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Reason of State, *Stände* and Estates in German and English Exchanges over the Crisis in the Palatinate, 1618-1624.*

When in 1619 Frederick V of the Palatinate accepted the crown of Bohemia, he justified his political action that challenged the authority of Emperor Ferdinand II and precipitated the Thirty Years' War by the need to uphold the public order, rights and responsibilities embodied by “the estates” of the *Reich*. English engagements with the German vocabulary of “estates” drew upon the concept of “reason of state”—those amoral political calculations needed to maintain a group’s “estate” or standing. The article examines the significance of these differences in vocabularies of “estates” and “state.”

On Ferdinand II’s election as the new Habsburg Holy Roman Emperor in 1619, the Calvinist prince-elect of the Palatinate Frederick V accepted the crown of Bohemia in opposition to him, precipitating the Thirty Years’ War. In justifying his actions, Frederick and his associates would consistently invoke the German political vocabulary of *die Stände* or ‘the estates’. In accepting the crown, Frederick saw himself as upholding the natural and Christian order of the territorial ‘estates’ of Bohemia – namely the *Landstände* of the lords, the knights and the burghers – and their rights and privileges. In Frederick’s mind, each territorial ruler or higher authority (*Obrigkeit*) was responsible for maintaining such a political order. Afterall, the decision of ‘the estates’ to reject Ferdinand’s kingship, and elect Frederick in his stead, arose from the revocation of the *Letter of Majesty*, which had provided for parity and freedom of worship for the majority “protestant” inhabitants of the kingdom – an agreement established by the three ‘estates’ of the kingdom. Frederick’s actions also followed his own self-perception of his role as one of the empire’s seven prince-electors (those who elected a new emperor). The prince-electors were the most important of the three imperial estates or *Reichsstände*, whose membership consisted of each of the territorial rulers or higher authorities of the *Reich*. In meeting in the *Reichstag*, the imperial ‘estates’ upheld the fixed constitutions, legal codes and public order of the empire.¹

What drew both of these positions together was a broader understanding of ‘estates’, which saw each as a corporate body, with each ‘estate’ maintaining the bonds of Christian and civil association between its members, underpinning trust, unity and peace. In the different justificatory and defensive statements produced, a Christian and Aristotelian conception of the political community ran throughout, in which each ‘estate’ embodied a shared capacity to rule and be ruled. In drawing upon such a conception, the other strain of writing concerning the ‘estate’ or *Stand* of a particular group was not readily invoked by Frederick and his associates when a constitutionalist position was addressed. A ‘reason of state’ analysis, which concerned the necessity of maintaining a prince’s political position or *Stand*, was discussed

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¹ The three imperial ‘estates’ consisted of the ‘prince-electors’, the ‘princes’, namely the different dukes and counts, and the ‘imperial cities’. The first two colleges were divided into an ecclesiastical and a secular bench.

within princely advice manuals within the empire.² A consideration of the political calculations which might be necessary so the particular 'estate' or *Stand* of a person or group could be maintained was, however, addressed with some circumspection and tentativeness.

In English, the same circumspection or tentativeness was not present when the different justificatory and defensive statements were encountered. The Palatinate's appeal to the different vocabularies of *die Stände* or 'estates', when translated or read in English, was positioned more directly within the vein of a 'reason of state' analysis. Frederick V, through his marriage to Elisabeth Stuart, the only daughter of James I & VI, was James's son-in-law, which gave rise to intense English interest in the affairs of the empire. Through 1618-21 the deployment and re-rendering of the different German vocabularies of 'the estates', in English discussions, would place more weight upon a consideration of the present 'estate' or condition in which Frederick and other political groupings found themselves. Of course, there was a clear parallel between an assembly of 'estates' in parliament and an assembly of 'estates' at an Imperial Diet. Nevertheless, emphasis was placed upon the problem of distrust and those political calculations which might be necessary if the contingent standing or 'estate' of a group or individual were to be maintained. In English, a concern with the corporate order of 'estates', and the bonds of association and trust, tended to be effaced to differing degrees according to the type of constitutionalist statement encountered.

In turn, by 1621, when a 'reason of state' analysis was set out in pamphlet exchanges within the *Reich*, it not only concerned those necessary political calculations aimed at maintaining or enlarging a prince's or group's present 'estate'; 'reason of state' was presented as a subversion of the principal function of the different *Stände*. An accusation took shape, which suggested that through amoral political calculation, distrust had been sown which had undermined the corporate bonds of association. These exchanges represented a different genre of pamphlet literature from the preceding constitutionalist and defensive statements. Instead of addressing the legal and constitutional rectitude of Frederick's actions, each side now became involved in polemical attacks aimed at blackening the name of the other. The meaning of these exchanges was, nevertheless, shaped by the preceding genre. In observing 'reason of state' in operation, the function of the different *Stände*, in maintaining peace and unity, it was suggested, had been set aside. Such accusations were levelled at all of the different protagonists involved.

In examining, then, the German exchanges over Frederick V's actions, and those moments of English engagement with these exchanges, the article draws attention to a difference in sensibility between German and English discussions. The article illustrates how exchanges in a German context were more attune to the conflict between two readings of an idea of 'estate', of that dissonance between an idea of Christian and civil association and those amoral political calculations aimed at maintaining a prince's 'estate' or standing. In contrast, those English interlocutors were less self-conscious in applying political calculation when considering the need to maintain the 'estate' of Frederick or his associates, which was not

² von Friedeburg 2016, 23-24, 36-39 & 313-22.

thought to sit so heavily out of kilter with a more principled discussion over the rights and responsibilities of the different 'estates' involved.

Here much has been written concerning the dissonance between an emerging European account of 'the state' and the structure of the *Reich*.³ An idea of 'the state', defined by sovereign (absolute) authority, which must be positioned with either the prince, the aristocracy or the people, was not easily applicable to the empire. The multiplicity of political bodies within the *Reich* made any attempt to locate the position of ultimate sovereign authority fraught with irresolution. The article draws attention to a different dimension of such dissonance, which can be found in a difference in sensibility between a German and English reading of a vocabulary of 'estates'. In fact, in the 1920s the German historian Friedrich Meinecke spoke of a duality in a modern account of 'the state', which pulled between 'Kratos' and 'Ethos', between the amoral necessities of power and the ethical and moral qualities embodied by 'the state'.⁴ Meinecke also famously commented on how the ethical and Christian values of early modern government made difficult the application of 'reason of state' and its amoral political calculations in German political parlance.⁵ Such duality, the article suggests, emerges in the conflict between two potential readings of 'estate'.

Furthermore, as Robert von Friedeburg observed more recently, a language of 'der Staat' did not take shape in German language exchanges until the 1650s. Here the term was applied in opposition to those self-interested political calculations aimed only at maintaining a prince's 'estate' or *Stand*, which reflected a disregard for the wider public order represented by the territorial 'estates' or *Stände*. As a result, 'der Staat' came to denote the public good of a particular territory within the empire as embodied by its territorial 'estates'.⁶ In contrast, a particular English concern with the contingent nature of the authority or 'estate' of the ruler folded into a discussion of 'the state' and the maintenance of its sovereignty.⁷ The rest of the article examines the earlier differences in sensibility and understanding concerning the different vocabularies of 'estates' or *Stände* at the opening of the Thirty Years' War. As the examples set out in the article underline, in German exchanges there was a more pronounced awareness of the conflict between two readings of 'estates' or *Stände*.

I

The problem of confessional disunity and distrust was often mediated through the invocation of the vocabulary of the *Reichsstände*. After all, the religious peace in the *Reich* had been established through the collective agreement of the protestant and catholic members of the imperial 'estates' in Augsburg in 1555. Whilst Augsburg officially accepted Lutheranism and Roman Catholicism, the Calvinism of the Palatinate and the Margravate of Brandenburg was

³ For questions concerning the status of the Holy Roman Empire as a modern 'state', see P. H. Wilson, 2006, 565-76 and 566 for the problem of Aristotle; Schilling, 377-95; Reinhard, 339-57.

⁴ Meinecke, 5-20.

⁵ Meinecke, 2-5, 31-36, 62, 147-82. For current reflections on Meinecke, see von Friedeburg, 2016, 8-41. Also see van Gelderen, 2003, 79-81, who speaks of Meinecke's historical awareness of the ethical richness of European conceptions of the political community. Questions over Meinecke's philosophical assumptions have been raised by Stolleis, 134- 64.

⁶ von Friedeburg, 2016, 208-11 & 211-36, discusses the scholarly application of 'reason of state' in a German environment.

⁷ Skinner, 1989, 116-21, discusses a shifting early modern vocabulary of 'the state'.

tacitly accepted. By 1618, however, the different agreements which Augsburg had put in train had become deeply unstable; and events in Bohemia were thought emblematic of the potential instability which could engulf the *Reich*.

A reflection upon the growing discord within the *Reich* can be found in the 1618 *Discursus Politicus* by one Johannes Staricius, in which both the role of the *Reichsstände*, and their relationship to ‘the estates’ of their own territories, was set out.⁸ Here the *Discursus* sought to call the ruling ‘estates’ of the empire back to both their natural and ordained duty to rule, which was regarded as the surest foundation for peace or *Friede* within the empire. In doing so, each territorial authority, as a member of one of the imperial ‘estates’, had a responsibility to uphold the order of ‘estates’ in their own territories – a position which would be echoed in a wider set of exchanges over Frederick’s support for the Bohemian cause.

The *Discursus* began with an Aristotelian account of the different ‘estates’ in civil society as mediated through the example of classical Rome.⁹ In the opening page, Staricius spoke of the territorial authorities of the *Reich* and their responsibilities in relation to ‘the estates’ of their own territories. For the *Discursus* the perfection of the political community only arose when each ‘estate’ fulfilled its natural function. The ruling members of the *Reich*, through birth, were possessed of the natural capacities to rule. Reference was made to the example of the Roman Patrician Menenius Agrippa, who, in 494 BC, in avoiding the revolt of the Plebeians, had set out an *Apologo*. In raising such an example, Staricius alluded to the danger of discord in the lower ‘estates’ of the political community.¹⁰ The political community was a natural body, and when the different parts of the body worked in concert, form was given to the ‘*Corpus Reipublica*’. The implication was that if the ruling ‘estates’ failed to maintain a peaceful and just order, the lower ‘estates’ of their territories could not be expected to remain in obedience.

The specific threat which Staricius identified arose from the formation of the Protestant Union and the Catholic League, which now had the potential of involving the *Reich* in a protracted religious war, drawing Staricius’s attention to the equally important Christian foundations of the *Reich*. By its second page, the *Discursus* spoke of the ‘high and holy order of government’, alluding to the *Golden Bull* of 1356, which had returned the *Reich* to peace in the fourteenth-century.¹¹ As the preamble of the *Bull* set out, with respect to ‘the estate’ of the prince-electors, their primary function was to guard the constitutions and order of a divinely instituted earthly empire. They were described as candlesticks, drawing the empire from Christian darkness by forming the seven principal pillars which supported the agreed order of the political community.¹² Echoing the position set out, first, in Augustine’s *City of God*, the natural order of ‘estates’ was understood as a reflection of the divine order of

⁸ Weeks, 221–43, places Staricius within the context of the non-confessional natural spiritualism of the Rudolfiner period. Also see Conze, ‘Land- und Reichsstände’, 207–14.

⁹ For the Aristotelian and Ciceronian conception of *Stand* see Oexle, ‘Die Körpermetaphor’, 163–3, ‘Auffassungen über Arbeit, Armut und Besitz als Grundlage dichotomer Ständegliederungen’, 163–66 & ‘Der römische Ordo-Begriff’, 166–69.

¹⁰ Staricius, *Discursus Politicus*. 1v.

¹¹ *Discursus*, 2r, ‘ein höchliches und heiliges Regiment’.

¹² The opening preamble – *Bulla aurea*.

creation – a position which was inflected through the work of Luther and Melanchthon.¹³ As in Augustine's thought, accepting and maintaining the ordained hierarchy of 'estates' underwrote a Christian peace or *Friede*.¹⁴

For Staricius the fundamental problem was confessional, in that the formation of different religious leagues and unions had pitted the members of the different imperial 'estates' against one another, drawing them from their primary responsibilities, which meant upholding the public order of the *Reich* and the order of their own territories.¹⁵ As the *Discursus* observed, the religious peace, as instituted at Augsburg in 1555, had attempted to resolve such divisions. In recognizing the rights and standing of both the protestant and catholic members of the imperial 'estates' to govern their territories in line with their own credal positions, the unity of the *Reichsstände* should have been preserved.¹⁶ The *Discursus* noted, however, that despite such an agreement, the different political or confessional unions had continued to pull 'the *Corpus Imperii* into as many as five parties'.¹⁷ The solution, though, remained unchanged. The members of the different *Reichsstände* had to recognize the Christian order of 'estates', which the Peace of Augsburg had sought to preserve. In part, this meant recognizing the 'godly ordained higher authority of the Emperor', which held the structure of the political community together.¹⁸ But this also meant recognizing the bonds of Christian association the *Reichsstände* maintained through their corporate and collective identity. The *Discursus* consistently associated the corporate vocabulary of 'estates' with that of 'trust'. Peace rested upon the acceptance that the members of each 'estate' of the empire acted, in 'conscience', before God, and that each other acted in 'the name of Christ as the prince peace'.¹⁹ As the opening of the *Discursus* set out, the formation of separate federations, outside the system of 'estates', arose from 'disunity and mistrust'.²⁰

In this respect, Staricius's commentary echoed two strains of German thought. As the work of Horst Dreitzel has noted, such a Christian and Aristotelian conception of 'estates' can be found throughout the political thinking of the *Reich*.²¹ In particular, in German Monarchomach writing, it was the corporate bonds of Christian and civil association which remained a locus of authority within the *Reich*. But Staricius combined such ideas with an

¹³ Schorn-Schütte, 435-61.

¹⁴ Oexle, 'Die Entstehung umfassender christlicher ordo-Lehren: Augustinus und Pseudo-Dionysius Areopagita', 178-82 & 'Zwischen Reformation und Revolution (16-18. Jahrhundert), 200-7. Also see Schorn-Schütte, 435-61.

¹⁵ *Discursus*, 2v - 3v.

¹⁶ *Discursus*, 2v.

¹⁷ *Discursus*, 3v, 'daß durch die vorstehende *Uniones* albereit das einige *Corpus Imperij* in fünff Partheyen zertheilet / nemblichen in die Catholische *Union*/ Catholische *Malecontenten*, Evangelische *Union*, Evangelische *Malecontenten*, und endlichen das Haupt an sich selbst'.

¹⁸ *Discursus*, 11r-v, 'das man die Käys. Maj. als die höchste Obrigkeit / gebürlichen *respectire*'.

¹⁹ *Discursus*, 12v 'darumb ist der Religionfried auffgerichtet von Käyserlicher Majestät und allen Ständen einmütiglich bewilliget und verordnet / damit ich dieses Einfeltige Bedencken im Name Jesu Christi des einigen Friedfürsten / und unsers heylands beschliesse'.

²⁰ *Discursus*, 1v. 'Wenn die Stände und Underthanen so weit in Uneinigkeit oder mißtrawen gerathen / daß sie sich trennen / unnd gegen einander in verbindnüß oder vereinigung begeben'.

²¹ Dreitzel, 2002, 49-112; Dreitzel, 1992, 16-57. Also see van Gelderen, 2003, 86-7; van Gelderen, 2002, 195-217.

account of the public order of the empire, as noted in the work of von Friedeburg, amongst others, which insisted upon subjection and obedience to higher authorities,²²

The question of confessional division and its regulation outside the *Reich*, as found in the English case, turned on a different reading of ‘estate’. This is exemplified in the writing of Thomas Scott, a godly protestant English MP committed to the European protestant cause. Scott would rail against James I & VI’s lukewarm support for the Palatine cause, as open war began to break out within the empire in 1619.²³ Of course, Scott adhered to Aristotle’s account of the best form of government or ‘state’, in which all three ‘estates’, the people, the aristocracy and the prince had a share in the ruling of society; and Scott thought England was a mixed ‘state’, consisting of the prince, the Lords and the Commons, each of which had a share of sovereign authority.²⁴ Scott was quite capable of thinking in terms of a fixed order of ‘estates’, denoting the strictures of God’s creation.

The important point, though, is that in contrast to Staricius, and a wider strain of German thought, Scott understood the maintenance of the order of ‘estates’ in a different vein. Scott’s actions were predicated upon building a godly protestant order which remained unrealized, and his account of a mixed ‘state’ or polity was based on an assessment of the relative distribution of political authority or the standing of the different groups involved. In speaking of ‘the State of England’, Scott would express a concern that catholic European powers sought to weaken the protestant English ‘State’. He feared that Catholics, as a group of ‘estate’ within England, might be emboldened, arguing that godly protestants needed to strengthen their ‘estate’.²⁵ Scott made use of that linguistic interplay in English between the condition or strength (the ‘estate’ or ‘state’) of a group and the need to maintain the standing (‘the state’ or ‘estate’) of a group or the ruler.²⁶ His understanding of the *Reich* would follow suit, Scott advocating military action in order to strengthen ‘the estate’ or position of the protestant princes of the *Reich* thus overturning the present ‘state’ of the *Reich* and by implication catholic Habsburg authority.²⁷ His understanding of confessional division, then, was not mediated through the associational aspects of a corporate notion of ‘estates’, but was shaped by the need to diminish or expunge the condition, standing, or ‘estate’ of those who opposed or threatened his vision of a godly polity in England or an international protestant order. He defined political stability according to the balance between the relative ‘estate’ or condition of different groups, and the authority and strength of the institutions of ‘the state’.

II

Whilst the *Discursus* addressed more the function of *die Reichsstände*, the “protestant” ‘estates’ of Bohemia would invoke the vocabulary of *die Landstände*. On 23 May 1618, the

²² von Friedeburg, 2016, 168-207.

²³ Peltonen, 229-71.

²⁴ Ibid., 269-70

²⁵ Scott, *The Second Part of Vox Populi*, 5v & *passim*; Scott, *Vox Populi*.

²⁶ Skinner, 2002, 368-413.

²⁷ Scott, *A Briefe Information of the Affaires of the Palatinate*, 46, spoke of Frederick acting ‘for the recovering of his Estates and dignities, and the re-establishment of a firme peace in the Empire’ and, 55, of those acting until ‘the Palatinate hath beene reduced unto the more then miserable estate’; Scott, *Aphorismes of State*, 2r, speaks of how the Roman Catholic Church took ‘notice of the state and order of the Empire’.

Count of Thurn and others threw the king's regents, Martinitz and Slawata from a window of the castle of Prague – an action commonly known as the Defenestration of Prague. These actions were taken in protest against Ferdinand, as designated King of Bohemia, who was thought to have violated the *Letter of Majesty*. As was tradition, Ferdinand, in becoming the successor to King Matthias, became the designated successor to Matthias as the reigning Holy Roman Emperor. Furthermore, Ferdinand was intent on a policy of recatholicization. In wresting authority from the aging Matthias, he sought to prevent the construction of “protestant” churches, whilst refusing to hear or countenance any protests. In response to these actions, the representatives of the “protestant” ‘estates’ of Bohemia acted; and in tandem there emerged in 1618 the first apology or *Apologia*, which was followed in 1619 with a second. No doubt the intent was to elicit the support of the German protestant princes. Both the Calvinist Frederick V of the Palatinate and Johann Georg the Lutheran Duke of Saxony had been in intermittent discussion with the “protestant” ‘estates’.²⁸ At a later point, the right of the territorial ‘estates’ to elect their king would justify their rejection of Ferdinand and their election of Frederick V of the Palatinate in his stead.

In acting thus, the defensive and regulatory function of *die Landstände* and the *Landtag* (or parliament) were addressed, which paralleled aspects of the regulatory function of the *Reichsstände* as set out in the *Discursus*. In the first *Apologia*, a specific list of grievances was detailed, which concerned the attack on the privileges and customs of the kingdom, which had allowed the Bohemian confession to worship freely. Here ‘the estates’ supported a bi-confessional system of parallel rights and privileges, which were enshrined by the *Letter of Majesty*. In setting out these grievances, the *Apologia* identified a concerted attempt to subvert the established order of the ‘three estates’ of the lords, the knights and the burghers. The *Apologia* spoke of the Jesuits, who had sought to impose the foreign higher authority of the papacy under the designated kingship of Ferdinand of Styria.²⁹ A hint of Luther's re-rendering of a theory of ‘estates’ emerged, in which the higher earthly authority asserted by the papacy was thought disruptive of the cohesiveness of the political community, because it drew ‘the estates’ away from their primary responsibility to maintain and serve their specific political community.³⁰

The critique, though, laboured the function of the territorial ‘estates’ in maintaining peace within the kingdom – again echoing something of the *Discursus* and its account of the *Reichsstände*. Confessional division was underplayed, the *Apologia* speaking of the agreements made between *die Stände sub una* (those who wished to receive communion in one kind) and *die Stände utraque* (the Bohemian confession, who wished to receive communion in both kinds). In these terms, the difference was presented as one of religious worship, as opposed to being doctrinal, although the Bohemian confession had been shaped by Lutheran and Calvinist clergymen from the wider *Reich*.³¹ More importantly, the system of territorial ‘estates’, it was explained, had allowed the political community to remain in

²⁸ Asch, 1997, 61.

²⁹ *Apologia. Oder Entschuldigungsschrifft*, 3, explained how the ‘Jesuitischen Sect’ sought to bring all under ‘dem Römischen Stuel / als frembder Obrigkeit’.

³⁰ Schorn-Schütte, 435-61.

³¹ Asch, 1997, 49.

‘unity’, upholding ‘peace’. Emphasis was placed on ‘the union’ between the confessions, who ‘should serve God freely’ without interference.³² Peace and common unity had emerged, because ‘the estates’, acting in concert, had recognized the freedom of their members to serve and worship God.

In this respect, the description given of the liberties and rights held reflected something of the vocabulary of *die alte teustche Freiheit*. In “German” political terminology ‘rights’ and ‘liberties’ were not held by individual subjects, through their membership of a territory or the wider *Reich*, but through membership of a specific corporate body or ‘estate’.³³ Reflecting the primary function of the three ‘estates’, their role was not only to express grievances; their role concerned the maintenance of unity and concord, each *stratum* in civil society possessing a strictly corporate political personality. Each ‘estate’ stood before God as a collective unit, not as a group of individuals. Understood in these terms, the Jesuits had sought to break the corporate order of ‘estates’.³⁴ Those of the Bohemian confession had been accused of being heretics. The Jesuits had excluded the representatives of the “protestant” members of ‘the estates’ from participation in discussions in the king’s council, which regulated the agreements made – arrangements which had in fact been made by the assembly of the three ‘estates’ at the *Landtag*. Furthermore, the Jesuits had sought to dislodge the Emperor Matthias as king, who, as the higher authority of the kingdom, had upheld the role of ‘the estates’ in maintaining concord among their members and thus the unity of the body-political.³⁵ As the second longer *Apologia* laboured, the Bohemian ‘estates’ have sought to preserve the ‘orders’ of the kingdom and had thus been obedient to their king who was their protector.³⁶

In an English understanding of the position set out by the Bohemian ‘estates’, part of the appeal to the language of *die Stände* was captured; but depending upon the context a different reading was also set out, which focused more on the ‘state’ or contingent strength of the two confessional groups involved. An English translation of the first *Apologia* emerged in 1619, published as *News From Bohemia. An Apologie*. No doubt Frederick V’s marriage to Elisabeth Stuart, the daughter of James I & VI, meant the shifting political circumstances within the empire, and England’s ostensible support for the European protestant cause, meant there was an English audience ready to hear about developments in Bohemia. Part of the

³² Alongside the *Apologia* see the printed text of the *MayestätBrieff*, 3r, which spoke of how King Rudolf sought ‘Einigkeit’ and the ‘erhaltung deß gemeinen guten Friedes’; 6r, the 1609 articles refer to ‘Die Vereinigung / so zwischen denen *sub una* und *sub utraque*’. The same language is repeated in the first *Apologia*, 3-4, in which it states that no higher authority, ‘Obrigkeit’, should prevent the ‘estates’ from freely serving God, ‘frey dienen mögen unnd sollen’.

³³ See G. Schmidt, 2006, in particular 187; & P. H. Wilson, 2004, 36.

³⁴ See Moeller, 41-58.

³⁵ The first *Apologia*, 5, describes the Jesuits labelling those of the Bohemian confession heretics, ‘Ketzer’, speaking of how the Jesuits had brought ‘the estates’ into disunity, ‘Uneinigkeit’. The Jesuits are consistently labelled enemies of the peace, ‘allgemeines Friedesfeindt’. The text speaks of secular higher authorities being directed to uproot the “protestant” ‘estates’, whilst going on to speak of how ‘Uns vereinigte Ständte,’ through the Jesuits, had been brought to hate one another, ‘einander verhaßt’.

³⁶ *Die Andere und grosse Apologia*, 23, ‘Inwelchem Ihre Käy. May. anfänglichen bemelte vereinigte Stände *Sub. Utraq*; vor ihre getrewe und gehorsame / unter Ihrer May. gnedigsten schutz unnd schirm / auch zu allen Ordnungen ... diese Königreichs gehörige Unterthanen / auff welche sich auch Ihrer Königl. May. *Jurament*’. ‘Ordnungen’ is repeatedly emphasized throughout the text.

difference in reading may have arisen because the English translator, one William Philip, would appear to have worked primarily from a Latin translation of the *Apologia* as opposed to the German edition.³⁷ In the Latin text *Stände* was rendered as *Status*, which denoted the legal standing of a particular corporate body or ‘estate’.³⁸ Here the English translator did capture the tone of the original German edition when referencing the constitutional order and authority of the three ‘estates’. The Latin text spoke of ‘*tres status Sub Utraque*’, which the German had cast as ‘*allen drei Stände*’ and the English cast as ‘the three estates of the reformed religion’.³⁹ The English translator recognized a system of legally established ‘estates’ as represented in the *Landtag*, the translator rendering *Landtag* as ‘parliament’.

When the English translator, however, encountered the relationship of one religious or political grouping to another the translator spoke of ‘state’ and not ‘estate’. On the title page of the German text, but not the Latin version, specific reference was made to the agreement between the ‘estates’ *utraque* and *sub una*, which underlay the *Letter of Majesty*. Here the English introduced more severe confessional division, writing of the agreement made between those of the ‘reformed religion’ and ‘the papists’. In English parlance, a sense of religious unity was replaced by a vocabulary which denoted direct religious opposition; and the agreement made became that between ‘the States of the Reformed Religion and the Papists’. Furthermore, when *Status* was encountered with reference to the imposition of ‘foreign authority’ (‘*peregrinae potestatis*’) in the opening page of the *Apologia*, the English translator spoke of ‘the States’ being brought ‘into yoke and subjection of forraine power’ whilst the German consistently spoke of ‘die Stände’.⁴⁰ In discussing the usurpation of authority over ‘the estates’ by the Jesuits who now occupied the chancery in Bohemia (‘*universum rege[m] & administrationem regni in Status usurpaverit*’), the English spoke of the usurpation of ‘the whole government and administration in this Kingdom, over the States’, which remained ‘über die Stände’ in the German text.

Here the English translator would seem to have been less fixed in his understanding of *Status*, applying two different readings according to context. A distinction was drawn between an idea of ‘estates’, which denoted the different layers of the political community, each having an assigned role in the political order as expressed in the *Landtag*, and an idea of ‘states’, which denoted the condition and political strength or standing of the different groups involved.⁴¹ Understood within a wider English context, the flexibility in the translator’s reading may reflect the fact that an English account of a corporate and legal system of ‘estates’ was less clearly defined.

Of course, in both the English and Bohemia case, the root source of a language of ‘estates’ was the traditional division of medieval society between the three estates of the clergy, the

³⁷ The title of the English edition (*An Apologie*) reads ‘Translated out of Dutch into Latine, and thence into English, by Will. Philip’. ‘Dutch’ is taken to be a rendering of ‘Deutsch’.

³⁸ For the Latin text, see *Apologia Ordinum inclyti Regni Bohemie*, which would appear to have been printed in the Hague – ‘Status’ is used in most cases when referring to *die Stände*.

³⁹ *Newes from Bohemia*, 6v.

⁴⁰ *Apologia Ordinum inclyti*, 1; *An Apologie*, 2v.

⁴¹ Lewis & Short gives such a definition of *Status*. Mohnhaupt, ‘Verfassung’, 837–40, discusses how ‘Status’ was applied with reference to the natural condition of the political community.

nobility and the people – namely between those who prayed, fought and worked.⁴² In the Bohemia case, an idea of three ‘estates’ had been partly re-transcribed so as to denote the corporate interests of three distinct propertied groups - namely the lords (temporal), the knights and the burghers of the cities. But as Michael Mendle has noted, in the English case, the re-transcription of an idea of three ‘estates’ in an English political vernacular was less fixed in its meaning. In Elizabethan England the three ‘estates’ within parliament could be read as consisting of the prince, the Lords and the Commons, the prince becoming an ‘estate’ within parliament.⁴³ Akin to Thomas Scott, the reading of an idea of three ‘estates’ within an Aristotelian tradition was informed by an account of the three forms of government, which reflected the distribution of political authority within society between the one, the few and the many. A protestant reluctance to see the clergy as a separate ‘estate’ reinforced a desire to efface the medieval account of estates involving the Lords spiritual, the Lords temporal and the Commons.⁴⁴ Under James I & VI, though, the king’s own sensitivity concerning a Presbyterian challenge to episcopacy and thus hierarchical authority, meant a more traditional denotation of the Lords spiritual as a distinct ‘estate’ within parliament would be re-established, with the idea that the prince was an ‘estate’ within parliament becoming a controversial position.⁴⁵ There was, then, a sensitivity and acknowledged difficulty in the precise constitutional definition of an idea of ‘estate’ within English discussions.

Gradations within English society, moreover, did not fit as neatly onto the legal corporate orders of ‘estates’ as was the case in the Bohemian *Landtag*, which consisted of the nobility, the knights and the burghers. In English references to ‘estates’ or ‘states’ also expressed a series of additional layers of political and social gradation.⁴⁶ For instance, different writers spoke of ‘the State of the common people’ and then ‘the State of Cittizens’ in reference to the corporate towns and their increase in prosperity. There was also a discussion of the ‘State of the nobility’, the ‘State of Knights’, ‘the State of Gentlemen’ and ‘the State’ or condition of the common lawyers and then the civil lawyers.⁴⁷ These different “states” or degrees of people did not meet in distinct ‘estates’ in parliament. Perhaps reflecting upon an English distinction between the ‘state’ or condition of different groups, which did not strictly correspond to a constitutional ‘estate’ in parliament, the English translator chose to draw a distinction between ‘the state’ or standing of different confessional groups which cut across the distinct territorial ‘estates’ of the Kingdom of Bohemia.

III

The case made by the Bohemian ‘estates’ resonated with Frederick V’s own view of the *Reich* – both the threat posed to Protestantism by the Habsburg emperors and the potential threat they posed to the existing public order of the empire. Here Ferdinand’s crowning as King of Bohemia in 1617 had made him the designated successor to the Holy Roman Emperor; and with the death of the Emperor Matthias, in March 1619, the question of the election of a new

⁴² Mendle, 22.

⁴³ *Ibid.*, 51-62.

⁴⁴ *Ibid.*, 3.

⁴⁵ *Ibid.*, 97-113.

⁴⁶ Wrightson, 30-52. Also see Koselleck, Spree, Steinmetz, 14-58.

⁴⁷ The ambiguity in such vocabulary is illustrated in T. Wilson, ‘The State of England’, 18-25.

emperor arose, which was technically open to any candidate. As a result, the forthcoming election day at Frankfurt in August provided Frederick with an official platform through which to scrutinize Ferdinand's candidature and even propose an alternative candidate.⁴⁸ At the election day the prince-electors would gather to elect a new emperor. In this respect, Frederick would suggest Maximilian Duke of Bavaria; Maximilian, however, refused and no alternative candidate would be forthcoming. Nevertheless, Frederick, as head of the Protestant Union, sought to elicit the support of the other two secular electors, the Lutheran Johann Georg Duke of Saxony and the Calvinist Johann Sigismund Margrave of Brandenburg in opposing the election of another Habsburg. Frederick also sought to elicit the support of the three catholic ecclesiastical electors, and in particular that of the Elector of Mainz, without whose support nothing could happen. As archchancellor of the empire, Mainz was in charge of proceedings at the election day.⁴⁹

In sending representatives to the election day in his stead, Frederick and his privy council issued instructions, laying out the positions which should be taken in discussions with the other electors and their representatives. In the first instance, the threats to the Upper Palatinate, which bordered Bohemia, formed the grounds for Frederick's absence at the election day. The instructions emphasized Frederick's responsibilities as a higher Christian authority in his own territory, which called for his presence elsewhere. But the rest of the instructions addressed his responsibilities to the wider *Reich* as a Christian prince-elect – responsibilities which were shared by the other prince-electors.⁵⁰ Here the interconnection between the different types of 'estate' came into play, whereby the prince-electors, it was argued, should guard the rights of the Bohemian territorial 'estates' and the wider condition of the empire. In particular, echoes emerged of German protestant Monarchomach writing, as exemplified in the work of Johannes Althusius, in which the prince-electors had been identified as akin to the *ephori* of Sparta in their relationship to the emperor.⁵¹ Considering that the instructions had been drafted, in part, by one of Frederick's key councillors, Ludwig Camerarius, who was the grandson of the German classical scholar Joachim Camerarius, a deep awareness of German protestant scholarly culture was no doubt present.⁵²

The content of the instructions, then, was secret. Nevertheless, the reading of *die Stände*, which had run throughout the published defence of the actions of the Bohemian 'estates', remained central in Frederick's campaign to persuade his fellow prince-electors. The instructions spoke of how the position of the "protestant" 'estates' in Bohemia needed to be heard, because of the level of discord, and that ideally, this should happen before the election, so the present condition of 'full mistrust' could be resolved. More importantly, the instructions argued that the prince-electors were in a position to resolve the situation and to act as mediators and that a non-Habsburg candidate should be elected emperor. Here the

⁴⁸ Pursell, 1-10 & *passim*, gives a full account of Frederick's fixation with the constitutional rectitude of his actions. Also see Asch, 2020, 302-6. For Asch the weakening of Spanish Habsburg authority led to a collapse in a universal peace in Europe.

⁴⁹ Pursell, 66-67.

⁵⁰ *BHStA, Kasten schwarz* 12460, 413/2, 'Instructions', July 1619, 1v, Frederick spoke of his responsibilities, 'als eine Christliche Obrigkeit' and, 5r, Frederick spoke of the responsibilities of a 'Christlichen Churfürst'.

⁵¹ Dreitzel, 2002, 49-112; Dreitzel, 1992, 17-32; van Gelderen, 2003; van Gelderen, 2002, 195-217.

⁵² Schubert, 1957, 105-7.

threat of Habsburg succession was presented as a threat to the function of the *Reichsstände* more generally. With reference to the case at hand, Habsburg succession, it was argued, would erode the elective nature of the office by allowing the Habsburgs to claim a hereditary right, thus side-lining the position and authority of the imperial ‘estate’ of the prince-electors.⁵³

Building upon this observation, moreover, the instructions emphasized the importance of the associational function of the different layers of the imperial ‘estates’, which would be threatened. They spoke of how it was at the gathering of the *Reichstag* that the earlier grievances of the protestant imperial ‘estates’ had been brought, which had restored ‘trust’. ‘Trust’ was also restored when the prince-electors engaged in dialogue with one another.⁵⁴ Such was the importance of ‘trust’, which arose from a shared capacity to rule, that Frederick even raised the question of whether the Aulic council should have equal jurisdiction with the *Reichskammergericht*. The membership of the *Reichskammergericht* was drawn from the members of the different *Reichsstände*, its role being to judge whether peace or the agreed legal orders of the empire had been broken, whilst the membership of the Aulic council, the *Reichshofrat*, was appointed by the emperor.⁵⁵ Only in resolving who held ultimate jurisdiction in resolving disputes would the ‘old German trust’ to be restored.⁵⁶

In these terms, then, the threat to the Bohemian ‘estates’ became emblematic of the wider threat facing the *Reich*; and in emphasizing the different associational layers held in place by the imperial ‘estates’, aspects of the thought of Althusius were once again echoed. As Martin van Gelderen and Horst Dreitzel have noted, for Althusius, each layer of life was defined by layers of association, each association wielding its own power of government and bringing into force the bonds of Christian civil society. In fact, for Althusius, the divine purpose of humanity was defined not by individuality but by bonds of association.⁵⁷

Even though Frederick’s analysis would be rejected by the other prince-electors, the arguments set out by Saxony and Brandenburg nevertheless mirrored aspects of Frederick’s own thinking.⁵⁸ Brandenburg was concerned that such action, and the support given to the Bohemian uprising, could be too easily interpreted as breaking the present legal order of the empire. Drawing on the importance of civil peace, Brandenburg quoted from Cicero’s *Pro*

⁵³ *BHStA, Kasten schwarz* 12460, 413/2, ‘Instructions’, 3v, ‘daß die *audientz* nicht bis nach der wahl verschoben werde’. ‘Instructions’, 5r, spoke of the need for the prince-electors to mediate, and 6r, of the present condition, ‘da sich alles in vollen mistrauen und Kriegs Verfaßung befindet’. ‘Instructions’, 6r-v, speaks of the need of ‘the free vote’, which had to be more than ‘eine bloss *nomination*’ because of Habsburg pretensions towards hereditary ‘*succession* in Reich’.

⁵⁴ ‘Instructions’, 6v, spoke of ‘der Churfürstlich *Libertet* der freien wahl’, then moving on to address the issue of trust in relationship to the position and function of the *Reichsstände*, 7r, speaking of ‘zu einem besern vertrauen’.

⁵⁵ *Ibid.*, 7v.

⁵⁶ *Ibid.*, 7v, spoke of how the ‘alte Teütsche vertrauen’ would be ‘stabilirt’. ‘Instructions’, 8r, spoke of the responsibilities to bring the Empire ‘zu fried und güten Vertrauen’ and 9v, the ‘widbringung frieden und gütt vertrauens’.

⁵⁷ See Dreitzel, 2002, 49-112; Dreitzel, 1992, 17-32; van Gelderen, 2002; van Gelderen, 2003, 195-217.

⁵⁸ G. Schmidt, 1999, 150-209, observes how the nobility avoided direct assertions of authority, which might reveal the limitations of their independent political authority.

Milone, that ‘amid arms, the laws are silent’.⁵⁹ In setting out a more direct commentary on the precarious balance of power within the empire, Saxony echoed the Palatinate’s comments on the shared responsibilities of the prince-electors to engage in civil dialogue and avoid moving into the legal ‘constitution of war’.⁶⁰ Outside the electoral college, Frederick’s cousin, the catholic Duke of Bavaria, who would both head the Catholic League and campaign to be awarded Frederick’s electorship, spoke in the same terms. It was on the grounds of confessional impartiality that Frederick had suggested Maximillian of Bavaria as an alternative candidate for emperor; and in rebuffing Frederick’s suggestions, Maximillian simply spoke of his particular responsibilities to build unity between the catholic ‘estates’ and the other ‘estates’ of the empire, which Frederick’s position threatened.⁶¹ A sense of irenicism and of the responsibilities to *Patria* ran throughout.⁶²

Frederick, though, remained fixated. The election of Ferdinand as emperor was “unanimous” (by tradition the vote had to be unified). However, Ferdinand’s accession to the imperial crown, alongside the rejection of the representatives of the Bohemian ‘estates’, led the Bohemian ‘estates’ to elect a new king. The crown was offered to Frederick, which he accepted; and in justifying his decision, Frederick’s attack sharpened. In *Warum Wir die Kron Böheimb / und der incorporirten Länder Regierung auff Uns genommen* (1619), Frederick returned to the cause of Bohemia and its wider implications for the empire and the function of the different *Stände*. The text spoke of the breaking of the natural bonds of civil society, and of the violence and inhuman barbarism, which had led to the spilling of innocent Christian blood. In alluding to the actions of the Jesuits, the text connected such disorder to their attempt to misguide the ordained higher authorities of the empire, who were duty bound to maintain the order of the Bohemian ‘estates’ and the common good of the political community.⁶³ The text also connected such Christian inhumanity and the collapse of peace to the disruption of the bonds of association and trust in ‘human society’ which ‘the estates’ had upheld through compacts and agreements.⁶⁴ In fact, the weakening of the Kingdom of Bohemia represented a weakening of the bulwark of Christendom against the hereditary enemy of the Turk.⁶⁵ In acting to elect a new higher authority, therefore, ‘the estates’ had followed both God and natural law, fulfilling their corporate responsibilities to uphold a just

⁵⁹ *BHStA, Kasten schwarz* 3730, 40r, May 1619, from the Margrave of Brandenburg, ‘inter arma silent leges’, from Cicero’s oration *Pro Milone*, in which Cicero referenced the danger of mob violence.

⁶⁰ *BHStA, Kasten schwarz* 3730, 53v, June 1619 letter from Saxony, ‘wir meit den Kriegs verfassungen fast ...umbgehen’. *Kriegsverfassung* was part of the imperial constitution, concerning mobilization in defense of the Reich. P. H. Wilson, 2010, 15-34, 17.

⁶¹ *BHStA, Kasten schwarz* 3730, 11v, March 1619 letter from Maximillian of Bavaria, in which he spoke of ‘die Catholischen Stende’, and how ‘dardruch mit den andern Stenden des Reichs bestendiger ruhe, fridt, und einigkeit zur erhaltung’.

⁶² A. Schmidt, 2010, 243-269, discusses how irenicism left theological discussion and entered civil discourse. For *Patria*, see von Friedeburg, 2005, 881-916.

⁶³ *Unser Friderichs von Gottes Gnaden Königs in Böheimb*, 4, spoke of how in the kingdom and in the empire ‘allen Potentaten und Obrigkeiten höchstgefährliche Lehr und *Opinion*, eingeführt ... unterm Schein der Heiligkeit’.

⁶⁴ *Unser Friderichs*, 3, the text spoke of the ‘unmenschlichen Barbarischen Excessen’; 5, Frederick looked to ensure that ‘die ruhige Beywohnung Menschliche *Societet* nicht gar auffgehoben’.

⁶⁵ *Unser Friderichs*, 6, ‘Vormauer der Christenheit’.

and Christian order of government.⁶⁶ As Frederick argued, he acted because of his fidelity to the “holy” empire.⁶⁷

Alongside these German exchanges, a parallel English rendering and understanding of ‘estate’ once again took shape. Whilst in the case of the English translation of the Bohemia *Apologia*, an idea of a particular system of *Stände*, and *Landtag*, was rendered in some form in English, the context surrounding Frederick’s actions in 1619 would appear to have encouraged those English interlocutors to apply further an alternative weighting in a discussion of Frederick’s ‘estate’. Because the situation could easily be read with reference to the contingent standing, ‘estate’ or condition of Frederick’s authority, the English exchanges addressed the political possibilities of whether Frederick could in reality maintain his ‘estate’, thus ignoring the more principled reading of the associational function of the different *Stände* as expressed by Frederick and his associates. In short, those English interlocutors, in their own secret negotiations and advice given to the Palatinate, more fully embraced a ‘reason of state’ reading, which the Palatinate was reluctant to follow even in secret.

In reporting in early 1619 on the advice which had been given to Baron von Dohna, who was one of Frederick’s representatives in England, it was recounted in English how James had stressed the need to take into account the ‘present estate’ within Germany.⁶⁸ English advice to the ‘Prince Pallatine’ was that he should consider how he was ‘beseaged on all sides by ecclesiastical Princes’ who not only hated his religion but also ‘his greatness’.⁶⁹ For James ‘reason of state’ was an important calculation and caution was needed in Frederick’s support of the Bohemian ‘estates’ and in his opposition to Ferdinand. In line with a Machiavellian train of political writing, stability did not arise from fulfilling ethical and moral obligations, as found through membership of a particular ‘estate’, but from considering the ‘estate’ or standing of different groups within that community.⁷⁰ As James stressed, it was doubtful Frederick could avail of ‘the strength and forces’ which he needed to ‘secure his state at the present’.⁷¹

In a letter from Sir Isaac Wake, James’s representative in Savoy, the political calculation and caution expressed by the Duke of Saxony was cast fully within a vocabulary of ‘reason of state’. It was found

that the Duke of Saxony is resolved to concurre with the Ecclesiastical Electors in favor of Ferdinand ... considering that his greatnes was rayased by the howse of Austria, and the *conservation of his estate* [my emphasis] doth depend upon their protection.⁷²

Reference was made to the Habsburg’s decision to allow Saxony possession of the Margravate of Lusatia, thus ensuring the elector’s support in containing the rising of the

⁶⁶ *Unser Friderichs*, 9, speaks of ‘ihre rechtmessige von Gott und der Natur zugelassene *Defension* desto stärker *stabiliren* und fortstellen möchten / auch zu solchem End eine gemeyne *Confoederation* ...angerichtet’.

⁶⁷ *Unser Friderichs*, 13 and comments throughout.

⁶⁸ Gardiner, 32, Sir Robert Naunton to Sir Dudley Carlton, Jan. 1619.

⁶⁹ *Ibid.*, 33.

⁷⁰ *Ibid.*, 33, ‘the fier is so neare his house, that reason of state will inforce him to stand upon his guard for feare of being surprised’.

⁷¹ *Ibid.*, 33.

⁷² *Ibid.*, 110, Sir Isaac Wake to the Marquis of Buckingham, June 1619.

Bohemian ‘estates’.⁷³ And James’s ambassador to Venice, Sir Henry Wotton, even cast the situation now faced by James, in which the actions of his son-in-law threatened to draw the king into a full European war, as a question concerning both ‘the advancement of conscience as of state’.⁷⁴ The implication was that principled support of the protestant cause did not necessarily coalesce with the advancement of ‘the state’ and the security of the king’s position or of the position of the protestant princes of the *Reich*.

In fact, in Dohna’s own report back to Frederick, concerning his discussions with James, a mutual deafness emerged regarding the different readings of ‘estate’. Dohna acknowledged that the condition, ‘zustand’, of the *Reich* had been discussed, as well as the actions of the various *Stände* involved in the Bohemian cause. The linguistic wordplay in English between political condition or ‘estate’, and the actions necessary for the maintenance of the different ‘estates’ of the empire, disappeared. Dohna simply reported that James did not want to hear of war (‘Krieg’).⁷⁵ And in the French correspondence with England, set out by Frederick and his supporters, the same ‘reason of state’ analysis was ignored. In invoking a vocabulary of ‘Etats’ in French, the corporate order of the empire, and its bonds of trust, remained the key notes of the case set out by Frederick and the Protestant Union. The potential to speak of ‘etat’, of present political conditions, was not something which was employed.⁷⁶

As Quentin Skinner notes, ‘reason of state’ drew, in part, on a linguistic turn. In Latin, French, Italian and English, discussions of ‘the state’, ‘status’ or ‘the estate’ of the prince easily folded into a need to maintain the prince’s ‘estate’ and thus ‘the state’.⁷⁷ In addition, J.G.A. Pocock has observed the manner in which those considerations of a group’s temporal ‘estate’ or standing drew on assessments of the contingent and unstable conditions of the world. In a political community, which was thought to be at a distance from the eternal point of God’s creation, thinking about the present ‘estate’ and distribution of political authority could help stabilize ‘the state’ in a world governed by temporal political conditions. Only in a community, which remained close to God, did the Christian and ethical basis of association, as embodied by ‘estates’ and officeholding, remain more assured.⁷⁸ Not only did the idea of an “eternal” order remain in close proximity to a German perception of *Reich*, the linguistic interplay between German references to the political conditions found in the *Reich*, such as *Zustand* or *Verfassung*, did not easily fold into a discussion of *die Stände* as did an English

⁷³ Asch, 1997, 62

⁷⁴ Gardiner, 50, Sir Henry Wotton to James I, March 1619. Wotton wrote of the how each side sought an excuse to act, blurring the different factors involved, ‘[b]etweene which ceremonious respects the substantiall are drowned both politike and spirituall, I meane, as I know youre Majestie doth, as well the advancement of conscience as of state’.

⁷⁵ Ibid., 34, gives Dohna’s account of his mission in an extended note.

⁷⁶ Ibid., 115, the princes of the Protestant Union to James I, June 1619. Reference in French was made to the ‘condition’ or ‘estate’ which protestants found themselves, ‘et ce d’autant plus qu’il y a apparence qu’en cest estat [my emphasis] si perilleux’. Nevertheless, when the notion of ‘the estates’ of both Bohemia and the empire were referenced, the French text drew no connection between ‘estate’ or condition and the maintenance of the position of ‘the estates’. Instead, the arming of the catholic party was understood with respect to the function of the imperial ‘estates’, which should have maintained ‘trust’ between the confessional parties involved; 116, ‘Dailleurs Vostre Majesté ne peult ignorer la grande meffiance [the great distrust] et mesintelligence qui s’est glissé entre les Etats des deux religions en l’Empire’.

⁷⁷ Skinner, 2002, 368-413.

⁷⁸ Pocock, 83-113; Viroli, 178-200.

discussion, which could speak of the contingent condition of a group's 'estate' or 'state' and thus the need to maintain their 'state' or 'estate'. In Skinner's 'From the State of the Prince to the Person of the State' no German language examples are given.

Here such English linguistic flexibility reinforced an easy shift towards an account of the contingent 'estate' of the different groups involved. When an English translation of Frederick's printed justification of his acceptance of the crown of Saint Wenceslas was produced in 1620, in the act of translation a 'reason of state' argument emerged which was absent in the German original. The German text consistently spoke of the present condition, or 'zustand', as found in the kingdom. But in consistently translating 'zustand' as 'estate', the English spoke of the 'the miserable and most perilous estate', and of 'the tempestuous and lamentable estate of present affaires', in which a linguistic connection emerged which was absent in the original pamphlet.⁷⁹ The actions of 'the estates' became assessments of their political 'estate' or condition. In these terms, the change of government, instituted by a new election ('Verenderung des Regiments und einer neuen Wahl geschritten'), became 'a new Election, for reducing the Estate, to a better order and government'.⁸⁰ And whilst the German spoke of the need to stabilize the freedom held by the 'estates', to provide 'mehrere *Stabilirung* ihrer *Libertet*', the English spoke of how 'the said Estates' had been led to attempt 'this mutation, for the re-establishment of their libertie'. The English spoke more of a change in the form and balance of authority within the constitution.⁸¹

IV

By 1621 the question of sovereignty, in some form, arose in a more direct fashion. Alongside the invasion by imperial forces of Bohemia and Frederick's hereditary lands in the Upper and Lower Palatinate, Ferdinand placed Frederick under an imperial ban, stripping him of all his princely dignities including his electorship. In conjunction with the question of Bohemia, the emperor's authority to act in this manner became another focal point of the Palatinate's objections. Here the publication in 1576 of Jean Bodin's *Six livres de la République*, in a wider European context, had disrupted an earlier Aristotelian view of the political community, with German thinkers making use of the 1591 Latin edition *De republica libri sex*. Bodin defined 'sovereignty' as an 'absolute', 'perpetual' and 'indivisible' power. In doing so, Bodin challenged Aristotle's view that the best form of government was a mixed polity, in which each 'estate' in society, the prince, the aristocracy and the *demos* or people, had a shared in the ruling of that political community. In arguing that 'sovereign' authority, by its nature,

⁷⁹ *A Declaration of the Causes, for the which, Wee Frederick, by the grace of God King of Bohemia*. In speaking of the actions of 'estates' in offering Frederick the crown, the German text, 3, refers to 'gefährlichen zustandt' in the kingdom, which the English text translates, 1, as 'most perilous estate'. The English text, 6, speaks of development of 'thunderings, and threatenings amongst the Estates', whilst the German text, 5, speaks of the actions 'mit angestiffte[n] dräwunge[n] unter de[n] Ständen'. Read in its entirety, the English text introduces a resonance between the actions of 'the Estates' and the 'estate' of the kingdom, which remains absent in the German.

⁸⁰ *Unser Friderichs*, 9 and *A Declaration*, 12. There is no direct equivalent to the English translator's decision to introduce 'for reducing the Estate'.

⁸¹ *A Declaration* speaks of 'mutation', 16, which resonates with an idea of 'mutation' of 'state' or 'estate', referring more to the change in conditions and distribution of political authority and power, whilst *Unser Friderichs*, 11, simply speaks of the change in government – 'Verenderung / mit der Regierung'.

must rest with a particular 'estate', preferably with the prince or monarch, the idea of a mixed polity did not make sense.⁸²

These observations underpinned another step in a particular reading of 'estate', which was more difficult to apply in a German context. In discussing the need to maintain the position or 'state' of the prince, namely his sovereign authority, a distinction would emerge between the sovereignty of 'the state', and the different 'estates' of the political community, which had passed sovereign authority to 'the state'. In the *Six Books*, Bodin would describe the Holy Roman Empire as a pure aristocracy, because in Bodin's analysis, sovereign authority lay with the ruling nobility of the *Reich*, namely the prince-electors.⁸³ By the 1640s in the *Reichspublizisten*, attempts to categorize the nature of the German 'state', through the lens of sovereignty, would remain fraught with irresolution. Applying the Aristotelian forms of monarchy or aristocracy, strictly, could not comprehend the complexities of the distribution of authority in which neither the emperor nor the *Reichsstände* had a claim to full and unlimited sovereign authority.⁸⁴

These difficulties arose, in part, because the empire remained deeply feudal in its characteristics, in which each prince owed loyalty to the emperor, whilst having certain autonomy in their own territories. An idea of legal relations, conceived in terms of an individual's direct subjection to the sovereignty of 'the state', denoted by a ruling person or group of persons, remained inapplicable.⁸⁵ The complexities of an account of political higher authorities or *Obrigkeiten* compounded such dissonance. In denoting the responsibilities to rule, each of the *Landstände* and *Reichsstände* could be regarded in some form as a higher authority, because each possessed the collective responsibility to regulate the affairs of the members of the said 'estate' or corporate body. In responding, then, to Bodin's paradigmatic move, in which sovereignty, or ultimate authority, had become a defining mark of a unitary political community, German responses would turn to the idea of the public order of the empire, because of the difficulties in locating sovereignty with a specific group or person.⁸⁶ It is also the case that something of an earlier Aristotelian account, which defined citizenship and the political community in terms of a wider collective capacity to rule and be ruled, endured through a conception of *Obrigkeits* and *Stände*.⁸⁷

As von Friedeburg notes, one response saw 'public law' emancipated as a distinct genre of writing in the work of individuals such as Melchior Goldast.⁸⁸ In open repudiation of Bodin's position, the public law of the empire was identified as the source of ultimate authority. Strikingly, the Palatinate's own objections to the emperor's actions drew on an aspect of this vein of writing, associating the public law of the empire with natural justice and the position of the imperial 'estates'. In a German language treatise issued in 1621, *hernach im Heil: Reich wider Churfürstl. Pfaltz publicirte Achtserklärung*, which objected to the imperial ban,

⁸² Franklin, 298-328.

⁸³ Schröder, 962-3

⁸⁴ *Ibid.*, 962-4.

⁸⁵ von Friedeburg, 2013, 293-94. Also see Hoke, 315-32.

⁸⁶ von Friedeburg, 2013, 293-322.

⁸⁷ For the problem of 'Obrigkeits' and its translation see Sellin, "'Oberkeits'/'Obrigkeits'", 393-408

⁸⁸ von Friedeburg, 2013, 296.

the emperor's authority was understood within such a framework. The repudiation of the emperor's actions ran along two lines. About halfway through the pamphlet, the specific point of Bohemia was raised. Since Bohemia was a kingdom and did not sit under the direct authority of the emperor, Frederick's actions in no way reflected an attack on or repudiation of the emperor's majesty or higher authority. In fact, Ferdinand's assertions that he had a hereditary right to the kingdom meant Frederick and the emperor were involved in a private dispute.⁸⁹

In addition, however, the issue of Bohemia also involved the wider question of impartiality which was raised in the opening pages of the pamphlet. The simple fact that it was Ferdinand who was in direct dispute with Frederick meant the emperor had stepped outside the boundaries of his judicial office in directly issuing the imperial ban. Echoing the 1619 election day instructions, it was argued that such a case really should have been heard before the *Reichskammergericht*.⁹⁰ Using a plethora of historical-constitutional examples, the importance of the *Wahlkapitulation* of 1519 was emphasized. The emperor could not act against another member of the *Reich* without first consulting with the prince-electors. The treatise also dwelt on the fact that prior to the *Wahlkapitulation*, when an emperor had been in dispute with another territorial ruler within the empire, the matter had been first brought before the *Reichsstände*. The 'emperors' did not act for their 'private use', 'but the good of the *Reich*', thus matters had always been brought before the 'orderly gathering of the estates'.⁹¹ The reason such a process was required was that in declaring war on a member of the empire the peace of the *Reich* would be broken. Echoing the tone of Staricius, Althusius and others, the very point of the *Reichsstände* was to be found in their collective responsibility to rule and resolve disputes, in which the 'imperial estates come together' and consult with one another. Without the imperial 'estates', it was warned that 'war can be awakened'.⁹²

Furthermore, in the opening pages of the protest, these objections were grounded in an appeal to natural law as the foundation of the public law of the empire. Here a series of references were made to Bodin's *De republica libri sex* – namely, Book IV, chapter 6, 'Whether the king should render justice to his subjects in person'. In Bodin's own analysis two threads were present. One concerned an idea of 'the state' and the need to maintain the 'sovereign' authority of the ruler. The other concerned the strictures of divine and natural law, which Bodin argued, governed the prince's actions. In a wider European context, it was the question of 'state' and sovereignty which was drawn out.⁹³ For Bodin, the prince should ensure justice was administered through officials and the law courts, because legal disputes always involved animosity between parties and in being directly involved the prince would be the subject of

⁸⁹ *Kurze Darthuung und Bericht ... Churfürstl: Pfaltz publicirte Achtserklärung*, 9-10.

⁹⁰ *Kurze Darthuung*, 4.

⁹¹ *Kurze Darthuung*, 5, 'Die vorige Eltere Römische Kayser ... die sachen nit ihr Eigen und Privat-Nutzen / sondern des H. Reichs wolfarth / principaliter angangen: haben dannoch sich nicht unternehmen dörrffen / vor sich Aigenmächtig / ein oder den andern Stand in die Acht zuerklären: Sondern haben das Werck uff Ordentliche *Coventus* vor die Ständt gebracht'.

⁹² *Kurze Darthuung*, 7, 'Das die Reichständ zusammen kom[m]en / und in angegebenen Friedbrucks sachen berathschlagen / handeln un[d] endlich schliesse[n] solle[n]'. The text continues emphasizing the need for the advice of the prince-electors otherwise a general 'Krieg erweckt worden kan'.

⁹³ Salmon, 500-22.

such animosity. By keeping a distance, the prince's mystique and sovereign authority would be preserved. The German text, however, only drew on Bodin's comments concerning the need for natural justice or law, as the foundation of civil law, in which impartiality and the avoidance of self-interest were underlined. In other words, Ferdinand's personal interest in the case rendered the administration of justice questionable; and by implication, natural justice in the *Reich*, and the preservation of its public order, was grounded in the collective impartial authority of the *Reichsstände*.⁹⁴ Bodin was read though the frame of public law, *Obrigkeit* and *Stände*, not that of sovereignty and 'state'.

In contrast, moreover, a French edition of the treatise was issued, probably by Frederick's circle, entitled *Brief recueil des raisons: qui rendent la Decleration du Ban, faire contre le Roy de Boheme* (1621); and in doing so, the question of sovereignty or 'absolute' authority was now raised. Alongside a less detailed account of the nature of judicial authority in the *Reich*, as given in the German edition, the French edition cast the question in terms of where 'absolute' authority lay, emphasizing more the constitutional framework of the *Reich* as opposed to the corporate and associational identity of *die Reichsstände*:

such an absolute power of the Emperour, was never at any time heard of, nor knowne among, not unto the true & good Almaines or Germaines, as being directly contrary to their liberties ... [the] golden Bull, and fundamentall constitution of the empire.⁹⁵

No direct reference was made to Bodin, but in publicizing the Palatinate's case beyond the *Reich*, a "new" European framework, which defined the form of the political community in terms of the location of 'absolute power', was tentatively invoked. Additionally, it was the French text which then formed the basis of a separate English translation, in which the muted reference to 'absolute' authority in the French edition was re-read in terms of the English vocabulary of 'the state'.

The French edition had consistently spoken of 'Estats' [états] which maintained something of the German reference to the ruling 'estates' or *Reichsstände*.⁹⁶ For the English translator, however, the question of 'absolute power' or sovereignty and its distribution between the *Reichsstände* suggested a further step in that other reading of 'estate', concerning 'the estate' or standing of a ruler and the balance of political authority. Such a rereading was no doubt compounded by the fact that 'Estats' in English could be read as 'states' or 'estates'.⁹⁷ As a result, the English translator chose to speak of the 'states', addressing how it was established

⁹⁴ *Kurze Darthuung*, 3, 'Bodin de Republ. lib 4. cap. 6 ... fol. mihi. 724 Ubi scribit: *Si contra naturam est, ut eundem Judicem & Accusatorem feramus; Rex autem in omnibus publicis judiciis Accusator sit; quanto id verius est in crimine Perduellionis, quo reus Principis vitam aut famam violasse dicitur*'. On 7 the requirements of natural and civil law are underlined – 'die Natürliche / oder Weltliche Gesetz'.

⁹⁵ *Brief recueil des raisons: Qui rendent la Decleration du Ban*, 4, 'Et a esté une puissance tant absolue de L'Emperur de tout temps incognue, aux vrays & bons Allemans ou Germaines, comme directement contraire à leur liberté'. The English is taken from the contemporaneous English translation of the French – *A Briefe Description of the reasons that make the Declaration of the Ban*, 2. The publication of the French pamphlet 'à la Hague', where Frederick and his court were in exile, suggests it was produced by Frederick's circle.

⁹⁶ *Brief recueil des raisons*, quoting from the imperial capitulations, 6, 'Que L'Empereur n'attaquera pas à force les Electeurs, Princes et autres Estats de l'Empires' and on, 8, referring to solemn oath taken by the emperor, 'Que Sa Majesté ne permettra ... aucun des Estats de L'Empire ... soit mis au Ban de l'Empire, sans cause'.

⁹⁷ Collins, ix-xxvi, which sets out the shift taking place in the vocabulary of 'etat' in France.

by the constitutions of the empire '[t]hat his Majestie [the emperor] shall not permit, that from henceforth, any of the states of the Empire, elector, Prince, or other, shall be put into the Imperiall Ban, without cause' and '[t]hat the Emperor shall not forcibly assaile the Electors, Princes, and other States of the Empire'.⁹⁸ Reference to the imperial 'estates' became 'the states' of the empire, in which it was further explained that 'no manner of respect [was] had of any of the States and Countries that were neutrall' when the lands of the Palatinate had been invaded.⁹⁹ There was even a reference to 'the State of the affaires' with respect to Bohemia, which hinted at a 'reason of state' sensibility and the interplay between the need to maintain the present 'state' or condition and the need to maintain the institutions of 'the state'.¹⁰⁰ In this regard, an idea of a confederation of 'states' took shape, which ignored the bonds of association, trust and the collective capacity to rule entailed by an idea of *die Stände*. Instead, the order of the *Reich* became more about the balance of authority and power between semi-independent 'states'.¹⁰¹

The same disjuncture in terminology reappeared in the translation of the emperor's own justification for his actions, in which the question of sovereignty or the distribution of political authority reemerged in the English translators re-reading of references to the *Reichsstände*. In 1623 the prince-electorship was officially passed to the Duke of Bavaria. In the printed justification for such action, *Der Röm: Keys: auch zu Hungarn / Böheym ... Proposition auff dem Churfürsten Tag zu Regenspurg* (1623), the notions of *die Stände* and *Obrigkeit* were turned against the Palatinate. Following Frederick's earlier position, the emperor spoke of the actions taken against his imperial authority as the 'ordained higher political authority', which had led to 'mistrust'. Effectively, Frederick was accused of seeking to disrupt the bonds of unity maintained by the imperial 'estates', by drawing the subjects of the emperor into 'foreign alliances', whilst Maximilian of Bavaria had in fact acted to 'rescue the obedient estates' without regard for his personal position or standing.¹⁰² The English translation left out discussions of God's order and political obedience, no doubt because it jarred with English support for the Palatine cause. But not only were references to 'the estates' read as 'states', but even when 'estates' was not used in the German text, any reference to a particular political body or entity was described using the terminology of 'states', thus reclassifying all exchanges as involving the balance and distribution of political force and power.¹⁰³ Amongst

⁹⁸ *A Briefe Description of the reasons that make the Declaration of the Ban*, 7, 4. Here the oath taken by the emperor and the *Wahlkapitulation* were referenced.

⁹⁹ *A Briefe Description of the reasons*, 4.

¹⁰⁰ *A Briefe Description of the reasons*, 12. In the French edition, 14, 'l'estat des affaires'.

¹⁰¹ A certain ambiguity, though, remains present here. In the case of the Netherlands, references to a system of 'states' could be a reference to a system of 'estates'. In Dutch and English parlance, the provincial 'states' of the Netherlands sent representatives to the 'States General' (not the 'Estates General'). See van Gelderen (1992), 23-24. In the case of the Netherlands, however, on the question of the levying of tax, the consent of the different provincial states-assemblies was required, with Flanders, Brabant, Holland and Zeeland later acquiring control of revenue and expenditure. In contrast to the German case, a Dutch vocabulary of 'States' was shaped by the fact that the Dutch provinces could be seen as near distinct loci of sovereignty.

¹⁰² *Der Röm: Keys: auch zu Hungarn / Böheym ... Proposition auff dem Churfürsten Tag zu Regenspurg*, 2r, speaks of how 'sich under dem Schein der Religion in allerhand fremde Händel eingemischet ... sich frembder Underthanen wider ihrer ordenlichen Obrigkeit / anzunehmen ... und noch grösser Mißtrawen allenthalben entsprungen'; 6v – 7r speaks of Maximilian, to whom the emperor passed the electoral jurisdiction, acting for the 'Reichs Wohlfahrt / und Rettung anderer gehorsamen Ständ'.

¹⁰³ The German text, 8 r, referred to 'die Staaden in Holland', which the English *The Acts of the Diet of Regenspurg: Held in the yeeres 1622 and 1623*, 1623, 8, read as 'the States of Holland'. The German text, 8r,

different references, in the *Propositions of his Imperial Maiestie in the Diet of Regensburg* (1623), the translator spoke of the associations with ‘foreign States’ and the ‘proceedings of the said States’ of the empire.¹⁰⁴

V

When a ‘reason of state’ analysis was applied openly in the German language exchanges over the rectitude of Frederick V’s actions, a particular shape and intent was given to its application. Aimed at all parties involved, a ‘reason of state’ analysis became an accusation, which argued that those working from a ‘reason of state’ position were subverting the principal function of the different ‘estates’ or *Stände* within the empire. In a series of pamphlets, those calculated moves aimed at enlarging say the prince’s position or *Stand* entailed the subversion of the different layers of ‘estates’, because such calculation disregarded the public order and the corporate bonds of association and trust. This polemical genre of writing took shape against the background of those strained exchanges over the public order of ‘estates’ and the constitutional and ethical rectitude of the different actions taken. As von Freideburg has noted, a similar anti-‘reason of state’ position would take shape in the context of disputes between vassals and territorial rulers through the Thirty Years’ War.¹⁰⁵

Such accusations were, in the first instance, made against the Palatinate in the anonymously produced *Allergeheimbste Instruction* in 1620. In what were presented as true copies of Frederick’s correspondence, the offer of the crown by ‘the estates’ of Bohemia was discussed in the manner of a Machiavellian politician. In the different texts of the pamphlet, Frederick was advised that it would ‘cost him no effort’ to take the crown but ‘deviousness and agility’.¹⁰⁶ An account was given of the Dutch revolt, which spoke of how the fight ‘between freedom and lordship’ had collapsed Habsburg authority there.¹⁰⁷ In Bohemia and the empire the disposition of the different ‘estates’ was similar, which Frederick should exploit. The ‘princes of the empire were divided’, whilst in the different territories of the *Reich* ‘the commons hated the higher authorities’. In Bohemia, the three *Landstände*, of the lords, the knights and the burghers were also in ‘disunity and misunderstanding’.¹⁰⁸ What the pamphlet made clear was that Frederick’s actions were predicated on maintaining and exploiting divisions and disorder between and within the different ‘estates’, which would allow him to enlarge his position and political standing, disregarding the true bonds of association. The

referred to the ‘Stände’ of the ‘Wesphalischen Creyß’, which the English, 8, read as ‘the States of the lower Westphalia Circle’.

¹⁰⁴ The above German text, 2r, referred to ‘Deputations Täge’, which became ‘assemblies of the Princes and States of the Empire’ in the English translation, whilst the German reference, 2r, to ‘fremde Händel eingemicht ...’ became in the English text, 2, ‘with foren States’.

¹⁰⁵ von Friedeburg, 2016, 237-312.

¹⁰⁶ *Allergeheimbste Instruction*, 2v, ‘dann es E. Churf. D. keine Mühe gekostet / zu dieser Cron zu kommen / durch der ihrigen List und Behendigkeit / ist es zu gangen / und da mann in höchsten Geheim die Warheit darff entdecken’.

¹⁰⁷ *Allergeheimbste Instruction*, 5 v., ‘der unversöhnliche Streit zwischen der Freyheit und der Herrschafft / ist dessen ein Ursach’.

¹⁰⁸ *Allergeheimbste Instruction*, 11v, ‘das zwischen den Fürsten sich uneinigkeit erhebt ... So ists nit seltzam / das in den Stätten / die Obrigkeit bey der Gemein verhaßt’; 16r, ‘In Beheim hat es dreyerley Ständ / von Herren / die Ritterschafft / und die Städt / under denen gibts viel uneinigkeit unnd mißverstand’.

rhetorical point was that ‘reason of state’ analysis had informed Frederick’s appeal to the constitutions of the empire and the rights and liberties of the different ‘estates’, drawing *die Stände* away from their proper function.

As Noel Malcolm notes, the *Allergeheimste Instruction* or *Secretissima instructio* would be mimicked in two following pamphlets, a second *Secretissima instructio* in 1622 and an *Altera secretissima instructio* in 1626, which would establish something of a mini genre.¹⁰⁹ For Malcolm what is particularly noteworthy is the decision by Thomas Hobbes to translate the 1626 Latin text into English in manuscript form. Hobbes’s association with Lord Cavendish, who supported the Palatine cause, reflects the continued English engagement and interest in applying a ‘reason of state’ reading to the situation in the empire; and as Malcolm comments, the third text in the genre was more developed than the first two in its application of a ‘reason of state’ analysis.¹¹⁰ Whilst the pamphlet continued the attempt to show the Palatinate in a bad light, by suggesting its dealings were fraudulent and underhand, the pamphlet also purported to be genuine. The very ‘reason of state’ analysis, as applied, made perfect sense in its reflections on the situation which Frederick and his associates confronted.

Contextually, however, the genre of accusatory pamphlets played out differently in a German and an English language context. Hobbes, as Malcolm notes, found enough resonance in the analysis, which led him to translate the text. Such engagement by Hobbes places an English reading of events within the vein of a developing critique of a ‘state of nature’, of a self-interested humanity, and the need to secure the authority of ‘the state’ as a focal point for stability in a fractured and disordered political community.¹¹¹ Of course, the need to maintain a fixed public order of ‘estates’ was something common to both English and German interventions. But a consideration of how to maintain such an order, in its English inflection, drew more fluidly upon an account of the politically contingent situation or ‘estate’ of the particular parties involved. As a case in point, in a series of pamphlets by Thomas Scott, Scott not only applied the wider accusatory framework as a means of condemning and exposing England’s opponents by turning an accusation of fraud and an anti-‘reason of state’ critique against them; Scott set out such accusations as a way of making the case that England, the Palatinate and its associates must adopt a countervailing ‘reason of state’ response if they were to be victorious.¹¹²

Writing in frustration with James I & VI’s lukewarm support for the Palatinate, Scott aimed such accusations at both the papacy and the catholic Habsburgs in *Briefve Information of the Affaires of the Palatinate* (1624) and *Aphorismes of State: Or Certain secrete articles for the re-edifying of the Romish Church* (1624). In doing so, Scott spoke of a political world defined by confessional distrust and the ungodly, which left an international protestant cause with no choice but to respond in the same terms by applying a ‘reason of state’ reading to their own situation. In facing catholic powers who were strengthening their ‘State’, the

¹⁰⁹ Malcolm, 30-45.

¹¹⁰ Ibid., 45-9, 74-5, 82

¹¹¹ Ibid., 105-14.

¹¹² Ibid., 33, 61-2.

‘wisdom of our State [of England] in seeking peace’ needed to be re-assessed.¹¹³ In doing so, Scott argued for godly action based upon the necessary political and martial calculations which would strengthen ‘the estate’ of England and ‘the estate’ of the Palatinate.¹¹⁴ His response was not simply to accuse his confessional opponents of underhand dealing, but to advocate a response in kind.¹¹⁵

In a German speaking context, the accusatory intent of the publications took on a different weighting. If an English reading dwelt more upon the genuine applicability of a ‘reason of state’ analysis as a countervailing response, this was not the case in those publications aimed against the Palatinate. In light of the principled position taken by Frederick and his associates in their invocation of the different languages of *die Stände*, what resonated most directly was the suggested subversion of the function of the different ‘estates’, which was identified as the principal source of political disorder and near civil war.

Thus following the 1620 *Allergeheimste Instruction*, the 1621 *Fürstl: Anhaltische geheime Cantzley* repeated, in more precise terms, such accusations. The pamphlet was produced by the Bavarians and sought to justify their support of the emperor and the actions of the Catholic League. The League was headed by the Duke of Bavaria, who had agreed to support the emperor on the condition that he not only receive a large portion of Frederick’s hereditary lands, which bordered Bavaria, but that he receive Frederick’s electoral jurisdiction. The pamphlet was based on correspondence between Frederick and the Prince of Anhalt, a close associate of Frederick and governor of the Upper Palatinate, which concerned their discussions over the Bohemian cause through 1617-19. In fact, much of the correspondence, which naturally acknowledged some form of political calculation, consistently searched for principled justifications either with respect to the rights of the Bohemian ‘estates’ or by discerning God’s providential ‘will’ in the political opportunities which might be identified.¹¹⁶ These letters had been taken at the Battle of White Mountain when Frederick’s baggage train had been captured by imperial forces.

Wilhelm Jocher von Egersperg, one of Maximilian’s key councillors, compiled the correspondence for publication; and in doing so he stripped the content of the letters of any of their principled justifications or assertions.¹¹⁷ In doing so, the actions of Frederick and his associates were presented as bald political calculation, aimed at building political factions and amassing power. These political calculations were argued to be emblematic of attempts to subvert the function of *die Stände* and the *Reichsstände* in particular. For von Egersperg, such political calculation had been hidden behind the pretense of defending German liberty, religion and privileges – a pretense Frederick and his associates had maintained by remaining peaceful and calm, ‘Ruhe und friedlichem Standt geblieben’, until the catholic estates acted,

¹¹³ Scott, *Vox Populi*, 5v., ‘it is well observed by the wisdom of our State, that, the King of England, who otherwise is one of the most acco[m]plisht Princes that ever raign’d, extremely hunts after peace, and so affects the true name of Peacemaker, as that for it he will doe or suffer any thing ... [thus] the necessity of the state [is] so exhausted’.

¹¹⁴ See notes 23-27.

¹¹⁵ Anglo, 324-73, identifies the pattern of accusing confessional opponents of taking a Machiavellian position.

¹¹⁶ Ritter, 239-83, provides an account of the letter exchanges which took place.

¹¹⁷ See Albrecht, 447.

‘biß die Catholischen Ständt angefangen’.¹¹⁸ Using the guise of the corporate and collective identity of the imperial ‘estates’, the Palatinate had waited to take political action so they could construe their actions as simply defensive, ‘nur in *terminis defensionis*’.¹¹⁹ Behind the scenes, however, the Palatinate had engaged in political alliances, sowing division in the empire, and seeking to amass the political force to unseat the emperor, thus attacking the ordained higher authority of the *Reich* – ‘Got fürgesetzte Obrigkeit’.¹²⁰ Thus it was the catholic ‘estates’ who were the obedient ‘estates’ of the empire, ‘die gehorsame Catholische Ständ deß Reichs’, because they continued to fulfil their corporate responsibilities in maintaining the political order of the empire.¹²¹ More specifically, it was not the Habsburgs who wished forcefully to re-catholicize the empire, but the Palatinate which wished to convert the *Reich* to Calvinism.¹²²

These specific interventions drew upon a wider European anti-‘reason of state’ position, which was reshaped to fit the German experience. In the *Höll Teuffelische geheime Cantzeley* (1622), reputedly by one Dionysius Klein, the spectre of war was not only identified as unchristian, but as the primary danger to civil association and trust, which the language of ‘estates’ held in place. As the pamphlet explained, ‘war made humanity barbaric’; and as Cicero noted, war was ‘the greatest enemy of human nature’, hence the peace or *Friede* which the *Reich* needed to maintain.¹²³ These comments drew upon an anti-Machiavellian position, as identified by Sydney Anglo, through which the suggestion of a Machiavellian analysis had become shorthand for the subversion of a Christian and moral political order by the mid-sixteenth century.¹²⁴ Strikingly, the 1580 German translation of the French *Antimachiavellus* by the Huguenot Innocent Gentillet was republished in 1624. As Anglo has noted, it was Gentillet’s reflections in the *Antimachiavellus*, which provided one of the root sources of an anti-Machiavellian critique. In his writing, Gentillet had responded to what he took to be the horrifying Machiavellian calculations which had led to the massacre of France’s Huguenots on St Bartholomew’s day in Paris, supposedly on the advice of the Italian Queen Mother Catherine de’ Medici and her Italianate associates.¹²⁵

Following such a critique, in a series of forwards to the 1624 German edition, it was argued that the unethical and amoral political principles of ‘reason of state’ could be seen in every part of Europe beyond the empire. The prefacing letter to the 1624 edition spoke of how ‘Plato, Xenophon, Aristoteles, Cicero, Seneca’ and others had shown how prosperity grew from ‘the common life of humanity’, of living in society with one another, arguing that the amoral political calculations put forward by Machiavelli destroyed the natural bonds of

¹¹⁸ von Egersperg, *Fürstl: Anhaltische geheime Cantzley*, ‘Trewherzige warnung’, 16-17, lists the grounds the Palatinate and others would like to be believed as their motivation.

¹¹⁹ *Fürstl: Anhaltische* ..., 24, is an account of the negotiations by Frederick within the *Reich* and externally, prior to 1619.

¹²⁰ *Fürstl: Anhaltische* ..., 11.

¹²¹ *Fürstl: Anhaltische* ..., 28.

¹²² *Fürstl: Anhaltische* ..., 8- 15, turns the language of *Unser Friderichs von Gottes Gnaden Königs in Böhemb* against the Palatinate.

¹²³ Klein, *Höll Teuffelische geheime Cantzeley*, 4, ‘Der Krieg machet die Menschen Barbarisch ... wie M.T. Cicero sagt / die Menschlichen Natur allergrösste Feindin ist’.

¹²⁴ Anglo, 1-13.

¹²⁵ *Ibid.*, 271-373, in particular 292-95, 320.

society by encouraging individuals to be ‘unscrupulous’ becoming ‘cruel monster[s] of nature’.¹²⁶ In fact, in the prefacing material found in both the 1580 and 1624 German editions, ‘reason of state’ was essentially un-German and foreign, ‘Teustchen’ having observed its application in foreign lands.¹²⁷ The preface even referred to its casting as ‘Ragion distato, *Raison d’Estat*, Jus Sive Ratio Status’, but no German vernacular was given.¹²⁸ As was made clear, it was a foreign ‘Policyordnung’, because it violated the Christian and ethical responsibilities firmly rooted in a Christian account of rule and of *Obrigkeiten*.¹²⁹ Unlike Gentillet’s text, then, which saw this as an Italian disease, which had come to infect France, the German text saw such a disease as now infecting all of Europe except the *Reich*.

As von Friedeburg has observed, such an anti-‘reason of state’ analysis would rest below a later shaping of the application of the term ‘der Staat’, when it eventually emerged in the German vernacular in Seckendorf’s *Teutscher Fürstenstaat* (1656). Through the Thirty Years’ War, an anti-‘reason of state’ critique gained further force. In short, the suggestion that different princes or territorial rulers within the empire had sought to enlarge their own *Stand* or ‘estate’ through war was argued to have led to the wasting of the wider public order as embodied by the different ‘estates’ within their territories. As von Friedeburg observes, references to ‘der Staat’ were therefore applied as a way of denoting the entire public order embodied by the different territorial ‘estates’.¹³⁰ It was argued that the prince should act for ‘der Staat’, as opposed to his own particular ‘*Stand*’. In effect, the perceived failure of the ruling imperial ‘estates’ to fulfil their moral and ethical responsibilities, with respect to the territories they ruled, saw those responsibilities shift and be assumed by the ‘estates’ of their territories.¹³¹ Thus German references to ‘der Staat’, which stood for the public and moral order denoted by those territorial ‘estates’, differed from a certain English or wider European idea of ‘state’, which spoke of sovereignty and the political calculations needed to maintain the prince’s contingent ‘state’ or position.¹³²

Here the importance of those original responsibilities, as embodied by the *Reichsstände*, was underlined by the Palatinate’s extensive counter to the 1621 Bavarian pamphlet, which simply inverted the analysis set out by the Bavarians; and in doing so, the question of sovereignty and ‘reason of state’ remained inapplicable. In 1623 a long response was put together by Ludwig Camerarius. In the *Bericht und Antwort uff die vornembste Capita, Päss und Puncten der Bayer-Anhaltischen geheimen Cantzeley* the Bavarian accusations were refuted by restating in stronger terms the duties, obligations and rights as entailed in a language of *die Stände*. With respect to the *Reichsstände*, Frederick, as a prince-elect, was duty bound to act for the

¹²⁶ Gentillet, *Antimachiavellus*, 3r, ‘Dann es haben solche berühmpte Politische Scribenten bey sich selbstem weißlich ermissen / was grosse Fruchtbarkeit / dem allgemeinen Menschliche[n] leben zu wachsen kann’. Originally translated by Georg Nigrinus, a new prefacing letter was added by the printer of the 1624 edition Johann Carolus.

¹²⁷ *Antimachiavellus*, 14r.

¹²⁸ *Antimachiavellus*, 7r, the prefacing letter to the ‘Graffen zu Solms’ labours the lack of virtue and the poisonous nature of Machiavellian calculation.

¹²⁹ *Antimachiavellus*, 15r of the letter to the reader.

¹³⁰ von Friedeburg, 2016, 212, 313–22.

¹³¹ *Ibid.*, 240.

¹³² Tuck, 279–345.

freedom of ‘the estates’, ‘seiner pflicht vor der Stände Freyheit’.¹³³ During the interregnum between the death and the election of a new emperor, was it not the case that the prince-electors were responsible for discussing the matter and electing an emperor who would uphold the public order of the *Reich*?¹³⁴ After all, the right of free election, ‘die Freye Wahl’, was the highest treasure of the empire, the ‘höchste Kleinot des Reichs’.¹³⁵ In refuting the accusations laid out in the ‘Bayerische Buch’, it was argued that Frederick had not occupied Bohemia, because he had been elected by ‘the [territorial] estates’.¹³⁶ There was also no evidence to suggest that the Protestant Union had planned an attack against the catholic powers within the *Reich* as early as 1610.¹³⁷

However, in countering the fundamental accusation, that the Palatinate had sought to invert or collapse the public order and the function of ‘the estates’, no direct defense was given – possibly because every political action could be read differently according to the motivation assigned. Instead, a counter description was given of the actions of the Catholic League and in particular the Jesuits. Egersperg had argued that mistrust had engulfed the *Reich*, because no one could suffer the Calvinist spirit. But in reprising a thread of the Bohemian *Apologia*, Camerarius argued that such an accusation described, not the actions of the Calvinists, but those of the Jesuits, who had consistently sought to draw the ruling members of the *Reich*, whom they advised, to overturn the established public order and subject the *Reich* to their authority.¹³⁸ In the vein of the 1618 *Discursus*, Camerarius drew a distinction between the ‘old catholics’, who continued to accept the ordained order embodied by the different layers of ‘estates’ and the bonds of Christian association, and those ‘Jesuitical catholics’, who consistently sought to invert the order of the *Reich* and break ‘the estates’.¹³⁹

From here Camerarius tackled a revealing rhetorical question, asking then what new constitutional order did a potential Calvinist government actually want to erect. Was it a monarchy, an aristocracy, a democracy, or an oligarchy?¹⁴⁰ There was hidden barb, considering the Palatinate had consistently accused the Habsburgs of attempting to turn the *Reich* into a monarchy. In answer, Camerarius dismissed the terms of such a question. Echoing the *Discursus*, Althusius, and an Aristotelian account of ‘estates’, unfettered by Bodin and the question of sovereignty, the question at stake was not about which ‘estate’ should rule as found in a monarchy or an aristocracy. It was about upholding the public order of ‘estates’, as ultimately denoted by the *Reichsstände*, who maintained the bonds of association and governed one another. It was about preserving the ‘Respublica Germanorum’.¹⁴¹

Camerarius’s decision to speak in this manner is suggestive of a broader point. Some three decades later such disorder would be resolved with the Peace of Westphalia in 1648.

¹³³ Camerarius, *Bericht und Antwort ... Bayer-Anhaltischen geheimen Cantzeley*, 16.

¹³⁴ *Bericht und Antwort*, 16.

¹³⁵ *Bericht und Antwort*, 16.

¹³⁶ *Bericht und Antwort*, 28-34.

¹³⁷ *Bericht und Antwort*, 2-9.

¹³⁸ *Bericht und Antwort*, 53-69.

¹³⁹ *Bericht und Antwort*, 59.

¹⁴⁰ *Bericht und Antwort*, 70.

¹⁴¹ *Bericht und Antwort*, 70.

Westphalia is thought to have put in place a classic account of the European ‘state’, in which an international system of sovereign ‘states’ was inaugurated, each with sovereignty over their own territory. In doing so, the Peace of Westphalia broke the fraught international confessional and noble alliances which had wrought havoc in Europe by establishing the boundaries of the sovereign European ‘state’ and ending Habsburg dominance in European politics.¹⁴² But as has been noted, at one and the same time, Westphalia, with respect to the *Reich*, essentially re-established much of the constitutional structure and confessional peace as set out in Augsburg in 1555, the difference being that the tacit recognition of Calvinism was legally established alongside that of Lutheranism and Catholicism.¹⁴³

As Peter Schröder has commented, not all is as it seems. The German political theorist most associated with Westphalia, Samuel Pufendorf, described the empire as a confederation of ‘states’. In writing thus, Pufendorf did not simply co-opt an idea of the sovereign ‘state’ into German parlance as a way of describing the distinct territorial authorities of the *Reich*. Pufendorf sought to comprehend the complex political reality of the *Reich*, describing the empire as an ‘irregular’ political body. In doing so, Pufendorf dispensed with the Bodinian fixation, which sought to classify the empire according to the fixed forms of monarchy, aristocracy or democracy, instead presenting the *Reich* as ‘a composite and balanced system’ of ‘states’. Pufendorf’s thought reflected the fact that despite the different negotiations underlying Westphalia, the ‘corporate self-perception of almost all estates within the empire’ had endured regardless of the attempts by European powers to carve out sovereign German ‘states’ opposed to Habsburg rule.¹⁴⁴ As von Friedeburg has also noted, the ethical and moral sensibility running through a German account of the public order of the territorial ‘Staat’ can be found running into Pufendorf’s account of an international order.¹⁴⁵ This complicates further how we understand an international system of European ‘states’ which, in reality, cannot be reduced to an uncomplicated system of sovereign ‘states’. Instead, notions of association, trust, international right and responsibilities re-emerge, which jar against the sense of license given to ‘states’ in maintaining their sovereignty. The sensibilities found in the idea of the ‘Respublica Germanorum’ would appear long-lasting.

Furthermore, something of Meinecke’s ‘state’ and its “duality” emerges, concerning that irresolution between the necessities of power and ‘the state’s’ ethical and moral qualities, which would appear to have different German and English inflections. As Michael Stolleis has observed, ‘Ratio Status’ and Machiavelli would be applied in a German context by individuals such as Hermann Conring (1608-1681); and as von Friedeburg’s work once again indicates, ‘Ratio Status’, in its application, would be informed by the need to maintain a fixed public order of territorial ‘estates’, encompassed at a later point by a German idea of ‘der Staat’.¹⁴⁶ In these terms, German discussions tended to speak of a ‘state of necessity’, of those specific moments of emergency when amoral political calculations might be required to persevere the fixed public order of a ruler’s particular territory within the *Reich*. In contrast,

¹⁴² See, for example, Lesaffer. Also see P. H. Wilson, 2009, 751-8.

¹⁴³ G. Schmidt, 1993, 45-72; Heckel, 107-131.

¹⁴⁴ Schröder, 961-983.

¹⁴⁵ von Friedeburg, 2016, 327-42.

¹⁴⁶ Stolleis, 145-50 & von Friedeburg, 2016, 211-30.

an English discussion turned more to a ‘state of nature’, which gave an account of individuals and groups, driven by self-interest, who were positioned outside a more fixed account of ‘estates’.¹⁴⁷ In English terms, disorder arose when different groups threatened to amass enough authority which would override the balance of interests of the entire community.¹⁴⁸ As Richard Tuck observes, one resolution was to speak of the maintenance of the present form of ‘the state’ and its sovereignty as embodied by Hobbes’s *Leviathan*. In these terms, it was the erection of sovereignty authority which enforced institutional bonds, as opposed to those bonds arising naturally within civil society as denoted by a public order of *Landstände* and *Reichsstände*.¹⁴⁹

Conclusion

In positioning, then, the statements and justifications set out by Frederick V, the Bohemian ‘estates’, the Bavarians and the Emperor Ferdinand II, alongside English engagement with these exchanges, variations in the relationship between two readings of ‘estate’ or ‘*Stand*’ emerge. Of course, within a German language discussion there was an awareness within princely advice manuals of those political calculations which might be necessary to maintain the ‘estate’ or ‘*Stand*’ of a prince or wider political grouping. In the exchanges over Bohemia and Frederick’s justifications of his actions, however, such a reading of ‘estate’ was not applied. Instead, emphasis was placed upon an account of *Obrigkeit* and the different vocabularies of *die Stände*, which spoke of the Christian responsibilities of higher political authorities and of the natural and divine order of a political community, which consisted of different ‘estates’. With respect to the Bohemian cause, the bonds of Christian and civil association and the corporate identity of the *Landstände* maintained peace and unity. For the Palatinate, the Christian higher authority was bound to maintain this order, whilst within the wider empire, the *Reichsstände*, which consisted of the ruling territorial authorities, were equally bound by these responsibilities and the bonds of Christian and civil association, which held the political community in peace and in unity. Ferdinand’s monarchical presentations were thought to threaten this; but even the emperor and his supporters rebuffed the accusations of the Palatinate using dimensions of the same vocabulary, speaking of the hierarchical order of ordained higher authorities and of the responsibilities of ‘the estates’ to maintain the natural and Christian order of the *Reich*.

In English discussions a fluidity was introduced when the different German vocabularies of *die Stände* were encountered. In the case of Bohemian *Apologia*, of course the legal order of the territorial ‘estates’ was recognized and understood; but *die Stände* was also read as ‘States’ when denoting the distribution of political authority which cut across the system of ‘estates’. When Frederick’s use of another language of ‘estates’ was encountered, namely his deployment of the vocabulary of the *Reichsstände*, and his position as a prince-elector, the English weighting towards a different reading of ‘estate’ increased. Frederick may have emphasized that his actions were in accord with constitutionalist and ethical rectitude, but those English interlocutors, when confronted with the wider political situation, read ‘estate’

¹⁴⁷ von Friedeburg, 2002, 238-65.

¹⁴⁸ Pocock, 361-442.

¹⁴⁹ Tuck, 279-345.

with reference to the current political conditions and the contingent nature of Frederick's position or 'estate'. Frederick's own actions in support of the Bohemia 'estates', and his actions as a prince-elector, were more fully rendered within the vein of a 'reason of state' analysis. When the constitutionalist and legal arguments set out in opposition to the removal of Frederick's electoral judication were re-rendered in English, the question of sovereignty meant an English understanding departed further from a German emphasis on the public, legal and associational order embodied by the *Reichsstände*. An English account spoke of near sovereign 'states' acting in confederation, in which political calculations involving the strength of each 'state' came into view.

Finally, the difference in weighting and sensibility between a German and English reading of the different vocabularies and ideas of 'estate' meant that when a 'reason of state' analysis emerged in an accusatory genre of pamphlet literature it was deployed and understood differently. In German language pamphlet exchanges, both the Bavarians and the Palatinate fashioned a mischievous accusation, which they leveled at one another. Each suggested that their opponent had applied 'reason of state' calculations, which involved the standing or political strength of the different parties involved. Here the accusation formed a diagnosis of the fundamental problem facing the empire. Those who sought to enlarge the contingent '*Stand*' or 'estate' of a particular party drew 'the estates' of the empire away from their function in a fixed Christian order, in which the corporate identity of the imperial 'estates' maintained the bonds of Christian and civil association. In contrast, the same accusation when encountered in English was not used to advocate a return to a corporate and associational reading of 'estate', but to insist that England and the Palatinate's allies had no choice but to counter their opponent's application of 'reason of state' with a consideration of those political calculations which were necessary to maintain their present 'estate'. In this regard, there would appear to have been a greater sense of duality in two readings of 'estate' in German language exchanges, when set alongside the parallel English engagement with events in the empire. Such a duality in an account of 'estate' is suggestive of that later duality in an account of 'the state' which the German historian Friedrich Meinecke observed.

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