; a ban which was considered a severe violation of their privileges. The nobility had their lawyer draw up a request for the Imperial Chamber Court to lift this ban and reprimand the landgrave. They were put in their right with a *mandatum inhibitorium et cassatorium sine clausula* (1647). Despite this verdict, the nobles set out to try to reach

a settlement with the landgravine without applying legal pressure. However, they were unsuccessful and so requested the mandatum to be re-issued in 1650. Shortly thereafter, the *exceptiones sub- et obreptionis* were issued on behalf of the landgrave. The Imperial Chamber Court issued a new mandate (*secundum*) in 1651 and 1652, in which much attention was given to the imprisonment of two noblemen by the landgrave. When, in 1652, the issues were still unresolved, a *Replica* was sent on behalf of the nobles concerning the issues of their not being consulted in tax-matters, the prohibition of assemblies, and the imprisonment of two noble representatives. Landgrave William VI, who had succeeded his mother in 1650, replied with a formal *Duplica*. In response to this document, the nobility wrote a *Triplica*, in which they added information that had been left out of their *Replica*; in it they argued specifically that their loyalty had neither been recognised nor mentioned. On 2 October 1655 a final agreement was reached between the landgrave and his nobility, without the costly interference of the Imperial Chamber Court. It was a compromise in which the landgrave could, in cases of emergency, levy taxes without consent, but would have to account for his deeds afterwards. Fatherland terminology was also used in the agreement, as it stated that the tenants could be employed to defend the fatherland.

In the province of Brittany the *états* were allowed to organise taxes without the king intervening. The government in Paris did, however, decide on the amount of tax to be levied. The well-established contacts between the high nobility and the court (patron-client relations) played a major role in this, as it offered some room to negotiate the amounts. From 1635 onwards, France participated in both the Thirty Years' War and the Franco-Spanish War, and the tax-pressure rose. Mazarin profited from the warfare and showed not the slightest sign of seeking peace, or so it was rumoured, and hence the civil war known as the Fronde broke out.

Brittany did not suffer much from the Fronde at first. This can be explained by the good relationships of two of the most important noblemen of Brittany – Duke de la Meilleraye and Duke de la Trémoille – with Mazarin. The third important nobleman, Duke de Rohan-Chabot, however, sided with the Princes Condé and Conti who opposed Mazarin's policy. In 1649 the *États* of Brittany were summoned to debate the taxes of that year and agreed with the payment of 1,700,000 livres. Other topics discussed during the assembly were: what to do with Spanish prisoners, the redirection of defaulter issues to the *Parliament* (court), and an investigation of the freedom of trade.

The assembly of 1651 did not go as smoothly as the 1649 meeting. The first issue that arose was who would preside over the gathering. Although Duke de Rohan-Chabot accepted this role, Duke de la Trémoille intervened, despite the warnings of Mazarin. In the end, Rohan-Chabot was removed from the city of Nantes by soldiers and left for Rennes to seek justice in *Parliament*. He succeeded, but subsequently Mazarin started to interfere in Brittany's conflict, remarking that it was really necessary for the *états* to start making decisions. Eventually they agreed on 1,700,000 livres in taxes for another year.

Fatherland terminology is not used in a single text of the *états*. This can be explained in various ways. Firstly, the province experienced neither warfare, nor the presence or invasion of armies. Secondly, the *états* could organise tax-matters themselves, and thus could hold on to their autonomous position, as long as they did not criticise the royal policy. Finally, the higher nobility benefited from a situation in which they could lend money to the crown.

On the one hand, the *états* of Brittany had little room to influence the amount of taxes to be paid. On the other hand, the high nobility could affect matters through their personal contacts at the court in

Paris. Above all, the king frequently needed extra money in addition to the taxes. Although by lending money the rich could thus obtain a more influential position, the king was far from powerless and retained 'the right to curtail privileges. While most areas in France were *pays d'élection*, which entailed direct influence from Paris, Brittany was a *pays d'état* which meant a more autonomous position. The desire to prevent this loss of rights from happening to Brittany entailed that it was in the interests of the nobility to work with the king rather than against him. This relationship was positive for both the king's finances and the autonomy of Brittany.

In conclusion, the tax-pressure in Jülich increased enormously in the years between 1642-1652, especially when the Hessian troops started submitting demands for resources. The burden on inhabitants tripled. In Brittany the pressure of taxation remained nearly the same, with only small fluctuations. Expressing the taxes in grams of silver offers only a narrow view on the matter and overlooks the issues of damage to buildings, land, and food supplies, which cannot be calculated but were most relevant to Jülich. Furthermore, the amount of food (grain) that could have been purchased with the silver is not indicated. As such, calculations have been made as to how much grain could have been bought, as well as how many kilocalories (kCal) this would have yielded. By calculating the kCal the amount of food has been determined how much food the population was deprived of by increased taxation and how much hunger (in days) this caused. The inhabitants of Jülich suffered 45 days of hunger in 1646 and 35 days in 1653, in general they were faced with a shortage of food of about 15 days each year. In Brittany the population generally faced less than 15 days of hunger – caused by increased taxes – with only two exceptions.

Fatherland terminology was applied in the small, homogeneous principalities (Jülich and Hesse-Cassel) of the Holy Roman Empire that have been studied in this thesis. It was used by the nobility to critique princely war and taxation-policy in times of crisis. This especially applied when actions involved the violation of privileges, and could possibly result in the establishment of an *absolutus Dominatus* diminishing the influence of the nobility which was a consequence feared by the nobility of these principalities. By criticising this violation of their rights and privileges through the use of pamphlets or law suits, the nobility hoped to protect their position. Thus, the analysis of these regions shows many similarities with Vroomen's research of the Dutch Republic. In the large, heterogeneous province of Brittany, on the other hand, the terminology was not applied. This should be seen in the light of the risk to the nobility of losing an autonomous position, if they critiqued the king's policy, and the fact that the taxes were not as much of a burden to the inhabitants of Brittany as they were in the Holy Roman Empire.

If the welfare and prosperity of the fatherland and its inhabitants were severely endangered, the nobility of Jülich and Hesse-Cassel would object and would resort to the presupposed office of patriot. In this way the German nobility could object to princely policy without being rebellious. The love of the fatherland, rather than loyalty towards their ruler, was central to the arguments employed by the nobility. As such, both the duke and the landgrave could hardly object to the line of argumentation followed by the nobility of the two principalities.

Curriculum Vitae

Christel Annemieke Romein (Dordrecht, 1984) studied History (BA) and History of Society (MA) at the Erasmus University Rotterdam; with minors in Medieval History, Didactics (Leiden University), and Cultural History (EUR). She graduated in 2007, on a thesis about 17th century active-preventive legislation in the province of Gelderland, and in 2008 she obtained a Master of Education in teaching History and Political Science as well as one Master of Education in teaching Social Studies and Civics. Consequently, she taught for three years at her old secondary school in Zwijndrecht.

Romein returned to academia in the summer of 2011, starting the research to ‘fatherland, *patria* and patriot’ in Jülich, Hesse-Cassel and Brittany. This research is part of the NWO project: “‘Reason of State’ or ‘Reason of Princes’? The ‘New Monarchy’ and its opponents in France, Germany and the Netherlands, during the seventeenth century.” She has published several articles and chapters on the topic of this dissertation, including the English article: ‘Fatherland Rhetoric and the ‘threat of absolutism’: Hesse-Cassel and the Reichskammergericht (1646-1655)’ in: *Seventeenth Century* 29:3; and a German publication has been printed: ‘Vaterland, *patria* und Patriot in den Rechtsangelegenheiten Hessen-Kassels (1647-1655)’, in: A. Denzler, E. Franke & B. Schneider (eds.) *Prozessakten, Parteien, Partikularinteressen Höchstgerichtsbarkeit in der Mitte Europas vom 15. bis 19. Jahrhundert* (bibliothek altes Reich, 17; Oldenbourg 2015). She has been active as a book reviewer for *The Seventeenth Century*, *German History*, *BMGN – LCHR*, *Rheinische Vierteljahrsblätter*. Next to doing research, Romein has been active in teaching History of Preindustrial Societies/ Early Modern Societies and Palaeography at the Erasmus University. This last course she also taught as a workshop at the Westfälische Wilhelms Universität in Münster, as a result of receiving a Erasmus⁺-Grant for Staff Exchange.

Publications

Parts of this thesis have appeared before, though in an alternative version and phrasing. This is with acknowledgement and permission of the publishers.

- C.A. Romein, “Fatherland Rhetoric and the ‘threat of absolutism’: Hesse-Cassel and the Reichskammergericht (1646-1655)” *Seventeenth Century*. Volume 29, no. 3 (2014), pp. 277-292.
DOI:10.1080/0268117X.2014.926458.
- C.A. Romein, ‘Fatherland rhetoric and the nobility’s loyalty in German principalities Jülich-Berg (1642-1652) and Hesse-Cassel (1646-1655)’, in: Quiros Rosado, Roberto and Bravo Lozano, Cristina, *Los hilos de Penélope. Lealtad y fidelidades en la Monarquía de España (1648-1714)*. (Albatros Ediciones, Valencia 2015), 57-66.
- C.A. Romein, “Vaterland, patria und Patriot in den Rechtsangelegenheiten Hessen-Kassels (1647-1655)”, in: A. Denzler, E. Franke & B. Schneider (eds.), *Prozessakten, Parteien, Partikularinteressen Höchstgerichtsbarkeit in der Mitte Europas vom 15. bis 19. Jahrhundert* (bibliothek altes Reich, 17). (Oldenbourg, De Gruyter, 2015), 117–136.
DIO Chapter: 10.1515/9783110360202-008
- C.A. Romein, ‘Gulik: dynastieke belangen, oorlog en welvaart. De woordkeuze van de getrouwe patriot 1642-1652.’ in: *Handelingen van de Koninklijke Zuid-Nederlandse Maatschappij voor Taal- en Letterkunde en Geschiedenis*. Jaargang 68 (2014), pp. 139-150.

Other output

Bookreviews

- Romein, C.A. (2015). Book review Peter Nissen & Hein van der Bruggen, *Roermond. Biografie van een stad en haar bewoners* Maaslandse Monografieën Grote Serie Deel 12 (Verloren, Hilversum 2014), S. 659, ISBN: 978-90-8704-192-2; €35,00. *Rheinische Vierteljahrsblätter*. (accepted; forthcoming).
- Romein, C.A. (2014). Die Erschaffung der landständischen Verfassung: Kreativität, Heuchelei und Repräsentation in Hessen (1509–1655) [Review: *Die Erschaffung der landständischen Verfassung: Kreativität, Heuchelei und Repräsentation in Hessen (1509–1655)*]. *German History (online/ journal)*.
- Romein, C.A. (2014). Olivia Horsfall Turner, “The Mirror of Great Britain”: national identity in seventeenth-century British architecture [Review: “*The Mirror of Great Britain*”: national identity in seventeenth-century British architecture]. *The Seventeenth Century*. Volume 29, Issue 2, (2014) 212-214. DOI:10.1080/0268117X.2014.893409
- Romein, C.A. (2014). Protestant cosmopolitanism and diplomatic culture: Brandenburg– Swedish relations in the seventeenth century [Review: *Protestant cosmopolitanism and diplomatic culture: Brandenburg– Swedish relations in the seventeenth century*]. *The Seventeenth Century*. Volume 29, Issue 2, (2014) 219-221. DOI:10.1080/0268117X.2014.893410
- Romein, C.A. (2014). Oorlogsliteratuur in de vroegmoderne tijd. [Bespreking van het boek: L. Jensen en N. Geerdink (red.), *Oorlogsliteratuur in de vroegmoderne tijd. Vorm, identiteit en herinnering*. (Hilversum: Verloren, 2013, 240 blz., € 25,-, ISBN 9789087043414)] *BMGN – LCHR volume 129 (2004)*.
- Romein, C.A. (2014). Adel en ridderschap in Gelderland. [Bespreking van het boek: C.O.A. Schimmelpenninck van der Oije, F. Keverling Buisman, M.V.T. Tenten F.J.W. van Kan (eds.), *Adel en ridderschap in Gelderland. Tien eeuwen geschiedenis* (Zwolle, WBooks, 2013, 384 pp., €49,95, ISBN 9789066304505) *BMGN-LCHR volume 129 (2004)*.
- Romein, C.A. (2014). Sir Robert Filmer (1588-1653) and the patriotic monarch. Patriarchalism in seventeenth-century political thought. [Review of: C. Cuttica, *Sir Robert Filmer (1588-1653) and the patriotic monarch. Patriarchalism in seventeenth-century political thought*. (Manchester, Manchester University Press, 2012, x + 283pp. \$ 105,00, ISBN 978-0-7190-8374-7) *The Seventeenth Century* volume 29, no. 4 (2014).

Popular publications

- C.A. Romein (2014, 12 November), [vrede-van-xanten](http://www.isgeschiedenis.nl/nieuws/vrede-van-xanten/)
<http://www.isgeschiedenis.nl/nieuws/vrede-van-xanten/>

Invited lectures

- Romein, C.A. (2015) "Nobles contesting the legitimacy of policy and rule in Jülich. Dutch Pamphlets and Assemblies in Cologne (1642-1652)." At: *Barriers and borders in and beyond the Habsburg world: A transregional perspective*, to be hosted at KU Leuven on 19-20 November 2015.
- Romein, C.A. (2014). 'Gulik: dynastieke belangen, oorlog en welvaart. De retoriek van de getrouwe patriot 1642-1652': Gent, Koninklijke Zuid-Nederlandse Maatschappij voor Taal- en Letterkunde en Geschiedenis (22 maart 2014). (Language: Dutch)
- Romein, C.A. (2013). Fatherland rhetoric in lawsuits. Hesse-Cassel and the Reichskammergericht (1646-1655). Althusius Gesellschaft Tagung 2013: Confessional Paradigms for European Politics and Jurisprudence in the 17th Century?: Rotterdam (2013, May 15 - 2013, May 18).
- Romein, C.A. (2013). 'Loyalty to the Fatherland'-Rhetoric, comparison between two German territories in early modern times (1642-1655). Seminario Científico "Los hilos de Penélope. Lealtad y fidelidades en la Monarquía de España (1648-1714): Madrid (2013, March 20 - 2013, March 22).
- Romein, C.A. (2013). Fatherland rhetoric in early modern Jülich and Hesse-Cassel (1642-1652/1655)/ Vaterland Rhetorik in der frühen Neuzeit, Jülich und Hessen-Kassel (1642-1652/1655). SEMINAR FÜR MITTLERE UND NEUERE GESCHICHTE, Prof. Dr. Marian Füssel / Prof. Dr. Manfred Jakobowski-Tiessen: Göttingen (Germany) (2013, January 29).

Other peer-refereed conference presentations

- Romein, C.A. (2013). "... due to [our] continuous loyalty as the result of righteous and Patriotic affinity and affection to this beloved Fatherland and its inhabitants..." The use of Fatherland rhetoric compared in Early Modern German Territories (1642-1655). Erasmus Center – Research Seminar: Rotterdam (2013, January 24).
- Romein, C.A. (2013). Herstel van de orde. Loyaliteit en Vaderlandsrhetoriek in Jülich-Berg en Hessen-Kassel (1642-1655). PhD-Day Geschiedenis 2013, ESHCC: Rotterdam (2013, April 04).
- Romein, C.A. (2013). Fatherland rhetoric in lawsuits. Hesse-Cassel and the Reichskammergericht (1646-1655). Althusius Gesellschaft Tagung 2013: Confessional Paradigms for European Politics and Jurisprudence in the 17th Century?: Rotterdam (2013, May 15 – 2013, May 18).
- Romein, C.A. (2013). 'Early Modern Fatherland Rhetoric: it's aims and interpretation(s). The cases of Jülich and Hesse-Cassel.' Expert-meeting with Vidi-"Proud to be Dutch"-group Nijmegen: Nijmegen (2013, oktober 30).
- Romein, C.A. (2013). 'Fatherland rhetoric in lawsuits. Hesse-Cassel and the Reichskammergericht (1646-1655)'. 12. Nachwuchstagung Netzwerk Reichsgerichtsbarkeit: Wetzlar (2013, november 22 – 2013, november 23). – Referent: Prof. Dr. T. Simon.
- Romein, C.A. (2014, April 14)."Conditions to the estate's use of 'fatherland' and 'patriot' in argumentations. Preliminary findings: the cases of Brittany, Hesse-Cassel and Jülich-Berg." Hilversum, Huizinga Promovendi Symposium. – Referent: Prof. Dr. R.M. Esser.

- Romein, C.A. (2014) “Criticizing the Prince and defending the “Fatherland”. Political Rhetoric in Jülich, Hesse-Cassel and Brittany, 1642-1655.”Promovendi-symposium Politieke Geschiedenis – 27 June 2014. – Referent: Dr. L. Behrsh en F. Daudeij, MA.
- Romein, C.A. (2014, 31 July) Die Terminologie von ‘Vaterland’, ‘Patria’ und ‘Patriot’ in des unruhigen Zeiten des 17. Jahrhunderts. Jülich, Hessen-Kassel und Bretagne im Vergleich (1642-1655). Wolfenbüttel, Internationaler Wolfenbütteler Sommerkurs: ‘Die Bibliothek der Frühen Neuzeit als Raum der Ideen’
- Romein, C.A. (2014) “The perceived impact of warfare and taxations on welfare (1642–1655): the German principalities of Jülich-Berg and Hesse-Cassel in a comparative perspective with the French province of Brittany.” Workshop Munster: The impact of disasters on pre-modern rural economies: Consequences for the countryside in North-western Europe before 1850; 13-14 November 2014.
- Romein, C.A. (2014) “Rhetoric and Economics: the Nobility’s Perceived Impact of Warfare and Taxations on Welfare – 1642-1655”. The Netherlands, NIAS, Pre-conference/ workshop: War and economy 1648-1815; 4-5 December 2014.
- Romein, C.A. (2015) “The office of the ‘loyal patriot’: protecting the fatherland in Jülich and Hesse-Cassel, 1642-1655) at: Names and Naming in Early Modern Germany, 7th Frühe Neuzeit Interdisziplinär Conference 5-7 March 2015 Vanderbilt University; Nashville, Tennessee.
- Romein, C.A. (2015) “The nobility’s vocabulary to express concerns regarding the perceived impact of Warfare and Taxations on Welfare: 1642-1655”. Kyoto, XVIIthWorld Economic History Conference; August 2015.

(Invited) presentations related to MA-thesis/ future research

- Romein, C.A. (2014, 27 October) ‘Social Order’-legislation in the Low Countries. Policy in the Provinces of Flanders and Holland. (Seminar Herr Prof. Härter, Max-Planck-Institut für Europäische Rechtsgeschichte/ Frankfurt a/Main).
- Romein, C.A. (2016, 7 March) ‘Bona Politia in the Dutch Republic – Gelderland’, at: Research Group Contextual Research in law (CORE) at the Vrije Universiteit Brussel (7 March 2016).

