THE MORAL ECOLOGY OF THE BAROQUE: THE CORRUPTION JURISPRUDENCE OF THE IMPERIAL AULIC COUNCIL

Peter Roethke

A DISSERTATION

in

History

Presented to the Faculties of the University of Pennsylvania

in

Partial Fulfillment of the Requirements for the

Degree of Doctor of Philosophy

2024

Supervisor of Dissertation
Thomas Max Safley
Professor of History, Emeritus

Graduate Group Chairperson
Ann Farnsworth-Alvear
Associate Professor of History

Dissertation Committee

Antonio Feros	Walter H. Annenberg Professor of History
Thomas Max Safley	Professor of History, Emeritus
Ada Maria Kuskowski	Associate Professor of History

To my family.

ACKNOWLEDGMENT

There are many people who, in large and small ways, helped me to finish this dissertation. First and foremost, I am deeply indebted to my advisor and dissertation supervisor, Tom Safley, for his wisdom and counsel over the years. His knowledge of and dedication to the craft of history have been invaluable to me. I am extremely grateful to Ada Kuskowski and Antonio Feros for their guidance and for our many discussions of medieval and early modern history. I would like to extend my sincere thanks to Sabine Ullmann, my Fulbright advisor in Germany, and to Alexander Denzler for making our stay in Eichstätt such a success. I am also grateful to Margo Todd, Ann Moyer, Roger Chartier, Sophia Rosenfeld, Marc Flandreau, Hans Cools, and Jared Farmer for their wonderfully enriching courses at Penn, and particularly grateful to Sally Gordon for her masterful teaching of History 700. It was a great pleasure to work with Lee Cassanelli, Fred Dickinson, Firoozeh Kashani-Sabet, and Walter Licht as a teaching assistant and grader (twice in collaboration with the unparalleled Jennifer Yip). I'd like to acknowledge the assistance that I received from Peter Zürcher and Frank Esche for the Eichstätt and Rudolstadt chapters respectively, as well as from Ferdinand Sturm who combed the archive with me in seach of a particularly elusive file. It goes without saying that none of this would have been possible without Joan Plonski, who ensured that everything ran as it should. Thanks also to the folks at Union Cowork for providing a place to write and a refuge from the SGV heat. Finally, I am profoundly grateful to my wife, Rupa, who entertained the idea of switching from law to history in the first place and provided unflinching support to me throughout the entire program.

ABSTRACT

THE MORAL ECOLOGY OF THE BAROQUE: THE CORRUPTION JURISPRUDENCE OF THE IMPERIAL AULIC COUNCIL

Peter Roethke

Thomas Max Safley

During a deposition at the Old Town Hall of Prague in 1608, the court chamberlain Philipp Lang argued that although he had taken bribes from the Count of Belgioioso, he had not been *corrupted* by him. The apparent contradiction is not an anomaly: early modern political actors operated within a normative framework vastly different from our own. And yet the world was not upside down; their matrix of moral decision-making encompassed the same competing imperatives that guide leaders today. My dissertation therefore asks, what exactly did early modern litigants understand by *corruption*? The question is salient to their time as well as our own because, like many abstract nouns, the term offers invaluable glimpses into the moral assumptions people hold but do not always say out loud.

This work investigates the phenomenon of corruption through the case law of the Holy Roman Empire. The legal approach partly reflects my training as a lawyer, but also allows for full use of the micro-historical form. Because social norms are so deeply embedded within a particular context, micro history provides space for the 'thick description' essential to a capturing the multivalent nature of corruption as an arbiter of political ethics. My manuscript sources offer entry into what sociologists call the "labeling approach" – a method that focuses on the accuser rather than the perpetrator. Strung in a line chronologically, the five cases I analyze (1600-1780) traverse the institutional tenure of the court and weave the reciprocal encounters between petitioners and judges into a common fabric of jurisprudential change.

Corruption is a phenomenon determined by what a given community subjectively considers to be reasonable. Every generation and every locality redefines wrongdoing for their own time and place. Shoehorned artfully into the archaic legal vocabulary of the baroque, the furious denunciations of wrongdoing analyzed in my dissertation state the opposite: certain eternal truths render corruption a sin. Paradoxically, all three claims are true. This dissertation exposes the diverse genealogies of "corruption" and the contradictory metamorphosis of the concept in that most contradictory of places, neither holy, nor Roman, nor an empire.

TABLE OF CONTENTS

LIST OF ABBREVIATIONS

BayHStA GesW	Bayerisches Hauptstaatsarchiv, Gesandtschaft Wien
DAEI HS	Diözesanarchiv Eichstätt, Hochstift
FFA	Fürstlich Fürstenbergisches Archiv, Donaueschingen
FZA	Fürst Thurn und Taxis Zentralarchiv, Regensburg
HAStK	Historisches Archiv der Stadt Köln
HHStA	Haus-, Hof- und Staatsarchiv (Austrian State Archive, Vienna)
LATh - StA RU	Landesarchiv Thüringen – Staatsarchiv Rudolstadt
StAA	Staatsarchiv Augsburg
StAN	Stadtarchiv Nürnberg
StAWü SchAW	Staatsarchiv Würzburg, Schönbornarchiv Wiesentheid

LIST OF FIGURES

.

INTRODUCTION

On the first of June 1608, a senior advisor to Holy Roman Emperor Rudolf II was arrested and imprisoned in Prague Castle. On the same day exactly 185 years later, an aged Count in the Rhineland died impoverished in his empty folly of a palace. These two men, the chamberlain Philipp Lang and Count Carl Magnus von Rheingrafenstein, were both convicted of corrupt deeds by one of the imperial supreme courts, the Imperial Aulic Council, or *Reichshofrat*. Their downfalls bookend this work, which investigates the jurisprudence of that court. Their stories help us define corruption in the early modern Holy Roman Empire.

Why study corruption? For starters it is an embryonic trait of human development: kin selection (nepotism) and reciprocal altruism (patronage) are core tenets of evolutionary biology.[1] Corruption arguably is and always has been a constant concern of human societies.[2] In the historical debate that continues to rage (discussed below) about the supposed modernity or premodernity of corruption, this work embraces the latter view; whether employing the Latin term or not, the German lands in early modernity were febrile incubators of debate on the norms – i.e. the expectations of behavior – for those in public office. By closely examining the contestation of those norms in a common judicial forum, the following chapters affirm certain preexisting narratives while disputing others. As befits the subject matter, the portrait that emerges is not one of sharp contrasts, but shades of gray.

[1] "The basic empirical prediction of kin selection theory is that social behavior should correlate with genetic relatedness." Jonathan Birch, Samir Okasha, "Kin Selection and Its Critics," *BioScience*, 65:1, (2015): 22–32; "Reciprocal altruism is altruism that occurs between unrelated individuals when there will be repayment (or at least the promise of repayment) of the altruistic act in the future." Encyclopedia of Evolutionary Biology, 2016.

[2] This concern is not limited to the western tradition; for instance, corruption features prominently in the ancient Sanskrit work of political economy, the *Arthashastra*. Sourabh Vasant Ubale and Pratik Basavraj Salgar, "Evaluating the Concept of Corruption through Kautilya's Arthashastra: A Comparative Study in view of Modern Application," in *International Journal of Law Management and Humanities* 4, 3 (2021): 4025 – 4034.

Corruption is a legal concept. Some scholars find this unsuitable, arguing that corruption is inseparable from the morality of religion.[3] Other scholars bifurcate the term and separate general anxieties concerning moral decay from the particular legalities of public office.[4] These objections are useful, and this dissertation returns to them repeatedly in the pages that follow. Yet for better or worse, corruption remains a feature of legal discourse. It is a colloquialism posing as a legal term of art.

Here I examine the precise definitions of this colloquialism for public officials in the early modern empire. Those definitions changed over the course of nearly two centuries. Whereas the mere advisor Philipp Lang freely confessed to his self-enrichment, the territorial ruler Carl Magnus received a ten-year prison sentence for crimes of similar scope.[5] The episodic form of this dissertation captures moments of this decidedly ambivalent evolution in a string of legal cases. As a synecdoche for imperial practice writ large, those cases combine the characteristic particularism of imperial territories with the imprimatur of the *Reichshofrat* as a pan-imperial organ of governance.

The method is deceptively straightforward; each chapter analyzes the complaints or charges (or both) brought against allegedly corrupt authorities in the German lands. Those lands are fertile territory for this investigation, as each case scrutinizes a different type and scale of government in the confessionally diverse, byzantine federal patchwork of the Holy Roman

[3] Laura Underkuffler, *Captured by Evil: the Idea of Corruption in Law* (New Haven: Yale University Press, 2013), 54.
[4] Bruce Buchan and Lisa Hill, *An Intellectual History of Political Corruption* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2014), 19; also, Linda Levy Peck, *Court Patronage and Corruption in Early Stuart England* (Cambridge, MA: Unwin Hyman Inc., 1990), 161.
[5] Philipp Lang ultimately did in captivity, but as the next chapter details, his candid lack of shame speaks both to his individual character as well as the prevailing norms of the Prague court. His predecessor in office, for instance, was detained on similar charges, but subsequently released without trial.

Empire. This focus on litigants' subjective understanding of corruption in early modernity is new.[6] Their complaints coalesce around a grassroots ethical injunction, one that insists on *Gemeinnutz* (public interest) over *Eigennutz* (self-interest), regardless of the ostensibly absolutist tendencies of the age.[7] Although these litigants redraw "the boundary between conformity and transgression" with each case, their concerns flow from a primal urge of human sociability: the fundamental need for fairness.[8]

♦♦♦

"For that I am a councilman, I thank God and my purse."[9] This blunt admission comes from a member of the Cologne city council in the seventeenth century. The statement itself suggests that public office was available for purchase in Cologne, presumably for the personal gain of the purchaser. By expressing himself in such a forthright manner, the council member also seems to imply that such purchases were an acceptable practice according to the social norms and laws of his time. These were simply the rules of the game.

---

[6] Although historical inquiry into the claims made by litigants in their own words has been defined by Natalie Zemon Davis as "telling it to the court," her methodology (in that instance investigating French criminal defendant's pleas for leniency in capital cases through a letter of remission, with particular attention to the narratives crafted by those pleas) has not been transposed to research on corruption, the Holy Roman Empire, or the imperial courts. Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France*. (Redwood City: Stanford University Press, 1987).

[7] The centrality of the Gemeinnutz / Eigennutz dichotomy is a recurrent one in the scholarship on early modern corruption, most recently in Otto Ulbricht, "Korruption in der Frühen Neuzeit: Das Beispiel Schleswig-Holstein-Gottorf, ca. 1570–1721." *Zeitschrift Für Historische Forschung* 45, no. 1 (2018): 31; and Niels Grüne, "Und sie wissen nicht, was es ist". Ansätze und Blickpunkte historischer Korruptionsforschung. In: Grüne N, Slanička S, eds. *Korruption. Historische Annäherungen an eine Grundfigur politischer Kommunikation*. Göttingen: Vandenhoeck & Ruprecht; 2010: 23.

[8] Gerhard Anders, and Monique Nuijten. *Corruption and the Secret of Law: A Legal Anthropological Perspective*. Aldershot, (Hants, England: Ashgate, 2007), 13.

[9] "daß ich Rathsherr bin / danck ich Gott und meinen Beutel." Arnold Judendunck, *Theatrum lanienae Coloniensis sive blutige Schau-Bühne, auff welcher die im J. 1683 verübete ... Massacre des ... der Statt Cöllen gewesenen Archivarii Gereonis Hesselmanns ... repraesentiret ... wird* (Hochfürstl. Baadischen Truckerey, 1694), 25.

Rules like these appear radically different from those of modernity. In "modern" systems of governance, such benighted practices have supposedly been excised through reason and progress.[10] As the political scientist James Scott argues, "the rise of the modern nation-state, with its mass participation, broadly representative bodies, and elaborate civil service codes, signaled the transformation of the view of government office, and even kingship, from a private right into a public responsibility."[11] Even if the human heart does not change, social and legal institutions have evolved to embrace this fiduciary concept. In modernity, self-enrichment at the expense of the public trust is corrupt.[12]

The contrast just described, between the premodern admixture of public and private and the modern separation of the two has a long pedigree. As early as 1919, the sociologist Max Weber described each as traditional "patrimonialism" and modern "rational-legal bureaucracy" respectively.[13] A key kernel of modernization theory, this schema essentially describes the distinction between East and West, or the "developing" and "developed" worlds in the academic literature.[14] Yet the ideal types articulated by Weber synchronize poorly with the history of corruption as an idea. The historian Bruce Buchan and political scientist Lisa Hill, for instance, argue that "the ancient Greeks and Romans not only had a clear sense of political corruption as

[10] Wolfgang Schuller, for instance, posits a "historic-sociological explanation," arguing that the personalized system of officeholding abruptly switched to a rational, transparent system over the course of the Enlightenment, the French Revolution, and the Industrial Revolution. Wolfgang Schuller, "Probleme historischer Korruptionsforschung," *Der Staat* Vol. 16 No. 3 (1977): 382.
[11] James C. Scott, *Comparative Political Corruption* (Englewood Cliffs, N.J.: Prentice-Hall, 1972), 7.
[12] Transparency International, the premier non-governmental organization dedicated to the eradication of corruption, influentially defines corruption as "the abuse of entrusted power for private gain." See "What is Corruption" *Transparency International*, https://www.transparency.org/en/what-is-corruption.
[13] These form two parts of the tripartite classification of authority described by Weber in his lecture, "Politics as Vocation"; the third is "charismatic authority." Max Weber, *Politik Als Beruf* (München: Duncker & Humblot, 1919).
[14] Ronald Kroeze, André Vitória, and Guy Geltner, "Introduction: Debating Corruption and Anticorruption in History," in *Anti-Corruption In History: From Antiquity to the Modern Era* ed. Kroeze, Vitória, Geltner (Oxford: Oxford University Press, 2017), 3.

abuse of public office for private gain, but also had begun to develop a dedicated vocabulary for the purposes of identifying and ameliorating this form of corruption."[15] If antiquity already demarcated the public and private, how could early modern societies fail to do so?

One answer is that morality is not a cumulative human endeavor.[16] Unlike scientific discoveries, social norms are emergent and non-linear. Supposedly immutable laws of behavior come and go, kindness and cruelty are evenly distributed, and moral judgments are culturally variable.[17] Indeed, the very notions to which societies attach value change over time; Cicero, for instance, argued that agrarian societies were morally superior to commercial ones.[18] It follows that an investigation of corruption as morality is neither a genuine exercise in intellectual history (understood as the history of intellectuals and their preoccupations) nor the history of ideas (wherein a "Platonist attitude about thoughts" separates large scale concepts from their context).[19] Instead, it seeks the abstract noun in concrete practices.[20]

The title of this dissertation derives from the ambivalent tension in the word "corrupt" between moral judgment and indeterminacy. Although coined in the 1990s, the phrase "moral

---

[15] Bruce Buchan and Lisa Hill, *An Intellectual History of Political Corruption* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2014), 19.

[16] This view is forcefully articulated by the British philosopher John Gray who argues that "though human knowledge will very likely continue to grow and with it human power, the human animal will stay the same: a highly inventive species that is also one of the most predatory and destructive." John Gray, *Straw Dogs: Thoughts on Human and Other Animals* (London: Granta, 2002), 4.

[17] J. Graham, J. Haidt, S. Koleva, M. Motyl, R. Iyer, S. Wojcik, P.H. Ditto, "Moral foundations theory: The pragmatic validity of moral pluralism," *Advances in Experimental Social Psychology*, 47 (2013): 55-130.

[18] "But of all the occupations by which gain is secured, none is better than agriculture, none more profitable, none more delightful, none more becoming to a freeman." Cicero, *De Officiis* (Cambridge: Harvard University Press, 2014), 155.

[19] Peter E. Gordon, "What is Intellectual History? A frankly partisan introduction to a frequently misunderstood field," *Harvard Colloquium for Intellectual History* (2012): 2. A notable exception in this dissertation is the closer analysis of Pietism and the work of Ahasver Fritsch in Chapter IV.

[20] The medievalist Susan Reynolds writes that "words used in real life, especially abstract nouns, do not have core meanings which are more central or more right than others. Dictionary makers deduce meanings from usage. They do not control usage." Susan Reynolds. *Fiefs and Vassals: The Medieval Evidence Reinterpreted* (Oxford: Clarendon Press, 2001), 13.

ecology" follows decades of interdisciplinary theoretical borrowing from environmental science.[21] The biological metaphor describes how different normative frameworks exist within a competitive environment. Over time, some social norms will prove more successful than others within a particular milieu. The metaphor is useful for two reasons. Firstly, it emphasizes emergence, the evolution of collective behavior without planning or intention. While it is true that conformity to norms is often demanded and enforced from above (in Germany, for instance, there is a rich literature on so-called 'social disciplining'), this dissertation observes that social norms are either a "bottom-up" phenomenon or that they evolve in the dynamic exchange between common practice and elite governance.[22] On balance, the cases analyzed in this dissertation support the argument of legal historians that custom precedes law and that most law is often just formalized custom.[23]

The metaphor is also useful because it is descriptive rather than prescriptive. The natural environment is a complex, adaptive system. It is highly site and context specific and has countless feedback loops to the larger whole. In other words, what emerges in a given environment is simply what "is," not what "should be." Social norms operate in a similar environment. For instance, the *Omertà*, the Italian mafia's code of silence, arose for historical reasons.[24] Historians may judge this to have been a bad development, but the judgment is not

[21] Allen Hertzke, "The Theory of Moral Ecology," in *The Review of Politics* Vol. 60, No. 4 (1998): 635.
[22] Crudely stated, the social disciplining thesis of Oestreich saw the proliferation of *Policeyordnungen*, regulations governing behavior, as indicative of a process whereby elite actors imposed norms on society from above. Winfried Schulze, "Gerhard Oestreichs Begriff „Sozialdisziplinierung in der frühen Neuzeit"." *Zeitschrift Für Historische Forschung* 14, no. 3 (1987): 265–302.
[23] With this phrase, Austrian legal theorist Eugen Ehrlich, for instance, argued that "'law arises from fact," meaning that accumulated usages achieve social legitimacy before receiving political sanction. Eugen Ehrlich, *Fundamental Principles of the Sociology of Law* trans. Walter Lewis Moll (Cambridge, Mass: Harvard University Press, 1936), 251.
[24] Robert Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1993), 121.

particularly instructive. The term "moral ecology" allows us to understand the development of different normative systems in different times and places without anachronism. We can view morality as an adaptive response to the environment without diminishing the coercive power that it exerts in a given society.

Shorn of the need for teleology or linear progress, we can view corruption as a concept with no redemptive historical arc. In June 2024, for instance, the United States Supreme Court ruled on the merits of an anti-corruption law prohibiting public officials from receiving gifts and payments from individuals and institutions seeking influence.[25] The question at issue was whether the relevant statute prohibits gratuities – payments made after the government official in question has already taken the action that the gift was intended to influence.[26] The prohibition on gratuities was struck down, thereby embracing a trend: total prosecutions for bribery, graft, and conflicts of interest in U.S. federal criminal court have fallen from 292 in the year 2000 to a mere forty-four in 2022, the last year for which statistics are available.[27] Although it is unclear what this worrying trend says about the norms of our time, the debate at the Supreme Court deserves mention here precisely because it regurgitates persistent uncertainties about the line between innocuous gifts and corrupt influence. [28] That line shifts over time and that was tenuously drawn centuries earlier by the courts of the Holy Roman Empire. As the historian Wolfgang Sellert notes, the *Reichskammergericht* and *Reichshofrat* "without a doubt carried out invaluable and

[25] *James Snyder v. United States* (23-108). Oyez. Retrieved at https://www.oyez.org/cases/2023/23-108. See also Adam Liptak, "Supreme Court Poised to Cut Back Scope of Anti-Corruption Law," *New York Times*, April 15, 2024, https://www.nytimes.com/2024/04/15/us/supreme-court-anti-corruption-law.html.
[26] The statute in question is 18 U.S. Code § 666 - Theft or bribery concerning programs receiving Federal funds.
[27] Similarly, the number of prosecutions for embezzlement has fallen from 1,035 in the year 2000 to a mere 234 in 2022. "Persons charged by Select variable from 1998-2022," *Bureau of Justice Statistics*, https://fccps.bjs.ojp.gov/.
[28] For instance, the oral argument prominently featured discussions about the particular items or services – and their perceived quality or the social esteem they would confer – as indicative of whether such gifts were merely expressions of thanks or more insidious attempts at influencing government conduct. Transcript of Oral Argument, *James Snyder v. United States* (23-108). Oyez. Retrieved at https://www.oyez.org/cases/2023/23-108.

influential work" in "drawing the line between *munera benevolentiae sive honoris gratia data* and bribery."[29]

Historians have long been skeptical of applying the term "corruption" to the study of early modernity. In 1979, for instance, the historian Wolfgang Reinhard dismissed the term as largely irrelevant until "the emergence of the bourgeois ethic of achievement."[30] Robert Harding proposes that the skepticism derives from the fundamentally modern conception of officialdom. For Harding, "[i]n early modern states the present notion of public office did not exist, and the public domain was not clearly distinguished from private interests."[31] In the "face-to-face" society of this time, patronage networks served as an organizing tool of politics and meritocracy was arguably seen by elites as a threat to social hierarchy.[32]

At the same time, the entanglement of public and private interest risks being overstated. Somewhat abstractly, Michael Johnston contends that "to argue that an office could be purchased was to acknowledge that at some point it had been distinct from the individual holding it."[33] More concretely, Eberhard Isenmann notes that Roman law and its medieval adaptation retained a clear distinction between the public and private realms, "pass[ing] on . . . the notion of the good as *utilitas publica* shared by all members of a community and different from individual good

[29] Wolfgang Sellert, "Richterbestechung am Reichskammergericht und am Reichshofrat," in *Geschichte der Zentraljustiz in Mitteleuropa* eds. Friedrich Battenberg and Filippo Ranieri (Cologne: Böhlau Verlag, 1994), 346.
[30] Niels Grüne, "'Gabenschlucker' und 'verfreundte rät': Zur patronagekritischen Dimension frühneuzeitlicher Korruptionskommunikation," in *Integration, Legitimation, Korruption, Politische Patronage in Früher Neuzeit und Moderne* eds. Ronald Asch, Birgit Emich, Jens Ivo Engels (New York: Peter Lang, 2011), 217.
[31] Robert Harding "Corruption and the Moral Boundaries of Patronage in the Renaissance" in *Patronage in the Renaissance*, ed. Lytle and Orgel (Princeton: Princeton University Press, 1981), 47.
[32] Harding quotes French Secretary of State Villeroy arguing that "the King should not give to social inferiors what 'nature and ancient laws and constitutions assigned to *les grands*.'" Harding "Corruption and the Moral Boundaries of Patronage in the Renaissance," 54.
[33] Michael Johnston, "The Search for definitions: the vitality of politics and the issue of corruption" *International Social Science Journal*, Volume 48, No. 149 (September 1996): 328.

(*utilitas singulorum*)."[34] Isenmann argues that in late medieval German cities, the distinction between these two spheres was not morally neutral: *utilitas publica* clearly took precedence over *utilitas singulorum*.[35] This system of values was reflected in the early modern German opposition between *Gemeinnutz*, or common good, and *Eigennutz*, or self-interest. Historian Paul Warde recounts how in sixteenth century Württemberg, "[f]orestry officials engaged in petty corruption, or overstepping their jurisdiction, were being *aigennützlich*" – and reprimanded on that basis.[36] *Gemeinnutz* and *Eigennutz* were malleable terms, but their use and moral power illustrate the existence of a public domain, however defined, and its distinction from private interest.

Corruption is an ancient idea, of course, and one generally proscribed. The Bible commands that "[y]ou shall not pervert justice. You shall not show partiality, and you shall not accept a bribe, for a bribe blinds the eyes of the wise and subverts the cause of the righteous."[37] Etymologically, the English word derives from the Latin *corrumpere*, alternatively "to pervert", "to spoil", or "to infect."[38] Corruption is an umbrella term encompassing a rich vocabulary of malfeasance. Some of the most common are bribery, extortion, embezzlement, graft, nepotism, cronyism, venality, simony, conflict of interest, and fraud. In the *Divine Comedy*, the penultimate circle of hell is the circle of fraud because it is both a crime against God and a

[34] Eberhard Isenmann, "The Notion of the Common Good, the Concept of Politics, and Practical Policies in Late Medieval and Early Modern German Cities" in *Studies in Urban History 22 (1100 – 1800) De Bono Communi: The Discources and Practice of the Common Good in the European City (13th-16th c.)* ed. Elodie Lecuppre-Desjardin and Anne-Laure Van Bruaene (Turnhout: Brepols, 2010), 113.
[35] Isenmann, "The Notion of the Common Good," 118.
[36] Paul Warde, *Ecology, Economy and State Formation in Early Modern Germany* (New York: Cambridge University Press, 2006), 336.
[37] English Standard Version, Deut. 16.19.
[38] LatDict, *Latin Dictionary and Grammar Resource* (accessed 6 April 2018) http://latin-dictionary.net/search/latin/corrumpere.

betrayal of public trust.[39] Although High German as a language only coalesced relatively recently, the earliest standardized German dictionaries did not mention the modern cognate *Korruption*, but rather synonyms such as *Verderbtheit* (depravity).[40] In addition, the mammoth eight-volume historical dictionary *Geschichtliche Grundbegriffe* (Fundamental Historical Terms) does not contain an entry for *Korruption*.[41] Instead of history, much of the modern literature on corruption stems from the field of development economics, and the World Bank defines corruption with refreshing simplicity as "the abuse of public office for private gain."[42] At the same time, the historical investigation of corruption cannot rest on such simple tenets and it is worth examining at some length how recent scholarship has wrestled with the notion of corruption in early modern Europe.

♦♦♦

Historical research into the form and ubiquity of early modern corruption traditionally judged the past using modern criteria. The "corrupt" nature of an act was not the subject of scrutiny; instead, the goal was to measure the scope of corruption and forms of government where it occurred. In 1949, for instance, the historian K.W. Swart baldly stated that in early modern France the "[s]ale of offices [wa]s not just another form of corruption" but rather "one of

[39] Bruce Buchan and Lisa Hill, *An Intellectual History of Political Corruption* (Palgrave MacMillan, 2014), 69.
[40] "Verderbt," along with "verführt" is the German translation of the Latin "corruptus" in the 1834 Latin-German dictionary of Wilhelm Freund, *Wörterbuch der lateinischen Sprache: nach historisch-genetischen Prinzipien, mit steter Berücksichtigung der Grammatik, Synonymik und Alterthumskunde* (Leipzig: Hahn Verlag, 1834), 1054. For the absence of term "Korruption" from early German dictionaries, *see* Kaspar von Stieler, *der Teutschen Sprache Stammbaum Und Fortwachs, Oder, Teutscher Sprachschatz: Worinnen Alle Und Iede Teutsche Wurzeln Oder Stammwörter, So Viel Deren Annoch Bekant Und Ietzo Im Gebrauch Seyn ... Samt Einer Hochteutschen Letterkunst, Nachschusz Und Teutschem Register […]* (Nürnberg: In Verlegung Iohann Hofmanns, Buch- und Kunsthändlers, deselbst., 1691). *See also* Johann Christoph Adelung, *Grammatisch-kritisches Wörterbuch der Hochdeutschen Mundart* (Vienna, 1811), 1203 – 1204. (definition of "Verderbtheit")
[41] Otto Brunner, Werner Conze, and Reinhart Koselleck *Geschichtliche Grundbegriffe: Historisches Lexikon Zur Politisch-Sozialen Sprache In Deutschland* (Stuttgart: E. Klett, 1972).
[42] The World Bank Group, "Corruption and Economic Development," *available at* http://www1.worldbank.org/publicsector/anticorrupt/corruptn/cor02.htm.

the most outstanding political abuses."[43] Swart's incorporation of modern conceptions of corruption into his analysis stems from his denunciation of French *ancien régime* bureaucracy.[44] Further extending the narrative of rotten absolutist government to the Holy Roman Empire, Swart posited that princely imitation of Louis XIV and Colbert led the territorial rulers of the German lands to "stoop to the sale of offices" on a large scale.[45] While the positions created in the Holy Roman Empire were generally less freely alienable property rights than their counterparts in France (where public offices could be mortgaged, sold, and bequeathed to heirs), Swart found that the practice was equally prolific.

Another Dutchman tackled the subject a decade later.[46] Jan Jacob van Klaveren's treatment of corruption is notable for his contention that "by corruption we mean that a public official treats his office like a business where, in the worst-case scenario, he tries to maximize his revenue."[47] The focus on systems predates but largely approximates the analytical framework of

[43] K.W. Swart, *Sale of Offices in the Seventeenth Century* (The Hague: Martinus Nijhoff, 1949), 1.
[44] While Swart's application of modern administrative norms to early modern government practice strikes the reader as anachronistic, an unanticipated strength of this approach is his ability to analogize venality to sovereign bonds; in his view, venal office sales were effectively a market for debt with the attached "salaries" a form of interest payment to the bondholder. Swart, *Sale of Offices*, 13.
[45] Swart, *Sale of Offices*, 2, 92.
[46] Jacob van Klaveren, "Die historische Erscheinung der Korruption in ihrem Zusammenhang mit der Staats- und Gesellschaftsstruktur betrachtet," in *Vierteljahresschrift für Sozial- und Wirtschaftsgeschichte*, Vol. 44 No. 4 (December 1957). Van Klaveren considered his article the first attempt to investigate early modern corruption with any degree of analytical rigor, stating how "corruption as a historical phenomenon is, to my knowledge, a problem that has never before received a systematic treatment. The reason is likely that corruption was heretofore not seen as a problem." Klaveren, "Die historische Erscheinung der Korruption," 289. Regarding the reception of van Klaveren's essay, Engels, Fahrmeir and Nützenadel, for instance, note the importance of the essay but downplay van Klaveren's description of corruption as *praxis* and instead stress the communicative nature of corruption allegations. Jens Ivo Engels, Andreas Fahrmeir, Alexander Nützenadel, "Einleitung," *Geld-Geschenke-Politik: Korruption in neuzeitlichen Europa*, eds. Jens Ivo Engels, Andreas Fahrmeir, Alexander Nützenadel (Munich: Oldenbourg Wissenschaftsverlag GmbH, 2009), 4.
[47] "Unter Korruption wollen wir also verstehen, daß ein Beamter sein Amt als einen Betrieb betrachtet, dessen Einnahmen er im Extremfall zu maximieren versucht." Klaveren, "Die historische Erscheinung der Korruption," 292.

"institutions" defined by the New Institutional Economics as the "rules of the game."[48] Viewed through this lens, corruption in early modernity was merely a cost of doing business in an uncertain regulatory environment. Van Klaveren makes explicit what Swart assumes: that a public interest exists, and corruption is a practice that breaches that interest.[49] Although the economic theory underlying van Klaveren's definition differs from Swart's off-the-shelf definition of corruption, the methodology of both authors presupposes what it purports to investigate, namely, that corruption was a widespread phenomenon in early modern Europe.[50]

Later historians denied the appropriateness of the term corruption entirely. For instance, in 1973 the historian Joel Hurstfield argued that the norms adhered to by modern administrative officials are inapplicable to their early modern predecessors.[51] In his view, "the word corruption is not helpful in the historical context unless the historian has first made up his own mind about the meaning of the term and has evidence that, in fact, corruption has occurred. For this, literary evidence is clearly not enough."[52] Hurstfield demands that the historian distinguish between contemporary subjective descriptions of corruption and modern objective theories of corruption, ultimately privileging the latter. While the rejection of "corruption" as a useful term for historical analysis departs from the approach of Swart and van Klaveren, the apparent rupture

[48] Douglass North, *Institutions, Institutional Change and Economic Performance* (New York: Cambridge University Press, 1990), 3.
[49] Van Klaveren, "Die historische Erscheinung der Korruption," 298.
[50] Van Klaveren disagreed strongly with Swart, however, about the corrupt nature of venal office sales. For van Klaveren, office sales were only a corrupt practice if they occurred outside the organizational framework of the nation state. The distinction is clear, but highlights again the methodological similarity of constructing a theory and applying that theory to the past, rather than arriving at a thesis on the basis of prior research.
[51] Joel Hurstfield, *Freedom, Corruption and Government in Elizabethan England* (Cambridge: Harvard University Press, 1973), 162.
[52] By literary evidence, Hurstfield means what contemporaries said of their own society, i.e. whether, for instance, inhabitants of the Holy Roman Empire in the 1680s wrote about their time as a "corrupt age." Hurstfield, *Freedom, Corruption and Government,* 162.

masks a methodological similarity: all three historians employ the supposedly objective modern conception of corruption as the definitional yardstick.[53]

The historian Wolfgang Schuller was arguably the first to embrace the subjective nature of corruption as an historical phenomenon. Schuller identifies the dispositive question as being whether "according to the standards and rules of behavior, which play a decisive role in the respective social consciousness, concrete behavior in a given case is seen as corrupt or in conformity with the system."[54] Simply put, corruption should be defined by the subjective criteria that Hurstfield rejected; the evidentiary problems Hurstfield identified are not prohibitive but rather an opportunity to investigate changing social norms. Here, Schuller's openness to judging corruption based on the contemporary social norms of historical actors was novel. In his periodization of those norms, however, he was a traditionalist; for Schuller and his predecessors, pre-enlightenment early modern European social norms were fundamentally different from the modern ethics of administration that emerged in the nineteenth century.[55]

Several years later, the historian Robert Harding employed Schuller's subjective methodology to rebut Hurstfield's contention that an objective notion of the "public interest was

[53] The irony of this standpoint is illustrated by the professed inability of modern anti-corruption organizations to measure corruption in any methodologically useful way other than by surveying subjective perceptions. *See*, for example, Natalia Letki, "Corruption Perceptions Index" *Encyclopaedia Britannica* (2013), *available at* https://www.britannica.com/topic/corruption-perceptions-index.

[54] "Es stellt sich nämlich die systematische Frage nach den Standards und Verhaltens regeln, die im jeweiligen sozialen Bewußtsein eine ausschlaggebende Rolle bei der Frage spielen, ob das konkrete Verhalten jeweils als korrupt oder als systemkonform anzusehen sei." Wolfgang Schuller, "Probleme historischer Korruptionsforschung," *Der Staat* Vol. 16 No. 3 (1977): 376.

[55] On this periodization, for instance, Joel Hurstfield remarks how "The expression corruption can, with some justification, be used in many spheres since the mid-nineteenth century when it has taken on some precision, when public servants are paid fair salaries from public funds and are in no way dependent upon political patronage. To use the word corrupt of gifts taken in these circumstances is legitimate. But before then its use is full of hazards: it begs the question it appears to answer. It ignores the economic and social structure of a past age; it underrates the problems of financing and administering government in a relatively under-developed community." *See* Hurstfield, *Freedom, Corruption and Government,* 159.

the standard for political propriety" in early modernity.[56] Harding argued that the "distinction between legitimacy and corruption . . . did not coincide with the line between public interests and private ones" in Renaissance France because patronage remained contested between social groups.[57] Patronage, of course, remains an organizing principle of political appointments in the modern administrative state; competitive examinations frequently exist only for entry-level positions and so-called "political appointees" are common. Yet even assuming the veracity of Harding's claim, it is unclear whether his generalizations extend beyond France, given the unique centrality of venal office sales in that country.[58]

Whereas Harding interrogated the subjective seventeenth-century discourse on corruption and found it wanting, the historian Jean-Claude Waquet entered the same methodological space three years later in 1984 and arrived at the opposite conclusion. His argument is a moral one. In *De la corruption* he writes how

> the hackneyed idea that the *ancien régime* was an innocent society in which happy officials were engaged in corrupt acts which were not actually corrupt because no law considered them as criminal, seems to me excessively optimistic, indeed far from reality. It does not take account of the fact that moral rules concerning integrity had been established very early on.[59]

This "hackneyed idea" described here has become known as the innocence thesis. For Waquet, the oaths enjoining government officials to refrain from bribe-taking and similar acts sufficiently

[56] Harding, "Corruption and the Moral Boundaries of Patronage in the Renaissance," 48.
[57] For Harding's investigation of venal office sales in Renaissance France, the fact that the old families of the *noblesse d'épée* (the nobility of the sword) opposed the paulette tax (established in 1604 and enabling the inheritability of venal offices) for the wrong reason, i.e. because they perceived it as a threat to their patronage networks, indicates that they clearly did not value the public interest over personal privilege. Harding, "Corruption and the Moral Boundaries of Patronage in the Renaissance," 63.
[58] Detailed most comprehensively in Roland Mousnier, *La Vénalité Des Offices Sous Henri IV Et Louis XIII*(Rouen: Editions Maugard, 1945).
[59] Jean-Claude Waquet, *Corruption, Ethics and Power in Florence, 1600 – 1770* trans. Linda McCall (Cambridge: Polity Press, 1991), 12.

illustrate the social condemnation of corruption more generally.[60] In addition to such oaths, Waquet cites the German jurist Johann Philipp Lyncker's 1684 treatise *Tractatio de barrattaria* as evidence that "the misbehavior of judges and accountants [was treated] as a crime of *lèse-majesté*," or insulting the monarch.[61] Explaining similar allegations of misbehavior in the Catholic Church, the former U.S. circuit court judge John Noonan presented discourses on corruption from Dante to Wyclif, Hus and Luther as a weathervane akin to social attitudes towards sexuality.[62]

By the mid-1980s, therefore, the historiography of early modern corruption had undergone a partial metamorphosis. Vigilant to avoid the anachronism of Swart, wary of the ahistorical economic rationalism of van Klaveren and unconvinced by the evidentiary fastidiousness of Hurstfield,[63] historians like Harding, Waquet and Noonan struggled to explain an early modernity that seemed thoroughly corrupt by modern standards yet preached a modern-sounding language of political ethics. Sharon Kettering neatly distills this tension:

> By early modern standards, many illegal practices were not considered corrupt. Some modern abuses – embezzlement of state funds, forgery, and fraudulent accounting at the expense of the state – were considered corrupt in the seventeenth century. But other practices fell into a gray area in which each case had to be decided on its merits, for instance, accepting gifts, taking advantage of financial opportunities while in office, and appointing dependents to office.[64]

---

[60] Waquet's subject is seventeenth-century Florence, but such oaths proliferated north of the Alps as well. For instance, a 1578 printing of the laws and parliamentary legislation of the Holy Roman Empire prohibited imperial councilors from "seeking their own rent / favor / bribes / friendship / enmity / or any other things . . . [that could impede] the public weal" and required them to swear to that effect. *Loci communes, aller deß Heiligen Römischen Reichs Ordnungen, gehaltener Reichsztäge und Abschied, gemeine Titel: darinn ein jeder Stand deß Reichs auff allen Reichs-, Deputation-, Kreiß- ... und dergleichen Täge ... erklärt*. (Mainz: Franciscum Behem, 1578), 2.
[61] Waquet, *Corruption, Ethics and Power*, 13,
[62] John Noonan, *Bribes: The Intellectual History of a Moral Idea* (New York: Macmillan, 1984), 684.
[63] Waquet, for instance, argued in favor of applying the term "corruption" to early modernity by saying that "if we were to pardon everything, we would understand nothing." Waquet, *Corruption, Ethics and Power*, 13.
[64] Sharon Kettering, *Patrons, Brokers, and Clients in Seventeenth-Century France* (New York: Oxford University Press, 1986), 204.

Note the casual use of the phrase "illegal practices," as though it were self-evident in modernity what constitutes corruption. Moreover, Kettering undercuts her own ambivalence when she describes how in 1644 a rival accused the maritime admiralty lieutenant Antoine de Valbelle of being "an *affairiste*, a politician who used his position and authority to feather his own nest."[65] The existence of such specialized vocabulary implies at the very least a widespread cultural awareness and disapproval of political actors who derived personal profit from their public positions.[66]

For Kettering, the ambiguity of gift-giving clouds the historical investigation of early modern corruption. Valentin Groebner's work on gift-giving in the cities of the upper Rhine in the late Middle Ages, however, illustrates the extent to which the historical record allows for the reconstruction of fine-grained distinctions between gifts and corrupt acts. For instance, Groebner finds the moral censure attached to gifts labeled *miet* a useful marker of the boundary between legitimate gifts and corrupt ones.[67] As an example, gifts between close relatives were never *miet*, but "if presents were exchanged by non-kin . . . then such gifts should be bestowed publicly before the mayor and the town council [of Strassburg], who had to then decide whether the gifts were lawful or not."[68] Bestowing a gift publicly was cleaner than doing so privately; gifts of food and drink were less suspect than gifts of cash. Late medieval German texts also labeled

[65] Kettering, *Patrons, Brokers, and Clients*, 197.
[66] Kettering would dispute this characterization of a clear distinction between public and private. She cites the example of the French finance minister Fouquet offering his personal property as security for loans that he used to supplement the royal treasury as illustrative of the blending of personal ambition and state action. The example is an ironic choice both because Fouquet acquired enormous liabilities by doing so and because he ultimately lost his position on charges of corruption brought by a young Louis XIV ostensibly envious of his outward displays of wealth. *See* Kettering, *Patrons, Brokers, and Clients*, 197.
[67] "Mieten" in modern German means "to rent;" Groebner recounts how the term undergoes a transformation from the High Middle Ages, where it simply means "gift," to a later definition as a traitor's reward. See Valentin Groebner, *Liquid Assets, Dangerous Gifts: Presents and Politics at the End of the Middle Ages* trans. Pamela Selwyn (Philadelphia: University of Pennsylvania Press, 2002), 73.
[68] Groebner, *Liquid Assets, Dangerous Gifts*, 75.

Judas' reward for his betrayal of Jesus as *miet* and the code of criminal procedure for the Holy Roman Empire, the *Constitutio Criminalis Carolina,* prohibited judges or any judicial decision-maker from accepting *miet*.[69] In other words, Kettering's hesitation about labeling gifts as corrupt in early modernity may implicate less the confused nature of corruption in early modernity than it does the imprecise nature of gifts more generally as reciprocal matters of etiquette that remain somewhat fuzzy to this day.[70]

Several years after Kettering's work, Linda Levy Peck in 1990 discarded historians' traditional ambivalence towards early modern corruption altogether. Describing her colleagues as "unable to accept the testimony of complaint literature about venality that stretches from the Middle Ages to the present" and "unwilling to apply modern conceptions of corruption to early modern government," she upbraided historians for having "dealt with the issue by avoiding it."[71] In her view, the seventeenth century witnessed a reorganization of the boundaries between legitimate and corrupt conduct. For instance, when a new title – that of "baronet" – was created in England in 1603, she quotes Sir John Holles' critique of the crown peddling this new status symbol as "temporal simony."[72] Peck's methodological assuredness stems from a wealth of literature on corruption in Jacobean England as well as an understanding of corruption accusations as the language of political opposition. Embracing the discourse on subjective norms, Peck paraphrases Pierre Bordieu to argue that "virtue . . . legitimizes modes of

[69] Groebner, *Liquid Assets, Dangerous Gifts*, 85. See also *Peinliche Halsgerichtsordnung Kaiser Karls V.*, arts. 3, 4.
[70] Indicative of the continuing uncertainty surrounding gifts is Groebner's use of the work of French anthropologist Marcel Mauss and his investigation of material exchange as a crucial element in the construction of relationships within and between social groups. *See* Marcel Mauss, *The Gift: Forms and Functions of Exchange In Archaic Societies* (New York: Norton, 1967).
[71] Linda Levy Peck, *Court Patronage and Corruption in Early Stuart England* (Cambridge, MA: Unwin Hyman Inc., 1990), 5.
[72] Peck, *Court Patronage and Corruption in Early Stuart England*, 211.

domination. When that virtue fails, the legitimate basis for the exercise of authority fails with it."[73]

The global financial crisis of 2008 spurred a renewed interest in the historical investigation of corruption. In one of the works to emerge from this burst of research, historian Niels Grüne claims that a well-documented ethic of integrity was held by early modern public officeholders and that the terms "corruption," "private" and "misuse" of public office parallel their modern understandings.[74] As an example he cites the *Aulico Politica*, a treatise on government by the chief mining inspector of Brunswick Georg Engelhard von Löhneyß in which the author says "it is different . . . to administer a princely state than to be a private person" because "councilors and judges . . . must not pay heed to the friendship [or] family ties of any party."[75] Moreover, Grüne finds this clear distinction between the public and private realms enacted in territorial legislation. In a 1620 Württemberg edict, for instance, the text enjoins state officials to "take good heed of *Our* interest more than any private concerns."[76]

Grüne's assertion that a bright line separated the duties of public office from the private interests of an officeholder in the Holy Roman Empire of the seventeenth-century is not universally shared. The historian Jens Ivo Engels, for instance, cites the example of early modern "court favorites" as political actors with particularly acute conflicts of interest between

[73] Peck, *Court Patronage and Corruption in Early Stuart England* , 173.
[74] Niels Grüne, "'Gabenschlucker' und 'verfreundte rät': Zur patronagekritischen Dimension frühneuzeitlicher Korruptionskommunikation," in *Integration, Legitimation, Korruption, Politische Patronage in Früher Neuzeit und Moderne* eds. Ronald Asch, Birgit Emich, Jens Ivo Engels (New York: Peter Lang, 2011), 231.
[75] "Grundsätzlich sei es 'ein anders . . . eines Fürsten Staat verwalten / ein anders eine Privatperson seyn' weswegen 'Räthe und Richter / … all Freundschafft und Verwandtschafft / … der Partheyen nicht achten/ sollten." Grüne, "'Gabenschlucker' und 'verfreundte rät'," 223; *quoting* Georg Engelhard von Löhneyß, *Hof-, Staats- und Regier-Kunst […]* (Frankfurt am Main, 1679).
[76] "So versehen wir Uns zu Unsern *Beampten* ins gemein gnädiglich, befehlen auch hiemit nochmalen ernstlich, daß sie hinfüro . . . alle ihre *Amptshandlungen*, also anstellen, daß daraus zuverspüren, wie . . . sie *Unser Interesse* mehr als einige *Privataffection* in guter obacht gehalten haben." Grüne, "'Gabenschlucker' und 'verfreundte rät'," 224; *quoting* Generalreskript vom 24. Juli 1620. (emphasis in original)

personal ambition and official duties.[77] For lesser officials, Engels describes a fee-for-service cost structure whereby low-paid or unpaid public officials charged for the provision of public services.[78] Although the authors disagree about the line between public and private in the Holy Roman Empire, they agree that competing ethical regimes – those of religion, rank, profession, family, or others ("normative plurality," or *Normenkonkurrenz* in German) – partially explain the cognitive dissonance modern historians experience when confronted with ostensibly corrupt acts that were nonetheless acceptable in their time.[79]

` In their use of the term "normative plurality," Grüne and Engels borrow from a central theoretical construct of historian Hillard von Thiessen. In his 2020 monograph *Das Zeitalter der Ambiguität* (The Age of Ambiguity), Thiessen extends his application of this theory to early modernity, positing a tripartite division of religious, "common-good," and social norms. Within this schema, corruption accusations exercised a "pressure-releasing and corrective function in a fundamentally stable system of normative ambiguity."[80] This analysis leads to a traditional periodization, namely that "during the enlightenment, corruption came to be seen less as a sin and moral weakness, and more as a relic of the past to be overcome."[81] A key development

[77] Jens Ivo Engels, *Die Geschichte der Korruption. Von der Frühen Neuzeit bis ins 20. Jahrhundert* (Frankfurt am Main: S. Fischer Verlag, 2016), 60.
[78] Engels, *Die Geschichte der Korruption*, 61.
[79] The Schönborn family, for instance, built a formidable power base in the imperial church through a policy of brazen nepotism in the seventeenth century. Yet in part because fidelity to family and meritocracy were considered morally equivalent values, the Schönborn's largely escaped accusations of corruption.
[80] ." Hillard von Thiessen, *Das Zeitalter der Ambiguität. Vom Umgang mit Werten und Normen in der Frühen Neuzeit* (Köln: Böhlau Verlag, 2021), 260.
[81] Von Thiessen, *Das Zeitalter der Ambiguität*, 327.

guiding this transformation was the press, with Thiessen arguing that the press transformed corruption debates from elite to popular affairs.[82]

♦♦♦

The importance of the *Sattelzeit* – the historian Reinhart Koselleck's term for the period immediately preceding and following the year 1800 – for the emergence of the modern ethic of corruption informs all of these authors.[83] The desire for a turning point is understandable; it seems to flow from the historian E.H. Carr's dictum that history is the search for causation.[84] Yet the emphasis on the *Sattelzeit* arguably suffers from what I will call the "stadium fallacy." The stadium fallacy is the painfully unlearned lesson of local officials who promote the construction of expensive sports and other entertainment facilities as a means to stimulate economic growth.[85] It mistakenly identifies a capstone of prosperity with the generator of wealth itself (e.g., Rome was wealthy because it built the Colosseum, rather than the other way around). Similarly, the emphasis on the *Sattelzeit* ignores the iterative process of normative change wrought in the preceding centuries and unnecessarily exoticizes a term like corruption whose meaning remains indeterminate in the present. Although this dissertation is less concerned with the periodization of corruption than with its manifold definitions, only one case – the final one analyzed here – plausibly falls within the *Sattelzeit*.

---

[82] Von Thiessen, *Das Zeitalter der Ambiguität,* 329. In this line of argument, Thiessen follows the argument of Jürgen Habermas in his canonical *Strukturwandel der Öffentlichkeit*. Counter intuitively, with the evolution of the press into "mass media," Habermas argues that it ceases to function as a genuine public sphere.

[83] Von Thiessen, *Das Zeitalter der Ambiguität,* 321. Buchan and Hill similarly argue that "the end of the eighteenth century" witnessed "the most significant changes to the way political corruption was perceived." Bruce Buchan and Lisa Hill, *An Intellectual History of Political Corruption*, 170.

[84] E.H. Carr, *What Is History?.* 40th anniversary edition. (Basingstoke: Palgrave, 2001), 1.

[85] A 2008 study finds that "the overwhelming preponderance of evidence" shows "that no tangible economic benefits are generated by these heavily subsidized professional sports facilities." Dennis Coates and Brad Humphreys, "Do economists reach a conclusion on subsidies for sports franchises, stadiums, and mega-events?" *Econ Journal Watch,* 5, (2008): 310.

The adjective "baroque" underpins both the periodization and the subject matter of this inquiry. Bookended by the mannerist and rococo styles, art historians generally date the baroque period from "the 1580s to the early 18th century."[86] Accompanying the temporal overlap is the baroque association with deformation and extravagance – Nietzsche argued that "the baroque style always arises at the time of decay of a great art."[87] The financial impropriety and alleged corrosion of political culture analyzed here fit such a narrative of degeneration.[88] Although the style was not exclusively Catholic, its predominance in the counter-reformation Church neatly mirrors the Catholic supermajority on the *Reichshofrat* – a point of contention in the multi-confessional Empire until its dissolution in 1806. The baroque therefore serves as an interpretive lens, however fuzzy and imperfect, through which to view the litigation of political deviance in this period from a contemporary perspective.

The primary sources for that litigation are housed in the Haus-, Hof- und Staatsarchiv in Vienna. They consist of case files of varying length and quality. In the case of Philipp Lang analyzed in Chapter I, that file contains dozens of sworn witness statements (a veritable treasure trove of evidence for the prevailing norms of the Prague court), the preliminary orders of the court (although not its final judgment) and reams of correspondence from Lang himself. By contrast, the case file of the Gülich revolt is far less comprehensive (although a copy of the 1681 Cologne pleading to the *Reichshofrat* and 1684 *Facti Species* allow for a close examination of the legal arguments at issue). The file of the Eichstätt case analyzed in Chapter III allows for a

[86] Gauvin Bailey and Jillian Lanthier, "Baroque," *Grove Art Online*. URL: https://www.oxfordartonline.com/groveart/view/10.1093/gao/9781884446054.001.0001/oao-9781884446054-e-7000006459.
[87] *Human All Too Human II*, 144. The association between "decay" (*abblühen*, perhaps more accurately, "to wither") and corruption are self-evident: the spoliation of something important or beautiful.
[88] Although even Nietzsche praised the baroque for "material and subjects of the highest dramatic tension." *Human All Too Human II.*

nearly complete reconstruction of the pleadings, motions, and orders of the court. Additionally, a substantial volume of material related to the case survives in the local church archive, the *Diözesanarchiv*. The sources for Chapter IV are split equally between the (largely uncatalogued) Viennese material and the vast holdings in the *Landesarchiv* Rudolstadt. The final Chapter relies on a tripartite combination of the case file in Vienna, contemporary printed observations of the bankruptcy (such as the contribution of Johann Jacob Moser) and the prejudicial "biography" of Count Carl Magnus written by the contemporary author Friedrich Christian Laukhard.

The first chapter analyzes the legal case against Philipp Lang, the *Kammerdiener* to Holy Roman Emperor Rudolf II mentioned above. It revises the wildly anti-Semitic 1851 examination of Lang that has inexcusably remained the scholarly reference point for the subject. The chapter then methodically reconstructs the legal case against Lang using the case file just described. What emerges is a portrait of the imperial Prague court as a system steeped in self-dealing yet simultaneously censorious of that same conduct. The normative framework illustrated in this chapter dispels the lingering "innocence thesis" which had posited that in early modernity "social bonds still had such a self-evident [power over] official action that there was a lack of awareness of injustice or the potential for scandal in such conflicts of norms." [89] It demonstrates the salience of corruption as a vice that contemporaries sought to assail through legal means at the nascent Imperial Aulic Council.

[89] "geht diese Unschuldsthese davon aus, dass in der Frühen Neuzeit soziale Bindungen noch so selbstverständlich in das Amtshandeln hineingewirkt hätten, dass es an Unrechtsbewusstsein und an Skandalisierungspotenzial bei derartigen Normenkonflikten gefehlt habe." Hillard von Thiessen, *Das Zeitalter der Ambiguität. Vom Umgang mit Werten und Normen in der Frühen Neuzeit* (Köln: Böhlau Verlag, 2021), 247. Thiessen devises a tripartite schema of norms: religious, social, and common-good oriented, that overlap and conflict. In this model, corruption is the manifestation of social norms that allow favoritism and bribery coming into conflict with "common-good" oriented norms that prohibit such behavior.

Chapter Two analyzes the so-called Gülich revolt in Cologne (1680-1686). This analysis reveals that while the corruption discourse in this free imperial city expressed the grievances of the economically secure but politically marginalized, the breadth of testimony from all strata of society illustrates widely held beliefs about the proper conduct of public officials. The Gülich revolt used the existing guild structures of corporate governance to denounce, investigate, and then replace the Cologne city council. Three of the allegedly corrupt wrongdoers subsequently appealed to the Imperial Aulic Council, which responded by dispatching an investigatory committee (before ultimately taking a harsher stance, executing the ringleaders and reinstating the oligarchy, albeit with constitutional amendments to prohibit consanguinity amongst council members). The anti-corruption revolt and subsequent litigation betrays the shared normative vocabulary of political antagonists and their commitment to hardening the boundary between the public and the private spheres.

Chapter Three analyzes a lawsuit by a south German cathedral chapter against its lord, the Prince-Bishop of Eichstätt. Filed in 1718 and settled in 1724, this case broadens the social and institutional perspective of anti-corruption discourse. As members of the high aristocracy, the cathedral canons' grievances are socially distinct but functionally similar to the complaints voiced by their bourgeois predecessors in Cologne and peasant contemporaries in Schwarzburg-Rudolstadt (analyzed in Chapter Four). The complaint employs the common *Gemeinnutz-Eigennutz* vernacular when condemning the Episcopal ministers despite the idiosyncratic setting in an ecclesiastical principality where the bishop was temporal lord. The only case in this dissertation where the parties reached a settlement, it is also notable for taking place in a secular forum (the Imperial Aulic Council), despite both parties forming part of the broader Catholic

church. Contrary to received wisdom, the case highlights the perceived normative impermissibility of office sales, nepotism, and ministerial self-dealing.

The lawsuit detailed in Chapter Four took place at nearly the same time as that in Chapter Three (1723-1732). Unlike the intra-elite competition within the south German Catholic aristocracy in Eichstätt, this suit by Lutheran peasants against the north German Prince of Schwarzburg-Rudolstadt was markedly influenced by religion. In particular, one of the key early figures in the Pietist movement, Ahasver Fritsch, served as a major influence on the religiously charged vocabulary of the peasants' complaint. Fritsch himself composed numerous treatises on the vice of corruption. The peasant suit that followed some years after Fritsch's death resembles a modern class-action lawsuit, with a host of grievances ranging from improper taxation, the failure to call parliament, the abuse of official fees known as *Sporteln*, and the staffing of cronies in office bent on self-enrichment. The peasants lost the case in the narrow sense, but only after many of their grievances were addressed and the Prince was severely admonished by the court. Known as the *Landstreit*, this case study clearly links the evolution of public expectations of official integrity to a normative shift engendered by religious innovation.

The final chapter of this dissertation analyzes the case of Carl Magnus von Rheingrafenstein, the Count of Grehweiler. The extravagant living, and attendant debts, of this ruler in the Rhineland induced him to invent ever more elaborate schemes to extract wealth from his "subjects." The chapter details these schemes and the subsequent condemnation of them in the lawsuit before the Imperial Aulic Council. This chapter benefits from a near contemporary biography of Carl Magnus penned by an alcoholic military adventurer whose father had been a pastor in one of the territorial villages ruled by the Count (the aforementioned Laukhard). The

case also serves to highlight an unusual competence of the Imperial Aulic Council, namely the ability to depose rulers and take their lands into receivership. Carl Magnus suffered this fate and served six years (of a ten year sentence) in an isolated fortress. These so-called *Fürstenabsetzungen* are both a corrective to the narrative of absent state capacity and offer sharp imperial censures of official misconduct by supposedly absolutist lords.

These five cases offer clear evidence that the norms of political ethics were honored in the breach (as they are now and always have been). Much like blasphemy, corruption allegedly thrived in the Holy Roman Empire, yet constituted deviance at the same time.[90] The vocabulary of deviance is an essential component of the concept; the sociological labeling approach holds that "the deviant is one to whom that label has been successfully applied; deviant behavior is behavior that people so label."[91] As we shall see, the nomenclature of transgression detailed here privileged communal wellbeing, whether in the form of the *Gemeinde* as a corporation or public authority as an abstraction, above individual interests. The *Reichshofrat* played an instrumental role in circumscribing the limits beyond which the norms governing corruption could not evolve but, as with much else in the Holy Roman Empire, the emergence of those norms was invariably a local affair.

[90] Luca Vettore, "Blasphemy on Trial: Splinters of deviant recounts from 17th century Venice," in *Recounting Deviance: Forms and Practices of Presenting Divergent Behaviour in the Late Middle Ages and Early Modern Period* ed. Jörg Rogge (Bielefeld: transcript Verlag, 2016), 126.
[91] Howard Becker, *Outsiders: Studies In the Sociology of Deviance (*London: Free Press of Glencoe, 1963), 44.

CHAPTER 1: COURTLY CRONYSIM AND THE LEGAL CASE AGAINST *KAMMERDIENER* PHILIPP LANG

In the 1951 Czech comedy *Císařův pekař* (The Emperor's Baker), the eponymous baker, Matěj, is mistaken for Holy Roman Emperor Rudolf II by the imperial court in Prague. The plot of mistaken identity is played for laughs as the down-to-earth Matěj reverses the occultist absurdities and artistic extravagance of the real Emperor as portrayed in the first act. In one such scene depicting Matěj's commonsense wisdom, the baker is presented with a document for signature by the councilor Philipp Lang. Lang describes the document as a modest loan that he will provide to the Emperor when in reality it is an abdication notice of Rudolf's various titles to which Lang surreptitiously hopes to append the imperial signature. In the film, Matěj surprises Lang by actually reading the document and exposing his plot; he demands twenty-five thousand *thaler* from Lang in exchange for tearing it up.[92]

The scene is fictional, of course, but it contains a surprising number of truths. For instance, the wealth of Lang and his political dalliance with Rudolf's brother and rival, Archduke Matthias, is communicated with admirable economy. The irony of Rudolf's actual abdication of the Bohemian and Hungarian crowns to Matthias is targeted to a vanishingly small cinematic audience. Most importantly, however, the scene communicates the central historical understanding of Lang that has persisted to the present: that he was a greedy and treacherous councilor at the court of Rudolf II who acted in his own self interest and not in the interests of his sovereign. In a word, he was corrupt.

[92] *Císařův pekař*, directed by Martin Frič (1951, Československý Státní Film, 1952); 1:50:00.

This chapter examines the case of Philipp Lang, the charges brought against him at the Imperial Aulic Council, and his interrogation and death in prison. It argues that, like other court favorites in the seventeenth century, Lang's use of office for self-enrichment was not considered illegitimate *per se* by the normative standards of the time. Unlike many of his contemporaries, however, Lang's fall from grace was swift and complete. The distinction must stem in part from his obscure Jewish origins but stems in the larger part from the *excessive* nature of Lang's pursuit of gain. Patronage, the exchange of gifts, and the receipt of fees were integral elements of early modern Habsburg administration. The precipitous social advance, wealth accumulation, and bare-knuckle court intrigues of Lang, however, crossed a threshold into deviance as defined by the inquisition of the Imperial Aulic Council under investigation here. Finally, in the fact that he "easily let himself be corrupted by gold" he may not have been unique. [93] In the political firestorm that ruined his patron and presaged the Thirty Years War, however, he was singularly unlucky.

♦♦♦

Philipp Lang did not have the background of a courtier at the summit of imperial politics. He was apparently born into a Jewish family either in Prague or in Innsbruck around the year 1560 to Caspar and Anna Lang.[94] His father was a purchasing agent at the court of Emperor Maximilian II.[95] In 1568 he appears as a choir boy in the court chapel of Archduke Ferdinand II

[93] "last sich leicht mit goldt cirumpieren." Extract aus dem schreiben deß Phillip Lang an den Herzog von Mantua (1608) HHStA Lang-Akten 8-9 Konvolut 9: Prozessakten: aaaa-zzzz, f. 658,

[94] Friedrich Emannuel von Hurter contends that Lang was born in Innsbruck, whereas Felix Stieve and Václav Bužek write that he was born in Prague. *Compare* Friedrich Emanuel von Hurter, *Philipp Lang, Kammerdiener Kaiser Rudolphs II: eine Criminal-Geschichte aus dem Anfang des siebenzehnten Jahrhunderts* (Schauffhausen: Hurter'sche Buchhandlung, 1851): 5, with Stieve, "Lang, Philipp" in: Allgemeine Deutsche Biographie 17 (1883), S. 617-618 [Online-Version]; URL: https://www.deutsche-biographie.de/pnd136268676.html#adbcontent.

[95] Václav Bužek, "Handlungsspielräume des Oberkammerdieners Philipp Lang von Langenfels am Kaiserhof zu Beginn des 17. Jahrhunderts," in *Die weltliche und kirchliche Elite aus dem Königreich Böhmen und Königreich*

of Tyrol, the Emperor's younger brother.[96] Sometime during his early years in Innsbruck, he likely converted to Catholicism.[97] According to historian Felix Stieve, once his voice broke, Lang received a scholarship to continue his education at the Innsbruck court in the service of the Archduke's son Andreas.[98] In 1579, he accompanied the twenty-two year old (and, precociously since 1576, Cardinal) Andreas to Rome.

Lang was subsequently ennobled, although exactly when is unclear.[99] Stieve notes the year 1580 for his elevation, but historian Václav Bužek suggests that Lang remained a *Wappenbürger* (a non-noble with a coat of arms) when he entered Imperial service in 1601.[100] The historian Karl Friedrich von Frank dates his ennoblement to 24 March, 1601.[101] Despite these inconsistencies, his noble status still required confirmation by the Bohemian estates as late

---

Ungarn am Wiener Kaiserhof im 16. - 17. Jahrhundert vol. 8, Publikationen der ungarischen Geschichtsforschung in Wien eds. István Fazekas, Anna Fundárková (Vienna: Institut für Ungarische Geschichtsforschung in Wien, 2013): 374.

[96] Lang was apparently not the only official that Ferdinand of Tyrol plucked from the choir: his court historian, Gerard van Roo, was a bass in the archducal chapel in Prague when Ferdinand discovered him and made him a part of his household. Josef Hirn, *Erzherzog Ferdinand II. von Tirol Geschichte seiner Regierung und seiner Länder* (Innsbruck: Wagner Verlag, 1885), 345.

[97] Bužek contends that the religious affiliation of Lang is disputed by Vocelka; Vocelka, however, offers no evidence to the contrary in "Die politische Propaganda Kaiser Rudolfs II. (1576 – 1612) (Vienna, 1981): 110-111.

[98] Stieve, "Lang, Philipp."

[99] Although Lang would be referred to as Jewish throughout his career, at the time of his ennoblement he had already converted to Christianity. The first known ennoblement of a practicing Jew in the Holy Roman Empire was that of Jakob Bassevi, a Prague financier with Italian origins who was ennobled in August 1622 with the title "von Treuenberg." The freedom granted by the ennoblement of Bassevi had important legal implications in the Empire as Jews remained restricted by a patchwork of discriminatory laws. He was arguably the first *Hoffaktor*, or "Court Jew" in the Empire. Heinrich Schnee, "Bassevi von Treuenberg, Jakob" in: *Neue Deutsche Biographie* 1 (1953), S. 625 [Online-Version]; URL: https://www.deutsche-biographie.de/pnd135862779.html#ndbcontent.

[100] For the definition of the term, see "WAPPENBÜRGER, m.", Deutsches Wörterbuch von Jacob Grimm und Wilhelm Grimm, digitalisierte Fassung im Wörterbuchnetz des Trier Center for Digital Humanities, Version 01/21, <https://www.woerterbuchnetz.de/DWB?lemid=W06827>, abgerufen am 13.10.2022. For his status upon entering Imperial service, see Buzek, Vaclav, "Handlungsspielräume," 374. A copy of his coat of arms can be found here: http://wappen.tiroler-landesmuseen.at/index34a.php?wappen_id=17929&drawer=Lan-Mal.

[101] Karl Friedrich von Frank, *Standeserhebungen und Gnadenakte für das Deutsche Reich[i.e. Für Das Heilige Römische Reich] und die Österreichischen Erblande bis1806, Sowie Kaiserlich Österreichische bis1823, Mit Einigen Nachträgen Zum "Alt-Österreichischen Adels-Lexikon" 1823-1918* (Schloss Senftenegg, Niederösterreich: Selbstverlag, 1967), 108.

as 1606.[102] In 1582 he married Maria Scalaber, the daughter of an Innsbruck stonemason and a lady in waiting to Philippine Welser, the morganatic wife of the aforementioned Archduke Ferdinand II. The couple had two sons, Andreas and Ferdinand, the elder of whom married Cäcilia Imhoff, a member of the prominent Nuremberg banking family in 1606.[103] Lang held the salaried office of castellan, or *Burgvogt*, at Innsbruck until 1601, when he transferred to imperial service in Prague on the recommendation of Margrave Karl von Burgau, the second son of Archduke Ferdinand II.[104]

These basic facts establish that in over thirty years at the Innsbruck court Philipp Lang became a trusted and integral servant of the archducal household in Tyrol. Other aspects of Lang's biography up until his entry into imperial service in 1601 are somewhat less trustworthy. The primary reason for this unreliability is the author of the sole monograph on Lang, Friedrich Emanuel von Hurter (1787 – 1865). A Swiss theologian and convert to Roman Catholicism, von Hurter was also openly anti-Semitic, and his animus towards Lang on this basis alone is repeatedly evident throughout his short study.[105] For instance, the acquisition of multiple sinecures was a relatively common practice in early modernity. Yet when Lang appropriated two vacant offices to himself in 1604, he did so according to Hurter "with Jewish sharp-

[102] HHStA Lang Akten 5-1, f. 5. See also, Bužek, "Handlungsspielräume," 378.
[103] Andreas Lang von Langenfelß himself began service at the court of Rudolf II in 1605 as a 'Hofdiener auf drei Pferden' for the monthly salary of 30 fl. Jaroslava Hausenblasová, *Der Hof Kaiser Rudolfs Ii. Eine Edition Der Hofstaatsverzeichnisse 1576 - 1612. 2002 1. Aufl ed.* (Prag: Artefactum, 2002), 257.
[104] Hurter, *Philipp Lang,* 18.
[105] For instance, he writes how "so here it is a mean Jew, who behind the assumed mask of Christian belief in all conceivable squalidness sought to squeeze his percent in any way he could meddle." Hurter, *Philipp Lang*, iv. Similarly, "From out through all these documents grins unmistakably the profit-greedy Jew." Hurter, *Philipp Lang,* 39. Hurter is also unabashedly partisan in his description of officials at Rudolf's court. For instance, he describes one of Lang's inquisitors, Georg Hedel von Raffenstein, as "an excellent man, particularly as a pillar of support for the Catholics in Prague." Hurter, *Philipp Lang,* 190. (Translations mine)

sightedness."[106] Historian Karl Vocelka notes that "Hurter judges with massive anti-Semitism the apparent Jewish convert extremely harshly and ascribes all the evils of the government of Rudolf to him."[107]

In addition to his anti-Semitism, von Hurter is an unreliable narrator because of his anachronistic conceptualization of corruption in the late sixteenth and early seventeenth centuries. For von Hurter, any gifts or payments that Lang received in addition to his official salary and in anticipation of some favor were by definition criminal acquisitions. To a certain degree, this conceptualization approximates that of economic historian Jan Jacob van Klaveren from the mid-twentieth century.[108] Van Klaveren's treatment of corruption is notable for his contention that "by corruption we mean that a public official treats his office like a business where, in the worst-case scenario, he tries to maximize his revenue."[109] As narrated by Hurter, the career of Philipp Lang was indeed an exercise in revenue maximization: even after his conciliar appointment and at the height of his influence in 1607, he "was not content with these

[106] The offices were the *Burghauptmannschaft* of Krems and the *Wassermauth* (river toll) of Stein. Hurter, *Philipp Lang*, 42.
[107] "Hurter urteilt mit einem massive Antisemitisumus über den angeblichen jüdischen Konvertiten äußerst hart und schreibt ihm alles Böse der Regierung Rudolfs zu." Vocelka, Karl, Die politische Propaganda Kaiser Rudolfs II. (1576 – 1612) (Vienna, 1981): 110.
[108] Jacob van Klaveren, "Die historische Erscheinung der Korruption in ihrem Zusammenhang mit der Staats- und Gesellschaftsstruktur betrachtet," in *Vierteljahresschrift für Sozial- und Wirtschaftsgeschichte*, Vol. 44 No. 4 (December 1957). Van Klaveren considered his article the first attempt to investigate early modern corruption with any degree of analytical rigor, stating how "corruption as a historical phenomenon is, to my knowledge, a problem that has never before received a systematic treatment. The reason is likely that corruption was heretofore not seen as a problem." Klaveren, "Die historische Erscheinung der Korruption," 289. Regarding the reception of van Klaveren's essay, Engels, Fahrmeir and Nützenadel, for instance, note the importance of the essay but downplay van Klaveren's description of corruption as *praxis* and instead stress the communicative nature of corruption allegations. Jens Ivo Engels, Andreas Fahrmeir, Alexander Nützenadel, "Einleitung," *Geld-Geschenke-Politik: Korruption in neuzeitlichen Europa*, eds. Jens Ivo Engels, Andreas Fahrmeir, Alexander Nützenadel (Munich: Oldenbourg Wissenschaftsverlag GmbH, 2009), 4.
[109] "Unter Korruption wollen wir also verstehen, daß ein Beamter sein Amt als einen Betrieb betrachtet, dessen Einnahmen er im Extremfall zu maximieren versucht." Klaveren, "Die historische Erscheinung der Korruption," 292.

heaped-together offices and after the death of the High Steward of the Kitchen he sought this position for himself."[110] For Hurter, there was no limit to Lang's avarice.

These definitions, however, follow hundreds of years after the fact. The alleged corruption of Philip Lang must be placed in its proper context: the final years of the court of Rudolf II. Historian R.J.W. Evans describes these years as the end of an era, "the decline of Latin humanism and the rise of the baroque."[111] This was a moment of transition, one dominated by the mercurial personality of Rudolf himself as well as the increasingly tense confessional polarization of Bohemian and imperial politics.[112] Evans' elegiac tone dovetails with the storm clouds sketched by historians of the Thirty Years War, for whom the last years of Rudolf's reign constitute the prelude to that conflict.[113]

The art historical and military importance of the decade 1600 – 1609 elides a central feature of Rudolfine courtly life, namely the so-called *Kammerdienerregiment* (valet government) in Prague. Coined by historian Johannes Janssen, the phrase encapsulates a complaint made by an agent of Archduke Matthias that "valets, painters, alchemists, distillers and similar people … govern the land."[114] Anecdotal evidence suggests that the Emperor was dissatisfied with his traditional advisors, particularly because of their partiality to competing

[110] Hurter, *Philipp Lang*, 47-48. "Mit allen diesen zusammengehäuften Aemtern noch nicht zufrieden, riß er nach dem Tod des Oberstküchenmeisters auch diese Stelle noch an sich."
[111] R.J.W. Evans, *Rudolf II and his World: A Study in Intellectual History* (Oxford: Oxford University Press, 1973), 3.
[112] Evans attributes this polarization to the generational change occurring around the year 1600, when a significant number of leading Bohemian families die out, notably the houses of Rožmberk, Pernstein, Hradec, and Boskowitz. In Evans' view, this generation was "the last to stand for the kind of moderate national policy whose decline is inseparable from the growing conflict of confessional camps." Evans, *Rudolf II and his World*, 42.
[113] Gindely, for instance, describes his work as a prelude to the Thirty Years War.
[114] Johannes Janssen, *Geschichte des deutschen Volkes seit dem Ausgang des Mittelalters: Vorbereitung des dreissigjährigen Krieges* (Freiburg im Breisgau: Herder'sche Verlagshandlung, 1886), 243.

factions at court supporting Spain or the Papacy.[115] For instance, the resident Spanish ambassador in Prague, San Clemente, apparently did not see the Emperor for over two years.[116] The inaccessibility of the Emperor was legendary, but unlike the more affected seclusion of his contemporary monarch and nephew Philipp III of Spain, the invisibility of Rudolf did not engender a mystique of royal power.[117] It instead precipitated administrative paralysis.[118]

The court may have been dysfunctional, but it was not a categorically intolerant place. In the first instance, it was multi-confessional. This was partly a reflection of the personal religiosity of the Emperor: while Rudolf was by all accounts less anti-Catholic than his allegedly crypto-Lutheran father Maximilian II, his politics were generally anti-papal and his Catholicism resolutely milquetoast.[119] The confessional diversity of the court was also a reflection of the denominational pluralism of Bohemia itself. The Catholic minority confronted not only the Lutheran and Calvinist factions present elsewhere in the Empire, but also the local Utraquist and Moravian Brethren descendents of the fifteenth-century Hussite wars. In addition, the Prague court was decidedly cosmopolitan. The Spanish and Papal factions at court jostled with German,

[115] For instance, Rudolf complained that "man berät mich schlecht" in Gertrude von Schwarzenfeld, *Rudolf II: ein deutscher Kaiser am Vorabend des Dreißigjährigen Krieges* (Munich: Callwey, 1961), 190. For the influence of foreign factions, see Evans, *Rudolf II and his World*, 63.
[116] Evans, *Rudolf II and his World*, 2.
[117] Antonio Feros notes how during the reign of Philipp III in Spain, the King's "inaccessibility was turned into an enduring political axiom, a sort of religion of state and an essential component in the constitution of royal power." Antonio Feros, *Kingship and Favoritism in the Spain of Philip III, 1598-1621* (New York: Cambridge University Press, 2006), 84.
[118] Whether the paralysis of imperial decision making was the result of Rudolf suffering from "manic depression" as diagnosed by Peter Marshall is unclear. Peter Marshall, *The Magic Circle of Rudolf II: Alchemy and Astrology in Renaissance Prague* (New York: Walker & Company, 2006), 199.
[119] Paolo Periati. "The Political Strategy of Nuncio Antonio Caetani in the Maze of the Imperial Court (1607–1611)". *Legatio: The Journal for Renaissance and Early Modern Diplomatic Studies* 1/2017: 45.

Bohemian, and Hungarian counterparts, not to mention the various alchemical, botanical, and artistic clients of imperial patronage hailing from every part of Europe.[120]

As a result, the Rudolfine court remained open to advancing the careers of ambitious characters from all walks of life.[121] The career of Philipp Lang must be seen in this light. It also has to be seen as a variation on the theme of the court favorite. This pan-European phenomenon was recognized by contemporaries but first articulated in modern historiography by Jean Bérenger in a seminal 1974 *Annales* article.[122] Bérenger argued that court favorites emerged in response to the increased bureaucratization of governance in the sixteenth century. Subsequent historians have supplemented this thesis by arguing that favorites managed an increased demand for royal patronage and compensated not merely for the enlarged volume of government but also its heightened complexity.[123] In the Rudolfine court at Prague, an older and less structural explanation deserves equal consideration: namely, that court favorites emerged because of the unwillingness of the monarch to attend to the affairs of state.[124]

This is a harder argument to make before the *Kammerdienerregiment* assumed its infamous form after 1600. For instance, Rudolf's first head *Kammerdiener* and "apple of his eye," Hans Popp, neither controlled access to the Emperor nor did he grant patronage or

[120] Of whom the Dane Tycho Brahe, the Swabian Johannes Kepler, the Milanese Giuseppe Arcimboldo and the Englishman John Dee are perhaps the most famous.
[121] Rudolf had been raised at the court of his uncle Philipp II, King of Spain. Hausenblasová argues that Rudolf's aloofness and seclusion in Prague Castle was a deliberate attempt to imitate the manner of Philipp's isolation in the palace-monastery of El Escorial. Hausenblasová, *Der Hof Rudolfs II.,* 16 (citing Pavel Preiss, *Italští umělci v Praze. Renesance. Manýrismus. Baroko.* Preiss, Pavel. Praha : Panorama, 1986).
[122] Jean Bérenger, "Pour une enquête européenne: le problem du ministériat au XVIIe siècle', *Annales*, 29 (1974), 166 – 92.
[123] See Linda Levy Peck and I.A.A. Thompson from the "World of the Favourite" respectively. Historian Werner Paravicini has pushed back on the very notion that the phenomenon of court favorites 'emerged' in the early modern period at all, pointing to such figures in ancient and medieval courts as evidence for the trans-epochal character of the archetype. See Werner Paravicini, "Der Fall des Günstlings. Hofparteien in Europa vom 13. bis zum 17. Jahrhundert" in *Residenzforschung: 8. Symposium der Residenzen-Kommission der Akademie der Wissenschaften zu Göttingen* eds. Jan Hirschbiegel und Werner Paravicini (Ostfildern: Jan Thorbecke Verlag, 2004), 15.
[124] Bérenger, for instance, claims that Rudolf was not up to the task. Bérenger, "Pour une enquête européenne."

spearhead any notable policy changes.[125] Instead, the *Oberstkämmerer* and *Obersthofmeister*, Wolfgang Siegmund Rumpf zum Wülroß exercised those functions while remaining within the pre-existing institutional structure of Habsburg-imperial administration.[126] Rumpf may have been an *éminence grise*, yet to label him as a court favorite is somewhat problematic.[127] Court favorites generally governed *in place* of the prince; for instance, Louis XIV established his "personal monarchy" in 1661 specifically by not appointing a favorite to replace Mazarin.[128] By this measure, Rudolf's appointment of Rumpf to key administrative positions suggests more that he was a trusted minister rather than a minister-favorite.[129] Moreover, Rumpf shared his position at the apex of the court with Paul Sixtus von Trautson, the president of the *Reichshofrat*.[130] At the very least, Rudolf's stubborn unwillingness relinquish his authority in certain matters – most notably the succession, but also the Turkish war – indicates that Rumpf's position at court was an auxiliary one, however powerful. For a time, at least, he was the *zweite Mann im Staat* ("the second man in the state").[131]

---

[125] Rafał T. Prinke & Mike A. Zuber "Alchemical Patronage and the Making of an Adept: Letters of Michael Sendivogius to Emperor Rudolf II and His Chamberlain Hans Popp," *Ambix*, 65:4 (2018): 330. Popp entered imperial service when Rudolf II ascended to the throne in 1576. Hausenblasová, *Der Hof Rudolfs II.*, 401. I.A.A. Thompson argues the favorites were the center of patronage and had clear policymaking objectives. I.A.A. Thompson, "The Institutional Background to the Rise of the Minister-Favourite," in *The World of the Favorite*,15.

[126] In contrast to I.A.A. Thompson who argues, for instance, that court favorites exercised their authority outside the traditional administrative hierarchy.

[127] R.J.W. Evans labels him "the true *éminence grise*." Evans, *Rudolf II and his World*, 71.

[128] Jean Bérenger, "The Demise of the Minister-Favourite, or a Political Model at Dusk: The Austrian Case" in *The World of the Favourite* eds. Elliott and Brockliss, 256.

[129] It must also be noted that Rumpf and the Emperor were quite close personally. Rumpf had accompanied the young Archduke Rudolf and his brother Ernst during their extended stay at the court of Philipp II in Spain. Notflatscher argues that it was actually Rumpf who opposed the intended marriage of Rudolf to Isabella of Spain. Noflatscher, "Regiment aus der Kammer?", 223.

[130] Between the two of them, they controlled the positions of Obersthofmeister, Obersthofmarschall, Obersthofkämmeramt, Chairman of the Privy Council (Geheim Rat), and the Presidency of the Imperial Aulic Council. Noflatscher, "Regiment aus der Kammer?", 221.

[131] The distinction is made by historians Michael Kaiser and Andreas Pečar, who argue that the label "favorite" as used to designate Richelieu and Olivares is too specific to apply to the heterogeneous group of courtiers in the Holy Roman Empire for whom the title "second man in the state" is a more accurate reflection of their role. Michael Kaiser and Andreas Pečar, "Reichsfürsten und ihre Favoriten. Die Ausprägung eines europäischen Strukturphänomens unter den politischen Bedingungen des Alten Reiches" in *Der zweite Mann im Staat. Oberste*

This dynamic changed around 1600.[132] Rudolf's emotional stability played a role in the change. The traditional explanation for the onset of the Emperor's "melancholy" is his obsession with an astrological prophecy from Tycho Brahe that he would be assassinated by a monk in the manner of Henri III of France.[133] Regardless of whether this lurid detail is true or not, Rudolf seems to have had a personal crisis around this time likely related to acute "agnatic" intra-Habsburg pressures on the unmarried Emperor to clarify the matter of his succession.[134] The arrival of the Plague in 1599 cannot have helped matters.[135] In addition to a series of abrupt policy changes marked by his brief enthusiasm for the Counter-Reformation, Rudolf shuffled his personnel at the top.[136] Both Rumpf and Paul Sixtus von Trautson were angrily dismissed by the Emperor in September 1600 (Rumpf allegedly at the point of Rudolf's rapier).[137] This followed the bureaucratic personnel triumph of the so-called Spanish party led by Bohemian chancellor Zdeněk Lobkovic in 1599.[138] Historian Anton Gindely claims that Rudolf would not be seen in public again for the next six years.[139]

Those six years coincided with the ascent of Philipp Lang. Before Lang took up the role of head *Kammerdiener*, however, that position was filled by the minor Czech nobleman

---

Amtsträger und Favoriten im Umkreis der Reichsfürsten in der Frühen Neuzeit eds. Michael Kaiser and Andreas Pečar (Berlin: Duncker & Humboldt, 2003), 12.

[132] It is not irrelevant that Bohemian historian Anton Gindely began his canonical history of Rudolf's reign in the year 1600, twenty four years after the Emperor's accession.

[133] Anton Gindely, *Rudolf II und seine Zeit* (Prague: Friedrich Tempesky Verlag, 1868), 43.

[134] Noflatscher, "Regiment aus der Kammer?", 226. The Archdukes Matthias, Maximilian, and Ferdinand (later Emperor Ferdinand II) concluded the so-called *Schottwiener Vertrag* in November 1600. Vocelka, Karl. "MATTHIAS CONTRA RUDOLF: Zur Politischen Propaganda in Der Zeit Des Bruderzwistes." *Zeitschrift Für Historische Forschung* 10, no. 3 (1983): 341–51.

[135] Rudolf's 1599-1600 stay in Pilsen during the plague in Prague would be his last stay outside of the city except for occasional trips to his castle at nearby Brandeis. Hausenblasová, *Der Hof Kaiser Rudolfs II.*, 22.

[136] Heinz Noflatscher, "Regiment aus der Kammer? Einflußreiche Kleingruppen am Hof Rudolfs II." in *Residenzforschung: 8. Symposium der Residenzen-Kommission der Akademie der Wissenschaften zu Göttingen* eds. Jan Hirschbiegel und Werner Paravicini (Ostfildern: Jan Thorbecke Verlag, 2004), 213.

[137] Evans, *Rudolf II and his World*, 71.

[138] Evans, *Rudolf II and his World*, 68. To characterize this change as a triumph for the Spanish party must be qualified by noting that both Rumpf and Trautson received Spanish stipends.

[139] Gindely, *Rudolf II und seine Zeit*, 83.

Hieronymus Makofsky von Machau.[140] Hans Popp had died in 1599, but Makofsky appears to have assumed his position two years earlier in 1597.[141] Alternatively described as a Calvinist, an Utraquist, or Moravian Brethren, Makofsky arrived at court from service in the powerful Bohemian house of Rosenberg.[142] He appears as a footnote in histories of the Rudolfine era, largely as a result of his alleged scheme to drive the Capuchins out of Prague. His biography is important insofar as it parallels that of Lang: while unlike Lang he was born into a knightly family, he shared with Lang an unorthodox religious background and an apparent willingness to exploit his position at court for financial gain. Some historians also claim that both men had homosexual relationships with the Emperor.[143] The most significant distinction between the two is their fates: although Makofsky was imprisoned in October 1603, his case never went to trial. He was released shortly afterward and lived until 1630. Lang, by contrast, would die in prison in early 1610.

The most significant similarity between the two, however, is the eerie overlap between the alleged crimes for which both Makofsky and Lang would be toppled. These included their neglect of duties, embezzlement of imperial correspondence, leaking confidential information, and the obligatory charges of fornication and sorcery.[144] An additional charge against both *Kammerdiener*, that they only allowed access to the Emperor in exchange for bribes, comprises a

[140] This is the German spelling; the Czech spelling of his name is Jeroným Makovský z Makové.
[141] Noflatscher suggests that Popp died out of favor with the Emperor, but does not elaborate on the cause. Noflatscher, "Regiment aus der Kammer?, 228. For the start of Makofsky's service, see https://encyklopedie.ckrumlov.cz/en/osobno_jemama/.
[142] Bonaventura da Coccaglio describes him as a "perfidious Calvinist," Bonaventura da Coccaglio, *Ristretto istorico della vita, virtù e miracoli del B. Lorenzo da Brindisi [...]* (Rome: stamperia del Casaletti, 1783), 66. Hurter denigrates him as "certainly an Utraquist and a poisonous adversary of everything Catholic." Hurter, 19. For his origins in Rosenberg service, see https://encyklopedie.ckrumlov.cz/en/osobno_jemama/.
[143] Helmut Neuhold. *Das Andere Habsburg: Homoerotik im Österreichischen Kaiserhaus* (Marburg: Tectum-Verlag, 2008), 366.
[144] Ferdinand Břetislav Mikovec, *Malerisch-historische Skizzen aus Böhmen* (Vienna: Eduard Hölzel Verlag, 1860), 82.

central complaint of the Eichstätt Cathedral Chapter against Bottenemeister Simeoni analyzed in Chapter IV. Three leading Catholic members of the Bohemian chancellery, the aforementioned Zdeněk Lobkovic, Heinrich von Pisnitz, and Johann von Kolsdorf, prepared a detailed indictment of Makofsky in 1604.[145] Their indictment alleged that he attempted to bribe the Emperor in pursuit of a conciliar office (described as an act of *lèse-majesté*), and that, like the Eichstätt treasurer Bertlin similarly analyzed in Chapter Three, he forged signatures and documents for his personal financial benefit.[146]

The former claim is particularly important because it implicates the question of office sales. Accounts differ as to whether Makofsky proffered this large sum to Rudolf in exchange for a vice-cameral position, or alternatively, for the lordship of a series of Bohemian estates.[147] Leaving aside the object of Makofsky's desire, the accounts agree that Rudolf's response to the proposed *quid pro quo* was indignation. This both parallels the reaction of Prince-Bishop Johann Anton I in Eichstätt discussed in Chapter Three and requires explanation against the backdrop of a francocentric historiography that treats office sales in early modernity as the norm.[148] While the French comparison is frequently made, it is particularly inapposite for the Holy Roman Empire given the wholly divergent systems of taxation in each polity. In France, where the weakly developed Estates-General met only four times during the sixteenth century, the sale of offices comprised a considerable share of royal finance and arguably resembled a nascent

[145] Václav Bužek, "Konfessionelle Pluralität in der kaiserlichen Leibkammer zu Beginn des 17. Jahrhunderts," in *Konfessionelle Pluralität als Herausforderung. Koexistenz und Konflikt in Spätmittelalter und Früher Neuzeit*. Joachim Bahlcke, Karen Lambrecht, and Hans-Christian Maner (eds.) (Leipzig: Leipziger Universitätsverlag, 2006), 393.
[146] Bužek, "Konfessionelle Pluralität in der kaiserlichen Leibkammer," 393.
[147] Compare Bužek, 393 and https://encyklopedie.ckrumlov.cz/en/osobno_jemama/.
[148] Refreshingly, historian William Doyle refers to office sales as "peculiarly French." William Doyle, *Venality: The Sale of Offices in Eighteenth-Century France* (Oxford: Oxford University Press, 1996), 57.

sovereign debt market.[149] This is particularly true once offices were made fully heritable and alienable with the introduction of the *Paulette* in 1604.[150] In the Empire, by contrast, the *Reichstag* met thirty times during the sixteenth century and, during the reign of Rudolf, repeatedly voted to raise taxes for the Turkish war.[151] Office sales in the Empire therefore existed within a separate moral ecology from their normalized French counterparts.[152]

Confessional tensions may also have been a motivating factor in the case against Makofsky. Czech historian Vaclav Buzek argues that as a prominent non-Catholic at court, Makofsky might have been targeted by Catholic partisans, like the committee members who drafted the complaint described above, in order to affect imperial religious policy.[153] As a potential motivating factor for the said Bohemian chancellors, the argument is plausible. The notion that Makofsky was somehow campaigning with Rudolf to advance the evangelical cause seems less defensible. For instance, in a 1601 letter from Margrave Georg Friedrich von Ansbach to the Elector Palatine, the author notes how on account of Makofsky "the Emperor is in grave danger and with him the entire Empire, particularly the evangelical [party]. They have

[149] For Swart, venal office sales in France were effectively a market for debt with the attached "salaries" a form of interest payment to the bondholder. Swart, *Sale of Offices*, 13. The weakness of the Estates General is most pithily summarized by the historian Nicholas Henshall who argued that the body "did not, as usually supposed, lose its power in the sixteenth and seventeenth centuries owing to the rise of absolutism. It never had any." Nicholas Henshall, *The Myth of Absolutism: Change and Continuity in Early Modern European Monarchy* (London: Longman, 1992), 13.

[150] Nicolas Pinsard and Yasmina Tadjeddine, "The Marketization of the French Public Finance before Capitalism: The *Paulette* Edict of 1604," *Economy and Society*. Volume 50, Issue 3, pp. 471-493.

[151] Under *Reichspfennigmeister* Zacharias Geizkofler, the administration was also surprisingly successful in collecting the sums appropriated by the *Reichstag* – eighty percent of taxes levied were ultimately collected, totaling over 30 million thaler between 1556 and 1606. Winfried Schulze, *Reich und Türkengefahr im Späten 16. Jahrhundert* (München: Beck, 1978), 369.

[152] Although they were swimming against the tide, there were always voices in France who spoke against office sales. Jean Bodin, for instance, argued in his *Six Books of the Republic* that "those who put honours, offices, and benefices up for sale, thereby sell the most precious thing in this world, and that is justice. They sell the commonwealth, they sell the blood of its subjects, they sell the laws. In taking away the rewards of honour, virtue, learning, piety, and religion, they open the door to robbery, extortion, avarice, injustice, ignorance, impiety, in short, every sort of vice and corruption." Jean Bodin, *Six Books of the Commonwealth* translated by M.J. Tooley (Oxford: Basil Blackwell, 1967), 170.

[153] Bužek, "Konfessionelle Pluralität in der kaiserlichen Leibkammer," 394.

become so impertinent, that they now openly question whether the time has come to blindside the Lutherans once peace is made with the Turks."[154] The contradictory evidence that Makofsky was simultaneously partial to both sides suggests that, in reality, he was on nobody's side but his own.

Philipp Lang was certainly not on Makofsky's side. Whether he instigated Makofsky's downfall, as Hurter claims, however, is unclear.[155] Hurter relies on circumstantial evidence to argue that Lang specifically targeted Makofsky and sought to undermine his position at court.[156] In particular, he points to a series of questions drafted by the commission for the purpose of Lang's interrogation in 1608 and 1609, a number of which do pertain to Lang's relationship with Makofsky.[157] Certain facts become clear from these inquiries; for instance, the commission asks why he entered Makofsky's house in October 1603 after Makofsky's arrest, and what things he transported from Makofsky's house to his own.[158] From this line of inquiry it is fair to say that Lang probably went to Makofsky's house and took some of his things. Yet this form of inductive reasoning is necessarily speculative. Hurter establishes that Lang benefitted materially from Makofsky's detention and the expropriation of his assets. It does not obviously follow, however, that Lang was the proximate cause of Makofsky's fall from grace. `

The line of argument is nonetheless attractive because Lang was the primary beneficiary of these events. The record of Lang's correspondence indicates that he stepped into a powerful

[154] "Berichte über den kaiserlichen Hof," Markgraf Georg Friedrich von Ansbach and den Churfürsten von der Pfalz; cited in Leopold von Ranke, *Zur deutschen Geschichte vom Religionsfrieden bis zum dreißigjährigen Krieg,* (Leipzig: Duncker und Humblot, 1868), 283.
[155] Noflatscher repeats the claim made in Hurter that Lang orchestrated Makofsky's downfall, further claiming that Lang is the one who had Makofsky arrested. Noflatscher, "Regiment aus der Kammer?, 229.
[156] Hurter claims that Lang orchestrated "[ein] geheimes Spiel gegen Machowsky." Hurter, *Philipp Lang,* 20.
[157] Hurter, *Philipp Lang,* "Beilagen II." Interrogatoria zu peinlichen Frag. Numbers 35 – 56.
[158] 54 asks "Ob und warumb er in deß Makowskij hauß gegangen, ehe desselben vahrnuß abgeholltt gewest, und wer Ihms bevolhen?" while 55 asks "Was daß für sachen gewest, die er von deß Makowski haus heimblich hinweg und in sein hauß tragen lassen?" Hurter, *Philipp Lang,* 212.

new role in late 1603, that of *Oberkammerdiener*. This was a senior position amongst the *Kammerdiener*, one of the offices of the imperial household with intimate access to the Emperor's person alongside doctors (*Leibärzte*), pharmacists ("apothecaries," or *Leibapotheker*), and valets (*Garderobiere*).[159] A *Kammerdiener* (or *valet de chambre*) was a versatile servant whose job description could be highly idiosyncratic but usually denoted a high degree of trust.[160] The importance of Lang's new role as *Oberkammerdiener* was heightened by the fact that since the dismissal of Rumpf in 1600, the Emperor had not appointed a new head of the household, or *Oberstkämmerer*, the official to whom the *Oberkammerdiener* reported.[161] In his new position Philipp Lang therefore combined unrestricted access to the imperial bedchamber and all letters crossing the Emperor's desk with complete administrative autonomy. It was a powerful amalgamation.

Following his promotion, the trickle of letters from the high aristocracy to Lang turned into a flood. Notable correspondents were the Emperor's brothers, Archduke Maximilian, the Grand Master of the Teutonic Order, and Archduke Matthias, Rudolf's rival and successor, as well as Archduchess Anna Caterina (née Gonzaga) and Ernst von Bayern, the Elector of Cologne.[162] The surviving correspondence is vast and foreshadows the indiscretion that would

[159] Hausenblasová, *Der Hof Rudolfs II.*, 97.
[160] Hermann Kellenbenz, „Der Kammerdiener, ein Typus der höfischen Gesellschaft. Seine Rolle als Unternehmer" in: *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* Bd. 72, 1985, S. 476–507.
[161] Bužek, "Handlunsspielräume," 377 Older sources posit that Baron Ulrich Desiderius Proskowsky served as *Oberstkämmerer* from 1 May 1606 until the Emperor's death in 1612. *Archiv für Österreichische Geschichte* vol. 87 (Wien: Verlag der Österreichischen Akademie der Wissenschaften, 1899). 474. This claim is supported by his description as "Herrn Obersten Camerer" in a 25 September 1608 letter to *Reichshofrat* Hans Ulrich Hämmerle. HHStA, Lang Akten 8-3, f. 321. At the time of Lang's ascendency, however, (1603) the position seems to have been unfilled: both Vilhelm Slavata von Chlum und Košumberk and Peter von Mollart held the job in 1601, but neither "gained the trust of the Emperor" and both are listed as "administrators" of the position rather than as holders themselves. Hausenblasová, *Der Hof Rudolfs II*, 96.
[162] HHStA Lang Akten 1.3 – 1.5. Incidentally, this was the same Ernst von Bayern who defeated the Arch-Episcopal Elector of Cologne, Gebhard Truchsess von Waldburg, in the Truchsessicher Krieg (1583 – 1588) over the issue of

ultimately prove Lang's downfall. For instance, in an example of how Lang approached his position at the nexus of information, the Mantuan ambassador commented in January 1604 on how Lang imprudently shared imperial correspondence with him that was intended exclusively for the eyes of Duke Vicenzo Gonzaga.[163] As such uncouth actions proliferated, Lang began to accumulate enemies at court.

The means by which Lang exercised his newfound power are the subject of the legal case under analysis here. Before proceeding to that analysis, however, two incidents that occurred during Lang's five-year tenure (1603-1608) deserve further scrutiny. The first concerns the execution of Count Hermann Christof von Rußworm, a *Generalfeldmarschall* in the Long Turkish War (1591 – 1606), in 1605. The second involves a less prominent figure, the *Kammerheizer* Bartholomäus Blahel, a rival whom Lang allegedly sought to eliminate. The cases are connected and serve to highlight the extent to which Lang's pursuit of self-enrichment and personal advancement may have exceeded the normative standards of his time.

The cases also serve to illustrate the weakness of traditional accounts that vilify Lang. On three occasions, von Hurter attributes the downfall of Rußworm to Lang without evidence. Rußworm was a prominent commander in the inconclusive Ottoman-Imperial conflict with a hot temper and many enemies.[164] One of those enemies was the *condottiero* Giovan Giacomo di Barbiano, the Count of Belgiojoso. Belgiojoso was a rival imperial commander in the Turkish

---

whether a Protestant Archbishop could impose religious parity in an ecclesiastical principality under the terms of the 1555 Peace of Augsburg.

[163] Bužek, "Handlunsspielräume," 380.

[164] Among Rußworm's enemies was Giorgio Basta, an imperial military commander in the Long Turkish War who also paid 3,000 to Lang in order to secure a promotion for his son. HHStA Lang Akten 7-1, f. 66 (answer to question 345).

wars who claimed that Rußworm was slandering him before the Emperor.[165] Accounts of the killing differ, but it seems that in 1605 either Rußworm or his servant fatally stabbed Belgiojoso's brother Francesco who may, or may not, have ambushed him before the house of Rußworm's mistress in Prague.[166] Rußworm was executed for murder on November 29, 1606; unfortunately for him, his royal pardon arrived an hour after the deed had been done.[167]

With relentless bias, Hurter transforms this incident into a morality tale on Lang's wickedness. He claims that Giovan Giacomo paid Lang 20,000 *thaler* to have Rußworm arrested, a point Hurter substantiates with the footnote that "it was general knowledge in Prague."[168] He then offers the conjecture, without citation, that "it was not unreasonably supposed that the death sentence was personally sought by Lang."[169] Finally, Hurter seemingly invents a dinnertime conversation at which Lang supposedly boasted how "the Emperor could easily have spared Rußworm, but I did not want it and openly said: 'if your Majesty lets him free, I will kill him myself.'"[170] Not only is the account riddled with inaccuracies, but such embellishments also

[165] Iselin, Jakob Christoph., Burtorff, August Johann., Beck, Jakob Christoph. *Neu-vermehrtes historisch- und geographisches allgemeines Lexicon: A-Be*. (Basel: bey Johannes Brandmüller Aelter seel. Erben, und gedruckt bey Johannes Christ, 1742), 764. The feud apparently began over a shared romantic interest, but Rudolf may also have entrusted Rußworm with a disciplinary commission to investigate Belgiojoso.
[166] Hurter, *Philipp Lang,* 112. Hurter lionizes Rußworm as a "brave and prudential commander," exhibiting the same partisan approach he adopts throughout his flawed work. A biography of Rußworm, however, describes the reaction to his execution in Prague as generally favorable, particularly since the violent temperament of the field marshal was well known. Stauffer, *Hermann Christoph Graf von Russworm,* 204.
[167] Albrecht Stauffer, *Hermann Christoph Graf von Russworm, kaiserlicher Feldmarschall in den Türkenkämpfen unter Rudolf II,* (Munich: Theodor Uckermann, 1884), 203.
[168] "Es hieß allgemein in Prag." Von Hurter, 113.
[169] Hurter, *Philipp Lang,* 115. "Es ist nicht ohne Grund vermuthet worden, das Todesurtheil gegen denselben seye nicht ohne Langs persönliches Betreiben erfolgt."
[170] Hurter, *Philipp Lang,* 117 – 118. "Einst am Mahl rühmte er sich vor seinen Gästen ungescheut: 'Leicht hätte der Kaiser Rußworm das Leben geschenkt; aber ich habe es nicht wollen und offen gesat: 'geben Ew. Maj. Ihn los, so will ich ihn umbringen lassen.'"

obscure an apparent power struggle at court between the Rußworm and Belgiojoso families, a struggle in which Lang (by his own admission) profited from bribes offered by both sides.[171]

Whereas the Rußworm affair was purportedly an immoral means of wealth-extraction for Lang, the Blahel affair was a more existential effort to save his reputation. Bartholomäus Blahel was a *Kammerheizer*, a servant in the imperial household whose job keeping the stoves and heaters lit gave him access to most rooms in Prague Castle.[172] As told by Hurter, Blahel wrote a letter to Wilhelm Slawata (later famous for being thrown out of a window in 1618) accusing Lang of bewitching the Emperor and leaking confidential information.[173] Blahel was arrested simultaneously with Rußworm, interrogated and tortured, but ultimately released after Lang himself was incarcerated.[174] Hurter claims that Lang accused Blahel of the same transgressions that would later be leveled against him: bribery, the receipt of gifts, stealing letters, intriguing against his superiors, sorcery and fornication.[175] Lang supposedly sought the death penalty.[176] Blahel's wife seems to have had less luck; similarly jailed and tortured, she apparently died in captivity, as did her children.[177]

---

[171]One such inaccuracy is Hurter's claim that Lang wanted the body of the executed general to be exposed, a charge contradicted by the later and more scholarly work on the subject by Albrecht Stauffer. See Stauffer, *Hermann Christoph Graf von Russworm.* On the question of bribes taken by Lang from the Rußworm and Belgiojoso families, during his interrogation the *Kammerdiener* admits to large gifts in cash and in jewelry from both sides. HHStA Lang Akten, 7-1, f. 35.

[172] Wolfgang Behringer, "'Kleine Eiszeit' und Frühe Neuzeit," in *Cultural Consequences of the Little Ice Age* eds. Wolfgang Behringer, Hartmut Lehmann and Christian Pfister (Göttingen: Vandenhoeck & Ruprecht, 2005). 457. Ironically, Behringer cites Hurter to note how such *Kammerheizer* could amass great wealth through bribes notwithstanding Hurter's contention that Blahel was framed by Lang in order to divert attention from the corruption of Lang himself. Hurter, 57 – 58.

[173] Hurter, *Philipp Lang*, 57.

[174] Moriz Bermann, *Dunkle Geschichten aus Oesterreich* (Vienna: R. v. Waldheim, 1868), 113.

[175] Hurter, *Philipp Lang*, 58.

[176] Hurter, *Philipp Lang*, 59. Austrian writer Leo Perutz dramatized the historical figure of Blahel under the name Brouza in his 1953 novel *Nachts unter der steinernen Brücke*. Michael Mandelartz. *Poetik und Historik: Christliche und jüdische Geschichtstheologie in den historischen Romanen von Leo Perutz* (Berlin: Max Niemeyer Verlag, 1992), 107.

[177] Hurter, *Philipp Lang*, 58.

The viciousness of these two incidents is integral to the black legend about Philipp Lang spun by Friedrich Emanuel von Hurter. His polemic against Lang reads like a nineteenth-century jeremiad tabulating Lang's sins. There is a core of truth to this approach: "corruption" as deviance may be inextricably linked to the fall of man in Latin Christian theology.[178] As a theoretical guide, this trans-historical understanding of corruption reinforces the religious subtext of early modern legal proceedings. To identify the precise activities that constituted Lang's ethical transgressions, however, is a more fine-grained task. Let us turn, then, to the legal case against Philipp Lang.

♦♦♦

The *Kammerdiener* was arrested on June 1, 1608. The timing is important and cannot be coincidental: as Lang was taken into custody, the *Reichstag* had just dissolved acrimoniously and the Emperor's brother, the Archduke Matthias, was marching on Prague with the combined armies of the Austrian, Hungarian, and Moravian estates.[179] The *Bruderzwist* (literally "brother's dispute") is a storied intra-Habsburg family drama in which the unmarried Rudolf unsuccessfully attempted to prevent his hated brother from succeeding to his various titles.[180] Both the circumstances of the approaching army and a later report by *Reichshofrat* Johann Rupert Hegenmüller suggest that Lang's connections to Matthias' camp may have been instrumental in

[178] Laura Underkuffler, *Captured by Evil: the Idea of Corruption in Law* (New Haven: Yale University Press, 2013), 54.
[179] Karl Vocelka. "MATTHIAS CONTRA RUDOLF: Zur Politischen Propaganda in Der Zeit Des Bruderzwistes." *Zeitschrift Für Historische Forschung* 10, no. 3 (1983): 345. The Regensburg *Reichstag* of 1608 lasted from 12 January to 8 May 1608 and was dominated by confessional tensions relating to the forced conversion of the free imperial city of Donauwörth to Catholicism by the Duke of Bavaria in contravention of the 1555 Peace of Augsburg. https://www.historischekommission-muenchen.de/fileadmin/user_upload/dateien/sonstige/RV-Liste-Revision_2016-01.pdf
[180] The drama was staged as a tragedy in the nineteenth-century theatrical production "Ein Bruderzwist im Hause Habsburg" by Franz Grillparzer.

turning the Emperor against his minion.[181] He was initially imprisoned in the "White Tower" of Prague Castle, the *Hradschin*.[182]

Lang sat in jail for a few months before proceedings against him began. The case opened on 25 September 1608 with an imperial order to *Reichshofrat* member Hans Ulrich Hämmerle to gather Lang's papers and prepare an inquiry.[183] A separate order to the Bohemian chancellery directed that agency to provide all relevant documentation to him.[184] Hämmerle served on the Imperial Aulic Council from August 1607 to April 1611 and chaired the commission tasked with investigating Philipp Lang.[185] According to the 25 September order, numerous complaints from others in imperial service suggested that Lang had "in many and various ways grossly and injuriously acted against [the Emperor] contrary to his duties."[186] The order calls for the commission to collect the sworn testimony of all complainants against Lang and to examine Lang himself, including with torture if necessary.[187]

This last point requires clarification. Torture was limited to criminal cases. This is important because the reference to torture thereby classifies the legal proceedings against Lang as criminal in nature from the very beginning. Generally, the highest imperial courts – the

[181] Hegenmüller is also occasionally referred to as "Hans Ruprecht Hegenmüller;" the names undoubtedly describe the same man, as the sources at the Austrian State Archive list both names as a member of the Imperial Aulic Council, yet aside from Hegenmüller's father no other person with that name served on the court. See Susanne Gmoser, Chronologische Liste der Reichshofräte nach Oswald von Gschließer (Wien, 2014), available at http://reichshofratsakten.de/wp-content/uploads/2016/11/Reichshofr%C3%A4tePdf_%C3%9Cberschriften.pdf. His report is noted in Hurter on page 3.
[182] Aviso Nr. 9 auß Prag den 21 Feb. 1610. GWLB - Niedersachsische Landesbibliothek, Sign. elM 1/29, Digitalisat hllp:l/digitale-sammlungen.gwlb. deJppnresolver?PPN=7778422 I. In his initial stage of captivity, Lang lived in relative comfort, allegedly with seven servants at his disposal.
[183] HHStA, Lang Akten 8-3, f. 275.
[184] HHStA, Lang Akten 8-3, f. 321.
[185] Oswald von Gschließer, *Der Reichshofrat*, 181.
[186] "Er sich seinen pflichten zuwider, in viel und mancherlay weg wider Uns gröblich und hochströfflich vergriffen." HHStA, Lang Akten 8-3, f. 275.
[187] "auch auf dem fall Ir Rechtmassiger ursachen und Indicia hattet, mit der Peinlichen Frag." HHStA, Lang Akten 8-3, f. 275.

Reichshofrat and the Imperial Chamber Court, or *Reichskammergericht* – exercised criminal jurisdiction only on appeal from territorial courts.[188] Even in those instances, the courts typically considered procedural rather than substantive questions.[189] Yet here the Imperial Aulic Council seems to have considered the case of Philipp Lang in the first instance. The inquisitorial committee was not only led by the court and the aforementioned Hämmerle, but contemporary newspaper accounts of the trial name the court as passing judgment on Lang in 1609.[190] The proceedings against Lang therefore stand in contrast to those against a similar court favorite, the *Bottenmeister* Simeoni analyzed in Chapter Three: in that case, the Imperial Aulic Council only suggested criminal charges be brought against Simeoni as the civil suit neared a negotiated settlement.

The inquisitorial commission first tried to get its bearings. In a number of preliminary depositions, it sought to identify the size of Lang's estate, the sources of his wealth, and the names of his correspondents. The commission was also interested in whether Lang received foreign stipends.[191] This line of inquiry likely stemmed from suspicion of Spanish influence: in 1603, Rudolf had ordered an investigation into the prevalence of Spanish subsidies paid to his councilors; their Spanish allowances had played a role in the downfall of Rumpf and Trautson in 1600.[192] In its very first deposition, the commission discovered that Lang had stolen some horses

[188] Wolfgang Sellert, *Die Akten des Kaiserlichen Reichshofrats. Serie II Antiqua, Band 3*. (Berlin: Erich Schmidt Verlag, 2019), 11.
[189] Sellert, *Die Akten des Kaiserlichen Reichshofrats*, 11.
[190] *Aviso*, Nr. 45. Auß Praag vom 15. Dito. (November). "Vff ergangenes Vrtheil auß dem Reichs Hoffrath/ vnd Jhr[er] M[ajestät] Befehl solle künfftige Wochen dem Philips Langen an der recbten Hand 2. Finger abgehawen, mit einer glüenden Zangen 2. Brustgriff geben, hernach an der Justitia auffgehenckt werden." The fact that the case was adjudicated by the Reichshofrat is curiously obscured by the location of the Lang Akten in the Habsburg family files at the Haus-, Hof- und Staatsarchiv, rather than with those of the Reichshofrat itself.
[191] "Ob und dan welchen hoch oder nider standts Personen ein derliche bestallung oder ander einkommen gehabtt?" HHStA Lang Akten 7-5-6, f. 15.
[192] Noflatscher, "Regiment aus der Kammer?, 227. Trautson had defected to the camp of Matthias, likely a factor aggravating the Emperor's suspicions of Lang in this instance.

and nepotistically arranged a clerical appointment for his nephew.[193] At least initially, however, the commission failed to establish that Lang was bought and paid for.[194]

The commission did establish that Lang held most of his wealth in Augsburg. In a report from 7 October, the investigators uncovered that Lang employed a *Faktor* named Anthoni Bischoff in that city to assist with his properties and accounts.[195] The fact that Lang chose Augsburg as the repository for his holdings would not necessarily have been unusual; the preeminent South German trading city offered deep capital markets and was the seat of the imperial paymaster, or *Reichspfennigmeister*.[196] What was unusual was Lang's position as a substantial landowner in the vicinity of Augsburg. His estate, Oberiglingen, had been purchased in 1606 for a sum clearly in excess of his means as judged by the salary he received as head *Kammerdiener*.[197] This real estate alone suggested foul play, an implication made explicit by the commission in its later interrogation of Lang.[198] The commission submitted a request for information to the city of Augsburg on 15 October, but did not receive an itemized inventory of Lang's wealth until that December.[199]

In the meantime, the court collected a large number of sworn statements. This testimony is invaluable evidence of the behavior considered normatively deviant at the time. The vast

[193] "hat er seines weibs brudern Sohn Scalabrim genannt darzu befürdert." HHStA Lang Akten 7-5-6, f. 20.
[194][Interviewee Martin Rodt] "weiß von keiner bestallung die [Lang] von ainich Pottentaten gehabtt." HHStA Lang Akten 7-5-6, f. 15.
[195] HHStA, Lang Akten 8-10, f. 740.
[196] Peter Rauscher, "Camerale, Contributionale, Creditors and Crisis: The Finances of the Habsburg Empire from the Battle of Mohács to the Thirty Year's War" in Fodor, Pál, ed. *The Battle for Central Europe : The Siege of Szigetvár and the Death of Süleyman the Magnificent and Nicholas Zrínyi (1566)*. (Boston: Brill, 2019), 208.
[197] Under Rudolf II, a *Hoffcammerdiener* earned 120 florins per month. Jaroslava Hasenblasová, *Der Hof Kaiser Rudolfs II. Eine Edition der Hofstaatsverzeichnisse, 1576 – 1612* (Prague: Artefactum, 2002), 462. Although not at the top of the heap (a member of the *Reichshofrat* earned 1645 fl. monthly), it was a sufficiently well-paid that it did not qualify for the additional *Khlaidergelt* stipend that helped the more poorly remunerated staff afford appropriate clothing for court.
[198] HHStA Lang Akten 7-1, f. 4. Interrogatory 5.
[199] HHStA Lang Akten 8-10, f. 736.

majority of statements were taken during the month of October 1608. For instance, on 4 October the court interviewed nine people, largely servants in the imperial household or servants of Lang. The very first interviewee, the *Kammertürhüter* Hieronymus Schönfeld, had arguably set the series of events in motion that led to Lang's arrest.[200] His 17 May 1608 complaint against Lang had maintained that Lang issued orders in his own, rather than the Emperor's name, that he misrepresented the prices he had paid acquiring artworks for the Emperor, and that Lang had bestowed a position in the imperial horse guards intended for Schönfeld on another in exchange for a bribe.[201] Schönfeld apparently possessed credibility: not only did Lang's arrest follow his complaint, but he remained in imperial service when the Emperor died in 1612.

More damning evidence emerged from the sworn statement of the master at arms, or *Zeugmeister* on 9 October.[202] In a wide-ranging diatribe against Lang, the *Zeugmeister* alleged that the disgraced *Kammerdiener* had lied to the Emperor by informing him that the papal delegation did not want to see him.[203] He further claimed that Lang divulged malicious comments told to him in confidence by Rudolf: harsh judgments on the physiognomy of courtiers and the alleged insult that Johann Anton Barvitius (a confidante of Rudolf and member of the *Reichshofrat*) was a "loose Dutch rogue."[204] Lang also supposedly confided in the

[200] *Extractus Protocholli*. HHStA Lang Akten 8-3, f. 263.
[201] HHStA Lang Akten 8-6, f. 546-548. Schönfeld alleged that Lang demanded 400 gulden for the post, which Schönfeld refused to pay. HHStA Lang Akten 7-1, f. 29 (question 394).
[202] The *Zeugmeister* does not offer his name in the source material, nor is the office of *Zeugmeister* listed in the registry provided by Hasenblasová.
[203] "Erstlichen hat mir Philip mehr dan einmahl vermeldt … den Nuntium mögen Eur Mt. nit sehen dan Sy Ime von herzen feindt sein." HHStA Lang Akten 7-4, f. 8.
[204] "Gleichfalls habe Eur Kay: Mt. vermeldt, wie des Barvitius ain loser Niederbundischer Schelm sey, und Im nicht wohl vertrauen durffen, auf welches Ich Ihm Philippen gebetten, Er solle solche Reden so Eur Mt. Im vertrawen nit also außspendiren, dan solches vil mehr in Gehaimb halten." HHStA Lang Akten 7-4, f. 9.

Zeugmeister that he was trying to accumulate thirty thousand *Thaler* "so that he can be released from service with grace, because he very much wants to avoid justice."[205]

But the *Zeugmeister* was just getting started. These gossipy revelations were merely prelude to a lengthy exposition on the official positions which Philipp Lang had purportedly procured for others in exchange for bribes, i.e. illicit office sales. The testimony suggests a close working relationship between the *Zeugmeister* and the *Kammerdiener*, and thereby begs the question to what extent the master at arms is merely trying to distance himself from scandal. Alternatively, his condemnation of Lang could be an outpouring of genuine resentment; for instance, after describing how Makofsky used to belittle him, he then notes how "it cannot be ruled out that [Lang] did the same."[206] Like all such statements, therefore, his testimony is useful in expanding our understanding of the allegations against Lang, but in isolation must be taken with a hefty grain of salt.

The next day, October 10, the court bursar, or *Hofzahlmeister*, Joachim Huebner, provided the commission with a list of payments made to Lang from the treasury.[207] In six payments made over the course of the years 1606 – 1608, Lang received 23,009 gulden and 20 kreuzer.[208] The payments originated with different government entities: for instance, 3,000 gulden came from the *Reichspfennigmesiteramt*, 5,833 gulden 20 kreuzer came from the Moravian pension office, and 4,987 gulden came from the Silesian pension office, with the

[205] "Weiter hat mir Philip angesaiget, wan Er nun Dreissig Tausent Taler zusamben khundt bringen, wolle Er alß dan mitlsuchen, damit Er mit Gnaden seines diensts erlassen werde, dan Er woll sehr, das da khein Justitia sey." HHStA Lang Akten 7-4, f. 9.
[206] Im solches angeziaget, daraus Ich anderst nicht zuschliessen, daß Philip Dasselbig gethan. HHStA Lang Akten 7-4, f. 9.
[207] HHStA Lang Akten 7-6 f. 14.
[208] HHStA Lang Akten 7-6 f. 14.

remainder coming from "various offices."[209] Huebner neither indicates the reasons for the payments nor who authorized them. While the sums are large, the specificity of the bookkeeping by the appropriate government office speaks to their legality (if not their appropriateness).

Four days later, on October 14 the commission questioned Hans Ulrich Rebmann, the secretary of the imperial chancellery, or *Reichshofkanzlei*.[210] Split into German and Latin chancelleries, the *Reichshofkanzlei* handled the correspondence of the *Reichshofrat*, as well as tax collection and the certification of privileges like noble titles and patents.[211] Rebman worked in the German chancellery, and allegedly knew "all of [Philipp Lang's] secrets."[212] Among those secrets, he claimed that Lang had paid fifty thousand gulden for his Oberiglingen estate.[213] He echoed the complaints of others that Lang had issued orders in the name of the Emperor, further alleging that he had "often seen" Lang forging the Emperor's signature.[214] According to Rebman "everyone knew that for any services or audiences you had to buy his favor with money or presents."[215] This common knowledge seemingly extended to the aforementioned Count of Belgiojoso who offered not only cash, but also valuable leathers for Lang's son Andreas and his bride.[216]

The commission questioned dozens of witnesses in person over the next two weeks, but many also submitted their testimony in writing. The Prague archiepiscopal secretary Fabius

[209] HHStA Lang Akten 7-6 f. 14.
[210] HHStA Lang Akten 7-5-8.
[211] Hausenblasová, *Der Hof Rudolfs II.*, 83 – 84.
[212] "die um alle seine Heimlichkeiten wissen müßten." Hurter, *Philipp Lang,* 195.
[213] "Die m/50 R so Er umb OberIglingen geben hatt." 14 October 1608. HHStA Lang Akten Lang 7-5-8, f. 26
[214] "Offt hab ich gesehen, dz Er Philipp Schreiben zu Io. Mtt: *Signatur* mit gehen hoff genomen." HHStA Lang Akten 7-5-8, f. 26.
[215] "von alle dienst und Audientzen auch sein gunst und favor hatt müsen mit gelt, und geschenkh erkauffen." HHStA Lang Akten 7-5-7, f. 24.
[216] The term for bribery employed here, *steppen* (to prick or stick), broadens the terminology of graft under examination here. HHStA Lang Akten 7-5-7, f. 24.

Ponzon, for instance, wrote on 21 October that "he was notifying the commission what gifts Philipp Lang [had demanded] and what other *unseemly things* he had practiced."[217] Apparently the Doña Carolina d'Austria, the Emperor's daughter with his mistress Anna Maria da Strada, had complained that Lang forced her to give him jewelry and crystal.[218] While Ponzon features this seemingly petty transaction prominently in his statement (perhaps because of the social status of the complainant), his second accusation strikes the modern reader as more damning. Ponzon maintains that, according to the former Bohemian vice Chancellor, Lang intervened in a legal dispute between the "Seidlizische brothers of Schmalwiz" (a Silesian noble family) and the Silesian chamber president, reversing a judgment favoring the former in exchange for a bribe from the latter.[219]

There are two problems with this form of evidence. First, without referencing the court whose judgment was overturned, the charge itself is unfalsifiable, as is Lang's purported ability to influence the judicial process.[220] Even if Lang were the puppet master his enemies claimed he was, his influence was nonetheless limited. Second, all the allegations made by Ponzon are hearsay. Hearsay is generally inadmissible in court, a modern rule of evidence that was also part

[217] "Daß ich dem selben schrifftlich notificirn soll was etwan Phillip Lanng von Herrn Graffen von Cantecroj und andern für schankungen außgenöttigst oder was er sonsten für unzimbliche sachen Practicirt." (emphasis added) HHStA Lang Akten 7-5-7, f. 24.
[218] HHStA Lang Akten 7-5-7, f. 24. The Doña Carolina was also known as Charlotte von Österreich. Hausenblasová notes how Anna Maria da Strada, the granddaughter of Jacopo da Strada, is frequently named incorrectly as "Katharina" by historians. Hausenblasová, *Der Hof Rudolfs II.*, 24.
[219] "er dan auch effectuirt das sein hocherl: ein Nichtiges Urteil contra die Seidlizische gebrüder eröffnet und die obermelte königliche Urteil und Judicia aufgehabt und Cassirt, und für solche unzimbliche official soll ehegerürt Schlesische Cammer Prasident der von Indliz dem Phillip Langen etlich Tausent Taller seiner Partiten richtig gemacht." HHStA Lang Akten 7-5-7, f. 24.
[220] Under interrogation, Lang would admit to verbally interceding on behalf of the Silesian chamber president, one Siegmund von Zedlitz (1536–1610) in exchange for the gift of a horse and 5,000 gulden from the Silesian "Camer" – likely the 4,987 payment from the Silesian pension office described by *Hofzahlmeister* Huebner on October 10. HHStA Lang Akten 7-1, f. 52. "Der von Zettliz hab In selbsten das past bey derselben sach zuthun gebetten, ain Roß hab Er Im verehrt, und zu seiner anweisung der 5,000 R bey der Schlesichen Cammer verhulfflich gewest."

of the imperial code of criminal procedure, the *Constitutio Criminalis Carolina*, of 1532.[221] A statement such as Ponzon's may therefore serve to illustrate what was considered normatively impermissible at the time, even if as evidence it could have been insufficiently robust to withstand scrutiny in a court of law.

That same day, Tuesday 21 October, the court questioned Anton Bischoff, Lang's Augsburg *Faktor*.[222] Bischoff stressed at the outset of his deposition that his primary employment was in the service of the patrician Imhof family, into which Philipp Lang's son Andreas had married.[223] This connection with the wealthy banking dynasty is an important marker of Lang's social ascent. It was also expensive: Bischoff tells us Lang paid the costs of his son's 1606 wedding by himself – likely a very elaborate and expensive affair.[224] Just how expensive is unclear, but Bischoff indicates that Lang borrowed 16,000 gulden from the Nuremberg-based Italian merchant Carlo Albertinelli for the occasion.[225] Lang apparently used his official salary as collateral for this loan, but as of the time of the deposition Albertinelli had still not been paid.[226]

---

[221] Specifically § 65 "Item die zeugen sollen sagen, von jrem selbseygen waren wissen, mit anzeygung jres wissen gründtlicher vrsach. So sie aber vonn frembden hörensagen würden, das soll mit gnugsam geacht werden." CCC

[222] HHStA Lang Akten 7-6, f. 24. Aussag Antonin Bischoff

[223] "Er sei anderst des Philipp Langen factor nit als allain, weilen Er Bischof der Herrn Im-Hof diener, und der Lang wegen seines Sohns heyrat mit den Höfischen in freundschafft khommen." HHStA Lang Akten 7-6, f. 24. Aussag Antonin Bischoff. The *Untermeitingen* branch of the Nuremberg-based family is probably intended, as that line resided in Augsburg. Imhoff, Christoph Freiherr von, "Imhoff" in: Neue Deutsche Biographie 10 (1974), S. 146-148

[224] "der Albertinelli zu Nirnberg, wegen 16m R firgeliehen gellt, dem Langen zuthuen schuldig seines sohns hochzeittenkossten habe gedachter Lang allain übernommen." HHStA Lang Akten 7-6, f. 25. Aussag Antonin Bischoff.

[225] HHStA Lang Akten 7-6, f. 25. Aussag Antonin Bischoff. Albertinelli hailed from Florence, but in Nuremberg he worked for the merchant trading company Torrigiani, which used Nuremberg as a hub to supply luxury goods to the Russian market. Uwe Gast and Christa Syrer, "Zwei Glasgemälde mit den Wappen Albertinelli und Giorgini in Coburg und der „Mohrenkopfpokal" von Christoph Jamnitzer. Italienische Kauf- und Handelsleute in Nürnberg, ihr Netzwerk und ihre Kunstaufträge," *Zeitschrift des Deutschen Vereins für Kunstwissenschaft* 74 (2020): 9–32.

[226] 22 October 1608 Aussage Friedrich Lobzelter. Lang Akten 7-6, f. 22. Lobzelter still held the promissory notes when he was questioned by the commission.

Bischoff was at pains to distance himself from Lang. For instance, he makes the questionable claim that he only met Lang nine months previously in January 1608. He further downplays his services by noting that while he did sell jewelry and other valuables for Lang, his involvement with the *Kammerdiener* was otherwise limited to his connection with the Imhof family. He does note that Lang received numerous shipments at his office, but claims they were forwarded to Lang's estate in Oberiglingen and that he was unaware of their contents.[227] Stylistically, while Bischoff's insouciant testimony stands in sharp contrast to that offered by the *Zeugmeister*, the two deponents nonetheless evince a common desire to disassociate themselves from a character whose company had become a political liability.

By the time *Reichshofrat* Hämmerle submitted his first report on 26 October, the commission had already interviewed at least sixty-five witnesses.[228] Hämmerle's report summarized the information gleaned from those interviews and crystallized the transgressions for which Lang could be held criminally liable. It argued explicitly that the misdeeds it catalogued "constitute … sufficient legal basis for [his] incarceration, examination, and trial."[229] It also employed the language of deviance that recurs in all the cases examined in this work, namely that Lang acted with *aigennuzigkait* (self-interest).[230] When narrating the complaint of the Doña Carolina described above, the commission also labels Lang's actions *unverschambt*, not merely outrageous but also "defying the limits of tact and decorum with provocative

[227] "seien hievor auch gueter von Langen aus Prag hieher geschikt worden, welche aber auch nach Oberiglingen gefürt als Sy dem Langen allhie zuvor zu seinen selben handen gelifert worden: Er wisse aber nit, was darinnen gewesen." HHStA Lang Akten 7-6, f. 24. Aussag Antonin Bischoff.
[228] Extractus Protocholli, f. 264.
[229] "Dahero dann und aus andern vilen verbrechen, die *in Actis* zufinden, und wir alhie Euer Kay: May: mit Lang. Zubeholligen gehorsamist auf eines enthstallen, Euer Kay: May: zu der *Incarceration* sein Langens wie auch zu seiner *Examination* und *Proceß* in Rechten genugsamb gegrundete ursachen gehabt." (emphasis in original) HHStA Lang Akten, 8-3, f. 292.
[230] HHStA Lang Akten, 8-3, f. 288.

irreverence."[231] Elsewhere, the commission denounces the actions of Lang as "deeply reprehensible criminal acts" (*hochsträffliche Malefiz*).[232] These labels place the activities of Lang clearly beyond the pale.

The indictment alleges both financial and more broadly moral transgressions. Financially, the commission estimates that Lang accumulated "far in excess of one hundred thousand *Thaler* in his time in office."[233] It notes the 20,000 gulden in payments from the treasury described by *Hofzahlmeister* Huebner above. Unlike Huebner, however, the commission clearly indicates that this money was stolen.[234] The indictment also mentions the theft of property from Makofsky and Blahel.[235] In addition to these outright thefts, the indictment describes a scheme Lang devised to extort money from court officials: he allegedly falsified dismissal orders from the Emperor, then offered the affected persons their positions back in exchange for payment.[236] In a related manner, Lang allegedly monetized audiences with the Emperor by falsely claiming they had been cancelled if bribes were not forthcoming. If true, the commission's claim that audiences were denied "without the Emperor's knowledge" would

[231] HHStA Lang Akten, 8-3, f. 289. "unverschämt" auf Duden online. URL: https://www.duden.de/node/192110/revision/1378174.
[232] HHStA Lang Akten, 8-3, f. 289. „MALEFIZ, n.", Deutsches Wörterbuch von Jacob Grimm und Wilhelm Grimm, digitalisierte Fassung im Wörterbuchnetz des Trier Center for Digital Humanities, Version 01/21, <https://www.woerterbuchnetz.de/DWB?lemid=M00662>, abgerufen am 15.11.2022.
[233] "weit uber hundert Tausent Taler in zeit seines dienens an sich bracht." HHStA Lang Akten, 8-3 f. 289.
[234] "Ime aus Euer May Ämptern bahr zahlen lassen, da doch dasselbig gellt zu bezahlung des armen Nott leidenen hofgesindts verordnet gewesten, vann man Ime nit gleicht willfahren wöllen, den Beampten gedröet, Ime bey Euer May guet bossen zumachen, Sy vom dienst zustossen also in zwayen Jahren ettlich und zwanzig tausent gulden bares gellts aus dem hofzahlampt fur *Charta Bianca* bekomen." HHStA Lang Akten, 8-3 f. 290.
[235] HHStA Lang Akten, 8-3 f. 290.
[236] "Euer May unzu und getrew diener gewesen ins werckh gesezt, auch diener in Euer Kay: May namen abzuschaffen anbefolhen, darumben Euer May: nichts gewisst, und gegen gellt und verehrung Sy wider in die Stall eingesezt." HHStA Lang Akten, 8-3 f. 288. The indictment also alleges that Lang skimmed ten percent from government contracts with merchants. "Von den *Joiliern* und andern handelßleuthen mit denen Euer Kay: May bißweylen umb allerlay wahren *tractirt*, zehen vom hundert fur sich gefordert." HHStA Lang Akten, 8-3 f. 290.

revise the traditional narrative of Rudolf's self-imposed isolation in the last decade of his reign.[237]

The monetization of court appointments described here accords with the testimony of *Kammerdiener* Christof Ranfft from 29 October1608. Ranfft was a lower *Kammerdiener* in the imperial household.[238] Like Bischoff and the *Zeugmeister*, Ranfft immediately dissociates himself from Lang, claiming he had always been "a skewer in his eye."[239] His statement alleges that on three distinct occasions, Lang sold positions in the imperial household in exchange for payments: the position of *Kammmerdiener* to Hanß Heinrich Flach, that of 'Guardaroba' to Caspar Schapel, and the head chef position to one Casparo Mültain.[240] These and other indiscretions Ranfft labels *roguish knavery,* ("schelmische Bubenstück") a delightfully antiquarian pejorative that expands our vocabulary of deviance.[241] As with the dismissal of Makofsky and the allegations made by Schönfeld and the *Zeugmeister*, the testimony of Ranfft reinforces the impression that the norms of the Prague court circa 1600 roundly condemned office sales. Further evidence comes during the interrogation of Lang himself, when the commission asks whether "[Lang] had granted any grace or privilege to anyone knowing that he was not worthy of it."[242] Although therefore normatively deviant, the practice of selling offices

[237] "auch nit zugeben wöllen, das jemand bey Euer Kay: May *Audientz* erlange, dann allain durch Ime, andern Cammerdienern zumuetten dörffen, auß zu sagen, das Euer Kay: May: dero anscheulichen *Ministris* die *Audientz* abgeschlagen da doch Euer Kay May nichts darumb gewüsst." (emphasis in original) HHStA Lang Akten, 8-3 f. 288.
[238] Hausenblasová, *Der Hof Rudolfs II*, 401. "Christoff Roufft/ Christof Ranft neben seinem hofdienerdienst widerumb zum cammerdiener angenomben, vom ersten November 1610 monatlichen 20fl."
[239] "Schlieslich Philip Lang hat mich wol wenig seiner geübten bubenstück sehen oder mercken lassen, dan Ich ihme ein spieß in augen gewest." HHStA Lang Akten 7-6, f. 9.
[240] Hausenblasová, *Der Hof Rudolfs II.*, 257 (27/32). HHStA Lang Akten 7-6, f. 9.
[241] HHStA Lang Akten 7-6, f. 9.
[242] "Ob Er kainem kain gnad oder *Privilegium* außbracht, das Er gewüsst das er es nit würdig seye." HHStA Lang Akten 7-1, f. 20. (emphasis in original)

nonetheless predated Lang and persisted after his fall from grace; arguably, this cognitive dissonance is a feature, and not a bug of early modern corruption discourse.

The 26 October indictment equally excoriates Lang for his sexual impropriety. For instance, the nine-page document devotes more than two full pages of text to his "marital infidelities."[243] The text presents Lang's sexual activity as coercive, not merely as an older man preying on younger women, but explicitly as a government official abusing his position of power for sexual gratification. For instance, when describing Lang's repeated attempts to seduce a young woman near Brandeis, the imperial country palace, the indictment states that he "had his servant angrily tell [the woman's father] that his master Philipp Lang could do as much as the Emperor and acted [with his authority]."[244] The report details the resistance of these women, or more accurately the resistance of their fathers, and their eventual acquiescence after coercion such as that described above.

These allegations lend themselves to alternative explanations. Taken at face value, they are further evidence of Lang's rapaciousness and cruelty.[245] From another perspective, these allegations may resemble the *pro forma* charges of sorcery that they accompanied: shallow addenda serving to round out the portrait of disreputability sketched by the earlier charges of white collar crime. Seemingly contradictory, these interpretations are nonetheless both character evidence, they purport to show that Lang was the type of person who would do the things he was

[243] HHStA Lang Akten, 8-3 f. 291.
[244] "darauf sein diener der Christoff Im Müller aus sein langen befelch böse wortt geben, als nemblich er solle wissen, sein Herr der Philipp Lang könne so vil als der Kaiser und was er thätte wahre des Kaisers will auch." Müller was the name of the father; the name of the woman is not included. HHStA Lang Akten, 8-3 f. 291.
[245] Hurter, for instance, relates this incident (with characteristic embellishment) as just another example of Lang's covetousness. Hurter, *Philipp Lang*, 154.

charged with doing. Critically, early modern evidentiary rules differed from their modern counterparts in that character evidence was generally admissible.[246]

A third interpretation also exists. In the twenty first century, legal norms increasingly recognize sexual extortion as a form of corruption.[247] By this measure, the "request … to engage in any kind of unwanted sexual activity in exchange for [the exercise of] power entrusted to [a person] occupying a position of authority" is itself a corrupt act.[248] The police captain Louis Renault offering exit visas in exchange for sex in the 1942 film *Casablanca* memorably dramatizes the moral dilemma.[249] Without arguing for historical continuity from these examples, the inclusion of Lang's predatory sexual escapades in the indictment suggests a parallel legal argument. Rather than character evidence, these incidents conform to the same criminal typology as the bribery and fraud listed earlier in the document. The conceptual linkage is apparent in English, if not early modern German: rapacity (aggressive greed) and rape share a common etymology in *rapere*, the Latin verb "to seize by force."[250]

Philipp Lang had the opportunity to respond to these grave allegations. He testified for the first time on 3 November, 1608.[251] The questioning took place in the city hall of Prague. Twelve subsequent interrogations followed, with the final recorded session in May 1609.[252] In total, the commission posed 441 questions (Hurter inaccurately calculated a mere 137). In the

[246] In the United States, for instance, character evidence is generally inadmissible under the Federal Rules of Evidence, § 404. https://www.law.cornell.edu/rules/fre/rule_404.
[247] Sexual Extortion as Corruption: Legal and Institutional Response. *Organization for Security and Cooperation in Europe* (Skopje, 2021), https://www.osce.org/files/f/documents/7/d/516081_0.pdf.
[248] Gabriela Camacho, "Corruption and gender equality A summary of existing research," U4 Anti-Corruption Resource Center (2021), https://www.u4.no/publications/corruption-and-gender-equality-hd.pdf.
[249] *Casablanca*, directed by Michael Curtiz (Warner Bros. Pictures, 1942).
[250] Rapacity, *Online Etymology Dictionary*, https://www.etymonline.com/word/rapacity#:~:text=rapacity%20(n.),seize%22%20(see%20rapid).
[251] HHStA Lang Akten 8-3, f. 264. *Extractus Prothocolli*.
[252] HHStA Lang Akten 8-3, f. 266. *Extractus Prothocolli*.

commission report, one hundred and eleven pages of Lang's testimony follow sixty two pages of interrogatories.[253]

Lang was unrepentant. His candor speaks to his lack of shame. For instance, when asked to describe the size of his estate, Lang straightforwardly answers that he "in total, has no more than one hundred sixty or seventy thousand gulden," the majority of which is held in his Oberiglingen estate near Augsburg.[254] When pressed about his yearly income, he proceeds to list his various streams of revenue. In addition to the 240 gulden he receives as a *Kammerdiener*, he collects "from Krems, including the conciliar title 950, from Tyrol as [castellan] 300, from customs 240, … [and] from the St. Morandt priory 800."[255] Other offices, including that of *Jägermaister*, should provide an income but for various reasons only resulted in one-time payments. If true, Lang would have collected from these disparate offices 2,290 gulden per year.

These forthright admissions beg the question to what extent holding multiple offices conformed to normative expectations in the early seventeenth century. The accumulation of multiple lordships was clearly unproblematic. At a supra-national level, the "composite monarchies" of early modernity neatly illustrate the premise. [256] The Spanish and Austrian Habsburgs were merely the most bombastic examples of the trend: Philipp III was King of Spain, Portugal, Naples, Sicily, Corsica, Duke of Milan and much else, while Rudolf II was Holy Roman Emperor, King of Bohemia, Hungary, Croatia, Archduke of Austria, and so on. Lesser lordships functioned similarly.

---

[253] HHStA Lang Akten 7-1, Report of the Commission.
[254] "in Summa alles was Er habe, erstrecke sich uber hundert sechzig oder sibenzig Tausent gulden." HHStA Lang Akten 7-1, f. 34. Report of the Commission.
[255] HHStA Lang Akten 7-1, f. 34
[256] The concept of composite monarchy was popularized by historian John Elliott in "A Europe of Composite Monarchies." *Past & Present*, no. 137 (1992): 48–71.

The practice had its analog in the church. The concept of a benefice (*beneficium ecclesiasticum*) emerged in the eleventh century as "the right of officeholders to use and enjoy the income from a specific endowment;" Gratian enshrined the benefice in his *Decretum* of 1140, the basis of Canon law.[257] Various Popes sought to ban the practice of clerics holding multiple benefices, but a complex system of exceptions from the general rule nonetheless developed to effectively legalize the custom.[258] The Council of Trent, despite decrying the "passion of ungodly covetousness" that led priests to acquire multiple benefices, nonetheless permitted the practice "provided that [they] do not require personal residence."[259] Philipp Lang's son Ferdinand held multiple benefices (in Brno and St. Morand, in Alsace).[260] While legally the church therefore retained the ban on amassing these sinecures, substantively the dispensation of ecclesiastical office resembled lordship.

This ambivalent legacy suggests that, at least on the question of his varied sources of official revenue, Lang was not in the wrong. Hurter's condemnation of Lang on this point is therefore anachronistic. At the same time, Lang was neither a lord nor a cleric, but a government official. The difference is important because lords, clerics, and officials derived their legitimacy from different sources. Inheritance and election (and, under certain circumstances, purchase) legitimized temporal lordship, whereas election and papal appointment legitimized ecclesiastical office.[261] The hard line drawn by the Tridentine reformers that clerics who performed pastoral

[257] Andreas Meyer. "The Law of Benefices." in *The Cambridge History of Medieval Canon Law,* edited by Anders Winroth and John C. Wei, (Cambridge: Cambridge University Press, 2022), 375.
[258] Carola Brückner, "Das ländliche Pfarrbenefizium im hochmittelalterlichen Erzbistum Trier" *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 84, no. 1 (1998): 148.
[259] Chapter XVII, http://www.thecounciloftrent.com/ch24.htm.
[260] HHStA Lang Akten 7-1, f. 67.
[261] Lang himself obtained certain rights of lordship from his purchase of the Oberiglingen estate; he even petitioned and was granted from the Duke of Bavaria the right to exercise capital punishment (*Halsgerichtsbarkeit*) over his subjects, subject to authorization by *Reichshofrat* Garzweiler.
https://www.igling.de/fileadmin/user_upload/igling/dokumente/dorfblatt/2009/Juli_August_2009.pdf

services could not hold multiple benefices speaks to the legitimacy deficit suffered by clerics during the Reformation. Government office, by contrast was not an estate (*Stand*) but merely employment. Lang's multiplicity of offices merely seems alien until one considers the acute problem of "overboarding" in modern corporate culture (the practice of sitting on multiple boards of directors).[262]

Regardless of whether drawing five salaries was normatively permissible or not, Lang's income was still insufficient to account for his assets. The commission noted the discrepancy and asked him to account for the difference.[263] The response of the *Kammerdiener* is disarmingly honest and simple: he took bribes and gifts just like everybody else. According to Lang, courtiers "honored" (*verehrte*) him "because they saw that he [stood] in his Majesty's favor."[264] Perhaps realizing that this was insufficient explanation, Lang offered that "this was not disruptive, that just as vice Chancellor Herr *Coradutius* and others, including Secretaries and the like, took gifts and thereby became rich, so it was also with him."[265]

Was Lang simply saying out loud the unwritten rules of the game? Norms can differ – sometimes widely – from legal rules.[266] The statements of the witnesses who testified against him suggest that this was not the case; there would be little sense in cataloguing Lang's bribe-

[262] In the United States, there is currently no limit to the number of boards of directors on which an individual can sit and for which s/he can receive remuneration. The practice of "interlocking directorates," whereby a person serves as a director on the boards of competitors in the same industry, is prohibited by § 8 of the Clayton Act. https://www.steptoe.com/en/news-publications/antitrust-and-competition-blog/doj-reinvigorates-scrutiny-of-interlocking-directorates.html .
[263] "Weyl dann erst specificierte Einkommen Jährlichen nur ettlich Tausent gulden ertrügen, woher Ime dann sein ubriges vermögen und einkommen hergeflossen." HHStA Lang Akten 7-1, f. 4.
[264] "Es habens Ime Grafen, Herrn und anderer Personen, weyl Sy gesehen, das Er bey Irer May in Gnaden gewesen verehrt." HHStA Lang Akten 7-1, f. 35.
[265] "auch allhie nit umbruchig wäre das Nemblichen die Vice Canzler, als Herr Coradutius und andern, auch Secretarien und dergleichen geschenkh nemen, und reich dardurch werden, also es mit Im auch zugang wahr." HHStA Lang Akten 7-1, f. 35. Rudolf Coraduz was a member of the Privy Council, as well as the imperial Vice-Chancellor. Hausenblasová, *Der Hof Rudolfs II*., 205.
[266] Robert Ellickson, *Order Without Law* (Cambridge: Harvard University Press, 2005).

taking if the activity itself were socially permissible. At the same time, the contrast between Lang's easy admission of bribe-taking and his rejection of other charges indicates that he was not unmindful of social expectations. For instance, Lang vehemently denies the accusation (made, amongst others, by Hans Ulrich Rebmann, the imperial chancellery secretary), that he forged the Emperor's signature; "God should punish his body and soul" Lang declared, and the Emperor "take his head" if "any such letters of his are found."[267] Everyone clearly agreed that forging the imperial signature was not allowed.

Yet evidence exists that Lang also knew that currying favor was wrong. Consider the obscure matter of the composition of the tribunal that tried Field Marshall Rußworm for the murder of the Count of Belgiojoso's brother. The commission interrogating Lang asked why he sought to remove *Reichshofrat* Dr. Johann Matthäus Wacker von Wackenfels from the Rußworm tribunal. Lang denied that he had attempted to do this. More importantly for this discussion, he then argued that despite taking money from Belgiojoso, he had not been *corrupted* ("noch seye er darumben vom *Belgioiosa corrumpirt* worden").[268] For Lang, even though others "held it against him that he had taken a 1,000 gulden gift [*Verehrung*] from Belgiojoso," he had consistently refused to meddle in the commission.[269] Following this self-serving logic to its conclusion, bribes are only corrupt if the person taking the bribe acts in the interests of the person giving it.

The inquisitors themselves provide some support for this counterintuitive interpretation. In a later deposition, when asking about "gifts" (*Verehrungen*) to Lang from the servants

[267] HHStA Lang Akten, 7-1, f. 35.
[268] HHStA Lang Akten, 7-1, f. 36. (emphasis in original)
[269] "und als man Ime furgehalten, das Er Lang 1000 R vom Belgioiosa verehrung genomen, der auch solches gegen Ehrlichen glaubwirdigen leuthen bekomet, damit Er nur den H: D. Wacker von der Commission gebracht, welches doch Ire May nit befolchen hatten, hat er es abermals constantißime negat." HHStA Lang Akten, 7-1, f. 36

Bartholomäus Bruner and Caspar Rucký, they inquire whether "the gifts were given freely and out of gratitude, or whether he [Lang] demanded them."[270] In other words, the commission seems to imply that gifts or payments given willingly would have been acceptable, whereas those induced via some element of coercion would not have been. A contemporary instruction on the oaths of the *Reichshofrat* supports this view. The 1594 draft text of the oath for court *Türhüter*, for instance, prohibited "demanding payment from the parties in addition to his usual wages" with the word "demanding" replacing a crossed-out "taking."[271] The distinction largely reflects the modern distinction between bribery and extortion; in the latter instance, the solicited payment does not necessarily grant the payer preferential treatment, but merely that to which the payer was entitled in the first place.[272]

The nuances pertaining to this discussion of graft stand in stark contrast to the charges of sorcery leveled against Philipp Lang. Sorcery (*Zauberei*), like witchcraft, was self-evidently deviant in early modern society because of its association with the devil. In the interrogation of Philipp Lang, sorcery nevertheless occupies a somewhat equivocal position through its association with both the Emperor and the Jews. When asked about the "magical writings" possessed by Makofsky, Lang offers a word-salad response that vaguely identifies the location of the texts, the servant who held the keys to their repository (*Kammerdiener* Hans Haiden), and the fact that Rudolf himself had taken a peek at them.[273] With similar imprecision, Lang loquaciously describes his receipt of a Solomon's Knot (*Sigillum Salomonis*) from David Gans

[270] HHStA Lang Akten 7-1, f. 19. Interrogatory 204: "Ob Sy Ime daselb verehrung freywillig und aus dankhbarkait gegeben, oder ob Er Sy gefordert … habe."
[271] "von den partheyen über seinen gewohnlichen und gebürlichen lohn nichts fordern" Titulus XIII Des hoffrathsdiener oder thürhueter aydt, as reproduced in Sellert, *Die Ordnungen des Reichshofrates 1. Halbband*, 60. Sellert notes the crossing-out of the word "nemen" in footnote "z."
[272] James Lindgren *Theory, History, and Practice of the Bribery-Extortion Distinction*, 141 U. Pa. L. Rev. 1695 (1993), 1699.
[273] HHStA Lang Akten 7-1, f. 52. Interrogatory and response No. 122.

Seligman, a Jewish historian and astronomer.[274] He had "thrown it away," however, "over a quarter-year ago;" a remark likely intended to convey the triviality of the amulet.[275] Lang's conundrum is self-evident: he must dissociate himself from sorcery and his own Jewish origins – particularly given the allegation that he had bewitched the Emperor – but at the same time avoid slandering the occult-curious Emperor in the process.[276] Judging by his fate, it seems he did not walk the tightrope surely enough.

The matter of Lang's association with Jews recurs during his interrogation, but the questioning lacks the anti-Semitic bite found in the later cases analyzed in this dissertation. This is doubly surprising given Lang's Jewish heritage. The 26 October indictment drafted by *Reichshofrat* Hämmerle, for instance, makes no mention of Jewish associations. The first question posed by the commission on the subject during its interrogation of Lang merely asks whether Lang owed any money to the estate of Mordechai Meisel or whether he had received any gifts from him.[277] Meisel (1528 – 1601) had been the head of the Jewish community in Prague and an adviser and lender to Rudolf II.[278] The line of inquiry had political relevance because Meisel's immense fortune (reputedly half a million gulden in cash alone) had been confiscated by Rudolf upon Meisel's death.[279] Lang's denial of any involvement in the matter

[274] For an exhaustive biographical description of Seligman, see Alexandr Putík, Daniel Polakovič, and Jaroslav Šulc, 'New Findings about the Life of David Gans (1541-1613) and His Closest Relatives: A Study and Source Editions', *Judaica Bohemiae*, 51, no. 1 (2016).
[275] "hab ers wekh geworffen, und uber ain viertl Jahr nit bey sich gehabt."
[276] *Kammerdiener* Christoff Ranfft testified that *Kammerheizer* Blahel told him Lang had bewitched the Emperor. "dan der Jud hat ihn so hoch eingenomben durch zauberey, das der kayser nichs wider ihn thun khan." HHStA Lang Akten 8-9, f. 696.
[277] "Ob Er vom Meissel Juden keine Schuldtbrieff gehabt, noch habe, oder wohin er die selbe geben, und was Im derwegen verehrt worden." Lang Akten 7-1, f. 6.
[278] Jaeger, Hans, "Meisel, Mordechai" in: *Neue Deutsche Biographie* 16 (1990), S. 683-684 [online version]; URL: https://www.deutsche-biographie.de/pnd136773370.html#ndbcontent
[279] Jaeger, "Meisel, Mordechai." The litigation surrounding the confiscation would only be settled in 1699. Some sources argue that the Meisel fortune was confiscated because the practice he had used to acquire it, issuing loans

rings true in light of his arrival at court after the confiscation took place. Other questions asked whether Lang had agreed to intercede with the Elector of Cologne on behalf of the Frankfurt and Prague Jewish communities, to which Lang admitted that he had.[280]

Eventually, the interrogation sessions settled into a pattern. During the second phase of questioning, the commissioners confronted Lang with specific documents and demanded explanations. These documents were inventories of his assets, the reports of *Hofzahlmeister* Huebner, as well as the papers found in Lang's offices in Augsburg and Prague. In these final 215 questions, Hämmerle and his fellow commissioners often requested the provenance of specific items (furs, instruments, artworks, jewelry), asked Lang how much he received for specific favors, and tried to pin him down on who else was involved in his schemes.[281] His responses, too voluminous to recount here, are reliably consistent. Despite occasional denials or lapses of memory, Lang is remarkably candid about the payments he received, the gifts he amassed, and the favors he dispensed. The portrait that emerges is one of an intelligent and busy man who cared for his family, suffered no fools, and wanted to be paid.

He may have been in a hurry to earn money because he was deeply in debt. We already know of his debt to Carlo Albertinelli. He also borrowed to purchase his estate, Oberiglingen, in 1606 from the *Reichshofrat* Andreas Hannewaldt von Eckersdorf.[282] This large estate included a

---

secured by real estate, was at the time prohibited by Bohemian law. Albert Lichtblau, *Als hätten wir dazugehört: österreichisch-jüdische Lebensgeschichten aus der Habsburgermonarchie* (Wien: Böhlau, 1999), 633.

[280] HHStA Lang Akten 7-1, f. 80 (questions 398 and 399).

[281] The shift to examining documentary evidence begins with question 225. HHStA Lang Akten 7-1, f. 21.

[282] R.J.W. Evans describes Hannewaldt as "Rudolf's sinister adviser." Evans, *Rudolf II and his World*, 205. Hannewaldt himself had purchased the estate in 1601 for 53,000 gulden. A Swabian, Hannewaldt petitioned the Duke of Bavaria to turn the estate into an independent Swabian lordship, a request which the Duke denied. Ulrich Rid, "Die Geschichte der Hofmark Igling, hier: Die Ära Lang von Langenfels von 1606 – 1610," *'s Dorf Blatt* (Igling und Holzhausen) Juli/August 2009, https://www.igling.de/fileadmin/user_upload/igling/dokumente/dorfblatt/2009/Juli_August_2009.pdf.

castle and seems to have caused Lang some problems.[283] Aside from the hefty purchase price (50,000 gulden) the new lord also confronted a local peasantry unwilling to perform their feudal labor obligations. Apparently in order to incentivize his recalcitrant subjects Lang petitioned the Duke of Bavaria for and was granted the right to erect a gallows, although he required imperial legal authorization to issue any sentences.[284] The idea that this absentee landlord would hang poor farmers seems to have been equally startling to his contemporaries, and an inquiry into the matter was opened by the local judge Carl Egloff von Landsberg in January 1607.[285]

Further evidence for Lang's indebtedness comes from the subsequent treatment of his estate. After his incarceration, the imperial chancellery sent out letters in the Emperor's name to the city of Augsburg and to the Governor of Tyrol, the Teutonic Grand Master (and Rudolf's brother) Archduke Maximilian, to freeze Lang's assets.[286] The second letter posited that if any assets had been moved since Lang's incarceration, then Lang's brother in-law in Innsbruck, Thomas Scalaber, should be questioned under oath.[287] A generous interpretation would view these moves as an attempt to salvage as much as possible in order to make creditors whole. Less charitably, the Emperor may have sought to expropriate Lang's assets in a manner similar to the seizure of the estate of Melchior Meisel. Evidence for this more cynical interpretation comes

[283] The first castle on the site was built in 1215; the current neo-Gothic structure largely dates from the mid-nineteenth century. https://www.schloss-igling.de/geschichte.html.
[284] Rid, "Die Geschichte der Hofmark Igling."
[285] Rid, "Die Geschichte der Hofmark Igling."
[286] Both letters are dated 23 January, 1609. HHStA Lang Akten 8-10, f. 713 and f. 710 respectively
[287] "Auf dem fall aber etwas seither seiner gefangklichen verhafft entzogen, darumben Thomas Scalabrin und sein Ehewürthin wol wissens tragen werden, E.L: dieselbe, oder wem sonst etwas hievon bewusst, vermittelsts aines leblichen aydts zu examiniern." HHStA Lang Akten 8-10, f. 710.

from the fate of the estate at Oberiglingen: the Emperor gave it to his daughter, the Doña Carolina, as a belated wedding present in 1609.[288]

The commission ended its work in August 1609.[289] The commission case file ends in the summer of that year and, unfortunately, the court judgment of November 1609 has been lost.[290] Contemporary newspaper accounts, however, allow for a partial reconstruction of the judgment and Lang's fate. The birth of the printed newspaper is generally dated to 1605, when the Strassburg printer Johann Carolus began publishing the *Relation aller Fürnemmen und gedenckwürdigen Historien* on a weekly basis.[291] In 1609, the Wolfenbüttel *Aviso Relation oder Zeitung* began publication as journalism's second newspaper.[292] These were not merely more accessible accounts than the elite handwritten newsletters of the sixteenth century; they were also categorically different in their prosaic depiction of politics as a humdrum everyday affair.[293] Although here they appear in their nascent form, historian Kai Erickson argues that news reports about deviance "constitute one of our main sources of information about the normative outlines

[288] The Doña Carolina and her husband, Francois Thomas Perrenot de Granvelle the Marquis d'Oiselet and Comte de Cantecroix (1589-1629), never visited the estate. It passed into the ownership of the Donnersberger family, and is now owned privately. Jürgen Zimmer, "Zeitungsmeldungen: Vom Ende des kaiserlichen Kammerdieners Philipp Lang von Langenfels," *Studia Rudolphina* (Prague: Praha Artefactum, 2015), 163.
[289] Aviso: Nr. 33. Aus Prag den 17. Augusti, as reproduced in Zimmer, "Zeitungsmeldungen," 161.
[290] The Lang Akten do contain files after this point, but they largely consist of letters from Lang's wife and children petitioning for certain items. A 1610 account from Anthoni Bischoff sheds further light on Lang's business dealings. HHStA Lang Akten, 7-2, f. 123.
[291] Johannes Weber. "Straßburg 1605: Die Geburt Der Zeitung." *Jahrbuch Für Kommunikationsgeschichte* 7 (2005): 6.
[292] Wilhelm Hartmann, "Wolfenbüttel as the Place where "Aviso", of 1609—the Oldest Printed Newspaper-was Printed." *Gazette* (Leiden, 1961), 7(2), 182. Hartmann's article confirmed that *Aviso* was printed in Wolfenbüttel, not Augsburg as previously assumed. His irrefutable evidence that *Aviso* began publication in 1609 (not 1599 as previously thought) thereby establishes the *Relation* as the world's first printed newspaper.
[293] Weber, "Straßburg 1605," 18.

of society."[294] Both the *Relation* and the *Aviso* provided regular updates on the proceedings against Philipp Lang, making it perhaps the first corruption trial covered by the press anywhere.

The newspapers' snippets of reportage appeared over the course of six months. On 7 November 1609, both papers detailed Lang's expulsion from the Bohemian estates (or *Landtafel*).[295] This was not a routine procedural matter, but a political move; by not supporting Matthias in 1608, the Bohemian estates had rescued Rudolf's last vestige of authority and they remained his sole allies until 1611.[296] Two days later, *Aviso* reported that Lang, in an audience with the Emperor, had pleaded for mercy.[297] Reports from both papers the following week claimed that he had been sentenced to death.[298] On 25 November, 1609, *Relation* reported that "word has it his life has been spared, and he will be condemned to life in prison."[299] On 24 April, 1610 *Aviso* noted that he was moved from the relative comfort of the White Tower "with a view of the street" to a presumably less comfortable prison.[300] On 20 May, the same paper printed a brief obituary, claiming that Lang "had suffered a stroke," but that "some say he may have hastened his own hour of death."[301] He would have been about fifty years old.

♦♦♦

[294] Kai Erikson, *Wayward Puritans* (New York: John Wiley, 1966), 12. Erikson here argues that news has replaced the publicly staged punishment of deviance: "morality and immorality meet at the public scaffold."
[295] *Aviso* Nr, 44. Auß Praag von 7. Novemb., Gottfried Wilhelm Leibniz Digitale Bibliothek, http://digitale-sammlungen.gwlb.de; *Relation*: Nr. 45. Auß Prag / Von 7. Dito. [November], f. 99. Universitätsbibliothek Heidelberg, https://digi.ub.uni-heidelberg.de/diglit/relation1609/0201/image,info
[296] In return, Rudolf gave in to the overwhelmingly Protestant estates and signed the 1609 "Letter of Majesty," guaranteeing religious freedom in Bohemia and (with some modifications) Silesia.
[297] *Aviso*: Nr. 45. Auß Praag von 9. Novemb.
[298] "Vff eingehende wochen soll Philipp Lang gewiß Iustificirt werden." *Relation*: Nr. 47. Ein andere [aus Prag] vom 21. Dito. [November]
[299] "sonst ist deß Pbilips Langen *execution* Vrtheil auff jhrer May[estät] befehl eingestelt worden / vnd wie der ruff / so soll jhm das Leben geschenckt / doch zu ewiger Gefängnis *Condemnirt* sein." Relation: Nr. 49. Auß Prag vom 24. Dito [November].
[300] "und ist Philip Lang in ein ander Gefengnuß transferirt vnd jhme das außsehen auff die Gassen benommen worden." Aviso: Nr. 18. Auf Praag den 24. Aprilis.
[301] "Sol jhn der Schlag gerurt haben / etliche aber meinen / er habe jhn sein Sterbstündlein selber fürdern helffen / so fern er nun hett hangen sollen / so ist er dem Galgen redlih entloffen." Aviso: Nr. 19. Auß Praag vom 20. May.

In the *Emperor's Baker*, Lang is killed by Rußworm and Matěj's bakery begins producing bread for the masses, not the elites of the court. Reality was more pedestrian than the communist-era revisionist fantasy, but nonetheless included changes to the *status quo*. In 1611, for instance, the Electors produced a proposal for the reform of the imperial administration.[302] Lamenting how "the door to *muneribus* and *corruptionibus* had been opened [to the privy councilors] such that some of them are now no longer ashamed," the electors proposed that the salaries paid to administrative officials should be increased.[303] They further proposed a regulation banning the influence of "*Kammerdiener* and other private persons" on the selection of administrative candidates because they acted "in exchange for promises or money."[304] This initial transaction was not the only source of concern for the Electors; they also suspected that bureaucrats "who got their offices with money" would both perpetuate the practice and also promote similarly unethical candidates to the civil service.[305] The reference to *Kammerdiener* strongly suggests that the example of Philipp Lang was still fresh in the minds of the authors.

The 1611 proposal further reinforces a point that has been emphasized repeatedly throughout this discussion, namely, that office sales occurred but were simultaneously violations of social and political norms. The discrepancy between morality and practice extended to bribery: influence-peddling appears both rampant and normatively impermissible. Lest one

[302] "Guetachten, welcher gstalt die kais . hofexpeditiones zu reformiren sein möchten, inmassen bei jetziger kais . M^{t} bereits Ziemlicher massen beschehen," as reproduced in Thomas Fellner and Heinrich Kretschmayr, *Die Österreichische Zentralverwaltung* (Wien: Adolf Holzhausen, 1907), 371.
[303] "Weil man aber den räthen bisher die nothwendige Unterhaltung nit bewilliget oder gereicht , so ist den *muneribus* und *corruptionibus* die thür also eröffnet worden, dass sich etliche derselben anjitzo gar nit mehr schämen, anderes nicht daraus als uebel und Zerrüttung erfolgt ist." Guetachten, welcher gestalt die kais . hofexpeditiones zu reformiren sein möchten, as reproduced in Fellner and Kretschmayr, *Die Österreichische Zentralverwaltung*, 373.
[304] Fellner and Kretschmayr, *Die Österreichische Zentralverwaltung*, 375.
[305] "und wie sie durch geld die ämter bekommen, also auch hernach ohne geld wenig willen anwenden, und welches noch ärger ist, damit sie nicht etwa von den redlichen dienern vertrieben werden, wiederum sich bemühen , andere ihrer art zu befördern , um sich dadurch im dienst zu corroborirn." Fellner and Kretschmayr, *Die Österreichische Zentralverwaltung*, 375.

ascribe this apparent schizophrenia to the archaic and underdeveloped nature of early modern bureaucracy, it is important to remember the persistent legality of a vast campaign finance system in the United States that is repeatedly characterized by the public as thoroughly corrupt.[306] A journalist exploring the bipartisan congressional entanglement with disgraced FTX executive Sam Bankman-Fried succinctly captured this contradiction as "grossness, not criminality."[307] My analysis of the Prague court relies on witness testimony rather than the polls and surveys used by modern analysts of corruption. The statements profiled here are nonetheless unanimous in their condemnation of office sales and bribery, interference in the judicial process, sexual extortion, and forgery.

These statements should put a nail in the coffin of the *innocence thesis*. According to historian Hillard von Thiessen, the innocence thesis holds that in the early modern period "social bonds still had such a self-evident [power over] official action that there was a lack of awareness of injustice or the potential for scandal in such conflicts of norms." [308] This concept relies on a liberal understanding of early modern patronage and gift-giving as innocuous elements of courtly culture; it fails to account for the distinctions contemporaries likely would have drawn between the type of gifts given and the manner of their delivery. Valentin Groebner's anthropological analysis of late medieval urban gift-giving culture highlighted three crucial distinctions affirmed

[306] Matthew DeBell and Shanto Iyengar, "Campaign Contributions, Independent Expenditures, and the Appearance of Corruption: Public Opinion vs. the Supreme Court's Assumptions,"*Election Law Journal: Rules, Politics, and Policy* 20:3 (2021) 286-300.
[307] Michael Schaffer, "The Real Reason Washington Is Silent on the Crypto Scandal," *Politico* 9 Dec. 2022, https://www.politico.com/news/magazine/2022/12/09/crypto-scandal-sam-bankman-fried-ftx-00073178.
[308] "geht diese Unschuldsthese davon aus, dass in der Frühen Neuzeit soziale Bindungen noch so selbstverständlich in das Amtshandeln hineingewirkt hätten, dass es an Unrechtsbewusstsein und an Skandalisierungspotenzial bei derartigen Normenkonflikten gefehlt habe." Hillard von Thiessen, *Das Zeitalter der Ambiguität. Vom Umgang mit Werten und Normen in der Frühen Neuzeit* (Köln: Böhlau Verlag, 2021), 247. Thiessen devises a tripartite schema of norms: religious, social, and common-good oriented, that overlap and conflict. In this model, corruption is the manifestation of social norms that allow favoritism and bribery coming into conflict with "common-good" oriented norms that prohibit such behavior.

by more recent literature: namely, that gifts between kin were different from those between unrelated individuals, that gifts in kind were generally permissible while cash was not, and that gifts bestowed publicly were legitimate but that a rebuttable presumption of wrongfulness attached to gifts made secretly.[309] In the witness testimony presented here, Philipp Lang violated all three norms: he secretly took cash from non-relatives. Moreover, the witnesses and the court considered this behavior to be scandalous, even if it was not unique to Philipp Lang.

This early case at the *Reichshofrat* presents the normative standards of its time and place: the first decade of the seventeenth century at the imperial court in Prague. Those norms enjoined office sales and extortion. Censure of bribery was consistent, albeit highly context-specific and measured on a spectrum of severity. The abuse of office extended to coercive sexual relationships. Philipp Lang violated both the letter and the spirit of those norms. The differing legal outcome for his predecessor, Hieronymus Makofsky, may stem from the nature of his transgressions as similar in kind, but different in degree. Whereas both took bribes and were implicated in office sales, Philipp Lang just did it more.[310] This is a reputational, rather than a mathematical comparison; no bright line separated conformity and transgression. It may not have helped Lang that he had Jewish origins, but religious animus is largely absent from the case file

[309] Valentin Groebner, *Liquid Assets, Dangerous Gifts: Presents and Politics at the End of the Middle Ages* trans. Pamela Selwyn (Philadelphia: University of Pennsylvania Press, 2002), 75. Further support for the distinctions Groebner draws comes from Barbara Stollberg-Rilinger, "Zur moralischen Ökonomie des Schenkens bei Hof" in: Werner Paravicini (Hrsg.), *Luxus und Integration. Materielle Hofkultur Westeuropas vom 12. bis zum 18. Jahrhundert* (München: 2010), 190.

[310] Despite occurring at the highest levels of government, the corrupt practices of Philipp Lang would today likely be deemed *petty corruption*, rather than the *grand corruption* that "involv[es] vast quantities of assets, [and] may constitute a substantial proportion of the resources of states, and that threaten the political stability and sustainable development of those states" UN General Assembly, "Preamble," *United Nations Convention Against Corruption*, 31 October 2003, A/58/422. An example of grand corruption from this time period is likely the *Münzkonsortium* of 1622/23 that saw the Flemish banker Hans de Witte, the imperial commander Albrecht Wallenstein, the Prague financier Jakob Bassevi, the Prince of Liechtenstein and Cardinal Dietrichstein abuse a one-year mint privilege to exchange devalued coinage for silver, thereby creating the hyperinflation of the so-called *Kipper- und Wipperzeit*.

and Makofsky was not Catholic either. Instead, it seems that Philipp Lang made his own bed, and in the end he had to lie in it.

CHAPTER 2: CORRUPTION IN THE CITY: COLOGNE AND THE GÜLICH REVOLT

Portions of this chapter are adapted from material that will be published by Routledge in August 2024 as: Roethke, Peter. "Defining Corruption in the Holy Roman Empire: The Gülich Revolt in Cologne and its Monument to Social Deviance." In *Corruption, Anti-Corruption, Vigilance, and State Building from Early to Late Modern Times*, eds. Ricard Torra-Prat, Joan Pubill-Brugués and Arndt Brendecke, 23 - 39. New York: Routledge, 2024.

The *Truthfully Illustrated Mirror of Riot and Rebellion*, a 1687 publication describing city revolts throughout history, identifies the "actual origin" of urban unrest as "the one who still goes around like a roaring lion and seeks whom he will devour, namely the Devil."[311] In addition to Lucifer, the *Mirror* faulted a pugnacious merchant named Nikolaus Gülich for recent disturbances in Cologne. After the grisly execution of Gülich in 1686, his house was torn down and a shame column erected in its place. The base of the column bore an inscription, reproduced faithfully in the *Mirror*, labeling Gülich both an *Incentor populi* and a *Legum Corruptor*, or corrupter of the laws. This curious monument stood for 111 years, until it was torn down during the occupation of Cologne by revolutionary France in 1797.

The accusation of corruption is frequently one shot in a larger political attack. The defamatory inscription on the Gülich shame column, for instance, also labeled him as an "[o]ppressor of justice, trumpet of war, enemy of the emperor, [an] impious robber, iniquitous plunderer of wealth, [a] despiser of the good, [and a] deceiver of the mob."[312] If the histrionic language seems overblown, even for this baroque time period, it was likely because emotions

[311] "Der eigentlich Ursprung / wie das unbetriegliche Wort GOTTES selbst bezeuget / und erste Anfang der Empörung und Auffruhr rühret her von dem der annoch herum gehet gleich wie ein brüllender Löwe und suchet welchen er verschlinge nemlich vom leidigen Teuffel." *Wahrhafftig-Abbildender Auffruhr- & Empörungs-Spiegel, in welchem alle unruhige & verwegene Köpffe gahr leicht & eigentlich zu erkennen sein […]* (Friedberg: 1687), 1.
[312] *Justiriae oppressor, Belli Tuba, Caesaris Hostis, Sacrilegus, Praedo, Raptor iniquus opum, Contemptor Banni, Tribuum Seductor. Wahrhafftig-Abbildender Auffruhr- & Empörungs-Spiegel*, 113.

were still running hot in Cologne after six years of intramural struggle over that city's constitution. Those events were precipitated by an extensive corruption investigation that reached the highest levels of city government, a veritable *Lava Jato* of the seventeenth century.[313] Gülich spearheaded that initially successful anti-corruption campaign before a series of political missteps led him to lose his authority, and then his life.

Previous historical treatments of the Gülich anti-corruption campaign concentrate on the political stakes at play.[314] In this version of events, upwardly mobile merchants such as Gülich launched their criticisms of the ruling oligarchy in order to gain entry into the system of power.[315] Here, corruption is merely the accusation of the excluded against incumbents in the establishment whom the excluded seek to co-opt. According to this analysis, while such claims of corruption were not necessarily made in bad faith, they are also not the real story. Instead, power is the real aim, with the hand-wringing about official misconduct merely a means by which to attain power.

The disadvantage of overtly politicizing historical corruption debates in this manner is that the analysis robs the term of its normative force. If the charge of corruption is merely a political tactic, it loses its potency as a marker of socially deviant behavior. This chapter argues that while Gülich and his allies inarguably resented the oligarchic composition of the city council, their critique of official corruption was a genuine expression of prevailing norms. In the

[313] *Lava Jato* (car wash) was a corruption inquiry in Brazil from 2014 to 2021 that escalated from the investigation of a small car wash to the highest levels of the Brazilian federal government.
[314] Principally the works of Bernd Dreher and Nils Grüne. Prior to Dreher's 1987 dissertation on the subject, there had been no historical treatment of the Gülich uprising since Leonhard Ennen's 1855 work *Frankreich und der Niederrhein, oder Geschichte von Stadt und Kurstaat Koln seit dem dreissig jährigen Kriege,* 2 vols . (Cologne: 1855).
[315] Nils Grüne, "Anfechtung und Legitimation. Beobachtungen zum Vergleich politischer Korruptionsdebatten in der Frühen Neuzeit," in *Korruption. Historische Annäherungen an eine Grundfigur politischer Kommunikation*. Grüne N, Slanička S eds., (Göttingen: Vandenhoeck & Ruprecht), 423.

arguments presented both before the city investigative committee and later before the Imperial Aulic Council, or *Reichshofrat*, the anti-corruption campaigners convincingly articulated how corruption undermined the historical consensus underpinning the corporate social and political order of Cologne. Like many reformers, they championed a return to an earlier, ostensibly less degraded age.

In particular, Gülich argued that corruption offended the two basic laws of the Cologne constitution, the *Verbundbrief* of 1396 and the *Transfixbrief* of 1513.[316] This was not merely because those two documents stipulated a quasi-democratic system of government by which power was broadly distributed throughout the Cologne citizenry (the *Gaffelverfassung*), a system usurped by the ruling oligarchy of the 1670s. Rather, it was also because both laws themselves resolved festering debates about corruption in the city government of the late fourteenth and early sixteenth centuries respectively. Those debates lingered in the historical consciousness of the city and informed the anti-corruption campaign of 1680. It is therefore worth prefacing the analysis of Gülich and his cause with a brief dissection of those earlier corruption debates and the political settlements they engendered.

♦♦♦

The curious political trajectory of Cologne began with an act of embezzlement. Rütger Hirzelin vom Grin was a member of the *Richerzeche*, the medieval patrician fraternity that largely ruled the city and had done so even before the citizenry won its independence from the

[316] As his power waned in 1684, Gülich even resorted to printing the text of both documents *en masse* to remind the citizenry of their collective rights. Daniel Bellingradt ,"Organizing public opinion in a resonating box: the Gülich rebellion in early modern Cologne, 1680–1686" in *Urban History*, Vol. 39, No. 4 (2012): 564.

Archbishop of Cologne in 1288.[317] Vom Grin exercised an unusual degree of control over the city treasury and, in the 1360s, became an object of intense criticism from the Cologne guilds.[318] When three guild-appointed controllers caught Grin embezzling city funds in 1367, the city council was forced to order his arrest. Although no records from his trial survive, it is clear that he was executed in 1368.[319]

This incident unleashed a generation of political turmoil in Cologne. The corruption of Grin was a turning point in the de-legitimization of the *Richerzeche* as a governing institution. Early waves of political violence (culminating in the 1369-71 *Weberaufstand*, or "weavers revolt") subsided into a more complicated and protracted conflict between an aristocratic patriciate split into rival factions for and against the Archbishop (the *Freunde* and the *Greifen*).[320] As with other late fourteenth-century urban revolts that followed in the wake of the Black Death, this conflict included both the merchant and craft guilds, as well as the broader citizenry.[321] In addition to the weavers' revolt, fighting would break out again during the 1375-77 *Schöffenkrieg* between the city and Archbishop Friedrich von Saarwerden, with the latter failing to re-impose clerical rule.

---

[317] Even before the independence of the city with the battle of Worringen in 1288, the *Richerzeche* executed many of the functions of government, including the regulation of guilds and the conferral of the citizenship upon individuals. The power of the corporation over the guilds made the *Richerzeche* their political opponent to an even greater extent than the patrician members of the small council. Walther Stein. "Zur Vorgeschichte des Kölner Verbundbriefs vom 14 September 1396," 188. The *Richerzeche* was also closely allied with the corporation of lay jurists, the *Schöffenbruderschaft*, as their memberships largely overlapped. Because the *Schöffen* were jurisdictionally subordinate to the Archbishop of Cologne, a structural tension existed between the corporation and the city council, or *Rat*. The fault lines therefore did not follow the normal pattern of conflict between guild and council; rather, in this multi-polar institutional environment, the guild and council shared an identity of interests.

[318] Leonhard Ennen, *Die Geschichte der Stadt Köln meist aus den Quellen des kölner Stadtarchivs 2 Band* (Cologne: Schwann, 1865), 664.

[319] Ennen, *Die Geschichte der Stadt Köln Bd 2*, 664.

[320] Walther Stein. "Zur Vorgeschichte des Kölner Verbundbriefs vom 14 September 1396," in: *Westdeutsche Zeitschrift für Geschichte und Kunst* 12 (1893): 294.

[321] Fabian Wahl, "Origins of Political Change—The Case of Late Medieval Guild Revolts," *EHES Working Papers in Economic History* 69 (2014): 11.

Rather than terminating in violence, these structural tensions realigned following a second major corruption scandal. The treasurer Constantin von Lyskirchen zu Mirweiler had – in an uncanny premonition of the events of 1680 – used city materials (lead, wood, etc.) and paid laborers with city funds to improve his house.[322] This followed the indictment of councilor Johann von Troyen for bribery and the botched bankruptcy proceedings of councilor Johann von Mauenheim. In the latter instance, the city not only assumed von Mauenheim's debts of 3,900 Gulden, but also exclusively paid creditors who were themselves members of the city council.[323] The historian Christopher Friedrichs argues that premodern German cities were generally ruled by an oligarchy whose "power always rested on a certain degree of consensus among the citizenry as a whole; and this consensus might collapse when the moral basis of the magistracy's authority was felt to have broken down."[324] With these scandals, the moral basis of the governing order had clearly broken down.

The collapse came after a pyrrhic victory for one side in the intra-patrician feud. The aforementioned Constantin von Lyskirchen was the leader of the *Schöffenpartei* (the *Freunde*). That faction had won a victory over its bitter opponent, the *Greifen*, led by Hilger Quattermart von der Stesse, on 4 January, 1396.[325] The pro-episcopal *Schöffen* were too few and too weak to govern, however, and the corruption scandal lead to their arrest by the guilds on 18 June of the same year.[326] The guilds then established a provisional council on 24 June with the objective of drafting a new constitution. The resulting *Verbundbrief* of 14 September 1396 bears resemblance

[322] Ennen, *Die Geschichte der Stadt Köln Bd 2*, 777.
[323] Ennen, *Die Geschichte der Stadt Köln Bd 2*, 777.
[324] Christopher Friedrichs, "Urban Conflicts and the Imperial Constitution in Seventeenth-Century Germany." *The Journal of Modern History* 58 (1986): 100.
[325] Stein. "Zur Vorgeschichte des Kölner Verbundbriefs vom 14 September 1396," 296.
[326] Stein. "Zur Vorgeschichte des Kölner Verbundbriefs vom 14 September 1396," 296.

to the constitution of neighboring Utrecht.[327] It replaced the patrician bicameral system with a single council of forty nine, with thirty six *Gaffel* representatives electing a further thirteen members not representing any particular guild (the so-called *Gebrech*, a form of "at-large" membership).[328] The *Verbundbrief* would remain the basic law of Cologne for the next 400 years.

The *Nuwe Boych* (New Book), a legitimation of the *Verbundbrief* composed by that document's author, Gerlach vom Hauwe, dwelt at length on the corruption of the old order.[329] In particular, it used the embezzlement of Grin as a chief legitimation for the events that followed. The historian Heinz Finger concisely labels the events of 1396 "a revolution against corruption, not class conflict," using the local Cologne colloquialism *Klüngel* (favoritism) to describe the venal politics that preceded the *Verbundbrief*.[330] As evidence for the primacy of anti-corruption vis-à-vis the narrative of patrician versus guild conflict as the guiding motivation for constitutional reform, Finger identifies not only the inclusion of patricians in the provisional

[327] Stein. "Zur Vorgeschichte des Kölner Verbundbriefs vom 14 September 1396," 300.
[328] Although associated with the guilds, the *Gaffeln* encompassed all citizens of Cologne and were not exclusively composed of merchants or craftsmen. Although the new system was unicameral, the Verbundbrief did create another body, the *Vierundvierziger* (Forty Four), composed of two members from each Gaffel and empowered to examine treaties, the sale of city assets, and payments exceeding 1,000 Gulden. Wolfgang Herborn, "Verfassungsideal und Verfassungswirklichkeit in Köln während der ersten zwei Jahrhunderte nach Inkrafttreten des Verbundbriefes von 1396 Dargestellt am Beispiel des Bürgermeisteramtes," in *Städtische Führungsgruppen und Gemeinde in der Werdenden Neuzeit* (Köln: Böhlau Verlag, 1980), 28.
[329] An entertaining element of the Grin affair is the description of Grin hiding the money he stole in his clothing: "So werdent sy gewar vnd sient dat der vurs*creuen* Rutg*er* vast heymlich*en* der Stede gelt oue*n* in synen hoit vnd vnd*en* in syne hoisen warpp vnd stach mit grosen so*m*men." Gerlach vom Hauwe, *Dat Nuwe Boych* neuesbuch.uni-trier.de.
[330] Heinz Finger, "Der Traum vom Ende der Klüngel-Herrschaft. Versuch einer zeitübergreifenden Bewertung der Kölner Revolution von 1396," in Annalen des Historischen Vereins für den Niederrhein (Köln: Böhlau Verlag, 2018), 76.

council of 24 June, but also the prompt election of another member of the Lyskirchen family as mayor.[331] Had this truly been a class conflict, such inclusion would have been a dead letter.

Similar dynamics were at play in the early sixteenth century with the constitutional modification known as the *Transfixbrief* of 1513.[332] Like the 1396 revolt preceded by the weavers rebellion of 1369-71, a guild uprising in 1481 had preceded the revolt of 1513. The earlier revolt was partly motivated by an increase in taxation caused by a decline in Hanseatic trade, but it also had roots in the meddling of the city council in guild elections.[333] That meddling was known as "greasing the wheels" (*Karrenschmieren*), a means by which the merchant aristocracy (the wealthiest members of each *Gaffel*, not the old pre-1396 patriciate) guaranteed that preferred candidates won *Gaffel* elections.[334] It was widely resented by the citizenry and ending the practice was one of the reforms contained within the *Transfixbrief* itself.[335]

The revolt of 1513 began shortly before Christmas of the preceding year. When members of the Stonemasons *Gaffel* (*Steinmetzen*) observed electoral chicanery of the type described above, a violent brawl broke out at the guild hall on 21 December 1512.[336] The arrest of several participants in this fight prompted the remainder to seek sanctuary at the monastery of Maria im Capitol; an attack on the masons holed up in this monastery by the city guard left several dead

[331] In this case Gotthard von Lyskirchen. Heinz Finger, "Der Traum vom Ende der Klüngel-Herrschaft. Versuch einer zeitübergreifenden Bewertung der Kölner Revolution von 1396," in *Annalen des Historischen Vereins für den Niederrhein* (Köln: Böhlau Verlag, 2018), 78.
[332] A *Transfix* was simply the legal term for a an expansion or clarification of the content of a pre-existing treaty or charter.
[333] R.W. Scribner, "Why was there no Reformation in Cologne?" in *Popular Culture and Popular Movements in Reformation Germany* (London: Bloomsbury Publishing, 2003), 238. Cologne was a prominent member of the Hanseatic League of German trading cities in the Baltic and North Atlantic.
[334] Scribner, "Why was there no Reformation in Cologne?" 238.
[335] Specifically, articles 1-6.
[336] G. Eckertz, 'Die Revolution in der Stadt Köln im Jahre 1513' *Annalen des historischen Vereins für den Niederrhein*, xxvi, xxvii (1874), 197. It is important to note that the *Gaffel* and guild were not synonymous: the Stonemasons *Gaffel* actually incorporated eight guilds: those of the stonemasons, carpenters, cabinetmakers, potters, sculptors, engravers, slaters, and pavers. https://altes-koeln.de/wiki/Gaffeln,_Gilden_und_Z%C3%BCnfte.

and ignited a general outrage in the city.[337] When the city council summoned the guilds to hold meetings affirming their support for the government, many instead listed grievances, like the barrel makers (*Fassbinder*) who claimed that they "stood by the *Verbundbrief*, not these bloodsuckers who persecute the commune."[338] Led by the barrel makers and weavers, a popular *Volkslied* claimed that "16,000 men" (likely an exaggeration) took up arms, stormed the city towers and gates, and took control of the city.[339]

The *Volkslieder* penned during the events of 1513 capture the resentments that precipitated the uprising. They decried the "[p]rolonged, wanton abuse of power and callous disregard for the integrity of the single citizen as a participant in governance." [340] All ten of the former council members executed in January 1513 were charged with various abuses of power ranging from office sales to the theft of city assets.[341] Amongst their number was the former mayor, Johann von Bergheim, who admitted during his 11 January 1513 interrogation to accepting bribes in exchange for redirecting toll revenues, misappropriating city land for himself, securing city offices in exchange for payment, and overcharging for city services in order to pocket the margin.[342] Bergheim noted, however, that if they looked into it the investigators would "find larger wormholes" than his.[343] The constitutional changes wrought by the *Transfixbrief* sought to correct these and other "evil abuses of several bosses."[344] For instance, the first six articles of the document modified the system of elections. Several changes sought to

[337] Eckertz, 'Die Revolution in der Stadt Köln im Jahre 1513', 198.
[338] Eckertz, 'Die Revolution in der Stadt Köln im Jahre 1513', 200.
[339] Eckertz, 'Die Revolution in der Stadt Köln im Jahre 1513', 202.
[340] John Van Cleve. "REVOLUTION AND THE 'VOLKSLIED': Cologne, 1513." *Neuphilologische Mitteilungen* 82, no. 3 (1981): 235.
[341] Eckertz, 'Die Revolution in der Stadt Köln im Jahre 1513', 216.
[342] Eckertz, 'Die Revolution in der Stadt Köln im Jahre 1513', 217.
[343] Eckertz, 'Die Revolution in der Stadt Köln im Jahre 1513', 217. In addition to the five-time former mayor von Bergheim, the mayors currently serving their terms when the revolution broke out, Johann von Rheidt and Johann von Oldendorp, were also executed on 13 January 1513.
[344] "solche Mißbrauchinge etliche Oversten." *Verbundt-Brieff* (Köln: Kempens, 1664), 10.

improve the integrity of city finances by prohibiting relatives from working for the treasury (*Rentkammer*), requiring the submission of quarterly financial reports to the *Gaffeln*, and denying a single *Rentmeister* access to the vault without the presence of the other *Rentmeister* (both held unique keys).[345]

This cursory description of the events precipitating the major constitutional changes in premodern Cologne illustrates the degree to which corruption and the perception of corruption informed the design of the city's governing structures. The actions of Grin and Bergheim were not tangential to the upheavals that followed, but central concerns that the *Verbundbrief* and *Transfixbrief* sought to address. The revolution of 1513 was also not the last moment of political turbulence before the Gülich Affair; indeed, the 1525 "peasants war" saw unrest in Cologne, as did a 1608-1610 *Gaffel* revolt – the "Reiner'schen Unruhen" – where the council was accused of "death and corruption."[346] This last event, triggered in part by large tax increases, oversaw the drafting of a further constitutional modification in 1610 – the *Summarischer Exktrakt* – that, while never formally ratified, still exerted normative force as a form of "soft law."[347] Like the *Transfixbrief*, this document clarified vaguer elements of the *Verbundbrief*; it also codified some customary practices in criminal procedure and placed Catholicism more explicitly at the forefront of civic identity (famously, Cologne was virtually alone amongst the free imperial cities in rejecting the Reformation).

---

[345] Wilhelm Holtschmidt, *Die Kölner Ratsverfassung vom Sturz der Geschlechterherrschaft bis zum Ausgang des Mittelalters 1396-1513* (Marburg: 1906), 74.

[346] "Tod und Verderben" Friedrich Everhard Freiherr von Mering and Ludwig Reischert, *Zur Geschichte der Stadt Köln am Rhein* (Köln: Johann Wilhelm Dietz, 1839), 259. Mering and Reischert are unapologetic Catholic partisans, and their account is tainted by a steeply biased analysis of the events of 1608-1610 as a covert Calvinist plot to purge the city of Catholicism.

[347] Defined as agreements "that are not binding in themselves but are more than mere statements of political aspiration (they fall into a legal/political limbo between these two states)." "soft law." *Oxford Reference.* ; Accessed 2 Feb. 2024. https://www.oxfordreference.com/view/10.1093/oi/authority.20110803100516251.

Like its predecessors, however, the *Summarischer Extrakt* also dealt at length with corruption. For instance, it contained numerous clauses guaranteeing the integrity of elections. It also sought to restrict conciliar budgetary powers and enacted numerous prohibitions on the alienation of city property.[348] It even restricted the mayors' discretionary entertainment budget (money for feasts).[349] Such minutiae may seem at odds with constitutional agreements generally, but they nonetheless highlight ongoing *bürgerliche* concerns with the stewardship of municipal resources. These concerns were heightened by suspicions that the most privileged six council members "could promote their children, relatives and friends to offices and posts, bring their [personal] matters before princes, lords, judges, and courts, and force [others] to do their will and do them favors."[350]

Unsurprisingly, the *Summarischer Extrakt* did not end abuses in public office. Yet two generations passed between the Reiner'schen Unruhen and last major Cologne guild revolt of 1680 - 1686. The latter event, the subject of this chapter, arguably began in 1675 with the publication of a pasquinade against one of the then mayors, Jacob von Wolfskehl. That anonymous work, entitled *Censura Parnassi*, excoriated Wolfskehl for a host of abuses, such as acting like an "absolute regent unfaithfully handling the public good."[351] The manner in which it did so is telling, however: discussions of Wolfskehl's corruption bookended a listing of the crimes for which the council members of 1513 had been executed.[352] The events preceding the

[348] Ennen, *Die Geschichte der Stadt Köln Band 5*, 549.
[349] Ennen, *Die Geschichte der Stadt Köln Band 5*, 549.
[350] "Sie können ihre Kinder, Verwandten und Freunde zu Aemtern und Diensten befördern, deren Sachen bei Fürsten, Herren, Richtern und Gerichten zu Gehör bringen, den die syndic, ordinarii doctores, secretarii, beamten und Diener, geistliche und weltliche, müssen ihnen zu Willen und Gefallen sein." Ennen, *Die Geschichte der Stadt Köln Band 5*, 549.
[351] "ja so gar sich für absolute Regenten hielten / und mit dem gemeinem Guet dergestalt untrewlich umbgiengen." *Censura Parnassi Sive Anwarnung dem von Wolffskehl zugestelt Ohne ! Daß umb ein Haar breit sich gebessert / sondern verstockt bey seinen Unthaten ist beharret* (1675).
[352] Censura Parnassi, Narratio Historica.

Transfixbrief were central to the claims against Wolfskehl as a source of historical legitimation. The text then castigated the citizens of Cologne as "mute dogs, that do not want to bark" for their acquiescence to abuses which their ancestors had fought so courageously to end.[353]

The *Censura* also expressed astonishment that the city treasury (*das gemeine Ærarium*) had not already been completely emptied.[354] Part of this astonishment stemmed from Cologne's recent experience hosting an international peace conference to end the Franco-Dutch war (1672-1678). Although that conference failed to achieve any of its objectives, it was expensive for the city and notable for the spectacular arrest of the allegedly venal Prince Wilhelm Egon von Fürstenberg, a plenipotentiary for the Elector of Cologne, by imperial troops in 1674.[355] Fürstenberg, a client of Louis XIV, had steered the Elector towards support for France in the war, thereby opening himself up to accusations of treason from Habsburg loyalists.[356] The most prominent German beneficiary of French patronage at this time, Fürstenberg contributed to contemporary debates on the nature of corruption by spurring two furious pamphlet wars: the first concerning the legitimacy of his detention in the 1670s, and the second – a decade later –

[353] "daß die Wächter alle blinde seynt / alle zusammen nichts wissen / noch verstehen / daß Sie stumme Hunde seynt / die nicht bällen mögen." Censura Parnassi, Motivum Censurae.
[354] "manchmahlen Wunder über Wunder nahme / wie unter solchen stolzmühtigen Leuthen die gemeine Ruhe bey der löbl Burgerschafft / entlich bestehen könte / und das gemeine Ærarium nicht Noht leyden." *Censura Parnassi.*
[355] As recorded in the *Theatrum Europeaum*, Fürstenberg was apprehended after a shootout on the streets of Cologne. *Theatri Europaei Eilffter Theil Oder: Außführlich fortgeführte Friedens und KriegsBeschreibung Und was mehr Von denckwürdigsten Geschichten in Europa vornemlich aber in Hoch und NiederTeutschland: bey der ReichsVersamlung zu Regenspurg: am Käiserlichen: auch Chur und Fürstlichen Höfen: So dann In Ungarn Siebenbürgen Polen Lithauen Ukraine Moscau Schweden Dännemarck Norwegen GroßBritannien Franckreich Spanien Portugall Italien Dalmatien und dem Archipelago: Einige auch in den übrigen WeltTheilen bevorab auff der Africanischen Küste Barbaria und Guinea: zu Wasser und Lande vom 1672sten Jahr biß ins 1679ste vorgegangen und sich begeben haben* (Frankfurt a.M.: Götze, 1682), 489.
[356] Tilman Haug, "Eine Unvereinbarkeit der Chargen? Wilhelm von Fürstenberg (1629-1704) als Verräter an Kaiser und Reich," in *Verräter: Geschichte eines Deutungsmusters* ed. André Krischer (Cologne: Böhlau, 2019), 160.

debating his potential election as Archbishop of Cologne (a race which he lost after a violent struggle).[357]

Whether these pamphlet wars had any effect on local disputes regarding official misconduct is unclear. The *Censura* did have a more immediate effect, however: on 29 May, 1676 the *Bannerherren* (the forty-four representatives of the twenty-two *Gaffeln*) petitioned the city council to guarantee the integrity of elections and prohibit the sale of city offices.[358] Their petition singled out the mayors Wolfskehl and Gisbert von den Hoevel, who "blustered and raged [against those] who had accused them of corruption" in response.[359] The city council half-heartedly created an investigative committee on 23 December 1676, but the citizenry took more brazen action, tying red ribbons to the doorknobs of the mayors' houses (a threat of violence that led both men to temporarily seek safe harbor in a monastery).[360] Writing later in 1694, the Cologne *Syndicus* Arnold Judendunck noted how the *Bannerherren* had acted in order to "investigate the Excesses and dispose of them collectively, in order to stop the perjurious actions and avert God's wrath and punishment."[361] The use of the term "excesses" supports an historiographical interpretation of corruption in early modernity as "behavior perceived as illegitimate on the part of a public official who, *beyond what is acceptable*, uses the resources at

[357] The main thrust of the charges against him was that he was guilty of simony (the purchase of church office) because of generous French bribes paid to the canons of the Cologne cathedral chapter. *Der in einen Abt verwandelte eingebilditer Frantzos* (1690). FFA, Flugblätter.
[358] Bernd Dreher, "Oligarchische Machtstrukturen, Stadtregiment und Gemeindepartizipation. Der Prozeß gegen die Bürgermeister Krebs, Cronenberg und Wolfskehl 1680/81 als Auftakt zur Revolte des Nikolaus Gülich," in *Köln als Kommunikationszentrum. Studien zur frühneuzeitlichen Stadtgeschichte* eds. Georg Mölich and Gerd Schwerhoff (Cologne: DuMont Buchverlag, 1999), 404.
[359] "Wolffs-Kehl und von den Hoevell / mit den Burger-Stäben in dem Rath weiß nicht wie getobet und gewütet hatten; um den jenigen zu wissen / welcher Sie der Corruption beschuldigen dörffte." Judendunck, *Theatrum lanienae Coloniensis*, 26.
[360] Judendunck, *Theatrum lanienae Coloniensis*, 26.
[361] "Die Excessus untersuchen und gemeinsamtlich verfügen solten / damit der Meineidigen Verfahren eingestellt / und mithin Gottes ohnausbleiblicher Zorn und Straff abgewendet wurde." Judendunck, *Theatrum lanienae Coloniensis*, 26.

his disposal in his official position for particular purposes."[362] The announcement of the investigation "tranquilized" the city, but its political importance diminished with the election of two new mayors in 1677 who relegated the committee to the back burner.[363]

As these domestic pressures simmered, foreign affairs intruded on city politics. In 1678, French military forces threatened to lay waste to the lands surrounding the city unless Cologne immediately paid 50,000 *Reichstaler* to their commander, the Marshall de Luxembourg.[364] In a panic, the city council extracted forced loans from resident merchants in twenty-four hours to pay the demanded sum. The following year, the authorities of neighboring Osnabrück began impounding the goods of Cologne merchants en route to trade fairs through Osnabrück territory. The stated reason was the unwillingness of the Cologne city government to pay its share of contributions for the billeting of imperial troops engaged in the Franco-Dutch war (which by this time included the Empire as a Dutch ally).[365] French troops remained a looming threat to Cologne despite the end of the war by the winter of 1679 – 1680. One major threat was the release of Prince Wilhelm von Fürstenberg from Imperial detention with the Peace of Nijmegen in 1679; once free, Fürstenberg immediately sought to bind the city to an alliance with Electoral Cologne and France, thereby dividing the city council into opposing factions in the process

[362] "Korruption ist ein als illegitim wahrgenommenes Verhalten eines Amtsträgers, der über das akzeptable Maß hinaus die Ressourcen, über die er in seiner Amtsposition verfügt, zu partikularen Zwecken verausgabt." Hillard von Thiessen, *Das Zeitalter der Ambiguität. Vom Umgang mit Werten und Normen in der Frühen Neuzeit* (Cologne: Böhlau Verlag, 2021), 250.
[363] Judendunck, *Theatrum lanienae Coloniensis*, 26.
[364] *Ahn die Röm: Kayserl: auch zu Hungaren und Böheimb Königl. Majestätt. Aller Unterthänigst Warhaffter und Unverfälschter Gegen-Bericht / Mit einverleibter Gründtlicher Refutation Der Unterm Nahmen Bürgermeister und Rhatt der Freyer Reichs-Statt Cöllen jüngst in Truck außgegebener also genandter Höchstabgenöhtigter FACTI SPECIES Und dergleichen ihrrigen Schrifften* (Cologne: 1684), 13. (The French were engaged in the final stages of the Franco-Dutch wars of Louis XIV, ending with the Peace of Nimwegen in 1678/79.
[365] What Johannes Burckhardt calls the "second 30 years war" of the seventeenth century: the decades of warfare unleashed by French territorial claims under Louis XIV. *See* Johannes Burckhardt, *Vollendung und Neuorientierung des frühmodernen Reiches 1648-1763* (Stuttgart: Klett-Cotta Verlag, 2006), 98.

(Fürstenberg and his brother would be instrumental in annexing the Free Imperial City of Strassburg to France the following year in 1681).

It was in this tense atmosphere of insecurity and financial precarity that an angry local businessman began electrifying beer-hall audiences with his thunderous denunciations of the crooked Cologne city council.[366] The wine merchant Nikolaus Gülich was an unlikely revolutionary.[367] Born in October 1644, he was a citizen of the city of Cologne and a member of a relatively prosperous family.[368] On his way to the fair at Leipzig in 1679, Gülich had had his goods confiscated.[369] When the Cologne city council instituted a series of emergency taxes in early 1680, Gülich gave a speech at the guild hall of his *Gaffel* demanding a special inquiry into the mismanagement of municipal finances.[370]

Gülich was speaking to a sympathetic audience. The *Gaffel*, to which Gülich appealed – *Himmelreich* – had, like the *Gaffelverfassung* generally, suffered from the rise of an oligarchic elite in the seventeenth century.[371] In a reprise of the events that preceded the promulgation of the *Verbundbrief* and the *Transfixbrief*, the *de jure* constitutional role of the *Gaffeln* had consequently been diminished by the *de facto* authority of a few powerful families (whose

[366] Daniel Bellingradt notes how "within the confines of Cologne, a noisy and crowded affair" is still "referred to as a 'Gülichs Leve' – a Gülich's life'." Daniel Bellingradt ,"Organizing public opinion in a resonating box: the Gülich rebellion in early modern Cologne, 1680–1686" in *Urban History*, Vol. 39, No. 4 (2012): 553.
[367] Dreher, "Oligarchische Machtstrukturen," 406.
[368] Johann Jakob Merlo, "Nikolaus Gülich, das Haupt der Kölner Revolution von 1680–1685." *Annalen des Historischen Vereins für den Niederrhein* 46 (1887): 23. Gülich was the eldest son of Andreas and Maria Gülich (née de Reux). The name "Gülich" itself is an alternative spelling of the name "Jülich;" both are used relatively interchangeably in this period.
[369] Dreher, "Oligarchische Machtstrukturen," 406.
[370] Daniel Bellingradt, "Organizing public opinion in a resonating box: the Gülich rebellion in early modern Cologne, 1680–1686" in *Urban History*, Vol. 39, No. 4 (2012: 557.
[371] Bernd Dreher, "Am Vorabend der Gülich-Revolte: Untersuchung von Korruptionsfällen, 1680" in *Quellen zur Geschichte der Stadt Köln. Band II: Spätes Mittelalter und Frühe Neuzeit (1396 – 1794)* ed. Joachim Deeters (Cologne: J.P. Bachem Verlag, 1996), 238.

interlocking marriage alliances formed the basis of political factions on the council).[372] In particular, a system had emerged whereby the two mayors, after serving their one-year terms, would rotate between a series of high-profile offices before being re-elected by similarly-positioned council-members.[373] This curious revolving-door system was a compromise between the council and mayoralty stemming from the "Reiner'schen Unruhen" of 1609.[374] Because the system usurped the electoral prerogatives of the *Gaffeln*, Gülich's call struck a chord. On 16 September 1680, the city council bowed to political pressure from the *Gaffeln* and empanelled a special committee to investigate the city's finances.[375]

The special committee was actually a revived version of the 1676 committee created to investigate Wolfskehl and von den Hoevel.[376] Chaired by the previously mentioned *Syndicus* Judendunck, it swore to uphold the confidentiality of all whistleblowers who came forward to testify. Historian Bernd Dreher argues that the committee changed the climate of public discourse in Cologne, prompting an outpouring of pent-up frustration with the ruling oligarchy.[377] The result was a torrent of accusation, with the city later claiming that one thousand citizens contributed their testimony.[378] The specific targets of the investigation were

[372] Stadtsyndicus Arnold Judendunck, for instance, argues that "Mithin wurde zu Cölln hiedurch anders nichts gesucht / als den Rath in sogenandte Familien / monopolischer weise / zu verparthieren; darzu dann Geist und Weltliche trefflich contribuierten / und eben damit Factionum Authores & Turbarum Incendiarii worden." Judendunck, *Theatrum lanienae Coloniensis*, 24.
[373] Mayoral positions were only for one year, and an individual candidate was only eligible for subsequent election after three years had passed. It was during this time that former mayors rotated through a series of high-profile government offices, namely, "Präsident der Freitagsrentkammer," "Präsident des Fiskalischen Gerichts," and "Rentmeister der Mittwochsrentkammer." Joachim Deeters, "Die Kölner Bügermeister in der Frühen Neuzeit. Profil einer Gruppe von Berufspolitikern," in *Köln als Kommunikationszentrum. Studien zur frühneuzeitlichen Stadtgeschichte* eds. Georg Mölich and Gerd Schwerhoff (Cologne: DuMont Buchverlag, 1999), 365-66.
[374] Deeters, "Die Kölner Bügermeister in der Frühen Neuzeit," 366.
[375] Dreher, "Am Vorabend der Gülich-Revolte," 238.
[376] Dreher, "Oligarchische Machtstrukturen," 415.
[377] Dreher, "Oligarchische Machtstrukturen," 416.
[378] The vast majority of this testimony is currently inaccessible and awaits restoration as a result of the collapse of the Historical Archive of the City of Cologne on 3 March 2009.

three current and former mayors (*Bürgermeister*) of the city: Dr. Caspar Cronenberg, Maximilian von Krebs, and Jacob von Wolfskehl.

They were not all *Bürgermeister* in the year 1680. Only Maximilian von Krebs was actually serving in that position during the corruption investigation.[379] The three nevertheless illustrate the insular and nepotistic world of Cologne politics. Krebs, for instance, was the stepson of Johann Michael Cronenberg, a former mayor himself and the father of Caspar von Cronenberg (also a former mayor).[380] In addition to sharing in the indictment of 1680, the two brothers-in-law were also both university-educated jurists – a qualification for mayoral office equal in importance to membership in the city council.[381] Jacob von Wolfskehl was not a jurist, but shared with Cronenberg the distinction of being a mayors' son: his father, Peter von Wolfskehl, had served in that position twice.[382] Wolfskehl was also the son-in-law of Konstantin von Lyskirchen, patriarch of the same family whose eponymous member had precipitated the downfall of the old patriciate in 1396.[383]

These elite connections did not shield the *Bürgermeister* from scrutiny in 1680/81. After initially hoping to limit the inquiry to payments made during elections, the council bowed to pressure from Gülich and invited greater *Gaffel* participation in articulating the aims of the investigation.[384] Ominously for the mayors, the *Gaffeln* not only voted for an expansive investigation, but also chose to participate on an equal basis by selecting half of the committee

[379] Deeters, "Die Kölner Bügermeister in der Frühen Neuzeit," 393.
[380] Deeters, "Die Kölner Bügermeister in der Frühen Neuzeit," 392.
[381] Deeters, "Die Kölner Bügermeister in der Frühen Neuzeit," 377.
[382] Deeters, "Die Kölner Bügermeister in der Frühen Neuzeit," 391.
[383] Deeters, "Die Kölner Bügermeister in der Frühen Neuzeit," 393.
[384] Dreher, "Oligarchische Machtstrukturen," 416.

members.[385] This political union of council and citizenry sped up the process of taking testimony and accelerated the trials of the three defendants, but also contained within itself the seeds of the anti-corruption campaign's ultimate demise. In particular, Nikolaus Gülich and Arnold Judendunck indulged in a curiously personal rivalry that "poisoned" the atmosphere of the investigatory committee from the start.[386]

Although the allegations against him largely paralleled those leveled against Cronenberg and Krebs, the case against Wolfskehl produced three critical primary sources: a 1675 screed against him by an anonymous author, the aforementioned *Censura Parnassi*, the 1681 submission of the city council to the Imperial Aulic Council, or *Reichshofrat*, in the case *Deß Heil. Röm. Reichs Freyer Statt Cölln [etc.] Contra Jacoben Wollffskehl* with appended witness testimony, and a tract produced by the city council to counter pro-Wolfskehl propaganda called the *Spiegel der Wahrheit* (Mirror of Truth).[387] In addition to these contemporary documents, the *Syndicus* Arnold Judendunck also penned an account of the political turmoil from the temporal safety of 1694, an account which strongly denounces both the pre-revolt oligarchy and the subsequent regime of Gülich and his adherents.[388]

These are partisan political documents. Nonetheless, they employ the contemporary vocabulary of corruption both as political misdeed and as criminal act.[389] On the subject of the

[385] Dreher, "Oligarchische Machtstrukturen," 426.
[386] Dreher, "Oligarchische Machtstrukturen," 426.
[387] These are the three main primary sources for this chapter, with additional supporting materials from the Historical Archive of the City of Cologne (HAStK) and the Haus-, Hof- und Staatarchiv in Vienna.
[388] Arnold Judendunck, *Theatrum lanienae Coloniensis sive blutige Schau-Bühne, auff welcher die im J. 1683 verübete ... Massacre des ... der Statt Cöllen gewesenen Archivarii Gereonis Hesselmanns ... repraesentiret ... wird* (Hochfürstl. Baadischen Truckerey, 1694).
[389] For instance, the published judgment of the city council notes how "while this may well be understood as a civil case regarding the administration of public funds, it is more a criminal case about theft & embezzlement by the one who at the place of the crime & administration has been found guilty / who contrary to his entrusted oaths and duties did not administer public funds but rather secretly invaded / appropriated / and transferred them."

Empire, the historian Stefan Ehrenpreis argued as recently as 2010 that "there is hardly any investigation into what was labeled corruption within early modern governmental practice."[390] Yet here we find explicit terms. For instance, the 1681 Cologne pleading to the *Reichshofrat* charges that Wolfskehl

> admits that he had construction work done on his residence and apartments using public funds / how will he address the legitimate public grievance to which they have borne witness / they have seen how both in this instance and in others he has embezzled his fellow citizens' sweat and blood / that notwithstanding their complaints about this great thief . . . they could not get a fair hearing / but rather had to suffer that they would be employed for his personal benefit.[391]

Although this passage uses the German term for embezzlement, *Veruntreuung*, elsewhere the document employs the legal Latin term, *peculatus*. The document records that "the Crimen Peculatus in question has itself been transcribed . . . by more than 30 witnesses."[392] The text therefore describes a specific action, the use of public resources for the improvement of Wolfskehl's personal property without reimbursement, and concretely labels that action "embezzlement" in both German and Latin.

An die Römische Käyserliche, auch zu Hungarn und Boheimb Königl. Majest. Allerunderthänigst ferner special Bericht-Schreiben loco Exceptionum fori declinatoriarum & non devolutionis. Item sub- & obreptionis. Deß Heil. Röm. Reichs Freyer Statt Cölln Burgermeister und Rath, auch Deputirten der Löblichen Zunfften, und Consorten. Contra Jacoben Wollffskehl. Praetensae Appellationis & Mandati (Cologne: 1681), 4. Translated from the original, which reads: "Iſt nun dieſes alſo von einem Adminiſtratore pecuniarum publicarum in Cauſa Civili zu verſtehen wie vielmehr iſt dan in Cauſa Criminali Furti & Peculatus der jeniger in loco Delicti & Adminiſtrationis . . . ſich zu verantworten ſchuldig / welcher ſeinen obhabenden Ayden vnd Pflichten zu wieder pecuniam publicam nicht adminiſtrirt ſonderen furtive invadirt / hinder ſich gezogen / und verrucket hat." (All translations mine.)

[390] "Über das, was als Korruption konkret gegeißelt wurde . . . innerhalb der frühneuzeitlichen Herrschaftstechniken gibt es allerdings kaum Untersuchungen." Stefan Ehrenpreis, "Korruption im Verfahren: Bestechung an den höchsten Reichsgerichten zwischen Gerichtsfinanzierung und Rechtsbeugung" in *Korruption: Historische Annäherungen*, eds. Niels Grüne and Simona Slanička (Göttingen: Vandenhoeck & Ruprecht GmbH, 2010), 283.

[391] "Nun geſtehet erſelbſten daß er auß gemeiner Statt-Mittelen in ſeinem Wohn- und Zinß-Häuſeren habe bawen laſſen wie will er dan den Juſtum Civium dolorem mitigren können welchen ſie zu bezeugen ſeyne benöhtiget worden / da ſie geſehen /daß ſowoll dieſer als übrige ſeines gleichendero Bürgerſchafft Schweiß unnd Blut dermaſſen veruntrewet / daß ob gleich ſich darüberbeſchwertlein groſſer Dieb dennoch dem anderen die Hand geboten und ſie nie haben können erhört warden / ſonderen erdulden mueßen daß in privatos uius verwendet ſeyen worden." *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl*, 4.

[392] "Nun das Crimen Peculatus betreffendt/iſt daſſelb bereits durch mehr / dan 3o. Zeugen omni exceptione majores überwieſen / wie er der Statt allerley Materialien / Werck Leuthe und Pferde zuall ſeiner Häwſererbawung ſoviele Jahren hero an ſich geriſſen und den Arbeits-Lohnauß der Rhen-Cammer gefiſchet." *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl*, 8.

The case employs the full panoply of terms condemning related iterations of political malfeasance. For instance, the fiscal procurator of the city, Paul Josef Eilbertz, noted in his complaint against Mayor Cronenberg that "in all this, he has made himself all the more guilty of the crime of embezzlement, perjury, neglect and the wrongful administration of his office in that he has … introduced and nurtured these pernicious and evil deeds contrary to the trust of the city and by discarding his obligation of loyal homage to this fair municipality."[393] These terms echo the three main charges leveled against the mayors by *Syndicus* Judendunck, of "Peculatu, Corruptionibus, et perjuriis."[394] Gülich himself, in his first speech to the guild, condemned the mayors for their "false oaths, stealing, lining their pockets, and their committee," by which he meant the nepotistic practices of the interrelated oligarchy.[395]

Here it may be useful to consider whether Wolfskehl was merely a scapegoat. The historian Jens Ivo Engels contends that in early modern Europe, patronage and accusations of corruption were two sides of the same coin. In his view, "criticism of corruption arose when patrons or clients massively transgressed against the culture of patronage or when there were imbalances within the patronage system."[396] In other words, the transgression consisted less in the breach of an idealized norm of personal probity than in the misallocation of resources amongst patrons and clients. If true, the language quoted above is not an example of clean

[393] "In diesem allem aber sich des Criminis Peculatus, Perjurii, neglecti & malé administrati umb so mehr pflichtig / schuldhafft und straffbahr gemacht / das er dem zu mehr angeregten sein des Praesidenten Persohn / als vorhin gewesenen Rhats Syndici, Eltisten Bürgermeistern / Rhentmeistern und Bannerherren zugestelt gewesenen Städtischen-Vertrawen und auff ein jedes stück Ew. Gn. Und der löblichen Gemeinheit zu trewen Hulden abgelagten pflichten zuwider / diese verderbliche böse Dücke hauptsächlich mit eingeführet und geheget." Fiscalische Klag und Underthaenige Bitt Procuratis Fisci Pauli Iosephi Elbertz Contra den Eltisten Cammer Praesidenten Doctoren Cronenberg Inquisitum. HAStK Bestand 38, ff. 24.
[394] Dreher, "Oligarchische Machtstrukturen," 425.
[395] Dreher, "Oligarchische Machtstrukturen," 408.
[396] "Korruptionskritik tauchte auf, wenn Klienten oder Patrone massiv gegen die Kultur der Patronage verstießen oder wenn es Ungleichgewichte innerhalb eines Patronagesystems gab." Jens Ivo Engels, *Die Geschichte der Korruption. Von der Frühen Neuzeit bis ins 20. Jahrhundert* (Frankfurt am Main: S. Fischer Verlag, 2016), 76.

government, but of palace intrigue. This view finds some support in Dreher, who concludes that "the . . . actions against the mayors Krebs, Cronenberg and Wolfskehl expressed an intra-elite struggle for power-positions that, while it included the citizenry, still rode roughshod over their hopes and demands."[397] Viewed narrowly from the winter of 1680/81, this may be true. The temporary overthrow of the old order between 1683 and 1685, however, suggests that Engels' less charitable view belies more commonly held contemporary views about how public officials ought to behave.

Regardless of whether he was a scapegoat or not, Wolfskehl was a canny political operator. He had fled the city in November 1680 and refused to appear before the investigatory committee.[398] After receipt of the city judgment *in absentia* he appealed to the *Reichshofrat* in Vienna. Whereas during the proceedings against Philipp Lang in 1608/09 the *Reichshofrat* exercised a variegated grouping of administrative competencies, by 1680 when Wolfskehl brought his appeal the institution operated largely as a judicial body.[399] It was in response to Wolfskehl's suit that the city submitted the pleading to the *Reichshofrat* analyzed here on 9 September1681.

After a brief preamble, the text of this pleading, *Cölln contra Wollffskehl,* summarizes the story argued by Wolfskehl before the *Reichshofrat.* He first claimed that "some peace-hating people had turned the common man against him as some of the establishment / and the old

[397] Dreher, "Oligarchische Machtstrukturen," 446.
[398] Dreher, "Oligarchische Machtstrukturen," 428.
[399] Leopold Auer, "The Role of the Imperial Aulic Council in the Constitutional Structure of the Holy Roman Empire," in *The Holy Roman Empire 1495 – 1806* eds. R.J.W Evans, Michael Schaich and Peter Wilson (New York: Oxford University Press, 2011), 65.

families tried to ensnare him."[400] If true, this narrative would support the argument of Engels and Dreher that corruption allegations were an elite ploy to redress a perceived imbalance in the patronage system. The actions of the *Reichshofrat* seem to further support this thesis: the court initially accepted Wolfskehl's version of events and sent an imperial commissioner, Count Wolfgang IV zu Öttingen-Wallerstein, to investigate.[401] Dreher argues that "in conflicts between (loyal to the empire) city authorities and their citizenry, the *Reichshofrat* tended to favor the first group."[402] As we will see, the Emperor would eventually side with the city oligarchy and place the Gülich administration under the imperial ban (*Reichsacht*), placing the city outside the law.

Yet this version of events is overly simplistic for two reasons. First, the sheer number of witnesses who came forward to testify necessarily blunts the explanation of intra-elite power struggle. Second, once the imperial commission under Count Öttingen arrived in Cologne it found that, contrary to Wolfskehl's contentions, the investigatory committee was proceeding without violence.[403] The imperial administration was therefore not automatically a reactionary check on local attempts at reform, but rather a neutral actor proceeding on the basis of facts. This more nuanced account accords with historian Leopold Auer's contention that the post-Westphalian *Reichshofrat*'s "attitude depended on individual circumstances and must be examined in every individual case. There is nothing to suggest a biased policy which, on principle, favoured the power of princes or the existing rights of Estates and subjects."[404]

---

[400] "Einige Friedhäſſige hätten den gemeinen Mann gegen ihn als einen von der Obrigkeit / und den alten Geſchlechteren auffzuwickelen geſuecht." *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl*, 2.
[401] *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl*, 2.
[402] "Ohnehin neigte der Reichshofrat dazu, bei Konflikten zwischen (reichstreuen) städtischen Obrigkeiten und ihrer Bürgerschaft die erste Gruppe zu favorisieren . . ." *See* Dreher, "Oligarchische Machtstrukturen," 440.
[403] Dreher, "Oligarchische Machtstrukturen," 430.
[404] Auer, "The Role of the Imperial Aulic Council," 72.

The city's pleading supported the charge of embezzlement with reference to specific mandatory and persuasive authorities. As mandatory law it cited the *Verbundbrief* (Article 24) and the *Summarischer Extrakt* (Article 25), including the relevant articles in the appendix.[405] It also cited the *Transfixbrief* to the effect that Wolfskehl violated the requirement of publicly accounting for expenditure.[406] It further supported this requirement with reference to the *ius commune*, specifically *De ratiociniis administratorum*, a 1664 treatise on public administration by the Valladolid lawyer Francisco Muñoz de Escobar, arguing that "the accounts of public goods must be disposed of in the public house, they must not be disposed of privately in the house of some public official, but openly in the house of the Council, with the doors open, and in the presence of the procurator of the Commune."[407] In other words, the city was asserting that transparent accounting was not merely an aspirational goal of municipal administration, but a firm legal requirement whose violation could incur criminal liability.

The charge of embezzlement is also important because it highlights the ostensibly ambiguous competition of normative regimes. The historian Hillard von Thiessen argues that religious, social, and "common good"-oriented norms operated in an ambiguous tension during the early modern period.[408] In this view, the learned discourse of jurists such as Muñoz de Escobar presented an idealized and unreasonably strict counterweight to more permissive social

[405] Likely suspecting that the *Reichshofrat* was unfamiliar with the particular idiosyncrasies of the Cologne city constitution, the pleading offered a primer on the *Verbundbrief* and *Transfixbrief* for the court, explaining their background and historical importance for the composition of city government. *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl*, 3.
[406] *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl*, Appendix B: Extractus Transfixi.
[407] "Rationes autem bonorum publicorum in domo publica dispungi debent, non debent privatim dispungi in domo alicuius officialis publici sed palam in domo Consilij, apertis ianuis, & coram procuratore Communi." *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl*, 4; citing *De ratiociniis administratorum, et computationibus aliis variis tractatus praegnantissimus [...]* (Nuremberg: Johann Andreas Endter, 1664),
[408] Hillard von Thiessen, *Das Zeitalter der Ambiguität*, 29.

norms.[409] Seen from this lens, the purported embezzlement of Wolfskehl is best understood as emblematic of power dynamics: the allegation stuck only because the political star of the former mayor had waned.[410] Yet in the pleading before the *Reichshofrat*, the city argues that Wolfskehl "wants to excuse the use of common city resources [by arguing that] he stood in good standing with the workers / most of whom were paid."[411] No harm was done because everyone got paid; that is, he observed social norms. The city, by contrast, argues that he should have known that paying for such work with government funds clearly required government approval.[412] The pleading cites the *Transfixbrief* to that effect, but may as well have referenced the case of Constantin von Lyskirchen in 1396 whose similar actions precipitated the toppling of the old patriciate.[413] In other words, Wolfskehl's actions were not embezzlement only when measured by the strict standards of learned discourse, but more prosaically by the longstanding cultural expectations of local Cologne society.

In addition to the charge of embezzlement (*peculatus*), the pleading also identifies the related crime of extortion (*repetundarum*). First defined in legislation of the Roman republican tribune Gaius Gracchus (154-121 BC), *repetundarum* is more expansive than the English term extortion because it removes the element of violence or the threat of violence (the Latin term for

[409] von Thiessen, *Das Zeitalter der Ambiguität,* 259.
[410] Thiessen argues, for instance, that "ob eine Handlung als corrupt bewerte wurde oder nicht, hing in derartigen Fällen wesentlich von den Machtverhältnissen ab." von Thiessen, *Das Zeitalter der Ambiguität*, 255.
[411] "Zwarn will er die Verwendung der gemeiner Statt Mitteln zu seinem Behueff entschuldigen / daß er darüber mit den Werck-Leuthen guete Rechnung gehalten / mehrentheils bezahlt." *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl*, 5.
[412] "Er soll aber wissen / daß ihme durchauß nit zugelassen seye gewesen / gemeiner Statt Guet/ ohne Magistrats Erlaubnus / an sich zu ziehen / und so wohl gegen seinen aetgen / als der Werck- Leuthen Specialen Aydt / mit gedachten Werck-Leuthen Rechnung zu halten / sonderen daß er damahls wieder den 10ten Articul deß Transfixi sub Lit. E. und consequenter wieder Aydt unnd Pflichten so offt gehandlet habe." *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl,* 5.
[413] See note 11 *supra*.

that is *concussionis*, a charge that the pleading also levels against Wolfskehl).[414] As defined in a contemporary legal treatise, *Tractatio de Barattaria*, repetundarum is an action to recover money that has been taken by a "magistrate, or [person] in some power and care of the Republic or in a public office" in exchange for "acting or not acting, against which the care of duty demands."[415] In the Cologne case against Wolfskehl, the actions of the former mayor allegedly met the elements of *repetundarum* because he was a public official who acted "contrary to his oaths and duties [and] did not administer public money, but secretly plundered it."[416] As evidence, the pleading points to Wolfskehl's own admission of soliciting gifts and the contrary language in the mayoral oath of office prohibiting the receipt of "gifts, money, valuables, bequests or presents."[417]

The pleading buttresses the case for *repetundarum* by noting the vast amount of witness testimony collected by the investigative committee. The "bribery and sale of all kinds of municipal offices have been proven *ex evidential ipsa* by more than 60 witnesses."[418] In one account, Gereon Hesselman, a city employee for 21 years, said that to win Wolfskehl's assent to

[414] A. N. Sherwin-White. "The Lex Repetundarum and the Political Ideas of Gaius Gracchus." *The Journal of Roman Studies* 72 (1982): 20.
[415] "Hoc crimen, etiam Repetundarum appellatur, subaudi pecuniarum, vel de pecuniis repetundis, quod hoc judicio socii populi Romani, pecunias, contra jus sibi ereptas, repetebant, ab eo, qui dum in Magistgratu, vel aliqua potestate & curatione Reipublicae, seu officio publico est, sordide quid accepti, ut aliquid decerneret, vel aliquid magis aut minus in officio suo faceret, puta ad testimonium dandum aut denegandum, accusandum aut desistendum, damnandum vel absolvendum, conjuiciendum in vincula, vinciendum, vincirive jubendum, exce vinculis dimittendum, & in summa ad agendum quid vel non agendum, contra quam officii cura exigit." Johann 'De Nomine ac Definitione,' Philipp Lyncker, *Tractatio de Barattaria* (Jena: Müller, 1684), 9-10.
[416] "sich zu verantworten schuldig / welcher seinen obhabenden Ayden unnd Pflichten zu wieder pecuniam publicam nicht administrirt sondern furtivè invadirt / hinder sich gezogen und verrucket hat." *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl,* 4.
[417] "Im vierten / daß Er umb den Bürgermeister-und Raths-Stande oder andere desselben Befelch und Aembter nicht geworfben / darumb gebetten / einig Gaab / Gelt / Kleinott / Wyde/Liebnuß oder Geschenck / mit einiger Argelist oder Behendigkeit / durch sich oder jemandt anders gegeben oder versprochen […]"*Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl,* Appendix D: Extractus deß Rahts-Aydts in passibus deß Geschencks sub poena deß Meinaydts.
[418] "Das Crimen repetundarum, die Schmierery und Verkauffung allerley Raths Chargen / seynt auch durch so viele / und mehr dan 60. Zeugen / und ex evidentia ipsa erwiesen." *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl,* 9.

his promotion to the post of court secretary he not only paid the salary of a Jesuit tutor for Wolfskehl's children and gave Wolfskehl 100 *Reichstaler* in cash, but also presented Wolfskehl's wife with her choice of expensive shawls.[419] Viewed superficially, the condemnation of this behavior by the investigatory committee contrasts markedly with the legalization of public office sales in the Free Imperial City of Hamburg four years later.[420] On closer observation, two differences stand out. First, Wolfskehl's actions were a breach of his oath to act impartially; he was not acting in accordance with Cologne city law. Second, the proceeds from the office sales in Hamburg flowed to the city treasury, not to the personal account of any one official.

Hesselmann deserves particular scrutiny because of his starring role in the corruption investigation, as well as his subsequent execution by Gülich in 1683. According to a lengthy apologia for the *Syndicus* Hesselman by his colleague Arnold Judendunck, beginning in 1670 Hesselmann had brought various legal actions against "an evil faction on the council" who through "undisclosed friendship / corruption and interest [sought] to bring their children … graces and favors."[421] Arrested for his activities and prosecuted at the *Schöffengericht* (the criminal court operated by the Archbishop), Hesselmann appealed to the imperial representative

[419] *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl*, Appendix F: Tenor Registraturae, 29.
[420] Mary Lindemann, "Dirty Politics or 'Harmonie'? Defining Corruption in Early Modern Amsterdam and Hamburg' *Journal of Social History*, Vol. 45, No. 3, The Hidden History of Crime, Corruption, and States (Spring 2012): 588.
[421] "Da hat sich Hesselmann, als ein anderer Curtius, dem Publico consecrirt / und vor das Vatterland / wider des Officialis in dem Statt-Rath selbst bestandene böse Faction, speciatim vero des Officialis Blutverwandten Syndicum Falckenberg / und andere des Officialis gleichen dustige böse Gesellen / Burgermeister und Raths-Freunde / wider diese / sage / theils Burgermeister / theils Syndicos, die da wegen ihrer undergeloffner Freundschafft / Corruptionen und Interesse, insonderheit aber / um / ihre Kinder zu den Geistlichen vornehmern Praebenden / und andern Gnaden und Hulden bringen zukonnen / mit dem Officialen verrätherischer weise conspirierten." Judendunck, *Theatrum lanienae Coloniensis*, 5. Despite its excessive length (246 pages) and obnoxiously self-serving tone, the *Theatrum lanienae* is a useful counterpoint to the binary propaganda written by Gülich and his adversaries during the years of the revolt.

Lisola who in turn secured the protection of the Reichshofrat for "*la victime de Cologne*."[422] With the election of Gülich, however, Hesselman was unable to avail himself of this protection and he was sentenced to death for treason, a sentence which Gülich allowed to be carried out in 1683 after his assumption of power.[423]

The contrast between Hesselman's clandestine purchase of public office and the contemporary example of the similarly large, Free Imperial City of Hamburg legalizing office sales requires explanation. When the *Senat* of Hamburg legalized office sales in November 1684, it followed the rejection of a proposed tax increase by the lower legislature in Hamburg's bicameral system of government, the Citizens Assembly (*Bürgerschaft*). The rejection of the tax increase by the *Bürgerschaft* stemmed from longstanding resentment between the common assembly and the aristocratic *Senat* as well as from resentment over the strained public finances caused by a recent and very destructive fire.[424] In their structural enmity, the Hamburg councils somewhat resembled the tensions between the Cologne council and *Bannerrat*, the ad hoc body of *Gaffel* representatives.[425] In this instance, instead of raising taxes, the Assembly proposed awarding public offices to the highest bidder at an auction. This both raised funds for the city treasury and prevented the Hanseatic merchant elite of the *Senat* from installing friends and relatives in public positions.[426] In other words, office sales were a means to combat corruption.

---

[422] Judendunck, *Theatrum lanienae Coloniensis*, 5.
[423] Ennen faults an unholy alliance of clergy (who detested Hesselman for his anti-clerical writings), the pro-French party under the sway of Fürstenberg, and the *Gaffel* agitators led by Gülich for the conviction and execution of Hesselman. Ennen, *Frankreich und der Niederrhein*, 446.
[424] Jonas Ludwig von Heß, *Hamburg topographisch, politisch und historisch beschrieben, Dritter Theil* (Hamburg, 1811), 429.
[425] The *Bannerrat* was conceived as an irregular "guardian" of the *Verbundbrief* by the drafters of the constitution. Günther Schulz, "Zünfte und Politische Strukturen in Köln. Die Beteiligung des Handwerks am Stadtregiment vom Verbundbrief bis zur napoleonischen Zeit (1396-1796/7)," in *Struktur und Dimension: Festschrift für Karl Heinrich Kaufhold zum 65. Geburtstag* Volume 1 ed. Hans-Jürgen Gerhard (Stuttgart: Franz Steiner Verlag, 1997), 392.
[426] Swart, *Sale of Offices*, 91.

Over eighty offices were available for purchase, including those of customs officer and public prosecutor.[427]

To the modern reader, the purported cure may seem worse than the disease: venality replacing nepotism. The political context in which the law was enacted therefore requires explanation. Perennial institutional battles between the *Senat* and *Bürgerschaft* had continued throughout the century, most recently culminating in a 1663 compromise whereby marriage and kinship limitations were imposed on *Senat* membership.[428] Still, the 1663 compromise failed to end the mutual animosity. A faction of the *Bürgerschaft* called the *Popularen* formed a "Council of 30" (*Rat der 30*), including the merchants Cord Jastram and Hieronymus Snitger who quickly became its leaders.[429] Briefly told, the *Popularen* forced out head mayor Heinrich Meurer in 1684, leading to the 1686 siege of the city by Denmark. Hamburg was ultimately subdued, occupied by imperial forces, and Jastram and Snitger were drawn and quartered as traitors.[430]

The 1684 legalization of venal office sales was therefore the result of a bitterly partisan political atmosphere. Relations between both sides remained intensely strained until the new constitution of 1712 was brokered. In this sense, the conflict affirms historian Linda Levy Peck's thesis that corruption accusations are the language of political opposition.[431] It also illustrates the prevailing moral disapproval of nepotistic practices in government. Under military occupation by imperial troops, the *Reichshofrat*-appointed commission reached a new settlement

[427] von Heß, *Hamburg topographisch, politisch und historisch beschrieben*, 431 – 432.
[428] Lindeman, "Dirty Politics or 'Harmonie'?," 592.
[429] Hamburgische Geschichten, *1686 – Hamburgs heißer Herbst* (accessed 6 April 2018) *available at* http://www.hh-geschichten.uni-hamburg.de/?p=3143#_ftn3.
[430] Hamburgische Geschichten, *1686 – Hamburgs heißer Herbst* (accessed 6 April 2018) *available at* http://www.hh-geschichten.uni-hamburg.de/?p=3143#_ftn3.
[431] Linda Levy Peck, *Court Patronage and Corruption in Early Stuart England* (Cambridge, MA: Unwin Hyman Inc., 1990), 173.

for the city (*Hauptrezeß*) which severely restricted the ability of family members to serve together in government.[432] By formally raising the elected *Bürgerschaft* to a co-equal branch of government and tightening kinship criteria for the *Senat*, the imperial commission implicitly acknowledged the issue of bias in the resulting institutional arrangement. The 1712 constitution kept the institution of venal office sales, albeit in modified form; positions were no longer auctioned, but instead had fixed prices.[433]

This arrangement was the exception, not the rule. The pan-European prevalence of the predominantly French phenomenon of office sales is a common fallacy amongst studies of early modern venality.[434] In the Holy Roman Empire, the aforementioned case of Hamburg – itself an idiosyncratic anti-corruption measure – is strikingly unusual; more typical is the case of Brandenburg-Prussia, where brief and unsystematic examples were of minimal financial importance to the regime.[435] Cologne was similar, and offered the following justification for its ban: "[p]ublic benefices and offices are instituted principally for the service of the Church or the Republic, and not for the sake of those who are to serve; [they should not be distributed as though they were] due to those to whom they are distributed, but as a due service to the Churches

[432] Jennifer Jenkins, *Provincial Modernity: Local Culture & Liberal Politics in Fin-de-siècle Hamburg* (Ithaca: Cornell University Press, 2003), 17. Nepotism remains a socially stigmatized and yet resilient practice today; recent examples in the United States include the appointment of the President's brother as Attorney General in 1961 and the appointment of the President's son-in-law to the position of senior White House advisor in 2017. *See* Josh Zeitz, "The Bitter Feud Behind the Law That Could Keep Jared Kushner Out of the White House," *Politico* (Washington, DC), Nov. 17, 2017.

[433] Swart, *Sale of Offices*, 91.

[434] The economist Douglas Allen offers a standard characterization when he writes that "[o]ffices were sold in all western European countries including England, where they were called "freeholds." Once given, the office holder held a set of property rights resembling private property in land. Generally speaking once an office had been granted it could be mortgaged, sold privately or through public auction, and bequeathed to heirs upon death." Allen, Douglas W. "Purchase, Patronage, and Professions: Incentives and the Evolution of Public Office in Pre-Modern Britain." *Journal of Institutional and Theoretical Economics (JITE) / Zeitschrift Für Die Gesamte Staatswissenschaft* 161, no. 1 (2005): 59-60. Almost none of these provisions applied to the Empire; indeed, such legal rights existed arguably only in France, and to a lesser degree in Spain and Portugal.

[435] Horst Möller, "Ämterkäuflichkeit in Brandenburg-Preußen im 17. und 18. Jahrhundert," in *Ämterkäuflichkeit Aspekte sozialer Mobilität im europäischen Vergleich (17. und 18. Jahrhundert)*, ed Klaus Malettke (Berlin: Historischen Kommission zu Berlin, 1980): 156-176.

or States, and therefore [they should be given] to the worthy, not to the unworthy."[436] In practice, a network of "office-brokers" (*Raths-Mackuler*) had arisen that led one candid Cologne public servant to remark "for that I am a councilmember, I thank God and my purse."[437] Yet this remark demonstrates how social norms were honored in the breach; according to the city pleading, when Wolfskehl "sold city offices and services … to the highest bidder and through such people ruined the commonwealth, the city was plunged into corruption before our eyes."[438]

These distinctions highlight the approbation accorded to actions in the common interest (*Gemeinnutz*) and the condemnation of actions done for personal gain (*Eigennutz*). The historian Winfried Schulze posits that "*Gemeinnutz* certainly encapsulates the central programmatic conception of late medieval and early modern political thinking."[439] We see this in the *Transfixbrief* of 1513, the preamble to which proclaims that "law and order" are necessary for "the common good" because "the nature of man is innately frail . . . and quick to evil."[440] The

[436] "Beneficia & Officia publica principaliter instituta sun propter servitium Ecclesiae vel Reipublicae, & non propter eos, qui servituri sunt; quare Collatores eorum non debent illa distribuere tanquam debita eis, quibus distribuuntur, sed tanquam debita servitio Ecclesiarum vel Rerumpublicarum, proindeque curare, ne non dando digniori, aut dando indigno peccent per bonam enim vel malam Electionem, non sit principaliter commodum vel damnum eligentis." *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl*, 5 (citing the 1549 *Manual de confesores y penitentes* by the Spanish theologian Martín de Azpilcueta).

[437] Judendunck, *Theatrum lanienae Coloniensis*, 25. This remark was allegedly made by the councilmember Caspar. Judendunck blames the emergence on the system of selling offices on the so-called Pützische faction centered on Johann zum Pütz (1651 – 1708).

[438] "wie er die Statt Chargen/Aembter und Dienste / vom höchsten biß zum geringsten / gar biß auff der Sackträger und Schürgeren zu / dem meistbietendem verkaufft / und in deme / daß durch solche Leuthe das gemeine folgendts zu Grunde gerichtet / die Statt in das anitzo vor Augen ligendes gründtliches Verderben gestürtzet." *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl*, 5-6.

[439] "Mit dem Gemeinnutz ist ganz gewiß der zentrale programmatische Begriff des spätmittelalterlichen und frühneuzeitlichen Staatsdenkens angesprochen." Winfried Schulze, "Vom Gemeinnutz zum Eigennutz Über den Normenwandel in der ständischen Gesellschaft der Frühen Neuzeit" in *Schriften des Historischen Kollegs im Auftrag der Stiftung Historisches Kolleg im Stifterverband für die Deutsche Wissenschaft* ed. Horst Fuhrmann (Munich: Stiftung Historisches Kolleg, 1987), 11. The historian Tom Brady affirms this judgment in his work *Turning Swiss*, where he writes how in urban areas of the Empire "except, perhaps, for the praise and honor of God, no value was more central to the free cities' political culture than the common good (*bonum commune, geminer Nutz*)." Tom Brady, *Turning Swiss: Cities and Empire 1450 - 1550* (New York: Cambridge University Press, 1985), 23.

[440] "Sodat Wesen der Menschen von angeborner Natur gebrechlich / die Geschicklichkeit und Verstennuse ungleich ihn Underscheidunge der furfallender Sachen und Handele zu Zeiten durch natürlich begerte die gemeinlich schnell

converse was equally true – *Eigennutz* "was in corporate society the most widespread term to describe antisocial behavior."[441] As a central tenet of social ethics, the sharp contrast between these virtues maintained an astonishing longevity: a 1555 imperial ordinance prohibited *Reichskammergericht* judges from acting for their *eynichen nutz*.[442] Over two hundred years later, this common vocabulary continued to govern the corruption trial of the Imperial Chamber Court Judge von Papius, the verdict of which was finally delivered in 1774.[443] Equidistant between these examples, the Cologne submission before the Reichshofrat reached for the same language to describe the judgments of 1513, arguing that the mayors then were executed for their *aygennutzes und gebrochenen Aydts* (self-interest and broken oaths).[444] It further evinces the sharp *Gemeinnutz* / *Eigennutz* moral delineation:

> If someone searches for his own self and not the common good / whereof therefore the same man is to be watched and stopped / the English [sic] Doctor Thomas Aquinas teaches us : in his little book / which he wrote de regimine Principium / lib. I. c. 1 with these words: If, therefore, government is exercised unjustly by one man alone, who, in ruling, seeks gain for himself and not the good of the community subject to him, such a ruler is called a tyrant, because he oppresses with power, and does not rule with justice.[445]

---

ist / zu boesen auch durch Vernunfft und Ursachen ander ind anders bewegt / gezogen und geleith / dardurch der gemein Nutz unthalden oder gemeirt of gekrenckt wirt / … solches alle steith in gemuthe der Menschen die ungelicher Syn / Verstendtnuß und meinonge sendt / darumb ist noth / nutz / ind guth gewsen und zuhuelffe der Gedechtnüß Gesetz und Ordnung zu machen." *Verbundt-Brieff* (Köln: Kempens, 1664), 10.

[441] "Der Eigennutz ist in der ständischen Gesellschaft der verbreitetste Negativbegriff sozialen Verhaltens." *See* Schulze, "Vom Gemeinnutz zum Eigennutz," 14.

[442] Adolf Laufs *Die Reichskammergerichtsordnung von 1555* (Köln: Adolf Laufs, 1976), 94.

[443] Anette Baumann. *Korruption und Visitation am Reichskammergericht im18. Jahrhundert - eine vorläufige Bilanz*. (Wetzlar: Gesellschaft für Reichskammergerichtforschung, 2012), 36.

[444] *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl*, 10.

[445] "Dannenhero wann jemand von denselben seinen und nicht den gemeinen Nutzen suchet / wafur alsdann derselbe zu achten und zu halten seye / lehret uns der Englische Doctor D. Thomas de Aquin: in seinem Büchlein / welches er de regimine Principium hat geschrieben / lib. I. c. 1 mit diesen Worten: Si Rector sua commoda ex regimine quaerit, non autem bonum multitudinis sibi subjectae, talis Rector Tyrranus vocatur, &c. sip lures sint, qui hoc faciunt, omnes quail unus Tyrannus sunt habendi." *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl*, 5. The text quotes Thomas Aquinas' *De regimine principum*; here the translation from Latin to English is from *St. Thomas Aquinas Political Writings*, trans. R.W. Dyson (New York: Cambridge University Press, 2002), 8.

Although modern scholarship attributes *De Regimine Principium* in part to Ptolemy of Lucca, Aquinas' views on corruption and "the just distribution of merits" were familiar in seventeenth-century Cologne.[446] Aquinas elaborated those views in his *Summa Theologica*, quaestio 63, in which he regarded *acceptio personarum* (literally "respect of persons," but more precisely "partiality" or "undue regard") as a mortal sin.[447] In Aquinas' view, justice required "allotting various things to various persons in proportion to their personal dignity" and that "a man [may be] worthy as regards one thing, but not as regards another."[448] It follows from this that, for instance "consanguinity makes a man worthy to be appointed heir to an estate, but not to be chosen for a position of ecclesiastical authority."[449] Responding to the objection that God himself evinces partiality ("he upraises one by grace, and leaves the other in sin,") Aquinas argues that "anyone may, without injustice, give of his own as much as he will."[450] Because God bestows the gifts of grace *gratis* "which is not a man's due," it is fundamentally distinct from the bestowal of property or offices that are given because "some cause renders [the recipient] worthy of it."[451] The language used to differentiate between a man and his office may be esoteric, but it clearly erects a wall between the public and private realms – a wall that the *Gemeinnutz / Eigennutz* dichotomy preserves in secular form.

The appeal to learned authorities in *Cölln Contra Wollffskehl* similarly appears in a discussion of the oath of office taken by all members of the city council. It emphasizes that

[446] In her discussion of the Portuguese Augustinian theologian Luis Beja Pelestrelo (c.1539–c.1610), historian Nicole Reinhardt confirms that printed copies of his lectures were available in Cologne beginning in 1629. Among these lectures are Pelestrelo's reflections on Aquinas' theology of *acceptio personarum* (the undue regard for a person). Reinhardt, *Voices of Conscience*, 136.
[447]
[448] Thomas Aquinas, *Summa Theologica Second Part of the Second Part Question 63*, Article 1. Available at https://www.newadvent.org/summa/3063.htm.
[449] Aquinas, *Summa Theologica.*
[450] Thomas Aquinas, *Summa Theologica Second Part of the Second Part Question 63*, Article 1, reply to objection 3.
[451] Thomas Aquinas, *Summa Theologica Second Part of the Second Part Question 63*, Article 1.

"they all swore without equivocation to uphold / the honor of God / the honor of the city / and the freedoms of the citizenry."[452] In both instances, the emphasis lies with the officeholder exercising his authority for the common good rather than personal benefit. This is not merely semantics; the historian Sharon Kettering argues for seventeenth century France, for instance, that the "public interest" there was clearly *not* defined by communal wellbeing, but rather by the ambitions of the crown and the policies of central government.[453] Here in Cologne, by contrast, the ethics of the community and not those of the sovereign are dispositive.

By the time the city was arguing these points before the Reichshofrat, the legal venue had shifted permanently from Cologne to Vienna. From the latter city Wolfskehl received his *in absentia* sentence first (30 December 1680), although he faced subsequent prosecution in February 1681 from the Cologne fiscal procurator Paul Josef Elbert.[454] Cronenberg had been offered a face-saving settlement agreement, but he refused. The special committee found him guilty "in puncto criminis Peculatus" on 6 February, 1681, whereupon he promptly appealed the verdict to the *Reichshofrat* (and then died unexpectedly later that month).[455] Krebs received his judgment on 30 April, suffering the loss of his office, the payment of court costs, and an eight-thousand Gulden fine.[456] He followed Wolfskehl to Vienna and also appealed at the *Reichshofrat*.[457] Because the judgments against Wolfskehl, Cronenberg and Krebs resulted in unpaid fines, the committee auctioned their property left in the city to satisfy the judgment.[458]

---

[452] "Sie ſchwören alle ohne Vnterſcheid / Gottes Ehre / der Statt Ehre / und der Bürger Freyheit zu behalten." *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl*, 5.
[453] Kettering, *Patrons, Brokers, and Clients*, 193.
[454] HAStK Gülch Bestand 38.
[455] HAStK Gülch Bestand 38.
[456] HAStK Gülch Bestand 38. Judendunck argues that Krebs was sentenced on 3 April. Judendunck, *Theatrum lanienae Coloniensis*, 47.
[457] HAStK Gülch Bestand 38.
[458] Dreher, "Oligarchische Machtstrukturen," 443.

This auction began on 10 March, 1681 at the Quatermarkt and lasted intermittently until 13 May of the same year, netting a total of 6407 Reichsthaler, 17 Albus and 3 Heller for the city treasury.[459] Unfortunately for the anti-corruption campaign, however, on 22 March, the *Reichshofrat* had issued an edict enjoining the investigatory commission from continuing its work, ordering the delivery of all investigatory documents, restoring the accused mayors' property to them, and vacating the orders for their arrest.[460]

It is important to note that this move by the *Reichshofrat* was not a ruling on the merits, but rather a procedural action in response to Wolfskehl's suit. Essentially a preliminary injunction, or a court order "with the goal of preserving the status quo before final judgment," the *Reichshofrat's* decision did not condone the conduct of Cronenberg, Krebs, and Wolfskehl, but rather insisted that the Cologne special committee had issued its own judgment prematurely.[461] Had Gülich and his supporters not escalated the legal action into a political revolution, there is no reason to suppose that the *Reichshofrat* would ultimately have ruled against the city council. Indeed the opposite is likely true, given the anti-Imperial stance of the Archbishop Elector of Cologne under the influence of a key French ally, the aforementioned Prince of Fürstenberg (not to mention the imperial fear of losing Cologne to France, a fear realized in Strassburg that same year).[462] The counterfactual illuminates the essentially non-partisan stance of the *Reichshofrat* in what was a genuinely local dispute.

---

[459] Seyfarth, Jutta. "Bildbesitz in Kölner Familien zur Zeit der Gülischen Wirren und ein Neues Inventarium der Sammlung Imstenraedt." *Wallraf-Richartz-Jahrbuch* 56 (1995): 227.
[460] Dreher, "Oligarchische Machtstrukturen," 443.
[461] Cornell Law School Legal Information Institute, "Preliminary Injunction" *available at* https://www.law.cornell.edu/wex/preliminary_injunction#:~:text=Definition,status%20quo%20before%20final%20judgment.
[462] The continued animosity between the sides was evident at a dinner Judendunck hosted for both the French and Imperial delegates (Tamboneau and Jodoci respectively), during which the two apparently shouted "Vive Louys" and "Vivat Leopoldus" at each other. Judendunck, *Theatrum lanienae Coloniensis*, 57. More meaningfully for the

The Cologne city council contested the jurisdiction of the *Reichshofrat* over Wolfskehl's suit.[463] There were now two cases before the imperial court: Wolfskehl's suit contesting the legitimacy of the investigatory committee, and Krebs' appeal from the city judgment (Cronenberg's appeal became moot with his death). In response to both cases, the city replied that "in criminal cases on account of which a conviction comes to pass, to begin with no appeal can be asserted."[464] Here the city was asserting its *privilegium de non appellando,* whereby the Emperor granted subordinate jurisdictions the privilege of judicial finality within their territory (i.e. limiting appeals to the supreme courts of *Reichskammergericht* and *Reichshofrat*). The city of Cologne first received this privilege in 1493, and more broadly in 1576.[465] In the 1576 grant from Emperor Rudolf II, the city received the right to final jurisdiction for disputes between city magistrates and the *Gaffeln*, or guilds, as was the case here.[466] Later in 1684, the city would also argue (somewhat desperately and without elaboration) that the imperial commission contravened the Westphalian peace and the electoral capitulation of Leopold himself.[467]

With their appeals, Wolfskehl and Cronenberg raised constitutional issues that highlight the durability of the corporate order. While Cologne was threatened in the 1680s by a French monarch intent on dissolving the boundary between his person and the state apparatus, the city reaffirmed the disembodied nature of municipal authority. For instance, in the *Spiegel der Wahrheit,* the council asked rhetorically "how Wolfskehl can maintain that he is the equal of the

---

continued influence of Wilhelm Egon von Fürstenberg, Judendunck argues that he maintained "creatures" in the city council, even after the conviction of the three mayors in early 1681. Judendunck, *Theatrum lanienae Coloniensis*, 65.

[463] Dreher, "Oligarchische Machtstrukturen," 439.

[464] Dreher, "Oligarchische Machtstrukturen," 439.

[465] Ulrich Eisenhardt, *Die Kaiserlichen Privilegia De Non Appellando* (Cologne: Böhlau Verlag, 1980), XII.

[466] Philipp Nordloh, *Kölner Zunftprozesse vor dem Reichskammergericht* (Frankfurt am Main: Peter Lang GmbH, 2008), 32.

[467] Dr. Secretar Godtschalck von Inden, *Höchst abgenöhtigte Facti Species dieser des Heyligen Römischen Reichs Freyer Statt Cöllen Inquisitions – Sach betreffendt / sampt Beylagen von Num. 1 bis 7* (Cologne: 2 March 1684), 11.

magistracy of Cologne, and that it cannot command him . . . when he is not a hair less subordinate than the lowliest citizen let alone a member of the city council [?]"[468] Insisting on its authority as distinct from those who wielded it, the city articulated a notion of public office tied to the *Gemeinnutz*, or public good. In sum, the city argued that his mayoral office neither entitled Wolfskehl to engage in corrupt practices, nor to escape from the jurisdiction of the city investigatory committee.

It was in defense of the corporate privileges of the city and the *Gaffeln* that Nikolaus Gülich continued his anti-corruption campaign. Through the *Bannerrat*, the ad hoc council of forty-four Gaffel representatives, Gülich demanded new parameters for the conduct of future corruption investigations.[469] Meanwhile, the Reichshofrat Johann Christoph von Jodoci arrived in Cologne on 13 June 1681 to conduct negotiations with the new city government about the billeting of imperial troops (a political matter intimately entwined with the legal process in Vienna).[470] Those negotiations provided fertile ground for Gülich and his allies, who staged a bloodless coup on 2 June, 1683.[471] That night, Gülich-led demonstrations encircled city hall and convinced sympathetic troops to abandon the old regime.[472] New elections then returned a council packed with supporters of Gülich, and Gülich replaced Judendunck as *Syndicus* soon

[468] "Dann wie will der Wolffskehl vermög deß . . . sustiniren, daß er mit dem Magistrat zu Cölln gleich seye, und daß erfölglich dieser ihme nit zu befehlen habe da er . . . nit umb ein Haar weinger als der geringste Bürger geschweige Rathsmann dem universe Magistratus Corpori unterworffen gewesen." *Spiegel der Wahrheit* (Cologne, 1681), 5.
[469] The document Gülich submitted was entitled *Brevis Expositio Processus Amplissimi Senatus Coloniensis contra Cronenberg, Kreps und Wolffskehl*. *See* Bellingradt, "Organizing public opinion," 560.
[470] Judendunck, *Theatrum lanienae Coloniensis*, 50.
[471] The Judendunck text from 1694, *Thatrum lanienae Coloniensis*, describes the tensions between Gülich and the city council in the intervening two years at length, albeit from a highly prejudicial standpoint.
[472] In a sign of his clear partisanship, the great nineteenth-century historian of Cologne, Leonhard Ennen, labels these sympathetic troops as "cowards" for their unwillingness to shoot their fellow citizens. Leonhard Ennen, *Frankreich und der Niederrhein, oder, Geschichte von Stadt und Kurstaat Köln seit dem 30jährigen Kriege bis zur französischen Occupation, meist aus archivalischen Dokumenten Band 1* (Cologne: Schwann, 1855), 441.

thereafter, despite his ignorance of Latin and lack of legal training.[473] On 20 August the imperial commission issued an order calling for the reinstatement of the pre-existing council, soothingly confirming the existing privileges of the city while menacingly holding out the threat of the imperial ban (*Reichsacht*) against any who failed to comply.[474]

The new Gülich-led government sought to defuse tensions with the *Reichshofrat*. To this end, the city sent a delegation to Vienna (where the Ottoman siege was broken on 11 September 1683) in October of that year to counter the anti-Gülich propaganda disseminated by Wolfskehl and Krebs.[475] It consisted of five delegates, two of whom – the furrier Abraham Sax and the cloth shearer Anton Meshov – would be convicted with Gülich in 1686.[476] The progress of this delegation was the subject of a critical poem by an anonymous author and a Jesuit priest in 1691.[477] Notwithstanding its prejudicial nature (indeed, perhaps because of it), that poem merits scrutiny for its depiction of the supposed corruption of the Gülich regime. In its first stanza the poem, *Legatio Coloniensis ad Aulam Caesaream. Poetae Ingressus et Lamentatio*, asks "how often does a commission devour its cost, how many corrupting resources does it require?"[478]

The claim that city officials took advantage of business trips and doled out bribes was one that Gülich himself had leveled against Judendunck. In his 1694 defense, for instance, Judendunck argues that Gülich and his allies alleged that a planned 1681 trip by the *Syndicus* to Vienna for the purposes of managing the two outstanding lawsuits was unnecessary, because

[473] Merlo, "Nikolaus Gülich, das Haupt der Kölner Revolution," 33.
[474] *Theatrum Europeaum* Bd. 12, 415.
[475] Merlo, "Nikolaus Gülich, das Haupt der Kölner Revolution," 33.
[476] Ennen claims that Sax was an "English refugee." Ennen, *Frankreich und der Niederrhein*, 450.
[477] Karl Hartung, "Die Gülich-Rebellion in Koln 1680–1686 und die Kölner Gesandtschaft an den Kaiserhof 1683/84: Ein zeitgenossischer Bericht in lateinischen Versen," *Jahrbuch des Kolnischen Geschichtsvereins*, 59 (1988): 88.
[478] "Quantos saepe vorat tenuis commissio sumptus, quot corruptrices illa requirit opes?" Hartung, "die Kölner Gesandtschaft an den Kaiserhof," 90.

Reichshofrat Jodoci himself was visiting Cologne at the time.[479] Furthermore, the allegation went that Judendunck never actually traveled to Vienna, but instead pocketed the travel costs at the expense of the city treasury and gave Jodoci a cut.[480] Judendunck hurled the same accusations back at Gülich, arguing that his regime was plagued by "prohibitive consumption, corruption, and expedition costs."[481] Regardless of the veracity of the claims, the similarity between the aspersions that these political adversaries cast upon one another strongly suggests that they held mutually acceptable notions of what constituted corrupt political practice.

The *Legatio Coloniensis* levels the accusation of bribery against the delegation. Arguing that "there is nothing so holy that it [cannot be] corrupted by gold," the poet describes the arrival of the delegates in Linz and their purportedly unsuccessful attempt to meet the Emperor despite their liberal dispensation of "patronage."[482] The reproachful use of the term patronage (*patronicii*) is revealing. As with the Pietist jeremiad against corruption by Schwarzburg-Rudolstadt Chancellor Ahasver Fritsch analyzed in Chapter Three of this dissertation, the poet of the *Legatio Coloniensis* decries the occurrence of gift-giving and favoritism in governance. Patronage here is not an acceptable traditional practice mediating reciprocal expressions of gratitude, but a thoroughly sordid strategy perpetrated by base actors without justice on their side.

The poem also reinforces the *Gemeinnutz / Eigennutz* dichotomy analyzed earlier. When discussing the supposed injustices heaped upon the former mayor Krebs by Gülich and his

[479] "Et ibi apparebat, daß die Comissio Caesarea obhanden; Ergo unnöthig nacher Wien zureisen wäre." Judendunck, *Theatrum lanienae Coloniensis*, 58.
[480] Judendunck, *Theatrum lanienae Coloniensis*, 58.
[481] Judendunck, *Theatrum lanienae Coloniensis*, 153.
[482] "Nil est tam sanctum quod non corrumpitur auro;" "Huc ubi perventum est, studium fuit omnibus unum, causa patrocinii staret ut aucta bonis." Hartung, "die Kölner Gesandtschaft an den Kaiserhof,"118. The Court was still in Linz despite the lifting of the siege of Vienna.

adherents, the poet describes Krebs as "an incorruptible man, not concerned with his own, but with the public good."[483] Like the condemnations of patronage and bribery just mentioned, this verse from the poem underlines the striking resemblance between the ethics of political action valorized by these bitter rivals. The similarity of vocabulary suggests a common normative framework. Neither side is arguing, as Montesquieu would fifty years later, that "[v]enality is good … because it provides for performing as a family vocation what one would not want to undertake for virtue.[484] Instead, both Gülich and his foes insist on the indispensability of virtue to the correct execution of government office.

The delegation received an audience with Emperor Leopold in Linz on 12 June 1684. With regard to this basic fact, the *Legatio Coloniensis* was demonstrably incorrect. Seemingly in preparation for the visit, the Gülich administration prepared a *Facti Species*, a legal brief summarizing the basics of the Cologne constitution (the *Verbundbrief* and *Transfixbrief*) as well as providing a narrative chronology of events since 1675 and the specific nature of the mayors' crimes.[485] The *Facti Species* pleads with the Emperor to reject the false narrative of "tumult and rebellion" that was being peddled by Wolfskehl.[486] Straddling a tightrope between deference to imperial authority and the defense of municipal privileges, the document implored the Emperor to emulate the example of his ancestor Maximilian I, who had ratified the revolutionary legal actions of 1513 that resulted in execution of three mayors and the major constitutional

[483] "Incorruptus homo, non se, sed publica quaerens commoda." Hartung, "die Kölner Gesandtschaft an den Kaiserhof," 179.
[484] Montesquieu, Charles de Secondat, Anne M Cohler, Basia C Miller, and Harold Stone. *The Spirit of the Laws.* (Cambridge: Cambridge University Press, 1989), 70.
[485] Dr. Secretar Godtschalck von Inden, *Höchst abgenöhtigte Facti Species dieser des Heyligen Römischen Reichs Freyer Statt Cöllen Inquisitions – Sach betreffendt / sampt Beylagen von Num. 1 bis 7* (Cologne: 2 March 1684). HHStA RHR Fiskalarchiv 3-25.
[486] *Höchst abgenöhtigte Facti Species*. HHStA RHR Fiskalarchiv 3-25.

amendment of the *Transfixbrief*.[487] Only then could the city liberate itself from the "absolute private dominance" of an oligarchy that "used the commonwealth for their own benefit and splendor."[488]

It is unclear what effect the delegation or the *Facti Species* had on Leopold and the *Reichshofrat*. An imperial order dated the same day (12 June 1684) thanks the delegates for Cologne's continued support against the French, and advises that the various legal process should continue through the preexisting imperial commission.[489] Although it could be understood as a polite rebuff, the 12 June *mandatum* merely repeats what the *Facti Species* had expressly sought: namely, a continuation of the investigation already underway. The neutrality of the document is notable, given the earlier publication of edicts on 9 and 29 December 1683 and 19 February 1684 demanding compliance with the imperial commission and its previous orders (most importantly the restitution of the legal *status quo ante*).[490] The unwillingness of Gülich to comply with these orders would ultimately prove to be his undoing.

One can sympathize with Gülich to a point. The commission had relocated across the Rhine to Mühlheim in 1683; the reasons are vague, but it seems as though tensions with Reichshofrat Jodoci (whom the *Facti Species* accused of partiality) had reached a boiling point.[491] The delegation to the imperial court was therefore likely an act of desperation from the outset. Gülich also faced a steady drumbeat of hostile press in 1684: a defamatory tract, *Lucii*

[487] *Höchst abgenöhtigte Facti Species*. HHStA RHR Fiskalarchiv 3-25.
[488] "hingegen aber sich allem den absoluten Dominat private zugemessen / alle Ehren-Aembter unter sich mehrentheils getheilt / das gemeine Gut durch alle erdenckliche Behendigkeit und bis zu eigenem Nutz und Pracht verwendt." *Höchst abgenöhtigte Facti Species*. HHStA RHR Fiskalarchiv 3-25.
[489] Copia Ihro romischer Kaysl Mayst allerggsten Schreibens ahn Einen Ehrsamben hoher rhats der Statt Colln in dato Lintz den 12 Juny 1684. HHStA RHR Fiskalarchiv 3-25.
[490] Bellingradt, "Organizing public opinion," 563.
[491] "gestalt Hochwolgedachter Herrn Subdelegirter in specie der von Dusseldorff mithin geführter Notarius N. Hardt zu der Vergessneheit und partialität gerathen." *Höchst abgenöhtigte Facti Species*. HHStA RHR Fiskalarchiv 3-25, page 12.

Veri. Statt Colnisch Babel betreffendt, &c, and a purported rebuttal to the *Facti Species* itself: a *Wahrhaffter und Unverfälschter Gegen-Bericht*.[492] This second piece elides the corruption critique leveled by Gülich and focuses instead on the technical inability of the *Gaffeln* to supersede the authority of the council (along with repeated meandering denunciations of Gülich and his adherents in general terms, an apparent prerequisite of the genre). Whether these arguments influenced the *Reichshofrat* more than the cessation of hostilities with France is unclear (the Truce of Regensburg, signed on 15 August 1684, temporarily ended a war whose proximity to Cologne had largely shielded Gülich from imperial severity). Unlike the *Facti Species*, neither text can be found in the case file at the Haus-, Hof- und Staatsarchiv in Vienna.

As 1684 waned, the imperial authorities turned actively hostile while domestic support for Gülich crumbled. Ironically, it may have been the stringent financial decrees enacted by Gülich and his supporters that undermined the revolutionary regime in the eyes of the populace. The (admittedly biased) nineteenth-century historian Leonard Ennen argues that Gülich enforced emergency fiscal measures with unusual heartlessness, for instance, by forcing widows to sell the lead from their roofs in order to pay.[493] Whether true or not, on 25 June 1685 the Emperor declared the imperial ban against him as an individual and the entire city as a corporation if it failed to comply with the earlier decrees of the commission.[494] In August 1685 a trio of officials consisting of the mayor, treasurer, and *Stimmeister* of Cologne visited the imperial commission in Mühlheim, agreeing to sacrifice Gülich and restore the status quo.[495] He was arrested on 11

[492] *Ahn die Röm: Kayserl: auch zu Hungaren und Böheimb Königl. Majestätt. Aller Unterthänigst Warhaffter und Unverfälschter Gegen-Bericht / Mit einverleibter Gründtlicher Refutation Der Unterm Nahmen Bürgermeister und Rhatt der Freyer Reichs-Statt Cöllen jüngst in Truck außgegebener also genandter Höchstabgenöhtigter FACTI SPECIES Und dergleichen ihrrigen Schrifften* (Cologne: 1684), 13.
[493] Ennen, *Frankreich und der Niederrhein*, 451.
[494] Merlo, Nikolaus Gülich, das Haupt der Kölner Revolution, 33.
[495] Ennen, *Frankreich und der Niederrhein*, 453.

August, but lingering support in the city led to his detention in nearby Düsseldorf.[496] On 11 December the *Reichshofrat* ordered the reinstatement of the city council and mayoralty with their composition from the year 1682.[497] The year is important: rather than turn back the clock to 1679 and erase the work of the special committee, the court instead unwound the changes wrought by the revolutionary Gülich regime since it had assumed power.

The five-page judgment condemning Gülich to death was published on 23 February, 1686.[498] It condemned him generally for rebellion, before enumerating a list of his specific offenses such as violating the very constitution he claimed to defend, extrajudicially sentencing political opponents, harassing several imperial commissioners and rejecting the jurisdiction of the imperial commission itself.[499] As with Philipp Lang, the judgment called for two of his fingers to be chopped off.[500] He was then decapitated at Mühlheim, his body buried on the spot, but his head displayed on the Bayen tower in Cologne. The judgment further called for his house to be demolished and a *Schandsäule* (shame column) erected on the spot where it had stood.[501]

On the plot formerly containing his home, the city council built the shame column. The column was not really a column at all, but instead a tall stone plinth topped with a bronze spike. Affixed to the spike was a bronze bust of Gülich without shoulders, the spike piercing the bust in

[496] Ennen, *Frankreich und der Niederrhein*, 454.
[497] Ennen, *Frankreich und der Niederrhein*, 455.
[498] *Justa Divae Themidis Ultio, Oder Gerechte Rach-Vergeltung der H. Gerechtigkeit und wohl-verdiente Belohnung Bürgerlicher Untreu und Aufruhrs wieder die vorgesetzte hohe Obrigkeit : Zu einem abscheulichen Bey-Spiel und billichen Straff-Exempel höchst-vermeidlichen Ungehorsams ... vorgestellet an den Cölnischen Executions-Proceß dreyer boßhafftigen Aufwickler und Ertz-Rebellen Nicolaui Gulichs, Abraham Saxens und Anthonii Mesthovii wie solche als declarirte Aechter und Treulose Main-Eydige Bürger jüngsthin zu Mühlheim den 23. Februarii dieses mit Gott tragenden 1686sten Jahrs exemplarisch abgestrafft und Executirt worden* (1686) Düsseldorf : Universitäts- und Landesbibliothek.
[499] In particular, the judgment claimed that Gülich used his guild *Himmelreich* as a form of ad hoc tribunal. *Justa Divae Themidis Ultio,* 5.
[500] *Divae Themidis Ultio,* 7.
[501] *Divae Themidis Ultio,* 7.

the center at the bottom and emerging at the top. In some respects a form of inanimate pillory, the explicit violence of the sculpture perhaps more accurately recalls the early modern practice of gibbeting, whereby the bodies of criminals were encased in chains and hung for prominent public display. Historian Joy Wiltenburg notes that in early modern Germany "for the most heinous crimes, bodies or body parts of the condemned were left on public display to rot. This was considered the most shaming of penalties, with its denial of Christian burial and exposure to vermin."[502] In this instance, not only was Gülich's actual head displayed for public mortification, but a simulacrum also made – from a casting of Gülich's death mask – to exhibit his shame for eternity. Below is a photograph of this portion of the column, which survives.[503]

Figure 1. Bust of Nikolaus Gülich from his former Shame Column.

[502] Joy Wiltenburg, Crime and Culture in Early Modern Germany (Charlottesville: University of Virginia Press, 2012), 6.
[503] Johann Lukas Dinckelmayer, *Kopf des Nikolaus Gülich*. 1686, (Photo: Philipp Hoffmann, 1981) Kölnisches Stadtmuseum, Cologne. From: http://www.koelnisches-stadtmuseum.de/Hingerichtet.

Shame columns were not unique to Cologne. Historians have catalogued nearly thirty cases of house destruction as ritual punishment between 1520 and 1760, with at least half of those cases featuring the subsequent construction of a shame column.[504] The crimes associated with the columns vary, but urban revolt was a cause in at least six instances (with arson, heresy, witchcraft, regicide, and spreading the plague rounding out the list).[505] Italian columns, in particular, frequently memorialized failed coup attempts.[506] Corruption does not make the list, suggesting both that the particular accusations leveled against Gülich for self-dealing were secondary in importance to his political revolution, and that corruption generally did not pose the existential threat to communal order considered necessary to merit a shame column. In either event, the construction of a column was nakedly partisan act: as with the fabricated charges against a Milanese barber in 1630 (exposed by an outraged Alessandro Manzoni in his 1843 *Storia della colonna infame*), the Gülich column cartoonishly villainized an actor whose posthumous reputation would lionize him as a Rhenish democrat.[507] Indeed, the plot of land in central Cologne formerly containing both his house and the shame column remains undeveloped and still bears the name of its infamous former inhabitant: *Gülichplatz.*

[504] Christopher Friedrichs, "House-Destruction as a Ritual of Punishment in Early Modern Europe," *European History Quarterly* 50, 4 (2020): 624.
[505] Friedrichs, "House Destruction," 624. Friedrichs does not mention arson, but this alleged crime led to the construction of a shame column in Riga in 1677, for which a Swedish sailor, Peter Andressen, was executed. "Geschichte der Brand- und Schandsäule in der Petersburgischen Vorstadt, aus handschriftlichen Nachrichten," *Rigaische Stadtblätter* (22 February 1810), page 5.
[506] Robert Fletcher, "Columns of Infamy." *American Anthropologist* 14, no. 4 (1912): 636–42.
[507] The removal of the monument and rehabilitation of Gülich as a proto-democrat furthered the intentions of Johann Rethel, a bilingual Alsatian appointed by the revolutionary French authorities as "provisional commissar" in the city. Tasked by occupation forces with implementing French law, Rethel encountered hostility from Cologne's traditional political establishment. His clever method of handling this pushback was an attempt to link "his demands vis-à-vis the city council to the tradition of urban guild opposition." He denounced the city council as "aristocratic," and argued that the Cisrhenian republican movement and implementation of French revolutionary principles would fulfill the promise of the 1356 *Verbundbrief* and the 1513 *Transfixbrief* that the guilds and *Gaffeln* had fought for so long to realize. Gisela Mettele, "Kölner Bürgertum in der Umbruchszeit (1776 – 1815)" in *Vom alten zum neuen Bürgertum: Die mitteleuropäische Stadt im Umbruch 1780–1820* ed. Lothar Gall (Munich: R. Oldenbourg Verlag, 1991), 256. Manzoni's nonfiction essay described in greater detail an event treated peripherally in his canonical work of historical fiction, The Betrothed (*I promessi sposi*). Alessandro Manzoni, *The Column of Infamy* trans. Kenelm Foster and Jane Grigson (New York: Oxford University Press, 1964).

The Latin term "corruption" does not appear in every legal case analyzed in this dissertation, but it appears frequently in the case of Cologne. *Syndicus* Judendunck used it when describing the furious response of Wolfskehl to the accusations against him.[508] In that formulation, the term seems to encompass a wide variety of illicit actions. Similarly, the description of Hesselman's legal actions against "undisclosed friendship / corruption and interest" suggests a meaning beyond that of simple bribery.[509] Perhaps most expansively, the city pleading to the Reichshofrat argued that when Wolfskehl "sold city offices and services … to the highest bidder and through such people ruined the commonwealth, the city was plunged into corruption before our eyes."[510] By contrast, when the term was included in a list of charges against Cronenberg accusing him of "Peculatu, Corruptionibus, et perjuriis," corruption appears distinct from related crimes.[511] In a like manner, the poem satirizing the 1683 delegation to the imperial court rhetorically asks "how many corrupting resources [a commission] require[s]?," thereby implying a close connection between the term and bribery.[512] The multiplicity of uses and heterogeneity of potential meaning therefore indicate that in the 1680s, much as today, the

[508] "Wolffs-Kehl und von den Hoevell / mit den Burger-Stäben in dem Rath weiß nicht wie getobet und gewütet hatten; um den jenigen zu wissen / welcher Sie der Corruption beschuldigen dörffte." Judendunck, *Theatrum lanienae Coloniensis*, 26.

[509] "Da hat sich Hesselmann, als ein anderer Curtius, dem Publico consecrirt / und vor das Vatterland / wider des Officialis in dem Statt-Rath selbst bestandene böse Faction, speciatim vero des Officialis Blutverwandten Syndicum Falckenberg / und andere des Officialis gleichen dustige böse Gesellen / Burgermeister und Raths-Freunde / wider diese / sage / theils Burgermeister / theils Syndicos, die da wegen ihrer undergeloffner Freundschafft / Corruptionen und Interesse, insonderheit aber / um / ihre Kinder zu den Geistlichen vornehmern Praebenden / und andern Gnaden und Hulden bringen zukonnen / mit dem Officialen verrätherischer weise conspirierten." Judendunck, *Theatrum lanienae Coloniensis*, 5. Despite its excessive length (246 pages) and obnoxiously self-serving tone, the *Theatrum lanienae* is a useful counterpoint to the binary propaganda written by Gülich and his adversaries during the years of the revolt.

[510] "wie er die Statt Chargen/Aembter und Dienste / vom höchsten biß zum geringsten / gar biß auff der Sackträger und Schürgeren zu / dem meistbietendem verkaufft / und in deme / daß durch solche Leuthe das gemeine folgendts zu Grunde gerichtet / die Statt in das anitzo vor Augen ligendes gründtliches Verderben gestürtzet." *Deß Heil. Röm. Reichs Freyer Statt Cölln Contra Jacoben Wollffskehl*, 5-6.

[511] Dreher, Machtstrukturen, 425.

[512] "Quantos saepe vorat tenuis commissio sumptus, quot corruptrices illa requirit opes?" Hartung, "die Kölner Gesandtschaft an den Kaiserhof," 90.

term corruption sat uneasily on the spectrum between popular colloquialism and legal term of art.

The morality tale of Gülich's grisly end suggests that reaction triumphed. Yet despite the outcome of the case, the role of the Reichshofrat in his fate was an ambivalent and largely procedural one. Notwithstanding Gülich's legacy, the inquest and trials of Wolfskehl, Cronenberg and Krebs illustrate the normative and legal censure of certain behaviors – office sales, embezzlement, nepotism, and bribery – in seventeenth-century Cologne. The mutual recriminations of Gülich, Judendunck, and the *Legatio Coloniensis* highlight the extent to which corruption was a marker of deviance with a shared vocabulary. That curious bipartisanship undercuts the explanatory power of alternative arguments presented for corruption discourse in early modernity, namely, that such criticism reflected patronage imbalances, the vocabulary of opposition, or the grievances of those excluded from structures of power. Gülich, Judendunck, and the poet of the *Legatio Coloniensis* were equally incensed by the abuse of public office for private gain. In reaching for the language of *Gemeinnutz* and *Eigennutz* to articulate those abuses, the antagonists tapped into a venerable rhetorical tradition while simultaneously elevating the magistracy to a position of abstract authority that hardened a pre-existing boundary between the public and private spheres.

CHAPTER 3: CLERICAL CONFRONTATION: THE CATHEDRAL CHAPTER VS. THE PRINCE-BISHOP OF EICHSTÄTT

In the first decades of the eighteenth century, the flamboyant Prince-Bishop of the principality of Eichstätt, Johann Anton I, had both a passion for collecting expensive artwork and an unusual name. His Rhenish surname, von Katzenelnbogen, translates with anatomic improbability as "cat's elbow."[513] His collection of jewels was similarly implausible: he possessed "a great treasure of precious diamonds / emeralds / rubies / amethysts / jacinths / almandines / chrysolites / sapphires / chalcedonies / oriental and Spanish topazes / Turkish jaspers / agates / carnelians / lapis lazuli / onyx / star stones, or *Petris Stellariis* [and] snake eyes" as well as a 433 carat necklace "of extra large and beautiful oriental pearls," the ostensible shepherds crook of King David, "inscribed with several Hebrew letters, which [he] purchased in Spain" and a large diamond-encrusted cross with an estimated value of 200,000 gulden.[514] Compared to the mania for constructing baroque palaces indulged by his contemporary prince-bishops, this weakness for gemstones and relics seems downright parsimonious.[515] It attracted the concern of the cathedral chapter of Eichstätt in 1718, however, when the collection seemed in danger of being sold to line the pockets of a few government ministers.

Attempted larceny was not the only alleged misdeed of this ministerial cabal. In addition, to the supposed danger to the valuables and relics of the bishopric, the ministers in question were

[513] The name also denotes a territory to which the monarchy of the Grand Duchy of Luxembourg claimed dormant title as the "Counts of Katzenelnbogen" until the year 2000. Royal Families of Europe, The Grand Ducal Family of Luxembourg, House of Nassau, *Burke's Peerage*, https://www.burkespeerage.com/royalFamily_Luxembourg.php
[514] Johann Heinrich Falckenstein, *Antiqvitates Nordgavienses Oder Nordgauische Alterthümer und Merckwürdigkeiten aufgesucht in der Aureatensischen Kirche, [...] : Theil 1*. (Frankfurt: Lochner, 1733), 242. For the valuation of the diamond cross, see *Abbildung der Begebenheiten und Personen wordurch der Zustand jetziger Zeiten monatlich vorgestellet und in dazu dienlichen Kupffern gezeiget wird* (Augsburg: Sturm, 1725), 187-188.
[515] This mania is well catalogued in Daniel Fulco, *Exuberant Apotheoses: Italian Frescoes in the Holy Roman Empire*, (Leiden, The Netherlands: Brill, 31 Mar. 2016).

charged with operating large-scale accounting fraud at the tax office, the sale of government offices, and self-dealing in the grain trade. More broadly, the chapter accused Johann Anton I. and his administration of fostering legal instability, constant personnel turnover, and tying up vast amounts of capital in luxury goods. In 1718, the cathedral chapter of Eichstätt sued their Prince-Bishop over these and other matters at the Imperial Aulic Council, or *Reichshofrat*, in Vienna. The lawsuit lasted six years, with the parties ultimately agreeing to a settlement in July 1724.

At the heart of the political uproar in Eichstätt and the legal battle at the Imperial Supreme Court was the matter of corruption. Corruption is deviance, the "infraction of some agreed-upon rule."[516] As the scandals in Rudolfine Prague and late seventeenth-century Cologne analyzed in Chapters One and Two indicate, corruption in the early modern Empire also cultivated a rich nomenclature of longstanding pedigree. Both the scandal and the lawsuit are replete with this attendant vocabulary: *verderbtheit* (corruption or depravity), *malversationes*, fraud, self-interest, extortion, and abuse of office. These were labels of deviance and they stuck.

The canons of the cathedral chapter hurled some of these labels at the Prince-Bishop, but reserved most of them for his ministers. The canons saved their choicest invective for the Prince-Bishop's "favorite." Favorites were a topos of early modern governance analyzed in Chapter One on Philipp Lang and replicated here in miniature.[517] The compressed scale of the legal challenge here is notably distinct from the near-contemporary suit in Schwarzburg-Rudolstadt analyzed in

[516] Howard Becker, *Outsiders: Studies in the Sociology of Deviance* (London: Free Press of Glencoe, 1963), 7.
[517] For an introduction to manifestation of this typology in the Empire, see Michael Kaiser und Andreas Pečar, "Reichsfürsten und ihre Favoriten: Die Ausprägung eines europäischen Strukturphänomens unter den politischen Bedingungen des Alten Reiches," in *Der zweite Mann im Staat: Oberste Amtsträger und Favoriten im Umkreis der Reichsfürsten in der Frühen Neuzeit*, edited by Michael Kaiser and Andreas Pečar, (Berlin: Duncker & Humblot GmbH, 2003), 10.

Chapter Four. Whereas the claimants in that case numbered in the thousands and were mostly Protestant farmers, here the claimants numbered a mere fifteen and were unquestionably Catholic: the canons of the cathedral chapter of the Hochstift of Eichstätt. In both instances, however, the claimants "create[d] deviance by making the rules whose infraction constitutes deviance."[518] Technically the parties settled, but morally and as a consequence also legally, the Cathedral Chapter defeated the Prince-Bishop in its struggle for control over the norms of political office.

♦♦♦

This investigation brings the hazy, trans-epochal abstraction of corruption into sharp relief in the *Hochstift* of Eichstätt. A Hochstift, or ecclesiastical principality, was one of those curious political institutions unique to the Holy Roman Empire. In the territory ruled by a Hochstift a Bishop was the temporal lord. The territory was distinct from the Catholic diocese of the same name, both politically and geographically. Most of these principalities were not coterminous with, and were usually smaller than, the diocese over which the Bishop exercised his spiritual and pastoral functions. In the parlance of the Holy Roman Empire, a Hochstift was an "immediate estate," subject only to the temporal authority of the Emperor and the laws of the Empire. It also possessed a seat in the College of Princes, one of the three chambers of the Imperial parliament, or *Reichstag*.

[518] Becker, *Outsiders*, 8.

Figure 2. Map of the Hochstift of Eichstätt.[519]

The majority of these ecclesiastical principalities emerged in the Middle Ages, and the Hochstift of Eichstätt was no exception. The legendary Saint Willibald founded a monastery in the tiny settlement of Eichstätt in 740, and his successor bishops received their temporal

[519] Helmut Flachenecker, "Eichstätt, Hochstift: Territorium und Struktur," *Historisches Lexikon Bayerns*. URL: https://www.historisches-lexikon-bayerns.de/Lexikon/Eichst%C3%A4tt,_Hochstift:_Territorium_und_Struktur.

authority over the surrounding territory in fits and starts over the next nine centuries.[520] With the political and administrative reorganization of the Empire implemented in the late fifteenth and early sixteenth centuries, Eichstätt was incorporated into the Franconian 'Circle' (*Fränkischer Reichskreis*), despite lying at the nexus of the Franconian, Swabian, and Bavarian cultural spheres. A staunchly Catholic territory, Eichstätt sided with the Habsburgs during the Thirty Years War and remained loyal to that family in successive intra-Imperial conflicts.[521] The Hochstift continued to govern the territory until the dissolution of the Holy Roman Empire in 1806.

The governance of each Hochstift was unique to that principality, but followed a general pattern. The cathedral chapter elected the Bishop, and the Bishop ruled the territory in cooperation with the cathedral chapter.[522] This apparent simplicity belies a complex and individualized system of constitutional arrangements. The Holy Roman Empire and the Holy See agreed to an overarching framework for those arrangements in 1448 with a treaty known as

[520] For instance, the Bishops received forestry and hunting rights from King Arnulf in 889; market, coinage, and toll rights from King Ludwig IV in 908, as well as the right to erect city walls; land title to the forest was acquired from King Konrad in 912; further forestry and hunting rights were granted in 1053 and 1080. Between 1289 and 1323, the Emperors repeatedly favored the Bishops of Eichstätt in land disputes with neighboring lords. The smallest of the three franconian Prince-Bishoprics (after Würzburg and Bamberg), the principality continued to acquire slices of territory into the early modern period, reaching its fullest extent by the end of the sixteenth century. See Helmut Flachenecker and Anja Lochbrunner, "Eichstätt, Hochstift: Territorium Und Struktur," *Historisches Lexicon Bayerns*, accessed 1 July 2022, https://www.historisches-lexikon-bayerns.de/Lexikon/Eichst%C3%A4tt,_Hochstift:_Territorium_und_Struktur.

[521]Curiously, during the first half of the Thirty Years War, Eichstätt also witnessed an intensive period of witchcraft trials and executions. Between 1613 and 1630, when the Electoral Princes agreed to largely discontinue witchcraft prosecutions, under Prince-Bishop Johann Christoph von Wetterstetten there were 176 executions for the crime of witchcraft. The Diocese of Eichstätt issued a formal apology for these trials and executions in October 2020. Thomas Stöppler, "Schwierige Entschuldigung," *Süddeutsche Zeitung*, Oct. 1, 2020, www.sueddeutsche.de/bayern/eichstaett-dom-hexenverfolgung-erinnerung-1.5050341.

[522] The election of bishops by the cathedral chapter is the default canon law position described by Gratian in his *Decretum*, traditionally dated to 1140. It was the method to use "in the absence of custom, prescription, or privilege to the contrary." R.H. Helmholz, *The Spirit of Classical Canon Law* (Athens: University of Georgia Press, 1996), 46.

the Concordat of Vienna.[523] Although that treaty largely settled the papal role as merely confirming Episcopal elections, other ecclesiastical offices were subject to papal dispensation. In Eichstätt, for instance, the principal officer of the chapter, the *Dompropst*, or provost was appointed by the Pope, whereas the second ranking officer of the cathedral chapter, the *Domdechan*, or dean, was elected by the chapter itself.[524] The election of bishops was preceded by a *Wahlkapitulation*, or 'electoral capitulation,' a constitutional document that set specific limits on the legal competencies that the future bishop would enjoy. As we shall see, violating his *Wahlkapitulation* would be one of the charges leveled against Prince-Bishop Johann Anton I in 1718.

The composition of cathedral chapters could be strikingly anachronistic. Most notably, not all were Catholic: of the 62 imperial cathedral chapters extant on the eve of the Reformation, 40 remained largely Catholic and 27 of those 40 remained entirely Catholic.[525] In some instances, the functions of the cathedral chapter could be effectively secularized. In the Protestant cathedral chapter of Lübeck, for instance, the position of cathedral provost was held by the city attorney.[526] The Eichstätt chapter, by contrast, remained at all times exclusively Catholic.[527]

A similarly anachronistic hallmark of cathedral chapters was that many members were not priests. Only the so-called "first tonsure" was considered strictly necessary for admission to

[523] Manfred Joseph Thaler. *Die Domkapitel der Reichskirche vom Wiener bis zur Säkularisation (1448-1803)*, Frankfurt am Main: Peter Lang GmbH, 2017.
[524] The origins of the office of Dompropst can be traced to the Synod of Aachen (816). Thaler, *Die Domkapitel der Reichskirche*, 266
[525] Thaler, *Die Domkapitel der Reichskirche*, 95.
[526] Thaler, *Die Domkapitel der Reichskirche*, 142.
[527] Thaler, *Die Domkapitel der Reichskirche*, 95.

most chapters, a ceremony that prepared a candidate for entry into minor clerical orders.[528] Different requirements existed for different gradations of membership, however. The two primary grades of cathedral canon were *Domizellar* and *Kapitular*. Both received stipends from the chapter and had seats in the choir, but only the *Kapitulare* had the right to vote. Commensurate with their greater power was a stricter admissions requirement: *Kapitulare* generally had to obtain the ordination grade of subdeacon or deacon to be eligible candidates.[529] So, for instance, the provost of the Eichstätt Chapter at the time the lawsuit analyzed here was filed, Baron von Hagen zu Motten, assumed his position in 1717 but was not ordained as a subdeacon until the following year and was only ordained as a priest in 1725.[530] Even Prince-Bishop Johann Anton I himself was not a priest when he was elected as Bishop in 1705.

The chapters also became increasingly exclusive over time. In the first instance, this exclusivity is apparent by their size. According to legal historian Manfred Thaler, the first cathedral chapters were composed simply of all clerics active within a given cathedral.[531] In the early Middle Ages the Eichstätt cathedral chapter had as many as 70 members. Yet over the course of the Middle Ages, the monastic communities broke down and the chapters began to shrink in size. Some chapters not only capped their membership, but also regulated the ratio of *Domizellare* to *Kapitulare*. In Eichstätt after 1685 the chapter statutorily limited its membership to 28: 15 *Kapitulare* and 13 *Domizellare*.[532] The exclusivity of the chapter was sharpened

[528] Thaler, *Die Domkapitel der Reichskirche*, 508. For the abolition of the practice of tonsure in 1972, see Paul Hoffman, "Vatican Abolishes the Tonsure, 1,500-Year-Old Clerical Rite," *New York Times*, Sept. 15, 1972, www.nytimes.com/1972/09/15/archives/vatican-abolishes-the-tonsure-1500yearold-clerical-rite-vatican.html.
[529] Thaler, *Die Domkapitel der Reichskirche*, 516.
[530] Joachim Conrad, "Hagen zur Motten Johann Hugo I. von," *Saarland Biografien*, http://www.saarland-biografien.de/frontend/php/ergebnis_detail.php?id=888.
[531] Thaler, *Die Domkapitel der Reichskirche*, 184.
[532] For the membership of the Eichstätt chapter, see Thaler, *Die Domkapitel der Reichskirche*, 119; for the distinction between Kapitulare and Domizellare, see Thaler, *Die Domkapitel der Reichskirche*, 181.

further with the introduction of the "Sechzehn-Ahnen-Probe" in 1703, the rule that a member of the chapter had to prove the noble status of every great-great-grandparent.[533] The *Ahnenprobe* as a legal requirement had led Erasmus to remark of Cathedral Chapters, perhaps apocryphally, that Jesus Christ himself could not get elected as a member.[534]

Set in this aristocratic milieu, the cathedral chapter of Eichstätt elected the respondent in this case, Johann Anton Knebel von Katzenelnbogen, as the sixty-third bishop of Eichstätt in 1705.[535] The election took place during the war of Spanish Succession, during which Eichstätt remained loyal to the Empire but neighboring Bavaria sided with France and quickly occupied nearby Ingolstadt. Eichstätt itself was briefly occupied by French troops in July 1703. On the micro level, the election of was a contest between supporters and opponents of the Prince-Bishop of Augsburg, Alexander Sigismund von der Pfalz-Neuburg. This seemingly insufferable Prince-Bishop permanently alienated a plurality of the Eichstätt cathedral chapter.[536] In a protest against him, the chapter elected Johann Anton on 9 February 1705.[537] The canons therefore elected one of their own. Although they would take him to court thirteen years later, the longstanding familiar relationship between the litigants provides circumstantial evidence that that suit was grounded in legitimate political grievances rather than personal animosity. Johann

[533] Thaler, *Die Domkapitel der Reichskirche*, 407.
[534] Die Chronik der Grafen von Zimmern: Handschriften 580 und 581 der Fürstlich Fürstenbergischen Hofbibliothek Donaueschingen, ed. Hansmartin Decker-Hauff, vol 3. (Sigmaringen: Jan Thorbecke, 1971), 72.
[535] Peter Zürcher *Die Bischofswahlen im Fürstbistum Eichstätt von 1636 bis 1790. Wahlgeschehen im Spiegel domkapitelscher, dynastischer und kaiserlicher Landes- u. Reichskirchenpolitik* (Munich: C.H. Beck, 2008), 193.
[536] Zürcher, *Die Bischofswahlen im Fürstbistum Eichstätt,* 116. For instance, in a letter to her family the Empress expressed how the cathedral canons "would rather have anybody instead of our brother because of the poor treatment that they have all been forced to endure." ("so ist zwar der bischoff höchst willich darzu gewest die capittulares aber sein Clar gesast so wollten lieber sie ieden particularen haben als unsern bruder wegen des ublen tractaments das alle leiden müsen.") BayHStA Kb 44/6 fol. 219v, Wien 1694 December 31.
[537] "Der Wahlerfolg sei im Grunde allein ein Protest gegen Alexander Sigismund." Zürcher, *Die Bischofswahlen im Fürstbistum Eichstätt,* 194.

Anton was confirmed as a priest on 1 June 1705 at the Willibaldsburg chapel, and confirmed as a Bishop on 23 May of that year.

He was already nearly sixty years old when elected Prince-Bishop.[538] He had been born in Mainz in 1646, studied at the Collegium Germanicum in Rome from 1663 to 1667, and entered the cathedral chapter of Eichstätt as a *Domizellar* in 1667. After studying law at Bourges, he became a *Kapitular* at Eichstätt in 1672. He spent the next sixteen years on various diplomatic missions before returning to Eichstätt to serve as *Domdechan* in 1688. Historian Julius Sax attributes Johann Anton's predilection for the more expensive trappings of baroque courtly life to this period of travelling throughout Italy and Germany.[539] Unusually, he resigned his position as *Domdechan* two years after taking office in 1690.[540] He remained active in the administration of the Hochstift, however, and entered the privy council (*Geheimrat*) in 1696.[541]

The limited historical literature on the subject has been strangely kind in its assessment of Johann Anton I and his administration. The hagiographical account of Johann Friedrich Falkenstein can be explained by Falkenstein's position as a client of the Bishop's patronage. Yet even his text raises eyebrows; for instance, his insistence that Johann Anton "loved the truth, and hated liars and flatterers" begs the question to what extent the Bishop was involved in the

[538] Hugo Braun, *Das Domkapitel zu Eichstätt: von der Reformationszeit bis zur Säkularisation (1535–1806)*, (Stuttgart: Franz Steiner Verlag, 1991), 327.
[539] Julius Sax, *Geschichte des Hochstiftes und der Stadt Eichstädt: ein Versuch* (Nürnberg, J.L. Schmid, 1857), 604.
[540] According to historian Hugo Braun, Johann Anton resigned as *Domdechan* in order to avoid the residency requirement. The future Prince-Bishop cited a number of reasons for his inability to live in Eichstätt, among them his need for frequent mineral water cures (which he took at Bad Schwalbach), his desire to visit his mother and convert her to Catholicism, as well as the need to look after familial estates in the Rhineland. It seems he was also reminded repeatedly of his obligation to become an ordained priest, a task which he postponed until after his election as Prince-Bishop. Braun, *Das Domkapitel zu Eichstätt*, 329.
[541] Braun, *Das Domkapitel zu Eichstätt*, 328.

machinations of his cabinet.[542] The mid nineteenth-century account of Bavarian historian Julius Sax is less obvious. Sax describes Johann Anton I as "well-meaning" and a "victim of flatterers [who] intentionally prevented him from comprehending a perfected system of corruption."[543] That benefit of the doubt largely continues in the brief assessment of him offered by Peter Zürcher. Although Zürcher notes how his administration was consumed by a "financial and favoritism scandal that fully captured the Prince-Bishop and degenerated into an impenetrable system of corruption," he also finds that the Hochstift suffered no lasting financial or political damage as a result.[544]

Preventing financial difficulties in advance was one of the purposes of the electoral capitulation, or *Wahlkapitulation*, that cathedral chapters drafted before electing new bishops. These binding legal documents constrained the incoming executive from making certain financial commitments, as well as enumerated policy and personnel choices. In the case of Johann Anton I, the most relevant article of the 1705 *Wahlkapitulation* (Article 4) required that he obtain the consent of the chapter before selling or mortgaging any relics or valuables of the chapter, prohibited the Prince-Bishop from floating bonds in excess of 1000 florins, and mandated the consent of the chapter to the terms of the Prince-Episcopal will and testament.[545] Article 18 also limited the *peculium* (salary) of the Bishop to 6000 florins.[546] Ominously, Article

[542] "Er liebte die Wahrheit, und hasste hingegen die Lügner und Schmeichler." Falckenstein, *Antiqvitates Nordgavienses,* 242.
[543] "das Opfer von Schmeichlern und eines vollendeten Corruptions-Systems, welches zu durchschauen man ihn absichtlich verhinderte." Sax, *Geschichte des Hochstiftes und der Stadt Eichstädt,* 607.
[544] "Überschattet wurde die Regierungstätigkeit von Finanzskandalen und einer Günstlingswirtschaft, die den Fürstbischof zuletzt völlig gefangen nahmen und die zu einem undurchdringlichen Korruptionssystem ausarteten. […] Dennoch war das Hochstift beim Tode Johann Antons I. wirtschaftlich und politisch keineswegs zerüttet." Zürcher, *Die Bischofswahlen im Fürstbistum Eichstätt,* 203-204.
[545] Zürcher, *Die Bischofswahlen im Fürstbistum Eichstätt,* 175.
[546] Zürcher, *Die Bischofswahlen im Fürstbistum Eichstätt,* 177.

14 also called for the expulsion of any Jews living in the principality.[547] Although Johann Anton I did follow through on this article with enabling legislation, the presence of *Hoffaktoren* (court Jews) would become an issue in the subsequent legal dispute.[548]

Despite his twenty-year reign, the governing record of the Prince-Bishop is remarkably thin. In 1707, the Prince-Bishop sought to renegotiate the tax status of the Hochstift with the Empire; he argued, without apparent success, that the wartime level of taxation was ruinous for Eichstätt, particularly because the *Wormser Reichsmatrikel*, the census of 1521 which governed its contributions, overestimated the population of the principality.[549] He founded a convent in 1711, the Notre Dame du Sacré Coeur, which was perennially underfunded, and oversaw the construction of a monastery church in Berching despite the existence of a rival monastery in the same town.[550] Both actions technically violated the *Wahlkapitulation* of 1705. Arguably one reason for the fondness with which historians remember his tenure is his appointment of Swiss architect Gabriel di Gabrieli as Master Builder of the Court (*Hofbaumeister*) in 1714; the elegant baroque architecture that continues to define the city of Eichstätt stems largely from Gabrieli's time in this position.[551] In addition to the aforementioned anti-Jewish edicts, his legislative record included minor ordinances against vagrants and, on his deathbed, a largely hortatory

[547] Zürcher, *Die Bischofswahlen im Fürstbistum Eichstätt,* 176.
[548] DAEI HS 1724-1725.
[549] HHStA Kleinere Reichsstände 94-1, ff. 8-12.
[550] Sax, *Geschichte des Hochstiftes und der Stadt Eichstädt,* 598. The rival monastery of Plankstetten filed a canonical lawsuit in Rome that was finally decided in 1751.
[551] Most notably, Gabrieli designed the new western façade of the hybrid Romanesque and Gothic Eichstätt cathedral in the baroque style. Claudia Grund, "Gabriel de Gabrieli: Eine steile Karriere vom Maurergesellen zum Eichstättisch fürstbischöflichen Hofbaudirektor," Bistum Eichstätt, 20 May 2021, www.bistum-eichstaett.de/aktuell/aktuelle-meldungen-details/news/gabriel-de-gabrieli-eine-steile-karriere-vom-maurergesellen-zum-eichstaettisch-fuerstbischoeflichen/.

ordinance exhorting his officials to behave themselves.[552] In foreign policy, he continued the *reichstreue* stance of his predecessors: support for the Habsburgs and the Empire.

The loyalty of the Prince-Bishop may have earned him sufficient goodwill in Vienna to prolong the legal proceedings over six years. Those proceedings began on 23 February 1718 when the provost and dean of the Cathedral Chapter, Johann Hugo Freiherr von Hagen zu Motten and Rudolf Dietrich Freiherr von Freyberg respectively, wrote to the Imperial Aulic Council with their "Complaint and Plea" on behalf of the Chapter.[553] In it they bemoan their repeated and ineffectual attempts to remedy the situation with the Prince-Bishop and list three complaints.[554] First, they argue that the Episcopal administration suffers from serious financial difficulties: the tax-collection office had been allowed to *rot*, leaving the public treasury "almost entirely depleted."[555] What made this situation even more egregious, in their eyes, was that the Prince-Bishop had continued the wartime level of taxation into peacetime, meaning that the precarious state of the treasury was not the result of an impoverished peasantry, but of "total [administrative] incompetence."[556] Second, they allege that law and order had been neglected, that the resources provided by the chapter for the exercise of the regalian rights of the Hochstift had been wasted and the Chapter's contribution disregarded. Finally, they complain of a

[552] Decree, 1 November 1724. Sax, *Geschichte des Hochstiftes und der Stadt Eichstädt*, 607.
[553] "Anzeig und Bitte." In the epistolary style of litigation at the Imperial Aulic Council, pleadings sent to the court are written as letters to the Emperor himself. The strict etiquette of the times demanded different modes of address depending on the recipient; because they are addressed to the Emperor, the highest authority, the pleadings are densely packed with honorifics and are written in a deeply subservient style.
[554] "schon über ethliche Jahre mit allem eyffer und geziemender Sumbission bey seiner fürstlichen Gnaden nachgesuchte bishirhero jedoch unterbliebene zulängliche remedus […]" 23 February 1718 Complaint to from Cathedral Chapter to RHR. HHStA Kleinere Reichsstände 94-1, ff. 18-20.
[555] "die verwesung der Steurs Cassen einlauffet / also bestellet daß dessen ararium […] schier gänzlichem entkräfftet seye." The use of "verwesung" (to decay, to rot) is notable because the terminology is essentially synonymous with that of corruption, or its German equivalent "verderben" (to spoil, to decay, to taint). 23 February 1718 Complaint to from Cathedral Chapter to RHR. HHStA Kleinere Reichsstände 94-1, ff. 18-20.
[556] "völlige ohntuchtigkeit" 23 February 1718 Complaint to from Cathedral Chapter to RHR. HHStA Kleinere Reichsstände 94-1, ff. 18-19. The War of Spanish Succession ended in September 1715, meaning that two and a half years had elapsed by this point.

breakdown of the justice system. Although they do not list it as a fourth complaint, the provost and dean then claim that certain "disreputable persons" have acquired an "unnatural influence" over the Prince-Bishop that "grows day by day."[557] In particular, they note how one individual has gained so much influence that "all important business … [is transacted] according to his pleasure."[558] The Chapter calls on the Imperial Aulic Council to establish an investigatory committee.

As we have seen in Chapter Two on Gülich, these "imperial committees" (*kaiserliche Kommissionen*) were some of the principal instruments through which the Emperor and the Imperial Aulic Council exercised their prerogatives.[559] In that case, the investigation was led by a member of the Imperial Aulic Council, Graf Wolfgang IV zu Öttingen-Wallerstein. In this case, as we shall see, the commission would be led by a fellow cleric, Lothar Franz von Schönborn, the Elector and Archbishop of Mainz as well as the Archchancellor of the Holy Roman Empire. Although the distinction between the temporal and spiritual roles of the respective committee members is notable, it is worth repeating the absence of any role played by the Holy See in this litigation. This was not a dispute between distinct entities of the Catholic Church, but rather a lawsuit between two estates of the Empire. The point seems academic, but would later arise in

[557] "einig hergelasse Landt verruffene Persohnen sich vast gänzlich einnemen lassen […] ja dessen gewalt über des fürstlichen Gemieth von tag zu tag solcher gestalten zunemet" 23 February 1718 Complaint to from Cathedral Chapter to RHR. HHStA Kleinere Reichsstände 94-1, ff. 19-20.

[558] "undter welchen besonders einer ein übernatürliches Credit und gehör in so weith findent, daß in allen wichtigen geschäfften nit allein dero Dhom Capitul prateriert, in andern Justiz undt Cameral Sachen aber nach dessen wohlgefallen solche ad cabinetum oder mit Ihm einstimmige Particuler Comission gezogen wordten." 23 February 1718 Complaint to from Cathedral Chapter to RHR. HHStA Kleinere Reichsstände 94-1, ff. 19-20. Here, the authors also note their concern that the influence of this individual (in subsequent pleadings identified as Matthias de Simeoni) may be a danger to the valuables and relics of the Bishop.

[559] The committees are also the focus of two important studies by Eva Ortlieb, *Im Auftrag des Kaisers die kaiserlichen Kommissionen des Reichshofrats und die Regelung von Konflikten im Alten Reich (1637-1657),* Vienna: Böhlau, 2001, and Sabine Ullmann *Geschichte auf der Langen Bank: Die Kommissionen Des Reichshofrats Unter Kaiser Maximilian Ii. (1564-1576),* Mainz am Rhein: von Zabern, 2006.

litigation between the heirs of the Prince-Bishop, with the revisionist party arguing that ecclesiastical rather than secular jurisdiction should have been applied in the case.[560]

The lawsuit got off to a slow start. In part, this was due to the nature of proceedings at the Imperial Aulic Council: the court conducted all business in writing (there were no oral arguments) and the exchange of letters could be time-consuming.[561] More significant, however, was the delay of the Bishop in responding. After the initial pleading in February 1718, the *Agent* or lawyer for the Chapter in Vienna, Georg Ferdinand von Maul, wrote two follow-up letters to the court in April and May of that year inquiring as to why no action had been taken.[562] In July, the court wrote to the Prince-Bishop, demanding a response to the claims of the Cathedral Chapter within two months.[563] The response never came. The lawyer for the Prince-Bishop, Johann Joseph Wirsching, at first merely sought multiple extensions.[564] When pressed further, he argued that no substantive response was necessary because the Prince Bishop Johann Anton was engaged in amicable negotiations with the Cathedral canons.[565] The exchange of letters back and forth continued into the summer. Frustrated, on 7 July 1719 von Maul moved for the court to sanction Wirsching for hindering the judicial process and to fine him three silver Marks.[566] After the Prince-Bishop sought another extension on 26 July, it appears that the court had had

[560] StAN Hochstift Eichstätt Literalien 75a, 20.
[561] Eichstätt received a post office in 1708. Geschichtstafel der Stadt Eichstätt, https://www.eichstaett.de/geschichtstafel/. Even over one of the primary routes of the Imperial postal service, Innsbruck to Brussels, however, it took almost six days for a letter to travel in one direction. Wolfgang Behringer, *Im Zeichen des Merkur: Reichspost und Kommunikationsrevolution in der frühen Neuzeit*. Göttingen, 2003.
[562] Letters from Georg Ferdinand von Maul to RHR. HHStA Kleinere Reichsstände 94-1, ff. 21 (7 April 1718) and 23 (24 May 1718) respectively.
[563] 19 July 1718 Letter from RHR to Johann Anton I. HHStA Kleinere Reichsstände 94-1, f. 25.
[564] For instance, in January 1719. HHStA Kleinere Reichsstände 94-1, f. 28.
[565] 31 March, 1718. Without naming any names, Wirsching argues that only a minority of canons are in favor of continuing the lawsuit. HHStA Kleinere Reichsstände 94-1, f. 39.
[566] 7 July 1719 Letter from von Maul to RHR. HHStA Kleinere Reichsstände 94-1, ff. 56-57.

enough.[567] It issued its first order on 3 August, 1719, nearly eighteen months after the initial pleading.

This order, or *Gutachten*, is important for four reasons. First, and most straightforwardly, it granted the request of the Cathedral Chapter and created an imperial commission to investigate the chapter's claims.[568] By installing the aforementioned Elector of Mainz, Lothar Franz von Schönborn as chairman of the committee, the Court nominated a political heavyweight and therefore imbued the investigation from the start with significant heft. Second, by granting the Cathedral Chapter's request, even if it was to some extent a default judgment, the court reaffirmed the largely neutral political stance attributed to it by historian Leopold Auer and described in Chapter Two at the beginning of the Gülich revolt; although Prince-Bishop Johann Anton was a loyal imperial ally, his political support did not guarantee favorable legal treatment by the imperial judiciary.[569] Third, in the *Gutachten* the court employs the vocabulary of deviance that we have seen in chapters one and two, notably reference to the *Eigennutz-Gemeinnutz* distinction.[570] Finally, the *Gutachten* introduces us to the Minister who, fairly or unfairly, plays the role of villain in this story: *Bottenmeister* Johann Matthias de Simeoni.

The *Bottenmeister* was a decidedly banal antihero. Johann Matthias Simeoni was born in Vilseck in the Oberpfalz, a town approximately 65 miles northeast of Eichstätt; unfortunately,

[567] 26 July 1719 Letter from Wirsching to RHR. HHStA Kleinere Reichsstände 94-1, f. 75.
[568] RHR Gutachten 3 August 1719. HHStA Kleinere Reichsstände 94-1, ff. 97-98.
[569] Leopold Auer, "The Role of the Imperial Aulic Council in the Constitutional Structure of the Holy Roman Empire," in *The Holy Roman Empire 1495 – 1806* eds. R.J.W Evans, Michael Schaich and Peter Wilson (New York: Oxford University Press, 2011), 72.
[570] For instance, the Gutachten describes the minister Simeoni as a man *disreputable in the city and countryside who through manifold self-interested counsels and plots [has] already exhausted the treasury*. "ein in Stadt und Land verrufener Mensch durch mannigfaltige eigennutzige rath- und anschläge das aerarium schon erschöpft." RHR Gutachten 3 August 1719. HHStA Kleinere Reichsstände 94-1, ff. 95-96.

his date of birth is unknown.[571] In 1702 he married Walburga Preschler, the daughter of a soldier from Brandenburg.[572] Three shreds of evidence indicate that he rose to prominence from a low social status. First, the godmother to his four children born before 1710, Maria Eleonora Jauchmann, was a seamstress, whereas the godfather to his son born in 1720 was an imperial commissioner.[573] Second, an unsigned writing from November 1717 describes him as "the heart of the prince, but a man of low birth."[574] Finally, he was ennobled in 13 November 1717, taking the name "de Simeoni."[575]

This was a precipitous rise, and Simeoni exercised some of his newfound stature to acquire significant property holdings. In her work on the *Spitalstadt* suburb of Eichstätt, for instance, the local historian Magdalena Schick catalogues six properties owned by Simeoni in the *Spitalstadt* alone.[576] Whether he could finance so many acquisitions from his official salary is unclear. The act of ennoblement lists him as being a Brewery Commissioner with the imperial military rank of Major.[577] This is a significant advancement from his previous work, first as an engraver and teacher in Wasserzell, a village outside Eichstätt, then as a *Silberbote* (a money

[571] The biographical information described here relies on the notes of Peter Zürcher in his monograph on the Episcopal elections in Eichstätt. Zürcher's work itself relies on the material collected by the former director of the Diözesanarchiv Eichstätt, Brun Appel. Unfortunately, the Brun Appel collection at the Diözesanarchiv is vast in scope and completely uncatalogued. Despite the generous assistance of archive Director Dr. Ferdinand Sturm, it was impossible to locate the Simeoni file in the Brun Appel collection.
[572] The given name Walburga remained common in Eichstätt until after the Second World War; the name refers to Saint Walburga, the Anglo-Saxon missionary to Franconia whose remains were interred in Eichstätt in 870. It is therefore likely that Simeoni's wife was from the surrounding area. Dr. Ferdinand Sturm, personal conversation with author, July 14, 2022.
[573] Zürcher, *Die Bischofswahlen im Fürstbistum Eichstätt,* 232.
[574] "il cuore del prencipe, ma uomo di nascita bassa." BayHStA Ks 2015.
[575] Karl Friedrich von Frank, *Standeserhebungen und Gnadenakte für das Deutsche Reich und die Österreichischen Erblande bis 1806* (Schloss Senftenegg: Selbstverlag, 1974), 7.
[576] Corresponding to the modern addresses of Weissenburgerstr. 7 (today the prison), Frauenberg 10 and Kolpingstrasse 3 and 9, as well as Elias-Holl-Strasse 6. Magdalena Schick, *Enhalb der Pruckh - Jenseits der Brücke, Siedlungs- und Sozialgeschichte der Spitalvorstadt Eichstätt* (Eichstätt: Historischer Verein Eichstätt, 2000), 66, 83, 102, 104, and 262.
[577] Frank, *Standeserhebungen und Gnadenakte*, 7.

carrier) for the Prince-Bishop starting in 1707.[578] The *Gutachten* and subsequent pleadings refer to Simeoni as a *Bottenmeister*, an overseer of messengers, couriers, and court summoners.[579] Like Philip Lang, the court favorite analyzed in Chapter One, Simeoni was therefore a social climber in a highly stratified society.

Court favorites were a heterogeneous group, and the degree to which Simeoni conformed to this typology illuminates the debate about his alleged misdeeds. He certainly garnered the unwavering trust of the Prince-Bishop, a key feature of the relationship between Princes and their favorites.[580] He may even have been the Prince-Bishop's friend.[581] His downfall is also congruent with historian Jean Berenger's thesis that court favorites frequently lost their standing in the face of clerical criticism.[582] On the other hand, he was neither a patron of the arts nor does he appear to be the leader of any particular faction at court.[583] In the debate over the coadjutorship, for instance, Simeoni not only fails to convince Johann Anton I to support his ostensibly preferred candidate, but the Bottenmeister also seems to act for purely personal

[578] More specifically, a Silberbote is defined as a "Rats-, Gerichts- oder Herrschaftsbote zur Beförderung von Geld, Silber und anderen Wertsachen sowie amtl. Schriftstücken, insb. über Land, auch zur Einziehung von Steuern oder Eintreibung von Schulden." *Deutsches Rechtswörterbuch* (DRW): Silberbote. An unmarked document in the Schönborn correspondence refers to him as a "gravedigger and engraver." StAWü SchA GebKorr 41, Nr. 168. "mit ihme Bottenmeister welcher doch zu vor nichts als ein todtengräber und Biltstecher gewesen."
[579] *Frühneuhochdeutsches Wörterbuch*: Botenmeister. The court documents also refer to Simeoni as "Simon" or "Simonis," not by his noble title.
[580] Jan Hirschbiegel, *Nahbeziehungen bei Hof – Manifestationen des Vertrauens. Karrieren in reichsfürstlichen Diensten am Ende des Mittelalters* (Wien: Böhlau Verlag, 2015), 50.
[581] Antonio Feros, for instance, argues that the Duke of Lerma seized on his confessor's redefinition of the *valido* as the King's "friend" to legitimize his exercise of power. Antonio Feros, *Kingship and Favoritism in the Spain of Philip III, 1598 – 1621* (New York: Cambridge University Press, 2000), 123. The recurring complaint that Simeoni had unfettered access to the apartments of the Prince-Bishop provides robust evidence for the friendship of the Prince-Bishop and his Bottenmeister.
[582] J. Berenger, "Pour une enquete europeene: le probleme du ministeriat au XVIIe siecle," *Annales* XXIX (1974), pp. 166-92.
[583] Hillard von Thiessen, for instance, argues that court favorites "as a rule stood at the head of the leading court faction." Hillard von Thiessen, *Das Zeitalter der Ambiguität: Vom Umgang mit Werten und Normen in der Frühen Neuzeit* (Cologne: Böhlau, 2021), 262.

financial gain rather than as courtier engaged in the cut and thrust of politics.[584] His position as Bottenmeister does suggest the function of administrative management, arguably central to the role of favorite.[585] Unlike in the case of Philipp Lang, however, no correspondence of Simeoni's survives to establish whether his position at court survived with the assistance of a patronage network of his own making.[586] In short, while Simeoni seems to have been a "court favorite," the limited evidence suggests that his was a managerial rather than a policymaking role. The Duke of Lerma he was not.

The alleged misdeeds of Simeoni are central to the facts of the case as described in the *Gutachten* of 3 August 1719. First on the list of his misdeeds are "meddling in all government business" and his control of access to the Prince-Bishop.[587] As with the case of Philipp Lang controlling access to Rudolf II, here the court expresses concern that Simeoni has "free access day and night" to Johann Anton, while simultaneously acting as gatekeeper to those seeking audiences with the Prince-Bishop, including close family members and spiritual counselors.[588] This access is also the source of the cathedral chapter's concern regarding the safety of the Episcopal art and jewel collection mentioned previously. Indeed, the court notes the claim of the cathedral chapter that Simeoni had at this point already stolen part of the collection, citing the

[584] Simeoni's expressed preference for Christian August von Sachsen-Zeitz, Cardinal and Primate of Hungary in exchange for a bribe is discussed below.
[585] von Thiessen, *Das Zeitalter der Ambiguität,* 262.
[586] Although the aforementioned godparent relationship established for his youngest child does suggest that he had influential contacts, it fails to establish a patron-client relationship.
[587]"welcher sich in alle Regierungs geschäfften einmische." RHR Gutachten 3 August 1719. HHStA Kleinere Reichsstände 94-1, f. 95.
[588] "daß ihme bey Tag und Nacht der freye zutritt offen stehe." RHR Gutachten 3 August 1719. HHStA Kleinere Reichsstände 94-1, f. 96. The issue of intimate access to the Prince-Bishop also raises the possibility of a suspected romantic relationship between Johann Anton and Simeoni: for instance, in a letter from diplomat Johann Georg von Königsfeld to the Elector of Bavaria, Königsfeld comments that Johann Anton treats Simeoni "like a mistress." FZA Egl B 19d, Regensburg 3 November 1718: "der Bischoff aber thut mit ihm als mit einer Maitressen, so wohl höchstens zu bedaueren ist, das diser sonst so grun gescheide first sich also bedören lasst." Although no entry exists for *bedören*, a synonym for *corrumpere* (*bedösen*) differs only by a single letter.

departure of Simeoni with several heavily loaded wagons from the Willibaldsburg, the Prince-Episcopal residence at the time, in the middle of the night.[589] The chapter argued that Simeoni, "who had the best clientele," then sold the valuables to Jewish merchants.[590] One such merchant, the so-called *Hoffaktor*, or 'Court Jew,' Joseph Heilbronner from Fürth, plays an auxiliary role in the case. Nonetheless, the previously-mentioned anti-Semitic undercurrent in the Hochstift and the notorious scapegoating and execution of the Württemberg *Hoffaktor* Joseph Süß Oppenheimer a few years later in 1738 suggest that the claims against Heilbronner demand a significant degree of historical skepticism.[591]

A separate claim against Simeoni is his meddling in the grain trade. Although the cathedral chapter includes this point in its initial pleading, it elaborates further in a 23 June 1719 letter to the Bishop subsequently copied to the Imperial Aulic Council. In that letter, the chapter claims that 400 bags of wheat had been undervalued by inspectors, and then sold at much higher prices to foreign merchants.[592] The complaint alleges that these "extortionists" (*Wucherer*) were instigated by Simeoni, who stood to profit personally from the transaction.[593] Arguably the

[589] "zumahlen [der Bottenmeister] durch nächtliche hinweg führung einiger wohlgeladener Wägen den Verdacht einer heimblichen entweichung selbst vergrößert habe." RHR Gutachten 3 August 1719. HHStA Kleinere Reichsstände 94-1, f. 97.
[590] "Inmassen das ermeltes Domb Capitul schon benachrichtiget seye, daß von ihm Bottenmeister bereits nahmhaffte pretiosa, die er in seinen Mittelen nicht haben könte, an Juden versetzt worden." RHR Gutachten 3 August 1719. HHStA Kleinere Reichsstände 94-1, f. 96.
[591] In the case of Oppenheimer, for instance, historian Yair Mintzker argues that Oppenheimer was the victim of a pre-existing anti-corruption campaign waged by the Württemberg *Ehrbarkeit* that had begun with the so-called Grävenitz affair several years earlier. Yair Mintzker. *The Many Deaths of Jew Süss: The Notorious Trial and Execution of an Eighteenth-Century Court Jew* (Princeton: Princeton University Press, 2017).
[592] HHStA Kleinere Reichsstände 94-1 f. 62.
[593] "des utile entzogen undt einen solchen Wucherer durch anstufftung des Pottenmeisters der Gewin in die handt gespillet undt mit der bezahlung allerst allerhandt practiquen ohngezweifflet verylbet werdten sollen." HHStA Kleinere Reichsstände 94-1 f. 62.

scheme just described was in fact larger than alleged, as the litigation over the Prince-Bishop's estate in the 1740s documents the harvest and prices of the commodity with some specificity.[594]

The court expresses no legal opinion as to the veracity of these claims. Instead, it takes a number of procedural steps. First, it orders the creation of the aforementioned investigatory committee. Second, the court decides that although the claims of the chapter would normally justify the detention of Simeoni for questioning, it is not going to order his arrest in this instance because of the "special circumstances that prevail in this case."[595] Unusually, one of the "special circumstances" appears to be the age and infirmity of the Prince-Bishop himself: in his "advanced age" and "severely weakened physical and mental powers," the arrest of Simeoni might "set his mind and health in great consternation."[596] In the event that the committee decides that such a step is necessary, however, it is empowered to do so. Third, the courts recommends the dispatch of a letter from the Emperor to Prince-Bishop Johann Anton making him aware that the "trust of the Bishop [enjoyed by Simeoni] was being abused in many ways to the Bishop's own detriment and to the disadvantage and confusion of the institution entrusted to him."[597]

After remaining dormant for eighteen months, the 3 August 1719 *Gutachten* spurred a flurry of activity on the case. Letters from both sides and two further *Gutachten* of the Imperial Aulic Council followed in the same month. Before continuing the procedural narrative of the

[594] StAN Literalian 75a. "Summarische Renne über Alle bey denen hochfürstlichen Ober und unteren Hoch-Stiffts Aembteren vorhandene Getraid Sorten welche Anno 1724 & 1725 gestürzt: und durchgehends in das Eychstätter Maaß resolvirt worden."
[595] "bey denen diesfals fürwaltenden besonderen umbständen" RHR Gutachten 3 August 1719. HHStA Kleinere Reichsstände 94-1, f. 97.
[596] "seinen erreichten hohen Jahren un den vernehmen noch sehr geschwächten leibs und gemüths Kräften" and "seinem gemüths – und gesundheit stand in großen bestürtzung setzen." RHR Gutachten 3 August 1719. HHStA Kleinere Reichsstände 94-1, f. 98.
[597] "das jenige Vertrauen, worin Er sich bey dem Herrn Bischoffen befinde, zu sein deß Herrn Bischoffens eigenem nachtheil und deß ihm anvertrauten Stiffts weiteres zu besorgenden schaden und verwirrung in viele weege mißbrauche." RHR Gutachten 3 August 1719. HHStA Kleinere Reichsstände 94-1, f. 98-99.

case, however, a closer examination of the positions of the two sides may help to explain the ambivalent rulings of the court. In accordance with the "labeling approach" of sociologist Howard Becker informing the analysis here, the principal focus has thus far been on the pleadings of the cathedral chapter.[598] At the same time, the dynamic process of norm-creation involves both the accuser and the accused; this is necessary because only the "successful" attachment of the label of deviance marks a true boundary of transgressive behavior, thereby setting a new norm.[599]

A document drafted by the respondent enumerating the various *Gravamina* (complaints) of the chapter and the defenses of the Prince-Bishop aids in this endeavor. This source is an addendum to a letter from the Prince-Bishop to his lawyer at the Imperial Aulic Council, Johann Joseph Wirsching, dated 24 July 1719.[600] The addendum lists seven original complaints, and three "new" complaints. To the first complaint of "manifold tax tenders," the Prince-Bishop tersely argues that the issue has already been resolved.[601] This likely refers to the continuation of the level of wartime taxation into peacetime raised by the cathedral canons in their original plea. Whether the issue has truly been resolved or not is unclear: after claiming the point to be moot, the Prince-Bishop goes on to note how "we stay the same by the 1 ½ taxes, but ex post by a recognized need a half tax."[602] It should be noted that this taxation does not refer to taxes paid by

[598] Becker, *Outsiders*, 44.
[599] Becker, *Outsiders*, 44.
[600] 17 July 1719 Letter from Johann Anton I to Johann Joseph Wirsching. HHStA Kleinere Reichsstände 94-1, f. 82.
[601] The first gravamen is listed simply as "die vielfältige Steure ausschreibungen." The Bishop's response that the problem "[i]st remedirt," however, is unclear:
[602] "unß gilt gleich bleibts bey denen 1 ½ steuren, vel ex post bey agnoscirter Notdurfft eine noch halbe steuer." Cathedral Chapter *Gravamina* and Prince-Bishop's Responses, No. 1. HHStA Kleinere Reichsstände 94-1, f. 83.

the canons or the chapter itself, but rather by the peasantry. The canons themselves were exempt from taxation, a privilege reiterated in Article 7 of the *Wahlkapitulation* of 1705.[603]

The second *gravamen* also concerns taxes. It complains of "the quality of the tax office, and to that end the demanded surrender of accounting statements, [as well as] the liquidation of the numbers for 1713 [that had] hitherto continued to show strong diminutions."[604] Here the Prince-Bishop is less sure of himself; essentially, he says he will look into it.[605] He had good reason to be less sanguine in his response, however. When the aforementioned historian Julius Sax indicted Simeoni as the leader of a "whole chain of foreign parasites," he was referring to the ministerial associates of the princely favorite.[606] If the court judgment is to believed, one of those associates, *Zahlmeister* Johann Anton Bertlin, was running quite a criminal operation at the tax office.

Johann Anton Bertlin was the treasurer, or *Zahlmeister*, of the Hochstift of Eichstätt during the time period under investigation here. Originally from Tyrol, he was the *Kastner*, a minor official overseeing rents and labor dues, in the town of Nassenfels before his appointment as Zahlmeister on 22 August, 1708.[607] Since he would later be arrested, tried, and judged by the

[603] Zürcher 175 quoting StAN EU 1705 January 14.
[604] "Die Beschaffenheit der Cassa Camerali & Steure, und zu dem ende die verlangte Extradition der Rechnung, auch liquidation Anno 1713 gethanen zahlambts sich gezeigten- und bißhiehero verbleibenden Starkhen recessen." Gravamina No. 2 HHStA Kleinere Reichsstände 94-1, f. 83.
[605] "Specificentur Scripturae, umbs nach und nach zu produciren in gegenwarth eins oder zwey fürstl Deputirten und Capitular herrn ad inspiciendum." Gravamina No. 2 HHStA Kleinere Reichsstände 94-1, f. 83.
[606] "welcher nicht nur die ganze Kette von auswärtigen Parasiten und Geldmäklern nach sich zog." Julis Sax, *Geschichte des Hochstiftes und der Stadt Eichstädt,* 606. In the Holy Roman Empire, "foreigners" did not necessarily come from very far away, merely from a distinct principality or city.
[607] Decretum Sr Hochfürstl: Gnade Castnern Johann Anton Bertlin zu zustellen uff Nassenfels, 22 August 1708. DAEI HS 1728. His origins in Tyrol are recorded in the judgment against him from 1734. Uhrgicht und Urthl Johann Anton Bertlins gewesten Hof- Camer-Raths und Zahlmeisters. DAEI HS 1734.

local court in Eichstätt, sufficient evidence survives to allow a reconstruction of his activities.[608] The judgment against him lists numerous crimes that fall into three distinct categories. First, he is said to have drafted fake invoices – both by his own hand and with the assistance of unnamed associates in the scriptorium – and simply pocketed the cash. The amount embezzled via this method allegedly totaled 310,906.50 florins.[609] During the course of litigation over the Will and Testament of Johann Anton I over twenty years later, a court document called this the "treasurer's invoice business."[610] The sum itself can be corroborated by comments made by auxiliary Bishop Johann Adam Nieberlein to a Bavarian diplomat in late November 1718.[611] In its second charge, the judgment claims that Bertlin orchestrated a number of thefts of valuables and bullion totaling 225,077 florins.[612] Third, with the assistance of one Adolph Gigner, Bertlin allegedly had a copy of the Prince-Bishop's seal made with which he could forge documents.[613]

In total, the judgment claims that Bertlin stole the equivalent of two tons of gold. The record suggests that Bertlin hid this immense sum rather than go on a spending spree in the manner of Simeoni; his interrogators noted how he did "not want to confess and disclose, where he put the greater part of this important sum, and therefore it can only be believed that the money or gold is hidden somewhere out of the country."[614] At least some of it was used to create a

[608] The "Uhrgicht" that precedes his sentence provides much of the substantive information informing the narrative here. An Uhrgicht was essentially the testimony obtained through the use of torture. See Karl Beier, Alfred Dobritzch, *Tausend Jahre deutscher Vergangenheit in Quellen heimatlicher Geschichte insbesondere Leipzigs und des Leipziger Kreises Volume 1* (Leipzig: Ernst Wiegandt Verlagsbuchhandlung, 1911), 383.
[609] Uhrgicht und Urthl Johann Anton Bertlins gewesten Hof- Camer-Raths und Zahlmeisters. DAEI HS 1734, p. 2.
[610] "dieses Zahlmeisterische Rechnungs-Geschaeft" Staatsarchiv Nürnberg Hochstift Eichstätt Literalian 75a – Hinterlassenschaft des Bischofs Johann Anton I. von Eichstätt, 8.
[611] BayHstA Ks 2015, Regensburg 1718 November 3.
[612] Uhrgicht und Urthl Johann Anton Bertlins. DAEI HS 1734, p. 2.
[613] "das fürstl: Signet durch oben verstandenen Gigner mitelst eines hierzu gebraucht so genanten amalchama fälschlich auftruckhen lassen." Uhrgicht und Urthl Johann Anton Bertlins. DAEI HS 1734, p. 2.
[614] "ohne daß er zur Zeit bekennen und mit fundament eröffnen will, wo er mit dem mehristen theil dieses so importanten Summa hinkommen seye, und dahero nichts anders als glaublich seyn kann, daß er noch irgent wo im

confraternity; on 12 May 1712, Bertlin endowed the *Namen-Jesu-Bruderschaft* in his hometown of Nassenfels, an institution that still exists today.[615] His charitable donations did not factor into his trial, however. Instead, the court cited the *Carolina*, the imperial criminal code, in its judgment; specifically, Bertlin was found guilty of violating Article 112 (falsification of seals, letters, instruments, or account books) and Article 170 (breach of fiduciary duty).[616]

The issue of anti-Semitism complicates the evaluation of the further charges against Bertlin and casts doubt on the validity of the charges just described.[617] The judgment alleges that Bertlin worked in concert with two *Hoffaktorn*, the aforementioned Joseph Heilbronner, and a court Jew from Würzburg, Jacob Isac. The litigation over the Prince-Bishop's estate mentioned above from the 1740s lists a further supposed Jewish accomplice of Bertlin's identified only by the name of Ripner.[618] The scheme Bertlin allegedly hatched with Isac to pawn certain treasures and disguise the income by spreading it over sixteen installments at least contains a veneer of plausibility. Less plausible is the charge that Heilbronner supplied Bertlin with a book of magic spells that Bertlin used to commune with the devil at his house in Nassenfels.[619] As in the case of

---

oder außer Lands gelt oder golts wahrt versteckt und hinterhalten haben […]" Edict 10 March 1728 den gewesten Zahlmeister Bertlin zu Eychstätt betreffend. DAEI HS 1728.

[615] The local parish noted the celebrations for the 300th anniversary of the confraternity in 2013. Katholische Pfarrei St. Nikolaus Nassenfels, "300 Jahre Namen -Jesu-Bruderschaft," accessed 15 Sept. 2022, https://www.pfarrei-nassenfels.de/index.php/geschichte/300-jahre-herz-jesu-bruderschaft.

[616] *Constitutio Criminalis Carolina* (1532), articles 112 (Straff der müntzfelscher vnd auch dero so on habend freiheyt müntzen) and 170 (Straff der jhenen so mit vertrawter oder hinderlegter habe vngetrewlich handeln) respectively.

[617] It is also important to note that anti-Semitism likely afflicted subsequent historians of the period like Julius Sax. In his study of the principality, Sax claims that Jews from nearby Ansbach were the source of the corruption at issue during Johann Anton's tenure: "Ob nun in der Zeit, in welcher wir stehen, die Eichstädtische Beamtenschaft durch das üble Beispiel von Ansbach her an ihrer Integrität geschädigt wurde, will ununtersucht bleiben; jedenfalls kamen aber von dort, längst gepflegt und genährt, die sogenannten Hofjuden und ihre Helfer, und mit ihnen, wie wir erfuhren, das Unglück und die Corruption." Sax, *Geschichte des Hochstiftes und der Stadt Eichstädt*, 613.

[618] Staatsarchiv Nürnberg Hochstift Eichstätt Literalian 75a – Hinterlassenschaft des Bischofs Johann Anton I. von Eichstätt, page 8.

[619] Uhrgicht und Urthl Johann Anton Bertlins. DAEI HS 1734, p. 3.

Philipp Lang analyzed in Chapter One, the trope of witchcraft and sorcery appears almost as a formulaic addendum to the charges, not the least because it appears at the very end of the text.[620]

Regardless of whether the charges contained in it were true or not, the judgment against Bertlin echoes the vocabulary of deviance found both in the case against Lang and in the Gülich revolt in Cologne. For instance, the judgment expresses particular indignation that as a result of Bertlin's forgeries, it might be suspected that the Prince-Bishop "had used this so considerable missing sum for his own private use" (*aigenen privaten nuzen*).[621] This clear demarcation between the property and revenue of the Hochstift as an institution and that of the Prince-Bishop as an individual is further reinforced by the use of the Latin term *ararium* throughout the lawsuit to refer to the treasury. In Roman antiquity, the *ararium* was the public treasury distinct from the *fiscus*, or private treasury of the ruler.[622] Also notable is the use of the term *schelmerei* (here *scholmerey*), an antiquated synonym for fraud.[623] In other words, not only is the *Gemeinnutz-Eigennutz* dichotomy invoked yet again for moral censure, but a host of terms are also employed to reinforce the distinction between the public and private spheres.

The third *gravamen* and response listed in the Prince-Bishop's addendum concerns the diamond cross mentioned in the introduction. In the hagiographical account of Johann Anton's reign presented by Falkenstein, the cross is a emblematic of the dignity of the Prince-Bishop and his connoisseurship of decorative arts; a full-page engraving of the cross appears in his chapter

[620] An additional similarity includes the use of torture during interrogation. "zumahlen unter anderen in ipsa tortura confirmirte bekandtnußen." Peinliches Urthl. DAEI HS 1734.
[621] "als ob dieselbe die abgängig so namhaffte Sumam in dero aigenen privat nuzen verwendet […]"Uhrgicht und Urthl Johann Anton Bertlins. DAEI HS 1734, p. 2.
[622] Sutherland, C. H. V. "Aerarium and Fiscus during the Early Empire." *The American Journal of Philology* 66, no. 2 (1945): 151–70. Sutherland chronicles the emergence of the fiscus during the reign of Tiberius as a private account of the Emperor; although Augustus had reformed the *Aerarium Saturni*, the public treasury, on page 157 Sutherland notes how the *manubiae*, or spoils of war, of Augustus remained *res privata* and did not constitute a state account.
[623] *Digitales Wörterbuch der deutschen Sprache* (DWDS): Schelmerei. https://www.dwds.de/wb/Schelmerei.

on Johann Anton.[624] The cathedral chapter, by contrast, here refers to the spectacularly expensive cross as "dead capital" and throughout the suit expresses concern that it could be stolen.[625] The Prince-Bishop has no time for this complaint, arguing defensively that "that is for us to resolve and to estimate […] this is up to the ruler, it is one thing to appease the Cathedral Chapter, it is another thing for [it] to bind the Bishop in such matters."[626] It is difficult to weigh the truth of these competing claims; the Cathedral chapter does not suggest that an impermissible revenue source was used to purchase the cross, and the *Wahlkapitulation* merely prohibits the alienation of such valuables, not their acquisition.[627]

The diamond cross also poses the question to what extent the norms of baroque courtly extravagance truly predominated in Eichstätt. In her study of royal confessors, for instance, historian Nicole Reinhardt argues that in baroque courts "expenses on lavish food and courtly splendor were no longer equated to the ruler's vices, but increasingly considered as expenses necessary to the office" and that "the dignified presentation of the man in office was part of the office itself."[628] Yet here we see pushback against this idea. In both the pleadings and in the summary of positions prepared by Wirsching the cathedral chapter laments the wastefulness of the cross and the danger of investing so much wealth in a movable object. This last point may be dispositive. Whereas the elaborate reconstruction of the western façade of the cathedral goes unmentioned in the lawsuit, the portability of the cross is clearly a concern, as the danger to the *pretiosa* and *Kleinodien* of the Hochstift is referenced continually in the chapter's complaints.

[624] Falckenstein, *Antiqvitates Nordgavienses,* 242-243.
[625] "Wegen des Diamantinen Creuzes Todten Capitals."
[626] "Dieß soll von Unß aus gelöst und berechnet werden, waß pro Suppellectile Sacra ist, ist nicht Todt, v. G. gemmingl. hoc est penes regente, aliud est comlacere Capitulo Cathedrali, aliud ob illo in talibus obligari Episcopum." Gravamina No. 3, HHStA Kleinere Reichsstände 94-1, f. 83.
[627] Article 4 of the Wahlkapitulation of 1705.
[628] Nicole Reinhardt, *Voices of Conscience: Royal Confessors and Political Counsel in Seventeenth Century Spain and France* (New York: Oxford University Press, 2016), 128-129.

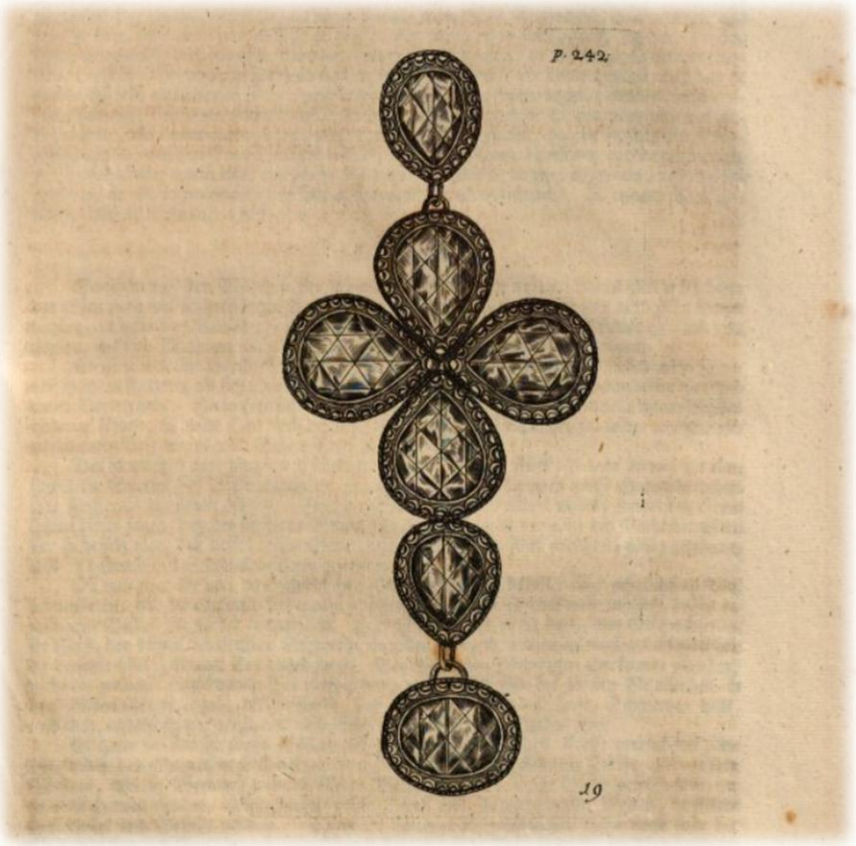

Figure 3. An Engraving of the Cross from Falckenstein's *Antiqvitates Nordgavienses.*[629]

The fourth *gravamen* is more explosive. Here, the Chapter complains of the "constant turnover of officials, their creeping *partitereyen*, as well as the sale of offices."[630] Both the terminology and the substance of the claim are important. First, the term *partitereyen* expands the vocabulary of corruption under analysis. Grimms Wörterbuch translates the plural as "frauds,

[629] Falckenstein, *Antiqvitates Nordgavienses,* 242.
[630] "Beständige Mutation der beambten, und wegen dieser zerschiedener einschleichenden partitereyen, wie auch verkauffungen der Chagen." The misspelled *chargen* derives from French *charge*, meaning office or post. Gravamina No. 4, HHStA Kleinere Reichsstände 94-1, f. 83.

schemes, intrigues, and fraudulent contrivances."[631] The clear pejorative use of the term in this context serves to indicate transgression by public officials.

The second prong in the complaint, the charge of the sale of offices, is a recurrent and important one in any analysis of early modern corruption. As noted in Chapters One and Two venality of office remains a contested domain in the historiography of early-modern state-building. Partly the confusion stems from the outsize role played by venal office sales in supposedly absolutist Bourbon France.[632] Yet the French case was largely the exception that proved the rule. [633] Here, for instance, the practice is clearly unacceptable as indicated both by the indictment as by the Prince-Bishop's response. He demands that the charge "be verified, if it [contains] any fact" and goes on to request an accounting of "when and by whom it happened."[634] This is not the answer of an administration that condones venal office sales.

The nineteenth-century historian Sax also condemned Bottenmeister de Simeoni for practicing office sales, claiming that Simeoni treated posts in service of the Prince-Bishop "like commodities."[635] At the same time, Sax makes no inquiry into whether his disapprobation was shared by contemporaries in the early eighteenth century. A late 1718 diplomatic mission by Johann Georg von Königsfeld to the Prince-Bishop sheds some light on the issue, however. The

---

[631] "betrügereien, ränke, intriguen, [und] betrügereien einfädeln." „PARTITE, f.", Deutsches Wörterbuch von Jacob Grimm und Wilhelm Grimm, digitalisierte Fassung im Wörterbuchnetz des Trier Center for Digital Humanities, Version 01/21, <https://www.woerterbuchnetz.de/DWB?lemid=P01089>, abgerufen am 29.07.2022.

[632] The classic account of French venal office sales by Roland Mousnier argues that the practice, initially a fiscal-political instrument designed to strengthen the agency of the crown vis-à-vis an overbearing high nobility, ultimately weakened the dynasty through financial dependence, administrative incompetence, and increased social tension. Mousnier, Roland. 1971. *La venalite des offices sous Henri IV et Louis XIII*. Presses Universitaires de France.

[633] A common fallacy that historian Peter Wilson refers to as the "Franco-centric bias." See Peter Wilson, *Absolutism in Central Europe* (New York: Routledge, 2000), 5, arguing that Nicolas Henshall perpetuates this bias by extrapolating the weaknesses and contradictions of French 'absolutism' across Europe.

[634] "verificetur, si aliquid in re, […] und wolle die anzeig, wan und durch wem es geschehen, verficiret worden." Gravamina No. 4, HHStA Kleinere Reichsstände 94-1, f. 83.

[635] "Anstellungen im fürstbischöfliche Eichstädt'schen Dienste wie Waare verhandelte." Julis Sax, *Die Bischöfe und Reichsfürsten von Eichstädt*, 606.

purpose of the visit was to campaign for Christian August von Sachsen-Zeitz, Cardinal and Primate of Hungary, for the position of coadjutor bishop of Eichstätt.[636] On the evening of 28 October, Königsfeld met with Simeoni who apparently offered to convince the Prince-Bishop to support the Cardinal in his campaign for the coadjutorship in exchange for 1000 ducats.[637] Although the use of payments to influence Episcopal elections was by no means uncommon, the proposed transaction not only seemed infeasible but also sordid to Königsfeld, who was scathing in his assessment of Simeoni written later to the Elector of Bavaria.[638]

In addition to these four *Gravamina*, the chapter lists an additional nine complaints either of expansive generality or minute specificity. These include the ongoing litigation with neighboring Ansbach, the weakened craft industries of the townsfolk, the prevalence of foreign officials and advisors, the construction of a new office in Ingolstadt and a church tower in Ettingen, and other minor matters (concerning deliveries of beer, for instance).[639] Two of the "Nova Gravamina," however, concern Simeoni specifically. The first of these, complaining of an investment of 70,000 florins into wine, weapons, and uniforms, does not refer to the *Bottenmeister* by name, but the Königsfeld source material indicates that Simeoni suffered substantial losses in the business of provisioning troops.[640] The second complaint asks where Simeoni got the money for these investments in the first place.[641] In response, the Prince-Bishop argues, somewhat contradictorily, in the first instance that such business is perfectly legitimate

[636] Zürcher, *Die Bischofwahlen im Fürstbistum Eichstätt,* 251.
[637] FZA Egl B 19d, Regensburg 1718 November 3 Königsfeld to the Elector of Bavaria.
[638] Zürcher, *Die Bischofwahlen im Fürstbistum Eichstätt*, 252.
[639] Gravamina No. 5, 6, and 7 as well as "Nova Gravamina" 3, 4, and 6 respectively." HHStA Kleinere Reichsstände 94-1, f. 83. The longstanding and arcane litigation with Ansbach concerned the jurisdiction of the imperial court of Hirschberg.
[640] "Ist in dessen der grosse Wein, Gewehr und Montour handell geschehen gegen etliche 70m fl." HHStA Kleinere Reichsstände 94-1, f. 83. Zürcher, *Die Bischofwahlen im Fürstbistum Eichstätt*, 252.
[641] "wozu denen Pottenmeister: recrouten das Geldt wegen dessen kundtbahren unvermögenheit hergenommen worden?" HHStA Kleinere Reichsstände 94-1, f. 83.

and second, that Simeoni did not receive his money from the Prince-Bishop but rather from Viennese creditors.[642]

As we shall see, Johann Anton I would go on to be surprisingly tenacious in the defense of his favorite Bottenmeister. In August 1719, however, his defense remained within the proper confines of the lawsuit: his lawyer Johann Joseph Wirsching finally issued the long-awaited substantive response on the 22nd of that month.[643] This followed another letter from the Cathedral Chapter to the court on 3 August (likely unaware of the Gutachten issued the same day) that reiterated the essential points of complaint, and employed the vocabulary used in the later Bertlin judgment: Simeoni had exhausted the *ararium* through "continuous intrigues in his interest."[644] Similarly, the Bottenmeister had "induced his princely grace through his corrupt [*verderberische*] plots […] to all sorts of highly disadvantageous cabinet decisions that [worked] to [Simeoni's] own benefit."[645] Despite these pleas, an amended order of the court on 7 August reiterated the refusal of the court to order the arrest of Simeoni, but accepted a surety bond posted by the cathedral chapter.[646]

The rebuttal submitted by Wirsching gave the court pause. Naturally, he denied all the charges against the Prince-Bishop and his administration. Addressing Simeoni as the *Princely Eichstätt Court Chamber Councillor and Brewery Commissioner*, he argued that the Cathedral chapter was merely trying to settle a private grievance with Simeoni unrelated to the allegations

[642] HHStA Kleinere Reichsstände 94-1, f. 83.
[643] HHStA Kleinere Reichsstände 94-1, ff. 111-117.
[644] HHStA Kleinere Reichsstände 94-1, f. 103.
[645] "durch seine verderberische anschläg, rhat und that erst gedl. Sr. fürstl. Gnade zu allerhandt hogst nachtheylige Cabinets entschliessungen uf seiner vortheyl zu dato veranlasset" HHStA Kleinere Reichsstände 94-1, f. 101.
[646] HHStA Kleinere Reichsstände 94-1, ff. 103-110 and

contained in the pleadings.[647] He claims that the Simeoni's unwillingness to grant audiences with the Bishop was merely a prudence dictated by the Bishop's health.[648] He further argues that the loaded wagons described in the complaint were part of regular business transactions conducted by Simeoni and the Prince-Bishop that were decided in regular council meetings. To the charge that the valuables were in danger, the respondent claims that the keys to the jewels and relics are not held by Simeoni, but rather by other trusted officials.[649] Finally, Wirsching states that the allegations are slanderous and infantilizing to the Prince-Bishop.[650] He moves to remove the case to arbitration by the Bishop of Würzburg. The Imperial Aulic Council disagrees, but does order the imperial commission to conduct a secret inquiry into the Bishop's health and the safety of the relics and to prepare a report for the court. While ready to dismiss the case if Johann Anton is healthy and there is no immediate threat to the valuables of the Hochstift, the court remains prepared to arrest Simeoni should the need arise.

After all this frenetic activity, the matter then came to a standstill. The Emperor wrote two letters on 26 September 1719, after which the case file goes cold for four and a half years. The first letter was to the chair of the imperial commission, Archbishop von Schönborn, largely repeating the facts of the case and the latest *Gutachten* but interestingly describing Simeoni as "almost alone the cause" of the dispute.[651] The second letter was addressed to Prince-Bishop

[647] "fürstlich Eichstättischen Hoff Cammer Rath und Bräu Commissarium." 23 August 1719 RHR Gutacthen. HHStA Kleinere Reichsstände 94-1, f. 131. Wirsching fails to give any detail about the private grievance to which he refers.
[648] 23 August 1719 RHR Gutacthen. HHStA Kleinere Reichsstände 94-1, f. 133.
[649] Interestingly, the court takes note of how Wirsching does not deny that the train of loaded wagons departed in the middle of the night. 23 August 1719 RHR Gutacthen. HHStA Kleinere Reichsstände 94-1, f. 133.
[650] "der Vorwandt . . seye Ehrenrührisch, dem Herrn Bischof selbsten auch sehr verkleinerlich." 23 August 1719 RHR Gutacthen. HHStA Kleinere Reichsstände 94-1, f. 133.
[651] 26 September 1719 Letter Emperor to Lothar Franz von Schönborn. HHStA Kleinere Reichsstände 94-1, f. 147.

Johann Anton I, and in as many words tells him to dismiss Simeoni "for his own good."[652] Unfortunately for Bottenmeister Simeoni, the Prince-Bishop did not heed this advice.

The situation remained static until 24 March 1724 when Johann Anton suffered his first stroke.[653] Once again, everything happened all at once. The cathedral chapter struck quickly: on 1 April Simeoni was arrested on the street and imprisoned in the *Herrenstube,* an elite drinking club.[654] Justifying this action in a 25 April letter to the Imperial Aulic Council, the chapter argued that it was empowered to assume the interim administration of the Hochstift in accordance with the *Wahlkapitulation* (presumably until the Prince-Bishop's recovery or his death).[655] The Prince-Bishop was physically paralyzed on his right side by the stroke; the official diagnosis of 14 April was *accidens apoplecticum*, but he retained his mental faculties intact.[656] He was not pleased with the arrest of his beloved Bottenmeister and played all the cards he had. He immediately threatened the cathedral canons with "spiritual censure if they do not release de Simoni from arrest" and labeled them "infidels and rebels" for their actions.[657] He

[652] "eigenem besten und wohl." 26 September 1719 Letter Emperor to Johann Anton I. HHStA Kleinere Reichsstände 94-1, f. 149.
[653] Falckenstein, *Antiqvitates Nordgavienses,* 243.
[654] This is the date given by Sax, 607. He provides no evidence for the date, but the timing is accurate, given the Prince-Bishop's stroke on 24 March, and the threatened "spiritual censure" for the arrest on 3 April. It also accords with the correspondence of Marquard Wilhelm von Schönborn, who wrote to Hofrat Bauer on 6 April 1724 that the stroke occurred "last Friday." StAWü SchA GebKorr 41, Nr. 166. "Ihro Hochfürstlich: Gnaden verwichenen Freytag abermahlen in große schwachheit gefallen."
[655] 25 April 1724 Letter from Cathedral Chapter to RHR. HHStA Kleinere Reichsstände 94-1, f. 158 – 160. It should be noted that in 1724, the lawyers at the Imperial Aulic Council for both sides had changed: the new attorney for the cathedral chapter was Johann Adam Unrath, while the Prince-Bishop was now represented by Philipp Wilhelm von Würtz.
[656] 1 May 1724 RHR Gutachten. HHStA Kleinere Reichsstände 94-1, f. 201. The notarized copy of his 3 April Decree indicates that "his princely grace was unable to write." 3 April 1724 Prince-Episcopal Decree, DAEI, HS 1724.
[657] "die Geistliche Censur hiemit androhen, solthen sye nicht . . . ihm de Simoni von dem arrest los lassen;" "sye Capitulares umb so mehr infideles & rebellen seyen." 3 April 1724 Prince-Episcopal Decree, HHStA Kleinere Reichsstände 94-1, f. 169. In canon law, spiritual censure takes three forms: excommunication, suspension, and interdict. Presumably suspension was the intended censure here (excommunication is for the gravest sins and the interdict applies to territories), a penalty that deprives a cleric of the powers of office and of benefices. Catholic Encyclopedia, https://www.newadvent.org/cathen/14345b.htm.

further threatened his relatives that "the cathedral canons, through their irresponsible detention of Simoni, are dispossessing the poor heirs of his princely grace of up to one hundred thousand gulden and more."[658]

The Imperial Aulic Council issued an order on 1 May 1724 addressing both of these matters. On the first point, the health of the bishop and the administration of the Hochstift, the court delivered a measured instruction. A subdelegate of the imperial commission should travel immediately to Eichstätt to assess the health and mental acuity of the Prince-Bishop.[659] In the event that the Prince-Bishop was incapacitated, "under such circumstances no doubts could remain that the administration [of the principality] should pass to the Cathedral Chapter albeit provisionally until the Bishop improves."[660] Should the condition of the Prince-Bishop have improved "markedly and in such a way that he could lead the government again," then the commission should report immediately to the court for further instructions.[661]

On the second point, the court was less equivocal. Notwithstanding the strenuous objections of the Prince-Bishop, the court was persuaded that Simeoni and "two of his followers and councilors" should be taken into custody and his papers and effects confiscated.[662] The language naturally begs the question of which two followers the court means. Unhelpfully, the

[658] "daß sie Capitulares durch zurückhaltung des Simoni denen armen als Erben Sr. Hochfürstl: Gnaden viele biß gegen hundert tausend gulden und mehr unverantwortlichen entziehen." 3 April 1724 Prince-Episcopal Decree, DAEI, HS 1724.
[659] 1 May 1724 RHR Gutachten. HHStA Kleinere Reichsstände 94-1, f. 204.
[660] "bey welchen umbständen dann keine bedencken obhanden, dem Dhomb Capitul die administrations jedoch nur provisorio modo und so lang es sich mit ihm dem Herrn Bischoffen nicht bessere, zu überlassen." 1 May 1724 RHR Gutachten. HHStA Kleinere Reichsstände 94-1, f. 204.
[661] "Im fall aber des Herrn Bischoffs zustand sich mercklich und dergestalten gebessert hatte, daß er die regierung selbst wieder führen könte, ein solches … gutachten gehorsambst zu berichten." 1 May 1724 RHR Gutachten. HHStA Kleinere Reichsstände 94-1, f. 206.
[662] "denselben sambt seinen zweyen anhängern und rathgebern nach versieglung seiner effectu und Brieffschaften unverlängt an einen selbst von gut befindenen orth, biß zu anderweither Kayserlichen Verordnung im verwahr bringen zu lassen." 1 May 1724 RHR Gutachten. HHStA Kleinere Reichsstände 94-1, f. 204.

court notes how these followers "have not been named."[663] The two officials discussed above, *Zahlmeister* Bertlin and *Hoffaktor* Heilbronner are certainly possibilities; the accusation by the Cathedral Chapter that Simeoni had pawned the valuables of the Hochstift to Jewish merchants suggests that Heilbronner is intended.

We also know that, whether by this order or not, Bertlin was undoubtedly arrested too. Although the circumstances of his detention are unclear, the disgraced treasurer appealed to the Imperial Aulic Council for his release.[664] His petition for safe conduct to Vienna argued both that his detention was unlawful, and that the court proceedings were unduly burdensome. He also hired a high-powered defense team: his attorney, Johann Balthasar Antesperg, was both an *Agent* at the Imperial Aulic Council as well as a renowned scholar who would go on to write the highly influential *Kayserliche Grammatick*, a treatise aiming to standardize vernacular German. His skills were insufficient in this case, however, and Bertlin's appeal was denied in 1726.[665]

Yet the circle of dubious officials at the court of Johann Anton seems to have exceeded Simeoni, Bertlin and Heilbronner. A 1793 edition of the *Journal von und zu Franken* notes how the alchemical-minded Prince-Bishop was repeatedly swindled by his *Bergmeister*, or overseer of mines, Johann Christoph Bleyer. According to the Journal, Bleyer "understood perfectly the art of tantalizing the expectations of the Prince," periodically sending bogus new discoveries and writing in an ostentatiously pious fashion.[666] In addition, the historian Sax claims that Director

[663] "welche aber mit nahmen nicht bennant werden." 1 May 1724 RHR Gutachten. HHStA Kleinere Reichsstände 94-1, f. 203.
[664] Johann Jakob Moser, *Merckwürdige Reichs-Hof-Raths-Conclusa, denen fürnemlich, so den bey diesem Höchsten Reichs-Gericht tam in Agendo quam in Judicando üblichen Modum et Stylum erlernen wollen, zu Nutzen mitgetheilt*, Conclusum DLVIII Mercurii 20 Nov. 1726.
[665] "Hat das ein und andere Begehren nicht statt." Merckwürdige Reichs-Hof-Raths-Conclusa, p. 802.
[666] "Bleyer verstand die Kunst vollkommen, die Erwartungen des schon zu sehr dafür eingenommenen Fürsten immer wieder neu zu spannen […] Durchaus führte er eine andächtige, Betrügern seiner Art meist eigne Sprache, und wünschte in jedem Berichte: der oberste Bergherr Christus Jesus möchte die Klüften und Gänge segnen."

Fürsich of the orphanage fund, Treasury Clerk Bartholomäus Pickel, and one "Hofkavalier Duprée" were implicated in various schemes of embezzlement and bribery.[667] Johann Fürsich is identifiable from the register of courtly officials contained in Falkenstein as a court chamberlain, but Pickel and Duprée are not listed.[668] Still, if Sax's claim is true, then a charitable view of his administration would grant that the Prince-Bishop was not an excellent judge of character.[669]

The same lack of judgment was evident in his decision to escalate the legal dispute with the Cathedral Chapter into an armed conflict. In a 3 May 1724 letter from the Imperial Aulic Council to Franz Lothar von Schönborn, a marginal note of the Emperor comments how "according to [certain] reports, the Bishop gave a secret order to the *Kreis* [imperial district] troops in the vicinity of Eichstätt to secure the release of the Bottenmeister through force of arms."[670] There is a delicious irony in this particular order: the commander of the Franconian *Kreis* troops, Generalfeldzeugmeister Wilhelm Friedrich von Gudenus, would be tasked in short order by the Imperial Commission with the detention and interrogation of Simeoni. For the time being, however, the Cathedral Chapter began mobilizing the peasantry to defend Eichstätt against possible attack.[671] Again in the margins of the 3 May directive from the court to Schönborn, the Emperor commands that "your Grace will emphatically admonish both parties in

---

Anonym: "Von Silberbergwerken im Fürstenthum Eichstätt," in: *Journal von und für Franken,* vol. 6. (Nürnberg 1793), p. 104.

[667] Julius Sax, "Hoflager der Füstbischoefe von Eichstaett," *Jahrbuch vol. 43 – 47, Historischer Verein für Mittelfranken* (Ansbach: C. Brügel & Sohn, 1889), 93. Interestingly, Bartholomäus Pickel was the father of renowned natural historian Ignaz Pickel (1736 – 1818).

[668] Falckenstein, *Antiqvitates Nordgavienses,* 252.

[669] Although none of these officials are named in the case file at the Imperial Aulic Council, neither is Zahlmeister Bertlin who left an extensive paper trail at the local court. Only Simeoni and the Hoffaktor Heilbronner are mentioned in both.

[670] "Nachdem auch auß andernorths engelangten Nachrichten so viel zu vernehmen gewesen, alß ob des Bischoffen die heimbliche ordre an die in der nähe gelegenen Eichstädtischen Crayß truppen sich der Statt Eichstädt näheren und des Bottenmeisters fraylassung mit gewaffneter handt zu bewürcken gegeben hätten." 3 May 1724 Letter from RHR to Imperial Commission. HHStA Kleinere Reichsstände 94-1, f. 222.

[671] HHStA Kleinere Reichsstände 94-1, f. 222.

this matter and similar ventures in the highest name of our imperial commission" and await further directives from the Commission "with quiet and submissive calm."[672] In the little teapot that was Eichstätt, quite a tempest had arrived.

Luckily, no fighting took place. Instead, Simeoni remained in prison while the court and commission decided how to proceed. During the month of May 1724 the case file documents an interesting exchange of letters between the Elector of Mainz and his nephew, Marquard Wilhelm Graf von Schönborn-Puchheim, a *Kapitular* in Eichstätt since 1717.[673] The first of these, from the Elector to his nephew, is rather innocuous; after a summary of the situation, it recommends that Simeoni continue to be held for the time being.[674] The reply of Marquard Wilhelm seems equally innocuous until he writes that

> on the other hand my Family, and in particular my brother in law, the Count of Öttingen, are soon to get a considerable sum from this rich Malversator, and may therefore abolish a growing debt burden; these and similar highly sensitive reasons as mentioned moved me to arrange for one of the Cathedral canons to move the Bottenmeister and thereby to rid my family somewhat of irresponsible slanders.[675]

This particular bombshell requires some context. The interlocutors were both Schönborn, members of a Catholic family that rose to prominence through spectacular success in imperial church politics. The political realm discussed in this chapter, of south-German cathedral

---

[672] "alß werden Ew. Gnaden beede theile von dergleichen und anderen thätlichen Unternehmungen in unserm höchsten nahmen Krafft obhabender Kayserlicher Commission nachdrücklich abmahnen und das beyde theile unsere fernere Kayserliche Verordnungen in dieser sache in ruhe und gelassenheit gehorsambst abwarten mögten alles ernsts errinern."

[673] Hugo Braun, *Das Domkapitel zu Eichstätt*, 469.

[674] 6 May 1724 Letter from Elector of Mainz to Marquard Wilhelm von Schönborn. HHStA Kleinere Reichsstände 94-1, f. 231.

[675] "anderen theils aber meiner Famille, und sonderheitlich meinen schwager, der Herr Graf von Öttingen, balden diesem reichen Malversanten einer Nahmhaffter Sumam abkriegen, und mithin den anwachsenden grossen Schulden-Last abtilgen mögten; dieser und dergleichen mehr gefallenen hochstempfindlicher Reden haben mich, wie bereits mitgst gemeldet, bewogen, ein hochwürdiger Domb Capitel zu translocation des Bottenmeisters zu disponieren, und durch diesen weg meiner Famille von solcher unverantwortlichen nachreden einiger massen zu entledigen." 25 May 1724 Letter from Marquard Wilhelm Graf von Schönborn (copy) to Elector of Mainz, Lothar Franz von Schönborn. HHStA Kleinere Reichsstände 94-1, f. 249.

chapters, Episcopal elections, and imperial patronage, elevated the family from the lesser nobility of imperial knights during the Thirty Years War to the highest level of imperial politics over the next century, a time known as the *Schönbornzeit.*[676]

Reputation was crucial to the patronage networks that powered Schönborn success. The potential scandal involving Kraft Anton Wilhelm Graf von Oettingen-Baldern, the spouse of Maria Eleonora von Schönborn-Puchheim and brother-in-law of the aforementioned Marquard Wilhelm Graf von Schönborn-Puchheim must therefore be seen in this light. The family name was threatened, so the stakes were high.[677] Given the centrality of the Schönborn family to this case, it is unlikely that the debt owed by Simeoni to Oettingen-Baldern (and the debts Oettingen-Baldern owed to unnamed creditors) played no role in the relatively anticlimactic outcome of the dispute. Not only was Lothar Franz the imperial commissioner in the case and Marquard Wilhelm a canon (and later provost) of the Eichstätt cathedral chapter, but the family had also at various times sought to install a member as coadjutor Bishop in Eichstätt and likely hoped to do so again.[678] The bloc quote above therefore illustrates one of the complicated moves in the chess game of imperial church politics at which the Schönborn family excelled.

Franz Lothar responded to his nephew very professionally. The commission had set a date to conduct business near Eichstätt on 8 June. With respect to Marquard Wilhelm's point

[676] For instance, historian Sylvia Schraut chronicles how the family multiplied its wealth one-hundred fold within three generations and at various times held the Ecclesiastical Electorates of Mainz and Trier, as well as the Prince-Bishoprics of Bamberg, Würzburg, Konstanz, Speyer and Worms. Sylvia Schraut, *Das Haus Schönborn. Eine Familienbiographie. Katholischer Reichsadel 1640-1840* (Paderborn: Ferdinand Schöningh, 2005).
[677] This is a separate branch of the same Oettingen family whose member, Wolfgang zu Oettingen-Wallerstein, served as imperial commissioner in the Gülich case analyzed in Chapter two.
[678] Zürcher, *Die Bischofwahlen im Fürstbistum Eichstätt*, 217. Indeed, Marquard Wilhelm wrote to his uncle as early as 1716 noting how Simeoni was crucial to the politics of securing the coadjutorship for themselves: "'das Eichstettische Coadiutorie werk noch immer hin durch andere auch vermittelß des favoriten unter der handt stark getrieben werde." Quoting StAWü SchA GebKorr 41, Nr. 5, Mainz 1716 Mai 16, Kurfürst Mainz an Marquard Wilhelm von Schönborn.

regarding the location of Simeoni's detention, Franz Lothar notes how the plan to transfer the Bottenmeister to Ingolstadt "is not seen well" because the city lies in Bavarian territory and could complicate matters for the Emperor with the Elector of Bavaria.[679] This is noteworthy, because at that moment Simeoni was being held at Castle Katzenstein, property of the Oettingen-Baldern family, the location of which had prompted the rumors that Marquard Wilhelm hoped to quash through the transfer to Ingolstadt.[680] Arguably, Franz Lothar need not have worried: the aforementioned Bavarian diplomat, Königsfeld, was inclined to support the arrest of Simeoni in Ingolstadt in order to curry favor with the Eichstätt cathedral chapter for Bavaria's favored coadjutor candidate.[681] Nonetheless, the exchange highlights the degree to which the case had assumed a political resonance far outside the dispute between the Cathedral Chapter and Prince-Bishop.

Over the next three weeks, the court prepared a protocol for the investigation that it issued on 20 July, 1724. This is a valuable glimpse into the legal procedure of the time. The protocol stipulated that all questions for the witnesses would be formulated beforehand, and shared with opposing counsel.[682] The questioning of witnesses would take place with both parties present; direct and cross examination would be allowed. Unfortunately, the case file does not contain a list of the witnesses that would have been called. It does, however, mention that the

[679] "an sich aber ist nicht wohl gesehen, das der Pottenmeister Simoni nacher Ingolstadt in verwahrung gebracht worden." 30 May 1724 Letter Franz Lothar von Schönborn to Marquard Wilhelm Graf von Schönborn. HHStA Kleinere Reichsstände 94-1, f. 239.
[680] StAWü SchAW GebKorr LF 41, Nr. 166, 167, 173.
[681] Zürcher, *Die Bischofwahlen im Fürstbistum Eichstätt*, 264. "Königsfeld mußte gleichzeitig feststellen, daß Bayern zur Zeit in Eichstätt keinerlei Unterstützung hatte; beim Domkapitel sei allenfalls dadurch Boden gut zu machen, indem man die Arrestierung Simeonis in Ingolstadt unterstütze." BayHStA Ks 2015, Regensburg 1724 April 20, Königsfeld an Unertl.
[682] "die interrogatoria beederseits ante examen formiret, undt reciproce communiciret" HHStA Kleinere Reichsstände 94-1, f. 257

star witness, Simeoni, could be brought back to Eichstätt from Ingolstadt and detained for a second time in the *Herrenstube* under the watch of the aforementioned Gudenus.[683]

At this point the commission also poses the question as to whether the time has arrived for criminal charges to be brought against Simeoni.[684] This may strike the reader as confusing: after all, Simeoni had already been imprisoned by the Cathedral Chapter, an action ratified by the Imperial Aulic Council. Yet the case at the Imperial Aulic Council was a not a criminal one, but rather a civil dispute between two parties, the Cathedral Chapter and the Prince-Bishop. Whether it is best understood as a matter of private law (between individuals) or public law (between institutions) is unclear, although the corporate nature of the Cathedral Chapter strongly suggests the latter. What is clear, however, is that the act of imprisonment itself was not inimical to civil suits; incarceration for debts, or *Schuldhaft*, was common in the Holy Roman Empire. The practice evolved from private creditors effectively kidnapping their debtors to the more formal establishment of public debtors' prisons.[685] In this instance, the arrest of Simeoni by the chapter straddles the public/private divide; it was both an act of self-help by the Cathedral Chapter and a judicially sanctioned procedure. Coincidentally, the 20 July 1724 protocol ends by noting the estimated debts of Simeoni: 46,300 gulden.[686]

In the end, the carefully articulated provisions of the protocol proved redundant because the parties reached a settlement. The final document of the case file is a 27 June 1724 letter from

[683] "ihm bottenmeister von Ingolstadt hirhero nach zubringen, undt in dem Capitul Stüblein verwarhlich unter deß Herrn Hauptmann Gudenus seiner Compagnie undt zwar authoritate Casaro subdelegata." HHStA Kleinere Reichsstände 94-1, f. 258.
[684] "[…] jedoch zu bedencken geben wan daß werk in ein Criminale verfallen solte, wie er bottenmeister als dan propter immunitatem da er hierauff provociret, hearbzubringen seye." HHStA Kleinere Reichsstände 94-1, f. 258.
[685] Dirk Streuber, *Die Flucht des Schuldners und die Reaktionstechniken eines Gesamtvollstreckungsrechts. Der fallitus fugitivus als Rechtsproblem* (Berlin: Walter de Gruyter GmbH, 2014), 74.
[686] "Finaliter haben mehrberechete hochfürstliche Herrn Commissern dero interrogatoria verlesen, sambt ainen Extracten von dem Zahlambt, vermög deßen er Bottenmeister dahie 46300 R schuldig verbleibt, womit die Comission beschlossen wurde." HHStA Kleinere Reichsstände 94-1, f. 258.

the commissioners Franz Konrad von Stadion und Thannhausen and Wilhelm Christoph von Bubenhofen to Lothar Franz von Schönborn announcing the tentative agreement. These commissioners had been personally mediating between the parties in Eichstätt.[687] Although the details of the agreement are not included, it was evidently a tenuous one because Stadion and Bubenhofen argued against requiring a formal settlement contract for fear of upsetting the ongoing negotiations. Such a document might "inspire certain mistrustful, fickle tempers to cause difficulties, and thereby to push back the main work itself."[688] They hold out the very real possibility that the deal could fall apart and remain willing to continue their work, but also note that "at the same time the existing judicial office ceases when the litigating parties reach an amicable agreement."[689] The case at the Imperial Aulic Council was effectively over.

The cases against the individual ministers were not over, but continued at the local court in Eichstätt. In none of the cases did the wheels of justice turn quickly. Creditors were invited to submit claims in the case of former court chamberlain and treasurer Bertlin in March 1728, and the defendant was finally sentenced to one hour in the pillory and life imprisonment in 1734.[690] He apparently died in jail seventeen years later in 1751. The *Hoffaktor* Heilbronner was sentenced to half an hour in the pillory, a fine, and perpetual banishment.[691] Dupré was also

[687] This letter is the first evidence of their mediation efforts. In it they write that they had just left Eichstätt on a Thursday evening and arrived in Bamberg the following Saturday. Because the case file ends here, it suggests that the chairman of the commission, Elector Lothar Franz von Schönborn, never traveled to Eichstätt himself. HHStA Kleinere Reichsstände 94-1, f. 269.
[688] "es dörffte bey projectierung dergleichen recessus von einigen mistrausichen, auch wanckhalbahren gemüthern etwa nur difficultäten erweckhet und dadurch das haubtwerck selbsten wie der zurueckh getrieben werden." HHStA Kleinere Reichsstände 94-1, f. 269.
[689] "da zumahlen das officium Judicis vorhin cessiret, wann die Partes Litigantes sich gütlich vereinigen." HHStA Kleinere Reichsstände 94-1, f. 269.
[690] DAEI HS 1734, "Peinliches Urthl."
[691] Interestingly, the Uhrgicht of Heilbronner also condemns his purported friend Jacob Isac as being a *capitalist*: "und den schon fast dem falliment gestandenen Isac als einem Capitalisten wider andere dem Bertlin zugekommene nachrichten vorgemahlen." Here a term of abuse, it is the earliest use of the word known to this author. DAEI HS 1734, "Uhrgicht von den Juden Joseph Heilbronner."

banished, but the fates of Fürsich and Bleyer are unknown.[692] In the special case of Simeoni, it appears as though the case of the Bottenmeister never came to trial. The records of the Diözesanarchiv Eichstätt, which chronicle other aspects of his life and the trials against Bertlin and Heilbronner, fail to mention subsequent legal proceedings against him. Parish records do, however, indicate that he died in captivity in the Willibaldsburg fortress on 2 January 1748.[693] His fortune seems to have passed to his creditors.[694]

Death came more quickly for Prince-Bishop Johann Anton I. After his initial stroke in March 1724, his condition continued to worsen. He suffered a subsequent stroke in February 1725, after which the Cathedral Chapter assumed full control of the Hochstift government. Johann Anton died on 27 April, 1725 between 2:00 and 3:00 in the morning.[695] He was seventy-nine years old.

♦♦♦

More important for this analysis than his personal fate is the extent to which his accusers and the Imperial Aulic Council regarded the actions of his ministers as corrupt. Any investigation of corruption in early modernity is eager to find the word itself, but the case between the Cathedral Chapter of Eichstätt and the aged Prince-Bishop does not use the Latin term *corruptio*. It would be inaccurate, however, to infer from this fact that the case does not label corruption. The litigation offers a wide panoply of terms to describe improper behavior by public officials acting for their personal benefit and against the interests of their employer, the

[692] For the sentencing of Dupré, see Sax, 621. Fürsich was likely not under arrest at this point, as Falkenstein lists him as attending the funeral of the Prince-Bishop a year later in 1725. He may never have been apprehended: the litigation over the Prince-Bishop's estate lists him as being present at a 1729 meeting to determine the valuation of the estate of the deceased. StAN Literalien Nro. 28 Extractus Protocollaris. P. 34.
[693] Dompfarrei Unsere Liebe Frau, 2 January 1748.
[694] StAN Hochstift Eichstätt, Literalien 75a, 42.
[695] Falckenstein, *Antiqvitates Nordgavienses,* 243.

Hochstift. These terms are simply judgments by the some actors in this case that the actions of others are "wrong." Some of those judgments reflect the meaning of corruption as *decomposition*: the "rot" (*Verwesung*) alleged at the tax office, or the "depraved" plots of Simeoni (*verderberische anschläg, rhat und that*; *verderben* means to spoil or decay).[696] This terminology captures the valence of corruption as a pathological or somehow unhygienic condition: a cancer to excise, a plague to eradicate, or a swamp to drain.

Other terms employed in the case skip the metaphors entirely and simply broaden the terminology used to label antisocial behavior. The "partitereyen" (frauds, intrigues) alleged by the chapter against the Prince-Bishop's ministers in the fourth *gravamen* fall under this category, as do the "scholmerey" (devilment or roguishness), of Bertlin and his associates.[697] The label "Wucherer" (extortionist) attached to Simeoni and his accomplices in the grain trade had a long history in the debates on usury. All three are variations on the theme established by the *Eigennutz-Gemeinnutz* distinction that is itself explicitly referenced numerous times throughout the case.[698] Although it is a French term and a more general one, the accusation of *malversation* arguably falls under this rubric as well.[699] This is the preferred nomenclature of Lothar Franz and Marquard Wilhelm von Schönborn in their correspondence as imperial commissioners, likely reflecting the francophone inflection of elite communication. Malversation combines malign intent with official action – the compound literally means "bad behavior" – and is

[696] 23 February 1718 Complaint to from Cathedral Chapter to RHR, HHStA Kleinere Reichsstände 94-1, ff. 18-20 and HHStA Kleinere Reichsstände 94-1, f. 101 respectively.
[697] "Gravamina No. 4," HHStA Kleinere Reichsstände 94-1, f. 83 and "Uhrgicht und Urthl Johann Anton Bertlins." DAEI HS 1734, p. 2, respectively.
[698] For instance, in RHR Gutachten 3 August 1719. HHStA Kleinere Reichsstände 94-1, ff. 95- 96.
[699] Merriam Websters, for instance, defines malversation as "misbehavior and especially corruption in an office, trust, or commission" or simply as "corrupt administration." "Malversation." *Merriam-Webster.com Dictionary*, Merriam-Webster, https://www.merriam-webster.com/dictionary/malversation. Accessed 22 Aug. 2022.

occasionally translated narrowly as embezzlement, thereby neatly capturing the understanding of corruption as abuse of power or public office for private gain.[700]

The contrast between public office and private station is blurry in the historiography, but sharply drawn in Eichstätt.[701] The Hochstift as an institution is clearly demarcated from the private person of the Prince-Bishop, not to mention his ministers. The separation of *ararium* and *fiscus* already mentioned strongly hints at this demarcation, a distinction sixteenth-century legal humanists retained in their arguments for the sacralization of the state.[702] The *Gutachten* of the court make a similar point when they articulate to Johann Anton I, for instance, that Simeoni's "not insignificant malfeasance may have been both to your own disadvantage, as well as caused damage and chaos to the institution entrusted to you."[703] The demarcation is arguably intrinsic to the elective office of ecclesiastical principalities like Eichstätt: there can be no patrimonial claim to an office that is routinely held by members of different families.

The Eichstätt dispute therefore undermines the absolutist paradigm. The concept has been under attack for thirty years, dismissed out of hand, and partially resuscitated.[704] In its classic

[700] There is a strong negative correlation between the terminological decline of malversation and the rise of "corruption" from 1800 to the present in GoogleBooks NGram viewer.
[701] The highly Francocentric historiography traces an evolution from medieval conflation to modern distinction between the two realms, but primarily analyzes the "public sphere" as a space of bourgeois (literary) sociability as defined by Jürgen Habermas in his *Structural Transformation of the Public Sphere*. See, for instance, Dena Goodman, "Public Sphere and Private Life: Toward a Synthesis of Current Historiographical Approaches to the Old Regime." (1992).
[702] Ernst Kantorowicz, ""Mysteries of State: An Absolutist Concept and Its Late Mediaeval Origins." *The Harvard Theological Review* 48, no. 1 (1955): 86. Kantorowicz notes the contrast in passing in a footnote, but declines to elaborate. He quotes René Choppin arguing that "Patrimony is considered sacred, which is why it is usually separated from the private property of the princes themselves" *Sacrum enim existimatur Patrimonium, quod ideo a re privata ipsorum Principium separari solet*. De domanio Franciae (1574). This work by Choppin has a clear and recurrent separation of *aerarium* and *fiscus*.
[703] "zu dero aigene nachtheil so wohl, alß des Ihro anvertrawten Stiffts schaden und verwirrung, einen nicht geringen mißbrauch gemacht haben dörffte." HHStA Kleinere Reichsstände 94-1 f. 218.
[704] See respectively Nicholas Henshall, *The Myth of Absolutism* (Londong: Longman, 1992), Wolfgang Reinhardt "we should abandon the term 'absolutism' altogether because it is heuristically useless," in Tagungsbericht: L'absolutisme - un concept irremplaçable? Der Absolutismus - ein unersetzliches Forschungskonzept?, In: H-Soz-

Weberian form, historian Reinhart Koselleck argued that the bureaucratized absolutist state engendered a distinct separation of morality from politics; for him, the Westphalian settlement privatized morality, leaving the political realm devoid of any values save power and dominance.[705] Yet here, in what was supposedly a petty despotism emblematic of *Kleinstaaterei*, we see the opposite: morality as the arbiter of politics. Value judgments and truth claims about how ministers should and should not behave are litigated in a judicial venue, but governed by equitable principles rather than self-serving legalism.[706] This approaches "rule of law" rather than its amoral antipode "rule by law," the instrumentalization of the law to enshrine dominance.[707]

As evidence, take the distinction between acts considered *mala in se* and those considered *mala prohibitorum*. The criminal law framing applies despite the civil nature of the suit because corruption is a transgression that implicates both types. Here, the cathedral chapter argues that Simeoni and his "two accomplices" acted "for [their] own advantage," (*uf seiner vortheyl*) and "should be resented" (*verübelt*) because [their] actions have caused a "calamity" (*unheyl*).[708] These are merely samples of the argument but representative of its tenor of moral censure. Reference to statute, such as the aforementioned *Carolina* exists, but is rare. Oath breaking is mentioned, but peripheral. In other words, the cathedral chapter is asking the court to decide what is intrinsically right, not what is legislatively prescribed.

Kult, 26.08.2005, <www.hsozkult.de/conferencereport/id/fdkn-119538>. and PeterWilson, *Absolutism in Central Europe* (New York: Routledge, 2000).

[705] Reinhart Koselleck, *Critique and Crisis : Enlightenment and the Pathogenesis of Modern Society* (Cambridge, MA: MIT Press, 1988), 19.

[706] "Equity" used here in contrast with "law" in its modern understanding as a category of claims seeking an injunction rather than monetary damages.

[707] Tamanaha, Brian Z. *On the Rule of Law: History, Politics, Theory* (Cambridge: Cambridge University Press, 2004), 3.

[708] Letter from Dompropst von Hagen zu Motten to RHR, 3 August 1719 HHStA KR 94-1 f. 101; 23 June 1719 Letter from Cathedral Chapter to Prince-Bishop, HHStA KR 94-1 f. 62; 3 August 1719 RHR Gutachten HHStA KR 94-1 f. 99.

The Imperial Aulic Council responds in kind. It orders the creation of a commission, the arrest of Simeoni, and the transfer of political authority to the Cathedral Chapter. But its reasoning, or *ratio decidendi* is moral, not legal. For instance, regarding the decision to detain Simeoni the court opines that "by this extremity and all of these circumstances, for the security of the [Hoch]stift and given the danger to the chapter, steps may be taken towards arrest."[709] Similarly, the court may not define corruption, but it does employ the terminology referenced above and is not morally neutral when doing so. By ruling for the chapter, it agrees that the acts of Simeoni – monopolizing access to the Prince-Bishop, acting as a market participant in the grain trade, trading in luxury goods, etc. – were wrong in and of themselves.

The Prince-Bishop himself lumps office sales into this category as well. This is a notable inclusion, because it pinpoints a historically specific boundary on the broad spectrum of methods by which candidates secure appointment to government office.[710] Unlike the French system of mass venality as a key royal revenue source, positions at the imperial court of Charles VI in Vienna were not for purchase.[711] Even the sale of officer commissions had been prohibited by Charles' father, the Emperor Leopold I, in 1703.[712] This is not to say that contributions from office-seekers were irrelevant to their appointment; frequently, the ability of candidates to self-

[709]"daß bey dießen umbständen pro securitate des Stiffts und zwar auff gefahr des Capituls, gar wohl zur Captur geschritten werden kan." 1 May 1724 RHR Gutachten f. 206.
[710] In the United States in 2016, for instance, over 9,000 positions in the federal government were "subject to noncompetitive appointment." Policy and Supporting Positions, Committee on Homeland Security and Governmental Affairs United States Senate, *Plum Book*, December 1, 2016 , iii. https://www.govinfo.gov/content/pkg/GPO-PLUMBOOK-2016/pdf/GPO-PLUMBOOK-2016.pdf?utm_source=npr_newsletter&utm_medium=email&utm_content=20201116&utm_term=4964063&utm_campaign=money&utm_id=2991288&orgid=
[711] Mark Hengerer, *Kaiserhof und Adel in der Mitte des 17. Jahrhunderts Eine Kommunikationsgeschichte der Macht in der Vormoderne*, (Konstanz: UVK Verlagsgesellschaft mbH, 2004), 522.
[712] Thomas Fellner and Heinrich Kretschmayr, *Die Österreichische Zentralverwaltung. Von Maximilian I bis zur Vereinigung der österreichischen und böhmischen Hofkanzlei (1749*), (Vienna: Adolf Holzhausen, 1907), 260-261.

finance government positions was a crucial factor in favor of their candidacy.[713] Strategically issued loans to the crown could also strengthen an applicant's chances, albeit without creating a legally enforceable property right as in France. In the heterogeneous administrative landscape of the Empire, the norms of Habsburg court practice were by no means determinative of proceedings in lesser territories. His indignant response to the accusation of office-sales, however, suggests that Johann Anton I. hewed closer to contemporary imperial rather than to French practice.

The litigation in this ecclesiastical principality therefore offers normative judgments on political ethics from three vantage points. The Prince-Bishop himself offers the judgment on office-sales just described, effectively concurring with his accusers on the law but questioning the facts in this case. The Imperial Aulic Council offers the moral ratification of the claimant's pleadings described previously; the cathedral chapter attached the terms *rot*, *depravity*, *usury*, *partitereyen* and *scholmerey* to the actions of Simeoni and his "two followers" while the court accepted these moral judgments as legally dispositive. Finally, the cathedral chapter used the court favorite as a means to channel their broader critique. This is most apparent when the canons deem unfettered access to the person of the Prince-Bishop by an individual minister as morally impermissible.[714] Despite intimations of homosexuality, the claimants emphasize the personal aggrandizement of Simeoni as the true sin: he used his "unusual influence" over Johann

[713] Hengerer, *Kaiserhof und Adel*, 522.
[714] This is a variation on the theme described by historian L.W.B. Brockliss when he remarked that "what all court favorites share is their permanent access to the ruler… [and] for this have been universally execrated by their contemporaries: by insiders because they appear to have usurped the authority of properly constituted officials; by outsiders because they appear to be the source of every ill-fated governmental decision." L.W.B. Brockliss, "Concluding Remarks: The Anatomy of the Minister-Favourite" in *The World of the Favourite* eds. J.H. Elliott and L.W.B. Brockliss (New Haven: Yale University Press, 1999), 280.

Anton I to steer government procurement contracts in his direction, to manipulate the grain harvest for personal profit, and to continue a disreputable trade in luxury items.[715]

The disreputability attributed to this final activity by the cathedral chapter may be impossible to decouple from the anti-Semitic animus exhibited by the canons. Jews were legally excluded from residence in the Hochstift and the *Hoffaktoren* with whom Simeoni and the Prince-Bishop traded therefore suffered from a legitimacy deficit. Although the cathedral chapter identifies Heilbronner as a deviant in its pleadings, arguably for the canons his Judaism had already marked him as such before the case was even filed. The ethno-religious prejudice of the cathedral chapter tarnishes their anti-corruption effort from a modern perspective, but the core function of the chapter as an institution empowered to hold the Prince-Bishop accountable remains intact. The canons may not have all been tolerant men, but they did hold Johann Anton's feet to the fire.

Accountability and corruption are two sides of the same coin.[716] There is a direct correlation between the quality of political institutions and the prevalence of behavior by officeholders that prevailing social norms deem unethical. The cathedral chapter in Eichstätt was not an inclusive institution, although we do know that its grievances were shared by the wider community.[717] It was nonetheless effective in curbing the abuses of the Prince-Episcopal court

[715] In addition to the pejorative description of Simeoni as the Prince-Bishop's "mistress" by the Bavarian diplomat Königsfeld referenced in footnote 78 above, Marquard Wilhelm von Schönborn also refers to the "favorite" of Johann Anton as "owning the heart of his princely grace completely and freely using it for his own *disposition*." (emphasis in original) StAWü SchA GebKorr 41, Nr. 170, "noch mehr berührter Bottenmeister das Hertz Ihro Fürstlich: Gnaden gäntzlichen und zu seiner fray aigenen *disposition* besitze."

[716] D. Lederman, N.V. Loayza, and R.R. Soares, "Accountability and Corruption: Political Institutions Matter." *Economics & Politics*, 17 (2005): 1-35.

[717] Acemoglu and Robinson theorize that "inclusive" political institutions, those with broad participation, yield superior governance to "extractive" institutions, those dominated by a small clique that exploits the larger population. Daron Acemoglu and James A Robinson. *Why Nations Fail : The Origins of Power Prosperity and Poverty* First ed. (New York: Crown, 2012). Evidence that the grievances of the cathedral chapter were shared by

through the litigation analyzed here. The lawsuit itself proves the robustness of the "judicialization" theory of post-Westphalian politics in the Empire; this potentially violent dispute was defused through legal procedure.[718] It underscores the normative distinction between public office and private station in a pre-bureaucratic age. Those norms may have been honored in the breach, but the clear moral and consequentially legal censure of the *partitereyen* and *scholmerey* described here reinforce their power to create binding law from fact.

---

the wider community can be found in the diary of the painter Johann Georg Frey, who wrote that for any business to proceed at court Simeoni needed to be "bribed with a whole years' salary" *([man hat] ihn die erste jahrs besoldung schmieren müsen.*) DAEI Ms22, f. 101.

[718] The "judicialization" (*Verrechtlichung*) thesis first postulated by Winfried Schulze, "Die veränderte Bedeutung sozialer Konflikte im 16. und 17. Jahrhundert." In: Hans-Ulrich Wchler (ed.), *Der deutsche Bauernkrieg 1524-1526.* (Göttingen: Vandenhoeck & Ruprecht, 1975), 277-302.

CHAPTER 4: PRETENTIOUS, IRRELIGIOUS, AND UNMANLY: THE PIETISTIC CRUSADE AGAINST CORRUPTION

It began with a visiting angel. On the first day of June, 1714, an elderly whitewasher named Agnesa Günzelin was lost in the woods above the Thuringian village of Paulinzella. As she described the encounter later, she sank to the ground from hunger and exhaustion only to find before her a bewigged man wearing white clothes held together by silver buttons. He gave her strength, and then tasked her with going to the prince and explaining how his loyal subjects were being bled dry by the government. The angel gave Günzelin a root as proof of this divine instruction.

At least that is one version describing the origins of the dispute. According to this 1725 account printed by the Prince of Schwarzburg-Rudolstadt, Friedrich Anton I, the Günzelin vision was set to verse and sung widely, causing word of the purported miracle to catch fire amongst the gullible peasantry. [719] The same *Gründliche Beschreibung* alleges that Günzelin first recanted her story, telling local officials in Königsee that she had simply found the root in the forest, before later going door to door propounding her prophecy of divine judgment.[720] The vision obtained an unmerited credibility, the princely publication argued, when the sudden death of

[719] *Vollständige und Gründliche Beschreibung des beym Hochpreißl. Reichs= Hof= Rathe zu Wien Nahmens sämtlicher Schwartzburg-Rudolstädtischer Unterthanen von Johann Georg Bilisio angebrachten Klage-Wercks* (1725). HHStA RHR Antiqua 872(2) provisorisch, f. 915.

[720] "Als man sie aber dieserhalb etwas genauer befraget und examiniret, gestunde sie alsobald freywillig und ohne Gezwang, daß alles dieses von ihr erdichtet sey, sie auch die Wurzel, woran ohne diß nichts ausserordentliches war, gantz ungefähr im Walde gefunden habe." *Vollständige und Gründliche Beschreibung*, HHStA RHR Antiqua 872(2) provisorisch, f. 915 On the following page, the *Gründliche Beschreibung* claims that "die alte Günzelin lief selbsten von Hauß zu Hauß, proponirte ihre Prophezeyhung, animirte die Unterthanen zusammen zu halten, mit der Versicherung, daß es Gottes und der Herrschafft Wille wäre."

Prince Ludwig Friedrich in 1718 speciously validated Günzelin's prophecy. As a result, the peasantry rebelled against their lord.[721]

This account evinces a dismissive attitude that did not serve the Prince well. In the first instance, it failed to placate the peasantry of Schwarzburg-Rudolstadt, many of whom nursed serious grievances against the administration. After an unsuccessful attempt to submit a petition to the Prince in 1716, those same peasants filed suit at the Imperial Chamber Court, or *Reichskammergericht*, in 1719. When this suit failed, the indefatigable claimants filed suit at the Imperial Aulic Council, or *Reichshofrat*, in 1723. This final lawsuit, the object of the present inquiry, lasted nine years and became known simply as the *Landstreit*.

The charge of rebellion was also inapposite. Although the Prince himself used it and historians have appropriated the term in furtherance of specific goals, the peasants (or *Untertanen* as they are known throughout the case) maintained their loyalty and restricted their criticism of the government to the confines of the lawsuit.[722] To the extent that violence did occur, it constituted some rowdy speeches before the Rudolstadt city hall that occurred years before the peasantry filed suit at the *Reichshofrat*. The peasants' concerns were financial: they objected to crushing taxes and fees. They did not oppose taxation *per se*, but rather a burden that they deemed unreasonable in light of the improper conduct of government officials.

---

[721] "Hierauf enstunden grosse Bewegungen, und es schiene zu einem Auffstand zu kommen." HHStA RHR Antiqua 872(2) provisorisch, f. 916.

[722] In her 1915 doctoral dissertation, Ermentrude von Ranke (granddaughter of the famous Leopold von Ranke) openly sympathizes with the princely government, adopting the use of the term "rebel" to refer to the peasants advocating for legal action. Ermentrude von Ranke, *Das Fürstentum Schwarzburg-Rudolstadt zu Beginn des 18. Jahrhunderts: Der Landstreit gegen d fürstliche Willkür vor Reichskammergericht u Reichshofrat* (Halle a.S.: C.A. Kaemmerer, 1915), 84. In her later and more sympathetic analysis, historian Siegrid Westphal contrasts the term "revolt" with "revolution," arguing that while the judicialization of revolutionary impulses in the post-Westphalian empire renders the latter term moot, the impetus for reform retained the revolutionary tendencies outlined by historian Peter Blickle in his analysis of the 1525 Peasant's War. Siegrid Westphal. "Revolution in Rudolstadt? Der Bulisiussche Landstreit im Fürstentum Schwarzburg-Rudolstadt in der ersten Hälfte des 18. Jahrhunderts," in: *Zeitschrift des Vereins für Thüringische Geschichte* 61 (2007), S. 131-156.

Corruption is a phenomenon determined by what a community subjectively considers to be reasonable. In the parlance of administrative law, the concept of reasonableness "permits the application of community standards to controversial conduct."[723] With appropriate imprecision, the phrase "community standards" grants subjective and inherently cultural factors legal force. In this instance, the culture of Schwarzburg-Rudolstadt was particularly marked by a religious movement within Lutheranism known as Pietism. This chapter argues that the condemnation of corruption by religiously inspired peasants in Schwarzburg-Rudolstadt supports the connection between Protestantism and anti-corruption drawn by modern social scientists, albeit for reasons unique to this tiny Thuringian principality.[724]

Tiny is not an exaggeration. The densely wooded territory governed by Prince Friedrich Anton encompassed approximately 940 square kilometers, about the size of the modern city of Indianapolis.[725] Situated in Thuringia, one of the most jurisdictionally splintered regions of the Holy Roman Empire, those 940 square kilometers consisted of several non-contiguous patches of land separated from each other by the duchies of Gotha and Weimar, the Electorate of Saxony, and the city of Erfurt (at this time controlled by the Electorate of Mainz).[726] The territory emerged in 1599 when the ancient House of Schwarzburg divided its inheritance into Rudolstadt and Sonderhausen lines.[727] Remarkably, the little principality survived the upheavals of the

[723] David Zaring, "RULE BY REASONABLENESS." *Administrative Law Review* 63, no. 3 (2011): 527.
[724] For the most recent scholarship making this connection, see Jason García Portilla, "*Ye Shall Know Them by their Fruits." A Mixed Methods Study on Corruption, Competitiveness, and Christianity in Europe and the Americas* (Cham: Springer, 2022).
[725] Ranke provides the figure of 940.39 km^2; Indianapolis encompasses 936.64 km^2 (or 361.64 square miles).
[726] Thuringia was especially fractured because of the repeated division of territories amongst heirs. In particular the Ernestiner, a branch of the noble house of Wettin, divided their territories frequently, giving rise to a series of small duchies (some, like Sachsen-Saalfeld, only existed for little over fifty years). See Horst Fleischer, *Vom Leben in der Residenz: Rudolstadt 1646 – 1816* (Weimar: Gutenberg Druckerei GmbH, 1996), 7.
[727] The noble house of Schwarzburg traces its lineage to the eighth century. Stefan Michel, "Das Territorium Schwarzburg-Rudolstadt," in *Thüringer Pfarrerbuch Band 5. Fürstentum Schwarzburg-Rudolstadt* (Leipzig:

following centuries intact, only succumbing to dissolution with the defeat of the German *Kaiserreich* in 1918.

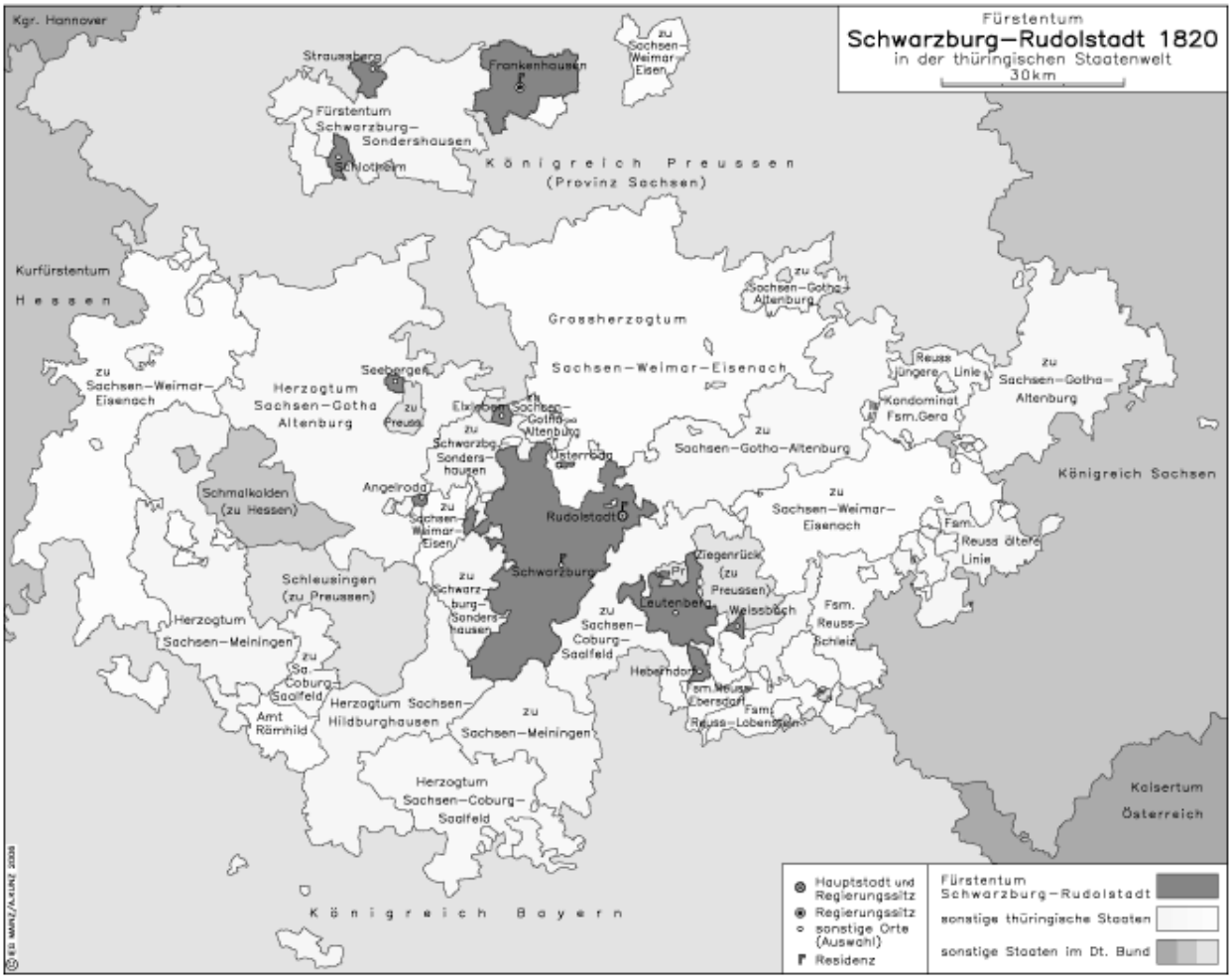

Figure 4. Map of the Principality of Schwarzburg-Rudolstadt.[728]

The size of the principality was inversely proportional to that of its ruler. By all accounts, Friedrich Anton was an enormous man.[729] He was the principal antagonist of the

Evangelische Verlagsanstalt, 2010), 9. The separate territories were nonetheless represented by a common deputy at the Reichstag. Ranke, *Das Fürstentum Schwarzburg-Rudolstadt*, 22. rh

[728] Andreas Kunz and Joachim Robert Moeschl, "Fürstentum Schwarzburg-Rudolstadt 1820 in der thüringischen Staatenwelt," in IEG-MAPS. Server für digitale historische Karten / *Server for digital historical maps*. URL: https://www.ieg-maps.uni-mainz.de/mapsp/mappSK820Th_SR_uT.htm.

peasantry in their fifteen-year legal odyssey, but the conflict he managed and ultimately won did not originate with him. Indeed, many of the complaints litigated at the Imperial Aulic Council stemmed from decisions to limit parliamentary oversight taken during the long reign of the Prince's grandfather, Count Albert Anton (1641-1710).[730] Paradoxically, this pietistic ruler was the pupil and longtime patron of the man who, more than anyone else, brought pietistic religious moral fervor to bear against the scourge of corruption in Schwarzburg-Rudolstadt: Ahasver Fritsch.

Ahasver Fritsch is important to this story for two reasons. First and more prosaically, he was the predecessor of Chancellor Georg Ulrich von Beulwitz, the man whose government the peasantry protested vigorously. The peasants explicitly drew the contrast between the chancellors in their 12 January 1723 complaint to the Imperial Aulic Council, arguing that upon succeeding the "patriot and German" Fritsch, Beulwitz "brought everything under his power and authority and […] introduced injurious and corrupt precepts of government."[731] More significantly for the social origins of the subsequent lawsuit, Fritsch was also a central figure in the early Pietist movement. Philipp Jakob Spener, for instance, dedicated his work *Der Klagen über das verdorbene Christenthum Mißbrauch und rechter Gebrauch* to Fritsch in 1700.[732]

---

[729] Frank Esche, "Fürst Friedrich Anton - Regent in schwerer Zeit" in *Wir in Thüringen. Landkreis Saalfeld-Rudolstadt: Geschichte und Gegenwart – Jahrbuch 4* (1995), 192-195.
[730] The Counts of Schwarzburg-Rudolstadt were raised to the status of imperial princes (*Reichsfürsten*) in 1697, but Albert Anton declined the elevation on this occasion; his son Ludwig Friedrich embraced the new title in 1710.
[731] "der ieziger Zeit dirigirende Fürstl. Geheimer Rath und Canzlar von Beulwiz succedirte, und nicht nur das Staats, Policey und Justiz, sondern auch das Hoff- und Camer Wesen, und in summa alles unter seiner Macht und Gewalt beschloße, mithin in effectu das ganze Land, Herrn und Unterthanen zu regieren anfinge, ganz andere, dem Schein nach zwar dem Landes hl. und deßen Hoheit voerthailhafftige, in der That aber herren und Unterthanen Grundschädliche und verderbliche Regierungs – Maximen, einzuführen getrachtet." [731] LATh - StA Rudolstadt: Geheimes Ratskollegium Rudolstadt, 1812, f. 56.
[732] Philipp Jakob Spener, *Der Klagen über das verdorbene Christenthum Mißbrauch und rechter Gebrauch: Darinnen auch, Ob unsere Kirche die wahre Kirche oder Babel, und ob sich von deroselben zu trennen nöthig, gehandelt wird* ... (Frankfurt a.M.: Zunner, 1700).

Pietism arose from the works of Spener, particularly his *Pia Desideria* ("pious wishes") of 1675, from which the name of the movement derives. Like Puritanism or Methodism, a nonconformist movement strongly influenced by Pietism, the term was originally one of abuse.[733] Modern historians disagree about the precise nature of Pietism, with historian Hartmut Lehmann in particular arguing for a chronological and geographical scope beyond seventeenth and eighteenth-century German Lutheranism.[734] The debate is immaterial to the *Landstreit* given the location of the dispute within those traditional confines, but it does highlight the potential implications of the controversy for a broader swathe of time and space. Without itself "representing" anything larger, the *Landstreit* arguably channeled theological currents that speak to a greater shift in individual expectations of government ethics.

Individual behavior was key to the spiritual program expounded by Spener. The concept of "possessive individualism" is familiar in the Anglophone world, as is the pietistic individualism popularized by the late eighteenth-century romanticist Friedrich Schleiermacher.[735] Yet Spener's concerns were more basic. Raised amidst the horrors of the Thirty Years War and the doctrinal conformity of Lutheran orthodoxy, Spener sought a "personal

[733] John Wesley had numerous influential periods of contact with the Moravian Brethren of Count Zinzendorf in England, its North American colonies, and in Germany. See The Pietist Impulse in Christianity. UK: Wipf and Stock, 2011), particularly Geordon Hammond "John Wesley's Relations with the Lutheran Pietist Clergy in Georgia." Zinzendorf himself was raised in a Pietist household (Philipp Spener was present at his baptism) and attended the Halle school of August Hermann Francke (1663–1727), who along with Spener was the leader of early Pietism. Craig Atwood. "Nikolaus Ludwig von Zinzendorf." *Europe, 1450 to 1789*: *Encyclopedia of the Early Modern World*, ed. Jonathan Dewald (New York: Charles Scribner's Sons, 2004).

[734] Hartmut Lehmann, "Pietism in the World of Transatlantic Religious Revivals," in *Pietism in Germany and North America 1680-1820* (Burlington: Ashgate, 2009), 13.

[735] Macpherson coined the term "possessive individualism" as a collective assumption of seventeenth-century English political theorists. C. B. Macpherson. *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Clarendon Press, 1962). Schleiermacher's pietism informed his belief that individuals possess an emotional and intuitive connection with God. See Michael Forster, "Friedrich Daniel Ernst Schleiermacher", *The Stanford Encyclopedia of Philosophy* (Summer 2022 Edition), Edward N. Zalta (ed.).

and practical faith."[736] Light on theology, *Pia Desideria* instead decried the behavior of princes, churchmen, and those who called themselves Lutherans "but who do not deserve this name, for they do not understand dear Luther's teaching about living faith."[737] It was a clarion call for propriety in a scandalous age.

The text seethes with anger at corruption. After the introduction, the first portion of the book is labeled a "Conspectus of Corrupt Conditions."[738] Here, Spener castigates the great lords sunk in the "sins and debauchery that come with courtly life" and the "magistrates inseparable from that [court, who] in furtherance of their own interest [*eigenen Nutzens*] merely sigh" as they accept bribes.[739] This accusation employs the vocabulary of the *Gemeinnutz-Eigennutz* distinction referenced repeatedly in this dissertation. For Spener, the Lutheran clergy are equally depraved. In his view, "we preachers in the clergy may not deny that this [estate], too, is completely corrupt, and thus from our two upper [estates] the most corruption breaks out among the congregation."[740] In this context, corruption (*Verderbnuß*) is not merely the financial malfeasance of government ministers, but a more pervasive debasement of social morality.[741] Spener delivers a comprehensive scolding.

---

[736] Timothy Maschke, "Philipp Spener's Pia Desideria," *Lutheran Quarterly* (1992), 189.
[737] "die aber auch solches namens nicht werth sind / als die die lehre deß theuren Lutheri von dem lebendigen glauben nicht erkennen." Philipp Jakob Spener, *Pia Desideria oder Hertzliches Verlangen Nach Gottgefälliger Besserung der wahren Evangelischen Kirchen / sampt einigen dahin einfältig abzweckenden Christlichen Vorschlägen* (Frankfurt a.M.: Zunner, 1675), 28.
[738] Philipp Jakob Spener, *Pia Desideria* trans. Theodore Tappert (Philadelphia: Fortress Press, 1964), iii.
[739] "leben nicht die allermeiste / was grosse Herren anlangt / in denjenigen sünden / allen welt Wollüsten / welche das Hofleben mit sich führet / und fast als ohn-zertrennlich darvon geachtet wird; andere magistrateten in suchung eigenen Nutzens; daß man auß solchem leben mit seufftzen abnehmen muß." Spener, *Pia Desderia,* 14.
[740] "Ach so mögen wir Prediger in dem geistlichen stände nicht leugnen daß auch dieser stand gantz verderbet seye und also von unsern beyden obern ständen die meiste verderbnuß unter die gemeinde außbreche." Spener, *Pia Deisderia,* 15.
[741] Spener focuses specifically on drunkenness, but other Pietists condemned seemingly innocuous social activities, such as dancing.

The works of Ahasver Fritsch continue in this vein. A few years older than Spener and similarly formed by the crisis of the Thirty Years War (his family home in Mücheln, south of Halle, was burned to the ground), Fritsch (1629 – 1701) studied law in Jena before meeting the young Count of Schwarzburg-Rudolstadt in 1657.[742] First as his tutor and then as his Chancellor, Fritsch became the center of intellectual life at Albert Anton's court in Rudolstadt. Somewhat controversially, he organized a learned group of religious laypeople in that city, the *Neue geistlich-fruchtbringende Jesus-Gesellschaft*, modeled on the famous Weimar literary society.[743] Fritsch was also an astoundingly prolific author and composer of hymns, a number of which were set to music by his fellow Thuringian, Johann Sebastian Bach.[744]

One writing by Fritsch deserves particular scrutiny here, as well as a substantial digression from the narrative of the *Landstreit*. His 1684 tract *Der Beschämte Geschenk-Fresser* (the Shamefaced Gift-Glutton) speaks directly to the corrupt nature of contemporary courtly administration. Echoing the *Gemeinnutz-Eigennutz* vocabulary of Spener, this work describes "uncharitable, self-interested ministers and master-servants who love gifts so much that they do nothing for their fellow Christians out of love, but instead only do anything for gifts or favors.[745] Fritsch argues that the souls of princes, nobles, and high-officeholders will face stricter scrutiny

[742] Ernst Anemüller, "Fritsch, Ahasver" in: Allgemeine Deutsche Biographie 8 (1878), S. 108-109 [online version]; URL: https://www.deutsche-biographie.de/pnd119285452.html#adbcontent

[743] Lucinda Martin, "More than Piety: The Historiographic Neglect of Early Modern Lay Theology." *Church History and Religious Culture* 98, no. 1 (2018): 8. ; Spener initially disapproved of such so-called 'conventicles,' although he later came to champion them. His initial disapproval stemmed from his desire to avoid separatist movements away from the church.

[744] Such as, for instance, *Liebster Immanuel, Herzog Der Frommen.* Johann Sebastian Bach, Arnold Schering, Ahasver Fritsch, and Henry S Drinker. *Liebster Immanuel, Herzog Der Frommen: Festo Epiphanias : Cantata No. 123*. London: E. Eulenburg, n195.

[745] "Wir wollen nur vor dißmahl die lieblosen / eigennützigen Ministros und Herren-Diener vorstellen / welche die Geschenke so sehr lieben / daß sie ihren Neben-Christen nichts aus Liebe / sondern alles um Geschenk und guten Willen thun wollen." Ahasverus Fristch, *Der Beschämte Geschenk-Fresser Nebenst einer Treuherzigen Warnung* (Jena: Johann Bielcken, 1684), 5.

than the common man on Judgment Day.[746] In his explicitly religious formulation, piety demands exceptionally moral conduct from those wielding the most power in society.

The jeremiad directly attacked the prevailing culture of patronage in government. His contemporaries, considered it fair "to compensate a favor one has received in an unsolicited spirit of thanks."[747] For them, it was only proper for clients to demonstrate their appreciation by giving gifts to their patrons. For Fritsch, the *quid quo pro* was wrong. He asked rhetorically whether

> it is just for a Minister, in exchange for gifts and promises, to provide for someone in need of his recommendation and help, but another who is unable to pay is not accepted even though he merits the promotion equally or indeed more than the other but who cannot in good conscience creep into an office through favors and gifts?[748]

Here, the moral logic of a patronage relationship mediated by reciprocal altruism (i.e., 'back scratching') is upended. In its place, Fritsch postulates that individuals should conscientiously reject bribery as an affront to their personal integrity. He thereby transforms customary expressions of gratitude into unethical transactions. What had been considered respectful should now be considered a sin.

Fritsch's argument for merit-based appointments taps into the cameralist ideal. Cameralism emerged in the seventeenth century as a scientific approach to territorial governance. [749] In his *Teutsche Reden*, cameralist writer Veit Ludwig von Seckendorf

---

[746] Detlef Ignasiak, *Nachwort: Ahasverus Fristch Der Beschämte Geschenk-Fresser (1684)* (Tübingen: Max Niemeyer Verlag, 1995), 41.
[747] "Ob empfangene Wohlthaten aus freywilligem dankbahrem Gemüthe zu recompensiren unrecht sey?" Fristch, *Der Beschämte Geschenk-Fresser,* 17.
[748] Fristch, *Der Beschämte Geschenk-Fresser,* 18.
[749] Cameralism was the dominant theory of political economy in the German lands of the late seventeenth / early eighteenth centuries. The term cameralism derives from the archaic German word for treasury, *Kammer* (or *Cammer*). In addition to being an early leading theorist of cameralism, Seckendorff was a politician and writer who united two different strands of literature, that on economic (i.e., "household") management and that on public

complained of the incongruity between officeholders and their capabilities: "only in the most noble and useful science – the governance of territory and men, or presiding over courts and treasuries – does everyone think they can have a go."[750] For Fritsch, the cameralist insistence on competence is only meaningful when joined with the goal of furthering the common good. For instance, he laments the appointment of an unqualified person "of no merit" to office, and then describes the corrupt minister as "afterwards asking little whether the *public* has been helped or not as long as one can fill his avaricious pouch."[751] Here, Fritsch draws a bright line between the duties of public office and the private interests of the officeholder.

As the Chancellor of a territorial government, Fritsch's complaints stemmed from personal experience. His overwhelming concern was with bribery: "these days at almost all lordly courts the disgraceful custom has taken hold that no one can obtain any mercy, preferment, or justice without treating and bribing, leading to the common saying: 'the ink doesn't flow at court if you don't throw gold inside.'"[752] Fritsch discussed at length the prices prevailing at contemporary courts for nominations and government services. What galled Fritsch the most was the lack of shame, the untroubled consciences. He therefore sought to rebut the justifications presented by officials unabashed by their actions.

---

administration. His 1655 *Teutsche Fürstenstaat* stressed how princes were "subordinate to the Reich and subject to its laws and customs [while also] tied by obligations to the Estates of their territories and their subjects." This genre emerged during the period of rebuilding following the devastation of the Thirty Years War. *See* Joachim Whaley. *Germany and the Holy Roman Empire Volume II: The Peace of Westphalia to the Dissolution of the Reich, 1648 – 1806*. (New York: Oxford University Press, 2012), 194.

[750] Veit Ludwig von Seckendorf, *Teutsche Reden* (Leipzig: 1686), 240.

[751] "solche gar nicht meritiert; darnach fraget man wenig / es mag dem Publico geholffen werden oder nicht / wenn man nur den Geiz-Beutel füllen kan." Fristch, *Der Beschämte Geschenk-Fresser,* 21. (emphasis added)

[752] "Es ist heutigs Tags fast an allen Herren-Höfen die schändliche Gewohnheit eingeriffen / daß niemand einige Gnade, Beförderung / oder Recht Erlangen kan / da er nicht spendiert und schmieret / daß also ein gemeines Sprichwort: Daß die Dinte bey Hoffe nicht fliesse / so man nicht Gold hinein wirfft." Fristch, *Der Beschämte Geschenk-Fresser,* 5.

In his view, court officials made three arguments in defense of their behavior. First, and most emphatically, they argued that they were not paid sufficient salaries. The argument that poorly remunerated officials should supplement their nominal salaries by charging fees is both an historiographical as well as a modern one.[753] Fritsch had no sympathy for these public servants. He wrote that

> [t]hey are themselves to blame that their salary is not sufficient. On a modest salary some lead a sumptuous life / with coach and horses; his wife and kids want the latest fashions; he wants to live his days well and in magnificence; / to hold banquets and entertain guests / to design grand buildings / and to fill them with precious furniture; [. . .] should we really wonder that his yearly salary does not suffice . . . ?[754]

A culture of conspicuous consumption then, not poverty, drove official avarice. These officials further argued that 'everybody does it.'[755] To this Fritsch responded with scripture, citing Exodus 23:2 - "Do not follow the crowd in doing wrong."[756] Finally, officials argued that gifts were not corrupt if they gave them to their wives. Fritsch found this even worse, claiming (with unfortunate misogyny) that women were greedier than men and likely to demand even more gifts as a result.[757] In essence, the justifications offered by civil servants for the status quo were pretentious, irreligious, and unmanly.

---

[753] Engels, *Die Geschichte der Korruption*, 61. Surprisingly, the supplementation of official government salaries through fees continues into the present. In Cobb and Fulton counties in the U.S. State of Georgia, for instance, Superior Court Clerks charge $35 to process passport applications, a fee that exclusively remunerates the clerks themselves. A local scandal erupted in 2022 when journalists reported that individual clerks had earned several hundred thousand dollars per year by charging fees of this kind. Rachel Polansky, "Superior court clerks legally pocketing thousands in passport processing fees." *Atlanta News First,* 19 December 2022.

[754] "Ist offtermahlen ein Minister selbst schuld daran / daß seine Jahrs-Besoldung nicht zulangen will. Mancher führet auf eine nicht allzugrosse Besoldung einen allzuprächtigen Staat / will Kutschen und Pferde halten; seine Frau und Kinder wollen alle neue Moden haben; er will alle Tage wohl und herrlich leben / Panquete und Gastereyen halten / grosse Gebäude aufführen / solche mit kostbahren Mobilien versehen . . . was ist es den nun Wunder, wenn solchergestalt die Jahrs-Besoldung nicht zureichen will?" Fristch, *Der Beschämte Geschenk-Fresser,* 21.

[755] "Einige entschuldigen sich damit / daß es heutiges Tages allenthalben / an Fürsten- und Herren-Höfen also gebräuchlich sey." Fristch, *Der Beschämte Geschenk-Fresser,* 23.

[756] "Du solst nicht folgen der Menge zum Bösen." Fristch, *Der Beschämte Geschenk-Fresser,* 24.

[757] Fristch, *Der Beschämte Geschenk-Fresser,* 25.

A generational gap of thirty two years separates *Der Beschämte Geschenk-Fresser* from the initial petition composed by the peasantry of Schwarzburg-Rudolstadt in 1716. Yet the religiously inspired ideas articulated in that text manifest themselves in the later case. The thread of Pietism links Fritsch to the principal protagonists in the lawsuit before the *Reichshofrat*. The vocabulary of urgent moral crisis is the same. If anything, the intervening decades had only made that crisis more acute.

Ahasver Fritsch died in 1701. The next chancellor, the aforementioned Georg Ulrich von Beulwitz (1661-1723), does not seem to have shared his predecessor's passion for temperance. The historian Ermentrude von Ranke notes how Beulwitz' abuse of his discretionary budgetary powers undermined his ability to sanction underlings for the mismanagement of funds, thereby "justifying the complaints of the peasants against the fraudulent behavior of government officials."[758] Those complaints form the core of the lawsuit examined below. The grievances they specify may have continued festering without incident, however, but for a confluence of governance changes, taxes, and princely vanity projects that materialized in the first decades of the eighteenth century, thereby igniting the *Landstreit*.

The governance changes may warrant the accusation of absolutism leveled by the peasantry. The small parliament (*Landtag*) of Schwarzburg-Rudolstadt consisted of two chambers (*Kurien*): the noble fief-holders of the principality sat in the upper house (*Ritterschaft*) and the towns sent representatives to the lower house (*Landschaft*).[759] The parliament possessed

[758] "die Rubrik seines Einkommens 'gewöhnliche Kanzleiakzidentia' gab ihn die Möglichkeit, in ungebührlicher Weise in seine eigenen Taschen zu wirtschaften. Dadurch war er nicht in der Lage, seinen Unterbeamten scharf auf die Finger zu passen, und die Klagen der Untertanen gegen die Betrügereien der Beamten waren nur zu wohl berechtigt." Ranke, *Das Fürstentum Schwarzburg-Rudolstadt*, 21.

[759] Consistent with F.L. Carsten's seminal *Princes and Parliaments*, it is fitting to label the Schwarzburg-Rudolstadt Landtag a "parliament" despite its incongruence with modern representative bodies of that name. F. L. Carsten

the power of the purse, or *ius collectandi*; only by an agreement of the two chambers could the government levy new taxes.[760] It also conducted regular audits of tax expenditures, a right codified as a bi-annual practice in 1647.[761] Despite these substantial prerogatives, however, the parliament had not exercised the former power since 1697 nor the latter since 1701. The failure to call parliament formed an integral part of the peasants' complaint, not the least because the peasantry sought to bind the knights and town-dwellers (*Bürger*) to their cause as allies.[762]

The abrogation of constitutional convention may not have aroused such hostility were it not accompanied by an elevated tax burden. Like in the case of the Prince-Bishopric of Eichstätt analyzed in Chapter III, a bevy of taxes from the War of Spanish Succession (1701-1714) lingered unjustifiably into peacetime. In addition, a byzantine feudal dispute with Electoral Saxony froze certain tax levels in the northern territories of the principality (the *Unterherrschaft*), thereby shifting an elevated burden onto the subsection of the populace living in the southern *Oberherrschaft* around Rudolstadt.[763] Compounding these expenses was an

---

Princes and Parliaments in Germany from the Fifteenth to the Eighteenth Century (Oxford: Clarendon Press, 1959). The former President of the Thuringian Landtag, Dr. Frank-Michael Pietzsch made this argument explicitly in 1995, stating that "parliamentarianism has a long history in Thuringia, and an even longer pre-history." Frank-Michael Pietzsch, "Zum Geleit," *Schriften zur Geschichte des Parlamentarismus in Thüringen: Ständische Land- und Ausschußtage in Schwarzburg-Rudolstadt vom 16. Bis zum Beginn des 18. Jahrhunderts* (Weimar: Gutenberg, 1995), 7.

[760] With the exception of imperial taxes, which were collected by the Prince in accordance with the *Jüngster Reichsabschied* of 1654.

[761] The "Instruktion wonach sich der Ausschuß von der Ritter- und Landtschaft der obern Grafschaft Schwartzburg be idem Steuerwesen richten und verhalten soll." Hans Herz, *Ständische Land- und Ausschußtage in Schwarzburg-Rudolstadt*, 30.

[762] Herz, *Ständische Land- und Ausschußtage in Schwarzburg-Rudolstadt*, 55.

[763] When William I of Schwarzburg-Frankenhausen died childless in 1597, his inheritance went to his brother Albrecht VII of Schwarzburg-Rudolstadt (the so-called *Stadtilmer Vertrag* of 1599, which also saw Schwarzburg-Arnstadt pass to the Count of Schwarzburg-Sonderhausen). See Hans Herz, *Ständische Land- und Ausschußtage in Schwarzburg-Rudolstadt*, 23. As a fief of Electoral Saxony, however, this territory was encumbered with financial and military obligations. The Counts of Schwarzburg sought elevation to the *Reichsfürstenstand* (in the 1690s in exchange for payment) in order to escape these obligations; the refusal of the Electoral Saxony to accept the new "imperial immediacy" of the territories, however, empowered the peasantry to withhold tax payments to the government in Rudolstadt. The fiscal crunch induced the Rudolstadt *Oberherrschaft* to freeze tax levels in the Unterherrschaft in exchange for recognition by Electoral Saxony. Westphal, "Revolution in Rudolstadt?", 142.

ambitious building program undertaken by the newly minted Prince Ludwig Friedrich in an effort to display his social promotion to the *Reichsfürstenstand* in 1710. Under Ludwig Friedrich, who had spent the year 1687 in Paris and Versailles, the court abandoned the pious austerity of Count Albert Anton and fully embraced the baroque.[764] Ironically, it was the religiously inspired desire of the Prince to build an orphanage that was the final straw for some overtaxed peasants.[765]

Construction on the orphanage began in 1714. The lottery intended to finance the building failed to generate sufficient revenue, however, leading Prince Ludwig Friedrich to introduce a series of excise taxes for that purpose in 1716.[766] These taxes are the subject of Gravamen VI submitted in the complaint to the *Reichshofrat* analyzed below. They included additional duties and fees for basic goods and services like beer and flour, marriages and baptisms. Indignant, the *Vierleute* of the town of Stadtilm sent a proposal to the council of Königsee for a petition to the Prince opposing the new taxes.[767] This humble plea was the seed that would sprout into the *Landstreit*.

It was also the source of the rowdy speeches referenced in the introduction to this chapter. On 23 April 1716, a crowd of nearly one hundred assembled in the Rudolstadt *Marktplatz* intent on personally submitting the petition to the Prince. This petition listed the fees and taxes imposed in order to finance the orphanage, and argued that the inhabitants of the

[764] Fleischer, *Vom Leben in der Residenz*, 10. The shift in priorities exemplified by Ludwig Friedrich's French educational tour is most apparent when contrasted with the 1658 educational tour of his father, Albert Anton, who spent the time in Holland after attending the election of Leopold I. in Frankfurt a.M. Fleischer, *Vom Leben in der Residenz*, 27.
[765] Ranke, *Das Fürstentum Schwarzburg-Rudolstadt*, 47.
[766] [766] LATh – StA RU Geheimes Ratskollegium Rudolstadt 1722, 23 April 1716 Petition of Peasants to Prince Ludwig Friedrich.
[767] The *Vierleute* were four local village magistrates.„VIERMANN, m.“, Deutsches Wörterbuch von Jacob Grimm und Wilhelm Grimm, digitalisierte Fassung im Wörterbuchnetz des Trier Center for Digital Humanities, Version 01/23, <https://www.woerterbuchnetz.de/DWB?lemid=V08761>, abgerufen am 13.02.2023.

principality were so poor as a result of the recent war that the new duties would reduce them to "ruin, begging, and even exile."[768] A diminished crowd waited for a response in vain outside the palace until late afternoon. The failure of this plea led to more detailed petitions being submitted on 10 February 1717 and 28 January 1719.[769]

The Prince never responded to these petitions. The petitioners therefore resolved to bring the matter to the Imperial Chamber Court, or *Reichskammergericht,* in Wetzlar. They used the aloofness of the Prince as the legal basis for standing to file suit: the alleged denial of justice provided grounds for their cause of action.[770] Beginning in June 1719, the petitioners collected documentation for twenty-seven exhibits supporting five complaints: the abolition of parliament, the increase in tax maturity dates, the introduction of excise taxes, the cancellation of regular tax audits, and the increase in official fees (*Amtssporteln*).[771] They formally submitted their plea to the Wetzlar court on 13 November 1719.

In the meantime, the Prince had not been idle. In August 1719 he himself had sought an injunction from the *Reichshofrat* demanding the payment of taxes by the peasantry, condemning the delivery of the 1716 petition and enjoining the collection of donations for legal action against the government.[772] The attorney for the Prince on this occasion, Daniel Hieronymus von Praun,

---

[768] "die meisten unter uns arme Leuten, wo so sich anderst des vor augen schwebenden gäntzlich *Ruins* entziehen wollten eine den ihrigen das thor treffen alles verlassen, dem bettelst ab ergriffen und gar in das *Exilium* gehen werden müsen, weilen wir ohne dem bishero bey dem Langwiehrigen Kriegs wesen mit durchmarchen, Einquartierungen und dergleichen so mit genohmen worden sind, das es nicht moglich ist ein und anderen Gaben und hartes *procedure* weiter abzustehen." LATh – StA RU Geheimes Ratskollegium Rudolstadt 1722. 23 April 1716 Petition of Peasants to Prince Ludwig Friedrich.
[769] LATh – StA RU Geheimes Ratskollegium Rudolstadt 1722.
[770] § 30, *Reichskammergerichtsordnung* (RKGO) of 1495. "Klagen von Landständen und Städten gegen Kurfürsten und Fürsten."
[771] *Gründliche Beschreibung*, 5-6.
[772] "Designatio derer sämtlichen beim hochpreßlichen Reichshofrats in causa derer Schwarzburgischen rebellisch gewordenen Bauern vorhandenen Akta."

would serve as counsel for the duration of the *Landstreit*.[773] The *Reichshofrat* promptly ruled for the Prince, ordering the peasants to obey the authorities, pay the taxes owed to them and generally refrain from tumultuous activities.[774] With this order the Prince by and large got what he asked for.

Two months later, the *Reichskammergericht* delivered a diametrically opposed judgment in favor of the peasantry. First, it granted "safe conduct […] to the claimants, their representatives, attorneys and notaries."[775] Safe conduct was a powerful and effective tool in the early modern Empire, most famously used to protect Martin Luther during his appearance at the 1521 Reichstag at Worms.[776] The court demanded a report from the respondent within four weeks. Finally, it issued a *mandato de relaxando captivos,* an order requiring the release of anyone arrested in connection with the preparation of the legal complaint.[777] As 1720 dawned, both parties to the dispute therefore had competing rulings from rival courts.

[773] Susanne Gmoser, "Liste der Reichshofratsagenten," (November 2016), 11. http://reichshofratsakten.de/wp-content/uploads/2016/11/RHR-AgentenPdf_Nov2016.pdf.
[774] Conclusum LVIII, 6 September 1719, *Merckwürdige Reichs-Hof-Raths Conclusa Denen fürnemlich / so den bey diesem höchsten Reichs-Gericht tam in Agendo quam in Judicando üblichen Modum & Stylum erlernen wollen, zu Nutzen mitgetheilet, Zweyter Theil* (Frankfurt a.M.: Friderich Knoch, 1726), 60-61.
[775] "concedendo supplicantibus, eorum Syndicis, Advocatis & Notariis Salvo Conductu in optima forma & protectorio." *Urkund Am Kayserlichen Cammer-Gericht überreichter Suuplicationen und darauf ertheilter Decreten, In Sachen Der Fürstl. Schwartzburg. Land-Unterthanen, Rudolstädtischer Linie, des Ober-Land-Creyses derer Städte und Aemter Rudolstadt, Blanckenburg und Consorten, contra Fürsten zu Schwartzburg-Rudolstadt und Consorten,* as reproduced in the *Gründliche Nachricht / Was es mit dem Nahmens sämmtlicher Schwarzburg-Rudolstädtischen Landes-Unterthanen der Ober-Herrschafftlichen Landes-Portion wider des regierenden Herrn Fürstens Zu Schwartzb. Rudolstadt Durchl. In An. 1719 Bey dem Hoch-Preißlichen Cammer-Gerichte zu Wetzlar angebrachten, und daselbst biß in An. 1721 verfolgeten, in An. 1723. Aber bey dem Hoch-Preißlichen Reichs-Hof-Rath zu Wien von einem untreuen Landes-Unterthan wieder reassumirten Klage-Wercke vor eine Bewandniß habe* (1724); "Beylagen," p. 14. HHStA, RHR Antiqua 872(2) provisorisch.
[776] Luca Scholz. *Borders and Freedom of Movement in the Holy Roman Empire*. Oxford: Oxford University Press, 2020.
[777] In January 1720, Chancellor von Beulwitz arrested the notary who compiled many of the documents for the complaint, Johann Andreas Petz. The RKG subsequently ordered his release: "Endlichen wofern der arrestirte Notarius Petz nicht anderer zu diesem Klage-Werck nicht gehöriger Ursachen halber in Verhafft gezogen worden, hätte Herr Beklagter denselben in Gefolg des ausgegangenen Salvi Conductus der Verhafft zu entlassen." *Gründliche Nachricht,* 15. HHStA, RHR Antiqua 872(2) provisorisch.

The timing of the competing court filings is important. The existence of two supreme courts in the Holy Roman Empire was one of those peculiar institutional arrangements unique to the imperial judiciary. Because the *Reichskammergericht* was chartered and financed by the imperial parliament, or *Reichstag*, and the *Reichshofrat* was chartered and financed by the Habsburg emperors, an institutional (and correspondingly confessional) cleavage separated the courts politically during the sixteenth and early seventeenth centuries. By the eighteenth century, however, Protestant litigants – like the Princes of Schwarzburg-Rudolstadt – were equally as likely to bring suit at the *Reichshofrat* as their catholic counterparts.[778] The lack of differentiation also characterizes the jurisdictional prerogatives of the courts. Unlike the separation of the judiciary in the Federal Republic of Germany into five supreme courts with distinct jurisdictional purviews, the *Reichshofrat* and the *Reichskammergericht* frequently exercised concurrent jurisdiction.[779] The courts circumvented the potential for forum shopping by developing a doctrine called *Prävention*, or *iudicium praeventum*, a first-in-time rule whereby whichever court took the case first possessed exclusive jurisdiction.[780] Because the Prince filed suit in August 1719, three months before the peasants' filing in November, the *Reichshofrat* would ultimately retain jurisdiction over the dispute.

This was not known at the time, and would be hotly contested later. The preliminary maneuvering centered on whether the outcome of the case at the *Reichskammergericht* precluded

[778] Oswald von Gschließer, Der Reichshofrat: Bedeutung und Verfassung. (Wien: *Kommission für neuere Geschichte des ehemaligen Österreich*, 1942), 32.
[779] § 95 of the Basic Law of 1949 (*Grundgesetz*) created five courts of last resort: the Federal Court of Justice (*Bundesgerichtshof*), the Federal Administrative Court (*Bundesverwaltungsgericht*), the Federal Labor Court (*Bundesarbeitsgericht*), the Federal Social Court (*Bundessozialgericht*) and the Federal Fiscal Court (*Bundesfinanzhof*). The Federal Constitutional Court (*Bundesverfassungsgericht*) does not operate as an appellate court, but rather has broad powers to review the constitutionality of nearly all aspects of government activity.
[780] Wolfgang Sellert, *Über die Zuständigkeitsabgrenzung von Reichshofrat und Reichskammergericht insbesondere in Strafsachen und in Angelegenheiten der Freiwilligen Gerichtsbarkeit* (Aalen: Scientia-Verlag, 1965).

the 1723 submission to the *Reichshofrat* (the first pleading by the peasantry before the Vienna tribunal). The peasants' suit at the *Reichskammergericht* had failed on procedural grounds: it was dismissed on 20 February 1721, ostensibly because "the requested *Mandatum sine clausula* [was] submitted with [an] inadmissible certification."[781] The Prince's lawyers later argued before the *Reichshofrat* that this dismissal precluded the 12 January 1723 submission by the peasantry to that judicial body.[782] They contended that the 1723 complaint contained "not only the same *Gravamina* but also the same [supporting] documents as the complaint submitted in the name of the peasantry to the Wetzlar [court]" in 1719.[783] The *Reichshofrat* nonetheless agreed with the attorney for the peasantry, Johann Georg Bulisius, that the doctrine of *Prävention* secured jurisdiction for the Vienna court.

Here at the start of the lawsuit before the *Reichshofrat* is the appropriate time to introduce Bulisius, undoubtedly the main character in this story. The adjective *Bulisiusscher* is frequently appended to the term *Landstreit* itself, reflecting the successful effort of the Prince and his legal team to conflate the grievances of the peasantry with the supposed vanity and ambition of their advocate.[784] Johann Georg Bulisius was born on 21 November 1672 into an influential family in

[781] "Ist das gebethene *Mandatum sine clausula* auf vorbrachte ohnzulängliche Bescheinigung und *Legitimation* auch erstatteten Bericht nunmehro abgeschlagen." *Gründliche Nachricht,* (Beylagen) 15. Ranke argues that the dismissal stemmed from the inability of the peasants to pay the court officials enough to ensure consideration of their suit. Ranke, *Das Fürstentum Schwarzburg-Rudolstadt,* 75.

[782] This argument (presented by the defense on 12 July 1723) uses the same language but is slightly different from the modern procedural doctrine of *res judicata,* or claim preclusion, which precludes a claim brought previously against the same party in a different venue; the modern doctrine requires the previous judgment to have been on the merits, however, rather than merely procedural as was the case here.

[783] "Es ist auch daselbst fol. 33 usque 36 klärhlich gezeiget worden, daß nicht alleine eadem ipsa Gravamina sondern auch eadem ipsa Documenta bey dem Kayserl. Reichs-Hof-Rath von Bulisio zu Wien wiederum zur Klage gestellet worden, so in dem, Nahmens obgedachter Unterthanen zu Wezlar vollführeten und daselbsten ob defectum legitimationis & probationis … Klage-Werck vorhanden gewesen." *Gründliche Beschreibung,* 21.

[784] For instance, the 2007 article by Siegrid Westphal employs the adjective in its title. Westphal. "Revolution in Rudolstadt? Older histories of Schwarzburg-Rudolstadt claim, incorrectly, that Bulisius was the instigator of the first legal challenge at the Reichskammergericht. See *Chronik der fürstl. Schwarzburgischen Residenzstadt Rudolstadt* (Rudolstadt: Verlag von L. Renovanz, 1860), 40.

the city of Wittenberg; his father was an administrator at the university there.[785] After qualifying as an attorney, Bulisius moved to Rudolstadt in 1700 aged twenty-eight, possibly drawn by the pietistic devotion of Count Albert Anton's court.[786] His affiliation with pietism is apparent from the name of his second son, Traugott (trust in God), an appellation typical of that community.[787] While older accounts ascribe Bulisius' advocacy to greed and injured pride, more recent scholarship validates the lawyer's religiously inspired desire to secure justice for the peasantry.[788] This more balanced judgment squares with his stewardship of the nine-year lawsuit that ultimately led to his professional ruin.

Bulisius socialized in courtly circles; the old Count Albert Anton stood godfather to his firstborn son. Although it is unclear exactly how he was recruited to the cause of the peasantry, he would likely have known that the Prince's pious mother, Anna Sophie von Sachsen-Gotha-Altenburg (1670 – 1728), took a personal interest in the affair.[789] It was the Princess Anna Sophie, for instance, who secured Agnesa Günzelin's release from prison (the Princess

[785] The biographical information on Bulisius presented here draws heavily on the work of Rudolstadt archivist Frank Esche, generously provided upon request by the author. See Frank Esche, "Johann Georg Bulisius – Anwalt im schwarzburgischen „Landstreit*"*, In: *Wir in Thüringen – Jahrbuch Landkreis Saalfeld-Rudolstadt* (Rudolstadt: Landkreis Saalfeld-Rudolstadt, 1997), 99 – 103.

[786] Esche notes that the exact reasons for Bulisius' relocation to Rudolstadt are unclear, but that pietism may have been integral to the move.

[787] "Zu den Namen von Gotthold Ephraim Lessing," *Universität Leipzig* (15 February 2021). https://www.philol.uni-leipzig.de/namenberatungsstelle/namenberatungsstelle/blog/newsdetail/artikel/zu-den-namen-von-gotthold-ephraim-lessing-2021-02-15.

[788] Ermentrude von Ranke uncritically recites the argument postulated in the princely *Gründliche Beschreibung* that Bulisius had fraudulently attempted to increase the size of a field he owned by moving the fence that encircled it. Unable to appeal a judgment against him in the matter because of the princely *privilegium de non appellando* (appeals were limited to matters involving 1000 Gulden or more, similar to the $75,000 'amount in controversy' requirement of federal courts for civil actions), Bulisius allegedly offered his services to the peasantry merely in order to join his claim to theirs. Ranke, *Das Fürstentum Schwarzburg-Rudolstadt,* 86. The different subject matters render the claim absurd, a conclusion similarly reached by Frank Esche in his 1997 article "Johann Georg Bulisius."

[789] Ranke claims, without evidence, that the Princess' confessor, Steinmetz, had recruited Bulisius to be the attorney for the peasants in their suit at the Reichshofrat. If true, the claim would bolster the argument for Bulisius' intervention for religious reasons (despite Ranke's claim that Steinmetz's was merely attempting to settle a personal vendetta; Ranke's partisanship is evident in her insistence on assuming the bad faith of all actors on the side of the peasantry). Ranke, *Das Fürstentum Schwarzburg-Rudolstadt,* 86.

apparently also kept the miraculous root). The Princess' advocacy may have been instrumental in ensuring that Bulisius' claim on behalf of the peasants encountered a sympathetic reception at the *Reichshofrat*. On 2 December 1722 she penned a remarkable letter to the President of the *Reichshofrat,* Count Ernst Friedrich von Windischgrätz, looking to do just that.[790]

The letter is a striking indictment by a mother against the government of her own son. It was evidently prepared in tandem with Bulisius' travel to Vienna for the presentation of the peasants' complaint, as it explicitly requests the court to grant Bulisius safe conduct and to create an imperial commission.[791] In it she excoriates the territorial government for putting "the subjects of this principality … in such a miserable condition, partly by quite recent unaffordable taxes, partly by other very hard pressures, but especially by the lack of the means and power to bring their concerns directly to their Prince."[792] As a result, the peasants suffered under the "avaricious tyranny of their ministers" who pretended to act for the common good "but in fact fill their own coffers."[793] The Princess does not use the word corruption, but describes a system of violence and deceit instrumentalized for the profit of a few elite actors.

The letter clearly had its intended effect. Bulisius submitted the formal complaint on 12 January 1723. The court published its order (*conclusum*) ruling in favor of Bulisius exactly two

[790] HHStA, RHR Antiqua 872(3) Provisorish.
[791] "besonders aber unmaßgeblich dahin mit regardirt werden möge: daß der zu Wien anwesende Deputirte von klagenden Unterthanen mit Nahmen: Bulisius; bey seiner Retour für Gewalt sicher seyn, mithin etwa der Kayserliche Commission, ohne welche schwerlich aus der Sache zu komen, oder die Justiz zu erhalten seyn wird." HHStA, RHR Antiqua 872(3) Provisorish.
[792] "Ainige Jahre her geführten Landes Regierung durch praepotenz und Regierung dero gehaimen Raths und Canzlars von Beulwiz die gesamte Unterthanen dieses Fürstenthums theils durch ganz neuerliche unerschwingliche abgaben, thails durch andere sehr harte bedruckungen, sonderlich aber durch versperrte Mittel und Mage, ihr anliegen unmittelbar an ihren angebohrnen Landes=Fürsten fürbringen zu können, in einen solchen elenden Zustand gesezt worden." HHStA, RHR Antiqua 872(3) Provisorish.
[793] "da die Unterthanen der Tyranney geiziger Räthe gleichsam abandonnirt und Preiß gegeben werden, welche dem Herrn mit dem Schain eines Interesse verblenden, in der That aber ihre eigene Sekel füllen." HHStA, RHR Antiqua 872(3) Provisorish.

weeks later, on 26 January.[794] This one-page document granted Bulisius safe conduct (*salvus conductus*). It also created the requested commission and nominated the Duke of Sachsen-Gotha to be its chair. It tasked the commission with "fairly and thoroughly investigating the *Gravamina*" submitted by Bulisius.[795] Those *Gravamina* form the heart of the lawsuit and deserve close consideration here.

Previous historical treatments of the *Landstreit* briefly list the *Gravamina*, but fail to engage with their contents. The historians Ranke and Westphal, for instance, each allocate a single paragraph to the actual complaint.[796] The source material available for analysis here provides five distinct versions of the *Gravamina*. Three are largely similar manuscript copies of the original 12 January 1723 complaint; the chief difference between them is that the two housed in the Staatsarchiv Rudolstadt each list eight *Gravamina*, whereas the version held in the Haus-, Hof- und Staatsarchiv in Vienna lists nine.[797] The fourth version is a 1724 printed text, the *Gründliche Nachricht*, which also lists nine *Gravamina* and intersperses an edited text of the complaint with the corresponding princely counterarguments in a different font.[798] The fifth version is an undated manuscript that responds to the 10 July 1725 revised complaint of Bulisius containing fifteen *Gravamina*.[799]

These documents earnestly chronicle a host of vernacular grievances. The first Gravamen squarely addresses the abrogation of constitutional convention mentioned previously, namely,

---

[794] LATh – StA Rudolstadt, Geheimes Ratskollegium Rudolstadt Nr. 1812, p. 41.
[795] "Fiat comissio auf den Herrn Hertzogen zu Sachsen Gotha, und zwar noch zur Zeit und bis auf weitere Kayl. Verordnung sumptibus Impetrantium, et cum inclusion Exhibiti von 12 Jan. rescribatur eidem authoritate Caesarea, die eingeklagte Gravamina ordentlich und gründlich zu untersuchen, allerseitige Theile gnüglich zu hören …" LATh – StA Rudolstadt, Geheimes Ratskollegium Rudolstadt Nr. 1812, p. 41.
[796] Ranke, *Das Fürstentum Schwarzburg-Rudolstadt*, 93; Westphal, "Revolution in Rudolstadt?", 145.
[797] These are, respectively, LATh – StA Rudolstadt Geheimes Ratskollegium Rudolstadt 1812, f. 42; LATh – StA Geheimes Ratskollegium Rodlstadt 1722 (not numbered); and HHStA RHR Antiqua 872(1) Provisorisch, f. 413.
[798] *Gründliche Nachricht*, 43.
[799] LATh – StA Rudolstadt Geheimes Ratskollegium Rudolstadt 1755 (not numbered).

the unwillingness of the prince to consult the estates. It states that in the Empire, just as "no prince or other estate is independent and absolute," it is equally true that the exercise of princely power cannot be "arbitrary, despotic [or] self-willed, but [must be] limited and circumscribed by the imperial constitution, by ancient tradition, and by explicit treaties in such a way that it cannot treat the subjects in the country as slaves … but as Christians [who must be] governed for their temporal and eternal welfare."[800] This is a statement of sources of law (the constitution, tradition, treaty) that rejects absolutist pretensions to sovereignty. The purpose of law and government, it insists, is the wellbeing of the populace.

It is also a statement that the Prince agrees with, at least rhetorically. "Noble reasoning by the peasants!" the *Gründliche Nachricht* scoffs, "but what's the point?"[801] The Prince rejects the subsequent argument of the peasants that customary law requires consultation with and the acquiescence of the estates. He lists two reasons for his stance: first, he argues that custom requires consultation with lords and cities, not peasants.[802] This is an argument about procedure, not the merits of the peasants' claim. Second, he rebuts the claim that Schwarzburg-Rudolstadt had "always enjoyed such a government" by claiming that the territory did not have its own

[800] "gleichwie im Röm Reich Teutscher Nation kain fürst oder anderer Standt independent und absolute, sondern alle von ihren exercirende hoheit, unter E.K.M und des Reichs Subordination, dependenz, gehorsam und Unterthänigkeit geschloßen, also auch besonnders eines jeden Fürsten und Standes Herrschl und Gewalt intuitu derer besizenden Lande, nicht arbitrair, despotisch und eigenwillig, sondern durch die Reichs Constitutiones, durch Altes Herkomen, durch austrückliche Verträge, dergestalt limiteret und umschräncket sey, daß er die Unterthanen im Lande nicht als Sclaven, und ihne mit leib und Güth eigene knechte, tractiren kan, sondern als eine von K.M. und dem Reich unmittalbar, zu dem Ende vorgesezte Christliche Obrigkeit zu consideriren auf daß Land und Leute zu deren zeitlicher und ewiger Wohlfahrt wohl regieret und in Christlicher gutter Disciplin, Ordnung und Gehorsam erhalten werden möchten." LATh – StA Rudolstadt Geheimes Ratskollegium Rudolstadt 1812, f. 48.
[801] "Ein stattliches Raisonnement vor die Bauern! Wozu solls aber nutzen?" *Gründliche Nachricht*, 43.
[802] Interestingly, the Prince contends that unlike in Sweden, where peasants are invited to participate in parliament, this tradition does not exist in Germany. "In dem Königreich Schweden kommet wohl der Bauern-Stand auch zu denen Reichs-Tagen, aber in Teutschland kein Bauer zu denen Land-Tagen und unter die Land-Stände." *Gründliche Nachricht*, 44.

constitution.[803] This is arguably disingenuous, as it disclaims the binding nature of customary law acknowledged on the previous page.

This second rejoinder goes beyond the simple question of how frequently parliament should be summoned: it reveals the tussle over which legal regime should govern the entire lawsuit. For instance, the complaint details the purpose of consultation as establishing the legitimacy of governance. In response, the Prince argues that such "morals [do not belong] in a [legal] dispute."[804] In other words, the Prince's legal team is arguing that custom should play an exceedingly narrow, if not altogether nonexistent role in determining the legal outcome. Morality and law are separate domains.

Here the *Gründliche Nachricht* also excises a passage from the original Gravamen. Whereas the peasants complain at this point of the regime of Chancellor von Beulwitz and compare his leadership unfavorably with that of the aforementioned Ahasver Fritsch, the *Nachricht* rewrites the text to the passive voice; instead of Beulwitz introducing "injurious and corrupt precepts of government," it now merely stated that these "had been introduced."[805] The omission can be read both as an attempt to conceal the alleged misdeeds of Beulwitz's administration, or more innocuously, as an acknowledgement that Beulwitz's personal involvement with the case became moot with his death on 13 October 1723. [806]

---

[803] "Wenn der Querulant hier so viel sagen will, als wenn die Mäßigung des Schwartzburgischen Regiments in vorigen Zeiten in einer genauen Landschafftlichen Verfassung bestanden . . . daß es wider die Wahrheit geschrieben sey." *Gründliche Nachricht*, 44

[804] "Alle diese Morale hätte man bey einer gerichtlichen zumahlen Bauern-Klage gar füglich erspahren." *Gründliche Nachricht*, 45.

[805] "Alleine einige Jahre her seynd leider! ganz andere, dem Schein nach zwar dem Landes-Herrn und Dessen Hoheit vortheilhafftige, in der That aber Herren und Unterthanen grundschädliche und verderbliche Maximen, eingeführet worden." *Gründliche Nachricht*, 45. Compare with the original text reproduced in Note. 11 *supra*.

[806] *Des Hochwohlgebohrnen Herrn Georg Ulrichs von Beulwitz /Auf Löhma und Munschwitz Erb-und Gerichts-Herrn / Hoch-Fürstlich-Schwartzb. Geheimden Raths / Cantzlarsund Consistorial-Praesidentens zu Rudolstadt/*

The first princely rejoinder described above also merits further review. The argument that the peasants (*Bauern*, or *Untertanen*) cannot assert the corporate rights of parliament because they are not represented in that body raises three distinct legal questions. First, it begs the question as to what legal capacity the peasants had; for instance, were they encumbered by customary labor obligations (i.e., serfdom) and, if yes, did this limit the claims they could bring? More narrowly, did the peasants sue jointly with another estate, such as the urban-dwelling *Bürger*? Finally, could Bulisius (himself not a peasant) and those he represented bring suit on behalf of the peasantry as an estate, as in a modern class action lawsuit?

The first question can be clearly answered in the negative. The peasants make this point explicitly in their complaint, arguing that there is no serfdom (*Leibeigenschaft*) in Schwarzburg-Rudolstadt.[807] This accords with more recent scholarship invalidating the so-called "second serfdom" hypothesis, an historiographical theory linking the rise of absolutist government with increasingly burdensome land tenure arrangements in central and Eastern Europe over the course of the early modern period.[808] The peasants note how the traditional homage ceremony (*Landeshuldigung*) performed at the beginning of each reign clearly indicates their free status because it marks a contract between ruler and ruled.[809] Events bear out the peasants' interpretation of this ceremony: Prince Friedrich Anton acceded to his title in 1718, but did not

---

Christ-löblicher Lebens=Lauff / Und darauf unter einer standhafften und erbaulichen Vorbereitung erfolgtes seeliges Absterben/ Samt denen nachhero gehaltenen Funeralien und Adelichem Leich=Begängniß/ in öffentlichen Druck gegeben (Rudolstadt: Johann Heinrich Löwen, 1724), 51.

[807] LATh – StA Rudolstadt Geheimes Ratskollegium Rudolstadt 1812, f. 45.

[808] See both Markus Cerman, *Villagers and Lords in Eastern Europe, 1300-1800* New York: Palgrave Macmillan, 2012; and Paul Freedman, "Peasants, the Seignurial Regime, and Serfdom in the 11th to 13th Centuries," in *European Transformations* (2012): 270.

[809] The complaint uses the formal Latin expression *per modum pacti reciproci*. LATh – StA Rudolstadt Geheimes Ratskollegium Rudolstadt 1812, f. 45.

hold the homage ceremony until after final judgment had been delivered by the *Reichshofrat* in 1732.[810]

The second question can also be answered in the negative. The petitioners of 1716 had included the *Bürger* in their salutation, but in 1723 they were not a joint party to the lawsuit.[811] The debate surrounding the promulgation of a territorial constitution in 1721 and 1722 provides clear evidence for the sentiments of the knights and townsfolk. On 10 September 1721, twenty-five knights (claiming to constitute the entire territorial *Ritterschaft*) sent a letter to the Prince deploring the agitation of the peasantry and offering to work with the Prince and the *Bürger* to devise an amenable parliamentary framework.[812] The representatives of the towns joined the knights in opposing the peasants' suit, and acquiesced to the promulgation of a written constitution on 4 March 1722.[813] This was a victory for the Prince, who in 1719 had worried "whether some of the nobles might make common cause with the villagers."[814]

The answer to the third question, however, is a surprising yes. Bulisius could act as the advocate for the peasantry, although the court did not simply accept his claim to do so. Instead, it demanded proof: in a 21 July 1723 *conclusum*, the *Reichshofrat* ordered Bulisius to procure a "power of attorney signed by all participants in the named action."[815] In spectacular fashion,

---

[810] It should be noted, however, that the complaint does allude to "Frohndiensten" (compulsory labor) in Gravamen IV. LATh – StA Rudolstadt: Geheimes Ratskollegium Rudolstadt, 1812, f. 52.
[811] 23 April 1716 Petition from Bürger and Untertanen to Prince Friedrich Anton. LATh – StA Rudolstadt Geheimes Ratskollegium Rudolstadt, 1722, Sub. Lit. D.
[812] *Schreiben der sämmtlichen Schwartzburg-Rudolstädtischen Ritterschafft die Herstellung einer Landschafftlichen Verfassung betreffend*, as reproduced in the *Gründliche Nachricht* (Beylagen), 17.
[813] *Sr. Fürstl. Durchl. zu Schwartzburg-Rudolstadt denen Deputirten von der Ritterschafft und denen Städten ertheilete Resolution, auch zugleich publicirte Landschaffts-Constitution*, as reproduced in the *Gründliche Nachricht* (Beylagen), 21.
[814] "[o]b die vom Adel mit den Dorfschaften causam communem machen." Herz, *Ständische Land- und Ausschußtage in Schwarzburg-Rudolstadt*, 55.
[815] "Nach vorher angeschaffter zumahlen von sämtlichen Theilhabern an bennanter Klag unterschriebener Vollmacht gestattet seyn." Extract Prtoc. Rer. Resolut. In Sachen Schwarzburg-Rudolstädtischer Unterthanen contra

Bulisius proceeded to do just that. During Holy Week 1725, Bulisius traveled through the territory gathering signatures. This trip demonstrates the extent of popular support for the *Landstreit*; not only was Bulisius' arrival in a village heralded by the ringing of church bells, but those same communities also elected delegates (*Syndizi*) who acted as local agents of the movement and communicated messages from the legal team to the peasantry.[816] In total, Bulisius collected 3,366 signatures, equaling approximately one third of the population of the principality.[817]

In pursuing their claim against the Prince, Bulisius and his supporters continued the tradition of *Untertanenprozesse* that dated to the imperial reforms of the late fifteenth century. This typology groups together legal claims made by mediate estates against their lords at either of the two imperial supreme courts. *Untertanenprozesse* (literally translated as 'subject suits') were relatively common and, when undertaken by peasants, usually addressed quotidian matters such as the "form and amount of fees and services" owed.[818] While the older historiography conceived of these suits through the lens of political revolution, recent scholarship on *Untertanenprozesse* suggests that their ubiquity merely demonstrates the deeper reach of formal legal practice into a broader variety of disputes.[819] As the complaint analyzed here demonstrates,

---

Schwarzburg-Rudolstadt in puncto divers. Gravam. Mercur. 21 Julii 1723, as reproduced in the *Gründliche Nachricht*, Beylagen pp. 31-32.

[816] For instance, the letters of Bulisius providing updates on the case were typically addressed to "Denen Herren SYNDICIS, und sämtl. IMPETRANTIBUS, der Ehrbaren Gemeindte" or some variation thereof. LATh – StA Rudolstadt, Gehemes Ratskollegium Rudolstadt 1735 (unpaginated; example from Erfurt, 1 May 1728). The term "Impetranten" is used throughout the case to refer to the petitioners. The ringing of church bells is confirmed at point 73 on page 13 of the *Gründliche Beschreibung.* HHStA RHR Antiqua 872(2) provisorisch, f. 920.

[817] Ranke, *Das Fürstentum Schwarzburg-Rudolstadt,* 115.

[818] Maria Schimke and Manfred Hörner, "Prozesse zwischen Untertanen und ihren Herrschaften vor dem Reichskammergericht in der zweiten Hälfte des 18. Jahrhunderts. Auseinandersetzungen um Fronen und Besitzwechselabgaben im Hochstift Würzburg". *Europa im Umbruch 1750–1850*, edited by Dieter Albrecht, Karl O. Aretin and Winfried Schulze (Boston: Oldenbourg Wissenschaftsverlag, 1995), 303.

[819] Stefan Xenakis, "Daß man täglich die Bauern, schaarenweise in Wetzlar auf die Sollicitatur ziehen sieht: Legitimation von Rechtsansprüchen in Untertanenprozessen". *Prozessakten, Parteien, Partikularinteressen:*

these suits could combine some rather pedestrian grumbling with profound political and ethical grievances.

The first *Gravamen* ends by decrying the staffing of administrative posts with sycophantic flunkies. "In the cities, the town halls are manned with Syndicis, Consulenten and Clerks who are *Creatures* of [Beulwitz] and who, owing their jobs [to him], not only keep silent but also intimidate the other council members or, using other means, bring them to their side and muzzle them."[820] The "other means" referenced here (*aliis modis et medus*) are presumably nefarious ones, given the intimidation and omertà described in the same sentence. The use of the term *Creature* also suggests that the total subservience of these officeholders to Beulwitz was both novel and inimical to proper administration. Unsurprisingly, the princely *Gründliche Nachricht* excises this passage from the text.

Whereas the first Gravamen complained of a general breakdown in consultation, the second Gravamen explicitly accused the Prince of failing to call parliament. Aside from bemoaning the legal ramifications, the complaint argues that the unwillingness of the Princes to call parliament had caused a fundamental loss of trust. Without the opportunity to air grievances, the princely subjects had "not only completely lost all trust in the lord and his servants, but [that trust] had also been broken by the mischief and abuse of officials and city councilors."[821] Here the petitioners' use the term "trust" in an essentially fiduciary manner. Historian Mark Knights

---

Höchstgerichtsbarkeit in der Mitte Europas vom 15. bis 19. Jahrhundert, eds. Alexander Denzler, Ellen Franke and Britta Schneider (Boston: De Gruyter Oldenbourg, 2015), 200.

[820] "In denen Städten besezte man die Rathhäuser mit *Syndicis*, *Consulenten* oder Stadtschreibern, welche *Creaturen* des neuen *Gouverno* waren und dahero zur danckbarkeit ihrer Beförderung nicht nur selbst zu allen schweigen, sondern auch die übrige Raths-Glieder und Gemeind Vorstehere *intimidiren*, oder *aliis modis et medus* auff der Seite bringen, und den Mund stopfen." LATh – StA Rudolstadt: Geheimes Ratskollegium Rudolstadt, 1812, f. 49.

[821] "Womit dann nicht nur alles Vertrauen gegen Herrn und Diener bey den Unterthanen sich gänzlich verlohren, sondern auch in Justiz, Policey und andern Sachen, bey denen Beambten zumahlen und Stadträthen, solches Unwesen und Mißbräuche eingerißen." LATh – StA Rudolstadt: Geheimes Ratskollegium Rudolstadt, 1812, f. 49.

argues that in England, a fiduciary concept of trust "became a key way of thinking about [public] office from the mid-seventeenth century onwards … [and] helped to develop ideals of integrity, disinterestedness, and accountability."[822] Similarly in Schwarzburg-Rudolstadt, the use of the term "trust" in the complaint parallels the description offered by Knights: according to the peasantry, Beulwitz and his minions had betrayed their collective obligation to act selflessly for the common good.

But in what way? This is the princely counterargument. The *Gründliche Nachricht* ridicules the lack of specificity provided in the complaint, arguing that there is no cause of action (*fundamentum agendi*).[823] The failure to call parliament is neither an "enumerated action" (*actiones nominetenus*), nor does the complaint catalogue the other misdeeds allegedly performed by the government officials to have caused the professed breach of trust. This argument fails to persuade in two ways: first, the charge of failing to call parliament is itself unambiguous, regardless of whether it is an enumerated cause of action or not. Second, this particular Gravamen argues that the loss of trust flows from that decision; because the following *Gravamina* level other, equally specific accusations, the fact that they are not enumerated here is immaterial to the validity of the complaint.

The disagreement also highlights the inseparably intertwined nature of legal and political questions at the Imperial Aulic Council. As portrayed by the *Gründliche Nachricht*, the unwillingness of the Prince to call parliament is not a legal question. Rather, the Prince argues, it

[822] Mark Knights, *Trust and Distrust: Corruption in Office in Britain and its Empire, 1600-1850* (Oxford: Oxford University Press, 2021), 7.
[823] "wenn ein Mensch gegen den andern, und ein Unterthan wider einen Reichs-Fürsten etwas klagen will, es sey in Policey-oder Justiz-Sachen, der muß ein *fundamentum agendi* haben, […] das ihme zugewachsene Gravamen specialiter anzuzeigen, und dem Kinde den Nahmen zu geben." HHStA RHR Antiqua 872(2) provisorisch *Gründliche Nachricht,* 51.

is a decision left to his political discretion. By contrast, the peasants' insist that the contravention of custom itself creates legal liability. With their first two *Gravamina,* therefore, they are essentially asking the court to adjudicate constitutional questions for Schwarzburg-Rudolstadt.

Gravamen III offers more concrete examples of misconduct. On the issue of the *Landtag*, the complaint alleges that anyone who "spoke about, let alone dared to request" documentation of historical parliamentary practice had been "threatened with investigations and corporal punishment."[824] Similar refusals to allow peasant access to archives for the purposes of litigation were widespread throughout the Empire.[825] Such official hostility to the public welfare was compounded by the fact that "the servants and officials, who usually have less than 5 Gulden of property when they enter service, quickly become rich while the country becomes [increasingly] poor."[826] The Prince replies that these are essentially non-issues. On the subject of self-enrichment by government officials, the *Gründliche Nachricht* condemns the insinuation as "impertinent" and merely one of Bulisius' "foolish stories."[827]

The next four *Gravamina* concern taxes. Gravamen IV straightforwardly complains about the recent and rapid increase in rates. Whereas previously taxes had been due "3, 4, 5 or at most 8" times per year, since 1702 they had risen to "30, 40, 50, even 60" exactions per year.[828] The Prince has four responses to this claim. First, countering the repeated charge of arbitrariness

[824] "die izige Regierung und Beamte denen sofort mit Inquisitionen, Leib-und Lebens-Straffe drohne, die nur darvon redden, geschweige gar dergleichen zu begehren sich unterstehen solten." GN p. 60. This is the primary thrust of Gravamen III; namely, that historical practice dictates a certain parliamentary procedure whereby the administration may levy new taxes.
[825] Matthias Bähr, *Die Sprache der Zeugen. Argumentationsstrageien bäuerlicher Gemeinden vor dem Reichskammergericht (1693 – 1806)*, (Munich: UVK Verlagsgesellschaft, 2012), 21.
[826] "Wobey diener und Beambten, die wenn sie in Dienste gekommen, öffters nicht 5. Gulden im Vermögen gehabt, in kurzem reich . . . das Land aber hingegen immer ärmer geworden." GN p. 63.
[827] "Die übrigen hier angeführten Beschuldigungen von dem grossen Reichthum einiger Beamten und Bedienten sind so impertinent, als unerwiesen, und schmecken nach denen thörichten Geschichten, die biß zu der Bulisischen Grund-Suppe aufbehalten worden." HHStA RHR Antiqua 872(2) provisorisch *Gründliche Nachricht,* 63.
[828] LATh - StA Rudolstadt: Geheimes Ratskollegium Rudolstadt, 1812, f. 52.

and absolutism, he argues that all taxes have been collected appropriately. Second, labeling them "brazen falsehoods," he disputes the factual premise of the peasants' claim, asserting that the period 1663 – 1702 (the supposed period of low taxation) sometimes saw higher tax rates than existed in 1724.[829] Then arguing in the alternative, the *Gründliche Nachricht* laments the necessary costs of war and patriotically details the commitments made by the House of Schwarzburg to the Imperial cause during the war of Spanish Succession. Finally, the princely publication highlights the similar levels of taxation in neighboring Saalfeld to justify their appropriateness for Schwarzburg-Rudolstadt.[830]

Rates had not merely become allegedly more burdensome, but, according to the peasantry, the treasury had also become less accountable to taxpayers. Specifically, Gravamen V claims that the bi-annual tax audits codified in 1647 had been abolished. This contravened both "timeless tradition and universal practice in the Empire" as well as the "ordinance of the current Prince's grandfather, Count Albrecht Anthon."[831] The complaint then quotes at length from the 1697 ordinance confirming this practice. It could equally have quoted Johann Röhrer, a local official in Blankenburg who grumbled about how "the peasants haven't seen an accounting of the huge sums of money sent to the treasury in taxes and excises" and speculated that the local commissioner had stolen it.[832] The *Gründliche Nachricht* vigorously protests the charge,

[829] HHStA RHR Antiqua 872(2) provisorisch *Gründliche Nachricht,* 64.
[830] HHStA RHR Antiqua 872(2) provisorisch *Gründliche Nachricht,* 64-67.
[831] "nicht nur wider das uhralte Herkommen sowol, als die durchgängige Observanz im Reich […] sondern auch gegen des izigen Hrn Fürstens zu Rudolstadt oben schon hoch-erwehnten hochseeligen Groß-Herrn Vaters eigene An. 1697 mit Hand und Siegel bestätigte hier angelegte Ordnung und verbindliche declaration." [831] LATh - StA Rudolstadt: Geheimes Ratskollegium Rudolstadt, 1812, f. 52.
[832] es wäre in vielen Jahren so große Summen geldt in die Cassa an Steuern und Accise geliefert worden, und hätten die Unterthanen noch kaine Rechnung gesehen, der Commissariy grau hätte ein großes hauß bauen laßen, viele felden und güther gekaufte da er doch sonst nichts gehabt. Welches ebenfalls bey danan unterthanen öffters wunderliche gedancken erwak, und sie nun wißen wollen, wo das geldt alles hin kommen." 2 August 1719 Äußerungen des Bürgermeisters Johann Röhrer in Blankenburg. LATh – StA Rudolstadt Geheimes Ratskollegium Rudolstadt Nr. 1777.

disclaiming any attempt to alter time-honored tradition. Indeed, if the princely rejoinder is to be believed, the peasants' accusation is simply untrue and the practice of regular tax audits had continued without interruption.[833] More interesting than the factual discrepancy is the princely defense of a practice that arguably encroached upon the *arcana imperii* of his modest patrimony.[834] That display of equanimity anticipates the more accommodating approach that would ultimately bring victory to the Prince and a degree of satisfaction to the peasantry despite their legal defeat at the *Reichshofrat.*

Third, the peasants argued that the goods and services subject to taxation had broadened unacceptably in scope. Gravamen VI denounces the introduction of excise taxes. First widely introduced in the Empire to restore decimated territorial finances in the aftermath of the Thirty Years War, contemporaries in the late seventeenth and early eighteenth centuries were well aware of the regressive nature of these assessments on consumption.[835] The tax on flour is listed first in the complaint, and allegedly collected "from each person over 10 years of age, quarterly throughout the whole country 2 [Groschen], meaning 8 annually or half a Rhenish Gulden."[836] Because of the wide variety of types of flour and the manifold units of measurement, the actual burden of this tax is unclear. The *Gründliche Nachricht* disputed it nonetheless, claiming that the increase was limited to four Groschen and only applied to those over the age of eighteen.[837] The subsequent taxes on beer, wine, and brandy closely mirrored the excise duties introduced

[833] HHStA RHR Antiqua 872(2) provisorisch *Gründliche Nachricht,* 68-69.
[834] Westphal contends that the demand for these audits was considered a novel request that constituted an unacceptable intrusion into the practice of late 17th and early 18th century lordship. Westphal. "Revolution in Rudolstadt?, 141.
[835] K. Th. von Inama-Sternegg,."Der Accisenstreit Deutscher Finanztheoretiker Im 17. Und 18. Jahrhundert." *Zeitschrift Für Die Gesamte Staatswissenschaft / Journal of Institutional and Theoretical Economics* 21, no. 4 (1865): 533.
[836] "von Mehl, von jeder Person, so über 10 Jahr, durchs ganze Land quartaliter 2 gl. also jährlich 8. ggl. oder ein halber Gulden Rheinisch." LATh – StA Rudolstadt: Geheimes Ratskollegium Rudolstadt, 1812, f. 52.
[837] HHStA RHR Antiqua 872(2) provisorisch *Gründliche Nachricht,* 70.

earlier in Holland and Brandenburg.[838] Whereas those examples were approved by their polities' estates, however, here the circumvention of parliament already mentioned further aggravated the peasants' perception of unfairness.[839]

As mentioned previously, the effort to raise funds for an orphanage was the final straw for the peasantry. Gravamen VII of the complaint argues that while an orphanage may be an appropriate institution for large cities like "Amsterdam, London, Paris [and] Hamburg" it would be wholly "impractical and unnecessary" for humble Rudolstadt, where instead of the "half a dozen children" it might serve, its real purpose is to "flatter the [Prince]."[840] The ambivalent formulation suggests that the peasantry likely would not have minded the project if they had not been asked to pay for it.[841] As it turned out, the government raised five "unprecedented Imposts" that it collected "with violence." These were "12 Groschen or half a Reichsthaler per wedding, 6 Groschen or ¼ Reichsthaler per baptism, to become a Master, 12 Groschen or half a Reichsthaler, to become an apprentice 6 Groschen or ¼ Reichsthaler, [and] 1 Gulden from 100 Gulden of inherited goods."[842] This final duty appears to have been one of the earlier examples of inheritance taxes in the Holy Roman Empire and seemingly followed a recent local trend: the Thuringian duchy of Hildburghausen introduced an inheritance tax in 1710 for the express purpose of funding an orphanage, as did the duchy of Gotha a few years later.[843] The peasantry sum up their argument against these four tax measures with a Latin flourish, stating that *quod*

---

[838] Johannes Tancré, *Die Anfänge der Akzise in der Kurmark Brandenburg* (Göttingen: Kaestner, 1909), 61.
[839] Reiner Sahm notes how the introduction of excise taxes was a means to strengthen princely independence from their estates. Reiner Sahm, *Theorie und Ideengeschichte der Steuergerechtigkeit* (Berlin: Springer, 2019), 57.
[840] LATh – StA Rudolstadt: Geheimes Ratskollegium Rudolstadt, 1812, f. 53.
[841] They note, for instance, how "es würde das arme Land darwieder nichts zu sagen haben, wenn … die Inventores solche vermeynte piam causam aus eigenen Vorrath hätten stifften und hinlänglich dotiren mögen." LATh – StA Rudolstadt: Geheimes Ratskollegium Rudolstadt, 1812, f. 53.
[842] LATh – StA Rudolstadt: Geheimes Ratskollegium Rudolstadt, 1812, f. 53. This final tax is
[843] Georg Schanz. "Studien Zur Geschichte und Theorie der Erbschaftssteuer (Fortsetzung und Schluss)." *FinanzArchiv / Public Finance Analysis* 18, no. 2 (1901): 69.

boni pastoris sit, tondere pecus, non deglubere (the good shepherd shears the sheep, [he] does not flay [them]).[844]

The *Gravamina* described thus far detail an unaccountable administration squeezing an impoverished peasantry for financial gain. The eighth Gravamen brings these related complaints into tighter focus by concentrating on the multiplication of fees for government services called *Sporteln*. The word derives from the Latin *sportula* (gift or present) and the ancient provenance implicates a long and contested history. In the late Roman Empire, the Theodosian Code commanded "rapacious officials" that "the ears of the judge should be opened equally to the poor and to the rich … If [those officials] think that anything should be demanded for civil causes, there will be an armed censure, which will cut off the heads and necks of the evil-doers."[845] This clear prohibition of judicial fees softened over time, however, and by the Byzantine period they were integrated into the system of bureaucratic remuneration. "Byzantine officials lived not on their pay, but on fees – *sportulae* - collected in part from each other, but in the main from the general public."[846]

[844] LATh – StA Rudolstadt: Geheimes Ratskollegium Rudolstadt, 1812, f. 53. The quotation is attributed to the Emperor Tiberius, and is located in Suetonius' *Lives of the Twelve Caesars*, Tiberius XXXII.
[845] "rapaces officialium … Aeque aures iudicantis pauperrimis ac divitibus reserentur … Qui si de civilibus causis quidquam putaverint esse poscendum, aderit armata censura, quae nefariorum capita cervicesque detruncet, data copia universis qui concussi fuerint, ut praesidum instruant notionem." Codex Theodosianus, I, XVI, 7, Theodor Mommsen / Paul Martin Meyer (Eds.), *Theodosiani libri XVI cum constitutionibus Sirmondianis et leges novellae ad Theodosianum pertinentes*. 2 vols., Berlin 1905.
[846] A. H. M. Jones, "The Roman Civil Service (Clerical and Sub-Clerical Grades)." *The Journal of Roman Studies* 39 (1949): 51. A tablet inscribed in Caesarea in the 460s, for instance, lists a surprisingly comprehensive schedule of judicial fees including the cost of writs, memoranda, recordings, and the issuance of judicial summons. Di Segni, L., J. Patrich, and K. G. Holum. "A Schedule of Fees (Sportulae) for Official Services from Caesarea Maritima, Israel." *Zeitschrift Für Papyrologie und Epigraphik* 145 (2003): 273–300.

This visible evolution of *sportulae* towards legitimacy in late antiquity accelerated during the middle ages. The general rule in canon law was to prohibit judges from charging fees.[847] Commentaries on the canon law such as William Durand's thirteenth-century *speculum iudicale*, however, devised multiple exceptions to the rule (arguing, for instance, that the presumption of corruption was rebuttable, that acceptance of food and drink were qualitatively different from cash payments, and that unsalaried judges deserved a means of support).[848] An example of such support comes from the Papal States, where judicial fees could be levied in proportion to the amount claimed. Here, "it was the custom to take the value of the suit and give judges twelve pence to the pound of that value."[849] This practice is broadly similar to the (less extractive) fee schedule devised by the *Reichskammergerichtsordnung* (RKGO) of 1495.[850] According to the RKGO, after the court delivered a final judgment the losing party "reimbursed the other party with this money, called sportule, and ensured that the court officials would be paid [from it]."[851]

The judiciary of the Holy Roman Empire was not unique in this regard. A 1663 English work, *The antiquity, legality, right, use, and ancient usage of fines paid in chancery upon the suing out, or obtaining some sorts of original writs retornable into the Court of Common-Pleas at Westminster,* for instance, argued that the "due and warrantable Fees which are paid to Clerks and Officers of Courts . . . cannot bear any proportion or resemblance of a Bribe, or of the Kings or any of his Judges selling of Justice" both because plaintiffs were not always successful in their

[847] Specifically, by decretal of Pope Innocent III. Richard Helmholz, "Money and Judges in the Law of the Medieval Church," *The University of Chicago Law School Roundtable*: Vol. 8: Iss. 2, Article 4 (2001): 315.
[848] Helmholz, "Money and Judges in the Law of the Medieval Church," 316-318.
[849] Helmholz, "Money and Judges in the Law of the Medieval Church," 319.
[850] RKGO 1495 § 19 "Finanzierung des Reichskammergerichts." The RKGO demanded a 1% fee for the first 100 rhenish Gulden of the claim, 0.1% for the next thousand Gulden, and so on in descending order.
[851] "Solich Gelt, sportule genant, die Parthey, die nach der entlichen Urtail in die Costen und Schäden geurtailt wurd, der behabende Parthey wider geben und außrichten, von demselben Gelt den Gerichts Personen ir Sold volgen und außgericht werden sol." RKGO 1495 § 19.

pleas, and because court officials demanded fees from both parties to a suit.[852] Aside from arguing that judicial fees were a longstanding and respectable custom (albeit one never ordained by statute in England), the author further contended that "if no Fees or *Sportula*'s should be taken, but a constant and yearly Salary should be given to Officers and Clerks" then "Officers [would] do their business lazily and carelessly, or stir up in them a greedy and craving appetite."[853] *Sportulae* were apparently better than salaries, it seems, because they incentivized honest work.

Similarly counterintuitive logic may have swayed the Prince of Schwarzburg-Rudolstadt when his administration abolished salaries and replaced them with *Sporteln* as the sole means of official remuneration in 1718. The government published a *Taxordnung*, or fee schedule, to that effect the same year. In Gravamen VIII, the peasants argued that "under the ostensible pretext of relieving the princely treasury, the previously fixed salaries have been withdrawn and, in their place, the officials have been directed to *Sporteln* and *Accidentia*."[854] The officials then abused their newfound fee-collection authority, the peasants argued, by introducing as much formality and complexity into otherwise straightforward services as possible, in addition to inexcusably prolonging all proceedings in order to extract as much revenue as they could.[855] While the 1724 *Gründliche Nachricht* protested that these were all lies invented by Bulisius, it curiously included amongst its numerous addenda a 23 May 1719 invitation from Prince Friedrich Anton to the peasantry to discuss their concerns, including the "prolongation of justice [and] excessive

[852] Fabian Philipps, *The antiquity, legality, right, use, and ancient usage of fines paid in chancery upon the suing out, or obtaining some sorts of original writs retornable into the Court of Common-Pleas at Westminster* (London: Cottrel, 1663), 14.
[853] Philipps, *The antiquity, legality, right, use, and ancient usage of fines paid in chancery*, 21.
[854] "ermeldten Beamten unter dem scheinbaren praetext zu Erleichterung der Fürstl. Cammer-Intraden, die vormahlige certa salaria und deputata entzogen, und dieselbe hingegen loco salarii auf die Sportuln und Accidentia verwiesen." HHStA RHR Antiqua 872(1) provisorisch, f. 437.
[855] HHStA RHR Antiqua 872(1) provisorisch, f. 437.

demands for Sportuln."[856] Daniel Hieronymus von Praun, the princely counsel, does not seem to have noticed the contradiction.

The complaint of the peasantry here directly echoes the language of contemporary legal theorist Johann Ludwig Wiederholdt. Wiederholdt (1679 – 1760) drew extensively from Ahasver Fritsch in his critiques of administrative practice. In his 1709 work *Repraesentatio Judicis Muneribus Ac Donis Corrupti. Das ist: Kurtze Abbildung Eines durch Gaben und Geschencke Bestochenen Richters*, Wiederholdt argues that "legal matters which otherwise could be settled and decided in a few hours, [are instead prolonged] over a year and a day."[857] Matters that could swiftly be handled orally instead "in the hope of greater profit had to be drafted in writing."[858] Justice delayed is justice denied. These abuses, the same as those detailed by the peasantry in Gravamen VIII of their 1723 complaint, demonstrated according to Wiederholdt "that corruption and bribery have been almost universally established among the judges."[859]

The peasants further refined their complaint about *Sporteln* in subsequent iterations of the *Gravamina*. For instance, their amended complaint of 1725 relocated the general objection to *Sporteln* from Gravamen VIII to Gravamen II, thereby significantly increasing its prominence in the pleading. More contritely, in its 1725 *Gründliche Beschreibung*, the administration admitted

---

[856] "insonderheit wegen der dem Angeben nach protrahirten Justitz, wegen allzu viel abgeforderter Sportuln." *Gründliche Nachricht*, Beylagen 49.

[857] Johann Ludwig Widerholdt, *Repraesentatio Judicis Muneribus Ac Donis Corrupti. Das ist: Kurtze Abbildung Eines durch Gaben und Geschencke Bestochenen Richters Darin gezeiget wird: Ob und wie weit einem Richter Geschencke zu nehmen erlaubt seye oder nicht? Wie sich ein Richter des Criminis Barataríæ verdächtig mache? Wie dieses Laster zu bestraffen, und wie sich eine Lands-Herrschafft vor solchen Geschenckfressern hüten könne* (Wetzlar: Winckler, 1709), 33.

[858] "Was der Richter öffters / viva voce, in Gegenwart derer Partheyen befehlen und ausrichten könte, dahin gehören die Citationes in faciem mündliche Verhören und dergleichen Actus Judiciales, muß nichts destoweniger, spe majoris Lucri, schrifftlich abgefasset werden." Widerholdt, *Repraesentatio Judicis Muneribus Ac Donis Corrupti,* 34.

[859] "Dieweil es dann nun eine leider allzusehr bekandte Sache ist, daß die Corruptiones und Bestechungen fast bey allen Judiciis und Richtern dergestalt eingerissen [ist]." Widerholdt, *Repraesentatio Judicis Muneribus Ac Donis Corrupti,* 45.

in its response to this amended Gravamen on *Sporteln* that "several arrangements have been made and decreed to have the *excesses,* if some of them are specified in detail, investigated and punished according to the findings."[860] The use of the term "excesses" is notable, as it conforms to the definition of corruption proffered by historian Hillard von Thiessen that "corruption is behavior perceived as illegitimate on the part of a public official who, *beyond what is acceptable,* uses the resources at his disposal in his official position for particular purposes."[861] "Excess" and "acceptability" are relative terms that here neatly demonstrate how the *Landstreit* was redefining the norms of political ethics in real time: against the official rates published in the 1718 *Taxordnung*, the peasants' complaint represented a grassroots determination that such rates were an abuse of power.

In addition to enhancing their original complaint about *Sporteln*, the peasants inserted two more. Gravamen VIII of the 1725 amended complaint, for instance, argues that for the so-called Hencker-Geld, "officials indiscriminately add *Sporteln*, write out several taxes for their payment, and do not make an account of it."[862] This practice transforms the mere abuse of an existing privilege into simple fraud. Furthermore, Gravamen XV argues that because the officials are not content with the amount of *Sporteln* they are receiving, they have begun to appropriate certain unspecified "common bourgeois goods" for themselves.[863] The Prince responds to both claims with the same defense: the peasants are making unsubstantiated allegations and have no

[860] "Vielmehr nochmahlige Anstalten gemachet und verfüget, die *Excesse*, wenn deren einige in specie angegeben werden, untersuchen und nach befinden bestraffen zu lassen." *Gründliche Beschreibung,* 29. Emphasis in original.
[861] "Korruption ist ein als illegitim wahrgenommenes Verhalten eines Amtsträgers, der über das akzeptable Maß hinaus die Ressourcen, über die er in seiner Amtsposition verfügt, zu partikularen Zwecken verausgabt." Hillard von Thiessen, *Das Zeitalter der Ambiguität. Vom Umgang mit Werten und Normen in der Frühen Neuzeit* (Cologne: Böhlau Verlag, 2021), 250.
[862] "In Fällen wo das Hencker-Geld stattfindet, ziehen die Beamte indistincte alle Sportuln dazu, schreiben zu deren Zahlung etliche Steuern aus, und thun keine Rechnung darüber, daher diese umfangreiche Hencker-Geldes abzustellen, und die Rechnung darüber abzulegen ist." *Gründliche Beschreibung,* 32.
[863] *Gründliche Beschreibung,* 36.

proof. It is an appropriate defense, but the subsequent calling of witnesses before the imperial commission at Königsee in early June 1725 suggests that the complaint itself may not have been intended to include all evidence for submission to the tribunal.

The *Sporteln* complained of here were not simply fees. Fees for all manner of government services are generally unremarkable; filing a civil suit in U.S. District Court in 2023, for instance, costs $402, and filing an appeal costs $505.[864] Instead, the peasants' complaint implicates a more insidious phenomenon: the direct link between institutional fee collection and the revenue collected by government officials in their personal capacity. This link creates the perverse incentive to maximize, the very opposite of the disinterestedness Ahasver Fritsch sought when he exhorted officials to "hate all finances and not allow themselves to be corrupted or blinded by gifts, offerings and promotions, but [to] serve everyone gladly and willingly."[865] The peasants critique the high cost of these fees, but they locate the true injustice of *Sporteln* in the adulteration of public office with the personal desire of officials to inflate their pay.

Two of the manuscript copies of the 1723 complaint list eight *Gravamina*, but a third lists nine (as does the *Gründliche Nachricht*, the source of much of our knowledge about the princely counterarguments). The reason for the discrepancy is unclear: Gravamen IX merely claims that the "hard pressed subjects, finally and ninthly, [could], without exaggeration, [write] an entire book [about] the serious and irresponsible abuses committed in the administration of

[864] "Court Fee Schedule Summary" United States District Court, 1 October 2022, https://www.cand.uscourts.gov/about/clerks-office/court-fees/.
[865] "daß sie alle Finantzerey gehasset / und durch Geschencke, Gaben und Promessen sich nicht corrumpiren oder verblenden lassen / sondern daß sie jederman gerne und willig gedienet." Fritsch, *Der Beschämte Geschenck-Fresser,* 26.

justice."[866] This is a flimsy charge that repeats accusations made elsewhere in the complaint; tellingly, the usually verbose *Gründliche Nachricht* offers no substantive defense to this ninth point. Perhaps recognizing its unhelpful generality, Bulisius dropped it from the amended complaint he submitted in 1725. That document, however, contains a number of new allegations that warrant mention here.

First, the amended complaint describes a change to the staffing of city offices. The specific charge details the imposition of "perpetual consuls who do not alternate with the others every year, and therefore bring themselves into great authority, besides adhering to the high princely servants more than to the citizens' authorities."[867] The Prince responds by arguing that this only concerns a single Blankenburg official, apparently a man named Theuring, and that an imperial court is not the forum to litigate such petty matters. Yet these seemingly minor details can obscure the larger stakes at issue. Historian Maarten Prak argues that in early modern cities, the rotation of offices was effectively an anti-corruption mechanism: "the rotation of offices … [returned] officeholders to the ranks of ordinary citizens and therefore remind[ed] them that misbehaviour in office would be corrected, and possibly punished, by the next person in that same office."[868] Seen from this lens, the complaint is not merely the manifestation of an isolated grudge against some lowly Blankenburg official, but rather one part of a broader critique of princely infringements on good governance.

[866] "die harte bedrängte Unterthanen endlich und neundtens die bey Administration der Justitz eingerissene schwehre und unverantwortliche Mißbräuche specific allerunterthänigst anzweigen, uu so würde dazu ohne alle Exaggeration ein Buch Pappier nicht zureichen." HHStA RHR Antiqua 872(1) provisorisch, f. 437-8.
[867] "Sind in verschiedenen Städten Consules perpetui gesetzt welche mit denen andern jährlich nicht alterniren, und dahero sich in grosse Autorität bringen, darneben sich an die Hochfürstlichen Bedienten mehr halten, als an die Bürgerschafften." *Gründliche Beschreibung*, 29.
[868] Maarten Prak, *Citizens without Nations. Urban Citizenship in Europe and the World, 1000 – 1789* (Cambridge: Cambridge University Press, 2018), 44.

Most of the new *Gravamina* in the 1725 complaint are minor variations on the themes of official abuse and over-taxation articulated in the original 1723 submission. These include, for instance, the conflation of certain clerical offices, artificially induced competition between urban and rural tradespeople, the dispersed costs of indigent litigants, an increase in the tax on wood, and an increase in the fee for bills of sale from a few Groschen to several Gulden.[869] Two additional grievances, however, specifically address the question of peasant servility. The first, Gravamen IX, complains of an increase in the fee charged for emigration (*Abzugsgeld*).[870] Originally a manumission fee for the release of a serf from bondage, the grievance is particularly noteworthy here because the administration was allegedly charging peasants who "just moved from one village in the local jurisdiction to another."[871] In his defense, the Prince argued that this "custom from time immemorial" would not be charged when peasants moved villages, but merely when they moved to a different district (*Amt*).[872] His response therefore functions as a partial admission.

The peasants rejected similar attempts by the administration to demand compulsory labor services (*Frohnen*). Gravamen X of the 1725 amended complaint alleges that "just as the … emigration fee is [being] raised and extended, [labor dues] are also increased."[873] The Prince

[869] *Gravamina* IV, V, and VII, XI and XIV respectively. Gravamen VI repeats the complaint about the orphanage originally articulated in the 1716 petition and repeated in the 1723 submission to the Imperial Aulic Council, while Gravamen XIII repeats the complaint about the introduction of excise taxes.
[870] "Das Abzug-Geld wird von 100, 5 bis 10 auch von denen gefordert, welche in hiesiger Herrschafft nur von einem Dorf ins andere ziehen." *Gründliche Beschreibung*, 32.
[871] *Gründliche Beschreibung*, 32. For a discussion of the fee in the context of Liechtenstein, see Claudius Gurt, "Abzugs- und Einzugsrecht," Stand: 31.12.2011, in: *Historisches Lexikon des Fürstentums Liechtenstein* online (eHLFL), URL: https://historisches-lexikon.li/Abzugs-_und_Einzugsrecht, abgerufen am 15.5.2023.
[872] "ist diese ein Herkommen von undencklichen Jahren, desgleichen auch daß Subditi, so aus einem Amt, nicht aber aus einem Dorff, in ein anders ziehen, schuldig, das gewöhnliche Abzug-Geld zu entrichten." *Gründliche Beschreibung*, 33.
[873] "Eben so wird das … Abzug-Geld gesteigert und extendiret, und die Frohnen vermehret." *Gründliche Beschreibung*, 33.

rejected the charge, but the claim may have resonated nonetheless.[874] Despite the decline of serfdom in the early modern period, notable attempts to expand the institution had occurred within living memory. In the immediate aftermath of the Thirty Years War, for instance, the Palatine Elector Karl Ludwig I. (1617-1680 sought to re-impose an ancient custom that bound "foreign" (i.e., not Palatine) illegitimate children and unmarried men to serfdom after they had spent on year and a day on his land (the so-called *Wildfangsrecht*).[875] This was a particularly outrageous incident, but it may offer an explanation for the vigilance of the peasantry against the suspected refeudalizing tendencies of their Prince.[876]

Even if the attempt to expand *Frohnen* in Schwarzburg-Rudolstadt were true, it would have sought to raise cash, not manual labor. We know that these duties were largely converted into cash from an unusual document in the source material: printed questionnaires that Bulisius circulated to his supporters to gather statistical information on the material resources of the distressed peasantry.[877] A single folio printed on both sides, the questionnaires solicited information on the occupants, their land holdings, winter and summer crops, seed costs, tax payments (in cash and chickens), *Frohnen*, and other assets and liabilities. Assets and liabilities were listed on separate sides of the same sheet of paper. For instance, the Schmidt family of Zeigerheim, a village above Blankenburg, consisted of a married couple with one child living in

[874] The Prince argues that the allegation is "lauter Lug und Trug." *Gründliche Beschreibung*, 33.
[875] Scholz, Luca, "Leibeigenschaft rechtfertigen. Kontroversen um Ursprung und Legitimität der Leibeigenschaft im Wildfangstreit," *Zeitschrift für Historische Forschung*, Vol. 45 (2018), Iss. 1: pp. 44.
[876] Such vigilance appears to have been widespread: in his Sammlungen zum Dorf- und Bauren-Rechte, Band 4, Johann Gottlob Klingner comments that amongst the peasants "these days … a lust for litigation has risen to [its] utmost." (*bey iezigen Zeiten, wo derer Unterthanen Muthwille und Proceß=Begierde aufs höchste gestiegen ist.*) Johann Gottlob Klingner, *Sammlungen zum Dorf- und Bauren-Rechte, Band 4* (Leipzig: 1755), 15.
[877] Although it is unclear how many of these were distributed, a large assortment can be found in the Staatsarchiv Rudolstadt. See, for instance, LATh – StA RU Gehemies Ratskollegium Rudolstadt 1735 (where dozens are bound with otherwise unrelated miscellaneous documents related to the case in general).

a house with a garden and fields "1 or 6/8 average, and 2 poor" acres in size.[878] They grew rye, barley, oats, peas and flax, and cultivated almonds. Assessed at a taxable value of 520 gulden, their property had an annual income of 20 Gulden, 13 Groschen and 6 Pfennige, but annual expenses of 24 Gulden, 9 Groschen. The Schmidt family only paid seven Groschen in "Frohn-Gelder" for the year 1724.[879] While this was in itself a modest amount, it may likely have been a sensitive one given the negative cash flow the family reported for that year.

Bulisius presented this information, gathered together in an enormous printed sheet known as the *Landestabelle*, to the imperial commission assembled at Königsee in June 1725. The purpose of convening the parties was to see if they could reach a negotiated settlement; this goal proved elusive, however, as much of the proceedings were devoted to proving the legitimacy of Bulisius to act as advocate.[880] On 7 August the commission therefore issued an edict calling for proceedings to continue at the *Reichshofrat* while it prepared a report. The commission, chaired by Landgraf Karl von Hessen-Kassel, delivered this report on 12 October.[881] In a blow to the Prince, the court found the *Gravamina* sufficiently consequential to merit further review (with the exception of the excise tax on alcohol (which the commission curiously considered to be too low). In its 15 March 1726 *conclusum*, the *Reichshofrat* called for a renewed investigation, particularly in light of the "content of the Table … [showing how] the

[878] "1 od. 6/8 Mittel, und 2 Geringe Aecker." LATh – StA RU Gehemies Ratskollegium Rudolstadt 1735, p 109.
[879] LATh – StA RU Gehemies Ratskollegium Rudolstadt 1735, p 110.
[880] Extractus Protocolli Rerum Resolut. In Sachen Schwarzburg-Rudolstädtisch-Impetrantischer Unterthanen contra Schwarzburg-Rudosltadt in Puncto Divers. Gravaminum (15 March 1726). LATh – StA Rudolstadt, Geheimes Ratskollegium Rudolstadt 1735.
[881] Extractus Protocolli Rerum Resolut. LATh – StA Rudolstadt, Geheimes Ratskollegium Rudolstadt 1735.

Onera and expenditures of a large number of the peasants markedly exceed the yields from their property, forcing them to seek residence and livelihood abroad."[882]

Things seemed to be going poorly for the Prince. In an apparent effort to defuse the complaints about *Sporteln*, the Prince issued a decree on 10 August 1725 in which he indicated his willingness to revise the *Taxordnung* of 1718. He also sternly ordered his officials "that they will use their office to protect our sovereign rights as well as those of our entrusted subjects, without making the elevation of *Sportuln* their principal intention."[883] The effect of this decree is unclear. What is clear, however, is that the legal odds swung rapidly in favor of the Prince when the ailing *Reichshofrat* President Windischgrätz died on 6 September 1727. The consequences for the peasants were twofold: in addition to losing a key ally on the court, the time-consuming process of appointing a successor added a near fatal delay to the proceedings.[884] "Time is Money" opined the *Free-Thinker* periodical in 1723, a phrase painfully relevant to Bulisius five

[882] "ein ziemlicher Hauffen ermeldter Unterthanen, weilen Innhalts deren hiebey gebogenen *general*- und über das Amt Paulinzella *specialiter* gefertigten *Tabell*en die *Onera* und Auslagen den Ertrag der Güter mercklich übersteigen, ausser dem Land und sonsten ihren Lebens-Aufenthalt und Aufkommens zu suchen gezwungen seyn." Reichshofrats Conclusum CLXXXIII. Johan Jakob Moser, *Merckwürdige Reichs-Hofraths-Conclusa Denen fürnemlich / so den bey diesem höchsten Reichs-Gericht tam in Agendo quam in Judicando üblichen Modum & Stylum erlernen wollen, zu Nutzen mitgetheilet Zweyter Theil* (Frankfurt a.M.: Friedrich Knoch, 1726), 275.

[883] "zu Unseren Beamten, dass Sie durchaus einer unparteyischen Administration der Justiz sich befleißigen, und ihr Amt schlechterdings zu Conservation derer Herrschafftliche Gerechtsamen sowohl als dere anvertrauten Amts-Untertanen, ohne dass sie die Erhebung derer Sportuln zu ihrer Principal-Absicht machen." *Von Gottes Gnaden Wir Friedrich Anthon, Fürst zu Schwarzburg, der Vier-Grafen des Reichs* […] Edict of 10 August 1725. HHStA RHR Antiqua 872(3) provisorisch (unpaginated).

[884] The importance of Windischgrätz to the peasants' cause can be seen in the postscript to a 1727 letter Bulisius sent to the *Syndizi*, claiming that the Reichshofrat President's health was improving "For which especially the poor subjects of Rudolstadt and I not only thank God dearly, but also that He wants to preserve this great and world-famous jurist into old age." (wofür auch insonderheit die arme Rudolstädtl. Impetrantische Unterthanen mit Mir dem lieben GOTT nicht allein herzlich zu dancken, sondern auch, daß Er diesen theuren und welt-berühmten grossen Justitiarium hierbey bis ins späte Alter erhalten wolle." LATh – StA Rudolstadt, Geheimes Ratkollegium Rudolstadt 1735 (unpaginated).

years later when, unable to buy copies of the court documents, he was reduced to accessing them solely in the chancellery reading room.[885]

The result was predictable. Unable to raise sufficient revenue from the peasantry (the March 1726 *conclusum* limited fundraising to the financially depleted signatories of the 1723 complaint), Bulisius' dwindling legal team became increasingly ineffective.[886] The granting of a *Revision* (a review of preceding court orders for legal error) by the court in 11 August 1728 was therefore a death knell for the peasants' cause.[887] Although the end did not come immediately, in 1730 the court commented that Bulisius' continued advocacy was causing "quite unfruitful, rather obvious harm to the Schwarzburg peasants" (perhaps because of the cost) and that the case "in large part only [benefits] his particular interests."[888] The final judgment came on 27 September 1731 and directed the peasants to bring their complaints to the territorial court; a last appeal in 1732 yielded nothing.[889] The *Landstreit* was over.

We do not know if Agnesa Günzelin lived to see the defeat of the legal process she allegedly began (the sources describe her as "old" in 1716).[890] We do know, however, that her religious vision captured the moral tenor of the times. In his regular speeches on Sundays and holidays, Bulisius appealed to the crowds with "pleading on the knees, beating on the chest and

[885] *The Free-Thinker vol. III From Lady-day to Meichaelmas* (London: 1719), 128; regarding the financial circumstances of Bulisius, see Ranke, *Das Fürstentum Schwarzburg-Rudolstadt*, 129.
[886] Moser, *Merckwürdige Reichs-Hofraths-Conclusa Zweyter Theil*, 274.
[887] Ranke, *Das Fürstentum Schwarzburg-Rudolstadt*, 128.
[888] "zu mehrerer gantz unfruchtbringlicher, ja vielmehr ganz augenscheinlicher schädlicher Last derer Schwarzburgischen Unterthanen zu veranlassen, weniger nicht hinkünftig alle Muthwillige Aufwicklung derer Untertanen gegen ihre Landes-Herrschafft und Erweckung schädlicher Meutereyen, die mehreren Theils nur seinen Particular-Nutzen ganz sichtbarlich zum Zweck haben." 10 October 1730 RHR Conclusum CLVIII, *Merckwürdige Reichs-Hofraths-Conclusa Denen fürnemlich / so den bey diesem höchsten Reichs-Gericht tam in Agendo quam in Judicando üblichen Modum & Stylum erlernen wollen, zu Nutzen mitgetheilet Achter und Letzter Theil* (Frankfurt a.M.: Friedrich Knoch, 1732), 313.
[889] Westphal cites an 1732 pleading by the representatives Johann Paul Gärtner and Paul Söffing, which merely elicited an order for their arrest. Siegrid Westphal. "Revolution in Rudolstadt?, 148-49.
[890] She is referred to as "die alte Günzelin." *Gründliche Beschreibung*, 5.

other innumerable fanatical testimonies" according to the hostile government account.[891] While lay preaching was a feature of Pietism, which encouraged "speaking from the heart," the government account accused Bulisius of affectation during these performances.[892] Regardless of whether it was sincere or not, Bulisius employed similarly Pietist tropes in his writings: the historian Siegrid Westphal, for instance, argues that the salutations with which he began his letters (*Immanuel!*; *Gott mit uns*; *Wohl-Erbare und sehr werthen Freunde*; etc.) were prototypically Pietist expressions.[893] Pietists frequently discredited the unconverted, by contrast, as "literal stinkers," "high priests," or, most relevant for this discussion, "dismemberers and corruptors."[894]

There is a venerable tradition claiming a therapeutic relationship between Protestantism and corruption. The Reformation itself, of course, was a principled rejection of an allegedly corrupt church. The sociologist Max Weber famously introduced the notion that religion is a predictor of economic outcomes.[895] The modern literature on the subject continues in this vein, stemming largely from the field of development economics. Starting from the empirical observation that majority-protestant countries report lower perceived levels of corruption, social scientists posit both cultural and institutional arguments for the apparent linkage. Cultural

[891] "Auf alle diese Persuasiones und Einladungen, welche öffters mit Bitten auf den Knien, Schlagung auf die Brust und anderen unzähligen fanatischen Bezeugungen geschehn, auch dabei keines Sonn- und Festtages geschonet." *Gründliche Beschreibung*, 14.
[892] Jonathan Strom, "Pietism and Revival," in *Preaching, Sermon and Cultural Change in the Long Eighteenth Century* van Eijnatten, Joris, ed. (Boston: Brill, 2008), 182. The government claimed that on Sundays and feast days "zu solcher Zeit diese praetendirte heil. Handlung am meisten vorgenommen worden." *Gründliche Beschreibung*, 14.
[893] Siegrid Westphal. "Revolution in Rudolstadt?, 153, citing Hans-Jürgen Schrader, "Die Sprache Canaan. Pietistische Sonderterminologie und Spezialsemantik als Auftrag der Forschung," in *Glaubenswelt und Lebenswelten* ed. Hartmut Lehmann (Göttingen: Vandenhoeck & Ruprecht, 2008).
[894] "buchstäbliche Zänker … Hohenpriester, Zerstümler und Verderber." Hans-Jürgen Schrader, "Die Sprache Canaan. Pietistische Sonderterminologie und Spezialsemantik als Auftrag der Forschung," in *Glaubenswelt und Lebenswelten* ed. Hartmut Lehmann (Göttingen: Vandenhoeck & Ruprecht, 2008), 413.
[895] Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (London: Routledge, 2001).

arguments include a higher tolerance for dissent, greater individualism (implying both a higher personal responsibility for avoiding sin and, with less emphasis on extended family ties, lower levels of nepotism), and widespread literacy.[896] Institutional arguments include "a long-standing tradition of auditing [parishes] from both above and below," a "heritage of broad-based taxation" that diffused financial acumen and responsibility at the village level, and a robust system of rule-of-law (or *Rechtsstaat*).[897] Recent historical scholarship links the politics of anti-corruption in England to the vocabulary of anti-popery.[898] This final example recalls Mancur Olson's thesis that collective action (in this instance to curb corruption) is only possible when groups are highly motivated.[899]

Religion was a motivating factor in the *Landstreit*. We know this from the influence of Ahasver Fritsch, the Günzelin vision and the vocabulary of Bulisius. The importance of Pietism in this regard is circumstantial but nonetheless important: just as that movement stressed upright individual conduct and an incorruptible ministry, the peasants demanded similarly conscientious behavior from their officials – a demand most clearly articulated in the *Gravamina* concerning *Sporteln*. The connection may also operate outside the purely normative sphere: the peasants' emphasis on proper levels of taxation both speaks to Olson's argument about incentives for action as well as the institutional argument for the integrity of protestant territories: the peasants' indignation at the lapsed auditing of tax receipts by parliament, for instance, validates the

[896] Daniel Triesman, "The Causes of Corruption: A Cross-National Study," *Journal of Public Economics* 76 (2000): 427.
[897] Rasmus Broms and Bo Rothstein, "Religion and Institutional Quality: Long-Term Effects of the Financial Systems in Protestantism and Islam." *Comparative Politics* 52, no. 3 (2020): 434. For the connection between Protestantism and rule of law, see NORTH, CHARLES M., WAFA HAKIM ORMAN, and CARL R. GWIN. "Religion, Corruption, and the Rule of Law." *Journal of Money, Credit and Banking* 45, no. 5 (2013): 757–79.
[898] Mark Knights, "Religion, Anti-Popery and Corruption." in *Popular Culture and Political Agency in Early Modern England and Ireland: Essays in Honour of John Walter*, edited by Michael J. Braddick and Phil Withington, NED-New edition (Boydell & Brewer: 2017), 185.
[899] Mancur Olson, *The Logic of Collective Action. Public Goods and the Theory of Groups* (Cambridge: Harvard University Press, 1965).

institutionalist hypothesis linking Protestantism and good governance. More speculatively, in its insistence on political participation the *Landstreit* distinctly resembles the English Chartist movement of the nineteenth century. Both movements received discipline and moral authority from unorthodox churches (Pietist in the former and nonconformist, largely Methodist, in the latter case), both agitated for change within the existing legal framework, and both combined their demands for inclusion with a critique of official misconduct (or "old corruption" in the Chartist example).[900] Both also failed in their immediate aims.

Yet while they lost the battle at the Imperial Aulic Council, they (partially) won the war. In response to the challenge posed by Bulisius and the peasants, for instance, the parliament of Schwarzburg-Rudolstadt instructed the Prince to take their complaints seriously: he should audit the local officials and listen to the complaints of the villagers.[901] The 1725 princely edict ordered his officials to limit *Sporteln* and act as servants of the people. A 1731 order demanded the quick and impartial administration of justice, and, in his 1737 political testament, Friedrich Anton himself stressed the importance of fairly distributing taxes and constantly auditing public officials.[902] These measures did not satisfy the demands of the *Gravamina*; the influence of parliament, in particular, waned over the course of the eighteenth century.[903] But the moral stance sternly broadcast by Ahasver Fritsch in *Der Beschämte Geschenck-Fresser* had nonetheless been established. Corruption had bred unrest and, either out of shared Pietistic fervor

[900] They also both forged cohesive and unique identities; whereas Pietists gave their children distinctive names – like Traugott in Bulisius' case – the Chartists gave similarly names like 'Democracy' to their offspring. Miles Taylor, "Rethinking the Chartists: Searching for Synthesis in the Historiography of Chartism." *The Historical Journal* 39, no. 2 (1996): 479–95.
[901] Hans Herz, *Ständische Land- und Ausschußtage in Schwarzburg-Rudolstadt vom 16. Bis zum Beginn des 18. Jahrhunderts* (Weimar: Wartbug Verlag, 1995), 61.
[902] Ranke, *Das Fürstentum Schwarzburg-Rudolstadt*, 133 and 135.
[903] Hans Herz, *Ständische Land- und Ausschußtage in Schwarzburg-Rudolstadt vom 16. Bis zum Beginn des 18. Jahrhunderts* (Weimar: Wartbug Verlag, 1995), 62.

or, as is more likely, a healthy dose of self interest, the Prince of Schwarzburg-Rudolstadt had taken note and halted the drive towards absolutism.

CHAPTER 5: THE KLEPTOCRAT COUNT: WILD- UND RHEINGRAF CARL MAGNUS VON RHEINGRAFENSTEIN

When an illegitimate child was born in early eighteenth-century Grehweiler, the unwed parents had to do penance. In this tiny, predominantly Lutheran territory in the Palatinate, the church conceived a specific ceremony (*Kirchenbuße***)** to condemn the deviant behavior by its parishioners. After singing penitential hymns and listening to a denunciatory sermon on bended knees, the church required the offenders to proclaim themselves "fornicators" (*Hure* or *Hurer*) before the assembled congregation.[904] After completing this ceremony, the parents could return to the fold and receive communion. Public shame restored social order.

This changed in the 1740s. The impetus came from a local pastor, Johann Burkhardt Roos, who approached the reigning count of Grehweiler and pleaded for an end to this "tasteless" spectacle.[905] It was too harsh on vulnerable young people, he argued, and far outstripped other crimes in the severity of its punishment. Moreover, it encouraged infanticide, emigration, and suicide. The count agreed, and substituted a cash payment in its stead.[906]

At first glance, the switch suggests some sort of epochal realignment, with the barbarism of the *ancien régime* giving way to enlightenment-era rationalized governance. A second look suggests that the truth might be more complicated. The cash substitute amounted to a regressive tax on the poorest parishioners in Grehweiler (for all its humiliation, the public penance entailed

[904] Friedrich Christian Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus den Joseph II. auf zehn Jahre ins Gefängniß nach Königstein schickte* (1798), 53-54
[905] "das Abgeschmackte." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 55.
[906] A 1931 article by a local pastor critical of Laukhard argues that the abolition did not take place in the 1740s, and that Laukhard's father actually performed a *Kirchenbuße* in 1751. Wilhelm Hoffmann, "Am Hof und im Lande von Grehweiler," in *Hessische Chronik* Vol 18, No. 3 (1931): 60. The 1754 *Landesordnung* of Grehweiler lists a fine of 50 fl. for "hurerey." Carl Friedrich Walch, *Vermischte Beyträge zu dem deutschen Recht Fünfter Theil* (Jena: Christian Friedrich Gollner, 1775), 222.

no financial cost).[907] In addition, the switch also removed a major deterrent to affluent men flouting the prevailing sexual mores of their time. These objections call into question the motivation for the policy change in the first place. Whereas both the shaming ceremony itself and Roos' arguments for abolishing it were morally grounded, the cash substitute had other goals. Crassly put, the fee raised revenue for a ruler whose interest in the money it provided seemed greater than his interest in the moral welfare of the Grehweiler peasantry.

That ruler, formally the Wild- und Rheingraf Carl Magnus von Rheingrafenstein (1718-1793), plied many such schemes over the course of his career. The following pages catalogue these schemes and their escalating audacity, a typology of financial extraction that modern social scientists would label *grand corruption*. Unlike petty corruption, such as bribe-taking or nepotism, "[g]rand corruption is the abuse of high-level power that benefits the few at the expense of the many."[908] By harnessing the levers of state power to effectuate structural theft, grand corruption leads the government itself to become a criminal organization.[909] The present inquiry uses the case of Count Carl Magnus to investigate whether this concept of kleptocracy had early modern antecedents in the Holy Roman Empire.[910] Put differently: did the normative and legal framework of that polity accept that its constituent "sovereign" members could be "corrupt," and, if yes, did the judiciary designate that behavior as "criminal"?

---

[907] Although historian Isabel Hull argues that for sexual crimes in early modern Germany "[e]ven poorer people preferred to pay fines rather than undergo any alternative punishment." Isabel V. Hull. *Sexuality, State, and Civil Society in Germany, 1700–1815*. (Ithaca, NY: Cornell University Press, 1997), 81.

[908] Transparency International, "Grand Corruption," *available at* https://www.transparency.org/en/our-priorities/grand-corruption.

[909] Sarah Chayes, *When Corruption is the Operating System: The Case of Honduras* (Washington DC: Carnegie Endowment of International Peace, 2017).

[910] Acemoglu and Robinson argue that kleptocratic regimes are those "where the state is controlled and run for the benefit of an individual, or a small group, who use their power to transfer a large fraction of society's resources to themselves." Daron Acemoglu and James Robinson, "Kleptocracy and Divide-and-Rule: A Model of Personal Rule," in *Journal of the European Economic Association* April–May 2004 2(2–3): 162.

The case of Carl Magnus von Rheingrafenstein is extreme, but not unique. As described in greater detail below, other "rulers" were also stripped of their governing power by the Imperial Aulic Council. Those rulers shared with Carl Magnus his minor status as *Duodezfürsten* (petty princelings); no Kings of Prussia saw jail time for financial crime. In that two-tiered nexus where law and political influence converge, imperial law applied unevenly to the more and less powerful. Nonetheless, the fate of Carl Magnus suggests that both normatively and legally, grand corruption existed conceptually and was (occasionally) punished in the Holy Roman Empire as that ancient regime came to an end.

The territory of Carl Magnus was not large; his patrimony consisted of a mere eight villages in the northern Palatinate.[911] The *Wild- und Rheingrafen* as an aristocratic house, however, were members of the high nobility with Carolingian origins and holdings in the Empire, France, and the Dutch Republic. The five branches of the family consisted of the two Princes of Salm and the three Counts of Grumbach, Dhaun, and Grehweiler.[912] A confessionally mixed house, the different family lines both held their own lands and also governed certain parts of the inheritance in common.[913] These territories (and their attendant government offices)

[911] These were Grehweiler, Wendelsheim, Münsterappel, Obersaulheim, Stein-Bockenheim, Eichloch, Oberhausen, and Münster am Stein. Franz Irsigler: "Rheingraf Carl Magnus von Grehweiler - ein hochadliger Verschwender des 18. Jahrhunderts." In: Curt Wolfgang Hergenröder (Hrsg.): *Gläubiger, Schuldner, Arme*. 1. Auflage.., (Wiesbaden: Verlag für Sozialwiss, 2010): 71. Irsigler's article refers to no source material for the case aside from Laukhard's *Leben und Thaten.*

[912] Despite their different titles, Laukhard contends that no status difference existed between the Princes of Salm and the other Rheingrafen; curiously, the Princes sat in the Reichstag as "Counts." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus,* 3. Hoffmann disputes this, arguing that the Princes of Salm-Salm and Salm-Kyrburg had a collective seat in the *Reichsfürstenstand*, which they occupied on a rotating basis. Hoffmann, "Am Hof und im Lande von Grehweiler," 63.

[913] Specifically, the villages of Wörstadt, Flonheim, Wildenberg, Tronecken and Diemeringen. Johann von Riese and Georg Peter Dambmann, *Kurze Darstellung des Wild- und Rheingräflichen Verlustes und des dagegen den Salmischen Häusern im Bisthum Münster angewiesenen Entschädigungs-Objektes: Nebst 7 Beylagen* (Regensburg, 1802], § 2.

operated according to the grudging armistice governing similar *simultanea* throughout the Empire.[914]

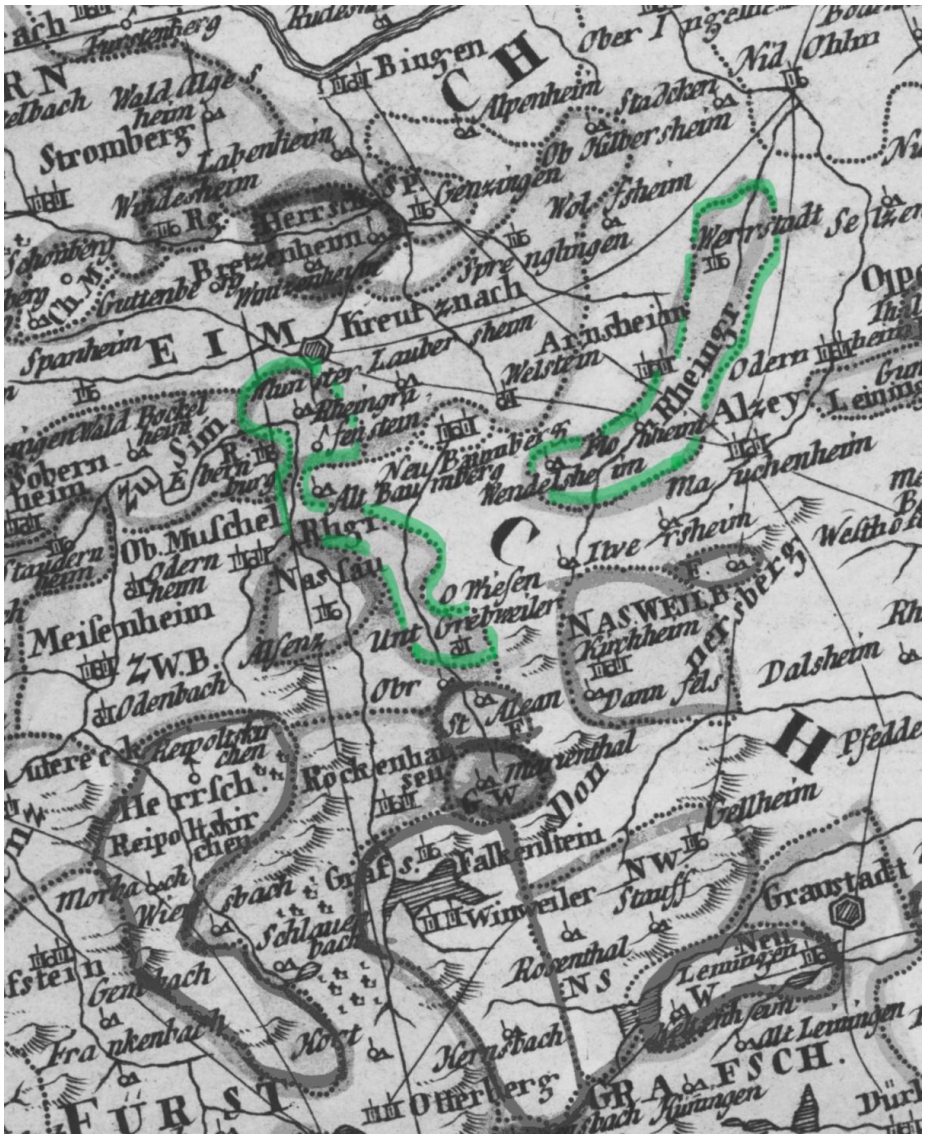

Figure 5. 1786 Map of the Upper Rhenish Circle, magnified, with the territories of the Wild und Rheingraf Carl Magnus von Rheingrafenstein outlined in green.[915]

[914] Disputes between Lutherans and Catholics, in particular, were the source of numerous lawsuits before the imperial courts in the eighteenth century.

[915] Franz Ludwig Güssefeld, Der Ober Rheinische Kreis : nach seinen Unterabtheilungen (Nürnberg : Bey denen Homännischen Erben, 1786).

In addition to the case file of the Imperial Aulic Council archived at the Haus-, Hof- und Staatsarchiv in Vienna, a crucial source of information about the case has survived in the form of a 1798 biography of Count Carl Magnus.[916] The author of this entertaining work, Friedrich Christian Laukhard, was a downwardly mobile academic, solider, and playwright.[917] An eyewitness to the revolutionary wars from service in both the Prussian and the French armies, Laukhard wrote biting (and frequently censored) critiques of official incompetence.[918] His *Leben und Thaten des Rheingrafen Carl Magnus* continues in this vein, offering a scathing assessment – a "scandalous chronicle" in his words - of the Count and his administration.[919] As an admirer of the French revolution, Laukhard was hostile to the "despotic" regime of Carl Magnus on principle.[920] His hostility was also personal: he was a native of Wendelsheim (a village ruled by the Count), and his father, the village pastor, had been economically ruined through a lawsuit brought by the Count's advisors.[921]

In spite of these biases, Laukhard's work offers an invaluable glimpse into the personalities and politics of this otherwise obscure territory. The life of Carl Magnus himself, according to the author, began inauspiciously. Notable for his "impertinence, ignorance, incivility, licentiousness" and for knowing "a tiny little bit of French," the future Count allegedly

[916] Friedrich Christian Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus den Joseph II. auf zehn Jahre ins Gefängniß nach Königstein schickte* (1798).
[917] Dirk Sangmeister, "Ein vorzeitig totgesagter Freigeist: Zur Erringerung an Friedrich Christian Laukhard (1757 – 1822) in *Zeitschrift für Germanistik,* Vol. 32 No. 2 (Bern: Peter Lang, 2022): 413.
[918] Sangmeister, "Ein vorzeitig totgesagter Freigeist," 416.
[919] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus,* vii.
[920] The term is in the subheading of the work, "Zur Warnung für alle winzige Despoten, Leichtgläubige und Geschäftsmänner," and appears a further fourteen times throughout. Historian Andreas Wilhelm, a defender of the bankruptcy procedures of the Imperial Aulic Council, also argues that Laukhard's political philosophy colored his judgment of the imperial response to the crisis. Andreas Wilhelm, "Nassau-Weilburg als Reichsdebitkommissar in Sachen des Wild- und Rheingrafen Carl Magnus zu Rheingrafenstein (1769-1784) in *Mitteilungen des Historischen Vereins der Pfalz* 106 (2008): 372.
[921] According to Friedrich Christian Laukhard, the advisors Häfner, Breckenfeld and Schad had sued the elder Laukhard on account of the pastor's overly candid descriptions of them (suggesting a defamation suit). Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus,* v.

received his education from an adulterous clergyman (who later fled to India) and a Parisian governess whose fabrications of Huguenot persecution beguiled the Count's Herrnhuter father Johann Karl Ludwig ("who loved wine more than his children.")[922] While in reality a butcher's widow named Madame Roussillon, the aforementioned governess masqueraded as a Marquise and used her influence to amass a sizeable fortune through her "creatures" at court.[923] The clear implication is that these dissolute influences thoroughly spoiled the young Carl Magnus and presaged his future transgressions.[924]

Before his accession as Count, Carl Magnus enlisted in the French army at the behest of his father. This was not necessarily unusual at the time; foreign recruitment, from the Holy Roman Empire in particular, was a feature of European militaries in the late seventeenth and eighteenth centuries.[925] For young nobles from the smaller German territories, service in the *Régiment Royal Allemand* provided both a pension as well as useful access to the French royal patronage network.[926] The experience does not seem to have been profitable for the young Count, however: Laukhard alleges that Carl Magnus feigned gout in order evade combat and spent most of his time in the military at the spa.[927] Reprimanded by his superiors and put under investigation, the old Count Johann Karl Ludwig apparently rescued his son from dishonorable

[922] "Impertinenz, Unwissenheit, Grobheit, Zügellosigkeit und ein winzig Bissel Französisch." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 8. Hoffmann claims that there were no Herrnuter influences at court until the arrival of the chaplain Georg Jakokb Engelbach in 1751 – eleven years after the death of Johann Karl Ludwig. Hoffman, "Am Hof und im Lande von Grehweiler," 76. Hoffman thinks Laukhard has mistaken Madame Rousillon for the governess of the Count's sisters, one Catharine Elise Duvernoy from Alsace, and that she was from a Pietist family.
[923] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 8.
[924] Laukhard provides numerous examples of the cruelty of Carl Magnus as a young man. In one such instance, the young Count allegedly whipped a beggar on the road to Münsterappel, laughing as the man fell to the ground from exhaustion. Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 17.
[925] Peter Wilson, "The German 'Soldier Trade' of the Seventeenth and Eighteenth Centuries: A Reassessment," *The International History Review* Vol. 18, No. 4 (Nov., 1996): 757-792.
[926] Philipp Portelance, "'Au service d'un autre roi': Les troupes étrangères allemandes au service du royaume de France (1740 – 1763)," (M.A. Thesis, Université de Montréal, 2018): 92-103.
[927] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 23-24.

discharge by delivering a contingent of forced recruits in exchange for his son's release from service.[928]

The old Count died in 1740.[929] The tenure of the new Count began soon thereafter with an ambitious program of building. For instance, Carl Magnus tore down the old castle at Grehweiler and, in its place, built an immense three-story palace with three wings encircled by large formal gardens.[930] Estimated to cost between 180,000 and 196,600 Gulden, or several multiples of the annual income of the entire territory, the ostentatious new seat of government was decorated in the rococo style and apparently had a stable for one hundred and twenty horses.[931] Seemingly less extravagant but in reality likely just as costly was his improvement of the local road network. In an act of questionable legality detailed by Laukhard, Carl Magnus levied a special assessment on his subjects in order to finance road construction, but then used forced peasant labor to do the work while he pocketed the difference.[932]

---

[928] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 24. As evidence that this and to reinforce its fundamental shamefulness, Laukhard contends that he personally spoke with a beggar who had jumped out of a window in order to cripple himself and escape this particular instance of forced recruitment.

[929] Because Carl Magnus acceded to his father's title and the government of his territory in 1740, it seems unlikely that he fought for the French against the Empire in the war of Austrian succession as Laukhard claims. Laukhard incorrectly dates the death of the old Count to 1744.

[930] Conrad Schneider, *Geschichte des Wild- und Rheingräflichen Hauses, Volkes und Landes auf dem Hundsrücken. Ein Versuch, in Zehn Büchern Zusammengestellt* (Kreuznach: Verlag von R Voigtländer, 1834), 268. The cornerstone was laid on 25 November, 1748. Laukhard incorrectly states that construction of the palace began as soon as Carl Magnus acceded to his new role; in fact, the cornerstone was not laid for a further eight years.

[931] Wolfgang Medding**,** *Burgen und Schlösser in der Pfalz und an der Saar. Burgen - Schlösser - Herrensitze, 4. Aufl.* (Frankfurt a.M.: W. Weidlich, 1981). For the estimated cost of 180,000 see Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 46. For the estimated cost of 196,600 see Wilhelm, "Nassau-Weilburg als Reichsdebitkommissar," 375.

[932] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 49. Contradicting Laukhard on this point, Wilhelm cites the abolition of serfdom under Count Johann Karl Ludwig. Wilhelm, "Nassau-Weilburg als Reichsdebitkommissar," 374.

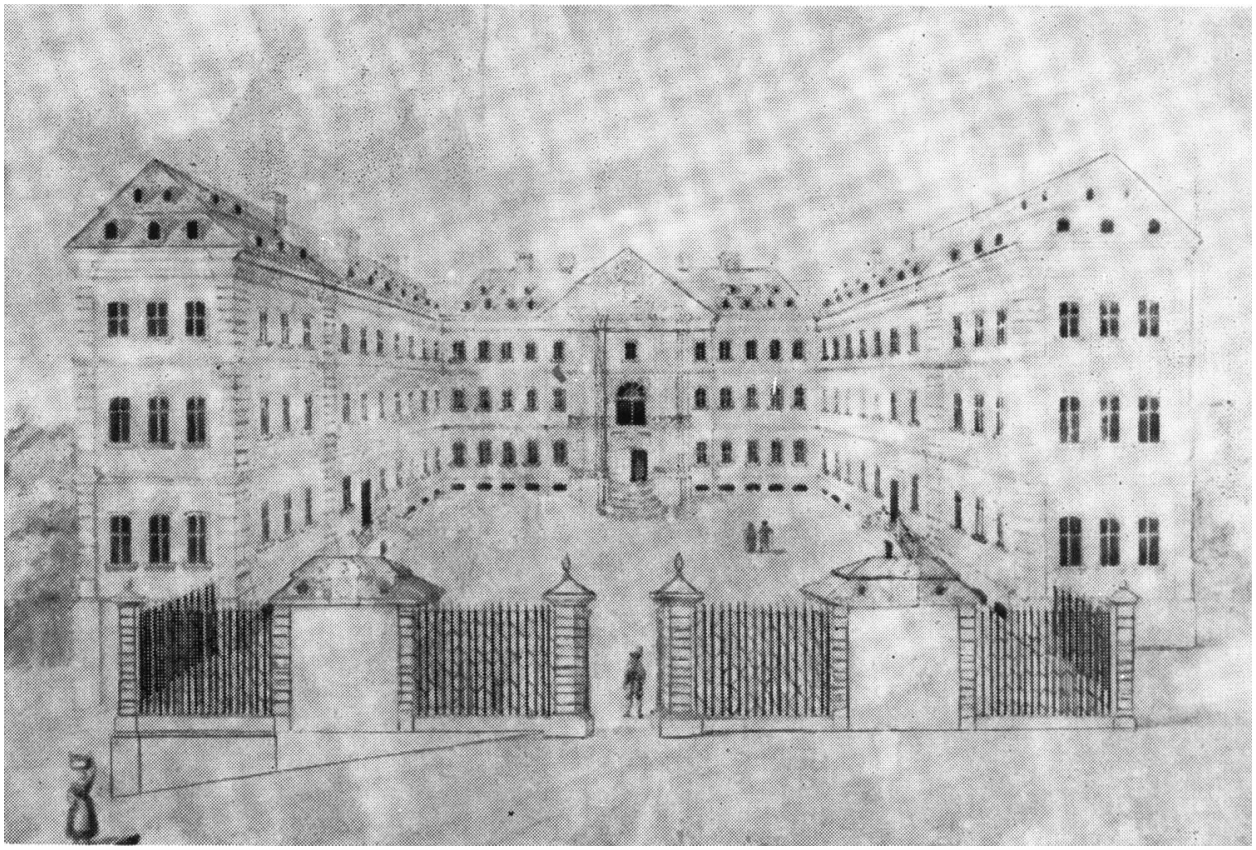

Figure 6. Unsigned sketch of Schloss Gaugrehweiler, mid-18th Century.[933]

These costs may not have bankrupted the Count had they not also been accompanied by an unusually swollen payroll for such a small county (*Amt*). Carl Magnus employed "a group of court musicians, Hussars, Hajduks, a puppet show with six employees who occasionally orchestrated beautiful shadow plays on the wall, footmen, [and] court Moors."[934] An analysis of court expenditure from July 1757 to July 1758 reveals that the Count also employed one *Hofmeister*, two *Hofräte*, one *Kammerrat*, a secretary, an accountant, a forester, chaplain,

[933] Wolfgang Medding**,** *Burgen und Schlösser in der Pfalz und an der Saar. Burgen - Schlösser - Herrensitze, 4. Aufl.* (Frankfurt a.M.: W. Weidlich, 1981).
[934] The term Hajduk (*Heiduck*), in this context, likely refers to a servant with origins in the Ottoman Empire. Court Moors were servants of African origin whose role was to demonstrate the prestige of their employers.

cooper, butler, and servants and maids costing 12,978 fl. per year.[935] Those servants included "a master tailor, groom, [three different types of carriage driver], a carter, cobbler, gardeners, a hairdresser . . . baker, pastry chef, oven-stoker, saddler, belt-maker, butcher, blacksmith, locksmith, and sommelier" as well as chambermaids for the Countess and the Count's sisters and daughters.[936] In its final judgment from 1775, the Imperial Aulic Council decried this "excessive luxury for a Count of his type and income" and the "unnecessary military expenditure, the crowd of Hussars, musicians, servants, horses and the like."[937] Surrounded by *Hofkavaliere* and ladies in waiting, the Count "let himself be entertained like a great lord."[938]

In his criticism of the extravagance of the court at Grehweiler, Laukhard expresses an opinion shared by contemporary *Bildungsbürger* (educated, upper-class non-nobles) that aristocratic wastefulness served to delegitimize the old regime generally.[939] It is a useful counterpoint to modern historiographical trends arguing that the social structure of patrimonial rule in early modernity "encouraged the ruler to place prestige far above financial considerations."[940] Whereas the sociologist Norbert Elias decried the "uncritical use of bourgeois values as criteria for economic behavior in other societies," Laukhard reminds us that such

[935] Wilhelm, "Nassau-Weilburg als Reichsdebitkommissar," 376.
[936] Hoffman, "Am Hof und im Lande von Grehweiler," 129.
[937] "Von übertriebener Pracht eines- für einen grafen von seiner gattung und einkünfften gantz unnöthigen doppelten militaire-bußes, einer Menge Husaren, Musicanten, Bedienten, Pferden und dergleichen." 19 May 1775 Reichshofrat Conclusum. HHStA RK Kleinere Reichsstände 538-1-1, p. 181. Hoffman lists a private army of 14 soldiers, along with a drummer and a piper. Hoffman, "Am Hof und im Lande von Grehweiler," 130.
[938] "eine Bande Hofmusikanten, Husaren, Heiducken, ein Martionetenspiel worauf sechs Personen besoldet wurden, die auch zu Zeiten Schön-Schattenspiel an der Wand machen mussten, Laufer, Mohren und was solcher Leute mehr ist, wie ein großer Fürst unterhielt." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 63.
[939] Günther Lottes, "Versailles und Potsdam," in *Hofkultur und aufgeklärte Öffentlichkeit. Potsdam im 18. Jahrhundert im europäischen Kontext* (Berlin: Akademie Verlag, 2006), 18.
[940] Norbert Elias, *The Court Society* (New York: Pantheon Books, 1983), 145.

values existed concurrently with the ethos of courtly prestige.[941] The concept of being a spendthrift existed in the eighteenth century too.

Financial records are not available for most years of Carl Magnus' reign. A complete accounting is only available for the years 1754 and 1758, and even these records fail to include the building costs for the new palace, which were tabulated separately.[942] The records clearly indicate the ballooning level of spending vis-à-vis income: whereas in 1729 the county saw a surplus of 1,209 fl., in 1754 and 1758 it ran deficits of 19,310 and 36,740 fl. respectively.[943] This accounting is a severe corrective to Laukhard's claim that the territory had a yearly income of 60,000 fl.; instead, the real income stood at a more modest 17,598 and 20,854 for the two years in question.[944] Even these numbers are suspect: in a 3 November 1770 ruling, the Imperial Aulic Council calculated the Count's annual income at a mere 14,805 fl.[945] Noting 7,843 fl. in interest payments for the year 1758, a local historian calculated that at the prevailing five percent interest rate, the debts of Carl Magnus then stood at 156,860.[946] Twelve years later in 1770, the Imperial Aulic Council estimated his debts at 513,395 fl.[947] This was clearly an amount he could never repay.

The profligacy of Carl Magnus may also have aggravated a pre-existing structural predicament that afflicted the finances of the smaller imperial territories more generally. The cost of presenting the dignity of rank had grown considerably over the course of the seventeenth

[941] Elias, *The Court Society*, 74. Elias argued that Thorsten Veblen's analysis of "conspicuous consumption" was hindered by this variation of anachronistic argumentation.
[942] Ernst Klug, "Friedrich Christian Laukhard und das Finanzwesen der Rheingrafen zu Gaugrehweiler," in *Mitteilungsblatt zur Rheinhessischen Landeskunde* 17 (1968): 409.
[943] Klug, "Laukhard und das Finanzwesen,"410.
[944] Klug, "Laukhard und das Finanzwesen,"410.
[945] 3 November 1770 RHR Conclusum. HHStA RK Kleinere Reichsstände 538-1-1.
[946] Klug, "Laukhard und das Finanzwesen,"409.
[947] 3 November 1770 RHR Conclusum. HHStA RK Kleinere Reichsstände 538-1-1.

century; this pressure weighed heavily on a Count like Carl Magnus whose illustrious lineage dictated a degree of splendor yet commanded few resources.[948] In addition, the absence of primogeniture as a rule of inheritance in the Empire had resulted in the continual splintering of territories into units of such small size as to render them economically unviable.[949] Finally, the increasing bureaucratization of government may have resulted in a degree of administrative bloat that outstripped the financial capacity of the tax base.[950] These structural concerns notwithstanding, the expenditure of the Count was clearly exacerbated by riotous living and an inability or unwillingness to rein in costs.

The level of spending also explains the Count's subsequent quest for additional sources of revenue. That quest began early in the 1740s with the fee for illegitimate parentage described above.[951] Related to that fee was a so-called "bastard tax" imposed on houses in which illegitimate children had been born.[952] This tax attached to the physical structure in perpetuity rather than the property owner as an individual, sometimes leading owners to evict those who might cause the fee to be levied.[953] Tellingly, Laukhard relates how Carl Magnus was unwilling to lift this financial burden because of his "sharp nose for *lucri bonus odor*."[954]

The criticism is potentially unfair because both fines could be viewed as examples of the revenue-maximizing tendencies of the Cameralist-era state (a subject to which this chapter

[948] Nicole Reinhardt, *Voices of Conscience: Royal Confessors and Political Counsel in Seventeenth-Century Spain and France* (New York: Oxford University Press, 2016), 129.
[949] Wilhelm, "Nassau-Weilburg als Reichsdebitkommissar," 377.
[950] Wilhelm argues that the promulgation of the 1754 *Landesordnung* is one example of Grehweiler unnecessarily attempting to keep pace with the larger territories. Wilhelm, "Nassau-Weilburg als Reichsdebitkommissar," 377.
[951] Interestingly, some territories – notably the Hochstift of Speyer - in the Holy Roman Empire simultaneously opted for the inverse reform by replacing fines for fornication with shaming ceremonies (*Kirchenbuße*). Hull, *Sexuality, State, and Civil Society in Germany*, 110.
[952] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 57.
[953] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 57.
[954] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 57.

returns).[955] The same cannot be said about the uncorroborated accusation that Carl Magnus maintained a symbiotic relationship with local brigands.[956] The *Leben und Thaten* contends that in the early years of Carl Magnus' reign a robber band terrorized the roads and countryside of the Palatinate.[957] The observation of brigandage accords with the well-documented case of the heavily-armed "gypsy" organization led by Antoine la Grave (the "great Galantho") operating near Frankfurt am Main in the early part of the century.[958] Although the execution of la Grave for theft, torture, and murder in 1733 absolves Carl Magnus from participation in that particular syndicate, the proliferation of less spectacular brigand groups renders Laukhard's claim plausible. [959] Laukhard highlights a particularly egregious case in which Carl Magnus apprehended several members of a robber band implicated in murder, but instead of meting out punishment merely confiscated their assets and thereby "in this infamous way took part in their robbery, to the detriment of the entire region."[960]

The depth of the Count's involvement with these brigands is unclear. The only other recorded connection between Carl Magnus and such criminal elements is the departure of a servant, Peter Lange, to join a robber band upon the arrival of the imperial commission in 1770.[961] The alleged confiscation detailed by Laukhard itself appears opportunistic rather than premeditated. If this was a mitigating factor, it was absent from Carl Magnus' first commercial

[955] Even if the term "state" is a bit grand for the administration of a county comprising eight villages.
[956] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 58.
[957] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 58.
[958] *Zuverlässige und Acten-mäßige Nachricht von dem famosen Ziegeuner Antoine la Grave vulgo Grossen Galantho, worinnen dessen Diebereyen / Mordthate / Strassenräuberey / Lands-Friedbrüchige Facta und Huren-Händel erzählet ... Deme noch beygefügt Wahrhaffte Relation* (Giessen: Eberh. Henr. Lammers, 1733).
[959] Katrin Lange, "Zwischen Verurteilung und Ideologisierung: Zur Einschätzung von Räuberbanden im 18. Und Frühen 19. Jahrhundert," in *Volkskunde in Rheinland-Pfalz*, 8. Jg., H. 1 (1993): 267. Lange argues that the robber bands operating in the Palatinate were not the Robin Hood "social bandits" romanticized by Eric Hobsbawm, but rather opportunists equally likely to rob the poor as well as the rich.
[960] "und nahm auf diese infame Art einen offenbaren Anteil an ihrem Rauben, zu Nachteil der ganzen Gegend." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 60.
[961] Hoffman, "Am Hof und im Lande von Grehweiler," 132.

venture: the sale of shares in a state mining concern. This venture initially began in 1750 when one Mosjeh Fuchs approached the count and argued that certain hills in the area sat atop vast riches; the "tiny little land of Grehweiler was a second Peru."[962] Like *Bergmeister* Bleyer in Eichstätt, Fuchs himself turned out to be a swindler (he took an advance from Carl Magnus and then disappeared), a quality that the Count was apparently already aware of at the time.[963] This setback was a mere prelude, however, to the more sophisticated scheme devised by the Count and his advisors to profit from a mining venture of some kind.

After the Fuchs affair, the local mining authority, led by *Berginspektor* Georg Wilhelm Haberkorn, began a legitimate search for mineral wealth. Laukhard incorrectly maintains that the inability of the mining authority to find gold or silver made it redundant; in reality, the authority already operated a number of mercury mines.[964] When the search failed, however, Haberkorn apparently authorized his agents to market shares in nonexistent Grehweiler mines to investors in the cities of Frankfurt, Mannheim, Strassburg, Mainz, Trier and Cologne.[965] Because these shares were issued with the formal trappings of officialdom (signatures and seals), they seemingly found numerous subscribers. Laukhard argues both that several thousand Gulden were

[962] "das Grehweiler Ländchen sey ein zweytes Peru." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 65.
[963] Laukhard claims that his father, the Pastor of Wendelsheim, had been cheated by Fuchs in the past and that his father had faithfully notified the Count of this fact. Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 67.
[964] Schneider, *Geschichte des Wild- und Rheingräflichen Hauses*, 269. The notion that there might be mineral wealth in the area was not actually as far-fetched as Laukhard would have us believe: the neighboring county of Dhaun, for instance, had active copper and coal mines. See Schneider, *Geschichte des Wild- und Rheingräflichen Hauses*, 291. Wilhelm notes how the mercury mines were decommissioned in 1763. Wilhelm, "Nassau-Weilburg als Reichsdebitkommissar," 379.
[965] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 69.

stolen in this manner and that Carl Magnus was personally involved, an accusation substantiated by the subsequent elevation of Haberkorn to the position of *Kammerrat*.[966]

This particular episode exposes a key bias of Laukhard's that may undermine the credibility of his chronicle in part. Here Laukhard accuses four Jews, named Salomon, Nathan, Jekuf, and Seligmann, of hawking these fraudulent certificates on behalf of Haberkorn and the Count.[967] Elsewhere, he names Salomon and Nathan as the Count's "court Jews" (*Hofjuden*) who negotiated a loan of fifty thousand Gulden for Carl Magnus from the Count of Solms, which they secured with fictional real estate.[968] These and other allegations must be weighed against the frank admissions of anti-Semitism in Laukhard's later memoirs. "I have never been a friend to the Jews" he wrote in his autobiography "because their religion is so constituted that whoever adheres to it with all his soul is and must remain a completely useless member of society."[969] These lines necessarily color our estimation of Laukhard as an evenhanded narrator, particularly on the issue of financial fraud.[970]

The biases of Laukhard extend to the non-Jewish advisors of Carl Magnus, for whom he held a great antipathy. For instance, Johann Benedict Häfner, the *Oberschulze* of Laukhard's

[966] In the church archives of Eichloch, Haberkorn is referred to as a *Berginspektor* in 1760, but in 1766 (and 1774) he is referred to as *Kammerrat*. Hoffman, "Am Hof und im Lande von Grehweiler," 98.
[967] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 69.
[968] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 44. The Count of Solms was Wilhelm Carl Ludwig (1699-1778). Hoffmann, "Am Hof und im Lande von Grehweiler," 74.
[969] "Ich bin nie ein Freund der Juden gewesen, nicht als verachtete und haßte ich sie, weil sie nicht glauben, wie es die symbolischen Bücher der lutherischen Kirchen vorschreiben, oder weil sie Jesum nicht Herren heißen, sondern deßwegen weil ihre Religion so beschaffen ist, daß derjenige, welcher ihr von ganzer Seele anhängt, ein ganz unbrauchbares Mitglied der Gesellschaft sein und bleiben muß." Friedrich Christian Laukhard, *F. C. Laukhards Leben und Schicksale von Ihm Selbst Beschrieben. Bd. 5*. (Leipzig: Gerhard Fleischer, 1802), 170.
[970] Laukhard repeated anti-Semitic tropes about the unscrupulous financial practices of Jew in offhand observations. For instance, when describing a creditor to the Count (who was himself a Count), Laukhard wrote how "Dieser Graf war ein reicher, aber äußerst geiziger Herr, ein wahrer Jude von der filzigsten Art." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 110.

hometown of Wendelsheim, was one of the "enemies" of Laukhard's father.[971] Häfner will reappear repeatedly throughout this story, but when we first meet him he is the clerk of the ecclesiastical administration of the Palatinate – an organization so corrupt in Laukhard's view that locals colloquially referred to conspicuous consumption as "living like a *Schaffner*" (a *Schaffner* being an ecclesiastical administrator).[972] His career break came with a highly unusual set of romantic arrangements - according to the volubly dubious narration of Laukhard – which secured him the position of *Oberfeldmesser* (chief surveyor) of the county.[973] Häfner's innovative use of this position in the interests of Carl Magnus would, if true, locate grand corruption squarely in this time and place.

Weights and measures were not standardized in the Holy Roman Empire.[974] Although the Emperor claimed the right to standardization, the reality was a patchwork of measurements from antiquity, the Carolingian period, and the local practice of cities, guilds, and lords. The *Leben und Thathen* contends that the measurement of an acre (*Acker*) in the county of Grehweiler was variable: some were measured at 120, some at 130, and some at 140 *Quadrat-Rute* (square "rods").[975] Häfner's alleged innovation as chief surveyor was to standardize the size of an acre at

[971] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, iii. Laukhard devotes an entire chapter of his book (Chapter 5) to the *Bübereien* (knavery) of Häfner.
[972] "Sie haben also mit den Kirchengütern frei schalten und walten, stehen sich ohnehin sehr hoch und sind auf ihrem Posten, trotz ihrer Betrügereien, ganz sicher. In ihren Häusern geht aus einem hohen Fuß, so dass der Pfälzer, um einen Menschen anzuzeigen, dem es recht wohl geht, sagt: er lebt wie ein Schaffner." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 77.
[973] Laukhard alleges that Häfner secured his position at the ecclesiastical administration by marrying the mistress of his supervisor. The unusual romantic triangle supposedly continued until the Count himself took an interest in the same woman; according to Laukhard, Häfner's acquiescence to their romantic entanglement earned him the promotion to the position of *Oberfeldmesser*. How much of this is merely malicious gossip, it is impossible to say.
[974] Peter Kramper, *The Battle of the Standards: Messen, Zählen und Wiegen in Westeuropa 1660-1914*. (Berlin, Boston: De Gruyter Oldenbourg, 2019), 47.
[975] The length of the "rod" itself varied throughout the Empire as did the size of an acre. In Saxony, for instance, one "Acker" equaled 300 "Quadratruten." Walter Heinrich, "Königshufen, Waldhufen und sächsische Acker," in *Neues Archiv für Sächsische Geschichte und Altertumskunde* vol. 51 (1930): 6.

130 *Quadratrute*.[976] Laukhard argues that this reform allowed the count to seize that portion of the resized agricultural fields designated as *res nullius* (the property of no one) for himself. Although distinct in numerous ways from the English "enclosure" of common land, in its effective transfer of wealth from the peasantry to the aristocracy the reform was similar.[977] Carl Magnus apparently gifted Häfner a beautiful house in Wendelsheim out of gratitude for this windfall.[978]

Here it may be useful to indulge Laukhard's penchant for gossip about his native village of Wendelsheim. The purpose is to highlight the specific manner in which Laukhard employs a form of the term "corrupt" (*Verworfen*) in his discussion of the chief surveyor. In the love triangle alluded to above, the term doubles as an adjective to describe the cuckolding Häfner receives.[979] Yet later the term, in an equally sexual context, is used to lament his cruel treatment of others. In a twist on the normative censure of illegitimacy, Häfner purportedly paid a young peasant to claim parentage of a child he had fathered. "So corrupt was he and so correctly can one deduce from his behavior that not a spark of human feeling still blazed within him" because "it seemed too terrible to him to be named the father of a child by a common swamp-nymph."[980] Despite the misogynistic framing, the "corruption" of Häfner here is clearly his unwillingness to take responsibility for his actions; his lack of integrity is not merely evinced by misconduct, but more importantly by a weakness of moral character.

---

[976] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 84.
[977] The enclosure movement (really a centuries-long process of consolidating parcels of land) followed evolutions in the system of crop rotation and subsequent reassignment of common rights, rather than a supposed standardization of measurements as was the case here.
[978] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 84.
[979] "der Verworfene entschädigte sich in den Armen der Großdirnen und der Bauernweiber" ("The rejected one found compensation in the arms of the courtesans and the peasant women.") Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 87.
[980] "So verworfen er war und so richtig man aus seinen Handlungen folgern konnte, dass auch nicht ein Fünkchen von menschlichem Gefühle in ihm noch lodere." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 88.

The imperial commission that ultimately investigated the case was unable to interrogate Häfner because he absconded to colonial Philadelphia in 1772.[981] Had Häfner been available for questioning, a large portion of their inquiry would likely have been devoted to his second financial innovation: the establishment of a *Landkasse* in 1764. This was not, as the name would suggest, the territorial treasury. Without excluding the possibility that some territorial treasuries were known as *Landkassen*, the more frequent nomenclature was *Kammer*, or some variation thereof (the treasury in Grehweiler itself was called simply the *Kammer or Rent-Cammer*).[982] The term *Landkasse* is a protean one; in Lippe, for instance, the *Landkasse* established in 1685 was a vehicle for the government to assume the private debts of the Count, Simon Heinrich, and repay them through taxation.[983]

In Grehweiler, the *Landkasse* was a lender. How the administration could capitalize such an institution requires some explanation given the meager financial resources and the high spending level of Carl Magnus already described. On 2 February 1750, Carl Magnus had married the *Rheingräfin* Johannetta Ludovica of Dhaun-Püttlingen, a wealthy member of the Dhaun branch of the family of *Wild- und Rheingrafen*.[984] The wealth of the Countess stemmed from the abrupt deaths of her father, brother, and two nephews in quick succession, leaving her in sole possession of the county of Dhaun.[985] According to the marriage contract drafted in January of that year, the Countess retained exclusive ownership of the property she brought to

[981] HHStA RK Kleinere Reichsstände 538-1-1, p. 210.
[982] 3 November 1770 RHR Conclusum. HHStA RK Kleinere Reichsstände 538-1-1, p. 66.
Other variations could be *Zahlamt*, or *Zahlmeisteramt*, as we have seen in the case of Eichstätt, or *Rentamt*, as was the case in Liechtenstein. https://www.llv.li/de/landesverwaltung/landeskasse/wissenswertes/geschichte-der-landeskasse.
[983] Gerhard Benecke, *Society and Politics in Germany 1500 – 1750* (New York: Routledge, 2007).
[984] Johann Martin Kremer, *Kurzgefasste Geschichte des Wild- und Rheingräflichen Hauses aus Urkunden zur erläuterung der Verfassung desselben insonderheit in betracht der Erb- und Lehenfolge-Ordung* (Mannheim: Akademischen Schriften, 1769), 183.
[985] Wilhelm Hoffmann, "Am Hof und im Lande von Grehweiler," 53.

the marriage; only the dividends and rental income earned from her investments became the communal property of the married couple.[986]

Häfner proposed to the Countess that she invest her capital in a tailor-made investment vehicle, the Grehweiler *Landkasse*.[987] The Countess had recently suffered a series of losses to her portfolio and was receptive to reallocating her fortune. Häfner argued that, as a territorial sovereign (*Landesherr*), Carl Magnus was not legally limited by the imperial *Zinsordnung* that applied to regular lenders.[988] Originally dating from 1530, the *Zinsordnung* limited the amount of interest that could be charged in the empire to five percent.[989] Instead, Häfner tantalized the Countess with the returns she could make simply by charging the rates that borrowers were willing to pay. All loans would be secured against real estate of the debtors offered as collateral.[990] The Countess agreed and rates were (according to Laukhard) set at twelve percent, with the Countess receiving one half, the Count one third, and Häfner once sixth of the proceeds.

The timing of the *Landkasse*'s establishment was crucial to its success. Beginning near the end of the Seven Years War, the new facility proved popular amongst a peasantry starved for

---

[986] "Was hochbemeldte Gräfin Johannette Louise vor Paraphernal-Geldern jetzo oder sonsten über kurz oder lang in die Ehe bringen werden, hierüber wollen sie sich eine freye Disposition vorbehalten, jedoch versprechen Sie die davon fallende Interessen und Renthen währen der Ehe zu gemeinem Nutzen und Bedienungen, nach Befinden also anzuwenden, daß Ihnen zu ein Beliebiges auszusetzen frey bleiben mögte solten." "Entwurf des Heiratsvertrags," in *Politische und religiöse Zustände in der Pfalz im 18. und 19. Jahrhundert Band I*, ed. Lothar Baus (Homburg/Saar: Aesclepios, 2006), 147.

[987] Laukhard alleges that Häfner's incentive to do this was twofold: both to generate income for his employer, as well as to get in the good graces of the Countess (who had learned of the unorthodox romantic arrangements whereby the Count continued an extramarital affair with Häfner's wife). Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 97.

[988] The line of argument is ironic, given the promulgation of a *Landesordnung* in 1754, which limited the inhabitants of Grehweiler to lending at an interest rate of 6%. Grehweiler *Landesordnung* of 1754 in *Vermischte Beyträge zu dem deutschen Recht*, ed. Carl Friedrich Walch (Jena: Verlag Christian Friedrich Gollner, 1775), 259.

[989] "Vnnd nachdem die widerkauffs gülten allenthalben im landen gemeyn sein. So soll hinfürther von dem hundert nit mer dann fünff / wie gebreuchlich gegeben vnnd genommen werden." *Romischer Keyserlicher Maiestat Ordnung und Reformation guter Pollicei im Heyligen Römischen Reich* (Augsburg, 1530), 22.

[990] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 99.

capital.[991] Equally important to the success of the project, however, may have been an edict promulgated by Carl Magnus simultaneously with the creation of the *Landkasse* prohibiting the inhabitants of Grehweiler from mortgaging their property to "foreign" (i.e., non-Grehweiler) lenders.[992] This move allowed the Count to monopolize the supply of credit and extract rents with no pressure from competitors to lower costs. By some estimates the *Landkasse* cannot have been terribly lucrative for the Count because, according to statements from 1763, it only held approximately 8,500 fl. in capital in that year.[993] Laukhard, by contrast, estimates that the *Landkasse* netted a profit exceeding 100,000 Gulden for the Count and Countess during the entirety of its operation.[994]

The phrase "predatory lending" is a modern one. An umbrella term, it encompasses such behaviors as "charging excessive interest rates" and "lending without regarding to borrowers' ability to repay."[995] Yet while the phrase was not in use in the eighteenth century, Laukhard clearly expresses the sentiment contained within it. "Sure, if the Count's government had only charged low interest rates and had not afterward collected payment so forcefully, then the *Landkasse* might have been useful" he wrote. "But," he continued, "then they should not have lent to known spendthrifts and young underage boys!"[996]

---

[991] Wilhelm contradicts Laukhard on this point, claiming that the *Landkasse* was established in 1759. Andreas Wilhelm, "Nassau-Weilburg als Reichsdebitkommissar," 380. According to Laukhard, the demand for loans was apparently so great that the Countess had to inject a fresh infusion of capital into the *Landkasse*. Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 100-101.
[992] "Aus der guten alten Zeit", *Die Gartenlaube* Vol. 46 (Leipzig: Ernst Keil, 1855), 617.
[993] Wilhelm, "Nassau-Weilburg als Reichsdebitkommissar," 380.
[994] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 107.
[995] U.S. General Accounting Office, *Federal and State Agencies Face Challenges in Combating Predatory Lending*. Washington D.C. U.S.G.A.O., 2004. 18-19. https://www.gao.gov/assets/gao-04-280.pdf
[996] "Freilich, wenn die gräfliche Regierung nur geringe Zinsen gefordert und die Kapitalien hernach nicht auf eine drückende Art eingetrieben hätte: alsdann hätte die Landkasse allerdings nützlich werden können. Aber man hätte dann auch nicht offenbaren Verschwendern und jungen unmündigen Burschen Geld leihen müssen!" Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 101-102.

Anecdotal evidence further supports the description of the *Landkasse* as a predatory scheme. Two additional components of predatory lending in the modern era are "misleading borrowers about loan terms" and "balloon payments," a contract term that keeps "monthly payments … lower but [demands] one large payment when the loan matures."[997] Again, the *Leben und Thaten* condemns these modern criteria. When the tanner Johann Wolf, for instance, went to pay the usual five percent interest on his 1,800 Gulden loan, Häfner allegedly misled him about the terms by telling him to hold on to his money and failed to inform him of the correct twelve percent rate.[998] After repeating this false beneficence for several years, Häfner demanded payment of the interest (subsequently grown to 1,008 Gulden) and principal within twelve days (the balloon payment). The *Landkasse* foreclosed on his house and Wolf was reduced to begging for alms.[999] This anecdote is merely one example of a litany of similarly ruinous loans that the *Leben und Thathen* chronicles at length.

Were such extractive institutions, or *landesväterlicher Spitzbuberey*" ("sovereign rascality") as Laukhard terms them, merely standard practice in the eighteenth-century Holy Roman Empire?[1000] As mentioned in Chapter Three, this era was the high-point of Cameralism, an academic and quantitative approach to state administration prevalent in central and northern Europe in the eighteenth century. A traditional view holds that Cameralism amended the mandate of government requiring rulers to maximize their subjects' spiritual welfare by additionally requiring the maximization of subjects' material welfare.[1001] What this noble goal

[997] GAO, *Challenges in Combating Predatory Lending,* 19.
[998] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus,* 103.
[999] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus,* 107.
[1000] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus,* 107.
[1001] Marc Raeff, "The Well-Ordered Police State and the Development of Modernity in Seventeenth- and Eighteenth-Century Europe : An Attempt at a Comparative Approach." *The American Historical Review* 80, no. 5

amounted to in practice was frequently the maximization of resources for the state.[1002] Cameralists championed government interventions in forestry, mining, and government-sponsored factories as a means of raising revenue without consulting parliamentary institutions.[1003] Indeed, a contrarian view holds that much of Cameralist practice was merely the maximization of resources for the Cameralist writers themselves, particularly Johann Heinrich Gottlob von Justi (1717 – 1771).[1004] Justification for this cynical interpretation comes from analyzing a Cameralist curriculum, which posited that "[f]inancial science, like the science of beekeeping, concern[s] itself primarily with extraction."[1005]

No judgments on Cameralism as a legitimate discipline are required, however, to see how the *Landkasse* differed from the economic programs propounded by leading Cameralists. For instance, one of the foremost Cameralist writers, the aforementioned Justi, did propose that states should create "lending banks," (*Leihbänke*) and argued that such banks should lend at a higher rate of interest than they paid their depositors.[1006] At the same time, Justi argued that the "end

---

(1975): 1224. Raeff includes mercantilism in his discussion of cameralism, arguing that mercantilism was merely the trade and tariff component of a broader cameralist project.

[1002] Historian Keith Tribe argues that this was the stated goal of some cameralist writers, such as Justus Christoph Dithmar, who he cites as defining the purpose of Cameralism as "a means of raising revenues for the *Landesfürst*." Keith Tribe. "Cameralism and the Science of Government." *The Journal of Modern History* 56, no. 2 (1984): 264. Tribe includes the entire definition from Dithmar, however, which indicates that the purpose of raising revenue for the Prince is to improve the "common good" of the territory.

[1003] Wilhelm, "Nassau-Weilburg als Reichsdebitkommissar," 378.

[1004] Andre Wakefield, *The Disordered Police State: German Cameralism as Science and Practice* (Chicago: University of Chicago Press, 2009).

[1005] Andre Wakefield, 'Cameralism: A German Alternative to Mercantilism', in Philip J. Stern, and Carl Wennerlind (eds), *Mercantilism Reimagined: Political Economy in Early Modern Britain and Its Empire* (New York: Oxford University Press, 2013).

[1006] Johann Heinrich Gottlob von Justi, *Staatswirthschaft oder Systematische Abhandlung aller Oekonomischen und Cameral-Wissenschaften, die zur Regierung eines Landes erfodert werden: In zween Theilen ausgefertiget. ... Theil, Welcher die Lehre von Erhaltung und Vermehrung des Vermögens des Staats, Und mithin die Staatskunst, die Policey- und Commercien-Wissenschaft nebst der Haushaltungskunst in sich begreift*. (Leipzig: Breitkopf, 1758), 280.

goal" of such banks was the promotion of "industry and the circulation of credit."[1007] Justi's position on interest rates was also not universally shared; the earlier Cameralist writer Justus Christoph Dithmar (1678-1737), for instance, had argued that territories should establish "*Leih-Bäncke*" that offered credit "*gegen ein billiges Interesse*" (at low rates) in order to stimulate manufacturing activity.[1008] These public goals stand in sharp contrast with the private goals of the Grehweiler *Landkasse*. Whereas Justi and Dithmar envisioned public banks for the promotion of economic activity, the *Landkasse* entailed no broader objective beyond delivering robust returns to the Count and Countess.[1009] It was essentially a private project.

By collapsing the distinction between the private finances of the ruler and the public administration of funds, the *Landkasse* also violated a key tenet of Cameralist thinking. After describing the distinction between the private *Fiscus* and public *Aerarium* inherited from antiquity (and analyzed in greater detail in chapter Three) Dithmar restates the dichotomy in plainer language. "The *Funds* of the princely revenue are either *Private*, and the personal property of the Prince, or *Public*, and belong to the State."[1010] He reinforces the divide between the public and private realms by requiring separate financial administrations for each. Admittedly, Cameralist doctrine frequently deviated from the actual behavior of princely administrations. The discrepancy between theory and practice in this instance nonetheless

[1007] "Wenn aber eine solche Banco ihren Endzweck wahrhafting erfüllen und den Gewerben und der Circulation des Geldes in der That zu Nutze kommen soll: so muß sie den allervollkommensten Credit haben." Justi, *Staatswirthschaft*, 280.
[1008] Justus Christoph Dithmar, *Einleitung in die Oeconomische-Policey- und Cameral-Wissenschafften* (Frankfurt a.d. Oder: Johann Joachim Friedl, 1745), 202.
[1009] On the separation of public finances and the private finances of the ruler, Dithmar is explicit:
[1010] "Die *Fonds* der Landes-Fürstlichen Einkünffte sind entweder *Privat*- und des Landes-Fürsten eigenthümliche, oder *Publicques*, dem Staat zugehörige." Dithmar, *Einleitung in die Oeconomische-Policey- und Cameral-Wissenschafften,* 226. (emphasis in original)

reinforces the criticisms lodged by Laukhard that the *Landkasse* was an abusive institution that impoverished many inhabitants of Grehweiler for the personal profit of the Count and Countess.

In addition to the *Landkasse*, the administration of Carl Magnus piloted four additional revenue-raising measures before planning the large-scale fraud that preoccupies much of the legal case. In its indictment of the Count from 3 November 1770, the Imperial Aulic Council names four accomplices of Carl Magnus in his crimes.[1011] In addition to the *Oberschulze* Häfner already mentioned, these are the *Kammerrat* Schad, the administrator Arnoldi, and the treasury secretary (*Rentmeister*) Friedrich Wilhelm Breckenfeld ("[whose] wife smoked tobacco like a musketeer.")[1012] Breckenfeld was an official originally employed by the Count of Solms who had travelled to Grehweiler for the purpose of surveying the land offered as collateral by the Count in exchange for a loan. When he "found rotten fish in the broth," Carl Magnus lured Breckenfeld into his service with the offer of a plum position, a transaction rewarded with the approval of the loan secured by fictional real estate.[1013] According to Laukhard, these four advisors conceived the following financial schemes with their master's encouragement, although individual attribution is impossible.

The first measure was a salt licensing agreement. Laukhard alleges that Carl Magnus entered into a deal with a Mainz salt wholesaler guaranteeing a discounted price for the commodity in exchange for a regulation prohibiting all inhabitants from purchasing their salt

[1011] 3 November 1770. RHR Conclusum. HHStA RK Kleinere Reichsstände 538-1-1.
[1012] "Er war aus dem Hanoverischen, und hatte ein häßliches Weib, welches Tabak schmauchte troz einem Musketier." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 109-110.
[1013] "Breckenfeld kam dahin, fand aber, wie man spricht, faule Fische in der Brühe." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 111. The otherwise highly critical Hoffman confirms the veracity of this story. Hoffman, "Am Hof und im Lande von Grehweiler," 99.

elsewhere.[1014] Salt monopolies are an ancient practice, of course (some surprisingly long-lived: the millennia-old Chinese monopoly ended as recently as 2017).[1015] In the Palatine Electorate itself, the Court Jews Aaron Beer and Jacob Kann "took over the management of the state salt monopoly" in 1698.[1016] The issue was therefore less the establishment of a salt monopoly in general, than the terms of this agreement in particular. If Laukhard is correct, the deal prevented the peasantry from accessing the considerably closer, cheaper, and higher quality salt in neighboring Kreuznach.[1017] The harm that flowed from a regulation benefiting such a narrow group (the Count and his court) outraged Laukhard.

Laukhard's outrage was genuinely misplaced, however, when it came to the *Spatzenkrieg*. In the middle of the eighteenth century, numerous territories in the Holy Roman Empire launched "wars against sparrows." The most famous was launched in 1744 in Prussia, where Frederick the Great ordered all inhabitants to deliver a certain number of sparrow heads or else pay a hefty fine.[1018] In Grehweiler, Laukhard contends that the practice of culling the birds (who destroyed gardens and vineyards) had been instituted "already in the old times."[1019] Like the *Kirchenbuße*, Carl Magnus substituted the ostensibly long-standing custom requiring a quota of sparrow heads with a monetary payment. In this instance, while Carl Magnus was likely motivated by financial gain, his avarice had the benefit of forestalling unintended consequences:

[1014] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 114.
[1015] Tom Hancock. "China shakes up 2,000-year-old salt monopoly." *Financial Times*. January 2, 2017.
[1016] Jonathan Israel, *European Jewry in the Age of Mercantilism 1550–1750* (Oxford, 1985), 140.
[1017] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 115.
[1018] Mirko Crabus, "Der Spatzenkrieg," *Heimatverein Lingen* (August 2017).
[1019] "Schon von alten Zeiten her bestand das Gesetz, daß jeder Gutsbesitzer jährliche eine gewisse Anzahl Sperlingsköpfe liefern mußte." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 115.

those territories that did succeed in significantly reducing the sparrow population apparently saw an explosion of insects as a result.[1020]

The same cannot be said about the creation of the lottery. In the early 1930s, a Lutheran pastor in Wendelsheim, Wilhelm Hoffman, published a series of articles about Grehweiler in the eighteenth century. In one he claims that it "was not exceptional, that lotteries were seen by courts as an object of exploitation."[1021] The Lutheran pastors of the county were apparently required to advertise the lottery from the pulpit and to "recommend it as a beneficial and charitable institution" to their parishioners.[1022] Because no prizes were ever awarded, the lottery was allegedly cursed as a "turd" by the local population.[1023]

The fourth revenue-raising measure was also a monopoly. Traditionally, the communes (*Gemeinden*) of the county had collected taxes from taverns and used the money for municipal purposes. Laukhard contends that Carl Magnus undermined this customary arrangement in two ways. First, the Count allegedly appropriated the taxation of existing taverns to himself.[1024] Then, "after he had taken all [of] the advantages that could arise from such [such a policy]" he established government taverns and prohibited the existing establishments from serving

[1020] Crabus, "Der Spatzenkrieg."
[1021] "Es scheint auch keine Ausnahme gewesen zu sein, dass Lotterien als Ausbeutungsobjekt von Höfen angesehen wurden. Hoffman, "Am Hof und im Lande von Grehweiler," 70.
[1022] "die Pfarrer der Rheingrafschaft die Lotterie jedesmal von den Kanzeln verkündigen und dem Volke als eine sehr heilsame, wohltätige Einrichtung empfehlen mussten." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 121-122.
[1023] "Scheißhaufen." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 121.
[1024] This was likely a substantial amount of money. Historian Ann Tlusty argues that in early modern Augsburg the tax on alcohol was the largest single revenue source in the city's budget. Ann Tlusty, *Bacchus and Civic Order: The Culture of Drink in Early Modern Germany*. (Charlottesville: University of Virginia Press, 2001), 177.

alcohol.[1025] This *Weinschenkmonopol* was reversed by the imperial commission when it assumed governing powers in 1770.

The numerous fees, extractive policy changes, and predatory institutions described thus far paint a portrait of state actors deliberately siphoning communal and individual wealth for personal gain. Laukhard certainly condemns them as such. Yet it was only with the scheme to tap the good credit of the *Gemeinde* (communes) that the administration of Carl Magnus crossed the threshold separating "grossness from criminality" in the eyes of contemporaries.[1026] Arguably, the person or organization demarcating that threshold is merely the one with the power to do so; . In this case, that organization was the *Reichshofrat*, or Imperial Aulic Council.

The *Gemeinde* at issue here was the village commune (*Dorfgemeinde*).[1027] The *Gemeinde* acted through an assembly of all male householders (those with *eigen Rauch*, or their "own hearth").[1028] Members were legally equal, despite differences in socioeconomic status, with equal voice and vote. Their regular business included electing village officers (in the villages of the Rheingrafschaft, these were known as *Schultheißen*), and organizing the collective work and economic activities of the commune such as the tax on local taverns just described. Most importantly, perhaps, they governed the use of common lands (*Allmendebesitz*). This final function was the first target of Carl Magnus and his advisors.

[1025] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 108.
[1026] Repeating a distinction drawn in Chapter I on Philipp Lang. Michael Schaffer, "The Real Reason Washington Is Silent on the Crypto Scandal," *Politico* 9 Dec. 2022, https://www.politico.com/news/magazine/2022/12/09/crypto-scandal-sam-bankman-fried-ftx-00073178.
[1027] These "political" units were distinct from (although frequently overlapped with) ecclesiastical structures; the conflation is evident in the term itself, which is sometimes used synonymously with *Pfarrei* to mean parish. Werner Troßbach, "Die ländliche Gemeinde im mittleren Deutschland," in *Landgemeinde und Stadtgemeinde in Mitteleuropa: Ein struktureller Vergleich* ed. Peter Blickle (München: Oldenbourg Wissenschaftsverlag, 1991), 265. Troßbach's analysis of the Landgraviate of Hessen is used for this examination of the nearby *Rheingrafschaft*.
[1028] The *Gemeindeversammlung*. Troßbach, "Die ländliche Gemeinde," 265.

Their initial idea was to mortgage the commons. Breckenfeld, Häfner, and Arnoldi approached the *Schultheißen* of the respective villages to enlist their cooperation in the scheme.[1029] They then surveyed the woods and fields to estimate their prospective yields. In a claim that Laukhard does not make, the Imperial Aulic Council found that Carl Magnus "attached to several obligations false records of common property" overstating their actual size and productivity.[1030] These "false and overly high valuations" were the bases for loan documents where the signatures of the *Gemeinde* representatives were forged.[1031] Laukhard claims that this project continued until all the common land of all eight communes had been mortgaged, netting "more than" 200,000 Gulden for the Count and his minions.[1032] Because the bankruptcy committee later estimated the total debt burden of the *Gemeinde* at 338,498 Gulden, it seems likely that Laukhard was exaggerating in light of the additional debts the Count and his advisors would heap upon the local communes.[1033]

The communes and their individual members incurred those subsequent debts through blatant fraud. Laukhard suggests that either Schad or Breckenfeld convened meetings of the *Gemeindeversammlung* in each commune.[1034] In his telling, the advisors plied the assembled householders with large amounts of alcohol and waited until "heads were foggy" before getting down to business.[1035] That business consisted of proposing that the communes advance a certain

[1029] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 134.
[1030] "Daß er mehreren obligationen falsche verzeichniße von gemeinds-güthern und almenten, unter der von seiner Cantzley und Amt zum Theil falsch attestirten Richtigkeit ihrer wahren Existenz sowohl, als ihrer noch nicht geschehenen verpfändung, beygesezet." HHStA RK Kleinere Reichsstände 538-1-1, p. 176.
[1031] "falsche und allzu hoch angeschlagene Alimenten verzeichniße aufgesezet, als richtig von den gemeinden unterschrieben, durch das amt oder Cantzley beurkunden, und als unverpfandet, attestiren." HHStA RK Kleinere Reichsstände 538-1-1, p. 197.
[1032] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 134.
[1033] HHStA RK Kleinere Reichsstände 538-1-1, p. 65.
[1034] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 136.
[1035] "wenn der Abgesandte hernach merkte, daß die Köpfe benebelt und die Leute guter Dinge waren, dann erst stellte er [seine Pläne] vor." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus,* 136.

sum – 4,000 Gulden in this case – to the count to allay certain common expenses. The *Leben und Thaten* contends that part of the fraud encompassed falsifying the amount in question by adding an additional zero (i.e., 40,000) after the debt instruments had been signed.[1036]

There is no evidence for this last contrivance in the court record. It would be wholly in line with the judgment of the court however, which found that the documents signed by the communes "only had the appearance of truth" while in reality they were "fabricated falsehoods; the signatures were incorrect, made up of women, schoolboys, foreigners, and tradesmen."[1037] There is an interesting departure from Laukhard here, who claimed that some of the assemblymen, "flattered by the court language and the condescendingly lavish hospitality" *did* sign the documents (although the court asserted that those who did sign were unaware of the contents of the contracts).[1038] Yet many of their less inebriated and more knowing colleagues refused, a stance that earned them the enmity of the count's advisors. The discrepancy disappears in later loan agreements, where Carl Magnus and his advisors dispensed with the pretence of legality altogether.

The court lists ten distinct forgeries perpetrated by the administration. These were "artificial debentures, false official chancery confirmations, sovereign agreements, substantial mortgages, court assessments, certificates of loans not yet made, powers of attorney in the name

[1036] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 136.
[1037] "hätten nur den Schein der Wahrheit, in dem Grund aber wären es offenbare hinter ihnen /: dem Gemeinden :/ her dolose Verfertigte Falsa; die Unterschriften seyen unrichtig, von Weibern, Schuljungen, Fremdten, und Handwerck-burschen zusammen geschimmert." HHStA RK Kleinere Reichsstände 538-1-1, p. 69.
[1038] "Jene Bauern, welche zu sehr benebelt waren, um die Pfiffe der Hofsprache zu wittern, und die sich durch sie und die herablassende reichliche Bewirthung geschmeichelt fanden, ließen sich verleiten und unterschreiben." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 137. Concerning the knowledge of the signatories to the content of the documents to which they added their names, the court found that "Nie wäre ihnen ein Innhalt bekannt gemacht worden." HHStA RK Kleinere Reichsstände 538-1-1, p. 70.

of the communes, other obligations, fabricated war bonds, and even imperial confirmations."[1039] Laukhard contends that the officials' enlisted their wives and schoolchildren to falsify documents and signatures.[1040] The court record does list Frau Häfner and unspecified "schoolchildren" as accomplices, but also identifies "some notaries, Schultheißen, court officials, commune headmen, some mostly poor commune members … and various Jews that served as middlemen."[1041] It was a large operation that, by Laukhard's estimates, lost over forty percent of the money it raised to overhead costs.[1042]

This scheme abusing the credit of the *Gemeinde* was the Count's undoing. Initially, Carl Magnus made some interest payments on behalf of the communes.[1043] This detail proved to be important for the communes legal defense: because there was no mention of interest payments made by the communes in their financial records, the court would conclude that they payments must have come from the territorial treasury (i.e., Carl Magnus).[1044] Soon, however, servicing the interest alone exceeded the annual income of the territory by several thousand Gulden.[1045] While neither the court record, the *Leben und Thaten*, nor a summary provided by the jurist Johann

[1039] "Die Hauptbeschäftigungen dieser Leuthen waren prächtige mit denen verbindlichsten Clausulis auf Nahmen der Gemeinden gezierte Schuld-Verschreibungen, zierliche Cantzley und Amts-Confirmationen, Landesherrliche Consensus, beträchtliche Hypothecen, deren gerichtliche Taxationes, attestata noch nicht beschehener verschreibung, Vollmachten in dem Nahmen der Gemeinden, andere Schuld-Brief, welche abgelegt seyn solten, zu schneiden, ein gewesene Kriegs-Schulden zu erdichten ja so gar höchst-Kayserliche Confirmationes zu mißbrauchen." HHStA RK Kleinere Reichsstände 538-1-1, p. 67.
[1040] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 141.
[1041] "eineige Notarii, Schultheissen, Gerichtsmänner, gemeinen Vorsteher, etwelche meistens arme Gemeinds-Gleider, Schulknaben, und verschiedene Juden, deren man sich als Macklern hiezu bedienet hat." HHStA RK Kleinere Reichsstände 538-1-1, p. 67.
[1042] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 141.
[1043] "Anfänglich wurden zwar hie, und da die Zinsen gezahlet, bald aber blieben sie gantz zurück." HHStA RK Kleinere Reichsstände 538-1-1, p. 67
[1044] "die Acta [ergeben] schon deutlich, daß die gezahlte Zinsen nicht ex aerario Communitatum, sondern von der Gräfl. Rent-Cammer oder Fisco entrichtet worden." Johann Jacob Moser, *Schuldenwesen: So vil es derer Weltlichen Churfürsten, auch Regierender Reichsfürsten und Grafen, Cameral-Schulden, und die Art, selbige abzustossen und zu bezahlen, betrifft; Besonders nach der würcklichen Praxi derer beyden höchsten Reichs-Gerichte,* (Frankfurt: Bergerische Buchhandlung, 1774), 488.
[1045] Moser, *Schuldenwesen*, 481.

Jakob Moser indicates precisely when these payments stopped, the year 1767 or early 1768 is the most likely given the Count's declaration of bankruptcy on 17 September 1768.[1046] Before that fateful step, Laukhard claims that the Count asked his wife for a bailout; he "presented his plight to her in the most urgent terms, but his pleas fell on deaf ears."[1047]

Since the creditors understood the communes to be the counterparties to their loan agreements, they first brought the matter before the Grehweiler chancery. The court notes how a "sham justice administration entertained [these claims] for a time."[1048] The aforementioned Count of Solms-Rödelheim then sued the communes of Oberhausen, Münsterappel, Steinbockenheim and Wendelsheim for 25,000 fl.[1049] Other creditors followed suit: the "Eckhard estate" sued Münsterappel and Steinbockenheim for 5,000 fl. The "Pappenheim estate" sued Wendelsheim, Steinbockenheim and Eichloch for 20,000 fl. Wichelhausen sued Obersaulheim for 18,000. Rühle sued Oberhausen, Münsterappel and Münster for 15,000 fl. Herrnbrod sued Münsterappel, Oberhausen and Eichloch for 6,000. Rodenstein sued Oberhausen, Münster, Obersaulheim and Grehweiler for 34,000. Von la Roche sued Oberhausen and Münsterappel for 3,000 and von Zievel sued Münster and Eichloch for 3,000 fl.[1050] All the claimants produced the

[1046] Moser, *Schuldenwesen*, 681.The 19 May 1775 judgment from the RHR dates this declaration to 3 October 1768. HHStA RK Kleinere Reichsstände 538-1-1, p. 168.
[1047] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 146.
[1048] "Einige klagten bey der Rheingräflichen Cantzley, und da wurden sie mit einer verstelten Justiz-Administration wider die unschuldige Gemeinds-Corpora so lang amusiret , bis ihr ernsthafftes andringen den Rheingrafen selbst zu dem sauren Schritt nöthigte, seinen übergrossen Schulden-Stand nebst der hiebey gespielten Gefährde, Eingangs angeführter maassen bey Reichs-Hof Rath anzuzeigen, und einen Untersuchungs-Commission extrahiren." HHStA RK Kleinere Reichsstände 538-1-1, p. 68.
[1049] This particular lawsuit is noteworthy, because Laukhard claims that the Count of Solms separately demanded his 50,000 principal with 7,800 interest from the Count in a personal letter. Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 215.
[1050] Moser, *Schuldenwesen*, 481-482.

(forged) loan documents just described, demanding immediate payment.[1051] The *Gemeinde* were suddenly hit with claims nearly totaling 130,000 Gulden.

The irresolution of the Grehweiler authorities led the creditors to bring their claims to the *Reichskammergericht* in Wetzlar. Although he is hostile to Carl Magnus on principle, Laukhard bemoans the swift judgments secured by the aforementioned creditors as indicative of the corruption of the court in general.[1052] He laments how those who "do not have supporters in Wetzlar and are not rich enough to buy a hearing and an advantageous legal opinion through bribery have to wait, even if they have the most righteous cause in the world."[1053] The corruption scandal alluded to here, that of imperial chamber court judge Johann Hermann Franz von Papen (also known as *Die Affäre Papius*), tarnished the reputation of the court after a visitation ordered by Joseph II in 1767 uncovered widespread bribery dating from the 1750s.[1054] Because Laukhard's judgment stems almost exclusively from this public embarrassment, however, it rings somewhat hollow. The more infrequent the scandal, the more spectacular it is.

The communes, of course, disputed these judgments. The *Leben und Thaten* describe alternative routes by which the matter ended up with a *Debitkommission* under the aegis of the *Reichshofrat*. In the first route, Carl Magnus listened to the advice of his supposedly honest councilor Kremer and agreed to approach the Imperial Aulic Council himself about restructuring his debts.[1055] This version of events finds support in Moser, who writes that the Count confessed

[1051] Moser, *Schuldenwesen*, 482.
[1052] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 231.
[1053] "wer in Wetzlar keinen Anhang hat und nicht reich genug ist, sich Gehör und günstigen Rechtsspruch durch Bestechung zu erkaufen, der muss warten; und wenn er die gerechteste Sache von der Welt haben sollte." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 231.
[1054] Anette Baumann. *Korruption und Visitation am Reichskammergericht im 18. Jahrhundert - eine vorläufige Bilanz*. (Wetzlar: Gesellschaft für Reichskammergerichtforschung, 2012).
[1055] Unwavering in his cynicism, Laukhard suggests that the only reason Kremer advised the Count to confess and seek a restructuring was because imperial commissions were financially very lucrative for those involved with them,

to the misdeeds performed in his name and that he alone, and not the communes, was the beneficiary of the loan agreements.[1056] In the second scenario, the communes themselves dispatched a petition to the Palatine Elector to dispute the judgments from the *Reichskammergericht*.[1057] The Elector refused to get involved, leading the peasants to send their own deputy directly to the court; with the assistance of a concerned relative of the Count, Prince Dominik zu Salm-Kyrburg, they succeeded in securing a judgment clarifying that the Count, and not the communes, was solely responsible for the debt burden in question.[1058]

Regardless of which avenue was taken (if not both), the result was an acknowledgement by Carl Magnus of his liability for the debts of the *Gemeinde*. That acknowledgement was formalized in his 17 September 1768 submission to the Reichshofrat mentioned previously. In that document the Count suggested that his relative, the Rheingraf Carl Ludwig zu Grumbach, could serve as the commissioner of any future imperial commission.[1059] The proposal itself was not necessarily a presumptuous one: as in a modern arbitral tribunal, the composition of commissioners frequently represented a consensus of the parties to the dispute. Instead of taking up the Count's suggestion, however, on 7 October 1768, the court ordered the creation of a *Debitkommission* and named Karl Christian, the Prince of neighboring Nassau-Weilburg (1735-

---

and because Kremer had secretly accepted a new position with the Count of Nassau-Weilburg – the likely commissioner – he stood to profit personally from the outcome he advocated. Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 239.

[1056] "daß die Gemeinden nicht einen Heller, sondern er alles Geld, empfangen habe, und er diese Anzeige thun müsse, damit man die Unschuld der Gemeinden ersehen möge." Moser, *Schuldenwesen*, 483.

[1057] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 236.

[1058] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 245.

[1059] Moser, *Schuldenwesen*, 703.

1788) as the commissioner.[1060] This commission remained active until 21 October 1784, or just over sixteen years later.[1061]

All of the cases investigated in this dissertation have involved an imperial commission under the aegis of the Reichshofrat, but this is the only case examined here to involve a *Debitkommission*. A distinct variety of imperial commission, *Debitkommissionen* were the principal means by which the rights of creditors were administered vis-à-vis the quasi-sovereign "imperially immediate" estates of the Holy Roman Empire. Those rights were codified in the *jüngster Reichsabschied* of 1654, the final "recess" (binding constitutional agreement) of the Reichstag before the dissolution of the Empire in 1806.[1062] As a debt restructuring mechanism, the commissions allowed debtors the opportunity to extend repayment schedules and lower interest rates. Conversely, creditors could force their quasi-sovereign borrowers into a form of Reichshofrat-governed receivership.[1063] This mechanism was arguably instrumental to the continued survival of tiny territories such as Grehweiler in the post-Westphalian empire.[1064]

It did not prevent larger territories from pushing smaller ones around, of course. In this instance, the bully was Electoral Mainz. The chancellor of that Electorate, Anselm Franz von Bentzel-Sternau (1738-1786) had been defrauded by the Grehweiler mortgage scheme: a loan of 90,000 fl. he provided had been secured with fictional real estate.[1065] With the RKG transfer of

[1060] Moser, *Schuldenwesen*, 495.
[1061] Wilhelm, "Nassau-Weilburg als Reichsdebitkommissar," 392.
[1062] Frank Kleinehagenbrock, "Der Umgang mit Finanzkrisen im Heiligen Römischen Reich – Modell für moderne föderale staatliche Ordnungen?," in: Kai von Lewinski (Hg.): *Staatsbankrott als Rechtsfrag*e, Baden-Baden 2011 (Gesetzgebung und Verfassung 3): 72.
[1063] Kleinehagenbrock, "Der Umgang mit Finanzkrisen," 73.
[1064] Sigrid Westphal, *Kaiserliche Rechtsprechung und herrschaftliche Stabilisierung. Reichsgerichtsbarkeit in den thüringischen Territorialstaaten 1648 – 1806* (Köln: Böhlau Verlag, 2002).
[1065] For the biography of the Chancellor, see Brück, Anton Ph., "Bentzel, Anselm Franz Freiherr von" in: Neue Deutsche Biographie 2 (1955), S. 59 [Online-Version]; URL: https://www.deutsche-biographie.de/pnd118655620.html#ndbcontent. For the amount of the loan in question, see Moser, *Schuldenwesen*,

the case to the Reichshofrat, the likelihood of recovering his investment may have seemed remote. The Chancellor therefore ordered the arrest of "a good number of Grehweiler Schultheißen, court officials, and communal leaders."[1066] Despite a court order for their release from 30 January 1769, the officials remained in captivity for four years – effectively held as hostages in a vain attempt to secure payment from Carl Magnus or the communes of Grehweiler.[1067],

Although this strategy of self-help was unsuccessful for Electoral Mainz, it bore certain parallels to the legal logic of the Reichshofrat itself. The court reasoned that the civil and criminal elements of the case were inseparable from one another, making their resolution in a single judicial process necessary.[1068] The criminal aspect of the case was reinforced by Emperor Joseph II himself, who noted in a 20 July 1770 message to the Prince of Nassau-Weilburg that he should proceed with a "special criminal inquisition with the full force of the law."[1069] Hereby empowered to arrest and interrogate the suspected perpetrators of the fraud, Nassau-Weilburg held an unusual array of legal powers. These were enhanced further with the transfer of administrative responsibility for the territory to the commission itself.

The same 20 July 1770 order stripped Carl Magnus of his governing role. As the Reichshofrat intoned: "the administration of … the entire state government could no longer be

---

484 (denoting the loan as an investment by the government of the Electorate rather than the person of the Chancellor).

[1066] "eine ziemliche Anzahl Grehweilerische Schultheißen, Gerichts-Männer und Gemeine-Vorsteher." Moser, *Schuldenwesen,* 484. Laukhard claims that they were arrested in Wöllstein, where they had gathered to negotiate a minor border disagreement. Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 256.

[1067] The Mandatum de relaxando arresto was issued by the *Reichskammgericht*. Electoral officials argued that, as a criminal matter, they exercised the *privilegium de non appellando* and were not subject to RKG jurisdiction. Moser, *Schuldenwesen*, 485.

[1068] "Mithin erwächet daraus eine solche cohaerentia negotii civilis & criminalis, vermöge deren keines von dem andern getrennet werden kan, sondern beydes in uno eodemque judicio entschieden werden muß." Moser, *Schuldenwesen,* 490. This is the doctrine of *causa continentia*.

[1069] Moser, *Schuldenwesen,* 497.

left to the delinquent [Count], since he had already made himself unfit for this through his shameful offenses. Therefore, "it was precisely for this reason that your most obedient Imperial [Reichshofrat] was also obliged to suspend [Carl Magnus] from the 20th of July onwards because of the abuse that was obviously attributable to him, and to entrust such authority equally to the Prince of Nassau-Weilburg until the end of the inquisition process."[1070] Aside from the notable lack of a presumption of innocence, the genuinely striking aspect of this order is the confident assertion that the court possessed the power to unseat a territorial ruler. The move supports the positive historiographical reappraisal of post-Westphalian imperial institutional authority.[1071] Yet even at the time that authority was hotly contested, not the least by Laukhard himself.

Laukhard was convinced that the Emperor did not have the authority to remove a territorial ruler – *einen wirklich regierenden Reichsstand* – without the assent of the imperial parliament.[1072] But Laukhard was neither a lawyer nor well acquainted with the history of such practices. It was true that the 1711 electoral capitulation of Charles VI had limited the power of

[1070] "In verfolg einer dergestalt angeordneten Special-Criminal-Inquisition konnte den delinquirenden Rheingrafen die Verwaltung der Jurisdictionalium, und gäntzliche Landes-Regierung nicht wohl mehr überlassen werden, da er sich vorhin schon durch seine so schändliche Vergehungen hiezu untauglich gemacht, auch durch seinen eigenen offenhertzige Bekänntnüß in gewisser Maaß selbst daraus gesetzet hatte. Und eben daher wurde Ew Kayl Mayt gehorsamster Reichs-Hof-Rath fernerweit veranlasset, diesen Inquisiten nicht minder von der erstgedachten Landes-Regierung, et Administratione Jurisdictionalium wegen deren ihme offenbar zu last fallenden Mißbrauch, in eben selbigem Concluso vom 20ten Juliy cur an zu suspendiren, und solche bis zu beendigung der Inquisitions-Processus dem Herrn Fürsten zu Nassau-Weylburg gleichmässig Authoritate Caesarea anzuvertrauen." HHStA RK Kleinere Reichsstände 538-1-1, p. 74.

[1071] Anton Schindling, "Die Perpetuierung des Immerwährenden Reichstags in Regensburg und das Heilige Römische Reich um 1670," in *Die Zeit Um 1670: Eine Wende In Der Europäischen Geschichte Und Kultur*? (Wiesbaden: Harrassowitz Verlag, 2016), 182.

[1072] "Zwar ist der Kaiser nicht befugt, ohne vorhergehende Bewilligung der Kurfürsten, Fürsten und Stände, einen wirklich regierenden Reichsstand, der seine landesherrliche Gewalt missbraucht, es durch eine höhere Macht fühlen zu lassen, dass er nicht unabhängig sei oder ihn des Sitz- und Stimmrechts zu berauben oder einzukerkern oder gar der Regierung zu berauben." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 302.

the Emperor to declare the imperial ban (*Reichsacht*) without the consent of parliament.[1073] That clause was copied directly from the project for a perpetual capitulation (*capitulatio perpetua*), a holdover issue from the Westphalian peace negotiations that sought to limit the power of the electoral college.[1074] But the 20 July 1770 order was not a ban, effectively a declaration of outlawry in response to rebellion, but a deposition instead. Outside of the *Reichsacht*, there was a surprisingly frequent occurrence of such depositions in the eighteenth century.

Rulers deposed in this manner usually had large debts or faced intra-familial succession crises.[1075] But these were not the exclusive causes of imperial deposition. Wilhelm Hyacinth von Nassau-Siegen, for instance, was deposed by Emperor Joseph I. in 1707 for the extra-judicial execution of a purported rebel, Friedrich Flender von der Hardt.[1076] His case demonstrates the brittleness of territorial rulers' pretensions to independence; a relative of William the III of England, he had claimed after that King's death in 1702 the title of "sovereign Prince of Orange."[1077] In 1723, the mentally ill Count Hermann Friedrich von Bentheim-Steinfurt was deposed by the Reichshofrat at the request of the estates of Bentheim.[1078] In 1728, the autocratic duke of Mecklenburg-Schwerin, Karl Leopold, was similarly deposed in part for disregarding the role of the estates during the Great Northern War (1700-1721). In 1770, Count Friedrich of Leiningen-Guntersblum "committed the most disgusting misdeeds" and was therefore

[1073] Art. XX, Wahlkapitulation Karls VI. Wolfgang Burgdorf, *Die Wahlkapitulationen der römisch-deutschen Könige und Kaiser 1519-1792* (Göttingen: Vandenhoeck & Ruprecht GmbH, 2015), 349.
[1074] Anton Schindling, "The Development of the Eternal Diet in Regensburg," *The Journal of Modern History* 58 (1986): 68.
[1075] Historian Werner Troßbach argues that after 1742, the majority of depositions occurred when a feeble-minded Prince opposed a guardianship agreement proposed by his family members. Werner Troßbach, "Fürstenabsetzungen im 18. Jahrhundert," *Zeitschrift Für Historische Forschung* 13, no. 4 (1986): 443.
[1076] Although the government of Nassau-Siegen was assumed by the Cathedral Chapter of Cologne, the Reichshofrat did place the finances of the county into receivership and restructure its debts. *Annalen des Vereins für Nassauische Alterthumskunde und Geschichtsforschung, Neunter Band* (Wiesbaden: W. Roth, 1868), 77.
[1077] Troßbach, "Fürstenabsetzungen im 18. Jahrhundert," 433.
[1078] Heinrich Knüsermann, *Geschichte des Max-Clemens Kanals im Münsterland* (Hildesheim: August Lax, 1907), 49.

"imprisoned for behavior that is highly dishonorable to the dignity of an imperial estate."[1079] In 1778, the Count Gebhard Xavier zu Wolfegg-Waldsee was similarly imprisoned for two years by order of the court.[1080] These rulers had amassed sizeable debts in addition to the deeds that proximately caused their ouster. Yet that debt was not the sole cause of their deposition; indeed, most *Debitkommissionen* did not result in the deposition of the indebted ruler.

A certain legal vagueness was an essential element of these depositions.[1081] Article 8, § 2 of the Peace of Westphalia (IPO) held that imperial estates (such as Carl Magnus) "held the right of suffrage" and that the affairs of the Empire required "the common free choice and consent of all the Estates of the Empire."[1082] While this clause is certainly open to interpretation, in the practical deposition of territorial rulers its core logic was generally reversed: the Emperor ordered the removal of the ruler first, and the rulers subsequently appealed to the *Reichstag* to get themselves reinstated (usually without success).[1083] The Reichshofrat also employed a legal sleight of hand, reasoning in certain instances that the deposed ruler had not been removed "in

[1079] "weil er die abscheulichsten Untaten begangen hatte." Max von Boehn, *Deutschland im 18 Jahrhundert* (Berlin: Askanischer Verlag, 1921), 22. According to the RHR, he was imprisoned because of his "gemeinärgerlichen und die Würde eines Reichsstandes höchst verunehrenden Betragens." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 302. Karl Friedrich Häberlin described the crimes of Leiningen-Guntersblum as "blasphemy, attempted murder, poisoning, bigamy, treason, mishandling his subjects and foreign and clerical persons." Karl Friedrich Häberlin, *Handbuch des Teutschen Staatsrechts: nach dem System des Herrn Geheimen Justizrath Pütter : Zum gemeinnützigen Gebrauch der gebildeten Stände in Teutschland mit Rücksicht auf die neuesten merkwürdigsten Ereignisse bearbeitet. Zweyter Band* (Berlin: Vieweg, 1794), 240.
[1080] Johann Jacob Moser, *Zusätze zu seinem neuen Teutschen Staats-Recht Zweyter Band* (Frankfurt: 1782), 459.
[1081] Troßbach, "Fürstenabsetzungen im 18. Jahrhundert," 442.
[1082] "Nihil horum aut quicquam simile posthac unquam fiat vel admittatur nisi de comitiali liberoque omnium Imperii statuum suffragio et consensu." Art VIII, 2 *Instrumentum Pacis Osnabrugensis* URL: http://www.pax-westphalica.de/ipmipo/index.html.
[1083] An unusual instance of reinstatement was the Prince of Wied-Neuwied, who had been declared mentally unfit by the RKG but was restored to government by the Reichstag in 1797. Troßbach, "Fürstenabsetzungen im 18. Jahrhundert," 452.

perpetuity" but rather "provisionally."[1084] Because these rulers were for the most part politically isolated, the legal fuzziness surrounding their ouster failed to elicit much indignation.

This indifference may itself have had legal ramifications. The practice of customary law had deep roots in the Holy Roman Empire.[1085] A legal treatise from the 1790s touched on the three most recent depositions of rulers by the Reichshofrat, making the point that the Emperor clearly had the power to remove non-governing imperially immediate estates. More importantly, in the case of governing rulers the author, Karl Friedrich Häberlin, argued that since the Reichstag had not counteracted the measures, they assumed a legal validity. "The Empire remained silent about all of these incidents, and so it may have made it clear that it did not believe that the Emperor had acted unlawfully in this regard."[1086] In other words, the inaction of the estates was a tacit admission of the depositions' legality. Custom created law.

Carl Magnus was not silent about his own removal. On 11 December 1770, he pleaded with Joseph II for clemency.[1087] In response, the court issued an advisory opinion to the Emperor on 21 February 1771. It acknowledged that while "the granting of this repeatedly requested mercy depends solely on your supreme will," it would be premature to "suffocate [the investigation] in its infancy."[1088] In particular, the court was keen to collect the testimony of the

[1084] Troßbach, "Fürstenabsetzungen im 18. Jahrhundert," 441.
[1085] "Die Teutschen Rechte gründen sich lediglich auf Gewohnheiten." Johann Martin Kremer, *Kurzgefasste Geschichte des Wild- und Rheingräflichen Hauses aus Urkunden zur erläuterung der Verfassung desselben insonderheit in betracht der Erb- und Lehenfolge-Ordung* (Mannheim: Akademischen Schriften, 1769), 198.
[1086] "Zu allen diesen Vorfällen hat das Reich geschwiegen, und so möchte wohl dasselbe dadurch zu erkennenen gegeben haben, dass es nicht glaube, der Kaiser habe hiedurch gesetzwidrig gehandelt." Häberlin, *Handbuch des Teutschen Staatsrechts*, 240-241.
[1087] 11 December 1770. Letter from Carl Magnus to Joseph II. HHStA RK Kleinere Reichsstände 538-1-1, p. 312.
[1088] "Es hanget zwar die Ertheilung der wiederholter nachgesuchten Gnade von Euer allerhöchsten Willen blos allein ab; gehorsamster Reichs-Hof Rath findet sich aber solche noch zur Zeit einzurathen um so weniger in Stande […] wann die so scharf eingeleitete Inquisition dermalen, wo Sie noch kaum angefangen weder der Inquisit ordentlich ad Interrogatoria vernommen worden ist vielmehr sich seinen Gefährde aus den aussagen seiner complicien Täglich

count's accomplices Arnoldi and Breckenfeld.[1089] Yet here there is a certain gap in the record. We do learn that the court ordered the commission to sell the movable property of the Count as quickly as possible in order to satisfy his many creditors.[1090] But the court was getting impatient, and chastised the commission for "their previous inaction" and exhorted the commissioners to take "the Special Inquisition more seriously than it has done so far."[1091]

The criticism from the Reichshofrat was echoed by Laukhard. He alleged that "the commission ruled without constraints and almost as despotically as the Count had before. Like the donkey in the fable, it was as though the subjects had only been given a different bridle."[1092] As evidence for this harsh judgment, Laukhard points to the practice of selling offices: "Whoever wanted to be village mayor had to pay the Commission secretary and *Kammerrat* Fabel, otherwise he would not get the job."[1093] There are good reasons to doubt Laukhard's evenhandedness on the subject of the commission, however. In 1781, he had written a complaint to the commission about the aforementioned Fabel (a man "learned to the button of his pants and as proud as Goliath").[1094] This complaint earned Laukhard the dismissal from his post as a curate

---

näher zuneiget, schon wiederum gleich in ihren Geburt ersticket werden solte." HHStA RK Kleinere Reichsstände 538-1-1, p. 328.

[1089] Moser, *Schuldenwesen*, 506.

[1090] Moser, *Schuldenwesen*, 512.

[1091] "Comissions Subdelegatis zur Entschuldigung ihrer bißherigen Unthätigkeit angeführte ad formandos articulos inquisitoriales erforderliche vorläuffige Untersuchung in diser Zwischenzeit ohnfehlbar vollendet […] nunmehro, ohne weietere zum blossen Verzug diser so dringenden Sache absehende Anfragen, in der aufgetragenen Special-Inquisition recthlicher Ordnung nach dereinstens ernstlicher, als bißhero geschehen, fürzufahren." Moser, *Schuldenwesen*, 512-513.

[1092] "In der Graffschaft herrschte die Commission unumschränkt, und beynahe eben so despotisch-ausgelassen, wie ehedem der Graf. Die Unterthanen hatten, wie der Esel in der Fabel, beynahe blos andre Zäumsättel aufgelegt bekommen." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 327.

[1093] "Die Aemter in der Graffschaft wurden auch regelmäßig verkauft. Wer nur Dorffschulze werden wollte, mußte dem Commissions-Sekretär und dem Kammerrath Fabel spendiren: sonst bekam er das Amt nicht." Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 328.

[1094] Friedrich Christian Laukhard, *F. C. Laukhards Leben und Schicksale, von ihm selbst beschrieben Erster Theil* (Halle: Michaelis und Bispink, 1792), 394.

in the parish of Obersaulheim at the hands of the Prince of Nassau-Weilburg.[1095] The incident caused a breach in Laukhard's relationship with his father, a painful episode in his life that likely colored his view of the imperial commission as a fair arbiter.

The Commission had not been completely idle. In addition to assuming the mantle of governance, it had arrested Arnoldi, Breckenfeld, and the wife of *Oberschulze* Häfner (she apparently did not make it to America). On Monday, 10 May 1773 the commission held an auction of the Count's assets, finally getting around to the sale ordered by the court two years previously.[1096] In addition to larger items such as the Grehweiler cotton factory and a reputable *Orangerie*, participants in the auction could find not only the Count's furniture, but also his linens.[1097] On the first of May of that year, the commission set the final date for the submission of claims by creditors – 30 June, 1773.[1098] These were all necessary, but also relatively straightforward tasks. The real challenge was determining which creditors received priority, and fashioning a repayment plan that made them whole without ruining the county financially.

The Commission required a further ten years to thread that particular needle. In the meantime, it dealt more decisively with Carl Magnus. The commission first interrogated him on 3 January 1773, ultimately posing 514 questions.[1099] The key information gleaned from those interviews was that he directed his subordinates to falsify the documentation for 316000 fl. worth

[1095] Ostensibly because Fabel was close friends with one of the commissioners, Christian Jakob von Zwierlein. Laukhard does not fault Nassau-Weilburg in any way, acknowledging that he probably just signed the dismissal without knowing much about its contents. Laukhard, *Leben und Schicksale*, 394.
[1096] Moser, *Schuldenwesen*, 516. Moser cites "the Frankfurt newspapers" for this information. Laukhard naturally condemned the auction, arguing that it led to the disposal of priceless items at fire-sale prices. Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 296.
[1097] Moser, *Schuldenwesen*, 516.
[1098] Moser, *Schuldenwesen*, 517.
[1099] HHStA RK Kleinere Reichsstände 538-1-1, p. 174.

of loans taken out in the name of the *Gemeinde*.[1100] The amount of paperwork required by the fraud was enormous: whole reams of correspondence supposedly attested to the legitimacy of fabricated payments to and from the *Gemeinde*. The interviews confirmed that the loan documents described payments "received by [the Count] and his *Rentey*, and also partly by his [brother]."[1101] They also suggest that the fraud began in 1754 and continued until the year of the Count's bankruptcy (1768), i.e. fourteen years later.[1102] Despite his many accomplices, the court concluded that Carl Magnus was "everywhere at the helm, and therefore able to persuade his occasionally prevaricating servants with harsh words and threats."[1103]

Unsurprisingly, the court found Carl Magnus guilty. It is worth analyzing the language of the verdict, however, to determine whether comparisons of the Count's actions with the notion of grand corruption pass muster. The court found that through his "lawless and unconscionable miseries," Carl Magnus had "violated public loyalty and faith" and "very blatantly abused his sovereign power."[1104] These words strongly support the fiduciary concept of officeholding discussed in Chapter Four. Indeed, the court interpreted the sentencing guidelines of the imperial penal code, the *Constitutio Criminalis Carolina*, so strictly that it considered the death penalty

[1100] HHStA RK Kleinere Reichsstände 538-1-1, p. 175.
[1101] "daß die dergestalten aufgebrachte gelder für sich und sein Rentey empfangen, auch zum Theil seinen geschwistrigen zugewendet." HHStA RK Kleinere Reichsstände 538-1-1, p. 175.
[1102] "sothann abscheuliche Fabrique von Räncken und Betrugereyen aber von Ao. 1754 an bis 1768, mithin fast voller 14 Jahre hindurch gantz ungescheuet auf das feyerlichste fortgetrieben habe." HHStA RK Kleinere Reichsstände 538-1-1, p. 175.
[1103] "überall das Ruder geführet, und seien- sich deshalb zuweilen weigerende dienerschafft durch harte Worte und drohungen hinzu vermöget habe." HHStA RK Kleinere Reichsstände 538-1-1, p. 175.
[1104] "Daß der inquierte Rheingraf bey der von ihm durch seine vielfache gesetz und gewißens-losen Elendwercke so weit verlezten offentlichen Treue und glauben, sehr schreyenden Mißbrauch der Landesherrlichen gewalt, unverantwortliche Überlistungen seiner glaubigern, gemeinds-Corporum und einelnen gemeinds-gliedern, auch daraus erwachsung unversetzlichen Schaden, in aber die Classe von Falsarius gehör, und sich dieses verbrechen in höchsten grad zu Schulden gebracht, somit, der Schärffe nach, mit der Poena ordinaria beleget werden könnte, deßen werden Euer Kayl Mayt von selbsten erleuchtest überzeugt seyn." HHStA RK Kleinere Reichsstände 538-1-1, p. 190.

warranted in this instance.[1105] It ultimately advised against that punishment because "in the present case, no one would be harmed more by the death penalty of the defendant than the creditors and the *Gemeinde*, which would put an end to all payments."[1106] The phrasing is a further reminder of the legal distinction drawn by the court between the person of the Count and the territory he ruled: unlike a corporate body, the debts of Carl Magnus would die with him.

The loss of trust described in the scathing court judgment echoed popular opinions about Carl Magnus at home. As he was led away to prison, a crowd ostensibly followed his coach shouting "The devil is taking the Rheingraf! Good fortune is on the way! Now his mistreatment will go away!"[1107] The breach of fiduciary duty on display here was exacerbated by the scale of governance. Historian Stefan Brakensiek argues that "the specific form of princely dominion found in the territories of the Holy Roman Empire in a very extensive way relied on the cooperation of its subjects, and therefore gained a comparatively high level of acceptance."[1108] This "acceptance-oriented dominion" was not amenable to the abuse of communal credit and the rupture was irreparable; although he lived another eighteen years, Carl Magnus never recovered the lordship of Grehweiler.

[1105] The RHR interpreted Art. 112 of the *Carolina,* which states that the offender found guilty of fraud should be punished "am Leib und Leben, nachdem die Fälschung viel oder wenig boßhafft und schädlich geschieht, nach Rath der verständigen, oder sonst als zu Ende dieser Ordnung vermeldet, peinlich gestraffet werden solle." HHStA RK Kleinere Reichsstände 538-1-1, p. 190.
[1106] in gegenwärtigen Falle niemanden mehr, als den Creditoribus und den gemeinden durch die Todes-Strafe des Inquisiti, welche zugleich allen Zahlungen ein End machete, geschadet wurde
[1107] "Der Janhagel zu Grehweiler bewies auch bei dieser Gelegenheit, dass Janhagel immer und überall Janhagel ist. Man lief hinter dem Wagen her und schrie: „Da holt der Teufel den Rheingrafen! Glück auf den Weg! Jetzt wird ihm sein Schinden wohl vergehen!" Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 312.
[1108] Stefan Brakensiek, "Communication between Authorities and Subjects in Bohemia, Hungary and the Holy German Empire, 1650−1800: A Comparison of Three Case Studies," in *Empowering Interactions : Political Cultures and the Emergence of the State in Europe 1300-1900* ed. by Wim Blockmans and Daniel Schläppi (Abingdon: Taylor & Francis Group, 2009), 162.

The 19 May 1775 *conclusum* of the court suggested a ten year imprisonment for the count at the Philippsburg fortress.[1109] Emperor Joseph II adopted this recommendation in part and pronounced judgment on 21 July of the same year, claiming that although Carl Magnus had earned a harsher sentence, his leniency was a response to the indebted Count's plea for mercy.[1110] He condemned the Count for his "shameful frauds, irresponsible abuses of sovereign power, and numerous committed, ordered and permitted forgeries."[1111] Similarly broad in scope as the language used by the court, the language of the sentence encompasses not just the violation of Art. 112 of the *Carolina* (fraud), but also the operation of the machinery of government for nefarious, self-enriching purposes. The date when Carl Magnus began serving his sentence is a matter of dispute: a 1776 letter from the Elector of Mainz dates his imprisonment at the fortress Königstein im Taunus (near Frankfurt am Main) to 5 August 1775.[1112] Nineteenth-century chronicles list 15 August 1775 (and incorrectly identify the Philippsburg fortress as the place of incarceration).[1113] Laukhard says he was imprisoned "approximately six weeks" after his house arrest in June in Königstein.[1114] Yet on 3 November 1775, the Reichshofrat admonished the commission for not yet transporting the Count to "an

[1109] HHStA RK Kleinere Reichsstände 538-1-1, p. 192.
[1110] Johann Jacob Moser, *Zusätze zu seinem neuen Teutschen Staatsrecht, darinn, nebst vilen ungedruckten, zum Theil sehr wichtigen, Urkunden und Nachrichten von allen neuesten bekannten Teutschen (allgemeinen und besonderen,) Staatsangelegenheiten hinlänglicher Bericht ertheilet wird, Bd. 2* (Frankfurt: 1782), 456.
[1111] "deren von ihm selbst eingestanden schändliche Betrügereien, unverantwortlichen Mißbrauchs der landesherrlichen Gewalts, und vielfältig begangener, befohlener, und zugelassener Fälschungen." HHStA RK Kleinere Reichsstände 538-1-1, p. 275-276.
[1112] 6 March 1776 Letter from Friedrich Carl Joseph von Erthal (Elector of Mainz) to Prince Colloredo. HHStA RK Kleinere Reichsstände 538-1-1, p. 347.
[1113] Anton Joseph Weidenbach, *Denkwürdiger und nützlicher rheinischer Antiquarius welcher d. wichtigsten u. angenehmsten geograph., histor. u. polit. Merkwürdigkeiten d. ganzen Rheinstroms, von seinem Ausfluß in d. Meer bis zu seinem Ursprunge, darstellt Abt. II, Band 19* (Koblenz: Rudolf Friedrich Hergt, 1870), 234. Hoffmann incorrectly uses this source to critique Laukhard for falsely identifying the fortress where Carl Magnus served his sentence.
[1114] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 312.

imperial fortress."[1115] Finally, a 22 December 1775 order from the Prince of Nassau-Weilburg instructs officials from the upper Rhenish "circle" to carry out this order.[1116]

He made it to Königstein eventually, although he only served six and a half years instead of the prescribed ten. The five and three year imprisonments already served by the officials Schad and Breckenfeld were deemed sufficient punishment for them, alongside the seizure of their assets (Arnoldi and Häfner were found guilty *in absentia*, with their assets similarly forfeit).[1117] Laukhard, ever the Protestant partisan, comments wickedly about the attempts of his jailers to convert the Count to Catholicism.[1118] Despite submitting a formal plea for release on his behalf, Carl Magnus' wife, the Countess Johannetta, never visited her husband in prison.[1119] He was released in 1782 and lived in his nearly empty (and soon to be demolished) palace at Grehweiler until his death on June 1, 1793.[1120] He was seventy five years old.

The reason for the Count's early release and residence in his old palace was the conclusion of an agreement with his creditors and the family of his son-in-law. The commission sought a legal opinion on the priority of stakeholders in the bankruptcy; in 1780, the law faculty of Tübingen provided an official decision.[1121] This formed the basis for the settlement of

[1115] HHStA RK Kleinere Reichsstände 538-1-1, p. 335.
[1116] 22 December 1775. 'Berichtliche Anzeige' Prince of Nassau-Weilburg. HHStA RK Kleinere Reichsstände 538-1-1, p. 339.
[1117] HHStA RK Kleinere Reichsstände 538-1-1, p. 277. Hoffmann lists the punishments for the notaries Soreczansky and Cullmann as well. Hoffman, "Am Hof und im Lande von Grehweiler, 101.
[1118] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 315.
[1119] Laukhard, *Leben und Thaten des Rheingrafen Carl Magnus*, 321.
[1120] Hoffman, "Am Hof und im Lande von Grehweiler, 58. The palace was destroyed during the wars with revolutionary France; only the foundation still exists.
[1121] This process, known as *Aktenversendung*, was common in the early modern Empire. The opinion of a *Spruchkollegium*, a law faculty with the power to provide legal judgments, was binding on the parties. Peter Oestmann, "Aktenversendung", in: *Enzyklopädie der Neuzeit Online*, im Auftrag des Kulturwissenschaftlichen Instituts (Essen) und in Verbindung mit den Fachherausgebern herausgegeben von Friedrich Jaeger, Georg Eckert, Ulrike Ludwig, Benjamin Steiner und Jörg Wesche. J.B. Metzler, Online abgerufen am 09 November 2023.

December 1781, which saw unsecured creditors take a fifty percent "haircut."[1122] The settlement likely would not have been approved without the agreement of Rheingraf Carl Ludwig Theodor von Grumbach, (whose son Wilhelm Christian was the fiancée of Carl Magnus' youngest daughter Louise), to assume the debts of the old Count in exchange for the merger of the two counties.[1123] The plan worked financially for the Grumbach line because of the Dhaun fortune passed from Countess Johannetta Ludovica (who had died in 1780) to her daughters and subsequently pledged to the liquidation agreement. With the merger, the county of Rheingrafenstein was officially extinguished.

The reputation of Carl Magnus has not received a posthumous rehabilitation. In 1855, the mass-market periodical *Die Gartenlaube* ran an article about the Count. Addressing "the many admirers of the so-called good old days," the article briefly summarized the worst excesses of Carl Magnus and warned against the arbitrary ineptitude of the "country fathers" of the old regime.[1124] The judgment of the 1870 *Denkwürdiger und nützlicher rheinischer Antiquarius* was more pointed, arguing that "if [Carl Magnus] had had less recklessness [and French] dissoluteness, it would have been better for him and the country."[1125] Yet even this appraisal seems curiously hesitant. Individually, the fornication tax, the "bastard" tax, the various schemes in the mining sector, the redrawing of property boundaries, the domestic lending facility, and the lottery, salt and alcohol monopolies might have served legitimate – even, at least

[1122] Wilhelm, "Nassau-Weilburg als Reichsdebitkommissar," 389.
[1123] HHStA RK Kleinere Reichsstände 538-1-1, p. 436. Wilhelm Christian and Louise were engaged on 21 October, 1784. *Cantate auf die Hohe Vermählungsfeyer Sr. Erlaucht des Herren Rheingrafen Wilhelm von Grumbach und Ihro Erlaucht der Frau Rheingräfin Louise von Grehweiler vom 21 Oct. 1784 : abgesungen in Wildenburg von Karl und Sophia Ruppenthal, musikliebenden Kindern nach Kollens Tonsaz* electronic edition (Koblenz: Landesbibliothekszentrum Rheinland-Pfalz, 2013).
[1124] "Aus der guten alten Zeit", *Die Gartenlaube* Vol. 46 (Leipzig: Ernst Keil, 1855), 617.
[1125] "Hätte er, zur Herrschaft gekommen, unter einem kräftigen, umsichtigen Mann stehen müssen, oder hätte er weniger Leichtsinn gehabt, der mit welscher Liederlichkeit in ihm gepaart vorkam, es wäre für ihn und das Land besser gewesen." Weidenbach, *Denkwürdiger und nützlicher rheinischer Antiquarius*, 228.

by the standards of the time, salutary – policy goals. Combined together with a massive credit fraud, however (not to mention the potential collusion with local brigands), and the sum total assumes a character distinct from its constituent parts.

Contemporaries did not label it corruption. They used a broader term, *Betrug* (fraud), as a watchword for the financial crime at issue here. Yet the nomenclature should not distract from the normative and legal censure of Carl Magnus' conduct. That censure was multifaceted: it excoriated his luxury consumption as an individual failing, but also condemned the breach of public trust inherent in his fraudulent loans as degrading the common good. These very different understandings of corruption, as moral perversion and economic mismanagement respectively, resonate in both Laukhard and the rulings of the Reichshofrat to a degree that belies their supposed bifurcation in the eighteenth century with the advent of "modernity."[1126] Carl Magnus was not imprisoned for debt, but for theft. Although the term "kleptocracy" would not be coined until 1819 – twenty six years after the Count's death – the legal indictment of his administration analyzed in this chapter suggests that regimes of theft, or grand corruption, were conceptually possible and morally reprehensible in the Empire as the *ancien régime* came to an end.[1127]

[1126] The Australian sociologist Barry Hindess argued that the modern western conception of corruption as "problematic behavior on the part of individuals" originated in the late eighteenth century and largely replaced the earlier understanding of a decayed body politic. Barry Hindess, "How Should We Think about Corruption?" in *Corruption: Expanding the Focus*, eds. Barcham, Hindess, Larmour (Canberra: ANU Press, 2012), 5.
[1127] The term "kleptocracy" was first used by the English essayist Leigh Hunt in a brief 1819 review of Francisco Quevedo's picaresque 1626 novel *El Buscón*, or History of the Life of a Swindler. Leigh Hunt, *Essays by Leigh Hunt* (London: Walter Scott, 1887), 198.

CONCLUSION

The term "corruption" is so thoroughly abused, it sometimes appears meaningless. At the time of this writing, the seventy-seven year old Burmese Nobel Peace Prize laureate Aung San Suu Kyi sits in prison serving a thirty-three year sentence for "corruption" (her real crime, of course, is her political opposition to the Myanmar military junta).[1128] Meanwhile, in a recent poll of voters on threats to democracy, vague and frequently contradictory interpretations of "corruption" emerged as the most prominent concern of the U.S. electorate.[1129] The word remains an unsettled matter of law in the United States, where it divides courts as to its meaning.[1130] For historians of early modern Europe, the word can mean nothing at all but is more frequently limited to simple bribery.[1131]

This dissertation has traced the evolution of "corruption" in the Holy Roman Empire through the jurisprudence of the Imperial Aulic Council, or *Reichshofrat*. The five cases analyzed here document the alchemical process by which the prosaic facts of a legal dispute can expose, transform, and codify the normative expectations of the society in which that dispute arose. The resulting jurisprudence is both discontinuous and undulating, yet marked by a core semantic stability. Communal interests, broadly defined, generally superseded the interests of any particular individual, doctrine, or sovereign entity. Despite state centralization, the ostensible

[1128] Celeste Hall, "Myanmar Supreme Court dismisses appeals of Aung San Suu Kyi corruption convictions," *Jurist News*, Oct. 6, 2023, https://www.jurist.org/news/2023/10/myanmar-supreme-court-dismisses-appeals-of-aung-san-suu-kyi-corruption-convictions/.
[1129] Nate Cohn, "Threat to Democracy? Start With Corruption, Many Voters Say," *New York Times*, Oct. 18, 2022, https://www.nytimes.com/2022/10/18/upshot/nyt-poll-threats-democracy.html .
[1130] Connor Nelson, "'Corruptly' Continues Consistently Confounding Courts: A New Look at "Corruptly Persuades" in 18 U.S.C. § 1512(b) Obstruction of Justice" *Utah Law Review* (2021), available at https://dc.law.utah.edu/cgi/viewcontent.cgi?article=1286&context=ulr; See also Eric Tamashasky, "The Lewis Carroll Offense: The Ever-Changing Meaning of "Corruptly" within the Federal Criminal Law," 31 J. LEGIS. 129, (2005): 130–32.
[1131] Otto Ulbricht, "Korruption in der Frühen Neuzeit: Das Beispiel Schleswig-Holstein-Gottorf, ca. 1570 – 1721. *Zeitschrift für Historische Forschung*, 45, 1 (2018): 31.

rise of absolutism, and the amorphous proliferation of disenchantment during this period, corruption nonetheless retained its power as a tool by which a community could excommunicate the fallen from its ranks.

Here at the end, a certain scorecard is in order. This dissertation has touched on the ambivalent scholarly consensus depicting the supermajority-Catholic *Reichshofrat* as a mildly reactionary and assiduously nonpartisan body. As one of the premier institutions of a fraying polity, the court expanded Habsburg influence by judging without regard to confession. More specifically, this mixture of criminal and civil cases saw the Jewish convert Philipp Lang lose his life and the universally catholic Cologne city council lose its suit on procedural grounds (with the similarly catholic leader of the revolt, Nikolaus Gülich, also losing his life). The equally catholic cathedral chapter and Prince-Bishop of Eichstätt reached a settlement in their civil suit, while a number of the Episcopal ministers incurred criminal liability. The Pietist peasantry in Schwarzburg-Rudolstadt failed in their civil suit against their Lutheran lord (while realizing many of their aims in the political arena) and the Lutheran Count of Rheingrafenstein suffered criminal conviction at the same time that his territory fell into receivership. In a non-confessional manner, therefore, the fight against corruption scored two wins, two losses, and a draw.[1132]

The chronology of these cases begs the question of doctrinal evolution. A modern reader might expect the later opinions examined here to refer to the earlier ones as mandatory or persuasive authorities guiding the adjudication of the present dispute. Indeed, the trend in this direction is evident from the increasing publication of *Reichshofrat* judgments in the eighteenth

[1132] These were of course not the only corruption cases to come before the *Reichshofrat* during this period.

century, primarily through the indefatigable efforts of the jurist Johann Jakob Moser.[1133] Yet here the cases do not build an edifice of precedent over time. Judicial opinions could serve as a source of persuasive legal authority in the Holy Roman Empire as they do in modern civil law systems. But at least one of the imperial supreme courts, the *Reichskammergericht*, did not publish the legal reasoning underpinning its orders, and the reference to earlier published court orders is exceedingly rare.[1134]

This was less a question of citation than one of principle. Although the *Reichshofrat* was undoubtedly a judicial body, it exercised its authority on behalf of the Emperor as "highest judge" (*oberster Gerichtsherr*). Its opinions therefore frequently rest on what Anglophone jurisprudence would term "equitable" principles; effectively, the court reached decisions consonant with an abstract and somewhat subjective idea of justice rather than adhering strictly to written legal authorities. Such an approach was not necessarily beneficial to either party. For instance, whereas the canons of the Eichstätt cathedral chapter suffered reversals merely due to the old age of their Prince-Bishop, the socioeconomic data compiled in the Schwarzburg-Rudolstadt *Landestabelle* did secure an advantageous ruling from the court for the petitioners in that case. These are variations on a theme repeated throughout the cases analyzed here, namely, that the reasoning behind court orders frequently rested on non-legal bases.

The lack of clear doctrinal uniformity is a feature, not a bug of the corruption jurisprudence of the *Reichshofrat*. Composed as it is from vernacular disputes, the jurisprudence of the court resembles legal theorist Robert Ellickson's observation about rules, namely that "a

[1133] The so-called "Merckwürdige Reichs-Hof-Raths Conclusa." David Petry, *Konfliktbewältigung als Medienereignis: Reichsstadt und Reichshofrat in der Frühen Neuzeit* (Berlin: Akademie Verlag, 2011), 127.
[1134] Barbara Stollberg-Rilinger and André Krischer, *Herstellung und Darstellung von Entscheidungen: Verfahren, Verwalten und Verhandeln in der Vormoderne* (Berlin: Duncker & Humblot, 2010), 17.

rule can exist even though the people influenced by the rule are unable to articulate it in an aspirational statement" just like "[c]hildren can learn to speak a language correctly without being able to recite any rules of grammar."[1135] Similarly, the manifold permutations of corruption analyzed by the court here yield no definitive list of proscribed behaviors. Instead, the communal sanctions sought in each instance rely on context-specific understandings of fair and proper conduct by individuals when measured against municipal wellbeing.

There is one striking exception to the doctrine just described. The sale of offices is, by and large, forbidden. The traditional historiography extrapolated the unique proliferation of venal office sales in *ancien régime* France into a pan-European phenomenon.[1136] With some notable exceptions, the cases examined here undercut this Franco-centric bias by highlighting the normative and legal impermissibility of the practice. The repeated occurrence of office sales in spite of this prohibition honors the rule in the breach. Just as the continued practice of selling United States ambassadorships does not generally condone the sale of U.S. government office, the incidence of office sales in the Holy Roman Empire similarly belies their social stigmatization and widespread illegality.[1137]

While this finding revises an historiographical trend, a key finding from chapter Four offers support for another. The association between Protestantism and anti-corruption is as old as

[1135] Robert Ellickson, *Order without Law: How Neighbors Settle Disputes* (Cambridge, MA: Harvard University Press, 1994), 130.
[1136] The historian Franz Quarthal, for instance, argued that "[m]an hat im Ämterkauf eine durchaus legitime Vergabe-und Besetzungspraxis der Herrscher gesehen, zugleich eine Möglichkeit des frühmodernen Staates, seine Kreditbasis zu erweitern, ebenso auch die Amtsinhaber die den Kaufpreis nicht durch Amtsentzug verlieren wollten, loyal an den Herrscher zu binden." Franz Quarthal, "Korruption in Gesellschaft und Staat des Ancien Régime" in *Sozialwissenschaftliche Informationen* 16, no. 1 (1987): 43. This description of French practice is universalized to describe the early modern experience across Europe.
[1137] Mattathias Schwartz, "Got $1 Million to Spare? You Can Buy an Ambassadorship," *New York Times*, Dec. 15, 2020, https://www.nytimes.com/2020/12/15/opinion/ambassadors-donors-biden.html.

Luther's critique of indulgences.[1138] The peasants' suit in Schwarzburg-Rudolstadt validates this tradition. Regardless of whether the impact follows from the cultural changes wrought by Thuringian Pietism or from the institutional tinkering that accompanied those changes, the impact itself is discernible from the case file of the *Landstreit*. Pietism decisively changed the calculus for public officials, disincentivizing corruption politically, legally, and morally. It transformed the moral ecology of the environment where it took hold.

The definition of corruption is inseparable from the context in which it occurs. This observation is particularly important for an eye-wateringly complex polity such as the Holy Roman Empire. As the historian Jürgen Backhaus notes, the territories of the Empire "existed in a thoroughly competitive environment, in which the scope for taxation was tightly circumscribed, both by the persistence of feudal institutions and by the high mobility of resources due to the fragmented nature of the German territories."[1139] Those territories therefore formed a crude Tiebout model, whereby public goods were optimized by the competition between local governments.[1140] The absence of corruption is a public good, and the cases analyzed in this dissertation support the contention that the close proximity of alternative territorial regimes heightened the vigilance with which territorial subjects' might perceive self-enrichment on the part of their public officials.

[1138] Arguably its legal underpinnings go back even further. The canonical work by 14th-century Ghibelline apologist Marsilius of Padua, *Defensor Pacis*, presages many of the later Protestant critiques of Papal practice as "corruptions" of the church that could ultimately be traced back to the conversion of Constantine and the abandonment of apostolic poverty. George Garnett, "Christian Providential History: A Dialectic of Perfection and Perversion," in *Marsilius of Padua and 'the Truth of History'* (Oxford: Oxford University Press, 2006), 147.
[1139] Jürgen Backhaus. "Mercantilism and Cameralism" *Economic Growth and the Origins of Modern Political Economy: Economic Reasons of State, 1500 – 2000* ed. Philipp Rössner (New York: Routledge, 2016), 74.
[1140] Charles M. Tiebout, "A Pure Theory of Local Expenditures," *Journal of Political Economy* 64:5 (1956): 416-424.

These cases also implicate the importance of shame to a healthy normative regime. Shame is an unpleasant emotion that we feel when we have done something morally wrong; it "signals the fact that we fail to honor, even minimally, the demands consubstantial with the values to which we are attached."[1141] The philosopher Martha Nussbaum contends that shame has no place in the law, where it serves merely to degrade the human dignity of those to whom it is directed, generally the marginalized and oppressed.[1142] In the case of Nikolaus Gülich, the Shame Column built on his demolished house certainly sought to degrade his human dignity. Shame columns are an extreme manifestation of public shaming, but it is worth remembering that Gülich was not a marginalized or oppressed person, but rather a prosperous merchant and an active participant in public life. In Nussbaum's own words, there is a strong case for public shaming "if the primary function of shame penalties [is] to express certain valuable, concrete social norms and to give people (both the offenders and the general public) very strong incentives to live up to those norms."[1143] The integrity of public office arguably fits this mold, particularly given the delicacy of norms attached to public office and their liability to disruptive change.[1144]

Leaders should not be exempt from shame; as the Austrian theologian Ivan Illich notes, *corruptio optimi pessima* – the corruption of the best is the worst.[1145] The corruption suits examined in this dissertation mirror that sentiment. Their communal idiom speaks the corporate language of guild, cathedral chapter, and *Gemeinde* in order to reinforce the boundary between

[1141] Julien Deonna, Raffaele Rodogno, and Fabrice Teroni, *In Defense of Shame: The Faces of an Emotion* (Oxford: Oxford University Press, 2011), 16-17.
[1142] Martha Nussbaum, *Hiding From Humanity : Disgust, Shame, and the Law* (Princeton: Princeton University Press, 2004), 225.
[1143] Nussbaum, *Hiding From Humanity*, 228.
[1144] Neil Siegel, "Political Norms, Constitutional Conventions, and President Donald Trump," 93 *Indiana Law Journal* (2018): 177-205.
[1145] Geoff Shullenberger, "The Corruption of the Best: On Ivan Illich," *American Affairs* IV, 2 (2022): 208-224.

the public and private spheres. This baroque period famously stressed the importance of external appearances. [1146] Yet rather than distinguishing a culture of superficiality, the attention paid to appearances underscores a key aspect of political behavior. As the corruption jurisprudence of the Imperial Aulic Council shows, avoiding even the perception of impropriety is not merely a desirable quality in government officials, but an essential component of public trust.

[1146] Peter Wilson, *Absolutism in Central Europe* (London: Routledge, 2000), 48.

BIBLIOGRAPHY

Acemoglu, Daron and James Robinson. “Kleptocracy and Divide-and-Rule: A Model of Personal Rule,” in *Journal of the European Economic Association* April–May 2004 2(2–3): 162.

Acemoglu, Daron and James A Robinson. *Why Nations Fail : The Origins of Power Prosperity and Poverty* First ed. New York: Crown, 2012.

Allen, Douglas W. “Purchase, Patronage, and Professions: Incentives and the Evolution of Public Office in Pre-Modern Britain.” *Journal of Institutional and Theoretical Economics (JITE) / Zeitschrift Für Die Gesamte Staatswissenschaft* 161, no. 1 (2005): 59-60.

Anders, Gerhard and Monique Nuijten. *Corruption and the Secret of Law: A Legal Anthropological Perspective.* Hants, England: Ashgate, 2007. .

Atwood, Craig. "Nikolaus Ludwig von Zinzendorf." *Europe, 1450 to 1789*: *Encyclopedia of the Early Modern World*, ed. Jonathan Dewald. New York: Charles Scribner's Sons, 2004.

Auer, Leopold. “The Role of the Imperial Aulic Council in the Constitutional Structure of the Holy Roman Empire,” in *The Holy Roman Empire 1495 – 1806* eds. R.J.W Evans, Michael Schaich and Peter Wilson, 63–75. New York: Oxford University Press, 2011.

Bähr, Matthias. *Die Sprache der Zeugen. Argumentationsstrageien bäuerlicher Gemeinden vor dem Reichskammergericht (1693 – 1806)*. Munich: UVK Verlagsgesellschaft, 2012.

Baumann, Anette. *Korruption und Visitation am Reichskammergericht im 18. Jahrhundert - eine vorläufige Bilanz.* Wetzlar: Gesellschaft für Reichskammergerichtforschung, 2012.

Becker, Howard. *Outsiders: Studies In the Sociology of Deviance*. London: Free Press of Glencoe, 1963.

Behringer, Wolfgang. *Im Zeichen des Merkur: Reichspost und Kommunikationsrevolution in der frühen Neuzeit*. Göttingen: Vandenhoeck & Ruprecht, 2003.

Behringer, Wolfgang. "'Kleine Eiszeit' und Frühe Neuzeit," in *Cultural Consequences of the Little Ice Age* eds. Wolfgang Behringer, Hartmut Lehmann and Christian Pfister. Göttingen: Vandenhoeck & Ruprecht, 2005.

Bellingradt , Daniel. "Organizing public opinion in a resonating box: the Gülich rebellion in early modern Cologne, 1680–1686" in *Urban History*, Vol. 39, No. 4 (2012): 553 – 570.

Benecke, Gerhard. *Society and Politics in Germany 1500 – 1750*. New York: Routledge, 2007.

Bérenger, Jean. "Pour une enquête européenne: le problem du ministériat au XVIIe siècle', *Annales*, 29 (1974), 166 – 92.

Bérenger, Jean. "The Demise of the Minister-Favourite, or a Political Model at Dusk: The Austrian Case" in *The World of the Favourtie* eds. Elliott and Brockliss. New Haven: Yale University Press, 1999.

Bermann, Moriz. *Dunkle Geschichten aus Oesterreich*. Vienna: R. v. Waldheim, 1868.

Brakensiek, Stefan. "Communication between Authorities and Subjects in Bohemia, Hungary and the Holy German Empire, 1650−1800: A Comparison of Three Case Studies," in *Empowering Interactions : Political Cultures and the Emergence of the State in Europe 1300-1900* ed. by Wim Blockmans and Daniel Schläppi. Abingdon: Taylor & Francis Group, 2009.

Broms, Rasmus and Bo Rothstein, "Religion and Institutional Quality: Long-Term Effects of the Financial Systems in Protestantism and Islam." *Comparative Politics* 52, no. 3 (2020).

Brückner, Carola. "Das ländliche Pfarrbenefizium im hochmittelalterlichen Erzbistum Trier" *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 84, no. 1 (1998): 298-386.

Brunner, Otto, Werner Conze, and Reinhart Koselleck *Geschichtliche Grundbegriffe: Historisches Lexikon Zur Politisch-Sozialen Sprache In Deutschland*. Stuttgart: E. Klett, 1972.

Birch, Jonathan and Samir Okasha. "Kin Selection and Its Critics," *BioScience*, 65:1, (2015): 22–32.

Bodin, Jean. *Six Books of the Commonwealth* translated by M.J. Tooley. Oxford: Basil Blackwell, 1967.

Brady, Tom. *Turning Swiss: Cities and Empire 1450 – 1550*. New York: Cambridge University Press, 1985.

Braun, Hugo. *Das Domkapitel zu Eichstätt: von der Reformationszeit bis zur Säkularisation (1535–1806)*. Stuttgart: Franz Steiner Verlag, 1991.

Buchan, Bruce and Lisa Hill. *An Intellectual History of Political Corruption*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2014.

Burckhardt, Johannes. *Vollendung und Neuorientierung des frühmodernen Reiches 1648-1763*. Stuttgart: Klett-Cotta Verlag, 2006.

Burgdorf, Wolfgang. *Die Wahlkapitulationen der römisch-deutschen Könige und Kaiser 1519-1792*. Göttingen: Vandenhoeck & Ruprecht GmbH, 2015.

Bužek, Václav. "Konfessionelle Pluralität in der kaiserlichen Leibkammer zu Beginn des 17. Jahrhunderts," in *Konfessionelle Pluralität als Herausforderung. Koexistenz und*

Konflikt in Spätmittelalter und Früher Neuzeit. Joachim Bahlcke, Karen Lambrecht, and Hans-Christian Maner, 367-380. Leipzig: Leipziger Universitätsverlag, 2006.

Bužek, Václav. "Handlungsspielräume des Oberkammerdieners Philipp Lang von Langenfels am Kaiserhof zu Beginn des 17. Jahrhunderts," in *Die weltliche und kirchliche Elite aus dem Königreich Böhmen und Königreich Ungarn am Wiener Kaiserhof im 16. - 17. Jahrhundert vol. 8, Publikationen der ungarischen Geschichtsforschung in Wien* eds. István Fazekas, Anna Fundárková (Vienna: Institut für Ungarische Geschichtsforschung in Wien, 2013): 369-384.

Camacho, Gabriela. "Corruption and gender equality A summary of existing research," U4 Anti-Corruption Resource Center (2021). https://www.u4.no/publications/corruption-and-gender-equality-hd.pdf.

Carr, Edward Hallett, and Richard J Evans. *What Is History?*. 40th anniversary edition. Houndmills, Basingstoke, Hampshire: Palgrave, 2001.

Carsten, Francis. *Princes and Parliaments in Germany from the Fifteenth to the Eighteenth Century*. Oxford: Clarendon Press, 1959.

Cerman, Markus. *Villagers and Lords in Eastern Europe, 1300-1800.* New York: Palgrave Macmillan, 2012.

Chayes, Sarah. *When Corruption is the Operating System: The Case of Honduras*. Washington DC: Carnegie Endowment of International Peace, 2017.

Cicero. *De Officiis*. Cambridge: Harvard University Press, 2014.

Císařův pekař, directed by Martin Frič (1951, Československý Státní Film, 1952); 1:50:00.

Coates, Dennis and Brad Humphreys, "Do economists reach a conclusion on subsidies for sports franchises, stadiums, and mega-events?" *Econ Journal Watch*, 5, (2008): 294-315.

Coccaglio, Bonaventura da. *Ristretto istorico della vita, virtù e miracoli del B. Lorenzo da Brindisi.* Rome: stamperia del Casaletti, 1783.

Crabus, Mirko. "Der Spatzenkrieg," *Heimatverein Lingen* (August 2017).

Davis, Natalie Zemon. *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France*. Redwood City: Stanford University Press, 1987.

DeBell, Matthew and Shanto Iyengar, "Campaign Contributions, Independent Expenditures, and the Appearance of Corruption: Public Opinion vs. the Supreme Court's Assumptions,"*Election Law Journal: Rules, Politics, and Policy* 20:3 (2021) 286-300.

Deeters, Joachim. "Die Kölner Bügermeister in der Frühen Neuzeit. Profil einer Gruppe von Berufspolitikern," in *Köln als Kommunikationszentrum. Studien zur frühneuzeitlichen Stadtgeschichte* eds. Georg Mölich and Gerd Schwerhoff, 365-66. Cologne: DuMont Buchverlag, 1999.

Dithmar, Justus Christoph. *Einleitung in die Oeconomische-Policey- und Cameral-Wissenschafften*. Frankfurt a.d. Oder: Johann Joachim Friedl, 1745.

Dorfner, Thomas. *Mittler zwischen Haupt und Gliedern – Die Reichshofratsagenten und Ihre Rolle im Verfahren (1658 – 1740)*. Münster: Aschendorff Verlag, 2015.

Doyle, William. *Venality: The Sale of Offices in Eighteenth-Century France*. Oxford: Oxford University Press, 1996.

Dreher, Bernd. "Oligarchische Machtstrukturen, Stadtregiment und Gemeindepartizipation. Der Prozeß gegen die Bürgermeister Krebs, Cronenberg und Wolfskehl 1680/81 als Auftakt zur Revolte des Nikolaus Gülich," in *Köln als Kommunikationszentrum. Studien zur frühneuzeitlichen Stadtgeschichte* eds. Georg Mölich and Gerd Schwerhoff, 403-452. Cologne: DuMont Buchverlag, 1999.

Eckertz, G. 'Die Revolution in der Stadt Köln im Jahre 1513' *Annalen des historischen Vereins für den Niederrhein*, 197-267. Cologne: Chr. Gehl'schen Buchdruckerei, 1874.

Ehrenpreis, Stefan. "Korruption im Verfahren: Bestechung an den höchsten Reichsgerichten zwischen Gerichtsfinanzierung und Rechtsbeugung" in *Korruption: Historische Annäherungen*, eds. Niels Grüne and Simona Slanička (Göttingen: Vandenhoeck & Ruprecht GmbH, 2010).

Ehrlich, Eugen. *Fundamental Principles of the Sociology of Law.* trans. Walter Lewis Moll Cambridge, Mass: Harvard University Press, 1936.

Eisenhardt, Ulrich. *Die Kaiserlichen Privilegia De Non Appellando*. Cologne: Böhlau Verlag, 1980.

Elias, Norbert. *The Court Society*. New York: Pantheon Books, 1983.

Ellickson, Robert. *Order Without Law.* Cambridge: Harvard University Press, 2005.

Elliott, John. "A Europe of Composite Monarchies." *Past & Present*, no. 137 (1992): 48–71.

Engels, Jens Ivo, Andreas Fahrmeir and Alexander Nützenadel, "Einleitung," *Geld-Geschenke-Politik: Korruption in neuzeitlichen Europa*, eds. Jens Ivo Engels, Andreas Fahrmeir, Alexander Nützenadel. Munich: Oldenbourg Wissenschaftsverlag GmbH, 2009.

Engels, Jens Ivo. *Die Geschichte der Korruption. Von der Frühen Neuzeit bis ins 20. Jahrhundert*. Frankfurt am Main: S. Fischer Verlag, 2016.

Ennen, Leonhard. *Frankreich und der Niederrhein, oder, Geschichte von Stadt und Kurstaat Köln seit dem 30jährigen Kriege bis zur französischen Occupation, meist aus archivalischen Dokumenten Band 1*. Cologne: Schwann, 1855.

Ennen, Leonhard. *Die Geschichte der Stadt Köln meist aus den Quellen des kölner Stadtarchivs 2 Band*. Cologne: Schwann, 1865.

Erikson, Kai. *Wayward Puritans*. New York: John Wiley, 1966.

Esche, Frank. "Fürst Friedrich Anton - Regent in schwerer Zeit" in *Wir in Thüringen. Landkreis Saalfeld-Rudolstadt: Geschichte und Gegenwart – Jahrbuch 4* (1995), 192-195.

Esche, Frank. "Johann Georg Bulisius – Anwalt im schwarzburgischen „Landstreit*"*, In: *Wir in Thüringen – Jahrbuch Landkreis Saalfeld-Rudolstadt,* 99 – 103. Rudolstadt: Landkreis Saalfeld-Rudolstadt, 1997.

Evans, R.J.W. *Rudolf II and his World: A Study in Intellectual History*. Oxford: Oxford University Press, 1973.

Falckenstein, Johann Heinrich. *Antiqvitates Nordgavienses Oder Nordgauische Alterthümer und Merckwürdigkeiten aufgesucht in der Aureatensischen Kirche, [...] : Theil 1*. Frankfurt: Lochner, 1733.

Fellner, Thomas and Heinrich Kretschmayr, *Die Österreichische Zentralverwaltung*. Wien: Adolf Holzhausen, 1907.

Feros, Antonio. *Kingship and Favoritism in the Spain of Philip III, 1598-1621*. New York: Cambridge University Press, 2006.

Finger, Heinz. "Der Traum vom Ende der Klüngel-Herrschaft. Versuch einer zeitübergreifenden Bewertung der Kölner Revolution von 1396," in *Annalen des Historischen Vereins für den Niederrhein,* 61-89. Köln: Böhlau Verlag, 2018.

Fleischer, Horst. *Vom Leben in der Residenz: Rudolstadt 1646 – 1816.* Weimar: Gutenberg Druckerei GmbH, 1996.

Fletcher, Robert. "Columns of Infamy." *American Anthropologist* 14, no. 4 (1912): 636–42.

Freedman, Paul. "Peasants, the Seignurial Regime, and Serfdom in the 11th to 13th Centuries," in *European Transformations. The Long Twelfth Century.* (2012): 259-278.

Friedrichs, Christopher. "Urban Conflicts and the Imperial Constitution in Seventeenth-Century Germany." *The Journal of Modern History* 58 (1986): 98-123.

Friedrichs, Christopher. "House-Destruction as a Ritual of Punishment in Early Modern Europe," *European History Quarterly* 50, 4 (2020): 599-624.

Fristch, Ahasverus. *Der Beschämte Geschenk-Fresser Nebenst einer Treuherzigen Warnung*. Jena: Johann Bielcken, 1684.

Fulco, Daniel. *Exuberant Apotheoses: Italian Frescoes in the Holy Roman Empire*. Leiden: Brill, 2016.

García Portilla, Jason. "*Ye Shall Know Them by their Fruits." A Mixed Methods Study on Corruption, Competitiveness, and Christianity in Europe and the Americas*. Cham: Springer, 2022.

Garnett, George. "Christian Providential History: A Dialectic of Perfection and Perversion," in *Marsilius of Padua and 'the Truth of History,'* 146-159. Oxford: Oxford University Press, 2006.

Gindely, Anton. *Rudolf II und seine Zeit*. Prague: Friedrich Tempesky Verlag, 1868.

Goodman, Dena. "Public Sphere and Private Life: Toward a Synthesis of Current Historiographical Approaches to the Old Regime." *History and Theory* 31,1. (1992): 1-20.

Gordon, Peter E. "What is Intellectual History? A frankly partisan introduction to a frequently misunderstood field," *Harvard Colloquium for Intellectual History* (2012).

Graham, J., J. Haidt, S. Koleva, M. Motyl, R. Iyer, S. Wojcik, P.H. Ditto, "Moral foundations theory: The pragmatic validity of moral pluralism," *Advances in Experimental Social Psychology*, 47 (2013): 55-130.

Gray, John. *Straw Dogs: Thoughts on Human and Other Animals*. London: Granta, 2002.

Groebner, Valentin. *Liquid Assets, Dangerous Gifts: Presents and Politics at the End of the Middle Ages* trans. Pamela Selwyn. Philadelphia: University of Pennsylvania Press, 2002.

Grüne, Niels. "Und sie wissen nicht, was es ist". Ansätze und Blickpunkte historischer Korruptionsforschung. In: Grüne N, Slanička S, eds. *Korruption. Historische Annäherungen an eine Grundfigur politischer Kommunikation*. Göttingen: Vandenhoeck & Ruprecht; 2010: 11-34.

Grüne, Niels. "'Gabenschlucker' und 'verfreundte rät': Zur patronagekritischen Dimension frühneuzeitlicher Korruptionskommunikation," in *Integration, Legitimation, Korruption, Politische Patronage in Früher Neuzeit und Moderne* eds. Ronald Asch, Birgit Emich, Jens Ivo Engels. New York: Peter Lang, 2011.

Häberlin, Karl Friedrich. *Handbuch des Teutschen Staatsrechts: nach dem System des Herrn Geheimen Justizrath Pütter : Zum gemeinnützigen Gebrauch der gebildeten Stände in Teutschland mit Rücksicht auf die neuesten merkwürdigsten Ereignisse bearbeitet. Zweyter Band*. Berlin: Vieweg, 1794.

Harding, Robert. "Corruption and the Moral Boundaries of Patronage in the Renaissance" in *Patronage in the Renaissance*, ed. Lytle and Orgel, 47-64. Princeton: Princeton University Press, 1981.

Hartmann, Wilhelm. "Wolfenbüttel as the Place where "Aviso", of 1609—the Oldest Printed Newspaper-was Printed." *Gazette* 7(2) (Leiden, 1961): 177-187.

Hartung, Karl. "Die Gülich-Rebellion in Koln 1680–1686 und die Kölner Gesandtschaft an den Kaiserhof 1683/84: Ein zeitgenossischer Bericht in lateinischen Versen," *Jahrbuch des Kolnischen Geschichtsvereins*, 59 (1988): 87–126.

Haug, Tilman. “Eine Unvereinbarkeit der Chargen? Wilhelm von Fürstenberg (1629-1704) als Verräter an Kaiser und Reich,” in *Verräter: Geschichte eines Deutungsmusters* ed. André Krischer, 153–174. Cologne: Böhlau, 2019.

Hausenblasová, Jaroslava. *Der Hof Kaiser Rudolfs Ii. Eine Edition Der Hofstaatsverzeichnisse 1576 - 1612.* Prague: Artefactum, 2002.

Heinrich, Walter. “Königshufen, Waldhufen und sächsische Acker,” in *Neues Archiv für Sächsische Geschichte und Altertumskunde* vol. 51 (1930): 6.

Helmholz, Richard H. *The Spirit of Classical Canon Law.* Athens: University of Georgia Press, 1996.

Helmholz, Richard H. "Money and Judges in the Law of the Medieval Church," *The University of Chicago Law School Roundtable*: Vol. 8: Iss. 2, Article 4 (2001): 309-323.

Hengerer, Mark. *Kaiserhof und Adel in der Mitte des 17. Jahrhunderts Eine Kommunikationsgeschichte der Macht in der Vormoderne*. Konstanz: UVK Verlagsgesellschaft mbH, 2004.

Henshall, Nicholas. *The Myth of Absolutism*. London: Longman, 1992.

Herborn, Wolfgang. “Verfassungsideal und Verfassungswirklichkeit in Köln während der ersten zwei Jahrhunderte nach Inkrafttreten des Verbundbriefes von 1396 Dargestellt am Beispiel des Bürgermeisteramtes,” in *Städtische Führungsgruppen und Gemeinde in der Werdenden Neuzeit*, 25-52. Köln: Böhlau Verlag, 1980.

Hertzke, Allen. “The Theory of Moral Ecology,” in *The Review of Politics* Vol. 60, No. 4 (1998): 629-659.

Herz, Hans. *Ständische Land- und Ausschußtage in Schwarzburg-Rudolstadt vom 16. Bis zum Beginn des 18. Jahrhunderts*. Weimar: Wartbug Verlag, 1995.

Hindess, Barry. “How Should We Think about Corruption?” in *Corruption: Expanding the Focus,* eds. Barcham, Hindess, Larmour (Canberra: ANU Press, 2012), 5.

Hirn, Josef. *Erzherzog Ferdinand II. von Tirol Geschichte seiner Regierung und seiner Länder*. Innsbruck: Wagner Verlag, 1885.

Hirschbiegel, Jan. *Nahbeziehungen bei Hof – Manifestationen des Vertrauens. Karrieren in reichsfürstlichen Diensten am Ende des Mittelalters*. Wien: Böhlau Verlag, 2015.

Hoffmann, Wilhelm. “Am Hof und im Lande von Grehweiler.” in *Hessische Chronik* Vol 18, No. 3 (1931): 52-64, 71-87, 97-107, 129-141.

Holtschmidt, Wilhelm. *Die Kölner Ratsverfassung vom Sturz der Geschlechterherrschaft bis zum Ausgang des Mittelalters 1396-1513.* Marburg: 1906.

Holum, K. G, L Di Segni, and J Patrich. 2003. “A Schedule of Fees (Sportulae) for Official Services from Caesarea Maritima, Israel.” *Zeitschrift Fur Papyrologie Und Epigraphik* No. 145, (2003): 273-300.

Hull, Isabel V. *Sexuality, State, and Civil Society in Germany, 1700–1815*. Ithaca, NY: Cornell University Press, 1997.

Hunt, Leigh. *Essays by Leigh Hunt*. London: Walter Scott, 1887.

Hurstfield, Joel. *Freedom, Corruption and Government in Elizabethan England*. Cambridge: Harvard University Press, 1973.

Ignasiak, Detlef. *Nachwort: Ahasverus Fristch Der Beschämte Geschenk-Fresser (1684).* Tübingen: Max Niemeyer Verlag, 1995.

Irsigler, Franz. “Rheingraf Carl Magnus von Grehweiler - ein hochadliger Verschwender des 18. Jahrhunderts.” in: Curt Wolfgang Hergenröder (Hrsg.): *Gläubiger, Schuldner, Arme*. 1. Auflage. Wiesbaden: Verlag für Sozialwiss, 2010.

Isenmann, Eberhard. "The Notion of the Common Good, the Concept of Politics, and Practical Policies in Late Medieval and Early Modern German Cities" in *Studies in Urban History 22 (1100 – 1800) De Bono Communi: The Discources and Practice of the Common Good in the European City (13th-16th c.)* ed. Elodie Lecuppre-Desjardin and Anne-Laure Van Bruaene, 107-148. Turnhout: Brepols, 2010.

Iselin, Jakob Christoph., Burtorff, August Johann., Beck, Jakob Christoph. *Neu-vermehrtes historisch- und geographisches allgemeines Lexicon: A-Be*. Basel: bey Johannes Brandmüller Aelter seel. Erben, und gedruckt bey Johannes Christ, 1742.

Israel, Jonathan. *European Jewry in the Age of Mercantilism 1550–1750*. Oxford, 1985.

Janssen, Johannes. *Geschichte des deutschen Volkes seit dem Ausgang des Mittelalters: Vorbereitung des dreissigjährigen Krieges*. Freiburg im Breisgau: Herder'sche Verlagshandlung, 1886.

Jenkins, Jennifer. *Provincial Modernity: Local Culture & Liberal Politics in Fin-de-siècle Hamburg*. Ithaca: Cornell University Press, 2003.

Johnston, Michael. "The Search for definitions: the vitality of politics and the issue of corruption" *International Social Science Journal*, Volume 48, No. 149 (September 1996): 321-335.

Jones, A. H. M. "The Roman Civil Service (Clerical and Sub-Clerical Grades)." *The Journal of Roman Studies* 39 (1949): 38–55.

Judendunck, Arnold. *Theatrum lanienae Coloniensis sive blutige Schau-Bühne, auff welcher die im J. 1683 verübete ... Massacre des ... der Statt Cöllen gewesenen Archivarii Gereonis Hesselmanns ... repraesentiret ... wird*. Hochfürstl. Baadischen Truckerey, 1694.

Kaiser, Michael and Andreas Pečar. “Reichsfürsten und ihre Favoriten. Die Ausprägung eines europäischen Strukturphänomens unter den politischen Bedingungen des Alten Reiches” in *Der zweite Mann im Staat. Oberste Amtsträger und Favoriten im Umkreis der Reichsfürsten in der Frühen Neuzeit* eds. Michael Kaiser and Andreas Pečar. Berlin: Duncker & Humboldt, 2003.

Kantorowicz, Ernst. “Mysteries of State: An Absolutist Concept and Its Late Mediaeval Origins.” *The Harvard Theological Review* 48, no. 1 (1955): 65-91.

Kellenbenz, Hermann „Der Kammerdiener, ein Typus der höfischen Gesellschaft. Seine Rolle als Unternehmer“ in: *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* Bd. 72, (1985): 476–507.

Kettering, Sharon. *Patrons, Brokers, and Clients in Seventeenth-Century France*. New York: Oxford University Press, 1986.

Kleinehagenbrock, Frank. “Der Umgang mit Finanzkrisen im Heiligen Römischen Reich – Modell für moderne föderale staatliche Ordnungen?,” in: Kai von Lewinski (Hg.): *Staatsbankrott als Rechtsfrag*e, Baden-Baden 2011 (Gesetzgebung und Verfassung 3): 72.

Klug, Ernst. “Friedrich Christian Laukhard und das Finanzwesen der Rheingrafen zu Gaugrehweiler,” in *Mitteilungsblatt zur Rheinhessischen Landeskunde* 17 (1968): 405-412.

Knights, Mark. “Religion, Anti-Popery and Corruption.” in *Popular Culture and Political Agency in Early Modern England and Ireland: Essays in Honour of John Walter*, edited by Michael J. Braddick and Phil Withington, 181-202. Boydell & Brewer: 2017.

Knights, Mark. *Trust and Distrust: Corruption in Office in Britain and its Empire, 1600-1850*. Oxford: Oxford University Press, 2021.

Knüsermann, Heinrich. *Geschichte des Max-Clemens Kanals im Münsterland*. Hildesheim: August Lax, 1907.

Koselleck, Reinhart. *Critique and Crisis : Enlightenment and the Pathogenesis of Modern Society*. Cambridge, MA: MIT Press, 1988.

Kramper, Peter. *The Battle of the Standards: Messen, Zählen und Wiegen in Westeuropa 1660-1914*. Berlin, Boston: De Gruyter Oldenbourg, 2019.

Kremer, Johann Martin. *Kurzgefasste Geschichte des Wild- und Rheingräflichen Hauses aus Urkunden zur erläuterung der Verfassung desselben insonderheit in betracht der Erb- und Lehenfolge-Ordung*. Mannheim: Akademischen Schriften, 1769.

Kroeze, Ronald, André Vitória, and Guy Geltner, "Introduction: Debating Corruption and Anticorruption in History," in *Anti-Corruption In History: From Antiquity to the Modern Era* ed. Kroeze, Vitória, Geltner. Oxford: Oxford University Press, 2017.

Lange, Katrin. "Zwischen Verurteilung und Ideologisierung: Zur Einschätzung von Räuberbanden im 18. Und Frühen 19. Jahrhundert," in *Volkskunde in Rheinland-Pfalz,* 8. Jg., H. 1 (1993): 267.

Laufs, Adolf. *Die Reichskammergerichtsordnung von 1555*. Köln: Adolf Laufs, 1976.

Laukhard, Friedrich Christian. *F. C. Laukhards Leben und Schicksale von Ihm Selbst Beschrieben. Bd. 5*. Leipzig: Gerhard Fleischer, 1802.

Laukhard, Friedrich Christian. *Leben und Thaten des Rheingrafen Carl Magnus den Joseph II. auf zehn Jahre ins Gefängniß nach Königstein schickte*. 1798.

Lederman, D., N.V. Loayza, and R.R. Soares, "Accountability and Corruption: Political Institutions Matter." *Economics & Politics*, 17 (2005): 1-35.

Lehmann, Hartmut. "Pietism in the World of Transatlantic Religious Revivals," in *Pietism in Germany and North America 1680-1820*. Burlington: Ashgate, 2009.

Lichtblau, Albert. *Als hätten wir dazugehört: österreichisch-jüdische Lebensgeschichten aus der Habsburgermonarchie*. Wien: Böhlau, 1999.

Lindemann, Mary. "Dirty Politics or 'Harmonie'? Defining Corruption in Early Modern Amsterdam and Hamburg' *Journal of Social History*, Vol. 45, No. 3, The Hidden History of Crime, Corruption, and States (Spring 2012): 582-604.

Lindgren, James. *Theory, History, and Practice of the Bribery-Extortion Distinction*, 141 U. Pa. L. Rev. 1695 (1993): 1699.

Lottes, Günther. "Versailles und Potsdam," in *Hofkultur und aufgeklärte Öffentlichkeit. Potsdam im 18. Jahrhundert im europäischen Kontext*. Berlin: Akademie Verlag, 2006), 18.

Macpherson, C. B. *The Political Theory of Possessive Individualism: Hobbes to Locke*. Oxford: Clarendon Press, 1962.

Mandelartz, Michael. *Poetik und Historik: Christliche und jüdische Geschichtstheologie in den historischen Romanen von Leo Perutz*. Berlin: Max Niemeyer Verlag, 1992.

Manzoni, Alessandro. *The Column of Infamy* trans. Kenelm Foster and Jane Grigson. New York: Oxford University Press, 1964.

Mauss, Marcel. *The Gift: Forms and Functions of Exchange In Archaic Societies*. New York: Norton, 1967.

Marshall, Peter. *The Magic Circle of Rudolf II: Alchemy and Astrology in Renaissance Prague*. New York: Walker & Company, 2006.

Martin, Lucinda. “More than Piety: The Historiographic Neglect of Early Modern Lay Theology.” *Church History and Religious Culture* 98, no. 1 (2018): 1-29.

Medding, Wolfgang. *Burgen und Schlösser in der Pfalz und an der Saar*. *Burgen - Schlösser - Herrensitze, 4. Aufl.* Frankfurt a.M.: W. Weidlich, 1981.

Merlo, Johann Jakob. “Nikolaus Gülich, das Haupt der Kölner Revolution von 1680–1685.” *Annalen des Historischen Vereins für den Niederrhein* 46 (1887): 21-47.

Meyer, Andreas. “The Law of Benefices.” in *The Cambridge History of Medieval Canon Law,* edited by Anders Winroth and John C. Wei, 375. Cambridge: Cambridge University Press, 2022.

Michel, Stefan. “Das Territorium Schwarzburg-Rudolstadt,” in *Thüringer Pfarrerbuch Band 5. Fürstentum Schwarzburg-Rudolstadt*. Leipzig: Evangelische Verlagsanstalt, 2010.

Mintzker, Yair. *The Many Deaths of Jew Süss: The Notorious Trial and Execution of an Eighteenth-Century Court Jew*. Princeton: Princeton University Press, 2017.

Möller, Horst. “Ämterkäuflichkeit in Brandenburg-Preußen im 17. und 18. Jahrhundert,” in *Ämterkäuflichkeit Aspekte sozialer Mobilität im europäischen Vergleich (17. und 18. Jahrhundert)*, ed Klaus Malettke, 156-176. Berlin: Historischen Kommission zu Berlin, 1980.

Montesquieu, Charles de Secondat, Anne M Cohler, Basia C Miller, and Harold Stone. *The Spirit of the Laws*. Cambridge: Cambridge University Press, 1989.

Moser, Johann Jacob. *Merckwürdige Reichs-Hof-Raths-Conclusa, denen fürnemlich, so den bey diesem Höchsten Reichs-Gericht tam in Agendo quam in Judicando üblichen Modum et Stylum erlernen wollen, zu Nutzen mitgetheilt*, Conclusum DLVIII Mercurii 20 Nov. 1726

Moser, Johann Jacob. *Schuldenwesen: So vil es derer Weltlichen Churfürsten, auch Regierender Reichsfürsten und Grafen, Cameral-Schulden, und die Art, selbige abzustossen und zu bezahlen, betrifft; Besonders nach der würcklichen Praxi derer beyden höchsten Reichs-Gerichte.* Frankfurt: Bergerische Buchhandlung, 1774.

Moser, Johann Jacob. *Zusätze zu seinem neuen Teutschen Staats-Recht Zweyter Band* (Frankfurt: 1782), 459.

Mousnier, Roland. *La Vénalité Des Offices Sous Henri IV Et Louis XIII.* Rouen: Editions Maugard, 1945.

Neuhold, Helmut. *Das Andere Habsburg : Homoerotik im Österreichischen Kaiserhaus*. Marburg: Tectum-Verlag, 2008.

Nietzsche, Friedrich Wilhelm, and Paul V. (Paul Victor) Cohn. *Human, All-Too-Human: A Book for Free Spirits, Part 2.* : Project Gutenberg.

Noonan, John. *Bribes.* New York: Macmillan, 1984.

Noflatscher, Heinz. "Regiment aus der Kammer? Einflußreiche Kleingruppen am Hof Rudolfs II." in *Residenzforschung: 8. Symposium der Residenzen-Kommission der Akademie der Wissenschaften zu Göttingen* eds. Jan Hirschbiegel und Werner Paravicini. Ostfildern: Jan Thorbecke Verlag, 2004.

Nordloh, Philipp. *Kölner Zunftprozesse vor dem Reichskammergericht*. Frankfurt am Main: Peter Lang GmbH, 2008.

North, Charles M., Wafa Hakim Orman, and Carl R. Gwin. "Religion, Corruption, and the Rule of Law." *Journal of Money, Credit and Banking* 45, no. 5 (2013): 757–79.

North, Douglass. *Institutions, Institutional Change and Economic Performance*. New York: Cambridge University Press, 1990.

Oestmann, Peter. “Aktenversendung”, in: *Enzyklopädie der Neuzeit Online*, im Auftrag des Kulturwissenschaftlichen Instituts (Essen) und in Verbindung mit den Fachherausgebern herausgegeben von Friedrich Jaeger, Georg Eckert, Ulrike Ludwig, Benjamin Steiner und Jörg Wesche. J.B. Metzler.

Olson, Mancur. *The Logic of Collective Action. Public Goods and the Theory of Groups*. Cambridge: Harvard University Press, 1965.

Ortlieb, Eva. *Im Auftrag des Kaisers die kaiserlichen Kommissionen des Reichshofrats und die Regelung von Konflikten im Alten Reich (1637-1657)*. Vienna: Böhlau, 2001.

Paravicini, Werner. “Der Fall des Günstlings. Hofparteien in Europa vom 13. bis zum 17. Jahrhundert” in *Residenzforschung: 8. Symposium der Residenzen-Kommission der Akademie der Wissenschaften zu Göttingen* eds. Jan Hirschbiegel und Werner Paravicini. Ostfildern: Jan Thorbecke Verlag, 2004.

Philipps, Fabian. *The antiquity, legality, right, use, and ancient usage of fines paid in chancery upon the suing out, or obtaining some sorts of original writs retornable into the Court of Common-Pleas at Westminster*. London: Cottrel, 1663.

Pinsard, Nicolas and Yasmina Tadjeddine, “The Marketization of the French Public Finance before Capitalism: The *Paulette* Edict of 1604,” *Economy and Society*. Volume 50, Issue 3, pp. 471-493.

Peck, Linda Levy. *Court Patronage and Corruption in Early Stuart England*. Cambridge, MA: Unwin Hyman Inc., 1990.

Periati, Paolo. "The Political Strategy of Nuncio Antonio Caetani in the Maze of the Imperial Court (1607–1611)". *Legatio: The Journal for Renaissance and Early Modern Diplomatic Studies* 1 (2017): 33-62.

Polansky, Rachel. “Superior court clerks legally pocketing thousands in passport processing fees.” *Atlanta News First,* 19 December 2022.

Portelance, Philipp. “’Au service d’un autre roi’: Les troupes étrangères allemandes au service du royaume de France (1740 – 1763).” (M.A. Thesis, Université de Montréal, 2018): 92-103.

Prak, Maarten. *Citizens without Nations. Urban Citizenship in Europe and the World, 1000 – 1789*. Cambridge: Cambridge University Press, 2018.

Prinke, Rafał T. and Mike A. Zuber “Alchemical Patronage and the Making of an Adept: Letters of Michael Sendivogius to Emperor Rudolf II and His Chamberlain Hans Popp,” *Ambix,* 65:4 (2018): 324-355.

Putík, Alexandr, Daniel Polakovič, and Jaroslav Šulc, ‘New Findings about the Life of David Gans (1541-1613) and His Closest Relatives: A Study and Source Editions’, *Judaica Bohemiae*, 51, no. 1 (2016).

Putnam, Robert. *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton: Princeton University Press, 1993.

Raeff, Marc. “The Well-Ordered Police State and the Development of Modernity in Seventeenth- and Eighteenth-Century Europe : An Attempt at a Comparative Approach.” *The American Historical Review* 80, no. 5 (1975): 1224.

Rauscher, Peter. “Camerale, Contributionale, Creditors and Crisis: The Finances of the Habsburg Empire from the Battle of Mohács to the Thirty Year’s War” in Fodor, Pál, ed. *The Battle for Central Europe : The Siege of Szigetvár and the Death of Süleyman the Magnificent and Nicholas Zrínyi (1566)*. Boston: Brill, 2019.

Reinhardt, Nicole. *Voices of Conscience: Royal Confessors and Political Counsel in Seventeenth-Century Spain and France*. New York: Oxford University Press, 2016.

Reynolds. Susan. *Fiefs and Vassals: The Medieval Evidence Reinterpreted.* Oxford: Clarendon Press, 2001.

Rid, Ulrich. "Die Geschichte der Hofmark Igling, hier: Die Ära Lang von Langenfels von 1606 – 1610," *'s Dorf Blatt* (Igling und Holzhausen) Juli/August 2009.

Sahm, Reiner. *Theorie und Ideengeschichte der Steuergerechtigkeit*. Berlin: Springer, 2019.

Sangmeister, Dirk. "Ein vorzeitig totgesagter Freigeist: Zur Erringerung an Friedrich Christian Laukhard (1757 – 1822) in *Zeitschrift für Germanistik,* Vol. 32 No. 2 (2022): 413.

Sax, Julius. *Geschichte des Hochstiftes und der Stadt Eichstädt: ein Versuch*. Nürnberg, J.L. Schmid, 1857.

Sax, Julius. "Hoflager der Füstbischoefe von Eichstaett," *Jahrbuch vol. 43 – 47, Historischer Verein für Mittelfranken*. Ansbach: C. Brügel & Sohn, 1889.

Schaffer, Michael. "The Real Reason Washington Is Silent on the Crypto Scandal," *Politico,* December 9, 2022. https://www.politico.com/news/magazine/2022/12/09/crypto-scandal-sam-bankman-fried-ftx-00073178.

Schanz, Georg. "Studien Zur Geschichte und Theorie der Erbschaftssteuer (Fortsetzung und Schluss)." *FinanzArchiv / Public Finance Analysis* 18, no. 2 (1901): 53-195.

Schick, Magdalena. *Enhalb der Pruckh - Jenseits der Brücke, Siedlungs- und Sozialgeschichte der Spitalvorstadt Eichstätt*. Eichstätt: Historischer Verein Eichstätt, 2000.

Schimke, Maria and Manfred Hörner, "Prozesse zwischen Untertanen und ihren Herrschaften vor dem Reichskammergericht in der zweiten Hälfte des 18. Jahrhunderts. Auseinandersetzungen um Fronen und Besitzwechselabgaben im Hochstift

Würzburg". *Europa im Umbruch 1750–1850*, edited by Dieter Albrecht, Karl O. Aretin and Winfried Schulze. Boston: Oldenbourg Wissenschaftsverlag, 1995.

Schindling, Anton. "Die Perpetuierung des Immerwährenden Reichstags in Regensburg und das Heilige Römische Reich um 1670," in *Die Zeit Um 1670: Eine Wende In Der Europäischen Geschichte Und Kultur?* Wiesbaden: Harrassowitz Verlag, 2016.

Schneider, Conrad. *Geschichte des Wild- und Rheingräflichen Hauses, Volkes und Landes auf dem Hundsrücken. Ein Versuch, in Zehn Büchern Zusammengestellt*. Kreuznach: Verlag von R Voigtländer, 1834.

Scholz, Luca, "Leibeigenschaft rechtfertigen. Kontroversen um Ursprung und Legitimität der Leibeigenschaft im Wildfangstreit," *Zeitschrift für Historische Forschung*, Vol. 45 (2018): 41-81.

Scholz, Luca. *Borders and Freedom of Movement in the Holy Roman Empire*. Oxford: Oxford University Press, 2020.

Schraut, Sylvia. *Das Haus Schönborn. Eine Familienbiographie. Katholischer Reichsadel 1640-1840*. Paderborn: Ferdinand Schöningh, 2005.

Schuller, Wolfgang. "Probleme historischer Korruptionsforschung," *Der Staat* Vol. 16 No. 3 (1977): 373-392.

Schulz, Günther. "Zünfte und Politische Strukturen in Köln. Die Beteiligung des Handwerks am Stadtregiment vom Verbundbrief bis zur napoleonischen Zeit (1396-1796/7)," in *Struktur und Dimension: Festschrift für Karl Heinrich Kaufhold zum 65. Geburtstag* Volume 1 ed. Hans-Jürgen Gerhard, 388-406. Stuttgart: Franz Steiner Verlag, 1997.

Schulze, Winfried. “Die veränderte Bedeutung sozialer Konflikte im 16. und 17. Jahrhundert.” In: Hans-Ulrich Wchler (ed.), *Der deutsche Bauernkrieg 1524-1526*. (Göttingen: Vandenhoeck & Ruprecht, 1975), 277-302.

Schulze, Winfried. *Reich und Türkengefahr im Späten 16. Jahrhundert*. München: Beck, 1978.

Schulze, Winfried. “Gerhard Oestreichs Begriff „Sozialdisziplinierung in der frühen Neuzeit“.” *Zeitschrift Für Historische Forschung* 14, no. 3 (1987): 265–302.

Schulze, Winfried. “Vom Gemeinnutz zum Eigennutz. Über den Normenwandel in der ständischen Gesellschaft der Frühen Neuzeit” in *Schriften des Historischen Kollegs im Auftrag der Stiftung Historisches Kolleg im Stifterverband für die Deutsche Wissenschaft* ed. Horst Fuhrmann, 591–626. Munich: Stiftung Historisches Kolleg, 1987.

Scott, James C. *Comparative Political Corruption.* Englewood Cliffs, N.J.: Prentice-Hall, 1972.

Scribner, R.W. “Why was there no Reformation in Cologne?” in *Popular Culture and Popular Movements in Reformation Germany*, 217-242. London: Bloomsbury Publishing, 2003.

Sellert, Wolfgang. *Über die Zuständigkeitsabgrenzung von Reichshofrat und Reichskammergericht insbesondere in Strafsachen und in Angelegenheiten der Freiwilligen Gerichtsbarkeit.* Aalen: Scientia-Verlag, 1965.

Sellert, Wolfgang. “Richterbestechung am Reichskammergericht und am Reichshofrat,” in *Geschichte der Zentraljustiz in Mitteleuropa* eds. Friedrich Battenberg and Filippo Ranieri. Cologne: Böhlau Verlag, 1994.

Sellert, Wolfgang. *Die Akten des Kaiserlichen Reichshofrats. Serie II Antiqua, Band 3*. Berlin: Erich Schmidt Verlag, 2019.

Sexual Extortion as Corruption: Legal and Institutional Response. *Organization for Security and Cooperation in Europe* (Skopje, 2021), https://www.osce.org/files/f/documents/7/d/516081_0.pdf.

Seyfarth, Jutta. "Bildbesitz in Kölner Familien zur Zeit der Gülischen Wirren und ein Neues Inventarium der Sammlung Imstenraedt." *Wallraf-Richartz-Jahrbuch* 56 (1995): 225–254.

Sherwin-White, A. N. "The Lex Repetundarum and the Political Ideas of Gaius Gracchus." *The Journal of Roman Studies* 72 (1982): 18-31.

Spener, Philipp Jakob. *Pia Desideria* trans. Theodore Tappert. Philadelphia: Fortress Press, 1964.

Spener, Philipp Jakob. *Der Klagen über das verdorbene Christenthum Mißbrauch und rechter Gebrauch: Darinnen auch, Ob unsere Kirche die wahre Kirche oder Babel, und ob sich von deroselben zu trennen nöthig, gehandelt wird*. Frankfurt a.M.: Zunner, 1700.

Stauffer, Albrecht. *Hermann Christoph Graf von Russworm, kaiserlicher Feldmarschall in den Türkenkämpfen unter Rudolf II*. Munich: Theodor Uckermann, 1884.

Stein, Walther. "Zur Vorgeschichte des Kölner Verbundbriefs vom 14 September 1396," in: *Westdeutsche Zeitschrift für Geschichte und Kunst* 12 (1893): 162-202 and 268-302.

Stollberg-Rilinger, Barbara. "Zur moralischen Ökonomie des Schenkens bei Hof" in: Werner Paravicini (Hrsg.), *Luxus und Integration. Materielle Hofkultur Westeuropas vom 12. bis zum 18. Jahrhundert* (München: Oldenbourg, 2010).

Streuber, Dirk. *Die Flucht des Schuldners und die Reaktionstechniken eines Gesamtvollstreckungsrechts. Der fallitus fugitivus als Rechtsproblem*. Berlin: Walter de Gruyter GmbH, 2014.

Strom, Jonathan. “Pietism and Revival,” in *Preaching, Sermon and Cultural Change in the Long Eighteenth Century* van Eijnatten, Joris, ed., 173–218. Boston: Brill, 2008.

Sutherland, C. H. V. “Aerarium and Fiscus during the Early Empire.” *The American Journal of Philology* 66, no. 2 (1945): 151–70.

Swart, Koenraad Wolter. *The Sale of Offices in the Seventeenth Century*. The Hague: Martinus Nijhoff, 1949.

Tamanaha, Brian Z. *On the Rule of Law: History, Politics, Theory*. Cambridge: Cambridge University Press, 2004.

Tancré, Johannes. *Die Anfänge der Akzise in der Kurmark Brandenburg*. Göttingen: Kaestner, 1909.

Taylor, Miles. “Rethinking the Chartists: Searching for Synthesis in the Historiography of Chartism.” *The Historical Journal* 39, no. 2 (1996): 479–95.

Thaler, Manfred Joseph. *Die Domkapitel der Reichskirche vom Wiener Konkordat bis zur Säkularisation (1448-1803)*. Frankfurt am Main: Peter Lang GmbH, 2017.

Theatri Europaei Eilffter Theil Oder: Außführlich fortgeführte Friedens und KriegsBeschreibung und was mehr Von denckwürdigsten Geschichten in Europa vornemlich aber in Hoch und NiederTeutschland: bey der ReichsVersamlung zu Regenspurg: am Käiserlichen: auch Chur und Fürstlichen Höfen: So dann In Ungarn Siebenbürgen Polen Lithauen Ukraine Moscau Schweden Dännemarck Norwegen GroßBritannien Franckreich Spanien Portugall Italien Dalmatien und dem Archipelago: Einige auch in den übrigen WeltTheilen bevorab auff der Africanischen Küste Barbaria und Guinea: zu Wasser und Lande vom 1672sten Jahr biß ins 1679ste vorgegangen und sich begeben haben. Frankfurt a.M.: Götze, 1682.

Tlusty, Ann. *Bacchus and Civic Order: The Culture of Drink in Early Modern Germany*. Charlottesville: University of Virginia Press, 2001.

Transparency International. "Grand Corruption." *available at* https://www.transparency.org/en/our-priorities/grand-corruption.

Tribe, Keith. "Cameralism and the Science of Government." *The Journal of Modern History* 56, no. 2 (1984): 264.

Triesman, Daniel. "The Causes of Corruption: A Cross-National Study," *Journal of Public Economics* 76 (2000): 399-457.

Troßbach, Werner. "Die ländliche Gemeinde im mittleren Deutschland," in *Landgemeinde und Stadtgemeinde in Mitteleuropa: Ein struktureller Vergleich* ed. Peter Blickle. München: Oldenbourg Wissenschaftsverlag, 1991.

Troßbach, Werner. "Fürstenabsetzungen im 18. Jahrhundert," *Zeitschrift Für Historische Forschung* 13, no. 4 (1986): 443.

Ubale, Sourabh Vasant and Pratik Basavraj Salgar, "Evaluating the Concept of Corruption through Kautilya's Arthashastra: A Comparative Study in view of Modern Application," in *International Journal of Law Management and Humanities* 4, 3 (2021): 4025 – 4034.

Ulbricht, Otto. "Korruption in Der Frühen Neuzeit. Das Beispiel Schleswig-Holstein-Gottorf, ca. 1570–1721." *Zeitschrift für historische Forschung*. 45.1 (2018): 1–40.

Ullmann, Sabine. *Geschichte auf der Langen Bank: Die Kommissionen des Reichshofrats unter Kaiser Maximilian Ii. (1564-1576)*. Mainz am Rhein: von Zabern, 2006.

Underkuffler, Laura. *Captured by Evil: the Idea of Corruption in Law.* New Haven: Yale University Press, 2013.

van Cleve, John. “Revolution and the Volkslied’: Cologne, 1513.” *Neuphilologische Mitteilungen* 82, no. 3 (1981): 229-235.

van Klaveren, Jacob. “Die historische Erscheinung der Korruption in ihrem Zusammenhang mit der Staats- und Gesellschaftsstruktur betrachtet,” in *Vierteljahresschrift für Sozial- und Wirtschaftsgeschichte,* Vol. 44 No. 4 (December 1957).

Vettore, Luca. “Blasphemy on Trial: Splinters of deviant recounts from 17th century Venice,” in *Recounting Deviance: Forms and Practices of Presenting Divergent Behaviour in the Late Middle Ages and Early Modern Period* ed. Jörg Rogge, 97-130. Bielefeld: transcript Verlag, 2016.

Vocelka, Karl. “Die politische Propaganda Kaiser Rudolfs II. (1576 – 1612).” In *Veröffentlichungen der Kommission für die Geschichte Österreichs*, vol. IX. Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1981.

Vocelka, Karl. “Matthias contra Rudolf: Zur Politischen Propaganda in der Zeit des Bruderzwistes.” *Zeitschrift Für Historische Forschung* 10, no. 3 (1983): 341–51.

vom Hauwe, Gerlach. *Dat Nuwe Boych* neuesbuch.uni-trier.de.

von Boehn, Max. *Deutschland im 18 Jahrhundert*. Berlin: Askanischer Verlag, 1921.

von Frank, Karl Friedrich. *Standeserhebungen und Gnadenakte für das Deutsche Reich [i.e. Für Das Heilige Römische Reich] und die Österreichischen Erblande bis 1806, Sowie Kaiserlich Österreichische bis 1823, Mit Einigen Nachträgen Zum “Alt-Österreichischen Adels-Lexikon” 1823-1918.* Schloss Senftenegg, Niederösterreich: Selbstverlag, 1967.

von Gschließer, Oswald. *Der Reichshofrat: Bedeutung Und Verfassung, Schicksal Und Besetzung Einer Obersten Reichsbehörde Von 1559 Bis 1806.* Vienna: A.Holzhausens, 1942.

von Heß, Jonas Ludwig. *Hamburg topographisch, politisch und historisch beschrieben, Dritter Theil*. Hamburg, 1811.

von Hurter, Friedrich Emanuel. *Philipp Lang, Kammerdiener Kaiser Rudolphs II: eine Criminal-Geschichte aus dem Anfang des siebenzehnten Jahrhunderts*. Schauffhausen: Hurter'sche Buchhandlung, 1851.

von Inama-Sternegg, Karl Theodor. "Der Accisenstreit Deutscher Finanztheoretiker Im 17. Und 18. Jahrhundert." *Zeitschrift Für Die Gesamte Staatswissenschaft / Journal of Institutional and Theoretical Economics* 21, no. 4 (1865): 515-545.

von Justi, Johann Heinrich Gottlob. *Staatswirthschaft oder Systematische Abhandlung aller Oekonomischen und Cameral-Wissenschaften, die zur Regierung eines Landes erfodert werden: In zween Theilen ausgefertiget. ... Theil, Welcher die Lehre von Erhaltung und Vermehrung des Vermögens des Staats, Und mithin die Staatskunst, die Policey- und Commercien-Wissenschaft nebst der Haushaltungskunst in sich begreift*. Leipzig: Breitkopf, 1758.

von Mering, Friedrich Everhard Freiherr and Ludwig Reischert, *Zur Geschichte der Stadt Köln am Rhein*. Köln: Johann Wilhelm Dietz, 1839.

von Ranke, Leopold. *Zur deutschen Geschichte vom Religionsfrieden bis zum dreißigjährigen Krieg.* Leipzig: Duncker und Humblot, 1868.

von Ranke, Ermentrude. *Das Fürstentum Schwarzburg-Rudolstadt zu Beginn des 18. Jahrhunderts: Der Landstreit gegen d. fürstliche Willkür vor Reichskammergericht u. Reichshofrat*. Halle a.S.: C.A. Kaemmerer, 1915.

von Riese, Johann and Georg Peter Dambmann. *Kurze Darstellung des Wild- und Rheingräflichen Verlustes und des dagegen den Salmischen Häusern im Bisthum Münster angewiesenen Entschädigungs-Objektes: Nebst 7 Beylagen*. Regensburg, 1802.

von Schwarzenfeld, Gertrude. *Rudolf II: ein deutscher Kaiser am Vorabend des Dreißigjährigen Krieges*. Munich: Callwey, 1961.

von Thiessen, Hillard. *Das Zeitalter der Ambiguität. Vom Umgang mit Werten und Normen in der Frühen Neuzeit*. Köln: Böhlau Verlag, 2021.

Wahl, Fabian. "Origins of Political Change—The Case of Late Medieval Guild Revolts," *EHES Working Papers in Economic History* 69 (2014).

Wakefield, Andre. *The Disordered Police State: German Cameralism as Science and Practice*. Chicago: University of Chicago Press, 2009.

Walch, Carl Friedrich. *Vermischte Beyträge zu dem deutschen Recht Fünfter Theil*. Jena: Christian Friedrich Gollner, 1775.

Warde, Paul. *Ecology, Economy and State Formation in Early Modern Germany*. New York: Cambridge University Press, 2006.

Waquet, Jean-Claude. *Corruption, Ethics and Power in Florence, 1600 – 1770* trans. Linda McCall. Cambridge: Polity Press, 1991.

Weber, Max. *Politik Als Beruf*. München: Duncker & Humblot, 1919.

Weber, Max. *The Protestant Ethic and the Spirit of Capitalism*. London: Routledge, 2001.

Weber, Johannes. "Straßburg 1605: Die Geburt Der Zeitung." *Jahrbuch Für Kommunikationsgeschichte* 7 (2005): 3-26.

Weidenbach, Anton Joseph. *Denkwürdiger und nützlicher rheinischer Antiquarius welcher d. wichtigsten u. angenehmsten geograph., histor. u. polit. Merkwürdigkeiten d. ganzen*

Rheinstroms, von seinem Ausfluß in d. Meer bis zu seinem Ursprunge, darstellt Abt. II, Band 19. Koblenz: Rudolf Friedrich Hergt, 1870.

Westphal, Sigrid. *Kaiserliche Rechtsprechung und herrschaftliche Stabilisierung. Reichsgerichtsbarkeit in den thüringischen Territorialstaaten 1648 – 1806*. Köln: Böhlau Verlag, 2002.

Westphal, Siegrid. "Revolution in Rudolstadt? Der Bulisiussche Landstreit im Fürstentum Schwarzburg-Rudolstadt in der ersten Hälfte des 18. Jahrhunderts," in: *Zeitschrift des Vereins für Thüringische Geschichte* 61 (2007): 131-156

Whaley, Joachim. *Germany and the Holy Roman Empire Volume II: The Peace of Westphalia to the Dissolution of the Reich, 1648 – 1806*. New York: Oxford University Press, 2012.

Widerholdt, Johann Ludwig. *Repraesentatio Judicis Muneribus Ac Donis Corrupti. Das ist: Kurtze Abbildung Eines durch Gaben und Geschencke Bestochenen Richters Darin gezeiget wird: Ob und wie weit einem Richter Geschencke zu nehmen erlaubt seye oder nicht? Wie sich ein Richter des Criminis Barataríæ verdächtig mache? Wie dieses Laster zu bestraffen, und wie sich eine Lands-Herrschafft vor solchen Geschenckfressern hüten könne*. Wetzlar: Winckler, 1709.

Wilhelm, Andreas. "Nassau-Weilburg als Reichsdebitkommissar in Sachen des Wild- und Rheingrafen Carl Magnus zu Rheingrafenstein (1769-1784) in *Mitteilungen des Historischen Vereins der Pfalz* 106 (2008): 371-394.

Wilson, Peter. "The German 'Soldier Trade' of the Seventeenth and Eighteenth Centuries: A Reassessment," *The International History Review* Vol. 18, No. 4 (Nov., 1996): 757-792.

Wilson, Peter. *Absolutism in Central Europe*. New York: Routledge, 2000.

Wiltenburg, Joy. *Crime and Culture in Early Modern Germany*. Charlottesville: University of Virginia Press, 2012.

Xenakis, Stefan. "Daß man täglich die Bauern, schaarenweise in Wetzlar auf die Sollicitatur ziehen sieht: Legitimation von Rechtsansprüchen in Untertanenprozessen". *Prozessakten, Parteien, Partikularinteressen: Höchstgerichtsbarkeit in der Mitte Europas vom 15. bis 19. Jahrhundert,* eds. Alexander Denzler, Ellen Franke and Britta Schneider, 195-214. Boston: De Gruyter Oldenbourg, 2015.

Zaring, David. “Rule by Reasonableness.” *Administrative Law Review* 63, no. 3 (2011): 525-560.

Zimmer, Jürgen “Zeitungsmeldungen: Vom Ende des kaiserlichen Kammerdieners Philipp Lang von Langenfels,” *Studia Rudolphina*. Prague: Praha Artefactum, 2015.

Zürcher, Peter. *Die Bischofswahlen im Fürstbistum Eichstätt von 1636 bis 1790. Wahlgeschehen im Spiegel domkapitelscher, dynastischer und kaiserlicher Landes- u. Reichskirchenpolitik*. Munich: C.H. Beck, 2008.