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MICHAEL KAISER and ANDREAS PEČAR (eds.), *Der zweite Mann im Staat: Oberste Amtsträger und Favoriten im Umkreis der Reichsfürsten in der Frühen Neuzeit*, *Zeitschrift für Historische Forschung*, Beiheft 32 (Berlin: Duncker & Humblot, 2003), 363 pp. ISBN 3 428 11116 8. ISSN 0931 5268. EUR 48.80

ANETTE BAUMANN, PETER OESTMANN, STEPHAN WENDEHORST, and SIEGRID WESTPHAL (eds.), *Reichspersonal: Funktionsträger von Kaiser und Reich*, *Quellen und Forschungen zur höchsten Gerichtsbarkeit im Alten Reich*, 46 (Cologne: Böhlau, 2004), vii + 406 pp. ISBN 3 412 18303 2. EUR 44.90

Who ran the early modern state? There was a time when most scholars would have identified monarchs as the key controlling figures. Over the last few decades, however, there has been a significant turn away from any notion of an absolutist state and a growing interest in other individuals and groups who participated in the political process. The nobility and the Estates generally are now recognized as key players. More recently, attention has focused on the favourite or first minister: figures such as Richelieu and Mazarin, Olivares and Lerma, Essex and Buckingham, who occupied that crucial space between ruler and ruled.

Even during their own lifetimes their careers were often the subject of fascinated commentary. Their frequently dramatic falls from grace and tragic ends have provided both writers and scholars with rich material. What is different about the more modern studies is the attempt to define the role that such figures played in the development of the state. Indeed, it has been suggested that the very existence of a favourite is in itself an indicator of evolving statehood. As political decision-making drifted away from the Estates, the favourite played a key mediating role until the emergence of ministers and bureaucratic regimes in the eighteenth century diminished the potential of figures defined only by their proximity to the monarch.

One of the problems of the discussion that has been generated principally by scholars such as John Elliott, Lawrence Brockliss, Joseph Bergin, and Ronald Asch is that it focuses on a relatively small number of major figures. Generalizations about the characteristics of the favourite and his role in the development of the early modern state might become firmer if they were based on a larger sample. Hence Michael Kaiser and Andreas Pečar are surely right to suggest

that the Holy Roman Empire offers an invaluable field for comparative study. In the plethora of small German courts, the range of possible examples is legion and the potential variations endless. At the same time, however, questions inevitably arise about the extent to which conditions in a small German court are really comparable with those in the major monarchies. Above all, there is the question about the nature of statehood in the early modern Reich, especially in relation to the suggestion that the Reich itself was a state. These issues are intriguingly elaborated in a further volume, edited by Annette Baumann, Peter Oestmann, Stephan Wendehorst, and Siegrid Westphal, that is dedicated to the personnel of the Reich.

Kaiser's and Pečar's volume undoubtedly broadens the range both geographically and chronologically. By focusing on the general category of the 'zweiter Mann' or 'second in command' they are able to extend the typology significantly and to include an extraordinarily wide cast of characters. Influence and immediate proximity to the ruler was the main criterion. Yet that could be characteristic of clergy, political ministers, courtiers, military leaders, or, indeed, mistresses. Equally important was the context in which such an individual operated. A relationship of trust between a ruler and a favoured individual was often crucial at times when efforts were being made to limit or reduce the power of the Estates, or when the protection of dynastic interests could not be entrusted to the councils of state. An essay by Alexander Jendorff on Hartmut von Kronberg of Mainz (d. 1591) emphasizes, by contrast, that although he was the Elector's brother-in-law and enjoyed his trust, he was not a favourite in the conventional sense. Rather, he mediated between Elector, cathedral chapter, and Imperial Knights, placing regional stability above all family and, indeed, confessional considerations.

The 'zweiter Mann' could be a leading official or office-holder directly appointed to exercise wide-ranging functions, a court favourite, or an exceptional individual able to wield influence far beyond his specific area of competence by virtue of the fact that he enjoyed the trust of the ruler. A 'zweiter Mann' might be qualified by legal knowledge, administrative expertise, or simply by a high degree of personal competence, especially in the much discussed but not easily specified noble or courtly virtues, or *savoir faire*. The 'zweiter Mann' could equally be a woman in the case of a mistress who came to play a significant political role. It is one of the virtues of this

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volume that it rescues mistresses (specifically Countess Cosel of Saxony and Christina Wilhelmine von Grävenitz of Württemberg) from the moralizing sexual stereotyping of nineteenth-century historiography.

Two further categories add additional contours. Some figures such as Wallenstein (Christoph Kampmann) and Joseph Süß Oppenheimer (Peter Wilson) only became recognized, or rather excoriated, as favourites after their fall from power. This reflects, Kaiser and Pečar suggest, the negative image of the favourite or first minister in the contemporary literature. Indeed, throughout the 'classic' age of the favourite from the sixteenth to the early eighteenth century, Tacitus's image of Lucius Aelius Sejanus, favourite of Emperor Tiberius and prefect of the praetorian guard, served as an explanatory stereotype, especially when it came to the abject demise of a hated figure.

Secondly, the reforming ministers of the second half of the eighteenth and early nineteenth century, represented here by Kaunitz (Franz A. J. Szabo) and Montgelas (Walter Demel), seem to represent a distinctly new type. Like their predecessors in the role of 'zweiter Mann' they exercised power by virtue of (often multiple) ministerial office. Yet they were in no sense old-style favourites, but rather forerunners of the kind of nineteenth-century chief minister exemplified by Bismarck.

The German situation was, of course, different from that of the major monarchies. Only Austria really approached them in size and significance. Furthermore the framework of the Reich provided opportunities not available elsewhere. One aspiration of many leading figures in the service of a German prince was to use that ruler's influence and intercession to acquire an Imperial title of nobility, which could further bolster a position built up with influence, money, and lands. A career blocked in one territory could be resumed in another, or even translated into service with the Emperor himself. Ferdinand von Plettenberg, for example, as Marcus Leifeld explains, was the favourite and chief adviser of Clement August of Cologne from 1721 to about 1733, during which time he accumulated vast wealth, was elevated to the dignity of an Imperial Count (1724), and admitted to the Order of the Golden Fleece (1732). When he fell out of favour with the Elector, he entered the Emperor's service as Imperial plenipotentiary to the Lower Rhine-Westphalian Circle and

then secured appointment as Imperial ambassador to the Papacy (an office he was, however, unable to take up before his death in 1737). None of that, however, spared others from the dire fate of a fallen favourite, such as Countess Cosel whose fall from grace at the court of Augustus the Strong was the prelude to forty-nine years of imprisonment.

The sheer variety of individual cases frustrates any clear conclusions. That, however, is the strength of this volume. It takes a debate that has been largely focused on a few western European examples and demonstrates how the much wider range of German cases can be used productively to extend the typology and broaden the chronological range. The European context is outlined by Ronald Asch in the kind of concise yet wide-ranging comparative essay at which he excels. The chronological range is suggested by examples taken from the sixteenth century (Hartmut XIII von Kronberg and Wilhelm von Jocher) to the early nineteenth century (Montgelas). Three clusters of essays devoted respectively to Bavaria, Brandenburg, and Austria allow insights into the evolution of agents of political influence within specific regional institutional contexts.

Kaiser's and Pečar's volume does not include an essay on the 'zweiter Mann im Alten Reich', as Peter Claus Hartmann has styled the Reich's Archchancellor, Director of the Electoral College, and Elector of Mainz. And while he is not directly dealt with in the collection edited by Baumann, Oestmann, Wendehorst, and Westphal, he is in a sense a constant presence in their volume. Their question is simple. Did the Reich ever develop anything that might be described as a 'personnel'?

As the editors rightly point out, the traditional focus on the development of state structures at the territorial level, notably in Prussia, has probably inhibited the serious treatment of the Reich in this respect. On the other hand, the more recent attempts, notably by Georg Schmidt, to understand the Reich as a state naturally prompt questions about who exactly represented 'Kaiser und Reich' on the ground. Who managed their affairs or executed the decisions made in their name? If there was such a group, did it have common characteristics? Did it develop a sense of itself as a 'functional élite'? Did it embody an Imperial ethos? Did it cumulatively help to develop an awareness or consciousness of the Reich among its inhabitants? Many studies have examined the significance of the Emperor's clien-

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tele for the early modern Reich. By contrast, almost nothing has been written about those who worked for or in the various institutions that were developed from the 1490s onwards.

It is difficult even to define clearly exactly who should be included in such a group. Among those whom Baumann and her colleagues suggest should be *excluded* are the holders of Imperial Arch Offices (*Erzämter*) and the Hereditary Offices (*Erbämter*), the individual Imperial Estates (ruling counts, princes etc.), dignitaries of the Imperial Church, those who held offices at court, the Imperial villages and monasteries, and Imperial Knights. Simply including anyone whose office or job title enjoyed the prefix *Reichs-* would obviously be casting the net too wide. Hence Habsburg functionaries whose area of competence was in reality confined to the hereditary lands cannot be counted. Nor can the legion of those who used the title 'kaiserlich Wirklich Geheimer Rat' be included: many, like Goethe's father, simply bought it; others, such as the captains and councillors of the association of Franconian Knights, were granted the privilege in perpetuity by Charles VI.

Clear definitions are rendered difficult at this stage owing to the almost complete lack of previous research into this kind of area. One of the few exceptions has been Christine Roll's study of the second *Reichsregiment*,¹ which, among other things, attempted to identify the ethos and 'corporate identity' of its members. The current volume seeks to extend the questions that Roll asked and also builds on the major research projects that have been devoted in recent years to the *Reichskammergericht* and, to a lesser extent, the *Reichshofrat*. As the editors suggest, the state system of the Reich was in many ways defined by the 'dynamic interplay between imperial prerogatives, the imperial office of supreme judge and the functions of the Imperial Estates'. The various functionaries of the two leading judicial institutions thus played a key role in allowing that system to function. They were 'imperial personnel' in the sense that they were in their various ways agents of that composite entity 'Kaiser und Reich'.

Almost all the contributions to this intriguing and important volume break new ground. Wolfgang Burgdorf starts with an elegant analysis of the *peregrinatio academica* of the eighteenth-century Imperial lawyers. This included not only legal study, for Protestants

¹ Christine Roll, *Das Zweite Reichsregiment 1521–1530* (Cologne, 1996).

at Halle or Göttingen, for Catholics at Würzburg, Freiburg, or Vienna, but also periods of 'work experience' at Wetzlar, Regensburg, Vienna, or the seat of a Circle Assembly such as Ulm. The latter in particular provided common experiences and generated professional networks that proved invaluable for the individual's later career.

The following contributions examine particular groups. Eva Ortlieb profiles the Imperial commissioners of the *Reichshofrat*. These were generally prominent regional figures, often leading princes, such as the Elector of Mainz who, in the reign of Ferdinand III, received no fewer than seventy-four commissions, to whom the resolution of some 10 per cent of the court's cases were delegated. From the 1570s, many of them in turn further delegated the real work of a commission to 'subdelegates'. These were generally recruited from the pool of legally trained territorial officials and their periods of 'temporary Imperial service' often proved to be a stepping stone to a permanent position at the *Reichshofrat*.

Even more novel is Gernot Peter Obersteiner's substantial study of the *Reichshoffiskal* or procurator fiscal at the *Reichshofrat*. The office has medieval origins but in its 'classic' early modern form it developed in the late sixteenth century in response to an urgent need to improve tax revenues at a time when the *Reichskammergericht*, which had its own Imperial prosecutor, was becoming increasingly paralysed by confessional issues. The sphere of competence of the *Reichshoffiskal* from the 1580s included the Italian vassals. But in the late seventeenth century a renewed financial crisis led to the creation of a parallel office for the Italian territories, where the procurators worked, often uneasily, in tandem with the Imperial plenipotentiaries until the dissolution of the Reich. Obersteiner analyses recruitment, training, and professional experience and also indicates something of the significance of these procurators who brought between twenty and thirty cases a year to the *Reichshofrat*.

Stefan Ehrenpreis deals with another dimension of the *Reichshofrat*, namely the *Reichshofratsagenten*, the lawyers who represented the various parties at the court. Some were permanent representatives of the Estates; some were specially commissioned for specific cases by clients who could afford it; others simply belonged to a 'pool' of lawyers attached to the court who dealt with any case that came their way. By and large, all were legally trained non-nobles, whose pro-

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fessional expertise also included knowledge of the scene in Vienna and the ability to place bribes effectively as well as to present written submissions to the court.

A second group of five essays is devoted to a range of functionaries who were attached, some formally and others more loosely, to the *Reichskammergericht*. Anette Baumann examines the lawyers who worked at the court and shows how they competed for lucrative clients. Like their colleagues at the *Reichshofrat*, their expertise lay in their inside experience of the system as well as in legal knowledge. In contravention of the formal rules, they often sought to establish exactly which judge would be responsible for deciding which case and to influence the outcome of a case by publishing relevant material while it was still pending. Karl Welker and Nils Jörn present contrasting portraits of two judges. Johann Wilhelm Riedesel zu Eisenbach seems to have been a model of independent judgement and Christian moral probity, just the sort of judge, Welker suggests, that the early nineteenth-century liberal movement demanded. Christian Nettelbladt's career, by contrast, ended in ignominy. He was one of a series of nominees to the court of the Swedish crown, a right that was assiduously exercised between 1648 and 1806. His thirty-one year career as a judge came to an abrupt end in 1774 when he was dismissed following a recommendation of the visitation deputation and confronted with over 460 counts of corruption, bribery, and other instances of dereliction of duty.

Perhaps even more fascinating still are two studies of the development of the office of *Reichskammergericht* court messenger from the mid-sixteenth century to 1806. They represented the face of Imperial justice on the ground, serving summons and delivering verdicts. Court messengers may not have been civil servants in any modern sense. Even their silver badge of office seems to have been their own private property, as the Austrians found out in 1806 when they tried to recover the badges in order to prevent their possible fraudulent use after the Reich was dissolved. Yet over the long term, it seems the office acquired both a distinct 'public' profile and an authority that preserved its holders from the kind of random violence and rejection of Imperial authority that characterized the experience of some sixteenth-century couriers.

A final group of essays provides some rather different perspectives. Christine Pflüger examines how between 1552 and 1556/58

King Ferdinand used commissary councillors as a means of constituting and stabilizing royal power, in some instances even enhancing their status by giving them plenipotentiary powers. In some ways they even exceeded the role that Armin Kohnle describes for the envoys who, with increasing regularity, represented the princes at the *Reichstag* from the 1520s onwards. The presence of such territorial envoys at sessions, without the power of independent and immediate decision, tended to inhibit the speedy dispatch of business through the practice of 'Hintersichbringen', the obligation to refer everything back to the ruling prince. Stephan Wendehorst draws attention to another form of participation in the Imperial system with some stimulating reflections on the role of the Imperial notaries in the legal system. They were both essential to the day-to-day functioning of the legal system and agents who contributed to the creation of an Imperial 'Rechtsraum' or judicial region in the documents they sealed and oaths they verified. By contrast, John Flood discusses one office, the poet laureateship, that did not develop in the early modern period: despite promising medieval developments (Petrarch was crowned in Rome in 1341) and grand plans in the reign of Maximilian I, Flood suggests, the office became increasingly meaningless thereafter.

That may well be right, but Flood's comment that 'after 1648 individual princes and imperial cities less and less pursued common interests' also illustrates a difference between his attitude to the Reich and that of the editors. Some other contributors also seem to be lukewarm (Welker) or overtly critical (Eric-Oliver Mader) with regard to any idea that the Reich was anything like a state in the sense that Georg Schmidt has suggested. The editors, and most of the other contributors, however, demonstrate clearly that much vital evidence has been overlooked precisely because of the deeply entrenched territorial state bias in German historiography.

It may sometimes be tiresome to find the Prussian-German historiographical tradition constantly invoked to explain why the Reich has been consistently underestimated, yet one or two of the contributions to this volume underline the continuing need to do so. To claim, as Mader appears to, that the idea of the Reich as something approaching a state system falls because we are dealing not with 'Personal des Reichs' but rather with 'Diener von Kaiser und Reich zugleich' seems contrary in the extreme. As the editors suggest, a

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functional approach to the question of definitions would reveal large numbers of individuals like the Imperial Commissioners who sometimes, some occasionally and some regularly, acted as Imperial functionaries. That they also, or even primarily, served as territorial agents does not necessarily disqualify them as Imperial agents. It merely reflected the interplay between various levels of government—Imperial, Circle, territorial/local—that was characteristic of the early modern Reich.

Certainly the term 'Reichspersonal' that the editors have adopted is eye-catching and provocative. Yet it is also extremely thought-provoking in the way that it draws attention to a stratum of German society that grew in significance during the early modern period. It was created by the reforms that crystallized from the late fifteenth century and helped evolve and stabilize the Reich over the next three centuries. There is little prospect that further research on the hitherto virtually unknown office of the *Reichshofratstürwärter* will enhance our understanding of much at all. We do, however, need to know much more about those who worked in the Imperial courts, the various branches of the administration, the Circles, and many others. That in turn might provide a key to a better understanding of how the Reich was perceived by its inhabitants and of how awareness or consciousness of the Reich might have evolved during the early modern period.

Both volumes shed new light on subjects that are often thought to be either old hat in the case of the territorial courts or non-existent in the case of the Imperial personnel. Each will undoubtedly stimulate much further investigation. The combination of both the Imperial and the territorial strands will significantly enhance our understanding of the early modern German state system.

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