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The Bavarian Birthright: Dynasticism, Faith, and the Creation of the Bavarian State in a Federated Empire

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THE BAVARIAN BIRTHRIGHT:

DYNASTICISM, FAITH, AND THE CREATION OF THE

BAVARIAN STATE IN A FEDERATED EMPIRE

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Abstract

Over the course of the sixteenth and seventeenth centuries the Bavarian Wittelsbachs waged a war against their own estates, the encroachment of Protestantism, and checks on their own ducal and electoral power, at both the imperial and territorial levels. Through dynastic maneuvering the Wittelsbachs unified the whole of Bavaria under their banner and created an early modern bureaucratic state in order to aid in their rule. The creation of this system involved the creation of their own Counter Reformation system, state institutions, and an early modern bureaucracy to submit the territory to their will. The story of Bavaria's state development is not one in a vacuum as it also coincides with the constitutional developments occurring in the Holy Roman Empire, and as such it is the story of state building within a greater federated empire. The confessional crisis of the Empire and its own attempts at centralization inadvertently gave the Bavarian state a model with which to augment or appeal to in the exploration of their own state's development. Through this two-tiered state building process Bavaria offers itself up as a compelling example of Germanic state building and explores the breadth of one of the many territorial states that developed in what is now modern-day Germany.

Acknowledgements

I first want to acknowledge my incredible wife Holly Mauslein, without which this thesis would not have been possible. She has been by my side through every challenge I have faced when writing this thesis. She has spent many long nights letting me bounce ideas off her and has read this thesis more times than could be counted, providing invaluable feedback. Her support has always been unwavering.

My parents instilled in me a deep interest in history that has persisted to this day. The work ethic that they instilled in me is certainly what carried me to the end.

I will forever be grateful to Dr. Mary Ailes who has had a tremendous impact on my life over the past several years. It is through her which I grew fond of the early modern period and have geared my career towards. She has always been a valuable mentor whose knowledge and passion for history has been truly inspiring and enviable. I also appreciate the professional development I have received from Dr. Torsten Homberger, Dr. Doug Biggs, and Dr. Nicholas Hobbs who over the years have shaped my academic outlook.

Last but not least I would like to thank Dr. Daren Snider and Franziska Brech, both of whom aided my exploration of the German language and culture, which shaped my career path. Without them I never would have developed the language skills required for this undertaking. Special consideration must also be given to Franziska as she made me fascinated with Bavaria, the subject of this thesis.

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Introduction

Over the past two hundred years the concept of state formation in early modern and modern Europe has become a major topic of discussion and contention within various academic circles and disciplines. In its historical context, state formation or state building refers to the processes that led to the creation of centralized territorial or national states in Europe. Theories of state building are tools used to explain how Europe shifted from feudal forms of government in the medieval period into centralized territorial states in the early modern period. Ultimately, it explains how territorial states have risen to become the dominant form of state in the modern world as Europe exported and built up this system during its colonial expansion. Scholars have used a number of different disciplines in order to decipher this phenomenon, with works being written by sociologists, economists, political scientists, and historians. In all this time nothing resembling a consensus has ever emerged between the disciplines. Beyond that, the states which developed exhibit similar characteristics such as that they possess centralized governments, are bound by their territory, possess a monopoly on violence and taxation within that territory, and possess institutions that administer over their territory. The true variation in literature does not revolve around what a state is but rather when it occurred (ranging from the late medieval period until the 19th century), the causes (ranging from dynastic ambitions, class-based rivalries, geopolitical pressure, population growth, growth of bureaucracies to war, etc.), and the scope in which it occurred in (whether a

model accounts for the whole of Europe turning into territorial states, or explain the variation within the states within it).

Like many theories in the social sciences, the concept of state formation originates in the nineteenth century, primarily the result of the works of Max Weber and Karl Marx. With its origins being rooted in the nineteenth century, most of the early works (1800s-1970s) about early modern state formation possess the hallmarks of the period, class struggle (from the point of Marxists or Capitalists), racially based components (such as the supremacy of Europeans and Nation states over all others), and unilinear theories (that the evolution of the state was inevitable and that there are no deviations). During the same period Germanic state formation itself had many major themes develop that would persist even into the modern time, such as the supposed ineptitude of the Holy Roman Empire, the dualism between Austria and Prussia, the Empire being an obstacle to German unification, the Thirty Years War being used as the starting point of all Germanic attempts at state building, and the lack of representation of case studies representing the lessor principalities and electorates outside of Prussia and Austria. With the exception of racially based theories, all of those hallmarks continued as major themes of European state building past World War II and the civil rights era, even up to the present. However, the major changes in the historiography of European state formation began in the 1950s through the 1970s, resulting in a plethora of the modern theories, models, case studies, and a renewed focus on smaller states and a mingling of the old with the new.

One of those new developments was the creation of the idea of

*Konfessionsbildung (*confession building), created by Ernst Zeeden in the 1950s, which

was later built upon by Wolfgang Reinhard and Heinz Schilling in the 1970s.[1]

Confessionalization refers to the process by which the once unified Catholic church split

into four distinct confessions, those being the Lutheran Church, The Calvinist Church,

The Anglican Church, and the Reformed and post-Tridentine Roman Catholic Church.[2]

Each of the four confessions created their own doctrines, institutions, and rituals that

were divergent from one another, and each demanded strict adherence from their

followers. The territorial states, and in particular the ones developing in the Holy Roman

Empire during the sixteenth century, latched onto their own chosen confessions and

developed their states along confessional lines. Once they gained more power over the

imperial churches within their territories, they also intensified the confessionalization

within them. This theory has come to be a mainstay of Germanic state formation as the

Reformation and state building have become interlinked.

 Along with the mainstream of society of the time, Cold War historians also

viewed the role of the state primarily from economic and ideological standpoints, with

historians on both sides framing the formation of early modern states as dependent solely

on economic factors. These economic factors eventually allowed territorial states to best

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[1] William Smith*, Reformation and the German Territorial State: Upper Franconia, 1300-1630* (Rochester: University of Rochester Press, 2016), 1-2.

[2] Heinz Schilling, *Early Modern European Civilization and Its Political and Cultural Dynamism* (Hanover, NH: University Press of New England, 2008), 19; Smith, *Reformation and the German Territorial State*, 2.

capitalize on their resources, and oftentimes older works were unilinear in nature. The first major shift among capitalist economists with regards to early modern state formation was the publication of *The Rise of the Western World: A New Economic History* by Douglass North and Robert Thomas in 1973.[3] As two prominent economists, North and Thomas sought to create a "new economic history" of the West. This new approach distanced them from their contemporaries in that they were focused more on quantitative than qualitative examination of economic history, using large amounts of statistical analysis to explain large changes in western economies and state formation. This work lays the foundation for the field of cliometrics and argues heavily that economic factors influenced state building in Europe.

North and Thomas applied their model to the Europe states between 900 A.D. and 1700 A.D. as it enabled them to discuss how western economies evolved from Carolingian manorial based systems into modern industrial economies. They argued that "efficient economic organization is the key to growth."[4] Through this argument they showcased that Europe underwent periods of sustained population growth and decline that placed a burden on existing institutions, wherein society as a whole would renegotiate their property rights, wages, value, and institutions.[5] As the populations rose, argued North and Thomas, old feudal order could not be maintained, especially with the

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[3] Douglass North and Robert Thomas, *The Rise of the Western World: A New Economic History* (New York, NY: Cambridge University Press, 1973).

[4] North and Thomas, *The Rise of the Western World*, 1.

[5] North and Thomas, *The Rise of the Western World*, 22-24.

advent of new weapons. Thus, to protect the property of various regions, many monarchs attempted to solidify their territory into territorial states and form institutions that could adapt to their changing circumstances in hopes that their state could draw from its available resources. Western states arose as a means to best foster economic activity in a region, provide for a common defense, and it allowed the western world to rise. North and Thomas conclude that the states that the British and the Dutch were able to cultivate by the end of the early modern period would become the model moving forward in the industrial age. These model states were the first to be able to raise standard wages in the face of population growth whereas other models could not, laying the groundwork for our modern western economies and state structure.[6] Ultimately to North and Thomas European state formation was primarily driven by population growth and economic factors, devoid of any dynastic ambitions, cultural inputs, or confessionalization. North and Thomas' work laid the groundwork for new economic histories sparking a major change in the historiography of European state formation.

The year after North and Thomas published their work, a prominent English Marxist historian Perry Anderson brought about further change when he published *Lineages of the Absolutist State,* his own attempt at tackling state formation in Europe.[7] Anderson attempted to explain the concept of state formation from the top down, reasoning that it is "necessary to recall one of the basic axioms of historical materialism:

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[6] North and Thomas, *The Rise of the Western World*, 118.

[7] Perry Anderson, *Lineages of the Absolutist State* (London: Verso, 1979).

that secular struggle between classes is ultimately resolved at the *political* – not at the economic or cultural – level of society. In other words, it is the construction and destruction of states which seal the basic shifts in the relations of production, so long as classes subsist."[8] To North and Thomas, the culmination of the early modern period was that the Western World had risen exponentially and that governments adapted to support their economies and property rights. Whereas to Anderson, the culmination of the early modern period was the realization of absolutism and the strengthening of private property rights for only the ruling class. The main actors in Anderson's work were the states themselves, differentiating himself from other Marxist historians in that he primarily focused on how the state changed the society, and that it was not a straight-forward process. *Lineages of the Absolutist State* is a multi-layered comparative monograph, contrasting the development of absolutist states in Spain, France, England, and Sweden against Italy in the West, absolutism in Prussia, Austria, and Russia, against Poland and the Ottoman Empire in the East, with all of them being contrasted ultimately against Japanese Feudalism and the Asiatic Mode of Production. Anderson argues that absolutism was a uniquely European phenomena as it was the culmination of their centuries of feudalism, the final expression of monarchical feudal rights.[9]

Anderson argues that Absolutism rose in the West as a result of the nobility trading the rights of their estates away for economic security, the strengthening of private

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[8] Anderson, *Lineages of the Absolutist State*, 11.

[9] Anderson, *Lineages of the Absolutist State*, 428-429.

property rights, and it had elements of urban support for the monarchy.[10] The rise of the absolutist state also allowed the bourgeoisie and noblemen to be employed in state offices, assuring them continued power.[11] While Western absolutism had an urban element, Anderson argues that Eastern absolutism was a result the reaffirmation of feudal rights and serfdom.[12] Eastern absolutism was a class based institution, it pitted the monarchy and nobility against the serfs and its miniscule bourgeoisie. Anderson does not address the Holy Roman Empire as a political unit and instead focuses on the development of absolutism in both Prussia and Austria, with them seemingly not diverging that much from their other Eastern counterparts. Overall, it was a fine work stressing the divergences that both Eastern and Western Europe underwent, and it managed to diverge a bit from older unilinear models that were prevalent in Marxist history.

Although many of the works of the latter half of the twentieth century were focused entirely on the concepts of class struggle or the economic motives of the state and its development, they tended to view economics as the sole driver of changes, without placing much emphasis on other factors that may have brought about this change. However, early modernists of the time were trying to bridge the gap between the sizes of the armies of Medieval Europe and those that developed during the early modern period,

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[10] Anderson, *Lineages of the Absolutist State*, 41-42.

[11] Anderson, *Lineages of the Absolutist State*, 41-42.

[12] Anderson, *Lineages of the Absolutist State*, 195.

and in most cases this growth occurred prior to or during the proposed economic shifts. In 1956 the prominent Swedish historian Michael Roberts put forward his Theory of the Military Revolution, which drastically set itself apart from all previous works on military history and drastically altered the trajectory of early modern history discussions.[13] Roberts argued that warfare was modernized during the sixteenth and seventeenth centuries under the direction of both the Prince of Orange Maurice of Nassau (r. 1618-1625) and the King of Sweden Gustavus Adolphus (r. 1611-1632), primarily through their large-scale implementation of drill to better facilitate the use of firearms, and also led to the rapid growth of armies, both within the Netherlands and Sweden, which was replicated in the growth of armies throughout Europe.[14] Roberts further asserted that in order to raise, equip, train, and maintain these armies it placed a massive burden on the power that was using them, and ultimately that necessitated changes in all aspects of the state and ultimately led to the creation of modern nation states.[15] In effect in order to maintain and finance them the monarchs and nobles of Europe were ill prepared to finance and field them as before and in order to correctly do so they needed to implement state bureaucracies that differed strikingly from their feudal origins. The military was created to support the state and the state was created to support the military. The Theory

[13] Clifford Rogers, "The Military Revolution in History and Historiography," in *The Military Revolution Debate: Readings on the Military Transformation of Early Modern Europe*, ed. Clifford Rogers (Boulder, CO: Westview Press Incorporated, 1995), 2-8.

[14] Michael Roberts, "The Military Revolution, 1560-1660," in Rogers, *The Military Revolution Debate*, 13-14.

[15] Roberts, "The Military Revolution," 17.

of the Military Revolution has its own lengthy and storied historiography that has been a main stay of early modern history since its inceptions with both supporters and detractors both taking great steps to best see how early modern militaries effected state formation or the lack thereof in any meaningful way.

Roberts had developed the Theory of the Military Revolution, and Geoffrey Parker would continue to mold it and apply it over the decades. With regards to the historiography of Germanic state building and the Thirty Years War in particular, Geoffrey Parker best illustrated the change in literature of the period in his 1984 publication of *The Thirty Years' War,* and the second edition in 1997.[16] In both editions Parker attempted to give a modern and concise historical account of the Thirty Years' War and explain what led up to the war as well as the effects it had on the various German entities. Parker edited together the works of prominent historians Simon Adams, Gerhard Benecke, Richard Bonney, John Elliot, R. J. Evans, Christopher Friedrichs, Bodo Nischan, Erling Petersen, and Michael Roberts, assuring that the various participants in the war were directly handled by experts on each specific aspect of the war. He then used his own voice as an overriding narrative.

The Thirty Years' War was the definitive work of the Thirty Years' War in this period. It covered the war primarily from political and military standpoints and also focused on the war as a European war instead of a solely German one, although the effects that it had on the Empire and its princes was highlighted. Geoffrey Parker shows

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[16] Geoffrey Parker, ed., *The Thirty Years' War* (London: Routledge, 1997).

that the Thirty Years War was a more complex war than believed previously, and largely defied explanation, as its various phases could run contrary to one another. This work is important for state building as he attempts to show in each phase how each individual actor paid for their involvement, what their aims were, and how they best hoped to benefit in the long run from their participation, as well as how it directly impacted their immediate power. This ranges from the prolonged confessional and imperial motives of the Emperor Ferdinand II (r. 1619-1637) and how he used success or failure during the war to maximize his power, or how the Palatinate Court in exile still attempted to be an actor within the war and strengthen their long-term reformed position. He also goes into detail over the rise of absolutism during this period, how the estates were subjugated, and how the Empire as a whole responded to these changes. Ultimately the war, along with its end, drastically altered the political balance of Europe, the Empire, and even the fabric of the German principalities, leading to the further development of nation states as we know them.

Another major divergence in the historiography of European state formation in the 1990s came from the publication of *Coercion, Capital, and European States, AD 990-1992* by the historian and sociologist Charles Tilly. [17] Tilly published it with *Lineages of the Absolutist State* in mind, accepting Anderson's challenge of viewing the history of state formation from the top down.[18] Like North and Thomas, Tilly starts his monograph

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[17] Charles Tilly, *Coercion, Capital, and European States, AD 990-1992* (Cambridge, MA: B. Blackwell, 1992).

[18] Tilly, *Coercion, Capital, and European States*, IX.

in the tenth century and details the growth of European national states up to the time of his publication. To Tilly, European states were "coercion-wielding organizations that are distinct from households and kinship groups and exercise clear priority in some respects over all other organizations within substantial territories."[19] In his model, states are seen in a negative light as they grow in result of obtaining power through various forms of coercion, and that they essentially rise purely for the accumulation of capital. National states (territorial states) differ from other forms of states in that they are "states governing multiple contiguous regions and their cities by means of centralized, differentiated, and autonomous structures."[20] Tilly's depiction of national states revolves around their ability to accumulate all forms of coercion and capital within their borders, to establish institutions within them that best aid in their use of capital and coercion, and ultimately wage war as a means to grow their populations, territory, and access to capital.

It differs wildly from previous works in that it adds a layer of modern sociology to state formation, along with preexisting economic arguments. Instead of being a comparative history, differentiating parts of Europe from one another, he instead focuses on the feudal structure of Europe as a whole that ultimately enabled the ruling classes to accumulate enough control over coercion and capital, and their solidification of these into national states to protect their assets. Leading into the modern era, his work illustrates how national states were then able to become the primary form of states in the modern

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[19] Tilly, *Coercion, Capital, and European States*, 1.

[20] Tilly, *Coercion, Capital, and European States*, 4.

world and were able to form co-supportive systems that legitimized all of their existences. This model is applied liberally to the entire continent as Tilly was not concerned with small outliers, since the world with which he was writing was a result of the triumph of national states over all other forms of state.

Tilly stressed the importance of the relationship between the state and warfare, harkening back to other tracts on the military revolution. A year later, in 1993, Tilly's contemporary Brian M. Downing continued stressing that same importance in his work *The Military Revolution and Political Change: Origins of Democracy and Autocracy in Early Modern Europe.*[21] Unlike previous historians, Downing did not focus on a unilinear model to explain state formation throughout the whole of Europe but instead focused on the simultaneous emergence of both democratic and autocratic states and contrasts the two forms of territorial states. Downing contends that throughout the medieval period, Europe was dominated by constitutionally based governments that depended on a feudal balance of power between monarchies and their nobility, decentralized military systems, with the peasantry enjoying some property rights, balanced against their manorial obligations to the nobility. In essence, he contends that through much of European history this balance ensured constitutional rights, and that changes in military necessity also brought about the formation of European states in the early modern period.[22]

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[21] Brian Downing, *The Military Revolution and Political Change: Origins of Democracy and Autocracy in Early Modern Europe* (Princeton, NJ: Princeton University Press, 1992).

[22] Downing, *The Military Revolution and Political Change*, 19.

Downing placed a premium on the importance of the military revolution as it ended the feudal organization of armies and expanded the scope of warfare within Europe. Despite most of Europe's common experience with constitutionalism, their independent experience with early modern warfare is what made them diverge. To illustrate this Downing broke the rest of his work into a comparative study between Brandenburg-Prussia, France, Poland, England, Sweden, and the Dutch Republic. Through these case studies he concluded that "Countries faced with heavy protracted warfare that required substantial domestic resource mobilization suffered the destruction of medieval constitutionalism and the rise of a military-bureaucratic form of government. Second, where war was light, or where war needs could be met without mobilizing drastic proportions of national resources (through foreign resources, alliances, geographic advantages, or commercial wealth), conflict with the constitution was much lighter."[23] States that faced heavy amounts of conflict and that did not have external help nor internal moves towards a centralized government were simply cannibalized by competing states.[24]

With regards to state building within the Holy Roman Empire Downing only examines the well documented ascension of Prussia, arguing that as a result of the realities of the Thirty Years War, lack of natural resources, lack of geographic advantages, and lack of foreign aid and alliances necessitated their transition into a

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[23] Downing, *The Military Revolution and Political Change*, 239.

[24] Downing, *The Military Revolution and Political Change*, 240.

military-bureaucratic absolutist state.[25] His work continues in the same vein of earlier historians who treated the Holy Roman Empire as a non-entity following the Thirty Years War, with Prussian history existing in a vacuum, ignoring the unique development of other German states which had been confronted with the same reality and obstacles that post-Thirty Years War Prussia faced. Downing's work was a good step forward in showing differentiation within European states as a whole, showing that state building is not a case of one size fits all. It provided a great representation of the historical camp stressing the importance of warfare on state formation, but it was far from unchallenged.

The year after *The Military Revolution and Political Change: Origins of Democracy and Autocracy in Early Modern Europe* was published, Hendrik Spruyt would refute the importance of warfare in European state formation with his work *The Sovereign State and Its Competitors: An Analysis of Systems Change.[26]* Spruyt asserted that Europe was not predetermined to have any form of state rise and he also argued that the changes in European warfare were a small factor in the formation of states within Europe.[27] Spruyt stressed that as early as the late medieval period, prior to the military revolution, sovereign states as well as viable alternatives to the territorial state had already begun to emerge.[28] His theory was that the growth of both commerce and towns

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[25] Downing, *The Military Revolution and Political Change*, 84.

[26] Hendrik Spruyt, *The Sovereign State and Its Competitors an Analysis of Systems Change* (Princeton, NJ: Princeton University Press, 1994).

[27] Spruyt, *The Sovereign State and Its Competitors*, 3-5.

[28] Spruyt, *The Sovereign State and Its Competitors*, 3.

at the end of the late medieval period broke up the feudal fabric of Europe and as a result three forms of states emerged to establish order. Those being the sovereign territorial state, city leagues, and independent city states. His work is a comparative history contrasting the emergence of the first sovereign territorial state in Capetian France, the Hanseatic League in the Holy Roman Empire, and the city states of Northern Italy. Spruyt argues that the emergence of each form of state developed as a result of their unique local economic situations, and the nature of their territorial politics. The sovereign state emerged in Capetian France as the urban elites banded together with the monarchy against the nobility, the Hanseatic League formed in the Holy Roman Empire to combat an imperial-noble coalition bent on stripping towns of their rights, and City States formed in Northern Italy as a result of limited imperial control, economic ambition, and friction behind the urban elite and the local nobility.[29] Spruyt portrays both city-states and city leagues as viable forms of government, even with the ability to rival sovereign states in some aspects. He does, however, acknowledge that they were eventually replaced by sovereign territorial states because sovereign territorial states banded together to form a continental system that was predicated upon interacting with other national sovereign states, the organizational superiority of territorial states, and that some city states and city leagues simply sought to join or emulate territorial states.[30]

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[29] Spruyt, *The Sovereign State and Its Competitors*, 5.

[30] Spruyt, *The Sovereign State and Its Competitors*, 178.

Like the works prior to it, *The Sovereign State and its Competitors* portrayed the Holy Roman Empire as a geographic expression with a weak monarchy, which was unable to centralize its authority, which resulted in the creation of both the Hanseatic League, and the city states of Northern Italy. Spruyt's account is typical in that he views it as a failed state instead of a unique and viable alternative, discounting the federative nature of the Empire. He also does not delve further into the early modern period beyond stating that the whole of Europe eventually became independent sovereign states, which included the various parts of the whole empire. However, Spruyt's addition to the theory of state building was impactful, and his focus on sovereign territorial states would soon be compounded by other sociologists and historians.

In 1997 Thomas Ertman took up Spruyt's mantle furthering the theoretical discussion of the formation of territorial states within Europe with his work *The Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe*.[31] *The Birth of the Leviathan* differs from Spruyt's work in that he focuses solely on the development of territorial states. He argues that previous theories examining state formation in Early Modern Europe were too limited in scope, and that they were attempting to have one size fits all models that purposely ignored the variation in the outcome for the states themselves.[32] Ertman does concede that the territorial state was the most dominant form of state within Early Modern Europe, but he argues that they varied

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[31] Thomas Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe* (Cambridge: Cambridge University Press, 1997).

[32] Ertman, *Birth of the Leviathan*, 4.

from one another in how they were administered. Ertman implies that previous historians

saw Europe as being entirely composed of either states that were absolutist monarchies

with massive bureaucracies or constitutional governments that were administered at the

local level, and to Ertman, there exists multiple blends of these type of states. Ertman's

main addition to the historiography of state formation was that he asserted that there are

four types of early modern states determined by the combination of their regime type

(Absolutist or Constitutionalist) and the character of their state apparatus (Bureaucratic or

Patrimonial). Using these differentiations he contrasts the four variations of early modern

states in Europe, Patrimonial Absolutism (France, Spain, and the rest of Latin Europe),

Patrimonial Constitutionalism (Hungary, Poland, and Scandinavia), Bureaucratic

Absolutism (Various German states, principally Prussia), and Bureaucratic

Constitutionalism (Britain).[33] Ertman's theory suggests that three factors determine the

type of territorial state that each state became, "The organization of local government

during the first few centuries after state formation: the timing of the onset of sustained

geopolitical competition: and the independent influence of strong representative

assemblies on administrative and financial institutions."[34]

Like previous scholars Ertman discounts the importance of the Holy Roman

Empire and its constitution arguing that by the fifteenth century, German princes had

achieved such a high degree of autonomy within the Empire that they could be

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[33] Ertman, *Birth of the Leviathan*, 6-10.

[34] Ertman, *Birth of the Leviathan*, 6.

considered European states in their own right. The territorial states that they managed to create came after both the Patrimonial Absolutist states in Latin Europe, and the Bureaucratic Constitutional state of England, and benefited from the lessons learned of both forms of government. The relatively late arrival of German territorial states also meant that they experienced geopolitical competition relatively late, and that is what drove them to radically consolidate power to meet geopolitical opposition.[35] German territorial states also lacked both strong independent institutions and estates. German princes also benefited from the proliferation of universities and professional administrators. Ertman's work is a monumental shift within the historiography of Germanic state building in that it enabled scholars to view Europe through a lens that was not dominated by unilineal theories, showing that state building takes place in many forms, occurred with many variations, and he tried to account for the unique character of the Holy Roman Empire.

The 1990s also saw a further shift in the perceptions of the Holy Roman Empire among German historians. Its traditional status as a failed state was revisited in a multitude of ways by a plethora of prominent historians who were trying to account for the unique structure of the Empire relative to other early modern European states. These studies contrast well against the backdrop of comparative works of the time in that they allow for a closer analysis of uniquely German state building processes without having to be contrasted against culturally, politically, and economically different states. One work

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[35] Ertman, *Birth of the Leviathan*, 237.

that reflects this shift in the perceptions of the Holy Roman Empire is *Early Modern Germany, 1477-1806* by Michael Hughes.[36] It is primarily an introductory work that illustrates the shift in perceptions of the Holy Roman Empire, with the primary goal of refuting the notion that the Holy Roman Empire was merely a road block to German unification.[37] Instead Hughes postulated that the Holy Roman Empire was a flexible and functioning state that allowed German territorial states to develop and exist within its borders, while it acted as an umbrella over them in the Europe state based system.[38] Hughes also refuted the notion that the Thirty Years War was a hallmark event that resorted in the collapse of the Empire, with it being replaced by autonomous German States.

In order to illustrate the flexible nature of the Holy Roman Empire, Hughes focused on the periods between the major events such as the Thirty Years War, War of Spanish Succession, and the War of Austria Succession. He showed that within these time periods the Empire was always willing and able to overcome its limitations and that ultimately the German states would fall back on the federative nature of the Empire. They were successfully able to alter their constitution as problems arose, and that the Empire was alive and well until the Napoleonic wars. Hughes argued that the Holy Roman Empire could have continued to operate pass the Napoleonic Wars if they had not been

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[36] Michael Hughes, *Early Modern Germany, 1477-1806* (Philadelphia: University of Pennsylvania Press, 1992).

[37] Hughes, *Early Modern Germany*, IX.

[38] Hughes, *Early Modern Germany*, 149.

forced to disband by Revolutionary France. His work is an important introduction into the changing perception of the Holy Roman Empire and its unique status as an early modern federative state.

In his book *Reformation and the German Territorial State: Upper Franconia, 1300-1630* William Smith discusses the role that religious reform had on the formation of the territorial states in Germany from the fourteenth century to the seventeenth century, using Upper Franconia as a test case. Smith's work is a comparative history, he chose Upper Franconia due to the fact that during the Reformation the diocese of Bamberg became divided between the lands of the Lutheran Franconian Hohenzollerns and the secular lands controlled by the Prince-Bishop of Bamberg remaining Catholic.[39] Since the diocese arguably had much of the same history with regards to faith leading up to the Reformation, they offer arguably the most compelling example of confessionalization within a region, based not solely on religious reforms but decisions made by their respective rulers. Smith argues that state formation and confessionalization occurred much earlier than previously thought, beginning primarily in the fourteenth century, under their most basic forms, and culminated in the much more discussed seventeenth century.[40] He also argues that they were not a natural evolution towards modern states but oftentimes confessionalization and state building were a result of individual rulers reacting to crisis as they arose. He may argue that those trends began before the 1520's

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[39] Smith, *Reformation and the German Territorial State*, 1.

[40] Smith, *Reformation and the German Territorial State*, 186-188.

but he does agree that after the 1520's they accelerated.[41] Smith is also one of the few

authors to stress the role of the Empire in the formation of territorial states as without its

existence these smaller states would have failed to develop, as the princes derived their

power from imperial decree and likewise their subordinates in their expanding

bureaucracies derived their power from office holding.[42] The importance of such

comparative histories within the Empire cannot be overstated as it is easier to compare

two German territorial states, especially ones within the same region of the Empire to one

another than to continue to compare them in bulk against other European states such as

France, and England.

Arguably the most prominent work that followed this new approach to the Holy

Roman Empire and German state formation was *German Armies: War and German

Politics 1648-1806* by Peter H. Wilson.[43] In this work Wilson tackled the paradoxical

nature of the Holy Roman Empire with respect to the bulk of the histories written about

it, addressing the academic paradox that it was considered a state that failed to centralize

in a period dominated by centralized territorial states and that it yet managed to survive

into the nineteenth century.[44] Wilson asserted that the keys to its longevity were that it

was in fact not a defunct state, nor was it aggressive in nature, its strengths lie in its

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[41] Smith, *Reformation and the German Territorial State*, 188.

[42] Smith, *Reformation and the German Territorial State*, 193.

[43] Peter Wilson, *German Armies: War and German Politics, 1648-1806* (New York, NY: Routledge, 1998).

[44] Wilson, *German Armies*, 1.

defensive nature and the flexibility of its constitutional arrangements. This argument supports the assertion that the Empire existed as an umbrella over the various states under it, and also it unified them against external threats while acting as a mediator in between the various German states themselves.

Wilson began his work following the conclusion of the Thirty Years War, which normally is considered the "end point" of the Holy Roman Empire as a functioning state, and of the ambitions for the German princes or the emperors to maintain it. Wilson stressed that following the Thirty Years War, it became apparent to the emperors that they would have to rely on armed princes in order to respond to external threats, meaning that the Habsburgs had to allow for their autonomy in order to benefit from their power during times that necessitated mutual defense, such as the wars against the Ottomans or French.[45] The Thirty Years' War weakened the position of the Habsburgs themselves within the Empire and as a result within the Empire, they had to act more as a first amongst equals devoid of any pretenses of imperial supremacy.[46] Following the war the Empire evolved to maintain the political balance between the emperor and the princes and both sides benefitted from this arrangement. However, Wilson also noted that the power of local estates did diminish within the principalities as they developed into territorial states, but it was a shift at the territorial level rather than at an imperial level. Wilson's work showed that the Holy Roman Empire itself did not solidify into a state

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[45] Wilson, *German Armies*, 3.

[46] Wilson, *German Armies*, 3.

because it was comprised of many territorial states, each which exercised their power as moderately sized territorial states within a federative empire.

Throughout the 1990s and into the new millennia European historians became much more specialized, and as a result it brought about a major shift in theories of state formation. Modern historians became more likely to develop case studies over particular territories instead of resorting to older unilinear or major comparative models in their field. In 1999, the *Studies in European History* series was created in order to offer introductory literature, representing the developments within early modern history. Peter H. Wilson organized and contributed to this series by publishing *The Holy Roman Empire 1495-1806*, and later revised it in 2011 to incorporate recent scholarship from the 2000s.[47] Wilson used this work as an introductory work for the arguments surrounding the Holy Roman Empire, the composition of its state, and how states formed from within it. Like Hughes, he argued that Germanic state building existed at the territorial level and never at the national level unlike the rest of Europe.[48] He also noted the development of a consensus among historians agreeing that German territorialization was predicated upon their membership within the Empire, yet it simultaneously weakened it. This work painted the debate surrounding the Holy Roman Empire as a contentious one and that the field had become highly specialized.

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[47] Peter Wilson, *The Holy Roman Empire, 1495-1806* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2011).

[48] Wilson, *The Holy Roman Empire*, 15.

Over the past twenty years a major shift has occurred across the field of history as a whole, and that many modern historians have begun to approach old concepts from a cultural standpoint instead of purely political, military, or economic standpoints. The formation of European states has also seen this shift. One example of this shift in focus that tackled the concept of state formation in Germany from an entirely new cultural perspective is *Luther's Legacy: The Thirty Years War and the Modern Notion of 'State' in the Empire, 1530s to 1790s* by Robert von Friedeburg.[49] Friedeburg disagreed with the notion that European states developed from the top down, or that they formed as a means to empower the elites. Instead, he asserted that the territorial states that formed in Germany ultimately weakened the princes within their own territorial states as their hereditary fiefdoms morphed into states. Harkening back to older historians, he placed a great importance on the Thirty Years War as a massive transition point. Unlike older historians, however, he focused on the cultural impact of the war rather than its military, economic, or political impact. He argued that the perceived bloodthirsty nature of the princes in the war shifted people's perception of them, and in order to secure protection for themselves they pushed propaganda that likened their principalities to homelands. Additionally, they should be constitutionally governed to protect the subjects within the territorial states. In effect the territorial states of Germany developed to create logical forms of government to protect the subjects from the nobles, as their lands shifted from

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[49] Robert von Friedeburg, *Luther's Legacy: The Thirty Years War and the Modern Notion of State in the Empire, 1530s to 1790s* (Cambridge, United Kingdom: Cambridge University Press, 2017).

hereditary possessions to territorial states, so did princes, shifting from the owners of petty kingdoms into the heads of bureaucratic and constitutionally controlled states.

While the Thirty Years War and the effect that it has had on the character of Europe has become a major focal point of early modern history, it has led many early modernists into re-examining various European conflicts outside of the strict bounds of their battlefields. A recent example of this trend can be found in *The War of the Spanish Succession: New Perspectives* which is a collaborative work edited by Matthias Pohlig and Michael Schaich.[50] Like the Thirty Years War, the War of the Spanish Succession was a Habsburg dynastic struggle that engulfed large swathes of Europe along with the ambitious German princes, and it led to the restructuring of the balance of power within Europe and the Holy Roman Empire. This collaborative work is similar to Geoffrey Parker's *The Thirty Years War* in that it draws upon numerous European historians and their expertise in an attempt to create a thorough and comprehensive history, differing with the focal point being the War of Spanish Succession instead of the Thirty Years War. The War of the Spanish Succession is not organized chronologically leading to the creation of an overarching narrative, but instead it is organized into four different parts, with each part containing articles written by different experts tackling distinct themes. The four parts pertain to diplomacy/politics, cultural representation, war finance/logistics, and the colonial implications respectively. The articles and scholars themselves offer a diverse assortment of studies ranging from *The Moment(um) for a Declaration of*

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[50] Matthias Pohlig and Michael Schaich, eds. *The War of the Spanish Succession: New Perspectives* (London: German Historical Society London, 2018).

Imperial War: The Imperial Diet and the Beginning of the War of the Spanish Succession by Susanne Friedrich in part one detailing the inner workings of the imperial diet that led to their decision to enter into the war, *War, Religion, and Public Debate in Britain during the War of the Spanish Succession* by Andrew Thompson in part two discussing the ways in which people in Britain used print media and Protestant sympathies to characterize their involvement in the war, and even to *A Habsburg Overseas Empire after 1700? Contemporary Austrian Views on the Colonial Dimension of the Spanish Succession* by Leopold Auer in part four solidifies the long-held notion that without the full addition of Spain the Austrian Habsburgs in no real means desired to maintain an overseas Empire or enter into serious colonial competition.

All of the articles and authors work in concert, and it shows just how far military history has evolved over time, and the importance of collaborative and exhaustive studies. With regards to this thesis *The War of the Spanish Succession* shows the complexities that existed within the Holy Roman Empire and how it and its principal actors held vastly different goals but still functioned somewhat cohesively, even if it may seem contradictory. It shows that early modern warfare truly did have global implications as well as evolve over time alongside the governments that engaged in it. Warfare necessitated the creation of state bureaucracies, financial and logistical systems, as well as altered diplomatic relations. *The War of the Spanish Succession* also shows just how more dire succession disputes were becoming and the stratification of these conflicts, even from the previous Thirty Years War

Within the past thirty years there has been a renewed focus on individual German states, and their own attempts at state building. These works have emerged as political, cultural, or military histories, with the shift to cultural discussions being the most startling change. One such work to come out is *The Utility of Splendor: Ceremony, Social Life, and Architecture at the Court of Bavaria, 1600-1800* by Samuel John Klingensmith.[51] In this piece Klingensmith focused on the changes of the Bavarian electors *Residenz*, arguing that between 1600 and 1800 Bavarian electors transformed their *Residenz* from a living space into an apparatus of the state. He argued that the expansion of the Bavarian state resulted in the expansion of the size and functions of the electors' court, and that the changes in architecture reflect that growth. This is largely an architectural work, but Klingensmith elevates the Bavarian court to that of the French, Spanish, and imperial courts, showing that the French were not unique in forming palaces and courts for the purpose of state formation. He argued that the whole of Germany experienced a growth in their courts as they formed into states, which took on their own importance and functions of state. The court was but one tool with which princes developed their state and the other institutions used on territorial levels have become studied in more depth.

In his book *Wondrous in his Saints: Counter-Reformation Propaganda in Bavaria*, Philip Soergel highlights the strategies employed by the Bavarian Catholic

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[51] Samuel Klingensmith, *The Utility of Splendor: Ceremony, Social Life, and Architecture at the Court of Bavaria, 1600-1800*, ed. Christian Otto and Mark Ashton (Chicago: Univ. of Chicago Press, 1993).

church and the Dukes of Bavaria during the Counter Reformation to combat

Protestantism within its borders.[52] The book primarily focuses on the reigns of Albrecht

V (r. 1550-1579), Wilhelm V (r. 1579-1597), and Maximillian I (r. 1597-1651). Soergel

argues that prior to the Counter Reformation pilgrimage was on a decline within Bavaria

and in many ways it was a result of the Protestant Reformation, as many Protestant

reformers directly attacked the doctrines and traditions that espoused the importance of

pilgrimage, relics, and shrines.[53] The bulk of Soergel's work details the use of print

culture and of the use of German pilgrimage books to reinvigorate the regions Catholics

into undergoing pilgrimages to Bavaria's holy sites. Following the Council of Trent, the

Wittelsbach dukes set about erasing all of the inroads that the Protestant Reformation had

made during the previous fifty years, and Bavaria became the prime example of a

successful Counter Reformation state.[54] Soergel argues that the Wittelsbachs were true

believers in the Catholic cause and many of their reforms were driven by true religious

concern for Bavaria, but it also happened that these reforms benefited the family directly

as well.[55] In order to turn Bavaria into a Catholic shining beacon on a hill, Bavaria and its

church set about a propaganda campaign directed by the Wittelsbach dukes and the

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[52] Phillip Soergel, *Wondrous in His Saints: Counter-Reformation Propaganda in Bavaria* (Berkeley: University of California Press, 2019).

[53] Soergel, *Wondrous in His Saints*, 62-63.

[54] Soergel, *Wondrous in His Saints*, 75-76.

[55] Soergel, *Wondrous in His Saints*, 161.

Jesuits, restoring Bavaria's pilgrimage shrines as holy sites, and legitimizing the Wittelsbach's rule.

The Wittelsbachs placed the Jesuits at the center of the church within Bavaria in a bid to expel holdouts that would resist the efforts of the Counter Reformation. In doing so the Jesuits, in kind, used their influence to create an image of a holy state, that existed on holy soil, and led by the most devout Bavarian dynasty.[56] The primary forms of propaganda that Soergel focuses on are the Corpus Christi Festival along with other Catholic processions, pilgrimage books and other Jesuit writings.[57] This work can be distilled down to the premise that the Bavarian Wittelsbachs developed along confessional lines like their contemporaries, and as a result were more successful than many of their contemporaries in their use of propaganda and the Jesuits with which they employed in great numbers. This work shows the development of state propagandic apparatuses and their importance when it comes to state formation during the Confessional Crisis of the sixteenth and early seventeenth centuries.

Another author who tackled the concept of Wittelsbach Counter Reformation propaganda is Alexander J. Fisher in *Music, Piety, and Propaganda: The Soundscapes of Counter-Reformation Bavaria*.[58] In this work Fisher tries to describe in detail the aural landscape of late sixteenth and early seventeenth century Bavaria and the ways about

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[56] Soergel, *Wondrous in His Saints*, 226-228.

[57] Soergel, *Wondrous in His Saints*, 79-81, 103, 159-161.

[58] Alexander Fisher, *Music, Piety, and Propaganda: The Soundscapes of Counter-Reformation Bavaria* (New York: Oxford Univ. Press, 2014).

which the Counter Reformation and the Wittelsbach dukes had engineered it to sound during the process of Catholic confessionalization.[59] Fisher breaks down the aural landscape into different spheres such as how the sound was controlled in places of worship--such as churches, the soundscape of devotional spaces-- such as monasteries, confraternities, and during celebrations how the sandscape was in the civic sphere and in particular within Munich, and finally the soundscapes of the processional culture and Bavaria's many pilgrimages.[60] In his descriptions of these soundscapes he describes a concerted effort by the dukes and the Jesuits to control all aspects of the religious soundscape. Fisher argues that up until Maximillian I's reign Protestants had made many inroads within the realm of music and that it took a coordinated effort to change that trend.[61] Ultimately sound was seen as another tool in the confessional infighting that dominated much of the sixteen and seventeenth centuries.

Like Soergel, Fischer focuses on the amalgamation between the Wittelsbachs and the Jesuit clergymen, and the impact that this combination had upon the confessionalization of Bavaria, and the rise of a centralized Bavarian state. Both authors contend that prior to the reign of Albrecht V, Protestantism was on the rise within Bavaria and although it was never fully stamped out, the Counter Reformation drastically reduced its influence on the Bavarian people to the point where it was negligible. Fisher

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[59] Fisher, *Music, Piety, and Propaganda*, 15-16.

[60] Fisher*, Music, Piety, and Propaganda*, 23-30, 191, 209-211, 216, 254.

[61] Fisher*, Music, Piety, and Propaganda*, 32-35.

also contends that the punitive mandates that the Wittelsbach dukes brought upon Protestants in their domains had a limited effect, but it was their turn towards tradition and pageantry that ultimately proved successful within Bavaria.[62] The most important of these to Fisher is the return of the importance of the various bells of the city and in particular with respect to the Ave Maria when it came to regimenting life within the city, the creation of massive processions within the urban centers to outwardly show piety, and finally the revival of pilgrimage culture throughout Bavaria turning it into its own pseudo-holy land.[63]

The past fifty years have seen the most dramatic changes in the historiography of early modern state formation. Within this timespan historians, economists, political scientists, and sociologists have each tackled the concept of early modern state formation and building, and their work has led to the specialization of the field, while presenting modern scholars with different avenues and vehicles to approach state building with. The changes most evident in the historiography have been the rise of competing models of state formation along with an equally complex web of possible causes. They range from the economic and political unilinear models that attempt to show the uniform development of states in Europe in the monographs by North and Thomas (new economic history), Charles Tilly (coercion based formation), Perry Anderson (European tendencies towards absolutism), comparative histories that focus on the effect that warfare and the

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[62] Fisher, *Music, Piety, and Propaganda*, 21-29.

[63] Fisher, *Music, Piety, and Propaganda*, 192-204, 278-283.

military revolution had on specific regions through the works of Brian Downing, Geoffrey Parker, comparative histories that stress regional variations in state building like Thomas Ertman and Hendrik Spruyt, or various case studies focused on a single state or event like the works by Peter Wilson, Mattias Pohlig and Michael Schaich, and Michael Hughes, or works that approach state formation from a cultural perspective like Samuel Klingensmith and Robert von Friedeburg. The sheer breadth of the historiography listed thus far does not even begin to cover the true extent of ways to approach state building. The only constant is that scholars themselves will continue this trajectory of specialization as there appears to be no possible way to create a comprehensive model for state building on a state level, let alone a pan European level.

The primary sources used within this thesis were chosen to tell the story of the constitutional and confessional development of the *Reich* and the Bavaria under the Wittelsbachs. The chosen primary sources occur in different eras within the Empire, but in general, show the evolution of the Empire over three hundred years. The sources are mainly divided into two groups: the first used to show the constitutional development of the Holy Roman Empire, and the second showcasing confessional developments of the period primarily in Bavaria. For the sake of this thesis it is highly important to establish imperial constitutional development to contrast the Bavarian Wittelsbachs' dynastic, confessional, and state building policies against the other estates in the Empire within the imperial framework. The confessional developments will also give an insight to the developing trends throughout the Empire. Through establishing a baseline for the entire Empire it becomes easier to see just how unique the development of the Bavarian state

was, showing how the process in general has so many variables asserting that there is no one size fits all model. The remaining primary sources revolve around the development of confessional policies, primarily in Bavaria, and their exportation to other territories showing how effective they were abroad.

The first primary source is the most important document in the constitutional development of the Holy Roman Empire, the *Golden Bull of 1356*, implemented by the Holy Roman Emperor Karl IV (r. 1346-1378).[64] Prior to its creation, the electorate that determined the Holy Roman Emperor was not fully set in stone, and the rules for the election were not yet confirmed either, so in its creation Karl IV could have a direct say over the process that would most benefit his dynasty. It was directed towards all of the imperial estates, but chiefly, the most powerful ones that had acted as electors in the past, mostly confirming Karl IV's allies, and denying the status to his rivals (primarily the Habsburgs and Bavarian Wittelsbachs). The Golden Bull established the electors of the Empire to be the Kingdom of Bohemia, the Archbishoprics of Mainz, Cologne, and Trier, the Palatinate of the Rhein, Electoral Saxony, and Brandenburg, and gave them a share of the imperial power. Its creation fully entrenched the imperial hierarchy in law, and for

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[64] "The Golden Bull of the Emperor Charles IV 1356 A.D." in *Select Historical Documents of the Middle Ages*, ed. Ernest Henderson (London:George Bell and Sons, 1896), The Avalon Project – Documents in Law, History, and Diplomacy, accessed March 16, 2022, https://avalon.law.yale.edu/medieval/golden.asp; "Die Goldene Bulle," trans. Thomas A. Brady and Randolph C. Head, Ghdi, accessed March 16, 2022, https://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=3739, 1-7.

Bavaria in particular, being left out of it would determine many of the dynastic actions up until 1648. Following its implementation the constitutional arrangement would not be drastically altered for roughly 139 years.

The *Imperial Reforms of 1495* was that abrupt change, as it was an agreement developed and accepted by the Emperor Maximilian I (r. 1493-1519) and the imperial estates at the Diet of Worms 1495.[65] It was created in a bid for Maximilian I to get financial concessions in return for some constitutional reforms, as many of the reform-minded estates made it a precondition for aid. The reforms were designed to further incorporate the other estates and not just the electors into sharing power in the Empire. The Imperial Reforms created at this diet led to a ban on feuding in the Empire and the creation of imperial state apparatuses such as courts, a taxation system, and a defense structure, all designed to bring about peace within the borders of the *Reich*. Just like the Golden Bull, the Imperial Reforms of 1495 drastically altered the constitutional makeup of the Empire, creating institutions that would better ensure peace, with every institution created in them lasting until the dissolution of the Empire, shaping every facet of the Empire's development moving forward. The Bavarian Wittelsbachs in turn used the development of those institutions and their participation in them to push their dynastic ambitions and impose their political goals on the other estates of the Empire.

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[65] "Imperial Reform (1495)," trans. Thomas A. Brady, Ghdi, accessed April 20, 2022, https://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=3795, 1-5.

The next major constitutional development in the Empire occurred at the Diet of Regensburg (1532) where the *Reichstag* and the Emperor Charles V (r. 1519-1556) agreed to the creation of the *Constitutio Criminalis Carolina*.[66] During the period it was created there was an academic resurgence with many jurists pushing for a return to Roman Law, and a standardization of legal practices within the Empire in a bid to standardize cases heading to the Empire's two supreme courts, culminating in the creation of the Carolina at the diet. The Carolina created a standardized set of laws that could be adopted by the imperial estates to standardize the legal code across the Empire. Even though many territories did not outright adopt them, many did take elements from the legal code slowly but surely pushing the Empire to uniformity. Following its creation the Empire did in fact increasingly turn towards Roman Law in the various territories, and even though Bavaria itself did not adopt the Carolina, it took on many of its principles in their own legal codes.

The other major development in imperial politics during the 1530s was the confessionalization of the *Reich,* which can best be seen in the *Imperial Diet of Augsburg's Recess* published on November 19, 1530.[67] At diet the Lutheran imperial estates were to argue the tenants of their professed faith in a bid to bridge the gap between the two sides; this would ultimately prove futile. The Lutherans argued for their

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[66] "Constitutio Criminalis Carolina (1532) [Excerpts]," accessed July 28, 2022. https://pages.uoregon.edu/dluebke/Witches442/ConstitutioCriminalis.html.

[67] "The Reformation Defined – The Diet of Augsburg (1530)," trans. Thomas A. Brady, Ghdi, accessed April 20, 2022, https://ghdi.ghi-dc.org/sub_document.cfm?document_id=4383, 1-8.

point of view but ultimately the unyielding Charles V refused to consent and the Lutheran members left the diet; the resulting recess published by the diet was written by the remaining Catholic estates, condemning the Lutheran point of view, the now newly named "Augsburg Confession." The resulting dismissal of the Lutheran point of view would lead to the creation of the Lutheran Schmalkaldic League which exacerbated tensions within the Empire, and it had long-term consequence of only focusing on one Protestant faith, not leaving room for the eventual spread of Calvinism.

The Peace of Augsburg 1555 was a treaty between the Holy Roman Emperor Charles V and the members of the Schmalkaldic League where it was agreed to in September of that year.[68] This treaty was created to conclude the second Schmalkaldic War, with the League being the primary victors and written from a position of power on their part. The treaty though would have implications for all of the estates of the Empire and not just the belligerents in the war. The treaty legitimized the Augsburg Confession as one of the two legal faiths of the *Reich*, with the other remaining Catholic, and granted the imperial estates of the Empire confessional self-determination within those constraints, only the ecclesiastic territories received an exemption. The Peace of Augsburg would be the primary document holding the Empire together until the Thirty Years War but would not suffice as is never accepted the emergence of Calvinism in the

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[68] "The Religious Peace of Augsburg (September 25, 1555)," trans. Emil Reich, Ghdi, accessed April 20, 2022, https://ghdi.ghi-dc.org/docpage.cfm?docpage_id=5366, 1-3.

Empire and did not fully address the confessional disputes of the era; this would not be fully addressed for another century.

The second most impactful constitutional development in the history of the Holy Roman Empire occurred in 1648 with the signing of the Peace of Westphalia, comprised of two separate treaties, the Treaty of Münster and the Treaty of Osnabrück, drafted by the main belligerents of the Thirty Years War and the Eighty Years War, the Austrian and Spanish Habsburgs, the Netherlands, France, Sweden, the imperial estates, and most importantly amongst them Bavaria.[69] The two treaties were created to end both of the conflicts and they were written from a position of power for both France and Sweden, while the Holy Roman Empire and Spain were at a disadvantage, but, it also was a contest between the Emperor Ferdinand III (r. 1637-1657) and the imperial estates renegotiating their rights to put an end to the confessional gridlock of the *Reich*. The treaties gave territorial concessions to France, Sweden, the Palatinate, Brandenburg, and most importantly for this thesis, Bavaria, along with reaffirming its status as an electorate. Furthermore, the peace granted more autonomy to the imperial estates from which many would begin the territorialization policy, or in Bavaria's case--accelerate it, leading to the eventual creation of the successor kingdoms to the Holy Roman Empire. The treaties also destroyed the possibility of a strong centralized Empire under Habsburg

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[69] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," (Acta Pacis Westphalicae. Supplementa electronica, 1), accessed August 16, 2022, http://www.pax-westphalica.de/, IPO Art. IV. 3.

hegemony, causing them to turn more towards building up their own familial territory, and leaving a power vacuum in the west that France would fill.

Each of those documents were instrumental in the development of the Empire, both confessionally and governmentally. They were the result of shifting dynamics in the Empire where the imperial estates, Bavaria included, renegotiated their roles within the imperial framework, and used it to press for more autonomy themselves. The Bavarian Wittelsbachs initially sought to increase their dynastic power as much as possible during the entire time period, always chasing the highest degree of autonomy that they could reasonably obtain. Those constitutional developments were the driving force that allowed for the rise of the territorial state, which Bavaria was at the forefront of experimenting on, especially in the realm of confessionalization. The defense of Catholicism in Bavaria would become the primary building block of the Bavarian state over the sixteenth and first half of the seventeenth century, along with their attempts at being seen as the leader of the Catholic estates. Effectively much of the story of Bavarian state building is based on its confessionalization along with that of the Empire.

The first real foray into Catholic leadership in confessionalization by Bavaria came about through the *Treaty of Association, July 6, 1524*, between the Emperor, Bavaria, and the remaining Catholic estates assembled in Regensburg.[70] By the time of the Treaty of Association, Lutheranism had made massive gains within the Empire and

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[70] "Treaty of Association, July 6, 1524," trans. Thomas A. Brady, Ghdi, accessed March 17, 2022, https://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=4334&language=english, 1.

the Edict of Worms had been issued in 1521 to slow its spread and eliminate it, but many territories had failed to implement it. This association was called together to redress that issue. It was meant to be discussed and implemented by the remaining Catholic estates desiring a resurgence of the imperial church and was meant to bring them together in defending the church. This associate in particular was designed to help all members enact the Edict of Worms within their territories, banning non approved clergy from preaching heresies within their churches, and to bind together all members to enforce these measures. The result of this treaty was that the Catholic imperial estates began to act more in concert with regards to defending the position of Catholicism in the Empire, and for Bavaria in particular it marks the beginning of their role as one of the two chief Catholic states. This would bind them to further increase Bavaria's participation in confessional conflicts and build their state around that identity. The treaty was followed the very next day with a document that began to spell out just what the Counter Reformation would inevitably become.

The members of the previously mentioned Treaty of Association summarized their desired aims and reforms in the *Regensburg Reform Ordinance, July 7, 1524*.[71] The reforms were designed to address many of the grievances that many of the reformers had been concerned with leading up to the Protestant Reformation. It was meant to show both what the members of the association expected from the imperial church, along with

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[71] "Reform Ordinance, July 7, 1524," trans. Thomas A. Brady, Ghdi, accessed March 17, 2022, https://germanhistorydocs.ghi-dc.org/docpage.cfm?docpage_id=5316&language=english, 2-5.

appealing to Protestants to return to the fold through addressing their concerns. The reforms directly targeted clerical abuses amongst the clergy and outlined their perceived abuses along with punishments to rectify them or to avoid them. The long-lasting implications for Bavaria though, was that this began their active involvement in the struggle for the imperial church, and their engagement in being a part of actual clerical reforms which they would participate in throughout the following century. Most notably would be at the Council of Trent, which would help Bavaria develop their own Counter Reformation strategy, which they would begin to export to the rest of the Catholic estates, just as their counterparts in the Palatinate would do the same but for Protestantism.

To juxtapose Bavarian reforms against those elsewhere, this thesis discusses the confessionalization of the Palatinate with Elector Otto-Heinrich's (r. 1556-1559) *Palatine School Ordinance of 1556*.[72] In Otto-Heinrich's desires to convert his territory to Lutheranism, he pinned his hopes on reforming the schools to best educate the territory in Lutheranism, complimenting the changes occurring in the territories church. It prescribed curriculum meant to be disseminated to the schools, and requirements to be enacted by their administrations. The importance of these reforms lies in the fact that such a primacy was beginning to be placed upon the confessional education of the territories and the belief that it was under the princely prerogatives to determine this education, which would be later emulated in other territories.

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[72] "Palatine School Ordinance from 1556," trans. Heidi Bate, Ghdi, accessed March 23, 2022, https://germanhistorydocs.ghi-dc.org/docpage.cfm?docpage_id=5390, 4-7.

This thesis uses a report from the visitations that took place in the Palatinate on November 2nd, 1556, as the original Palatine Visitation Ordinance of 1556 has no surviving copies.[73] Visitation being imparted on territories was required for the territorial princes to better ascertain the religious condition of their territory, and as such the writer of this document was conveying the state of the Palatinate to his elector. This document lists the abuses with which the visitors encountered throughout their visitations and blamed them on the clergy. The significance of this document is that it highlights the continuous efforts that Protestant princes were putting into controlling the territorial and imperial churches during the time, showing the means that were required to make informed decisions on the implementation of their desired confession. The Palatine Ordinances would be replicated elsewhere and Bavaria itself would have its own Catholic alternatives.

Like their Palatine cousins the Bavarians would turn towards educated men and Like their Palatine cousins, the Bavarians would turn towards educated men and educational institutions to implement reform. For the Bavarian Wittelsbachs, one such instrumental man was the influential Jesuit Peter Canisius (1521-1597) who shared his thoughts on the state of the imperial church in 1576 through a letter titled *The Plight of*

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[73] "The Palatine Visitation Ordinance of 1556," trans Heidi Bate, Ghdi, accessed March 23, 2022, https://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=4393, 1-3.

the Old Faith.[74] Canisius wrote this letter to Cardinal Morone (1509-1580), who was the primary cardinal with regards to reforms in the Empire, essentially relaying information back to Rome. The letter overall was a condemnation of the prelates in the Holy Roman Empire and were a far cry from the post-Tridentine Catholic reforms that were being pressed at the time. Canisius suggested remedies revolve around the education of the clergy and double down on the churches reform program. Canisius himself would be instrumental in shaping Bavaria's focus on education within the territory and aid in the creation of Bavaria's Counter Reformation program which would be exported to other Catholic estates.

A document highlighting most of the tenants of the Bavarian Wittelsbachs Counter Reformation program can be found in the *Decisions of the Munich Conference on Inner Austria* on October 14, 1579.[75] The Munich Conference was a meeting between Wilhelm V and Karl II of Inner Austria (r. 1564-1590) to discuss the re-Catholization of Karl II's territory as he had previously given religious concessions to his Lutheran territorial nobility; this document was the conferences findings. Their findings amounted to applying the Counter Reformation policy that Bavaria had developed chiefly over the previous two decades, employing it covertly, and ultimately finding that Karl II's primary

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[74] "The Plight of the Old Faith – Peter Canisius, SJ, to Giovanni Cardinal Morone (1576)," trans. Julie K. Tanaka, Ghdi, accessed March 24, 2022, https://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=4408, 1-6.

[75] "Decisions of the Munich Conference on Inner Austria (October 14, 1579)," trans. Heidi Bate, Ghdi, accessed April 10, 2022, https://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=4512, 1-2.

goal should be to destroy all of the concessions he had given to the Lutherans previously. This document is important as it shows the vital position that the Bavarian Wittelsbachs had thrust themselves into in the confessional politics of the *Reich*, that other territories would follow their lead, and ultimately showed the close confessional cooperation that the Bavarian Wittelsbachs and Habsburgs would move towards. The most immediate effects being felt just over a year later.

Archduke Karl II implemented his *Counter Reformation Decree for Inner Austria* on December 10th, 1580. This document was created directly in response to the previously mentioned Munich Conference in order to stamp out Lutheranism in the territory.[76] The decree was leveled at the Lutheran nobility and the churches within the territory. In it, Karl II decreed that Catholicism was the official and professed faith of the territory and the only religion which would be tolerated; it would also stipulate the return of all ecclesiastic property that may have been secularized. This document is what would apply Bavarian-style Counter Reforms in the territory to great success with Inner Austria, being the proving ground for the exportation of Bavarian's policies which would be replicated many times over during the Thirty Years War.

In continuing the trend towards specialization, this thesis seeks to add to the historiography of early modern German state building by focusing upon the process of state building that Bavaria underwent between 1495-1651. This span of time was chosen

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[76] "Archduke Charles's Counterreformation Decree for Inner Austria (December 10, 1580)," trans. Heidi Bate, Ghdi, accessed April 10, 2022, https://germanhistorydocs.ghi-dc.org/docpage.cfm?docpage_id=5618, 3-4.

as it was a time of great religious and political upheaval within the Holy Roman Empire where the imperial estates were renegotiating the imperial hierarchy along with the imperial constitution itself. The turmoil of this period was taken advantage of by the Bavarian Wittelsbachs as they solidified their powers over the estates within their territory and began playing major roles in imperial politics. Over the course of the sixteenth century, the Wittelsbachs perfected absolutist state building within their territory reaching its pinnacle under Maximilian I in the seventeenth century, wherein they would fully set Bavaria aside from the other territories of the Empire.

The glaring difference between the early modern state building that took place in Bavaria instead of France or Spain is the fact that Bavaria was part of a greater federated empire. One cannot view Bavarian state building without using an imperial lens. Obviously the Empire placed limitations on Bavarian state formation and may be argued that since they lacked total autonomy themselves, then they did not truly engage in state building practices, but this thesis seeks to challenge that viewpoint. The Bavarian Wittelsbachs did in fact subjugate their territorial estates over the course of the sixteenth century to an absolutist degree and began to project that power outwards. The Empire may have technically existed as a governmental level above the duchy and later electorate, however due to its own real lack of centralization, its development only slightly augmented or complemented the institutions within Bavaria. The Bavarian Wittelsbachs developed their state in such a manner that they effectively controlled every apparatus of their state and only used the imperial institutions to project their power

outwards using it as a defensive block, even well after the conclusion of the Thirty Years War.

The early modern Bavarian state would fully come into being during the reign of Elector Maximillian I. His reign offers unique possibilities for study was a relative constant in the Empire for the entirety of the first half of the seventeenth century. Maximillian I was one of a small handful of princes, electors or European monarchs to begin his reign prior to the beginning of the Thirty Years War (October 15th, 1597), and to end his reign in the post-Peace of Westphalia Empire (September 27th, 1651). At just under fifty-four years long, his reign comprises twenty-one years of state building prior to the outbreak of the Thirty Years War, with the bulk being comprised of the entirety of the war, and the first three years following it. In that massive breadth of time he led Bavaria in times of greatness and desperation. He took Bavaria from an indebted, faltering, and yet pious state and solidified it into a relatively strong Catholic territorial state, placing it at the top of the Catholic League and the imperial army. He also gained his branch the electoral dignity, led it through its Swedish occupation, and successfully began the rebuilding process following the Peace of Westphalia. This work presents Maximillian I as a constant during the war, but also as the perfector of the Bavarian state system.

This thesis breaks down Bavarian state building into three distinct eras with the first one being Bavaria between 1506-1597 (between the unification of Bavaria until the ascension of Maximilian I); the second from 1597-1619 (the first half of Maximilian's reign up until the beginning of the Thirty Years War); and the third from 1619 to 1651 (the entirety of the Thirty Years War and its peace process up until Maximilian I's death).

Special attention is also given to the development of the imperial institutions from 1356-1648 throughout the thesis, with special emphasis placed on the Bavarian Wittelsbachs use of them. The argument is not that the Wittelsbachs had a clear and detailed plan laid out for the entirety of the 150 years at the beginning, but their reactions to the political and confessional trends of the time period are what led to the development of an early modern state. This does not imply that there is no overlap of trends between the three focused on eras though, as state building is a meticulously slow process, but it does imply that the family itself, by the ladder half of the sixteenth century, had created for the most part all of the groundwork for its state. Only then this state would be perfected and distilled into its purist form under Maximilian I, with him leveraging its early development to propel Bavaria up the imperial hierarchy, and afterwards, beyond the Empires borders.

The first chapter discusses the origins of Bavarian state building under Albrecht IV (r. 1467-1508), using him as the starting point when the Duchy of Bavaria became fully unified under him following the War of Landshut Succession in 1506. Following his reign Albrecht IV's successors began to solidify power over the territorial estates and church within their lands, following trends elsewhere in the Empire. Following the outbreak of the Protestant Reformation, Bavaria rapidly began to confessionalize as a Catholic state, and the introduction of the Jesuit led Counter Reformation accelerated it even further. The Bavarian Wittelsbachs latched onto the Counter Reformation both out of true Catholic devotion and also as a desire to position themselves as suitable Catholic rivals to the Habsburgs in the Empire. The Bavarian Wittelsbachs would use this position

and their relationship with the Jesuits to obtain direct control over the church within their lands. From there they would use it as the primary foundation for their state apparatus and the subsequent subjugation of both the Protestant minority and the Bavarian territorial estates. They would use propaganda to create a uniquely Bavarian identity with them being seen as the moral patriarchs of their duchy and use the church along with the *Geistlicher Rat* (Spiritual Council) to maintain a religious police state, and Maximillian would be the one to truly perfect this approach at state building during the first half of his reign, exporting it during the second half.

The second chapter focuses on the Imperial Reforms of 1495 and the creation of governmental institutions at the imperial level. As stated previously, Bavarian state formation cannot be totally separated from the Empire and this thesis argues that the Empire itself was beneficial to Bavarian state formation. Bavaria would use the developing imperial institutions such as the *Reichstag* to project their politics and power outwards and bring likeminded Catholic under its influence. Not only did the Bavarian Wittelsbachs use these institutions to grow their influence, they also paralleled the desirable elements of the reforms in their own territory and dismissed the changes that were detrimental to their absolutist rule. The federative nature of the Empire led to a hybridization between the imperial institutions and territorial ones, an intriguing break from state building practices found elsewhere. This chapter shows that the centralization efforts of the Empire accelerated and legitimized the territorialization of Bavaria and was a positive factor and not a detrimental one.

The third chapter focuses on the distillation and perfection of Bavaria state building practices during the first half of Maximilian I's reign until the start of the Thirty Years War. This era can largely be seen as a continuation of the policies implemented by his predecessors, with Maximilian honing it to its most perfected form while using the state apparatuses to remove dissent. During his reign he would transform the Bavarian state into a fiscally sound one with which to bankroll the states' expansion both internally and abroad. Maximilian was able to suppress Protestantism within Bavaria during this time to be an almost non-factor. This period does differ from his predecessors in that during this part of his reign Maximilian was able to extend Bavaria's political reach throughout the Empire, primarily through the creation of a Bavarian led Catholic League in 1609. The Catholic League simply became an extension of Bavarian Wittelsbachs' ambitions and became a pseudo-imperial Bavarian administration. Through it Bavaria became the most influential Catholic state in the Empire next to Austria, and truly shows their transition from being a power within their own borders to being one that could project outwards into both the Empire and Europe proper. Maximillian also became much more involved in the Confessional Crisis within the Empire and sought to export his brand of Catholicism to the rest, to not only stamp out Protestantism but to also challenge the Habsburgs for political hegemony. The creation of the Catholic League also marks an escalation in the hostilities between both sides and would result in accelerating the Empire towards the Thirty Years War, which would be the primary driving factor when it comes to changes within the state of Bavaria that Maximillian and his forbearers had created.

The fourth and final chapter focuses on Bavaria during the Thirty Years War and how the war altered Bavaria's growth and political objectives. The entirety of the war would be dominated by Maximilian I's desire to either obtain or maintain the Upper and Lower Palatinates along with their electoral title. The military necessities of the war radically changed all aspects of Bavarian life and dictated the direction the state took. The first half of this period also sees the bulk of the Bavarian military successes. It marks the pinnacle of Maximilian's power and influence. Following the battle of Breitenfeld (1631) Maximilian would begin to lose ground to the Protestants and become much more amenable to peace to secure all that he had already gained through warfare.

The second half of the Thirty Years War would see the occupation of Bavaria, the end of the war through a slow peace process, and the last few years of Maximilian's reign; this period would be concluded with his death in 1651. This era covers the Swedish and Franco-Swedish phases of the Thirty Years War as it became a truly international conflict. This era is characterized by the relative slow decline of the Catholic cause, and Maximilian I's willingness to engage with France alone in the diplomatic process. Bavaria prevails in maintaining the bulk of the gains that they had received throughout the war. Maximilian and his administration successfully held onto Bavaria and ensured that it along with their gains in the Upper Palatinate would be fully absorbed administratively into the state. The Thirty Years War also brought about the realization that Western Christendom would never be mended, and as a result the power of the duke need not only be justified through the Catholic Church and feudal ties, but through the secular acquisition of power, the exercise of force, and applied through reason. In short,

the Thirty Years War not only led to less confessional warfare in the Empire but it also led to a more secularized form of politics (relative to the fifteenth century and sixteenth centuries).

This thesis also argues that this unique style of state building relative to other European early modern states could only have been undertaken as a direct result of the federated nature of the Holy Roman Empire and not in spite of it; ultimately the Empire was responsible for the formation of the other territorial states as well. In many ways Bavarian state building follows the trends that the Empire itself was undergoing at the time, as Bavaria mirrored those developments as both a means to solidify their own state and to meet the feudal obligations that were still demanded of them following the imperial reforms of the sixteenth century and seventeenth centuries.

The four primary ways in which the Empire enabled state formation was first by allowing the dukes a large degree of autonomy within their respective lands that allowed them to combine their separate fiefdoms under one government instead of partitioning them and enabled them to slowly crush the estates within them. Secondly, the Empire possessed apparatuses within it to allow the various dukes and princes to have legal recourse against one another and allowed for them to control the justice systems at the territorial level. Third, the Empire acted as a protective buffer from other large European states, allowing the hodgepodge of imperial fiefs that it encompassed to unite as a single force to defend German liberties, with the most important developing liberty being that of territorial autonomy. And finally, even when the imperial institutions broke down, this

further enforced regional variations and indirectly allowed for more individual territorial control.

The Protestant Reformation became the true test of the infrastructure of the Empire and the principalities themselves, and in many ways the Reformation broke them as it became politically convenient for many princes and dukes to convert solely to obtain more power within their state, at the expense of the church and the emperors. By confessionalizing, it also gave their individual states its own identity which can be seen ten-fold in Counter Reformation Bavaria. Many princes found it politically convenient to reform to Lutheranism or in the cases of Brandenburg and the Palatinate, to convert to Calvinism, but Bavaria decided upon a distinctly different path via remaining staunchly Catholic (even during the early rise of its Protestant nobility). There they found power in being a Catholic alternative to the Habsburgs, and not a Protestant one. Other Catholic states (in particular the papacy and France) feared a strong and centralized Empire under Habsburg dominion as the middle of the sixteenth century represented the pinnacle of Habsburg European power and ambitions. Bavaria's cultivation of a Catholic image allowed both the papacy and France to aid their formation as a state and tried to use them as a counterweight in the Empire. This allowed for the possibility of a Bavarian dominated Empire like it had been under Ludwig IV the Bavarian (r. 1314-1347). Remaining Catholic also ironically had the benefit that when the confessional warfare kicked off, they could make convenient allies to the Habsburg emperors, even if they were reluctant to give benefits to the Bavarian Wittelsbachs. The Bavarian Wittelsbachs were able to get many concessions such as the electoral dignity through their alliance of

convenience, which would pay off in massive dividends up until their elevation as an independent kingdom. Throughout the sixteenth, seventeenth, and eighteenth centuries their relationship to the Habsburgs would be a tenuous one. The two family's connection to one another would peak during the Thirty Years War, but even then their war objectives would be opposed to one another at various junctures.

The sixteenth century saw a rise in Wittelsbach ambitions between both the Bavarian and the Palatine lines, with the Palatine line quickly becoming the pre-eminent Protestant territorial state and Bavaria rising to become the pre-eminent non-Habsburg Catholic state within the Empire. These rivalries would not only be the catalyst for the beginning of the Thirty Years War but by the Habsburgs bestowing the electoral dignity upon Bavaria and subjugating the rights of the Palatine line, it guaranteed that the conflict would continue until the grievances between the houses could be resolved through a treaty or transfer. The forceable transfer of the electoral dignity to Bavaria violated the German liberties of the Palatine line and posed a threat to the other German princes. The geography and relative strength of Bavaria in South-Eastern Germany necessitated that they would have to grow at the expense of both the Habsburgs and their Palatinate cousins, as a result this placed them direct at odds with both houses through much of the two centuries, even if they sometimes had to align politically with them.

In short, this thesis seeks to expand upon the historiography of Bavarian state building through the assertion that Bavaria successfully underwent state formation during the sixteenth and seventeenth centuries, resulting in Bavaria being dominated by an absolutist state prior to the conclusion of the Thirty Years War. The formation of the

Bavarian state was emblematic of the process many German territorial states were undergoing at that time as they navigated the many paths made available to them by the framework of the Holy Roman Empire. The end result of which would be a Catholic absolutist state partially under the umbrella of a federated Empire. The Bavarian Wittelsbachs shaped their territory through the application of their interpretation of the Counter Reformation and their relationship to the Jesuit order. The Wittelsbachs and the Jesuits created their own unique Counter Reformation process through the use of propaganda and pageantry to legitimize their state, and the use of the *Geistlicher Rat* as the primary instrument of the state to gain power over both the Bavarian church and the nobility.

The final era of Wittelsbach state building shifted the focus from legitimizing the state through its role in the Counter Reformation to focusing in on the war effort, projecting Bavaria's power outward, and leveraging its position in the war to expand Wittelsbach power in the region, or during the occupation just to survive. Maximillian I's role cannot be overstated as his reign perfected the process of his forefather and he can be said to be the first truly absolutist ruler of Bavaria. His reign saw not only the increase in size and status of Bavaria, but saw it become a domineering force in imperial politics, and a minor player in European politics. Bavaria under Maximillian is the finest example of German state building prior to the rise of Brandenburg-Prussia, and in many ways was the prototype for their rise as well.

With regards to the role that the Empire played in Bavaria's development this thesis seeks to show that its role was beyond that of neutral observer or simply a

framework to operate within. Bavaria's reforms were a direct result of the trends present within the Empire. The Bavarian Wittelsbachs simply tried to expand Bavaria's role within the Empire, and to meet its imperial and confessional obligations. The Empire enabled Bavaria to rise from being simply an imperial fief to usurping the electoral dignity from the Palatinate and ensured that they were not squashed following their loses during the Swedish phase of the war. The Empire truly was not a roadblock to state building or a non-factor as many academics have argued, but a vibrant decentralized state that allowed for the development of the territories within it to such a degree that some of them should be considered their own hybrid states. The unique nature of German state building needs its own classification as current models fail to adequately address them. Even though similar trends persist through the bulk of German territories, the outcomes are vastly different and each territory needs investigated independently of the whole. This thesis discusses one such territory, the Duchy of Bavaria.

Chapter 1
Reunification to Ascension

Bavaria underwent the process of state building relatively late compared to states such as England, France, and Spain. Yet with respect to its German counterparts (save for Austria), Bavaria had rapidly centralized into a functioning and defined territorial state by the beginning of the seventeenth century. In the sixteenth century Bavaria saw vast changes within its borders as well as a shifting power dynamic within the Holy Roman Empire. This not only aided in the early formation of a Bavarian state but the balance of power within the Holy Roman Empire, which became predicated upon the subsequent rise of Bavaria as a Catholic power. The key developments in Bavaria at the beginning of the sixteenth century were: the unification of Bavaria under the Bavarian branch of the Wittelsbachs, the establishment of the Right of Primogeniture, and the Protestant Reformation. Ultimately the century would see the rise of Bavaria and its transition from being a divided duchy into a powerful Catholic alternative to both the Protestant Palatine Wittelsbachs and the Catholic Habsburgs.

The sixteenth century has always been seen as a massive turning point in the history of the Holy Roman Empire and for its various component territories, primarily due to the Protestant Reformation and the confessionalization of the Empire that resulted from it. Many narratives have stressed that during this century the Empire failed to handle the confessional divide, resulting in conflict that would not be really played out until the conclusion of the Thirty Years War. It also implies that the rights given to the

principalities at the end of the war is what truly began the process of them forming into territorial states. As a consequence, the Empire became invalidated. This thesis runs contrary to that narrative in that throughout the sixteenth and seventeenth centuries the Empire actually fostered the development of Bavaria and its institutions into a territorial state. Even if the Empire was ultimately unsuccessful in creating stability within itself during this period, Bavaria used the imperial and confessional realities to develop its own niche within the Empire and conquered its own confessional divide through the development of successful early modern state apparatuses.

Bavarian state building during this century is primarily the result of the Protestant Reformation/Counter Reformation, and through primarily dynastic moves. This chapter discusses the creation of Bavarian state apparatuses during the sixteenth century up until Maximilian's ascension to the ducal throne through dynastic and confessional lenses. This century saw Ducal Bavaria become united, organized into four distinctive *Ämter* (administrative territories), the creation and subjugation of the *Landtag* (Territorial Estates), suppression of the nobility, creation of the *Geistlicher Rat* (spiritual council), the widespread use of propaganda, the development of the territorial courts, the creation of Jesuit universities, and the spread of their influence. By the end of the sixteenth century, Bavaria became an absolutist territorial state with its own developed and uniquely Bavarian image, predicated upon the Catholic faith and Counter Reformation ideals. Within the Empire it became the definitive Catholic alternative to the Habsburgs and the Protestant Palatinate line of the Wittelsbachs, exporting its own confessional vision, once again an imperial power broker.

Partition and Reunification

Bavaria at the start of the sixteenth century was a starkly different duchy (or rather collection of duchies) than the Bavaria that Elector Maximilian I would inherit in 1597 as the House of Wittelsbach itself was no less divided in both its territorial and political ambitions. The split in the Wittelsbach lines stems from the Treaty of Pavia (1329) in which the first Wittelsbach Emperor Ludwig IV granted the Electorate of the Palatinate to his nephew Rudolph II (1329-1353), thus creating the older Palatinate line. Ludwig IV retained Upper Bavaria (*Oberbayern*) for himself (later added to by his acquisition of Lower Bavaria (*Niederbayern*) in 1340, thus setting his descendants apart as a separate Bavarian line.[1] The main point of contention that developed between the two lines stemming from the Treaty of Pavia is that it argued for the Palatine electoral dignity to alternate between both lines with each imperial election, but it only left the Palatinate Line once in 1623 during the Thirty Years War.[2] The Treaty of Pavia also specified that if either line would become extinct, that its territories would be inherited by the other branch, which flew in the face of imperial law as any extinct branch's territories should return to the emperor.

The Treaty of Pavia was designed to bring stability to the Wittelsbachs and for Ludwig IV to give both lines imperial legitimacy. This was in attempt to set them apart

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[1] Andrew Thomas, *A House Divided: Wittelsbach Confessional Court Cultures in the Holy Roman Empire, c. 1550-1650* (Leiden: Brill, 2010), 27.

[2] Thomas, *A House Divided*, 27.

from the other principalities within the Empire while granting them special privileges. However, the political reality of the Empire at the time all but ensured that these concessions would be pushed to the wayside upon his death, as Ludwig IV had alienated far too many people on his rise to power. Ludwig IV's alienation of his Luxembourg allies during his reign combined with his constant interference in Italy and with the papacy resulted in the election of a rival emperor, Karl IV. Pope Clement VI (r. 1342-1352) pushed the anti-Ludwig electors to elect Karl IV of the House of Luxembourg as an anti-king, and with the death of Ludwig IV in 1347, resulted in Karl IV becoming the sole king and later emperor.[3] The most important development of Karl IV's reign was the creation of the Golden Bull in 1356, creating a definitive structure of the electoral process, as well as determining which principalities would make up the electorate, and in the case of Luxembourg rivals, those who would not be electorates.[4]

The Golden Bull was important for more than establishing the election process, it also shifted the balance of power within the Empire. The Golden Bull was constructed with two chief aims in mind. First, to strengthen the Luxembourg's position within the Empire and second, to weaken and divide both of the Luxembourg's chief rival houses, those being the Wittelsbachs (in this case the Bavarian line who Karl IV's predecessor

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[3] Peter Wilson, *Heart of Europe: A History of the Holy Roman Empire* (Cambridge, MA:The Belknap Press of Harvard University Press, 2016), 388-389.

[4] "Die Goldene Bulle," trans. Thomas A. Brady and Randolph C. Head, Ghdi, accessed March 16, 2022, https://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=3739.

Ludwig IV belonged) and the Habsburgs. Even prior to the Golden Bull, the Kingdom of

Bohemia was considered an obvious elector due to it being a kingdom within the Empire,

and the Golden Bull would further cement it as one. Since Karl IV had risen to the

imperial throne through his position as the King of Bohemia, and assuming that it would

remain well within his family, he ensured that the Golden Bull would enhance its prestige

and elevate it further, even above the other electors. The Golden Bull fixed the seven

electors and their perceived order of importance, starting with the three ecclesiastical

electors: the Archbishops of Mainz, Cologne, and Trier. These were followed by the four

secular electors: the King of Bohemia, Count Palatine of the Rhine, Duke of Saxony, and

the Margrave of Brandenburg.[5]

The Golden Bull elevated the electors over the rest of the princes, but also

established Bohemia's primacy over the other secular electors. Chapter Four of the Bull

maintains that the King of Bohemia takes primacy over the other secular electors due to

his royal dignity; Chapter Six details the King of Bohemia's preeminence over other

kings at imperial courts; Chapter Eight grants judicial immunity to the King of Bohemia

and Bohemian subjects from other courts within the Empire, ensuring Bohemian subjects

no right to appeal to higher courts, effectively giving the king judicial autonomy.[6] In

effect, Karl IV set the Kingdom of Bohemia up to be a power base for his dynasty to

launch successive emperors from, while giving it a separate legal status through which

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[5] "Die Goldene Bulle," 4.

[6] "Die Goldene Bulle," 4-5.

the Empire could not interfere in Bohemian affairs. This was not only the prototype of

what the Habsburgs would do with their own lands in the future, thus ensuring their own

imperial hegemony, but the Kingdom of Bohemia following the extinction of the

Luxembourgs, would fall in the hands of the Habsburgs and later be used as the basis for

their imperial ambitions. This would lead to the Kingdom of Bohemia's further

subjugation during the Thirty Years War.

Beyond the enrichment of his own dynasty Karl IV made sure that his chief rivals

saw their statuses diminished through the Golden Bull. The House of Habsburg and the

Bavarian Wittelsbachs had been primary contenders for the imperial throne over the

course of the previous century, and as a result Karl IV sought to reign them in as much as

possible, especially through the denial of electoral status.[7] The electoral dignity conferred

many rights above the other princes that had imperial immediacy, in order to ensure their

long-term superiority over them. The rights extended far beyond the right to vote in

imperial elections, it also established their superiority at all imperial diets and functions,

and established the electors as co-rulers alongside the emperor.[8] Its more immediate

benefit to the electors themselves was in granting them all mineral rights within their

territories, ability to collect all ancient tolls, ability to tax the Jews within their territories,

ability to mint their own money, and Bohemia's judicial immunity was also extended to

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[7] Wilson, *Heart of Europe*, 389.

[8] "Die Goldene Bulle," 1-7; "The Golden Bull of the Emperor Charles IV 1356 A.D." in *Select Historical Documents of the Middle Ages*, ed. Ernest Henderson (London:George Bell and Sons, 1896), The Avalon Project – Documents in Law, History, and Diplomacy, accessed March 16, 2022, https://avalon.law.yale.edu/medieval/golden.asp.

the ecclesiastical electors.[9] electors' long term benefits resided in the establishment of the

Right of Primogeniture in all of the secular electorates. Their territories also reflected that

move as all electorates were made indivisible, and had added the ability to incorporate

others territories into them as long as their imperial dues were paid, and provided

protections against the removal of territory or privileges by future emperors.[10] The

Electors of Saxony and the Palatinate were also allowed to be imperial vicars while the

imperial throne was vacant, with the Palatinate being the vicar of the Rhineland and

Swabia.[11] They were also protected from any conspiracy concerning them, as since they

were pillars of the Empire it was considered a form of treason moving forward.[12] When

combined these benefits created a potent electoral class far beyond anything that had

existed previously. The Golden Bull ensured Karl IV's allies would gain long term

dynastic stability and an increase in their territorial autonomy.

Even though Bavaria had been an original stem duchy, the Golden Bull denied

their historic role as an electorate and in the future, would deny the rotation of the

electoral dignity between both Wittelsbach lines as it had been delegated under the Treaty

of Pavia.[13] When the Golden Bull was issued the Duchy of Bavaria was seen as the

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[9] "The Golden Bull of the Emperor Charles IV"; "Die Goldene Bulle," 5.

[10] "The Golden Bull of the Emperor Charles IV"; "Die Goldene Bulle," 4-7.

[11] "The Golden Bull of the Emperor Charles IV"; "Die Goldene Bulle," 4.

[12] "The Golden Bull of the Emperor Charles IV".

[13] Thomas, *A House Divided*, 27.

Wittelsbach family's primary fief and base of power, as it had been the springboard for Karl IV's rival Ludwig IV's election. Denying it a vote and leaving it to the older, yet smaller Palatinate branch, effectively neutered both lines' imperial ambitions momentarily. The Palatine line would gain no benefit sharing its electoral dignity with the Bavarian line, even if the Golden Bull allowed for it. However both Wittelsbach lines did not possess enough power on their own to maintain an imperial dynasty, save for the election of Ruprecht I as King of Germany (r. 1400-1410), while a Ducal Bavaria was far less imposing than an Electoral Bavaria in imperial politics.[14] Further weakening of the Bavarian lines' position in imperial politics occurred in 1373, when the Bavarian line would also lose all claims over Electoral Brandenburg in exchange for the Upper Palatinate, thus denying the Wittelsbach Bavarian line any possibility of a secular electoral vote until 1623.[15] The succeeding centuries would see the Bavarian line attempt numerous different strategies at regaining their imperial position, such as trying to have various emperors acknowledge the legitimacy of the Treaty of Pavia, fully taking the electoral dignity from the Palatinate, or independently gaining the rights that had been guaranteed to the electors in the Golden Bull.

Ludwig IV's reign marked the pinnacle of Wittelsbach power and in the centuries following his death, the Bavarian Wittelsbachs struggled to retain imperial relevance. Ludwig IV had attempted to provide a legal and political bulwark for the growth of his

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[14] Wilson, *Heart of Europe*, 395.

[15] Wilson, *Heart of Europe*, 390.

dynasty within the Empire, but it became quickly undone following his death. The Treaty of Pavia was meant to be a stop gap in the dissolution of their power base, but the Golden Bull all but erased any chance of a lasting Wittelsbach empire under the new imperial framework of the fourteenth century. The primary reason that the Luxembourgs, Wittelsbachs, and Habsburgs were able to become emperors in the fourteenth century was due to the creation of massive power bases established in their predominantly hereditary lands. Moving forward this would become an increasingly growing necessity as imperial candidates would need to be able to draw on their own personal resources to control and maintain the Empire, ensuring that dynastic growth was paramount to upward mobility within the *Reich*, a path that when taken later by the Habsburgs led to them becoming the strongest dynasty in the Empire until 1740.[16] The Bavarian line, on the other hand, would cast itself into the abyss over the course of the next century and a half in the time honored tradition of dynastic self-amputation, the partitioning of their duchies to the benefit of younger sons.

Immediately following the death of Ludwig IV, his sons repartitioned Bavaria into Upper and Lower Bavaria, followed by the further partitioning of them into Bavaria-Landshut, Bavaria-Straubing, Bavaria-Munich, and Bavaria-Ingolstadt. Through infighting the only two remaining by the beginning of the sixteenth century were Bavaria-Munich and Bavaria-Landshut.[17] During the Late Medieval Period, the Dukes of

[16] Wilson, *Heart of Europe*, 389.

[17] Phillip Soergel, *Wondrous in His Saints: Counter-Reformation Propaganda in Bavaria* (Berkeley: University of California Press, 2019), 15.

Bavaria-Munich removed much of the opposition from the nobles within, and by 1495

and had set up limited state apparatuses that would eventually come to dominate a united

Bavaria.[18] Both remaining duchies were finally united in 1505 following the War of

Landshut Succession (1503-1505). The War of Landshut Succession and its outcome

were the result of Wittelsbach dynastic ambitions along with the lingering issues

stemming from the Treaty of Pavia. The Duke of Bavaria-Landshut, George the Rich (r.

1479-1503), was a member of the Wittelsbach Bavarian line. He outlived all of his male

heirs and in a bid to maintain Bavaria-Landshut within his direct line, he crafted a plan to

leave behind the duchy to his daughter Elizabeth (1478-1504) and her husband Ruprecht

(1481-1504) upon his death.[19] While he remained alive, his plan was contentious but did

not result in war. Elizabeth's marriage to Ruprecht of the Palatinate line complicated the

matter, this exchange could be seen as the Palatinate line stealing the duchy away from

the Bavarian line. With the extinction of George's line, Bavaria-Landshut should have

either passed on to Albrecht IV of Bavaria-Munich in accordance with the Treaty of

Pavia, or to the emperor as it became a vacant fief.[20]

Upon George's death in 1503 the situation rapidly deteriorated, as he had never

lifted his succession plan. At first, Emperor Maximilian I tried to arbitrate between both

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[18] Michael Hughes, *Early Modern Germany, 1477-1806* (Philadelphia: University of
Pennsylvania Press, 1992), 72-73; Soergel, *Wondrous in His Saints*, 15.

[19] Joachim Whaley, *Germany and the Holy Roman Empire: Maximilian I to the Peace of
Westphalia 1493-1648*. Vol. 1. (Oxford: Oxford Univ. Press, 2012), 78.

[20] Thomas, *A House Divided*, 31.

sides, ultimately ruling in favor of Albrecht IV. That decision led Ruprecht into trying to settle the matter militarily with aid from the Palatinate and the King of Bohemia, Ladislas II (r. 1471-1516), moving to invade Bavaria. For Ruprecht's efforts he faced the imperial ban, in turn prompting the emperor to come to the aid of Albrecht IV, ultimately defeating Ruprecht in 1504. Ruprecht and Elizabeth would both die of illness in 1504 and upon their deaths would come the resolution of the war through the *Reichstag* in 1505 through the arbitration of Maximilian I.[21]

The aftermath of the war was that Bavaria-Landshut was absorbed by Bavaria-Munich and both duchies were combined into the Duchy of Bavaria under Albrecht IV. In return for his aid, Albrecht IV ceded some of his lands bordering the Tyrol to Maximilian I, and ceded Neuburg and some surrounding lands which would allow for the creation of the Duchy of Palatinate-Neuburg for Ruprecht and Elizabeth's sons, Philip (r. 1505-1548) and Otto-Heinrich (r. 1505-1559).[22] Even though the Bavarian Wittelsbach branch as a whole lost land to outside entities in this familial quarrel, it was an overall net positive as Bavaria finally became a unified territory. Its unification provided a solid base from which to propel the branch upward, even if it drove them further apart from their Palatinate cousins.

Even prior to the conclusion of the War of Landshut Succession and following the deaths of Ruprecht and Elizabeth, the *Landstände* (the estates) of Landshut instituted

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[21] Whaley, *Germany and the Holy Roman Empire Vol 1*, 78.

[22] Whaley, *Germany and the Holy Roman Empire Vol 1*, 78-79.

their own regency government and began the process of joining. First with the estates of

Straubing, and then with the estates of Upper Bavaria, presenting themselves as a unified

group proclaiming themselves as a duchy, even prior to the formal ducal unification of

the territory itself.[23] The estates merger prior to the full unification under Albrecht IV

was so that the *Landstände* could be a unified front when trying to guarantee their

privileges in the face of the victorious and ambitions Albrecht IV. It also solidified them

as an integral and founding body of the duchy. Even with that being the case, this

unwittingly aided the dynastic ambitions of the Wittelsbachs. They would not have to

lobby against the separate estates of the various territories in the same manner that other

German principalities had to, thus the Bavarian estates would only ever be one stumbling

block in the face of ducal power instead of many. The unification also gave legitimacy to

the existence of the duchy as a legitimate entity in the former parts of Bavaria-Landshut.

Immediately following the War of Landshut Succession, Albrecht IV moved to

solidify his control over united Bavaria, creating the groundwork from which to build a

prosperous dynasty. Within a year of the unification Albrecht IV fought to instill the

Right of Primogeniture in Bavaria, finally ending the partitioning of Bavaria.[24] Albrecht

IV was able to convince his brother to agree to the establishment of the Right of

Primogeniture and strove to get it fully recognized by the estates, although it was only

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[23] Francis Carsten, *Princes and Parliaments in Germany: From the Fifteenth to the Eighteenth Century* (Toronto, ON: Oxford University Press, 1959), 356.

[24] Soergel, *Wondrous in His Saints*, 15.

minimally accepted by the time of his death in 1508.[25] The feudal hierarchy of the

Empire was trending towards an imbalance between large territorial states on one side

and with the smaller imperial fiefs attempting to secure privileges for their German

Liberties on the other. The key towards this trend was the beginning of the widespread

transition to the Right of Primogeniture.

The Right of Primogeniture was a stabilizing and unifying force for dynastic

ambitions. Without the establishment of the Right of Primogeniture Bavaria probably

would have continued the destructive path that it had been on since the death of Ludwig

IV, perhaps even one more destructive than the Habsburg partitions as they did not have

near the resources to divide up. This would have kept Bavaria a fractious territory,

momentarily existing as a single territory in personal union to simply dissolve again into

petty duchies, and then to only be consolidated and partitioned once again in an endless

cycle. Each individual duchy may have played a limited role in imperial politics like the

other principalities would, but they would not be challengers for the imperial crown or

become a player in international politics. But Albrecht IV's establishment of the Right of

Primogeniture set a new course for Bavaria, one that when taken by other princes within

the early modern period often led to the formation of territorial states.

The Habsburgs themselves had undergone a massive partitioning of their familial

lands following the death of Duke Rudolph IV (r. 1358-1365). This would be completed

by his brothers Albert III (r. 1365-1395) and Leopold III (r. 1365-1386) of Austria into

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[25] Carsten, *Princes and Parliaments in Germany*, 357.

the Albertinian and Leopoldian lines through the Treaty of Neuberg 1379.[26] Eventually

the Leopoldian line divided again into the Ernestine and Tyrolean lines in 1406.[27] These

partitions mirror the Wittelsbach partitions over the same period, but the Habsburgs did

not stagnate nearly as much. The extinction of the Luxembourgs with the death of

Emperor Sigismund (r. 1433-1437) in 1437 created a vacuum which the Albertinian line

filled with the election of Albert II (r. 1438-1439) as the King of the Germans in 1438.[28]

The line survived until the death of his son Ladislaus (r. 1440-1457) in 1457, making the

line extinct, and subsequently all its possessions went to the Ernestine line. The Ernestine

Emperor Frederick III (r. 1452-1493) was able to force his Tyrolean cousin Sigismund,

into abdicating his titles in 1490 in favor of Frederick III's son, Maximilian I, thus ending

the partition of the Habsburg fiefs within the *Reich* until the three-way partition following

the death of Emperor Ferdinand I (r. 1556-1564) in 1564.[29] The Habsburgs case shows

how important it was for dynastic ambitions to avoid partitions. The pinnacle of their

dynasty during the sixteenth century coincides with the reign of Emperor Charles the V

and his control over both Spain and the Holy Roman Empire. Their most turbulent times

stem from familial infighting resulting from partitions, most visibly during the later

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[26] Wilson, *Heart of Europe*, 428.

[27] Martyn Rady, *The Habsburgs: To Rule the World* (New York, NY: Basic Books, 2020), 41.

[28] Rady, *The Habsburgs*, 43.

[29] Rady, *The Habsburgs*, 49-50.

brothers quarrel between future emperors Rudolph II (r. 1576-1612) and Mattias (r. 1612-1619).

Medieval duchies were often just petty territories reliant on the personal power and claims of individual dukes, their relationship with their contemporary emperor, pope, or prominent families. Often times they would be split up amongst their families, or once a line ended amongst the various other German entities or the emperor. They were also comprised of smaller regions that had gained special exemptions for themselves over generations, or the various estates in the territories that enjoyed benefits different from the other regions within the duchy. However, once a prince sought to end the dissolution of their territories and began to form states capable of administering their various claims in the same manner, did they truly begin to form states. A territorial state is predicated on the fact that it exists as a single entity ruled over by its leader and its institutions, not a personal union of vastly different territories with autonomy. The establishment of the Right of Primogeniture was the first step towards transitioning into a territorial state and immediately after its implementation the Bavarian Wittelsbachs moved to establish uniform control over the whole territory, and especially over the newly claimed Lower Bavaria.

The unification of Bavaria also led to the combination of the two previous duchies *Rentämter* (administrative districts), each administered by their own officials. They presided over local bureaucracies within their *Rentamt*, their primary concern being that

of tax collection, justice, security, and ensuring the application of ducal policies.[30] Upper

Bavaria was comprised of the two *Rentämter:* Munich and Burghausen, while Lower

Bavaria was divided between the *Rentämter* of Landshut and Straubing.[31] The

combination of these districts enabled the Wittelsbachs to delegate power to regional

bureaucracies and staff it with administrators loyal to the dukes, making staff directly

responsible for upholding ducal policies in the way that the Wittelsbachs desired. This

system may have developed from the Viztums of the Middle Ages but ultimately it would

take on more administrative responsibilities than that of its feudal predecessor.[32] The

system of *Rentämter* continued in Bavaria well into it becoming a kingdom, and they

were responsible for the coming of absolutist control within the duchy as they could

directly implement policy from the privy council. It was important for ducal control to be

implemented quickly especially in Lower Bavaria which still was filled with disloyal

nobles, who had just been defeated in the War of Landshut Succession.

  The nobility of Bavaria-Landshut had sided with Elizabeth and Ruprecht during

the War of Landshut Succession and would prove to be resistant of the changes towards

centralization under the duke, as they had enjoyed more liberties under George the Rich

than what they would under Albert IV or his successors. One of the ways in which the

nobility resisted this new ducal control was through the duchies *Landtag* (territorial

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[30] Whaley, *Germany and the Holy Roman Empire Vol 1*, 490.

[31] Hughes*, Early Modern Germany*, 72-73; Soergel, *Wondrous in His Saints*, 16.

[32] Whaley, *Germany and the Holy Roman Empire Vol 1*, 489-490.

parliament) which was composed of the duchies nobility along with the two other

Landstände (estates) the clergy and the burghers.[33] Even by the time of the unification of

Bavaria the *Landtag* had already gained powers over taxation and with their powers over

the purse they were able to push their grievances in regards to their ducal appointments,

the princely prerogatives, and to fight against any burden they felt unjust and make

demands of the dukes.[34] With the death of Albrecht IV the minority of Wilhelm IV (r.

1508-1550) would represent the pinnacle of the estates powers within the duchy, and

primarily that of the position of the nobility. During Wilhelm IV's minority reign, his

uncle, Wolfgang (1451-1514), was able to become Wilhelm IV's regent alongside six

representatives of the estates, and during this period the nobility also got the concession

that the *Landtag* would be comprised of a ratio of fifty percent nobility, twenty five

percent clergy, and twenty five percent burghers.[35] This would guarantee that half of it

was composed of the nobility, ensuring their dominance of the institution, which they

would then maintain until its abolition centuries later.[36] Moving forward when the

Landtag was called together it would be comprised of a large committee of sixty four

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[33] Soergel, *Wondrous in His Saints*, 16-17.

[34] Carsten, *Princes and Parliaments in Germany*, 353.

[35] Carsten, *Princes and Parliaments in Germany*, 358; Heinrich Lutz and Walter Ziegler, "Das Konfessionelle Zeitalter. Ersten Teil: Die Herzöge Wilhelm IV. und Albrecht V," in *Handbuch der Bayerischen Geschichte II: Das Alte Bayern der Territorialstaat vom Ausgang des 12. Jahrhunderts bis zum Ausgang des 18. Jahrhunderts*, ed. Max Spindler (Munich: C.H. Beck, 1988), 324-325.

[36] Carsten, *Princes and Parliaments in Germany*, 358.

members and a smaller expedient committee of sixteen members, and all other committees in-between would maintain this ratio.[37]

The resistance that the estates would mount against the dukes was to be expected and was simply repeating the experience faced by every state attempting to centralize following the medieval period. The privileges that the estates had received, demanded, or bought, came at the expense of ducal control, especially in the realm of taxation. In order to form an absolutist state their privileges needed to be eroded and this constant conflict resulted in hostilities throughout Bavaria over the following century until the privileges of the estates could fully be eroded, and all pretenses of co-rule were abolished (primarily under the reign of Albrecht V but fully completed by Maximilian I.

Following the death of Albrecht IV, the *Landtag* under the lead of the nobility tried to reverse the gains that Albrecht IV had achieved by attempting to dominate the minority reign of his son and rightful successor Wilhelm IV. The six representatives from the estates that were supposed to aid Wilhelm IV during his minority spent much of their effort trying to get Wilhelm IV to secure their own liberties, which he all but refused until 1514.[38] In a bid to further destabilize ducal control within the recently unified duchy, the estates aided Wilhelm IV's brother Ludwig X (r. 1516-1545) in a bid to claim one third of the duchy for himself, arguing that since Ludwig was born before—the declaration of

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[37] Carsten, *Princes and Parliaments in Germany*, 358, 381-382.

[38] Carsten, *Princes and Parliaments in Germany*, 357-359; Lutz and Ziegler, "Das Konfessionelle Zeitalter. Ersten Teil," 324-325.

primogeniture—he still deserved an inheritance.[39] In return for 150,000 guilders from the estates and the eventual intervention of Maximillian I, Wilhelm IV consented to co-rule with Ludwig, giving Ludwig control over Landshut and Straubing.[40] This was a clear attempt at returning Bavaria to the destructive cycle that it had pulled itself out of in order to preserve the rights and freedoms of the nobility. Unfortunately for the estates, both dukes worked together to further centralize the state (albeit under co-rulership) up until the death of Ludwig X, in which the duchy became and forever remained under the dominion of one duke without repartition.

The unification and subsequent attempts at centralization mark a massive turning point for Bavaria in that moving forward it would not be merely a divisible asset, but a territorial force and constant within the southern half of the Empire. The Bavarian Wittelsbachs were able to focus on building Bavaria up as a centralized state instead of dividing up the political, economic, and military capital amongst various competing branches. Most importantly its unification would enable it to handle the Protestant Reformation head on, which Bavaria and the Wittelsbachs reaction to the Protestant Reformation would be the true catalyst for change. This confessional identity would eventually be what determined the culture of the Bavarian state, people, and its dynasty. Bavaria reestablished itself as a regional power in the south, and from this point moving forward the Bavarian Wittelsbachs would rapidly begin to form their duchy into a

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[39] Carsten, *Princes and Parliaments in Germany*, 359; Soergel, *Wondrous in His Saints*, 17.

[40] Carsten, *Princes and Parliaments in Germany*, 360-361.

territorial state. The consolidation of Bavaria-Landshut and Bavaria-Munich would be used as a blueprint for the annexation of the Upper Palatinate during the Thirty Years War and set the precedent for Bavaria state formation. The Bavarian Wittelsbachs' would place great importance on adding their new territories and their estates to a greater Bavarian duchy instead of ruling them as territories under personal union.

The Protestant Reformation and its Immediate Impact on Bavaria Internally and Abroad

The Protestant Reformation swept across the Empire swiftly after its inception in 1517, and the northern princes far removed from the Habsburgs' powerbase in the southeastern corner of the Empire were the ones who attached themselves most readily to it. It was seen as a natural step forward that the reform of the church should or would lead to the reform of the Empire, and the northern princes desired it to be in their favor. The southern portion of the Empire would prove to be far more resistant to the Protestant Reformation and it would not solely be led by the Habsburg emperor. Although they were not seen as the most pious of German dukes, Wilhelm IV and Ludwig X of Bavaria would start Bavaria down the path of becoming the Catholic leader within the Empire during the confessional age. Their efforts would also not only determine German Catholic princes' reactions to the Reformation but also become the prototypical model for much of Europe, the first true exportation of Bavarian confessional statecraft.

Wilhelm IV and Ludwig X stood to gain a decent amount of territory and power for themselves, like other princes who began to reform, if they implemented it in Bavaria

as well, but chose not to as they already had a decent amount of power over the church. Since the early fifteenth century the Bavarian Wittelsbachs had cultivated a unique relationship with the Catholic Church, and as a result, by the time of the Reformation, they had fairly extensive rights over the bishoprics in and around their territory with regards to visitations, occupancies, using it to determine much of the church policies around them.[41] The two dukes did not find the situation to be expedient and initially took a "wait and see" approach as it became a more divisive issue within the *Reich*. Ultimately, they chose the side of the emperor and remained Catholic as the emperor and the imperial church were the pillars of the Empire keeping it stable. Soon the Reformation was to become synonymous with instability and infighting, so the two conservative dukes decided to take the safer route and bind themselves closely to imperial and Catholic power. Once the Edict of Worms was created and circulated, the emperor's position on the Reformation was clear, and so to became Wilhelm and Ludwig's as well.[42] Their first official moves against the Reformation were laid out at a joint conference in Grünwald near Munich in February of 1522 where they announced their plans to stop Protestants from making further inroads into Bavaria.[43]

Following the conference at Grünwald Wilhelm IV banned the works of Martin Luther within Bavaria and sought out aid from the papacy as well as likeminded princes

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[41] Lutz and Ziegler, "Das Konfessionelle Zeitalter. Ersten Teil," 341.

[42] Lutz and Ziegler, "Das Konfessionelle Zeitalter. Ersten Teil," 343.

[43] Lutz and Ziegler, "Das Konfessionelle Zeitalter. Ersten Teil," 342, 345.

within the Empire to create a united front against the spread of Protestantism.[44] The

Bavarian dukes along with the Habsburgs emerged as the leaders of the Catholics early

on. Their efforts at rallying both the southern ecclesiastical and secular Catholic princes

to their side resulted in the Regensburg Reforms in 1524, and the formation of a Catholic

alliance to implement the Edict of Worms in their territories (which Bavaria had done a

year prior).[45] The reforms centered on holding the clergy accountable for the perceived

abuses, ranging from punishing clerical marriage, simony, itineration and other perceived

immoral transgressions.[46] The reformers blamed the spread of the Protestant Reformation

on the unresponsive and immoral clergy, so to combat that they also wanted to reform the

clergy, using bishops to validate members of the clergy to ensure they were preaching a

valid doctrine.[47] The return of diocesan synods was also used to ensure adherence to the

reforms, adequate pay for vicars to prevent abuses driven by greed, and a blanket ban on

immoral behaviors.[48] These were the first real attempts at reforming the imperial church

by the Wittelsbachs and the Habsburgs prior as a Counter Reformation response, which

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[44] Whaley, *Germany and the Holy Roman Empire Vol 1*, 279-280.

[45] "Treaty of Association, July 6, 1524," trans. Thomas A. Brady, Ghdi, accessed March 17, 2022, https://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=4334&language=english, 1; Whaley, *Germany and the Holy Roman Empire Vol 1*, 280.

[46] "Reform Ordinance, July 7, 1524," trans. Thomas A. Brady, Ghdi accessed March 17, 2022, https://germanhistorydocs.ghi-dc.org/docpage.cfm?docpage_id=5316&language=english, 2-5.

[47] "Reform Ordinance, July 7, 1524," 2-5.

[48] "Reform Ordinance, July 7, 1524," 2-5.

would be revisited during the much more impactful Council of Trent. The reforms are an important milestone in the creation of the Counter Reformation and Bavaria's involvement in its leadership, but Bavaria's major strides early on would be within their own territory as the political reality of the time destined the short-lived alliance and the reforms to failure. It would fail due to the Habsburgs occupation of Württemberg and the Wittelsbach resistance to being virtually surrounded by them.[49]

In 1523 Wilhelm IV and Louis X sent their Chancellor Leonhard von Eck (1480-1550) to negotiate special privileges with the papacy, and as a result Bavaria was granted special concessions from the pope to combat Protestantism both at home and abroad. These privileges included the right to conduct visitations on their own monasteries, jurisdiction over the clergy, and most importantly one fifth of all clerical income within Bavaria would be accessible by the dukes without the need to go through their estates.[50] The Bavarian Wittelsbachs were placed in a unique position to combat Protestantism within the Empire and leveraged it to became a Catholic beacon at the forefront of imperial confessional politics, while this close relationship with the papacy ensured them a respectable level of autonomy from the emperor with regards to their own church. Effectively Bavaria had become a papal approved alternative to the Habsburg religious hegemony.

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[49] Whaley, *Germany and the Holy Roman Empire Vol 1*, 280.

[50] Carsten, *Princes and Parliaments in Germany*, 365; Whaley, *Germany and the Holy Roman Empire Vol 1*, 280.

Ultimately confessionalization in Bavaria would be a gradual evolution, not an overnight success story. Bavaria had begun to be a leader outside of its borders but had limited successes within them as a large percentage of the nobility within the unified territory became Protestant, regardless of the early policies that they adopted, and this would lead to developing conflicts between the Catholic dukes and many of the now Lutheran nobles. Likewise, the relative strength of the *Landtag* during this period could stifle many efforts that Wilhelm IV initiated as it was noble led.[51] Fighting the wider confessional fight would necessitate the removal of domestic roadblocks, even as Protestant ramped up outside of Bavaria's borders.

The Palatinate went down a different path which would eventually lead to them becoming the faces of imperial Protestantism. Protestantism crept into the territory at a moderate pace from its inception, primarily through the administrators of the territory, and well prior to the conversion of the Palatine Wittelsbachs themselves, but once the family did convert, the conversion of the territory was rapidly facilitated through its Lutheran administrators.[52] The subsequent conversion of the territory would be implemented from the top down onto the rest of society, with the Bavarian Wittelsbachs aided by their Protestant administration.[53] The Palatinate Wittelsbachs did not convert to either Lutheranism or Calvinism for political or economic gain, like many of the other

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[51] Soergel, *Wondrous in His Saints*, 75.

[52] Whaley, *Germany and the Holy Roman Empire Vol 1*, 276.

[53] Whaley, *Germany and the Holy Roman Empire Vol 1*, 276.

German princes had. The Palatinate would become synonymous with Calvinism following the reign of Friedrich III (r. 1559-1576), who when confronted with such a confessionally mixed territory, read the Bible and concluded that Calvinism was the true faith.[54] The Palatinate Electors Ludwig V (r. 1508-1544) and Friedrich II (r. 1544-1556) were for the most part indifferent to religion overall, and remained loyal to the emperor, but their lax attitudes towards Protestantism during their reigns allowed Lutheranism with a Melanchthonian twist take root in the Palatinate.[55] The theological diversity and discourse in their territory would lead many of the Catholic Palatinate Wittelsbachs into challenging their own faith and led to their conversions.[56] The Reformation in the Palatinate was one built on a true change in faith, and they happened to implement it from the top down.[57] Once Calvinism became the state religion later on in the Palatinate, then did their outlook on other Protestant branches dim.

The Electors Friedrich II and Otto-Heinrich both converted to Lutheranism, with Friedrich II refraining from converting the Palatinate and Otto-Heinrich implementing Lutheranism directly in 1556 under his *Kirchenordnung 1556* (Church Ordinance of 1556).[58] The same year would see Otto-Heinrich order a visitation to the churches and

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[54] Thomas, *A House Divided*, 103.

[55] Bard Thompson, "The Palatinate Church Order of 1563*," Church History* 23, no. 4 (December 1954): 340; Whaley, *Germany and the Holy Roman Empire Vol 1*, 276.

[56] Bard, Thompson. "The Palatinate Church Order of 1563*."*, 342-344.

[57] Thomas, *A House Divided*, 102-115.

[58] Bard, Thompson. "The Palatinate Church Order of 1563*."*, 342.

towns in his territory, the results of which would identify the ways in which he would

reform his territory.[59] The visitation painted a grim picture of the electorates churches and

towns with a few exceptions. The visitors discussed general deficiencies placing both the

laity and the clergy at fault for their own transgressions, focusing on lax church

attendance, a contempt for the Holy Sacrament, lack of catechism classes, lack of alms,

rotting vestments, and the churches being in disrepair.[60] These deficiencies were blamed

on an old clergy that was set in their often papist ways, and was exacerbated by the lack

of funds to pay for a new educated clergy. The newer clerics were forced to make a living

outside of the church and remained uneducated. The visitation nudged their elector into a

direct hands-on approach to the church, ensuring its funding as they could no longer rely

on the broader Catholic church.[61] This visitation would be mirrored by future visitations

in Bavaria but also showed how important a prince's involvement was in confessionalism

even in a secular principality.

    Otto-Heinrich understood that a territory's faith was not solely determined by the

faith of the elector, but he could use his resources to educate them towards his chosen

faith. Thus began the reeducation of the Palatinate towards Protestantism. In a bid to

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[59] "Palatine School Ordinance from 1556," trans. Heidi Bate, Ghdi, accessed March 23, 2022, https://germanhistorydocs.ghi-dc.org/docpage.cfm?docpage_id=5390; "The Palatine Visitation Ordinance of 1556," trans Heidi Bate, Ghdi, accessed March 23, 2022, https://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=4393

[60] "The Palatine Visitation Ordinance of 1556," 3.

[61] "The Palatine Visitation Ordinance of 1556," 3.

counter the ignorance he found in the visitations, Otto-Heinrich issued a school ordinance

in 1556 which discussed how Latin schools and elementary schools should be run within

his territory to create a Lutheran educational system.[62] The ordinance combated the

deficiencies witnessed earlier. It was designed to ensure that school masters were learned

men in Latin as well as contemporary Lutheran doctrine. The ordinance also laid out the

curriculum they were to implement in the territory's schools, and ultimately how the

clergy in the territory should visit them to ensure orthodoxy.[63] This same move towards

educating the people would be adapted in Bavaria over the next century as the Bavarian

Wittelsbachs would use both the higher and lower levels of education to aid in the

confessionalization of their state and create a territorial confessional identity. Widespread

confessionalization at the state level necessitated ducal involvement, and that would be

required at all levels of society to truly make any inroads.

Although both electors were Lutheran, Friedrich II and Otto-Heinrich remained

loyal to the emperor, and though they were less militant than their successors would

become, they played the same role that Saxony would play over the second half of the

century.[64] Friedrich III's conversion to Calvinism truly changed the Palatinate's role in

the Empire, as he reformed the Electoral Palatinate under his own Church Reform of

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[62] "Palatine School Ordinance from 1556," 4-7.

[63] "Palatine School Ordinance from 1556," 4-7.

[64] Whaley, *Germany and the Holy Roman Empire Vol 1*, 276.

1563.[65] Under Friedrich III the Palatinate became a bastion of Calvinist thought and with the short lived exception of Ludwig VI's (r. 1576-1583) Lutheran reign the Electoral Palatinate was seen as a Calvinist refuge and became a prominent player in international Calvinism.[66] The Electoral Palatinate would also push Calvinist rhetoric within the Empire in direct opposition to the Catholic church and the emperor, becoming the Calvinist doppelganger of Bavaria, pushing the two branches of the Wittlesbachs further apart. Following the death of the Elector August I of Saxony (r. 1553-1586), the Palatinate became the post Augsburg head of the Protestant cause, pushing the Protestant princes more towards radical action against the emperor and bringing about more foreign involvement within the *Reich*.[67] The Palatinate would exacerbate the confessional conflict within the Empire, and in an attempt to legitimize Calvinism, they would come into direct conflict with both the emperor and their Bavarian cousins. The rivalry between the two lines dominated much of the confessional discord over the next century, intensifying all conflicts that they engaged in, and saw them tear the Empire apart.

The Bavarian lines other rivalry grew during this time. Their co-rule put Wilhelm IV and Ludwig X at odds with the Habsburgs, which although a fellow Catholic house, their rivalry would become a reoccurring theme throughout the next one hundred years. Although they followed the same confession, and even began to be heavily intermarried,

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[65] Bard, Thompson. "The Palatinate Church Order of 1563.*"*, 348.

[66] Thomas, *A House Divided*, 39.

[67] Whaley, *Germany and the Holy Roman Empire Vol 1*, 398, 406.

the two houses were politically opposed to one another, each vying to be seen as the head of the Catholic cause in the Empire. Bavaria would be opposed to Habsburg dominance over the Catholic cause even leading to Wilhelm IV's military neutrality during the First Schmalkaldic War. Moving forward from the tenuous peace following the Peace of Augsburg 1555, Bavaria completely overhauled its state becoming even more militantly Catholic, largely a result of the devotion of the Wittelsbach family to the Counter Reformation and the Jesuit cause. The latter half of the sixteenth century would see the rise of Bavaria as the cultural and theological center of the Counter Reformation within the Empire.

The Founding of the Jesuits and Their Institutions

The next major shift would not develop until the founding of the Jesuit Order in 1540 by the reform-minded Ignatius Loyola and the reforms stemming from the Council of Trent (1545-1563) and their subsequent implementation.[68] These events mark a massive turning point in the confessionalization of Bavaria as its society would take on a massive amount of Jesuit influence, even in comparison to other Catholic territories during the Counter Reformation. These changes would not only lead to doctrinal changes within the Catholic Church, but it also would have profound effects upon the Catholic and Protestant lands within the Empire. Immediately following its inception, the Jesuit Order began its attempts at reforming and re-Catholicizing Europe and their direct

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[68] Whaley, *Germany and the Holy Roman Empire Vol 1*, 499.

approach would not be with the sword but through the pen. This would primarily be in academic institutions as they began to spread about Europe founding universities and colleges.

The Jesuits established educational institutions to combat the perceived ignorance of the clergy within the Empire as its clergy was seen as uneducated and living less than exemplary lifestyles, which were the same issues the Palatinate had argued facing their church.[69] Lutheranism and in particular Calvinism were able to spread through academia as many of the reformers were theologians occupying seats of authority at universities which led the Protestants to have perceived educational legitimacy in relation to their Catholic contemporaries. It became necessary to combat this educational gap via the establishment of an education system that could not only elevate the knowledge level of the clergy within the Empire, but also train the participants as active Counter Reformers. With regards to training the diocesan clergy of the Empire, as early as August 31, 1552, the Jesuits received a Papal Bull for the creation of a German College attached to the Roman College.[70] The German College was designed to go beyond the scope of modern seminaries. The students at the German College were to be German natives and to fully indoctrinate them with the burgeoning Jesuit reforms. Upon their return to the Empire, they would take up key positions within the imperial church such as bishops and

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[69] Francesco Cesareo, "The Collegium Germanicum and the Ignatian Vision of Education," *Sixteenth Century Journal* 24, no. 4 (1993): 830.

[70] Robert Bireley, *The Refashioning of Catholicism, 1450-1700: A Reassessment of the Counter-Reformation* (Washington: The Catholic University of America Press, 2007), 137-138.

administrators, and begin to implement change from above, regaining the educated

legitimacy of the church.[71] The Jesuits appealed to and recruited many Bavarian students

to join the German College, it was also heavily supported by Wilhelm IV's successor,

Duke Albrecht V and the Jesuit Peter Canisius as they both found it vital to the survival

of the church within the Empire, and thus it was a major precursor to the influence that

the Jesuits would hold over Bavaria.

While the Jesuit Order was first coming into existence the Catholic church was

already wrestling with its own identity and had been making concerted efforts at reform.

The church began its own internal dialogue over synthesizing their doctrine down and

discussing which reforms they would adopt moving forward to combat the spread of

Protestantism. Even though it took almost twenty years for the Council of Trent to come

to its conclusion, its effects cannot be understated with regards to its impact on the

Catholics and the lasting impact it would have on the rise of the Bavaria state. The

Council of Trent was initially convened as a means to bridge the confessional divide and

bring the bulk of Protestants back into the Catholic fold, and in particular the ones in

Lutheran Germany as they represented a growing political block. Trent was initially

chosen as the council's location due to Charles V's desire to have it in the Empire to

address the confessional divide, but it also resided on the Italian side of the Alps, giving

the council some pretenses of safety and neutrality.[72] Over its eighteen-year length and

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[71] Cesareo, "The Collegium Germanicum and the Ignatian Vision of Education," 830-832.

[72] Bireley, *The Refashioning of Catholicism*, 47.

three sessions, the Catholic reformers (with many influential Jesuits among them) distilled their orthodoxy down into its purest form, which in their minds, was not giving into Protestant desires but simply reforming much of what the church had become, with special attention drawn towards the abuses that the Lutherans had charged them with.

Bavarian interests at the council were represented at Trent under Albrecht V's envoy Sigismund Baumgartner, who showed the difference in concern between the Mediterranean oriented clergy and those of the Catholics in the Empire.[73] On June 27, 1562, Baumgartner addressed the council and presented the findings of the first ducal and episcopal general church visitation (*Visitatio Bavarica)* of 1558/1560, arguing that the issues facing the church in Bavaria were immense, stemming from the parish clergy being uneducated, and living immoral lifestyles such as being married or using concubines.[74] To combat these Bavarian and imperial developments, Baumgartner insisted on reforming the clergy via stricter discipline and establishing schools to educate them, allowing the clergy to marry, and to give special permission to grant communion under both kinds to Bavaria, Bohemia, Moravia, and Austria.[75] These proposed measures were to allow for the education of a new reform minded clergy as well as retain more learned members via being more lenient on clerical marriage, and as it was desired for special permission within the Empire, these measures were custom tailored to the unique

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[73] John, O'Malley, *Trent: What Happened at the Council* (Cambridge, MA: The Belknap Press of Harvard University Press, 2013), 184.

[74] O'Malley, *Trent*, 186; Thomas, *A House Divided*, 108.

[75] O'Malley, *Trent*, 186.

demands being placed upon the church there. Baumgartner and the Bavarian cause would be heeded in the long run as Bavaria would receive vast amounts of educational reform primarily stemming from their close relationship with the Jesuits, the ability to clamp down more directly on the clergy for disciplinary indiscretion, and an indult for communion under both kinds. The Council of Trent ultimately did reform the church for the purposes of meeting the Protestant Reformation head on. It distilled the church doctrine down to a more digestible level and its widespread propagation overtime led to real changes within the Empire and Bavaria. The Tridentine Creed would become the rallying cry of the Catholic forces in the Empire and become the unbendable measure with which Bavarians would be held to by the Wittelsbachs.

The Jesuits moved beyond maintaining the German College at Rome, instead they sought to create institutions throughout Europe in order to bring the Counter Reformation to Europe as a whole. This would also bring their institutions closer to the actual confessional conflict, not just confining itself to the Italian Peninsula. This brought about the creation of Jesuit universities and colleges in the Holy Roman Empire as it was the birthplace of Lutheranism and where the Catholic Church had lost much of its luster. A prime target for this new wave of Jesuit educational reform was the University of Ingolstadt where Luther's main theological opponent Johann Eck had a chair, and spent the bulk of his career until his death in 1543.[76] Seeking to regain its status as a stalwart Catholic educational center, Wilhelm IV entered into discussions in 1549 with Ignatius of

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[76] Thomas, *A House Divided*, 121; Whaley, *Germany and the Holy Roman Empire Vol 1*, 280.

Loyola (1491-1556) to establish a Jesuit college in Ingolstadt (it would not fully be part

of the pre-existing University of Ingolstadt but they would work in concert with much

overlap), leading to the arrival of three Jesuit lecturers: Claudius Jajus, Alfonso Sameron,

and Peter Canisius, who would become the first dean of the theological faculty in

Ingolstadt and the head of the Counter Reformation for the Jesuit Order in Germany.[77]

Their initial stay was only until 1552, but it laid the groundwork for the Jesuit College in

Ingolstadt which would be established by Albert V Duke of Bavaria along with Peter of

Canisius in 1556.

The *Collegium Albertinum* was completed in 1574 and opened in 1576, which

served as a seminary and the Jesuits also took active roles in the associated University of

Ingolstadt. After 1588 the Jesuits took over the arts faculty, with the *Albertinum* being

incorporated into the University of Ingolstadt in 1599.[78] The Jesuit College in Ingolstadt

was the first Jesuit College established in Germany and quickly rose in prominence as it

became the center of the Counter Reformation within the Empire, and through it the

Jesuits gained supremacy over the University of Ingolstadt and the academic elite of

Bavaria. The university was brought fully in line with the reforms of the Council of Trent

through forcing the faculty of the University to swear an oath to follow the Tridentine

Creed in 1568, and under the superintendency of Martin Eisengrein (1535-1578) between

1570-1578, who rooted out Protestant sympathies and oversaw adherence to Tridentine

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[77] Bireley, *The Refashioning of Catholicism*, 125; Thomas, *A House Divided*, 121.

[78] Bireley, *The Refashioning of Catholicism*, 141; Thomas, *A House Divided*, 122.

rhetoric.[79] The Jesuit college helped propagate the ideas of the leading scholars of the

Counter Reformation, as well as directly educated the three major German Catholic

figures of the Thirty Years War, the Holy Roman Emperor Ferdinand II, the Elector of

Cologne Ferdinand of Bavaria (r. 1612-1650), and Maximillian I of Bavaria. Not only

were these students' theology molded by the lessons they received but their states and

legacies would be molded by it as well, leading all three to become uncompromising

counter reformers.

It was during the reign of Albrecht V that Bavaria asserted itself as the center of

the German Counter Reformation and shaped the state and church within its borders.

Albrecht V had the benefit of reigning during the rise of the Jesuit Order and following

the Council of Trent. The Jesuits would guide him and use the Council of Trent as a

blueprint on how to strengthen the Catholic confession in Bavaria, and this enabled him

to fight against the Protestant nobility that had plagued Wilhelm IV's reign. Even though

the supremacy of Catholicism was far from guaranteed in Bavaria, Albrecht V remaining

Catholic had no guarantee of success. But through remaining Catholic and benefiting

from the new Jesuit led Counter Reformation, Albrecht V would be able to draw upon the

resources of the church and have it struggle alongside him and not against him. Having

the churches resources invested directly into his administration provided great dividends.

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[79] Soergel, *Wondrous in His Saints*, 106.

<div align="center">**Squashing the Nobles**</div>

Albrecht V's reign represents a major turning point in the Counter Reformation as well as the drastic shift towards absolutism in Bavaria and the development of more defined state apparatuses. The beginning of his reign was like his predecessors in that he could not rule with absolute authority, as he still had to share power with the nobility along with its Lutheran reform minded minority, and that the questions over reform would radically shift the duchy towards absolutism.[80] Three years into Albrecht V's reign, during the 1553 *Landtag,* the Protestant nobility pushed for the right to have communion in both kinds which would rapidly become the most divisive issue within Bavaria and come to define Albrecht V's legacy.[81] The Lay Chalice Controversy originated from the Hussite Jacob of Mies (1372-1429) who had argued for the laity's right to be given communion under both kinds, the bread and the wine, instead of only allowing the laity to consume the bread, and this doctrine would come to be an identifier of the Utraquists in Bohemia, as well as a pervasive concept during the Protestant Reformation.[82] The Catholic Church's stance since the Council of Constance (1415) was that the whole body and blood of Christ were contained under each form, thus consuming just the bread had the same effect as consuming both, so to maintain the sanctity of the

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[80] Soergel, *Wondrous in His Saints*, 75.

[81] Carsten, *Princes and Parliaments in Germany*, 374.

[82] O'Malley, *Trent*, 28.

Eucharist only the clergy could consume the wine.[83] The separation between the ways

which the clergy and the laity received communion was primarily to distinguish between

the two in a hierarchical manner, placing the clergy above the laity.[84]Albrecht V's refusal

to allow Bavarians to receive communion under both kinds stemmed from the churches

official position as well as his belief in it, but the nobility would prove to be obstinate,

and Albrecht V would try to bend the situation as to avoid war.

The *Landtag* in 1556 once again demanded Albrecht V to allow for communion

under both kinds, and due to the economic pressure he faced without their aid, he granted

them a concession, however he did it without forcing the clergy within Bavaria to obey it,

as it was still far out of line with regards to church doctrine, even though many parish

priests allowed it.[85] The next year the estates tried to force him to grant protections for

their right to the chalice as well as argued for the further right of clerical marriage, which

Albrecht V once more denied and pushed off towards the future.[86] This would not be

fully resolved until the conclusion of the Council of Trent. As discussed previously

Baumgartner, Albrecht V's envoy to the Council of Trent in 1562, stressed specifically

the need for a concession for the lay chalice, clerical marriage, and further discipline

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[83] O'Malley, *Trent*, 28.

[84] Euan Cameron, *The European Reformation, 2nd ed* (Oxford: Oxford University Press, 2012), 96.

[85] Carsten, *Princes and Parliaments in Germany*, 374.

[86] Carsten, *Princes and Parliaments in Germany*, 376.

amongst the clergy, which was a direct response to both the issues he was facing from his own estates as well as the same issues the Habsburgs confronted in their imperial territories.[87] Two months following Baumgartner's speech, Albrecht V sent two envoys to ask the pope for an indult for the lay chalice (which he was not granted), showing the dire nature of the situation as well as the belief that the decision would eventually come down to the pope and not the council.[88] This is further proved by Albrecht V telling his own estates at the *Landtag* in March of 1563 that he was deferring the chalice issue to the pope for three months. Following this, the estates granted him the money he was requesting, and his denial of their rights following the diet along with his condemnation of the spread of their confession, led to massive amounts of dissatisfaction amongst the Lutheran nobles.[89] Things drastically began to change as it was the same year that the Council of Trent concluded, and the Lay Chalice Controversy gave him an opportunity to exploit anti-Lutheran sentiment and rally his Catholic base.[90]

Due to Albrecht V's denial of the Lay Chalice and the other Lutheran demands at the 1563 Diet, the leader of the Protestant estates, Pancraz von Freyberg (1508-1565), sent a desperate letter detailing the situation and conveying the estates' sense of futility to Joachim Count of Ortenburg (r. 1551-1600), whose imperial county was an enclave

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[87] O'Malley, *Trent*, 186.

[88] O'Malley, *Trent*, 187.

[89] Carsten, *Princes and Parliaments in Germany*, 379.

[90] Soergel, *Wondrous in His Saints*, 75.

within Bavaria, and who converted his county to Lutheranism six months after the March Diet.[91] Joachim's conversion presented a confessional threat to Bavaria as Ortenburg was an easily accessible Lutheran county, which people could slip away to for Lutheran worship and presented itself as a festering wound to Albrecht V. It also represented a wonderful opportunity with which to exploit Catholic fears in the region. Due to Joachim's conversion, Albrecht V argued against his imperial immediacy, and demanded the enclave to be reconverted to Catholicism, and following Joachim's legitimate refusal, Albrecht V occupied the county by force, locking Joachim away, forcing out his preachers, and collecting the correspondences that he had from the Lutheran members of the Bavarian estates.[92] Even though the letters were not truly calls to armed action against the duke, they were portrayed as such, and in June 1564 Albrecht V held a tribunal that ultimately forced the Lutheran nobles to ask for a pardon, and to guarantee him that they would leave any desires for Lutheran reforms behind them. This marked the last time the estates had any real power to push for such matters. Ironically, at the conclusion of the Council of Trent, the council left the Lay Chalice Controversy up to the pope and two months before the tribunal on April 16th, 1564 Pope Pius IV (r. 1559-1565) gave an indult to Ferdinand I and Albrecht V to allow the Lay Chalice within their lands, leading to Albrecht V withdrawing it entirely in 1571.[93] Moving forward the estates would not be

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[91] Carsten, *Princes and Parliaments in Germany*, 380; Soergel, *Wondrous in His Saints*, 76.

[92] Carsten, *Princes and Parliaments in Germany*, 380.

[93] O'Malley, *Trent*, 252.

obstacles to the Jesuit led Bavarian Counter Reformation, with the exception of Joachim who would fight the Wittelsbachs in the imperial court and ultimately keep his imperial immediacy as a Lutheran County in 1573.[94]

The supposed failed plot marks a turning point where Albrecht V used anti-Lutheran fears, and the possibility of a regicidal Lutheran plot to crush any dissent within the state, and the remainder of his reign would see him break the estates, as the noble majority had been. The Wittelsbachs' close relationship with the Jesuits and the pope nullified the prelate's dissent in the *Landtag*, and the cities of Bavaria were also never powerful enough to resist the dukes, so once the nobility was broken, so too would be the remainder of the estates' power and resistance. Following the plot Albrecht V commanded state officials to seize the goods and property of any Protestants and to hold them ransom until they converted, placed fines on anyone going to neighboring states to engage in Protestant worship, and book sellers were required to register with the state and cease the importation of any Protestant books.[95] The coup was used against Lutheranism in general, and Lutheranism itself was portrayed as incompatible with the Bavaria state: a confession that was destructive to the natural order and counter to the development of a unified state. Effectively the coup and how Albrecht V reacted to it delegitimized Lutheranism as being either correct or Bavarian. By 1570 all Protestants were ordered to

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[94] Carsten, *Princes and Parliaments in Germany*, 380.

[95] Soergel, *Wondrous in His Saints*, 76-77.

convert or emigrate, asserting Bavaria as a Catholic bastion.[96] In essence Albrecht V

declared war on Lutheranism within his territory, but beyond that, he was effectively

eliminating the pretext that Lutherans themselves had any right to leadership within

Bavaria. In effect this began the process of not declaring Lutherans to be heretics, but

truly not Bavarians. The new state apparatuses that would appear moving forward would

be Catholic in nature, with Counter Reformers at their helm, and even through

propaganda the Bavaria populace itself would embrace a Catholic identity with it closely

tied to the imagery of the Wittelsbach dukes.

The Marriage of Church and State

With the titanic shift in confessional power between the Lutheran nobility and

Albrecht V following the coup, Albrecht V ramped up his efforts to bring the entire

government of Bavaria and its key figures back into the Catholic fold, and with no

pretenses of religious toleration. Following the Treaty of Augsburg 1555, princes

throughout the Empire quickly sought to implement their right of own preferred faiths

under *Cuius regio, eius religio* (whose realm, their religion), with the bulk of the

Protestant princes appropriating the Catholic churches' lands in their territories and

enforcing doctrinal changes through *Kirchenräte* (church councils), which would later be

perfected in the 1570s by Bavaria.[97] The most important institutional change that ensured

the uniformity of the Bavarian church moving forward was the establishment of the

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[96] Soergel *Wondrous in His Saints*, 77.

[97] Whaley, *Germany and the Holy Roman Empire Vol 1*, 489.

Bavarian *Geistlicher Rat* in 1570, an institution built upon the principle of church and state. The *Geistlicher Rat* was not created to completely stifle the church but to guide it. It did that by primarily pursuing established Jesuit and Wittelsbach aims within the territory, silencing any Protestant dissidents, and then maintained the confessional purity of the ruling classes.

The *Geistlicher Rat* enabled Albrecht V and his successors to maintain a strict level of control over the church and clergy within Bavaria, enabling them to build themselves up as a model Catholic dynasty, state, and people. The *Geistlicher Rat's* power extended over schools, the administration of ecclesiastical property, appointment of parish priests, and the observance of decrees concerning religion.[98] It was comprised of both secular and ecclesiastical officials, who not only aided in the creation of Wittelsbach policy but helped enforce it through their own visitations upon the territory and its churches. The visitations would ensure the orthodoxy of the clergy within Bavaria, and once the clergy had been vetted, they could then teach the Counter Reformation doctrine and report on the adherence to the new doctrine of their church members, primarily members of the nobility.[99] They would certify how devout Catholic officials were by documenting their attendance at communion and confession. Overall, the *Geistlicher Rat* ensured Catholic hegemony over all aspects of the burgeoning Bavarian state. The institution allowed for even more overlap between the church and the

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[98] Whaley, *Germany and the Holy Roman Empire Vol 1*, 489.

[99] Soergel, *Wondrous in His Saints*, 77.

state than had existed prior to its founding, with both the secular and ecclesiastical unifying under the same institution and the duke. The *Geistlicher Rat* also advised the dukes on various matters of state, reaching far beyond their scope of simply being spiritual advisors, which is to be expected during the confessional age. The *Geistlicher Rat* became, in effect, the backbone of the Bavarian church, and slowly was able to adapt itself into the state's propaganda machine.

The *Geistlicher Rat* enabled the Wittelsbachs to appear as a model Catholic dynasty by showing them to be pious, educated, and stalwart defenders of the Catholic faith. Over time this ensured a certain amount of loyalty from the Bavarian people towards their Wittelsbach lords. In essence, they cultivated a distinctive Bavaria identity that was tied to the Catholic church as well as the Wittelsbach family, ensuring that the loyalty of the people, administration, and nobility were tied to the dynasty by their shared faith. They exhibited these traits well before the Thirty Years War or Peace of Westphalia showing that Bavaria was successfully forming a state before they were able to enjoy autonomy from the Empire as Brandenburg-Prussia would. Bavaria was undergoing processes that Prussia would not undergo for a full century. Instead of fully relying on a military commission and structure to organize its state, the Wittelsbachs instead opted to engage in state building using the power of the church and its subjects' adherence to the faith to create order. This would be seen in the further expansion of the Wittelsbachs' power with regards to the clergy and church within their lands during the reign of Duke Wilhelm V.

Wilhelm V also known by his epithet Wilhelm the Pious was a much more

spiritual leader than his father, Albrecht V. His rule would bring some economic hardship

to Bavaria that was predominantly due to him using his wealth to elevate the status of the

Bavarian church, which led to an even closer relationship with the Jesuits and the

papacy.[100] By September 5, 1583, Wilhelm V signed a concordat with the papacy

allowing for the full ducal control of all resources and clergy within Bavaria.[101] The

concordat allowed for controls over elections of the prelates, regulated the visitations by

the clergy (requiring secular involvement), and allowed ducal control over the church and

its persons.[102] This further strengthened the position of the dukes along with that of the

Geistlicher Rat, removing many of the ambiguities that may have existed prior to the

concordat, inexorably linking it to the Bavarian church. The concordat elevated the

control that the duke already possessed, extending it over the prelates and not just parish

priests, ensuring that they maintained control over the upper echelons of the church

within Bavaria and not just over the lower rank and file. This also enabled them to ensure

confessional uniformity throughout every layer of the church, and not just its impact on

citizens within Bavaria. The agreement between the church and Bavaria enabled the

Bavarian church to be set aside as a distinct Bavarian Wittelsbach institution and it

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[100] Alexander Fisher, *Music, Piety, and Propaganda: The Soundscapes of Counter-Reformation Bavaria* (New York: Oxford University Press, 2014), 41.

[101] Hughes, *Early Modern Germany*, 72-73.

[102] Chester Higby, *The Religious Policy of the Bavarian Government during the Napoleonic Period* (New York: AMS Press, 1967), 64.

became the prototypical arrangement moving forward in the confessional era. The concordat of 1583 marks an important shift in the Counter Reformation, both with how big of a shift it is from the past and how it provided real tools with which to wage confessional conflict.

Through peace and support of the papacy, Wilhelm V gained a concordat allowing for stricter control over the territory's churches, instead of that obtained through conquest like Francis I (r. 1515-1547) had gained sixty-years prior during the Italian Wars. This shows how far the Catholic church had changed in response to the Counter Reformation and the faith that the contemporary church supported the Bavarian Wittelsbachs' confessional aims within Bavaria. When the Catholic church held a monopoly over the bulk of Europe and was seemingly gaining power as a secular territory through the Papal States it almost necessitated a military loss for it to grant that kind of oversight over a territory's churches to a secular ruler. During the Protestant Reformation the papacy's position in Europe would only wane, with the losses to the Habsburgs in the Italian Peninsula, along with the rapid spread of Protestantism throughout Europe. The secularization of church property within the Empire arguably had the largest impact on the change in policy, allowing for the 1583 concordat to Wilhelm V, as shared control over church property within a territory in order to maintain the confession in the region was far preferable to the outright Lutheran confessionalization of the territory. By signing such a generous concordat, the papacy was creating a pull factor for princes of the Empire who may have been concerned with access to the church resources and may have seen the secularization of the church in their lands, as the only

way forward. For the Bavarian Wittelsbachs however, under the concordat and along with the *Geistlicher Rat,* they were able to enjoy access to the churches resources without secularizing it and cutting themselves off from the wider network that the Catholic church offered.

The year 1583 also saw both the beginning of the construction of St. Michael's church in Munich, which was to become a Jesuit beacon within Europe, and the beginning of the Cologne War in which Wilhelm V supported his brother's claim as Elector of Cologne over the recent Lutheran convert Gebhard Truchsess von Waldburg (r. 1577-1583).[103] Though separate events, they highlight how Bavaria under Wilhelm V was the prime example of the Counter Reformation, acting both domestically and intervening in the Empire at large. His active role in creating Jesuit institutions along with defending Catholicism in the Empire alongside his Jesuit educated brother was an indicator of his ultimate aspirations for the dynasty. Due to their own decisive actions the Wittelsbachs were able to gain the trust of the papacy and along with it domestic control. Essentially it was easy to allow for such a concordat at the time as it both stopped the spread of Protestantism in Bavaria and gave the Wittelsbachs more leeway in exporting the Counter Reformation to the whole of the Empire, with the added benefit that Bavaria was not a Habsburg dominion.

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[103] Thomas, *A House Divided*, 85; Whaley, *Germany and the Holy Roman Empire Vol 1*, 402.

By 1591 Wilhelm V required all officials within the state to swear the Tridentine Creed, fully solidifying the state as a Catholic one.[104] It not only ensured the Wittelsbachs that their administration only contained Catholic professionals, but it also signaled to the people that Bavaria was safely in the hands of a Catholic state. This was expanded to the normal citizens and in doing so the Wittelsbachs added yet another layer of difficulty to the possibility of other reform attempts within Bavaria, bolstering the appearance of a vibrant and uniformly Catholic populace. Any attempts at fostering Lutheranism or Calvinism would have to take place behind closed doors and in secrecy, as from all outwards appearances those who held or sought to hold political power were Catholic. The addition of the creed in all aspects of life also aided Bavaria outside its borders, as in the near future Bavaria could be seen as a supremely Catholic icon, their religious uniformity is far from something that the Habsburgs could claim within their own lands for over a century. As a result, it was easy for other Catholic states, especially the archbishoprics and bishoprics, to turn to the Bavarian Wittelsbachs for leadership, as the legal organs of the Empire failed to maintain the eternal peace.

Bavarian State Propaganda

Even though Bavaria used its burgeoning state apparatuses to attack elements hostile to the duke, early modern states could not simply legislate away their opposition through oaths of allegiance as this seldom invaded their private lives. Compared to

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[104] Hughes, *Early Modern Germany*, 72-73.

modern states they lacked efficient and quick communication. The early modern princes were far from perfect when enacting policy and subversive elements tended to linger even in the face of policies hostile to them. To stamp out competing ideologies the state resorted to using propaganda, symbolism, and pageantry in order to change the culture within and enroll the public in combating the undesirable elements.

Bavaria was no different in this regard, without a massive state surveillance apparatus ducal power could be ignored and particularly in places far from its seat of power in Munich. Just as the Counter Reformation had shaped Bavaria's academia, estates, and institutions, it too would shape its propaganda. The primary goal of Wittelsbach propaganda was to stamp out Protestantism within Bavaria, fully entrench Reformed Catholicism as the state religion, and finally, to outwardly paint Bavaria as not only a Catholic state, but a holy land similar to Jerusalem, with which other Catholic states could rally around. Where their legislation may have fallen short, their propaganda would truly alter the perceptions that people had about the Wittelsbachs and Bavaria.

The largest single spectacle that the Wittelsbachs relied upon even during the beginnings of the Protestant Reformation was that of the feast of Corpus Christi and its accompanying procession. During the Protestant Reformation, Corpus Christi took on special significance as it played an integral role in the ongoing debate of the Eucharist. Its celebration, or lack thereof in a territory was indicative of the professed religion and in particular within bi-confessional communities it could bring derision from Protestants, as

at this time it was only celebrated by Catholics.[105] At its basic level Corpus Christi was to

celebrate the real presence of God in the Eucharist, bring the community together and to

have the procession bless the town or city. In the case of Wittelsbach Bavaria it was the

perfect chance to outwardly show the piety of the dukes, their court, and the state in

general.[106] Unlike many other territories within the Empire, Bavaria never tried to

abandon the Corpus Christi celebration but under the reign of Albrecht V, it would be

elevated to new heights and become a true spectacle of state propaganda.[107]

      The religious divide within the Empire led Duke Albrecht V to reinvigorate the

Feast of Corus Christi and ensured that it would not disappear in Bavaria as it had

elsewhere. Under his leadership and patronage, it became an important piece of the

Wittelsbach mythos. The most important roles within the procession were filled by

Albrecht V and his court, a tradition which would be carried on well into Maximillian I's

reign, ensuring that the dukes and their courts were actively promoting both Corpus

Christi itself and the strict adherence to Catholic doctrine.[108] The 1574 Corpus Christi

procession, for example, had two parish priest escorting the monstrance with its host

followed by Albrecht V and his court concluding it, intertwining the imagery of the

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[105] Bireley, *The Refashioning of Catholicism*, 107.

[106] Soergel, *Wondrous in His Saints*, 80-81.

[107] Soergel, *Wondrous in His Saints*, 86.

[108] Soergel, *Wondrous in His Saints*, 89.

Eucharist with Albrecht V and his court.[109] The main change that he brought to the procession though was the sheer size and magnitude of the spectacle, and over the course of his reign he effectively doubled it in size and scope, with that trend also continuing far beyond his reign.

Albrecht V even personally shouldered much of the costs of the feast and procession, he paid for all costumes, which only grew more elaborate over time, and even had to commission a building to house all of the costumes year-round. A building which would get added to during the reigns of both Wilhelm V and Maximillian I.[110] Even during economic hardships it would become the burden of the dukes to continue bearing the cost as it was completely woven into their image, and it was an image that conveyed that they were pious leaders and practiced what they preached in front of the peasantry. Modern propagandic processions through the course of the twentieth century conveyed military might, but during the Confessional Crisis of the sixteenth century what truly mattered was conveying one's own piety and trying to ensure their state remained and even shifted closer to their own beliefs.

The religious propaganda extended beyond elevating the Wittelsbach family, it also revolved around turning Bavaria into a holy land in its own right. A place worthy of pilgrimage and respect within the Empire. In order to do this the Wittelsbachs along with the Jesuit Order returned focus upon pre-existing pilgrimage shrines within Bavaria,

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[109] Soergel, *Wondrous in His Saints*, 88.

[110] Soergel, *Wondrous in His Saints*, 87-89.

downplaying the role of international shrines--such as the ones in Rome--and tried to legitimize their own in the face of Protestant opposition. The legitimization of these shrines involved the support of the Jesuit Order, widespread publication about the various shrines and their miraculous abilities, various state apparatuses, and the direct actions of the duke and his court.

As it had been with Corpus Christi during the beginning of the Protestant Reformation, pilgrimage had declined, and along with it, the belief in saints, miracles, and relics as many Protestants condemned such practices and tried to paint them as foolish if not heretical.[111] As a result these vestiges of the Catholic order were attacked.[112] One way in which the Catholic clergy would combat this and legitimize pilgrimages and shrines was through the publication of collections of miraculous testimonies which detailed an extremely high amount of miracles worked by and at the shrines.[113] However, simple retellings were not enough to appease the growth of Lutheranism over the course of the middle of the sixteenth century and as a result a growing academic elite within Bavaria sought to legitimize the shrines through more stringent means, taking the war of confessionalization to the printing presses. With regards to Bavaria, the war of confessionalization during the sixteenth century was spear headed by two counter

[111] Cameron, *The European Reformation*, 249.

[112] Cameron, *The European Reformation*, 249.

[113] Soergel, *Wondrous in His Saints*, 103.

reformers, the Jesuit priest Peter Canisius, and a non-Jesuit priest, Martin Eisengrein, both of whom would be leading faculty members at the University of Ingolstadt.

Peter Canisius was instrumental in spreading Jesuit influence over colleges and universities in the Empire and installing a new Counter Reformed academia along with them, trying to change the makeup of the clergy itself. The long-discussed abuses of the church were grounded in reality, and many Counter Reformers were well aware of the fact that the church and its clergy were not perfect. Many members of the clergy needed to be reformed or removed under this thought. Peter Canisius lamented the disjointedness between the church and the clergy, and primarily that of the German prelates, which he discussed in a 1576 letter to Cardinal Morone.[114] Canisius described the Empire's situation as being dire to Morone, primarily blaming the prelates for being absent from their diocese, unaware of the true issues, uneducated, and outright immoral.[115] This is a scathing condemnation of the Empire in that the Council of Trent which had sought to remedy all of these issues had ended thirteen years earlier, but the church had virtually no presence in the north by this time. In this same letter Canisius argued to remedy this deficiency through the creation of more seminaries, colleges, universities, and to actually

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[114] "The Plight of the Old Faith – Peter Canisius, SJ, to Giovanni Cardinal Morone (1576)," trans. Julie K. Tanaka, Ghdi, accessed March 24, 2022, https://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=4408

[115] "The Plight of the Old Faith – Peter Canisius, SJ, to Giovanni Cardinal Morone (1576)," 2-5.

hold church canons responsible for choosing Counter Reformed prelates.[116] Although

these complaints and solutions were discussed relative to the prelates within the Empire,

the biggest success story that Canisius had at this time was in fact the secular Duchy of

Bavaria. Even though Canisius argued against the taxation of the clergy by German

princes and the immorality of the nobility, it was ironically the strict Bavarian church that

made the greatest inroads towards the Counter Reformation.[117] The letter shows that the

church's position within Germany at the time was dire, and even then, that the church

remained resistant to change. It is inferred that the only way it could be reformed was

through direct intervention of the church, education, and ultimately by punishing unruly

prelates and church canons until they complied, which Bavaria had done.

Canisius was also a prolific writer in his own right, being one of the most widely

read devotional authors.[118] He wrote arguably the most influential Catholic catechism

during the Counter Reformation dedicated to Ferdinand I in 1555, and pushed for its use

in Bavaria by urging Wilhelm V to employ it widely within Bavaria.[119] He brought

Catholic literary legitimacy to Bavaria during his life time, undoubtably impacting all

aspects of Bavarian society, and was key to merging the Jesuit rhetoric with the

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[116] "The Plight of the Old Faith – Peter Canisius, SJ, to Giovanni Cardinal Morone (1576)," 1-6.

[117] "The Plight of the Old Faith – Peter Canisius, SJ, to Giovanni Cardinal Morone (1576)," 4.

[118] Bireley, *The Refashioning of Catholicism*, 106.

[119] Thomas, *A House Divided*, 114.

Wittelsbach dukes. However, he was not alone in elevating Bavaria's image abroad, and certainly not within its borders.

Martin Eisengrein was a Catholic convert who, upon his failed attempt to expel Protestant students from the University of Vienna, was ushered into Bavaria at the request of Albrecht V and Friedrich Staphylus (1512-1564), the University of Ingolstadt's rector. He arrived in Ingolstadt in 1562 and immediately began his efforts to not only expel Lutherans from the university but from Bavaria itself. In many ways he was the architect of Counter Reformed Bavaria as he was a major proponent of the use of Corpus Christi within Bavaria as a means of adherence to the faith and defended it religiously. He helped eradicate Lutherans from the universities, and most importantly he was the primary driver in reassuring the public of the importance of their shrines and how they relate to Bavaria itself and the reigning dukes.[120] Eisengrein was one of the most successful theologians that attempted to reassert the legitimacy of the saints and their shrines with his 1564 work *A Christian Sermon Concerning the Reasons Shrines Are Held in Such High Esteem in the Catholic Church,* which would have seven editions printed by 1600.[121] Eisengrein's seminal work was his 1571 work *Our Lady Altötting*, in which he tied Bavaria's origin to Biblical times, and in it he established the importance of the shrine all the way back to 540 A.D. Through the entire work he highlights the shrines' importance through each preceding century, arguing that it has always been a religious

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[120] Soergel, *Wondrous in His Saints*, 105-107.

[121] Soergel, *Wondrous in His Saints*, 108.

pillar within the Empire, not only important to the Dukes of Bavaria, but to the Empire as a whole.[122] The work contains numerous miracles performed there, with the most important being the contemporary exorcism of Anna Von Bernhausen in 1570 by none other than Peter Canisius himself. The story shows the power of pilgrimage, miracles, and the reliability of Jesuit priests in their duties of keeping evil at bay, which was important to convey to the reader that evil was a real and present danger in the world, and that the Catholic church and Bavaria's own shrines could be used as weapons to combat it.[123]

Works like *Our lady Altötting* were enhanced by the strict adherence to pilgrimage by the Wittelsbach dukes themselves, whether through true belief or for propagandic reasons; they engaged in many pilgrimages to Bavarian shrines, choosing to practice their faith within the duchies borders and prescribed it to their court and their peasantry. Between 1522 and 1571 the Wittelsbach dukes had stopped leading large pilgrimage processions to their shrines, but following the publication of Eisengrein's work, Albrecht V began to take a more active and visual role in pilgrimages to the shrines and thus it became a show of both his own devotion and the importance of the shrines in relation to the state.[124] Albrecht V even spoke of being caught in a storm on the Abersee and promised a pilgrimage to Altötting in return for being saved. As a result the next

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[122] Soergel, *Wondrous in His Saints*, 111-115.

[123] Soergel, *Wondrous in His Saints*, 119.

[124] Soergel, *Wondrous in His Saints*, 160.

year, he undertook the journey and bestowed the shrine with new regalia and subsequently vast importance within Bavaria.[125] For all of these efforts between Canisius, Eisengrein, and Albrecht V, Bavaria saw a resurgence in pilgrimage to its various shrines, and even though it may not have directly destroyed any Lutheran threat, it did reinforce the state and the church's commitment to pilgrimage and Catholic imagery.

The Wittelsbach dynastic ambitions also led to their push for Munich to possess a holy shrine of its own and elevate it as an episcopal power. In 1576 Albrecht V arranged for the acquisition of the remains of St. Benno of Meissen, and in doing so brought them to the Wittelsbach family chapel; thus St. Benno was turned into the Patron of Munich.[126] To celebrate St. Benno and to create a direct connection between him and the Bavarian Wittelsbach dynasty, Wilhelm V began construction of the Benno Arch at the Church of Our Lady, where Benno's remains would be transferred to in 1580. The church would eventually be completed by Maximillian I in 1623.[127] The new mausoleum under the Benno Arch glorified Louis the Bavarian, painting the Wittelsbachs as an imperial family, and brought them closer to their own imperial ambitions.

Unlike many of their Catholic contemporaries Albrecht V and Wilhelm V along with the Jesuits like Martin Eisengrein and Peter Canisius, refused to shy away from the more critiqued aspects of Catholicism such as pilgrimage, the saints, relics, and miracles.

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[125] Soergel, *Wondrous in His Saints*, 160.

[126] Soergel, *Wondrous in His Saints*, 182.

[127] Soergel, *Wondrous in His Saints*, 182.

The Protestant reformers may have argued against them and denied their relevance, but in embracing these elements the Wittelsbachs were able to add a wholly Catholic element to their duchy, and the perceived holiness of the territory bled over onto the ducal family itself. Through the repetition of this rhetoric in the written and spoken word, along with pageantry (processions and pilgrimages), it became a pervasive part of the lives of Bavarians, and it aided in developing a uniquely Bavarian cultural experience that ensured Bavaria remained predominantly Catholic even into modern times. Bavaria's reconfessionalization of the duchy and its success was more impactful than any restrictive ordinance that they had passed.

Diplomacy

Albrecht V successfully transformed Bavaria into a Catholic dominated state by the end of his reign in 1579, allowing for his successor Wilhelm V to further refine the state, and in particular, its standing within the Empire and within the church. Wilhelm V did not have to suffer through as much internal strife during his reign as Albrecht V, allowing him to focus more of his efforts outside of Bavaria's borders. Wilhelm V was more pious than his father, driving him into an even closer relationship with the Catholic church. Wilhelm V would use this relationship to gain power within the Empire at a faster rate than his predecessor.

One of the main benefits that non-Catholic principalities enjoyed within the Empire was to secularize church property within their borders, and to wage war against their ecclesiastical neighbors in order to gain more territory for secularization. Those

policies tended to be more immediately impactful, but with Bavaria remaining Catholic

and being a leading Counter Reformation state, the Wittelsbachs and their supporters

benefited from the inverse. Through protecting the church within the Empire, they

became obvious candidates for ecclesiastical vacancies. Filling these positions as

imperial bishops or other ecclesiastical positions came with privileges and access to the

wider church network. Pluralism (holding multiple benefices) was one of the main abuses

against the church that Lutherans had rallied against since their inception, and yet over

the sixteenth century Catholic pluralism had become even more widespread in the

imperial church. This practice had become necessary to slow the spread of Protestantism

as it was advantageous to hold multiple bishoprics in order to protect the whole church

against Lutheran encroachment.[128] Through keeping multiple benefices in union an

archbishop, or bishop could better resist outside threats through their cumulative power.

The continued practice of pluralism primarily benefited the Bavarian Wittelsbachs along

with the Habsburgs as both were powerful families that could bring long needed stability

to the church in the Empire.[129] They were placed there to stave off the encroachment of

Lutheran administrators, which set it apart from many of the trends in the church

elsewhere, as pluralism and absenteeism had become frowned upon following the

Council of Trent.[130]

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[128] Wilson, *Heart of Europe*, 133.

[129] Wilson, *Heart of Europe*, 133.

[130] O'Malley, *Trent*, 231-232.

The Wittelsbachs' foremost success at attaining power within the German church came through Albrecht V's son, Elector Ernst of Bavaria (r. 1583-1612), who became the paragon of pluralism. Albrecht V was successful in campaigning for twelve-year-old Ernst's appointment as Bishop of Freising in 1566, followed by Bishop of Hildesheim in 1573.[131] Wilhelm V continued to champion his brother Ernst's cause aiding him further in gaining the Bishopric of Liege in 1581, but more importantly the Bishopric of Münster in 1585 and Archbishop of Cologne in 1583, solidifying Wittelsbach and Catholic influence in northern Germany at the heart of Protestantism.[132] Ernst was chosen as the Elector of Cologne in 1583 following Elector Gebhard Truchsess von Waldburg's conversion to Calvinism in 1582. Gebhard subsequently attempted to secularize the electorate, which would have led to a Protestant majority amongst the electors alongside Saxony, the Palatinate, and Brandenburg, and also posed a strategic threat to the Habsburg Spanish Road.[133] The international power shift that this would have caused in relation to imperial elections and the hostilities in the Netherlands would have been tremendous, and the Catholic attempts at avoiding these threats led to the Cologne War (1583-1588). The papacy, Wilhelm V's Bavaria, and Habsburg Spain fought against

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[131] Lutz and Ziegler, "Das Konfessionelle Zeitalter. Ersten Teil," 391.

[132] O'Malley, *Trent*, 62.

[133] Dieter Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil: Die Herzöge Wilhelm V. und Maximilian I.," in Spindler, *Handbuch der Bayerischen Geschichte II*, 398-399.

Gebhard and his supporters to ensure Ernst's appointment, creating a Catholic/Wittelsbach bastion along the Rhine.[134]

The victory in the Cologne War gave the Bavarian Wittelsbachs access to an electorate which would pay dividends later once Bavaria also gained the electoral dignity.[135] The Wittelsbachs would hold the archbishopric until 1761, with it being considered a secundogeniture, giving the dynasty lasting power amongst the electorate and outside of Bavaria's borders.[136] When Ernst died in 1612, his nephew Ferdinand, who had been his coadjutor since 1595, replaced him as the Elector of Cologne, Bishop of Hildesheim, Liege, Münster, and had gained for himself the Prince-Provostry of Berchtesgaden in 1595 and the Bishopric of Paderborn in 1618; holding all of them until death in 1650.[137] Ferdinand of Bavaria mirrored his brother Maximilian I of Bavaria in the length of his reign, as well as his roles in the Counter Reformation and the Thirty Years War, and as such they became the twin Wittelsbach pillars of the Empire for the first half of the seventeenth century.

Throughout the latter half of the sixteenth century the Wittelsbachs and their supporters were elevated to many different bishoprics such as Wilhelm V's other son

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[134] Hughes, *Early Modern Germany*, 70; O'Malley, *Trent*, 62.

[135] Babel Rainer, "The Duchy of Bavaria: The Courts of the Wittelsbachs c. 1500-1750." in *The Princely Courts of Europe: Ritual, Politics and Culture under the Ancien Régime*, *1500-1750*, ed. John Adamson (London: Weidenfeld & Nicolson, 1999), 190.

[136] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 400.

[137] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 399-400, 403.

Philipp-Wilhelm (r. 1579-1598) who became the Bishop of Regensburg in 1579 at the age of 3, and a Cardinal at age 20 before his unfortunate death at age 22.[138] The intention of the accumulation of these benefices can be best seen in letters written by Philipp-Wilhelm and Ferdinand to their mother discussing their desire to convert Lutherans within their bishoprics, in order to support and compliment their brother Maximilian I's rule, and to bring glory to the House of Wittelsbach.[139] Although they may have been fairly young when they wrote those letters it does stress that these concepts were ingrained within them. Their positions as prince-bishops were determined spiritually by their removal of Protestantism and secularly through their support of their brother in imperial power struggles. The church became a part of the Wittelsbachs early modern state in its projection of power outward in the Empire, just as it had been married with their state internally through the *Geistlicher Rat*.

The other main political tool used to foster diplomatic relations during the early modern period was that of marriage, and the Wittelsbachs used marriage to strengthen their cause. Even though they were imperial rivals of the Habsburgs for most of their family's existence, they heavily intermarried especially from the sixteenth century onward.[140] The most influential Bavarian Wittelsbach marriages of the sixteenth century were those of Albrecht V to Anna of Austria (1528-1590) in 1546 and Maria Anna of

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[138] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 402-403.

[139] Thomas, *A House Divided*, 60-61.

[140] Thomas, *A House Divided*, 106.

Bavaria (1551-1608) to Karl II of Inner Austria in 1571.[141] At their base levels both of these marriages were important for regional stability in the southern half of the Empire, along with its confessional implications. These marriages were a continuation of Habsburg matrimonial strategy of the time in which, even with their limited potential pool of marriages-- including royal ones--they focused primarily on marrying into families that they shared borders with. Marrying into the Wittelsbachs was in some ways more advantageous than marriage into a royal family that did not share borders with the Habsburgs.[142] Maintaining their power and territory took precedence over its expansion, especially during the confessional age where there was constant regional strife, and a weakening of the Habsburg position in the Empire.[143]

The restoration of the Protestant Duke Ulrich of Württemberg (r. 1498-1519, 1534-1550) in 1534 ended the Habsburg occupation of his lands, thus, Bavaria was no longer hemmed in on three sides by the Habsburgs, however, it also destabilized the region for the Habsburgs and thus they sought a closer relationship with the Bavarian dukes to shore up the south.[144] In his belief that an alliance with Catholic Bavaria would aid in pacifying the Empire, Charles V pushed his brother Ferdinand I to arrange an

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[141] Thomas, *A House Divided*, 166-167.

[142] Paula Fichtner, "Dynastic Marriage in Sixteenth-Century Habsburg Diplomacy and Statecraft: An Interdisciplinary Approach," *The American Historical Review* 81, no. 2 (April 1976): 249–250, 259.

[143] Fichtner, "Dynastic Marriage in Sixteenth-Century Habsburg Diplomacy and Statecraft," 249–250, 259.

[144] Whaley, *Germany and the Holy Roman Empire Vol 1*, 308-309.

engagement between one of his daughter with the then Wittelsbach heir Theodor (1526-

1534), and following his death to the then six year old Albrecht V.[145] Over the course of

the next decade, Charles V's position in the Empire deteriorated as his diplomacy with

the Schmalkaldic League broke down, and to break the neutrality of Wilhelm IV, they

finalized and negotiated the marriage between Albrecht V and Ferdinand I's daughter

Anna of Austria in 1546. While it did not entirely destroy Wilhelm's neutrality, it began a

close relationship between the Bavarian Wittelsbachs and the Habsburgs.[146] Throughout

his life Albrecht V pushed for Ferdinand I's recognition of the Treaty of Pavia (1329) but

to no avail. The intermarriage would bring him a closer working relationship with the

Habsburgs but not one that created immediate and vast changes towards his station.[147]

Anna had to swear off any claim to Habsburg territories as was standard for female

members of the family, ultimately leading to Ferdinand I's statement that the marriage

was for "augmenting and strengthening of friendship" between the two territories, not

necessarily for establishing an unbreakable alliance.[148]

The marriage between Albrecht V and Anna of Austria laid the groundwork for

enhanced Wittelsbach-Habsburg cooperation, but the far more impactful marriage

between the two families was that of Albrecht V's daughter Maria Anna of Bavaria with

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[145] Whaley, *Germany and the Holy Roman Empire Vol 1*, 309.

[146] Carsten, *Princes and Parliaments in Germany*, 370-371.

[147] Thomas, *A House Divided*, 166.

[148] Fichtner, "Dynastic Marriage in Sixteenth-Century Habsburg Diplomacy and Statecraft," 257.

Ferdinand I's son Karl II Duke of Inner Austria in 1571. Due to Inner Austria's proximity to Bavaria, it was a natural arrangement, as it brought Karl II close to the Bavaria Wittelsbachs who could bring both political capital in the region and religious support. Inner Austria had a large Protestant nobility that Karl II desired to combat. Their union had profound impacts on Wittelsbach-Habsburg relations, one being the successful implementation of the Counter Reformation in Inner Austria and later throughout the combined Austrian possessions.

Karl II's primary roadblock to reestablishing Catholicism in Inner Austria was self-imposed, as in 1572 and 1578 he had granted the Lutheran nobility religious liberty, which they also illegally extended to burghers and other Inner Austrian subjects.[149] Just seven years after the concessions, Karl II used his relationship with Wilhelm V to create a plan of attack. This effort culminated in the Munich Conference in October 1579, where Wilhelm V, Karl II, and his brother Archduke Ferdinand II of the Further Austria (r. 1564-1595) discussed and planned the eventual Catholic confessionalization of Inner Austria.[150] The process they developed largely imitated Bavaria's earlier successes. The recommendations from the conference read like a Bavarian roadmap, giving tremendous insight not only into how Bavaria had waged the Counter Reformation, but how it was perceived as successful at the international level.

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[149] "The Counterreformation in Inner Austria (1579-1580)" trans. Heidi Bate, Ghdi accessed April 10, 2022, https://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=4512, 1.

[150] Thomas, *A House Divided*, 168.

The conference's resolutions and its ultimate recommendations to Karl II argued for the complete removal of the concessions already granted to the nobility, but not through immediate and direct ordinances, instead covertly.[151] The end goal definitely was the removal of all Protestant influence within the territory, but fearing a drastic backlash, the conference decided that it had to be a long and deliberate process, beginning by ending the illegal extension that the nobles had given to the towns and other subjects, while still allowing the nobles to practice their own faith as had been granted.[152] The rationale behind this was that the nobility knew or should have known that they were in the wrong for extending the privilege and Karl II was giving them a chance to walk it back themselves; allowing them to save face, even though it was at the expense of the others. Any noble that failed in doing so could be seen as acting in bad faith against the archduke and would be more easily suppressed as a result.

The conference also laid out a list of policies and diplomatic solutions to implement if Inner Austria proved slow to submit to the Counter Reformation, and this list would ultimately come to fruition, based on previously established Wittelsbach policies, along with fostering a closer relationship with them. In effect it was designed to subjugate the Lutheran nobility as Bavaria had, through dividing the noble estates within the territorial estates, giving preferential treatment to Catholic nobles, and use only

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[151] "Decisions of the Munich Conference on Inner Austria (October 14, 1579)," trans. Heidi Bate, Ghdi accessed April 10, 2022, https://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=4512, 1.

[152] "Decisions of the Munich Conference on Inner Austria (October 14, 1579)," 1.

Catholic nobles as officials.[153] In order to achieve these goals, they urged Karl II to build

close alliances with the Counter Reformation in mind, primarily ones with Emperor

Rudolph II, Wilhelm V, Archduke Ferdinand II of Further Austria, the King of Spain, and

the papacy, and to disguise these alliances as being "under the guise of another

purpose".[154] Even though the Habsburg archdukes were facing an Ottoman threat at the

time they factored it into their scheme to alienate the nobility. Karl II was urged to enter

into alliances and secure arms for the defense of his territory under the guise of defending

against the Ottomans when in actuality it was to prepare against a possible Protestant

revolt once he implemented reforms.[155] They even factored in the possible loss of

revenue from the estates and urged him to secure loans or engage in direct taxation if it

was required to maintain the border.[156] All of this was designed to withstand potential

violent pushback from the nobility, which was what enabled Bavaria to crush their

nobles, by accusing Lutheran nobles of disloyalty to the archdukes and any who resisted

would be branded a traitor.

The longer lasting developments pushed forward by the conference are akin to the

other propagandic and academic elements already discussed in Bavaria's own Counter

Reformation. They urged the use of only Catholics within the privy council or for other

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[153] "Decisions of the Munich Conference on Inner Austria (October 14, 1579)," 2.

[154] "Decisions of the Munich Conference on Inner Austria (October 14, 1579)," 2.

[155] "Decisions of the Munich Conference on Inner Austria (October 14, 1579)," 2.

[156] "Decisions of the Munich Conference on Inner Austria (October 14, 1579)," 2.

appointments, primarily recruited native born Catholics and university educated men (primarily Jesuits), and established seminaries in accordance with the Council of Trent, all while Bavaria aided in all of these regards.[157] This was to be confessionalization from the top down as had been done in Bavaria, using approved Counter Reformation ideas, led by Jesuits, and involved a greater cooperation of the Catholic rulers in Europe. This marks the first successful exportation of the Bavarian Counter Reformation in a bid to regain power and prestige over another territory.

Shortly following the implementation of these changes in Inner Austria Karl II received the expected pushback from the territorial nobility, and in addressing their complaints he laid down a decree on December 10, 1580, beginning his Counter Reformation of Inner Austria in earnest.[158] Karl II's decree argued that the concessions had been abused, and the toleration of Protestantism within his territories had led to abuses against the Catholics, and furthermore led to disobedience against himself; effectively Protestantism was a direct challenge to his power and acted as a wedge between him and the people. To combat this Karl II decreed that only Catholicism could be practiced outright in his territories, allowing for personal preachers for Lutherans, but no outright group worship, or the ability for Protestants to assume clerical duties.[159] This

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[157] "Decisions of the Munich Conference on Inner Austria (October 14, 1579)," 2.

[158] "Archduke Charles's Counterreformation Decree for Inner Austria (December 10, 1580)," trans. Heidi Bate, Ghdi accessed April 10, 2022, https://germanhistorydocs.ghi-dc.org/docpage.cfm?docpage_id=5618, 3.

[159] "Archduke Charles's Counterreformation Decree for Inner Austria (December 10, 1580)," 3-4.

decree brought the concessions to their most basic level, allowing the nobles to be able to practice Lutheranism at the personal level, but eliminated the notion that it could be more widespread than that. Karl II was exercising his rights in accordance with the Peace of Augsburg but still allowed momentary religious toleration to pacify the large Lutheran nobility. It was simply a stop gap as the Conference of Munich had shown, all designed to be a slow but sure conversion, designed in all aspects to make the archduke appear outwardly generous.

The next decade would see the implementation of many of the policies urged by the Conference of Munich. Karl II ended the appointment of Protestant officials after 1587, established a church council similar to the Bavarian *Geistlicher Rat*, and even established the Jesuit University of Graz in 1585.[160] Maria Anna of Bavaria herself was most instrumental in bringing about the use of Jesuits as court educators, and was highly influential when it came to sending her son, the future Emperor Ferdinand II, to study at the Jesuit University at Ingolstadt along with his cousin Maximilian I of Bavaria.[161] The influx of Jesuit influence in Inner Austria along with Ferdinand II's upbringing would completely change the trajectory of Austrian confessionalism and make the two families much more culturally in sync. This relationship also led to the close cooperation between Maximilian I and Ferdinand II through the Thirty Years War, which Ferdinand II used to

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[160] Thomas, *A House Divided*, 168.

[161] Thomas, *A House Divided*, 169.

get Maximilian I's aid, and Maximilian leveraged it to strip the Palatinate's electoral dignity for his own.

The successful implementation of the Bavarian confessionalization scheme within Inner Austria also gave legitimacy to Bavaria and its tactics within the Empire and abroad, as it had produced similar results in two separate territories. It had already virtually eradicated Protestantism within Bavaria and its rapid adoption within Inner Austria would prove that it was not simply a one-time fluke. The occurrence of this in Inner Austria would only add to Ferdinand II's reputation as an unyielding Jesuit inspired ruler, and his continuance of it and expansion of it into the rest of his imperial holdings would be a main driver of the Thirty Years War. In many aspects, the diplomatic actions of the Wittelsbachs in pushing their brand of confessionalization would push the Empire closer to the brink of war as they sought to export their imperial vision to the rest of the Empire at an ever-increasing rate.

Even though Wilhelm V was successful in completing what Albrecht V had sought out to accomplish domestically and abroad, it came at great costs to both the finances of the duchy and the personal wealth of the duke himself. What led to the financial collapse is his unabashed support of the Jesuit Order, pursuit of church seats for his kin, and the construction of the St. Michael's Church in Munich between 1583 and 1597, which was the largest and most intricate Renaissance church North of the Alps.[162] St. Michael's symbolizes the aspirations and attainment of those goals by the Bavarian

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[162] Bireley, *The Refashioning of Catholicism*, 88; Fisher, *Music, Piety, and Propaganda,* 41.

Wittelsbachs over the preceding century as it is a church that is the Crown Jewel of the Jesuits. Just as Bavaria had risen as the preeminent Catholic state in Germany, in direct opposition against the Habsburgs, the church also represents what this elevation had cost Bavaria over that same century, and indebted Wilhelm V to the point that he had to abdicate in favor of his son Maximillian I. Maximillian would be just as devout as his predecessor, but he was much more fiscally minded. St. Michael's completion and Wilhelm V's abdication marked a changing of the guard, and a Bavaria that would become ever more involved with imperial politics and the arrival of Bavaria as a true early modern state.

Conclusion

Over the course of the sixteenth century Bavaria had drastically changed, evolving from a more primitive feudal model into the real beginnings of an early modern state on par with the other larger states in Europe, and propelled themselves upwards to the point where they could once again be considered imperial rivals to the Habsburgs. Bavaria transformed from a disjointed territory embroiled in a long-standing family feud into a territory consolidated under one dynasty, indivisible, and dominated by absolutist and Catholic principles. The Wittelsbachs had begun the Reformation as many other principalities in the Empire had. It faced introspection and inward turmoil between the estates, with the Reformation being used as a political tool, and eventually the Wittelsbachs reined in all opposition through the use of the Catholic Church and the Jesuit Order to directly control all aspects of its state and citizenry. This era of state

building was completely dominated by and dictated by the confessionalization of the time and revolved around the perceived supremacy of the church within the territory. These trends would continue on into the next century during the reign of Maximillian I, but ultimately give way to warfare and the changes it brought. Just as many other states engaged in warfare during the seventeenth century, its state apparatuses would need to be altered and give way to more bureaucracy and not lie fully in the hands of the church. Bavaria would change along with its role in the Empire, and even supplant their Calvinist cousins in the Palatinate, making a case for establishing supremacy in the southeastern portion of the Empire.

Even though Wilhelm V's piety was not questioned within Bavaria or abroad, he had aided Bavaria in establishing itself as a powerful state. Alternatively, it had also aided in the depletion of the Wittelsbach and Bavarian treasury. His support of the Jesuits and missions abroad grew to be vastly too expensive for the territorial state to sustain, even though the new colleges would pay long-term dividends. It became clear that Wilhelm V's son, the fiscally minded Maximillian I, should become the duke. As a result, Wilhelm V abdicated his throne to Maximillian I in 1597 and retired to a life in the monastery.

Maximillian I's reign bridges the gap between the two vastly different Bavarias that existed prior to his reign as well as the one that followed. As the longest serving Duke, Elector, or King of Bavaria, his reign marks a drastic transition as he would oversee Bavaria in the tumultuous years of pre-Thirty Years War Germany, throughout the entirety of the devastating war, and afterward be a major player in the peace and the

establishment of territorial states to follow. He was as dedicated to the Jesuit Counter Reformation cause as his father had been, but he approached it from a vastly different angle. His reign did not need to focus on the expansion of Catholicism within his own territory, as his father and his grandfather had done. He did however have to project Bavaria's power outward and initially it would be solely through the church. Maximillian I, and Bavaria under him, played a key role in raising the confessional hostilities that existed in the Empire, in the war effort, and subsequently in the peace process that followed. But first, he had to take over an indebted yet ambitious duchy and turn it into a functional and fiscally run state, unlike that of which his father had left him.

Chapter 2
The Role of the Empire and the Impact of Imperial Reform

To further explore the Bavarian state's development leading up to Maximilian's coronation, it is necessary to understand the other half of territorial state formation, the constitutional developments of the Empire over the same period and their impacts on Bavaria. Popular modern depictions of the Holy Roman Empire try to make it appear as a decrepit empire that had ceased being relevant well prior to its dissolution in 1806, a state that had failed to develop or evolve since the Late Middle Ages. Those depictions tend to discount the federative nature of the Empire and how that gave it ample flexibility and arguably was what enabled it to exist for so long, until confronted with Napoleonic France. The development of Bavaria into a well operating territorial state was in many ways shaped by the Empire itself and its own constitutional developments that occurred over the same period. Unlike independent countries such as France, Bavaria was a powerful component of a larger empire and even with its ample autonomy it still had to develop within a greater imperial framework. The Bavarian Wittelsbachs had to maneuver their duchy through the ever-evolving imperial structure and had to either copy its developments or use the institutions within the Empire to achieve a better position for themselves or to simply augment their own institutions. To understand how it played a role on Bavarian state formation this chapter will discuss the primary constitutional developments of the Empire during the sixteenth century and how it shaped Bavarian

state formation. This chapter focuses on the imperial hierarchy, the Imperial Reforms of 1495, and the rise of imperial state apparatuses stemming from the reforms.

The Empire by the time of Maximilian's ascension was comprised of modern-day Germany, Luxembourg, Belgium, Austria, the Czech Republic, Slovakia, Northern Italy, and arguably the Swiss Confederation (which was all but officially a separate state). It was comprised of a collection of fiefs of varying degrees of size and power, ranging from electorates, principalities, prince-bishoprics, counties, and all the way down to the small holdings of the imperial knights and the free imperial cities. The individual territories were organized by a hierarchical system that largely took shape due to the dynastic ambitions of their territorial dynasties and the accumulation of territory, wealth, and privileges they had accrued over the centuries. The first real effective attempt at codifying the hierarchy into a constitution was through the previously discussed Golden Bull of 1356, which laid a legal framework for the privileges of the electors as one of the ruling classes.[1] The Golden Bull solidified the primacy of the emperor above the imperial estates, but also enabled the seven electors whom voted for the emperor a share of the governance of the Empire along with deriving privileges from their positions as electors.

For centuries the imperial title had been seen as a tool for enriching one's own dynasty as it gave the emperors a fair bit of latitude in dispensing fiefs, and in securing important positions for members of their own house, regardless of which dynasty held the

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[1] "Die Goldene Bulle," trans. Thomas A. Brady and Randolph C. Head, Ghdi, accessed March 16, 2022, https://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=3739.

title. This approach to imperial governance also led to the bartering of benefits and piece milling out parts of the imperial domain to other families to enrich the emperor directly at the expense of the wider Empire. The emperor was responsible largely for the defense of the Empire along with dispensing fiefs, settling disputes, and since its formation, being the defenders of Christendom, at least within the west. By the seventeenth century the imperial title was firmly in the grasp of the Austrian Habsburg dynasty as they were the undisputed, most powerful house in terms of wealth, political clout, raw military power, and sheer size of their familial territories.[2] It had all but become a guaranteed familial title as they grew in status, gaining the Kingdom of Bohemia, Upper and Lower Austria, Styria, Tyrol, and of course all of their holdings outside of the Empire. Not to mention the added influence of their Spanish Habsburg cousins, and their shared impact on the state of European politics. But early on in the beginning of the seventeenth century, it became apparent that the imperial title in many ways hindered the Habsburgs as it embroiled them in far more conflicts in the Empire than they otherwise would have been part of. Using it to press their claims oftentimes resulted in widening the confessional conflict in the Empire. Even with its issues the imperial crown was still a crown to be desired and held much weight within the Empire and Europe as a whole.

The other fundamental issue facing the Habsburg emperors at this time is the success that they had with regards to building up their own territory and expanding their dynasty's influence throughout Europe. Even though the Spanish and Austrian Habsburgs

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[2] Peter Wilson, *The Thirty Years War: Europe's Tragedy* (Cambridge, MA: The Belknap Press of Harvard University Press, 2011), 20.

lines had separated following the abdication of Charles V in 1556, they remained a

formidable political block and most other nations wanted to ensure their separation, as

Habsburg European hegemony was an apparent threat. Any inroads gained within the

Empire giving Habsburgs more power was directly at odds with both the desires of the

other electors and territorial princes, as well as other states within Europe--primarily

France and the Netherlands. The princes within the Empire could only grow their

political power at the expense of imperial power and any attempts to centralize further

under the emperor was widely resisted unless there were major concessions of power

granted to them. It was more than apparent that despite their political clout and military

power the Habsburg emperors stilled needed the estates under them to aid in governing

the Empire.

Below the emperor, the Empire's aristocracy was divided into two remarkably

distinctive groups: those with imperial immediacy (those whose fiefs were granted

through their relationship to the Empire and were only subordinate to the emperor), and

those who did not have imperial immediacy (territories that were subordinate under both

the emperor or another territorial lord of the princely class).[3] The highest ranking nobles

in the hierarchy who possessed imperial immediacy were the electors, whose territories

and status relative to the emperor were directly traced to the Golden Bull.[4] During the

first half of Maximilian I of Bavaria's reign the electorates were comprised of: the

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[3] Wilson, *The Thirty Years War*, 16.

[4] "Die Goldene Bulle," 4.

Kingdom of Bohemia (Habsburg), Archbishopric of Mainz, Archbishopric of Cologne (Bavarian Wittelsbach), Archbishopric of Trier, Electoral Palatinate (Palatine Wittelsbach), Duchy of Saxony (Wettin), and the Margraviate of Brandenburg (Hohenzollern) as outlined in the Golden Bull.[5] They for the most part operated as independent states within the Empire, enjoying a wide array of control within their borders, and effectively established their own state governments within them. The electors were only subordinate to the emperor and had widespread power throughout the Empire in almost every matter outside of the imperial prerogatives.

Under the electors was the princely class comprised of fifty spiritual and thirty-three lay fiefs, each enjoying imperial immediacy, but lacking in electoral dignity.[6] The electors also numbered among this class as they tended to hold multiple fiefs separate from their electorates, such as in the case of the Habsburgs and their familial lands in Austria. The largest and most influential principality without being designated as an electorate was Bavaria. Even though in many ways they approached or in some instances exceeded the real-world power in terms of wealth and military might of a couple of the electorates the distinction between them politically was still stark. It was a primary driver of the Bavarian Wittelsbach's decisions over the course of the fourteenth to the seventeenth century. As previously discussed, they had been attempting to parlay their

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[5] "Die Goldene Bulle," 4.

[6] Wilson, *The Thirty Years War*, 18.

influence into an electoral title since the Golden Bull of 1356 and through their attempts and subsequent failures at having the Treaty of Pavia recognized.[7]

Under the princely class were the counts and prelates controlling a group of approximately 220 fiefs, all of which were miniscule when compared to the princely class or electors, but as a class they enjoyed a reasonable amount of power.[8] Under them (and in similar size yet with less importance) were the imperial knights, comprised of approximately 1,500 small knightly fiefs. The knights enjoyed imperial immediacy, but it was lingering from a bygone era, as by the time of Maximilian's ascension they lacked any real power base within the Empire. The last territorial or governmental unit within the empire was that of the approximately 80 imperial cities, who were subordinate to the emperor in so far as their rights were secured through him and had long escaped any obligation to the princely class.[9]

The emperor, electors, princes, knights, and cities were all important components at the imperial level but were regularly at odds with one another, especially at the regional level. The long line of emperors never gained total control over the Empire like the French kings had and instead successfully pitted the imperial estates against each other to great effect. Emperors often granted privileges to each class or certain members within a class, creating a complex web of privileges within the Empire that complicated

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[7] Andrew Thomas, *A House Divided: Wittelsbach Confessional Court Cultures in the Holy Roman Empire, c. 1550-1650* (Leiden: Brill, 2010), 27, 75, 166.

[8] Wilson, *The Thirty Years War*, 18.

[9] Wilson, *The Thirty Years War*, 19.

regional relations. The privileges that a territory was granted were oftentimes in direct opposition to the goals of another class or territory, with the prime example being the granting of imperial immediacy to certain cities, barring access to their wealth from the princes who once dominated them. The imperial estates would sometimes work in concert when fighting another estate as often was the case when the princes and electors banded together to oppose the cities or the emperor in defense of their collective rights. The web of shifting allegiances and dynastic or urban ambitions was able to exist solely due to the federative nature of the Holy Roman Empire and through it the Empire became a microcosm of state formation. The Empire's own governmental apparatuses were designed to be forums for discussion and not just strictly legislative assemblies, as best to protect the rights of all parties involved and to respect the intricacies of their relations to one another. The Empire of the late sixteenth century was the culmination of generations of infighting between the various electors, princes, knights, lesser nobles, and the imperial free cities, leading to a complexly hierarchical and federated state, which lends itself to the creation of mini-early modern states to form and coexist within it. The first half of the seventeenth century would see both the straining of the Empire's established relief valves as well as the breakdown of its legal processes. This process created valuable opportunity for both foreign nations as well as the territorial princes to exploit at the direct expense of the ruling Habsburg elite.

As shown in the previous chapter, both branches of the Wittelsbachs were slowly but surely making cases for themselves to be viable alternatives to the Habsburgs as the imperial family. Heading into the Thirty Years War the Palatinate was considered to be

the most influential Protestant territory within the Empire, as well as being a full-fledged

electorate, it not only proved to be a rallying point for the other Protestant princes within

the Empire, but it would become the focal point of Protestant states and Catholic France,

a gateway for foreign intervention.[10] The Bavarian Wittelsbachs on the other hand

controlled the largest and most influential principality without the electoral dignity,

which although impressive set the Bavarian Wittelsbachs well below the legal status of

the Habsburgs and their Palatinate cousins. But along with everything else within the

Empire what truly mattered was the size, strength, and relative importance of that

dynasty, and it was never impossible to amass more power and rise up the ladder, as the

Habsburgs had done during the fifteenth century. The best example of that is the highly

documented and meteoric rise of Brandenburg-Prussia following the Thirty Years War,

from diminutive electorate to the unifier of Germany over a century and a half later.

Bavaria itself would rise up through the imperial hierarchy during the sixteenth century

and was largely the result of changes within the archaic imperial structure through the

Imperial Reforms of 1495, and the subsequent creation of the *Reichstag* (Imperial Diet),

Reichskammergericht (Imperial Chamber Court), *Reichshofrat* (Imperial Aulic Council),

and the *Reichskreise* (Imperial Circles), and especially as they pertained to

confessionalism.

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[10] Joachim Whaley, *Germany and the Holy Roman Empire: Maximilian I to the Peace of Westphalia 1493-1648*. Vol. 1 (Oxford: Oxford Univ. Press, 2012), 406, 418.

The Imperial Reforms of 1495

The Golden Bull of 1356 had a widespread and enduring impact on the development of imperial politics, but it is far from the only landmark constitutional development in the history of the Empire. The Golden Bull had been a top-down restructuring of the Empire that was designed to benefit the Luxembourgs and their allies at the expense of the Habsburgs and Bavarian Wittelsbachs.[11] The Imperial Reforms of 1495 would be just as vital to the development of both the *Reich* and Bavaria as the Golden Bull had been, but it would differ in that it was instituted from lower down the imperial hierarchy. Its implementation would create some semblance of security and stability in the otherwise turbulent sixteenth century, and address many of the issues of the past, without resorting to the radical centralization taking place within other states in Europe.

The calls for reform stemmed from destabilizing factors in the Empire during the course of the fifteenth century. The century was marked by an increase in violent internal and external pressures, with feuding between imperial territories and the Hussite War best representing the former, and the rise of the Ottoman threat and an influx of lordless mercenaries being the latter.[12] Since the Empire's founding, feuding had been a legal and viable form of regional conflict resolution but its intensity sharply rose during the century and as a result the Empire hampered its own growth and lagged in relation to other

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[11] Peter Wilson, *Heart of Europe: A History of the Holy Roman Empire* (Cambridge, MA: The Belknap Press of Harvard University Press, 2016), 389.

[12] Wilson, *Heart of Europe*, 398-400.

European states that were centralizing under their monarchies. The Holy Roman Emperors of the fifteenth century were never strong enough to bring the other estates fully under their control and as a result they would have to rely on the aid of the other estates in creating and maintaining peace within the Empire. This is what led to the desire for a viable legal system devoid of violence, a move towards diplomatic statecraft within the Empire, with violence being sanctioned by the estates only as a means of last resort and to be used against blatant abuses.

The external threats to the Empire necessitated a more robust state, one built around cooperation, a system to keep external threats at bay while maintaining peace within. It was a state which was slow to develop due to the lingering feudal aspects of the Empire. The second half of the fifteenth century saw the real beginnings of the Ottoman incursions into Eastern Europe with it rapidly approaching the imperial border. It would engulf Eastern Europe for the next four and a half centuries and would aid in distracting Frederick III and his successors from imperial politics, and it alienated him from potential allies and aid from other members of the Empire. His reign encompassed the bulk of the latter half of the fifteenth century and he primarily spent it embroiled in conflicts within the Habsburg hereditary lands, and in securing the imperial throne for his chosen successor and son Emperor Maximilian I. Frederick III's dynastic ambition led to the need for compromise with the estates who were increasingly demanding reform, and it

led to the renegotiation of the constitutional framework of the Empire, and ultimately led to the reforms that the more diplomatic Maximilian I would enact and oversee.[13]

Maximilian I would enact widespread judicial reforms within the first two years of his solo rule, primarily in exchange for economic reforms designed to bolster the Empire's military and aid in his own dynastic ambitions. Maximilian I met with the other members of the imperial estates in the Imperial City of Worms on February 2nd, 1495. He tried to secure aid from them in his dynastic squabbling against France in Italy, and to create a long-term economic contribution system for the Empire, to be used against the Ottoman Turks and Hungary in the east.[14] Although Maximilian envisioned a quick turnaround time for his efforts this was not to be the case. The reform minded estates sensing a chance for sweeping constitutional changes dragged out the meeting until August 7th, 1495. The Imperial Diet of Worms 1495 marked a break with the past as it set itself apart from all previous meetings of the imperial estates, it was more than just a meeting of the emperor, electors and a few princes as it had been before, it was far more than just a royal assembly.[15] It was the first true meeting of the Empire being comprised of the imperial estates (*Reichsstände*) which legitimized them beyond feudal components

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[13] Michael Hughes, *Early Modern Germany, 1477-1806* (Philadelphia: University of Pennsylvania Press, 1992), 24-27.

[14] Hughes, *Early Modern Germany, 1477-1806*, 24-27; Whaley, *Germany and the Holy Roman Empire Vol 1*, 31-32.

[15] Wilson, *Heart of Europe*, 407.

of an empire but gave them actual ownership over it.[16] The diet itself and the reforms that

they published on August 7th set a new trajectory for the Empire and its members, it

created an avenue for non-electoral principalities to share power within the *Reich*, and

overtime helped them develop into autonomous territorial states.

The two most immediate impacts of the reforms was the implementation of a

perpetual peace within the Empire, and the creation of a four year tax called the Common

Penny.[17] The perpetual peace was to bring about the legal demise of feuding within the

Empire, not only outlawing the creation of new feuds but also calling an end to all

preexisting feuds.[18] To ensure its enforcement the reforms legally bound and compelled

all of the estates to share in its enforcement, even the ones not present at the diet. Any

member of the Empire caught breaching the peace was to be brought under the imperial

ban, denied all assistance from other members, and outlawed any agreement that would

compel someone to violate the peace.[19] The perpetual peace was far from perfect in

implementation as the sixteenth and seventeenth centuries would see the Empire plunged

in confessional conflicts but ultimately it did provide limited stability alongside a legal

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[16] Wilson, *Heart of Europe*, 407.

[17] "Imperial Reform (1495)," trans. Thomas A. Brady, Ghdi, accessed April 20, 2022, https://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=3795, 1, 4.

[18] "Imperial Reform (1495)," 1.

[19] "Imperial Reform (1495)," 1-3.

framework to the Empire and created a shared responsibility of all of its corporal members.

In return for laying the groundwork for the perpetual peace and the judicial reform that followed, Maximilian received the creation of the Common Penny for the defense of the Empire. The estates stressed the importance of such a tax to be used to defend Christendom from heretics and in particular to protect the Empire against all of its external threats, primarily the Ottoman Turks.[20] Although unsuccessful the Common Penny represented a shift in gears for the Empire as attempts at tax reform would reappear several times over the next century as the Habsburg emperors attempted to centralize power, but ultimately the resistance of the other estates and in particular the Protestant princes would stifle those attempts.[21] Ultimately taxation at the imperial level would prove to be almost impossible but it could be successful at the *kreise* level.

The *Reich* was to have a perpetual peace designed to deter princes from resorting to feuds and other forms of violence as a means to deal with their political rivals or territorial neighbors. Its actual enforcement necessitated the creation of legal bodies that could independently settle disputes, apparatuses for the enforcement of said settlements, and eventually regional forums through which a region could enforce the *Reich*'s decisions. The result was the creation of a number of institutions that would come to dominate the *Reich* for the next three hundred years and momentarily for Maximilian I at least to

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[20] "Imperial Reform (1495)," 4.

[21] Hughes, *Early Modern Germany, 1477-1806*, 24-27; Wilson, *Heart of Europe*, 404.

appease his contemporary reform minded princes. The Imperial Reforms also had the unintended long-term consequence of determining the status of every fief within the Empire. Granting the estates a share of the political power within the Empire came at a price, as they would have to bear the burden for its upkeep as well, a requirement that many members who previously had imperial immediacy were unable to meet. [22] These reforms led to the creation of the *Reichstag* as a semiregular institution (until it became permanent in Regensburg in 1663), the creation of the *Reichskammergericht* (Imperial Chamber Court), unintentionally the *Reichshofrat* (Imperial Aulic Council) in 1497, and the *Reichskreise* in 1500 and 1512, which all would have immediate effects on Bavaria upon their implementation.

The Reichstag

The *Reichstag* of 1495 would be far from the only time the estates of the Empire would meet in this capacity and the diet rapidly set itself up as a legislative pillar of the Empire. Even though the *Reichstag* did not meet annually like modern legislatures until 1663, it did become the primary forum for political discourse within the *Reich* and during the Protestant Reformation it would try and fail to bridge the confessional divide. But its most important functions came from its ability to raise taxes to support the Empire (in particular the levying of taxes in the form of money or soldiers for the wars against the Ottoman Turks), as well as supporting the perpetual peace through ongoing discussions at

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[22] Wilson, *Heart of Europe*, 408-409.

the imperial level and for passing legislation that better organized the *Reich*. The *Reichstag* would meet approximately forty separate times ranging in attendance and importance between 1495 and 1654.[23]

Since the *Reichstag* became the most prominent forum in the *Reich* over the sixteenth century, membership to it and subsequently participation in it became the paramount expression of one's status as an imperial estate within the *Reich* and non-participation could and did have dire consequences. The Imperial Reforms placed an actual burden upon its members in return for shared political power within the *Reich* and led to members falling out of the *Reichstag* over the course of the sixteenth century as they sought to avoid any of the fiscally negative aspects of having imperial immediacy.[24] It was organized into three distinct corpuses in a hierarchical structure that mirrored the rest of the *Reich* with the emperor on top followed by the electors, then the princes, and finally the imperial cities. The imperial cities were considered lesser members of the *Reichsta*g without a real say or vote until 1648, but they were still able to voice their concern and participate in a limited capacity.[25] Membership in the three corpus was formalized by 1521 as it became necessary for members to have full immediacy, and that immediacy became predicated upon one's ability to contribute in a meaningful way to the

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[23] Wilson, *Heart of Europe*, 407.

[24] Wilson, *Heart of Europe*, 408-409.

[25] Hughes, *Early Modern Germany, 1477-1806*, 26.

Empire, failing to meet their obligation to pay one's taxes or aiding in the function of the *Reich* and its organs was a way to jeopardize a territories immediacy early on.[26]

By 1521 the *Reichstag* made drastic moves towards firmly establishing a set membership and what that would entail. The *Reichsmatrikel* (Imperial Taxation Register) was compiled and listed all of the supposed members of the *Reichstag*, even though some of them were already in the process of losing their immediacy, and it listed their share of the imperial tax burden.[27] Being on the list implied that the member was an imperial estate and being granted the privileges that came along with such status. The *Reichsmatrikel* is important for showing the makeup at the time of the *Reichstag* between its three corpus with the seven electors forming the Electoral Corpus, the Princely Corpus containing 51 ecclesiastical princes and 32 secular princes exercising individual votes (*virilstimmen*) and 83 prelates and 143 counts which could combine in groups to exercise collective votes (*Kurialstimmen*), and 86 imperial cities in the Imperial City Corpus split between the Rhenish and Swabian benches.[28] Over time the membership of the two "lower" corpus trended downwards over the sixteenth century as the lesser ecclesiastical and secular fiefs were either gobbled up by the larger princes, lost their immediacy due to inactivity in the Empire or from leaving the Empire entirely.[29]

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[26] Wilson, *The Thirty Years War*, 20-21.

[27] Whaley, *Germany and the Holy Roman Empire Vol 1*, 89.

[28] Wilson, *Heart of Europe*, 411.

[29] Wilson, *Heart of Europe*, 411.

By 1582 the membership of the *Reichstag* became fixed, as by this time it became apparent which imperial estates were able to fully meet their imperial obligations, which by this point was mounting due to tensions in the east with the Ottomans. The membership of the *Reichstag* along with its votes were tied to specific imperial fiefs.[30] A territory's membership in the *Reichstag* came with a corresponding single vote within the *Reichstag*, but since the vote itself was tied to the territory it meant that princes that held multiple fiefs could have multiple votes within the respective corpus that the territory belonged in, or in the case of electors, a say in the lower corpus.[31] Affixing the vote to the territory also necessitated rules against dividing an imperial fief up simply to create more votes. A partitioned territory's vote would remain with the senior line of the family, and not be shared amongst the other lines. All of these trends led to the accumulation of more and more fiefs with imperial immediacy in the hands of the electors and other large princely households, whether through purchase, warfare, or the extinction of familial lines.

The *Reichstag* and its seemingly random effects that it had upon the Empire were certainly the product of its members various assortment of members. The Empire was comprised of so many different groups and interests that no state organism within the Empire could have been capable of rapid policy making or of creating concrete resolutions that had widespread appeal. The members of the *Reichstag* each had their

[30] Wilson, *Heart of Europe*, 412.

[31] Wilson, *Heart of Europe*, 412.

own histories alongside the privileges that had been accorded to them over the centuries, thus the *Reichstag* was more of an institution for conversation and discussion rather than a legislative body that is common within the modern world. The emperor was the primary mover of the *Reichstag* as he was the one call it into session and to put forth issues to the estates with which he needed their cooperation. Though often times the imperial estates themselves could put forth issues for discussion, especially if they had empire wide implications that needed to be resolved.[32] The Estates of the *Reichstag* would first vote within their own corpus. Once the issue was presented to each corpus, they would deliberate on the matter within themselves until they could come to a majority decision. The decision was binding regardless of if not every member of the corpus was present (which often times they were not).[33] Even prior to the establishment of the *Reichstag* and the formalization of its process the decision by majority was largely accepted in principle, but it was not actually set in place until the Imperial Diet of 1512, and even then many Protestant princes would take issue with it during the sixteenth century due to its religious implications.[34] Following the Thirty Years War the Peace of Westphalia would allow for the creation of a Catholic and a Protestant Corpus when debating matters of religion.[35] From that point on when discussing matters of religion the two sides were to break into

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[32] Wilson, *Heart of Europe*, 416.

[33] Winfried Schulze, "Majority Decision in the Imperial Diets of the Sixteenth and Seventeenth Centuries," *The Journal of Modern History* 58, (December 1986): S47–S48.

[34] Schulze, "Majority Decision in the Imperial Diets of the Sixteenth and Seventeenth Centuries," S48-S49.

[35] Hughes, *Early Modern Germany, 1477-1806*, 94-95.

their individual corpora and any decision between them had to come from compromise and not simply a majority vote.[36]

The estates would also discuss between each other through the process of correlation, with the Electoral and Princely Corpuses discussing amongst each other first before reaching out to the free imperial cities. Once the three corpuses came to a decision for better or worse it was submitted to the emperor. The emperor was the ultimate decision maker, who would then either veto it, send it back for further deliberation, or enact it.[37] Decisions were seldom rushed and many of the issues presented to the *Reichstag* were kicked down the road, especially if a decision would result in upheaval or creating widespread instability in the Empire. It created discussion amongst its members and if an agreement or resolution could not be reached it could simply be held off until the next *Reichstag*, where hopefully the issue would have been resolved prior. Although successful in slowing down problems within the Empire ultimately the sixteenth centuries confessional divide would be too great to mend.

The main defining factor impacting imperial politics during the sixteenth century was the confessionalization of the *Reich*. Like all of the other institutions that confessionalism effected the *Reichstag* itself was in part shaped by these developments As it became an ever increasingly legitimate and powerful institution, and for its decisions to be seen as even remotely neutral it too had to be shaped along confessional

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[36] Hughes, *Early Modern Germany, 1477-1806*, 95.

[37] Wilson, *Heart of Europe*, 416.

lines. Following the Protestant Reformation each corpus was divided between Catholic and Lutheran (but not Calvinist) camps when discussing issues of faith within the *Reichstag* that tended to threaten the peace. It became another battlefield in the confessional divide but for the most part throughout the sixteenth century it remained a fully functioning institution that was successful at delaying (not preventing) confessional violence.

The establishment and growth of the *Reichstag* over the course of the sixteenth century cannot be overstated on how it affected the development of Bavaria. The three primary ways in which it best shaped Bavarian State formation was through the power that it gave to Bavaria and its Catholic allies, how the *Reichstag's* growing influence shifted Bavaria's imperial and diplomatic strategy, and even how its stagnation leading into the Thirty Years War enabled the spread of their influence. Out of the forty *Reichstags* between 1495 and 1654 this thesis will focus on the six most impactful *Reichstags* on Bavarian State formation which were in 1500 (Augsburg), 1505 (Cologne), 1512 (Trier/Cologne), 1521 (Worms), 1532 (Regensburg), and 1555 (Augsburg).

The *Reichstags* of 1500 and 1512 primarily held empire wide importance with their impact on Bavaria being secondary. The Imperial Diet of Augsburg (1500) led to the creation of the first six *Reichskreise*.[38] These first six were the Franconian, Saxon, Swabian, Upper Rhenish, Lower Rhenish, and Bavarian Circles. The Diet of Trier and

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[38] Winfried Dotzauer, *Die Deutschen Reichskreise (1383-1806) (Stuttgart: F. Steiner, 1998)*, 51-52.

Cologne (1512) added a further four circles by incorporating the Habsburgs own lands into the system thus adding the Austrian and Burgundian circles, it also added the Electoral Rhenish Circle, and split the previously mentioned Saxon circle into the Upper and Lower Saxon circles.[39] These circles became important organs of the Empire and in Bavaria's case it gave them a larger footprint through which to push their agenda within the *Reich*.

The most directly impactful *Reichstag* on early Bavarian state formation was the Diet of Cologne (1505). This diet arbitrated the end of the Landshut War of Succession, granting the vast bulk of Bavaria Landshut to Bavaria Munich, created Palatinate-Neuburg, and in exchange it also gave some land to Maximilian I due to his efforts, which were gifted to Tyrol.[40] Even though the war began nine years into the perpetual peace and following the first true *Reichstag*, it was one of its earliest tests. Successional warfare and infighting were still bound to occur despite the new legal avenues to prevent them, but ultimately the *Reichstag* prevailed in this case. It slowed down the conflict and operated as an avenue for discussion whereby other members of the Empire could aid in conflict resolution and bring about an arguably fair conclusion. It just so happens in this instance it brought about the unification of Bavaria which did not result in further

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[39] Dotzauer, *Die Deutschen Reichskreise (1383-1806),* 51-52*;* Wilson, *The Thirty Years War*, 22-23.

[40] Andreas Kraus, "Sammlung der Kräfte und Aufschwung (1450-1508)," in *Handbuch der Bayerischen Geschichte II: Das Alte Bayern der Territorialstaat vom Ausgang des 12. Jahrhunderts bis zum Ausgang des 18. Jahrhunderts*, ed. Max Spindler (Munich: C.H. Beck, 1988), 320-321.

bloodshed between the branches of the Wittelsbachs to split it apart once again. The

decision coming from the *Reichstag* settled the dispute, despite any ill will still harbored

between both branches of the Wittelsbachs moving forward.

The Diet of Worms (1521) is most famous for the Edict of Worms (1521) in

which Maximillian leveled the imperial ban against Martin Luther (1483-1546), placing

himself at odds against the Protestant princes, and thus exacerbating the confessional

crisis.[41] The end result of the *Reichstag* in this case was far from perfect and exists as a

link in a long chain of diets that would fail to fully stall the momentum towards

confessional violence. What this diet did accomplish however was the formalization of

the membership of the *Reichstag*, and further entrenched the *Reichstag* as a vital

institution within the *Reich*. The membership of the imperial estates was recorded in the

Reichsmatrikel (Imperial Register) at the Diet of Worms in 1521, which was designed to

affix a tax burden in the form of men and material to the imperial estates, the contribution

of which would determine whether or not they deserved imperial immediacy.[42] It

established requirements for the members of the diet to maintain their status as imperial

estates, which overtime would preclude others from membership. Luckily for the

Bavarian Wittelsbachs their territory was big enough and wealthy enough to be able to

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[41] David Criswell, *The Rise and Fall of the Holy Roman Empire: From Charlemagne to Napoleon* (Baltimore, MD: PublishAmerica, 2005), 410-411.

[42] Hughes, *Early Modern Germany, 1477-1806*, 27; Whaley, *Germany and the Holy Roman Empire Vol 1*, 89.

afford the burdens affixed to them and use their position within the *Reichstag* to leverage power for themselves.

The Diet of Regensburg (1532) was the first real attempt at creating a unform legal code within the Holy Roman Empire. It codified the *Constitutio Criminalis Carolina* which was a criminal code designed over the preceding decade to standardize law within the Empire with it being based on Roman Law.[43] It laid out decrees for the establishments of judges along with court personnel, the process to establish guilt and when to apply torture as a means to get a confession, ways to establish guilt, and the application of punishments or judgements.[44] Although barbaric in comparison to modern legal standards in the West as it was generous with its application of torture it did attempt to standardize the criminal code across the Empire, to ensure that their process was somewhat systematic and not completely arbitrary. However, the *Carolina* did not outright supersede legal codes in the various estates of the Empire, it simply was secondary guidelines with which to follow which overtime led to much more standardization amongst the territories. The *Carolina* helped legitimize the legal powers of the various princes and in the Wittelsbachs' case helped reinforce their legal system within Bavaria, and aid in territorial state formation.

Even though the princes of the Empire often outright refused to fully embrace or implement laws dictated from above, they often times would implement them at the

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[43] "*Constitutio Criminalis Carolina* (1532) [Excerpts]", accessed July 28, 2022, https://pages.uoregon.edu/dluebke/Witches442/ConstitutioCriminalis.html.

[44] "*Constitutio Criminalis Carolina* (1532) [Excerpts]."

territorial level without tying them to the system above, thus advancing their own territory at the expense of the overall empire.[45] Even though the *Carolina* was not directly implemented in Bavaria it along with developments in the *Reichskammergericht* spurred the Bavarian Wittelsbachs towards legal standardization and a move towards implementing Roman Law. In the same year of the *Carolina's* creation Ludwig X and Wilhelm IV pushed for their estates alongside their ducal councilors to discuss all existing laws and codes within the territory in order to be revised.[46] They implemented similar legal codes but did not create a combined one for Upper and Lower Bavaria until 1616, under the *Codex Maximilianeus*.[47] By 1555 Bavaria had successfully reformed and published both of its legal codes, and implemented new codes for judicial procedures, ensuring ducal control over the territories legal system, distancing it from its feudal past.[48] The *Carolina* set a major precedent for Bavaria and would not be fully replaced in its entirety until 1751, once they implemented the *Codex Juris Bavarica Criminalis*.[49]

The Diet of Augsburg (1555) is what enabled the Bavarian Wittelsbachs to truly implement their Counter Reformation agenda and eradicate Protestantism within their

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[45] Whaley, *Germany and the Holy Roman Empire Vol 1*, 359.

[46] Francis Carsten, *Princes and Parliaments in Germany: From the Fifteenth to the Eighteenth Century* (Toronto, ON: Oxford University Press, 1959), 366.

[47] Dieter Albrecht, "Staat und Gesellschaft. Zweiter Teil: 1500-1745," in Spindler, *Handbuch der Bayerischen Geschichte II*, 656.

[48] Whaley, *Germany and the Holy Roman Empire Vol 1*, 492.

[49] Ludwig Hammermayer, "Staatliche Herrschaftsordnung und Altständische Repräsentation," in Spindler, *Handbuch der Bayerischen Geschichte II*, 1250.

territory. The Diet of Augsburg 1555 came about at the end of the Schmalkaldic Wars

wherein Charles V and Ferdinand I had finally been forced to pursue a less than favorable

peace with the Protestant princes.[50] This diet sought to reestablish the perpetual peace

within the Empire, but not through enforcing a uniform standard across the Empire, but

through accepting the divide that had developed within it. By this juncture it was

apparent that the Lutheran princes would not simply return to the Catholic fold, and as

they were militarily successful some form of religious toleration became necessary. Thus,

in order to establish peace within the Empire the diet formalized an agreement that

allowed for toleration at the imperial level, established ground rules for the secularization

of ecclesiastical properties, and most importantly gave all of the princes in the Empire

determinative power over the faith within their own domains at the expense of religious

minorities.[51] This peace was not only enforceable by the emperor but was to be enforced

by all members of the *Reich*, with everyone sharing ownership over the religious peace

similar to the perpetual peace granted by the Imperial Reforms sixty years prior.[52]

The religious toleration that was granted allowed members who professed the

Augsburg Confession (Lutherans) the ability to practice their faith within their domains

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[50] Criswell, *The Rise and Fall of the Holy Roman Empire*, 431-432.

[51] "The Religious Peace of Augsburg (September 25, 1555)," trans. Emil Reich, Ghdi, accessed April 20, 2022, https://ghdi.ghi-dc.org/docpage.cfm?docpage_id=5366, 1-3.

[52] Roger Wines, "The Imperial Circles, Princely Diplomacy and Imperial Reform 1681-1714," *The Journal of Modern History* 39, no. 1 (March 1967): 3.

unmolested.[53] This right was not extended to all Protestants within the Empire however, only to Lutherans, and as a result the Calvinists and Anabaptists within the Empire were denied such religious freedom, which would grow ever more complicated as Calvinism eventually took up root in two electorates those being the Palatinate (1559) and Brandenburg (1613) and another key principality being Hessen-Kassel(1604).[54] This toleration would pit the Bavarian Wittelsbachs at increasing odds with their Palatinate cousins as they eventually became a dominant leading voice amongst the Protestants and grew ever more increasingly radical. Their desire to be legitimized as a faith within the Empire would push them towards international Calvinism and along with-it foreign interference in the *Reich*.

The most significant impact that the Diet of Augsburg had on Bavaria was the establishment of the privilege of *cuius regio, eius religio* (whose realm, their religion).[55] It granted princes absolute authority over determining the professed faith within their territory, essentially giving Albrecht V full authority to purge Protestantism from his territory once the Council of Trent gave him the blueprint for it. This gave legal justification to all of the expulsions and censuring of the Protestant minority that would occur over the next century within Bavaria and their exportation of their system into other

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[53] "The Religious Peace of Augsburg (September 25, 1555)," 1.

[54] Wilson, *Heart of Europe*, 122.

[55] Hermann Tüchle, "The Peace of Augsburg: New Order or Lull in the Fighting," in *Government in Reformation Europe 1520-1560*, ed. Henry Cohn (London: Macmillan, 1971), 155.

Catholic lands as had been previously discussed in Chapter 1. This would also be used to legitimize the future removal of Protestantism from the Upper Palatinate once Maximilian I would absorb it into Bavaria sixty-five years later.[56] It ultimately drew the confessional lines within the Empire, and instead of leading to a perpetual peace it simply kicked the issue further down the road, moderate toleration in the meantime at the risk of Empire wide conflict later on.

Even though Charles V's ambitions for a wholly Catholic empire perished at the diet he was able to receive some protections for the imperial church to remain Catholic and cemented a Catholic majority in the *Reichstag* as a result and especially amongst the electors. The Ecclesiastical Reservation prohibited the extension of *cuius regio, eius religio* to ecclesiastical territories, meaning that the conversion of an ecclesiastical prince to Lutheranism did not result in the secularization of the territory, or allow for its forced conversion to his faith.[57] This reservation would be most famously tested in the previously discussed Cologne War and enabled the Bavarian Wittelsbachs to obtain access to their first electorate since the loss of Brandenburg two hundred years prior. The Wittelsbach's involvement and subsequent victory in the War of Cologne was legitimized by the Ecclesiastical Reservation. Truchsess von Waldburg's conversion should have led to him stepping down or acting as an administrator, not resulting in the attempted illegal

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[56] Alexander Fisher, *Music, Piety, and Propaganda: The Soundscapes of Counter-Reformation Bavaria* (New York: Oxford University Press, 2014), 175-176; Thomas, *A House Divided*, 305.

[57] "The Religious Peace of Augsburg (September 25, 1555)," 2.

secularization of the Catholic archbishopric. The Bavarian Wittelsbachs and their allies would press Ernst's claim on these grounds and be entitled to receive aid from the emperor and other imperial estates to correct the illegal secularization of the territory. The Ecclesiastical Reservation was the only thing that retained the Catholic majority in the *Reichstag*, College of Electors, and secured the imperial crown for the Habsburgs, and it was feared that without its implementation the imperial church was doomed to fall to the encroachment of Protestantism.[58]

Over the course of the sixteenth century the Bavarian Wittelsbachs would push their dynastic agenda in the *Reich* and with their geographic reality it had to be at the expense of their Palatinate cousins, The Habsburgs, or the Protestant princes. The route that they chose was to aggressively influence prince-bishoprics, either through accumulation or through direct aid. The Bavarian Wittelsbachs cultivated an image as authoritative Catholic hegemons within the *Reich* and their steadfast adherence and advancement of Counter Reformation goals made it easy to influence smaller ecclesiastical territories, especially if those territories sought to distance themselves from Habsburg hegemony. Between their use of the Right of Primogeniture and the ability to concentrate fiefs into powerful voting blocks, the Bavarian Wittelsbachs concentrated their efforts growing the prestige and power of Bavaria as a Catholic state and using this position to acquire bishoprics for their lesser sons who could no longer inherit partitioned land. It was through this ecclesiastical appanage system that Bavaria would make great

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[58] Tüchle, "The Peace of Augsburg: New Order or Lull in the Fighting," 156-157.

headway within the *Reich* and gain greater political power in lieu of gaining massive amounts of land as their Protestant rivals engaged in.

The prince-bishoprics were targets for both sides of the confessional divide as acquiring their land and votes could drastically change the balance of power within the *Reich* and with that it threatened the eternal peace as well. Over the course of the sixteenth century the bulk of the secular princes converted to Lutheranism or in some cases Calvinism, all of the secular electorates with the exception of the Kingdom of Bohemia (which only enjoyed its electoral status in imperial elections), were Protestant, while the three remaining ecclesiastical electorates remained Catholic, although as previously discussed Cologne remained Catholic only through Bavarian arms and became a secundgeniture of the Wittelsbachs. This is why the later possibility of a Calvinist led Bohemia resulted in international warfare. These conflicts grew in importance as it was not only a battle for the church but now a battle for political power, and with the electors, a battle for the imperial throne.

The imperial cities had also rapidly converted into Protestant bastions or at the very least became biconfessional cities. This represented another corpus within the *Reichstag* that skewed ever increasingly towards Protestantism, but with some religious toleration, even following the Peace of Augsburg 1555.[59] Although they did not have near the political pull of the princes or electors it was more than enough to pose as a threat even at the imperial level. The further legitimization of the *Reichstag* over the

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[59] Tüchle, "The Peace of Augsburg: New Order or Lull in the Fighting," 158-159.

course of the century made it all the more apparent that maintaining even a tenuous

Catholic majority would be necessary to maintain Habsburg and also Wittelsbach power.

The dynastic ambitions of both families hinged upon the maintenance of this balanced

and thus pushed them to further develop their relations to one another.

The growth of the *Reichstag* as a political institution was meteoric over the

course of the sixteenth century. The *Reichstag* was designed to stabilize the Empire, and

in doing so it transferred a limited amount of power from the emperor and electors to the

other imperial estates. Its creation also did just create one more point of contention within

the Empire and one more object to fight over. Although it did bring benefits to many of

the smaller principalities the main benefactors were territories similar in size to Bavaria

as they had the means and power to best maximize the expansion of their rights,

expanding their power internally and externally. It was used to great effect in order to

preserve the Catholic political majority within the *Reich* in the face of widespread

conversion that had taken place since Martin Luther kicked off the Reformation. Its

inability to create a lasting religious compromise within the *Reich* led to the beginnings

of the Thirty Years War, but the actions that it had taken greatly benefited the Bavarian

Wittelsbachs as they used its decisions to great effect. However, the *Reichstag* was only

ever as important as the institutions with which enforced the perpetual peace, and this

was primarily done through the creation of supporting institutions.

The *Reichskammergericht*, *Reichshofrat*, and the Spread of Roman Law

The eternal peace stemming from the Imperial Reforms of 1495 went far beyond the creation of the *Reichstag*. The reforms represent one of the first times where the desire for security and order superseded tradition and the rest of the sixteenth century would see the continuation of that process. It was a century in which the Empire would gradually turn to the widespread application of Roman Law and a move towards the standardization of legal practices and the judicial system within the Empire. This process began at the imperial level but was primarily driven at the princely and territorial level. The reforms initiated it with the creation of the *Reichskammergericht*, and subsequently the creation of its rival institution the *Reichshofrat*. The creation of two supreme courts within the Empire demanded a certain amount of standardization from the estates that sought to use them for arbitrative reasons, ultimately pushing the territorial rulers to accept some standardization in their judicial systems which subsequently saw a push towards the adaption of Roman Law within the territories and the professionalization of the legal field.

The desire for the creation of a supreme court was one of the driving factors for the Imperial Reforms in the first place as the princes desired a stable and consistent judicial system within the Empire that did not solely depend upon the emperor. Even if some members of the estates may have not desired its creation ultimately the destruction of the legal right to feud necessitated the creation of a system with which to address grievances at the regional and imperial levels. Due to the sheer demand for its creation, its implementation took place at a relatively breakneck pace. The ordinance for its

creation was issued on the seventh of August 1495 at the end of the Imperial Diet. The

Reichskammergericht had its personnel sworn in a few months later on the 31st of

October 1495 and saw its first case as early as the third of November 1495.[60]

It was designed to be the highest court in the Empire and to settle disputes

amongst the imperial estates without them resorting to the time-tested method of feuding,

thus trying to guarantee an eternal peace judicially and not militarily. Its main appeal and

break from the feudal past of the Empire was that it was almost entirely separated from

the oversight of the emperor and the electors, it was an institution designed for the

wellbeing of the Empire and not just a few dynasties The *Reichskammergericht* enabled

princes to even level complaints against members of higher status than themselves or

even against the emperor himself. As time would show the *Reichskammergericht* tended

to live up to its role as a fair legal forum in an otherwise one-sided hierarchical system.

Over the course of the sixteenth century, it became the court that had the most impact on

the confessionalization of the *Reich* and along with the other organs of the *Reich* it

became biconfessional as a result of trying to maintain a fair balance between the

opposing sides. The *Reichskammergericht* heard any case with the exception of things

that involved the emperors' prerogatives, reserving those to the emperor and the

Reichshofrat.

In order to ensure its independence from imperial control and that it was different

from previous *Kammergerichts*, the *Reichskammergericht* was not located where the

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[60] Wilson, *Heart of Europe*, 626.

emperor was, but rotated its location semi regularly between various imperial cities up until its more permanent residencies in Speyer from 1527-1689, and Wetzlar from 1689-1806.[61] Its composition did not fully guarantee it was free of the emperor's interference, but it was severely limited. The *Reichskammergericht* was headed by a *Kammerrichter* (chamber judge) who was appointed by the emperor, who led an ever-growing number of lesser judges (assessors) who were primarily picked by the estates.[62] Following the Peace of Augsburg 1555 the courts makeup changed in order to best enforce the confessional peace. After that the appointment of judges was altered, only allowing the emperor the ability to appoint two due to his position as emperor, four more appointments from the Habsburg familial lands, six by the electors, and twelve appointed by the six remaining *kreise*.[63] The judges swore oaths specifically to the court and not to the entities that had nominated them, creating a sense of impartiality.[64] Following 1555 they were charged with maintaining the confessional peace instead of the emperor and there was supposed to be parity between Lutheranism and Catholicism in their representation by the assessors. The result of all of these efforts resulted in a primarily neutral court that despite what many historians might argue did a good job at staving off much of the confessional divide up until the gridlock of the early seventeenth century. Like many

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[61] Ralf-Peter Fuchs, "The Supreme Court of the Holy Roman Empire: The State of Research and the Outlook," *The Sixteenth Century Journal* 34, no. 1 (2003): 9–10.

[62] Whaley, *Germany and the Holy Roman Empire Vol 1*, 33.

[63] Whaley, *Germany and the Holy Roman Empire Vol 1*, 334-335.

[64] Wilson, *The Thirty Years War*, 22.

machinations of the early sixteenth century, it existed as a stop gap, and ultimately it would survive the Thirty Years War and remain a primary institution of the *Reich*. It also helped standardize laws across the *Reich* as it brokered disputes between imperial estates and operated above all of the lower courts of each of the principalities, becoming the final appellate court unless a territory had gained the privilege of non-appeal (*privilegium de non appellando*), like the electors had under the Golden Bull.[65]

The *Reichshofrat* on the other hand arose during the reigns of Emperors Maximilian I and Ferdinand I, through their distrust of the *Reichskammergericht* and of the other imperial estates. It was designed to impose the emperor's will directly on the justice system, turning it into a much more pro Habsburg and Catholic court than that of the *Reichskammergericht*.[66] Unlike the *Reichskammergericht* it was designed to mirror the *Kammergericht* of the past, located at the seat of Habsburg power in Vienna, near to the emperor with all of its appointments chosen directly by the emperors themselves.[67] The *Reichshofrat* was initially established in 1497 but lost much of its importance following the death of Maximilian I in 1519. However, it was brought back into prominence under Ferdinand I in 1559 when he split its imperial obligations off away

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[65] Wilson, *Heart of Europe*, 626.

[66] Volker Press, "The Habsburg Court as Center of the Imperial Government." *The Journal of Modern History* 58 (December 1986): S23-S24.

[67] Press, "The Habsburg Court as Center of the Imperial Government," S24-S25.

from the Austrian Territorial Courts.[68] The Protestant victory in 1555 and the power

given to the *Reichskammergericht* necessitated a revival of the *Reichshofrat* to maintain

some Catholic control. The *Reichshofrat* moving forward operated as both a council just

under the Imperial Privy Council, and also as a supreme court with the same status and

many of the same functions as the *Reichskammergericht*, except that it held complete

jurisdiction over cases of enfeoffment.[69] Since it was primarily concerned with imperial

prerogatives it was staffed entirely of appointees decided upon by the emperor (and the

vice chancellor chosen by the Elector of Mainz, consisting of roughly twenty members,

which even then some of them were Protestants, reflecting the prominence of

Lutheranism in the Austrian nobility prior to the Counter Reformations under the Jesuit

instructed Ferdinand II).[70]

Both the *Reichskammergericht* and the *Reichshofrat* became the twin legal pillars

of the *Reich*, representing the legal power of the imperial estates and the emperor himself

respectively, with both trying to mutually protect the eternal peace albeit from two starkly

different positions. The Peace of Augsburg 1555 effectively cemented a Catholic

majority in the *Reichstag* and amongst the electors, but it did not guarantee that the

interpretation of the peace or other legal issues would be in the interest of the Catholics.

Returning the *Reichshofrat* to prominence as a major court did however alleviate much of

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[68] Press, "The Habsburg Court as Center of the Imperial Government," S29-S31; Wilson, *Heart of Europe*, 627.

[69] Whaley, *Germany and the Holy Roman Empire Vol 1*, 364-365.

[70] Whaley, *Germany and the Holy Roman Empire Vol 1*, 364.

those concerns. Since the peace of Augsburg had given so much more control over the *Reichskammergericht* to the imperial estates this was a way for Ferdinand I to regain some control, and to hopefully influence pro Catholic outcomes. Even though it was contemporarily seen as a biased court relative to the *Reichskammergericht* it did not stop its decisions from being sought out by the Protestants as well.[71] It was easier to play the two courts against each other via appealing to both of them or to whichever one was more likely to grant the preferred outcome. Although existing independently from one another they were both beneficial to the *Reich* and in an era of slow indecision offered a well needed relief valve.

Beyond their practical functions as judicial institutions they were important for the legitimization and limited standardization of the legal field within the *Reich* during the sixteenth century. Even though they have their roots in feudal institutions such as the *Kammergericht* their application of law was far from feudal in nature. Instead of relying upon the arbitrary or territorial nature of feudal laws the imperial courts became reliant upon written law being grounded in the Roman Law of the past. Being enshrined as permanent institutions also ensured that they would develop a large amount of caselaw and precedence within themselves that they could draw upon when reaching decisions later on in their life as institutions. The application of Roman Law at the imperial level necessitated the application of Roman Law at the territorial level, otherwise the decisions of the courts would always be disputed by various territories as they tried to use their own

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[71] Whaley, *Germany and the Holy Roman Empire Vol 1*, 365.

legal systems to justify beneficial decisions. This move towards Roman Law was mirrored elsewhere within Europe. As a result of these shifts there were attempts to legislatively introduce Roman legal concepts at the imperial level.

In 1532 the *Reichstag* approved the Imperial Law Code (*Constitutio Criminalis Carolina)* under Charles V which encompassed the entire *Reich*, although it did allow for some differences within the territorial courts that copied it.[72] The *Carolina* is strikingly different than modern legal codes in that it was created more as a template for the various imperial estates to apply as they saw fit, instead of a top-down directive from an absolutist emperor.[73] It essentially was a collection of legal codes throughout the Empire best thought to represent the legal standard of the time. The *Carolina* became the blueprint for the legal system of various territories, and its main appeal was its imperial legitimacy coupled with the primacy of the *Reichskammergericht* and *Reichshofrat.* Without the *Carolina* the reintroduction of Roman Law at the territorial level would have been even slower. This does not however mean that the *Carolina* was without its own issues, primarily with how it would be used to exhaustively hunt down and persecute suspected witches throughout the *Reich*. Even though Bavaria did not fully implement it in name the Bavaria legal code mirrored it in many ways, even creating a groundwork for

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[72] Joy Wiltenburg, "The Carolina and the Culture of the Common Man: Revisiting the Imperial Penal Code of 1532," *Renaissance Quarterly 53*, no. 3 (Autumn 2000): 713, 716.

[73] Wiltenburg, "The Carolina and the Culture of the Common Man," 713-716.

Wilhelm V's rampant witch trials.[74] Even with some of its superstitions and allowance for a generous use of torture to extract confessions it was still an important step towards more humane laws in the future. As with anything within the legal field its understanding and the implementation of it would drastically change over time and evolve into the more modern legal systems of today, but this was simply a building block towards centralizing both the federated Empire and legitimizing the legal system through the separate territories of the *Reich*.

Since the two supreme courts were designed to be the final courts of appeal for the territorial courts any prince that desired to benefit from their arbitration needed to adapt their criminal codes accordingly, which luckily was already well within their established rights to do so. The princes of the Empire had fully gained the right to use corporal punishment and to act as judges within their own territories as early as 1231.[75] This can be pointed to as a pivotal moment that assured the decentralization of justice within the *Reich,* but it truly laid the groundwork for a robust early modern legal system and ultimately set each territory down its own judicial path. Like other developing political shift in the Empire it did have the long term effect of enabling the princes to centralize into their own states, with one of the main pillars of statehood being that of controlling one's own justice system, and in the case of German territories over the course of the thirteenth through seventeenth centuries they were able to push for more

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[74] Wiltenburg, "The Carolina and the Culture of the Common Man," 717.

[75] Wilson, *Heart of Europe*, 622-623.

and more legal autonomy while still benefitting from the right to appeal to the

Reichshofrat Reichskammergericht, *,* or to the emperor himself.

Between 1300 and 1500 each principality developed their courts into three
distinctive tiers bringing about some standardization. The princes established local courts
for petty offenses meeting a handful of times a year led by mayors which were focused
on petty crimes in smaller localities, the second tier being district courts within each
administrative district (*Ämter*) with clear circuits, and at the top territorial courts
(*Hofgericht* led by the prince or *Landgericht* led by an appointed judge.[76] Regardless of
which tier of court the justice was being dispensed it derived legitimacy from the prince
and how he empowered his courts. Following the creation of the *Reichskammergericht*
and the *Reichshofrat* these territorial courts followed their lead and became much more
standardized from top to bottom. Combined with the addition of the *Carolina* most
territories within the Empire applied some roman legal principles to their own legal
codes, to standardize territorial law alongside imperial law.

As early as 1518 Upper Bavaria under Wilhelm IV established its own legal code
that although was emulated by lower Bavaria under his coregent Ludwig X it was not
fully uniform.[77] Even following the death of Ludwig X in 1545 Bavaria did not fully
combine all of its territories under one legal system, it was a slow process, but it was
mirroring efforts elsewhere in the *Reich*. The latter half of the sixteenth century and on

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[76] Wilson, *Heart of Europe*, 622-623.

[77] Whaley, *Germany and the Holy Roman Empire Vol 1*, 493.

into Maximilian I's reign the territorial distinctions between Upper and Lower Bavaria would slowly erode as the pan Bavarian identity began to coalesce and in many ways it was the legal system which drove this. The *reichspolizeiordnungen* (imperial administrative ordinances) appearing in the 1530, 1548, and 1577, set the stage for more interference in the everyday lives of the common man within the various German states, pushing the legal system into unforeseen territory, and giving a greater degree of control over individuals than the princes had before.[78]

The legal autonomy that the Peace of Augsburg 1555 granted to each territory especially with regards to confessionalization had a massive impact on the legal codes of each individual territory. To establish what they perceived as order in their domains princes began to regiment the day-to-day life of their subjects. The use of *polizeiordnungen* (administrative ordinances) became widespread throughout the Empire during the sixteenth century and ramped up following 1555.[79] *Polizeiordnungen* established laws and standards for a wide range of issues, from charity, education, healthcare, price regulation, and most importantly regulating the faith.[80] Bavaria itself would be part of this trend. As discussed previously in Chapter 1 the Bavarian Wittelsbachs used *polizeiordnungen* to enforce an adherence to Counter Reform ideals,

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[78] Whaley, *Germany and the Holy Roman Empire Vol 1*, 493.

[79] Karl Härter, "Security and Gute Policey in Early Modern Europe: Concepts, Laws, and Instruments," *Historical Social Research* 35, no.4 (2010): 46-48.

[80] Hughes, *Early Modern Germany, 1477-1806*, 72-73; Phillip Soergel, *Wondrous in His Saints: Counter-Reformation Propaganda in Bavaria* (Berkeley: University of California Press, 2019), 77.

requiring the adherence to the Tridentine Creed, and a whole host of regulations banning

Protestant thought and practices from their domains. Even though their effectiveness has

come into question over time they still show that there was a conscious effort to codify

the moral expectations of the ruling princes into law, especially as the *polizeiordnungen*

along with other criminal codes replaced archaic traditional laws.

The growth of the legal institutions in the *Reich* and the spread of written Roman

Law even at the territorial level necessitated the use of trained jurists.[81] These changes in

the legal system coincide with the establishment of universities across the *Reich* and

subsequently the elevation of many lesser nobles and even commoners into the legal field

and courts, even if it may be at a lower level to fill vacant positions. The Bavarian

Wittelsbachs relied upon the University of Ingolstadt to churn out a whole host of state

administrators which tended to be much more dependent upon the dukes than the

territories nobles.[82] Not only were these new jurists trained and well versed in Roman

Law their primary incomes were derived from their positions as administrators of the

state instead of being landed nobles opposed to ducal control. It mirrors the trends

elsewhere in Wittelsbach Bavaria as during the first half of the sixteenth century

university graduates only amounted to one third of their court advisors and in the first

half of the seventeenth century they rose to three fifths of the total, indicating education

was increasingly becoming preferable over noble status in the administration of the

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[81] Wiltenburg, "The Carolina and the Culture of the Common Man," 714-715.

[82] Thomas, *A House Divided*, 72.

state.[83] Even though the princes-maintained a near monopoly on the court systems of their respective principalities they still needed a growing army of legal professionals and turned increasingly to the new professional class.

It became the responsibility of the princes to also implement this fair legal system throughout their own territories, and over the course of the sixteenth and seventeenth centuries the Bavaria Wittelsbachs would not only administer this justice throughout their territories but also apply it to the other fiefs they gained along the way, ensuring that their new fiefs were held in more than just personal union. The right to operate their courts early on depended on their status as imperial estates and the powers that the Empire granted them in that capacity, but over time as with elsewhere in Europe the return to Roman Law and the bureaucratization of law made it rise from being an arbitrary expression of princely power and more of the responsibility of the princes to dispense justice fairly. In this capacity the Bavarian courts became vestiges of ducal power throughout the realm and were used to maintain peace within the territory and during the confessionalization of the *Reich* to root out Protestantism and enforce the Wittelsbach's ideal state. The territorial legal system even grew to enable peasants or commoners to address their grievances against the nobility, with a tiered appellate system that enabled grievances to progress upwards until they could be peacefully resolved.[84] Instead of a feudal system where justice would be dispensed through loose and unreliable relations

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[83] Thomas, *A House Divided*, 72-73.

[84] Wilson, *Heart of Europe*, 632.

with local nobles this justice system could be enforced even at the local level, with input

from the local community and the use of juries, prosecutors, and the employment of legal

professionals. This push towards uniform codes of justice was natural a push towards

centralized and unform rule within the territorial states, even within the largely rural

Bavaria.

Reichskreise

All of the other Imperial Reforms that occurred over the sixteenth century could

not have been implemented without the creation of the *Reichskreise*. The *kreise* were

arguably the most successful of all of the imperial institutions during the sixteenth and

first half of the seventeenth century, up until the *Reichstag* held permanent regular

sessions from 1663 and onward. The *kreise* were created in order to better enforce and

support the Imperial Reforms of 1495 and in particular with regards for the demand of an

eternal peace alongside the *Reichskammgericht*.[85] In 1500 the bulk of the imperial estates

were grouped into 6 regional *kreise* (Bavarian, Franconian, Saxon, Swabian, Upper

Rhenish, and Westphalian *Kreise*) with the exceptions being Habsburg Burgundy and

Austria, the electorates, all of which would be added into their own circles by 1512

(Austrian, Burgundian, Electoral Rhenish, and Upper Saxon *Kreise* respectively).[86] The

kreise were much more representative bodies than the *Reichstag* as even mediate

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[85] Wilson, *Heart of Europe*, 403.

[86] Dotzauer, *Die Deutschen Reichskreise (1383-1806), 51-52*.

territories were represented in them, with each territory carrying its own unique and equal vote, thus an imperial count's vote could have the same weight as a prince's, ensuring that the *kreis* would not be simply rolled over by one powerful prince or elector (with the exceptions being the Burgundian and Austrian *Kreise* which were completely comprised of Habsburg territories).[87] They were far more likely to provide for smaller members and utilize their involvement as it split up regional responsibilities amongst all parties, and even smaller principalities or cities would be more likely to pay for things that immediately impacted them than to try to dictate empire wide policies.

Even though the *kreise* were designed to implement decisions from the *Reichstag* they were still self-governing institutions and their structure reflected that. Each *kreis* had a pair of executive directors, one secular and one ecclesiastical prince filled these roles, which for the Bavarian circle they were almost always guaranteed to be filled by the Duke of Bavaria and the Prince-Archbishop of Salzburg, and each *kreis* also had a military commander.[88] The *kreise* had their own assemblies (*Kreistage)* with each member being granted one vote, and in the case of a prince owning multiple territories within the *kreis* he too received those votes.[89] The Bavarian *Kreis* met as a unified plenary body which arguably better represented each member, instead of creating multiple benches. Overall, the Bavarian *Kreis* was a fairly active institution meeting 85

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[87] Wilson, *Heart of Europe*, 415.

[88] Dotzauer, *Die Deutschen Reichskreise (1383-1806)*, 46.

[89] Whaley, *Germany and the Holy Roman Empire Vol 1*, 360.

times between 1521 and 1793 and was very willing to engage in cooperation with other

kreise when it came cross regional cooperation especially pertaining to issues of

currency.[90] The Bavarian *Kreis* existed far beyond being a symbolic institution and

domineering it in parts allowed the Bavaria to expand their regional footprint.

Over the course of the sixteenth century the *Reichskreise* took up a whole host of

functions of state for the Empire, sharing its burden much more adequately than the

imperial estates ever did through their own voluntary contributions. The *kreise* were

given responsibilities with regards to enforcing the decisions of the

Reichskammersgericht, organizing military contingents, taxes, regulating the exchanges

rates, and the minting of coins.[91] The *kreise's* responsibilities like those of the

Reichskammergericht were widely expanded following the Peace of Augsburg in 1555.

The burden for maintaining the confessional peace within a region was placed upon the

individual *kreis*, and they were responsible for punishing their members that did not act

accordingly, and the Bavarian *Kreis* rapidly implemented the provisions of the Peace of

Augsburg.[92]

The *kreise* were designed to better enable imperial taxation within the various

regions, to staff and maintain the *Reichskammergericht* through taxes and appointments,

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[90] Whaley, *Germany and the Holy Roman Empire Vol 1*, 361; Wilson, *Heart of Europe*, 415.

[91] Whaley, *Germany and the Holy Roman Empire Vol 1, 367;* Wilson*, Heart of Europe*, 403, 415.

[92] Whaley, *Germany and the Holy Roman Empire Vol 1*, 361.

to enforce its verdicts through regional mediation, act as bodies for mutual and regional defense, and to act as regional political forums through which compromise could be reached.[93] The *kreise* were an attempt at minimizing the more negative aspects of the federated nature of the *Reich*, forcing regions to act in concert, and to prevent all decisions being dealt with at the top and hamstringing the entire *Reich* with indecision. The *kreise* were a perfect compromise between the German Liberties of the various princes and the centralizing efforts of the sixteenth century, in a bid to keep up with the growth of the state in France and elsewhere. The constitution of the Empire certainly would not allow for it to become a centralized state but like with the Imperial Reforms, placing more responsibility on the imperial estates led to internal reforms within them to meet the rising costs of being members of the *Reich*, and ultimately would begin to further distinguish the smallest political units of the *Reich* from the larger.

The Bavarian Wittelsbachs did not enjoy sole dominion over the Bavarian *Kreis* which shared their duchies namesake, for the Bavarian *Kreis* also encompassed thirteen other imperial estates. Both Ducal Bavaria and the Prince-Archbishopric of Salzburg had considerable influence, as Bavaria tended to be the secular director with Salzburg being its ecclesiastical direct.[94] Though the lesser, more numerous and primarily ecclesiastical territories still held important votes within the *kreis* that could not be readily ignored. Unlike many of the other *kreise* the Bavarian *Kreis* was much more geographically

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[93] Wilson, *Heart of Europe*, 403.

[94] Albrecht, "Staat und Gesellschaft. Zweiter Teil," 627-628; Wilson, *Thirty Years War*, 23.

compact and contiguous, which enabled it to function more distinctly as a region, as compared to the Electoral-Rhenish *Kreis* for instance. By the beginning of Maximilian I's reign the *kreis* was made up of eight ecclesiastical members: one prince-archbishopric (Salzburg), three prince-bishoprics (Freising, Passau, and Regensburg), three imperial abbacies (Niedermünster, Obermünster, and St. Emmeram all in Regensburg), one prince-provostry (Berchtesgaden) which all remained firmly Catholic, resisting the spread of Protestantism that had effected many ecclesiastical territories in the Northern half of the Empire.[95] The secular members were more confessionally complex in that their ranks were made up of three duchies (Bavaria, Palatinate-Neuburg, and Palatinate-Sulzbach), one Landgraviate (Leuchtenberg), five counties (Ehrenfels, Haag, Ortenburg, Sulzburg-Pyrbaum, and Waldeck), and one free imperial city (Regensburg).[96] Confessionally the secular members remained relatively Catholic with Bavaria, Leuchtenberg, and Haag never converting to Protestantism, while a few of the other members underwent periods of Protestantism, Palatinate-Neuburg (1542-1614), Palatinate-Sulzbach (1569-1604), Ehrenfels (1521-1614), Hohenwaldeck (1563-1584), and only three members, Ortenburg (1563), Sulzburg-Pyrbaum(1561), and Regensburg (1542) confessionalizing and remaining Protestant.[97] The Bavarian *Kreis* would only ever admit two more members

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[95] Albrecht, "Staat und Gesellschaft. Zweiter Teil," 627.

[96] Albrecht, "Staat und Gesellschaft. Zweiter Teil," 627.

[97] Heinrich Lutz and Walter Ziegler, "Das Konfessionelle Zeitalter. Ersten Teil: Die Herzöge Wilhelm IV. Und Albrecht V," in Spindler, *Handbuch der Bayerischen Geschichte II*, 382-383; Dieter Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil: Die Herzöge Wilhelm V. und Maximilian I.," in Spindler, *Handbuch der Bayerischen Geschichte II*, 402.

during the reign of Maximilian I, the Counties of Breitenegg (1624) and Störnstein (1641).[98]

As stated before the Bavarian circle was geographically condensed compared to other the *kreise*, with five of its members the (Imperial City of Regensburg, Prince-Bishopric of Regensburg, and the Abbacies of Niedermünster, Obermünster, and St. Emmeram) all being located within Regensburg or immediate area. Those territories along with Freising and Haag were all enclaves within Bavaria, and once the Upper Palatinate was enfeoffed to Maximilian I in 1628 the Duchy of Bavaria shared a major border with or encompassed every single member of the Bavarian *Kreis*. Its relative wealth and ability to exert much more formal power within the *Reich* also led to a political dependence upon it to. The close proximity, confessional crisis, and the dynastic ambitions of the Bavarian Wittelsbachs all combined to gradually erode the independence of the various other members of the Bavaria *Kreis*, even if it did not outright destroy them.

The Bavarian Wittelsbachs either established succession rights over other members, had new members created due to the realities of the Thirty Years War and applied pressure through the imperial church in the case of the ecclesiastical members. The Bavarian *Kreis* became another vehicle for the consolidation of the territory and was wildly successful. For many of the secular members the Bavarian Wittelsbachs simply placed themselves in positions to establish succession rights over neighboring territories.

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[98] Albrecht, "Staat und Gesellschaft. Zweiter Teil," 627.

By the time of Maximilian I's reign the Bavarian Wittelsbachs had succession rights to

Palatinate-Neuburg, Palatinate-Sulzbach, and Ehrenfels through the Treaty of Pavia

(1329), had succession rights to Leuchtenberg, Hohenwaldeck, and Sulzburg-Pyrbaum,

and had already acquired control over the Haag in 1567 when its final count Ladislaus

had died.[99] What the Habsburgs had done at the wider European level the Wittelsbachs

enjoyed at the regional level, giving themselves a much more geographically condensed

base. This control over other secular members in the *kreis* was important as both

Hohenwaldeck and Ortenburg had been major players during the chalice movement

within Bavaria, showing just how much these smaller territories close to Bavaria could

affect its own domestic control.[100]

The ecclesiastical members of the Bavarian *Kreis* were fairly compliant with the

Wittelsbach agenda. All of them with the exception of the Archbishopric of Salzburg

lacked geographic or political might and certainly could not project their own individual

aims outward into the *Reich* without being closely aligned with Bavaria or Salzburg.

Even though Bavaria and Salzburg may occasionally have been at odds it does not

counter the fact that the Bavarian Wittelsbachs were the largest proponents of the

Counter Reformation within the *Reich* and natural leaders of the ecclesiastical territories

within the circle. The Wittelsbachs would heavily influence the ecclesiastical members

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[99] John Savage, *The Antient and Present State of the Empire of Germany: Containing the Respective Histories of the Electorates, Principalities, &c., and an Account of the Empire and All Its Dependencies* (London: Printed for A. Roper ... et al., 1702), 188.

[100] Lutz and Ziegler, "Das Konfessionelle Zeitalter. Ersten Teil," 382-383.

and their resistance to secularizing the imperial church like the Protestant princes had ensured that ultimately their goals were aligned, as Bavaria secured their existence. The Bavarian Wittelsbachs were not only successful at securing succession rights to secular members within the circle but they often times got members of their family's placed in charge of the ecclesiastical members such as Ernst as Prince-Bishop of Freising in 1566.[101] Their influence was also compounded by the fact that they had secured other prominent archbishoprics and bishoprics within the Empire such as Cologne, thus they could pressure the ecclesiastical members through their positions as regional secular hegemons and their supremacy through church positions within the imperial church.[102]

The secular members were much more at threat of being absorbed by Bavaria than their ecclesiastical counterparts and especially so if they did not remain Catholic. As noted, many of the secular members of the *kreis* turned to Protestantism and due to their close proximity or in Ortenburg's case being an enclave of Bavaria this ensured direct interference from Bavaria. Palatinate-Neuburg and Palatinate-Sulzbach were largely protected as members of the Palatinate Wittelsbachs and enjoyed all of the status that accorded to them. Ultimately it would be the protection of the *Reichskammersgericht* and their membership within the *kreis* that ensured they were not fully annexed through warfare. Ultimately the Bavarian experience within the *kreis* was a successful one as it enabled them some control over the members within it that were turning towards Protestantism, and it secured their position over some influential ecclesiastical members

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[101] Lutz and Ziegler, "Das Konfessionelle Zeitalter. Ersten Teil," 391.

as well. Effectively the Bavarian *Kreis* was an extension of the duchy itself and expanded the Bavarian footprint in the Southeastern corner of the *Reich*, even so close to the Habsburgs.

Conclusion

The Imperial Reforms of 1495 granted a great amount of stability to the Holy Roman Empire and the imperial estates that began to define it. The reforms gave the lesser principalities that had been denied the electoral dignity, such as Bavaria, the ability to engage more proactively in both imperial and regional politics through the creation of key institutions. The subsequent evolution of the *Reichstag*, *Reichskammergericht*, *Reichshofrat*, and the *Reichskreise* over the course of the sixteenth century may have only created a limited form of stability within the Empire, but they became vehicles through which state building could occur and dynastic ambitions could either be hemmed in or exacerbated. The Bavarian Wittelsbachs used these new institutions to varying degrees of success, either augmenting or supplanting their own institutions with them such as in their judicial system, professionalizing the legal field, and expanding the territorial state. The Bavarian courts alongside its other administrative apparatuses were in lock step racing towards modernization. The subsequent breakdown of these same imperial systems leading into the Thirty Years War would be capitalized upon by the Bavarian Wittelsbachs and in particular Maximillian I further solidifying Bavarian power and authority in navigating of future challenges. The centralization efforts and their failures both offered opportunities to exploit for the ambitious ruler.

Chapter 3
Maximilian's Reign

As seen in the previous chapters, Bavaria had a meteoric rise during the sixteenth century and developed quite rapidly into a territorial state. A succession of Bavarian dukes succeeded in using the Counter Reformation and the constitutional developments of the Empire to their advantage and centralized their power within the territory. In order to maintain some semblance of peace in the Empire, the imperial estates were given extreme amounts of autonomy within their own borders, especially following the defeat of Charles V. The Wittelsbachs were successful in taking that autonomy to its extreme conclusion: the removal of the opposing confession and any checks on their ducal powers. Not only had they removed their confessional rivals, they began exporting their system to other sympathetic Catholic states and using the imperial institutions to aid them towards that goal. They may have not deliberately set out to engage in conscious state building but acting on their dynastic impulses had largely the same effect.

Their territory had a growing bureaucracy grounded in early modern humanistic principles. Bavaria's growth in stature within Europe, especially in Counter Reformed circles only accelerated this trend. They were pushed into close relationships with Spain, Austria, and the papacy, and began to have their state grow in parallel to the foreign powers, not in size but structure. Their close relationship had greatly benefitted them by the close of the sixteenth century as Bavaria had their protection and patronage, ultimately translating that into status within the Empire. Their status amongst the

Catholic estates is what would ultimately decide their fate in the seventeenth century, as their entire duchy's identity was staked to it. Moving forward, though the balance in the *Reich* would become untenable and the relief valves developed to handle the confessional strain would break, Bavaria's pivotable role in the Empire would drastically increase in prominence.

Maximilian I's reign straddled two drastically different periods. The first twenty years of his reign had him lead Bavaria along the paths that his forefathers had laid out, and due to the necessities of war he began to augment them. Most of the history during his reign is overshadowed by the Thirty Years War, a war which had him as one of the central actors through every stage of the war. Coming just shy of fifty-four years, he had a substantially long reign and was the only belligerent during the Thirty Years War that was engaged in every phase of that war. Not many of his contemporaries remained such prominent fixtures in the Empire during the same tumultuous span of time except for: the Lutheran Elector of Saxony, John George I (r. 1611-1656), Christian IV of Denmark (r. 1588-1648), Elector of Brandenburg George William (r. 1619-1640), Louis XIII of France (r. 1610-1643), Maximilian I's brother the Elector of Cologne Ferdinand of Bavaria (r. 1612-1650), and Maximilian's cousin Wolfgang Wilhelm of Palatinate-Neuburg (r. 1614-1653). All of whom played roles in some phases of the war but not in its entirety.

This chapter highlights the first twenty years of Maximilian's reign, leading up to the Thirty Years War and shows how drastic his impact was on Bavaria and imperial politics. This period begins with his coronation as the Duke of Bavaria through the

beginning of the Thirty Years War. During this period Maximilian I perfected the territorialization practices that his forefathers had used to develop the Bavarian state and distilled it into its purest form. The Bavarian state under Maximilian fully clamped down and removed Lutheranism in its entirety from Bavaria and with his own territory secure he brought the confessional fight to the rest of the Empire. Maximilian took over an impoverished territory and turned it into the single most influential Catholic state in the Empire, placing himself at the head of the most powerful army in the *Reich* poised to gain the electoral dignity for himself. This chapter will focus on his continuation of his forefathers' state building principles to create a fully absolutist Bavaria and to project outwards into the Empire. To do so, the focus will be on: his recovery and restructuring of Bavaria's finances, the revamping of the Bavarian court, the use of law and propagandic confessionalism, the use of *polizeiordnungen* to establish order at home, and the leveraging of his family's relations with the ecclesiastical estates of the Empire. All of this to place himself at the forefront of the Catholic estates, proving that the Wittelsbachs could be true contenders for the imperial crown.

A Duchy in Arears: The Reason of State

The Bavaria of the sixteenth century saw the bulk of the territories' power concentrated in the hands of the dukes but it was far from complete. The institutions of the territory developed in leaps and bounds providing for the growth of Bavaria's position in the Empire and the imperial church. Even though Bavaria had grown at a staggering rate compared to many of the other imperial estates, it had come at great

expense. Bavaria did not have or develop an overseas empire to draw wealth from like the Spanish Habsburgs, a developing trade network like the Dutch, or sprawling kingdoms like the Austrian Habsburgs or the French. Bavaria was a landlocked agrarian state, pinned in by the Habsburgs in the South and East, Württemberg in the West, and the Upper Palatinate in the North. Apart from a limited amount of salt, Bavaria had no real niche with which to pull in vast amounts of wealth. Those realities coupled with Wilhelm V's spending habits regarding the Counter Reformation left Bavaria in dire financial straits.

To best understand how dramatically Maximilian I's reign altered Bavaria, it is important to establish a baseline. Bavaria was exceptionally rural, even by the standards of the Empire at the time. By the beginning of the seventeenth century, just three years into his reign, it was estimated that Bavaria had a population of close to one million inhabitants. This was split up into 4 districts with 34 cities, 93 market towns, 4,700 towns, and 104 monasteries, with 80 percent of the total land being devoted to agriculture or held as common land.[1] The cities themselves were not sprawling metropolises, with the most substantial being Munich, the main seat of the Wittelsbachs' power, only having a populace numbering between 12,000 and 14,000 with the other cities being smaller yet.[2] The duchy's population was spread out amongst vast tracts of agrarian land dotted

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[1] Laurence Spring, *The Bavarian Army during the Thirty Years War 1618-1648: The Backbone of the Catholic League* (Warwick, England: Helion & Company, 2021), IX.

[2] Francis Carsten, *Princes and Parliaments in Germany: From the Fifteenth to the Eighteenth Century* (Toronto, ON: Oxford University Press, 1959), 349.

by peasant farms. Even Bavarian farms evolved over time to be dominated by the church. By 1760 under Wittelsbach stewardship, the church grew to own 56 percent of all peasant farms in Bavaria.[3] It lacked a large cohesive nobility and as the Catholic church had come to dominate their confessional spaces under the Wittelsbachs, so too did they grow to dominate the landscape.

The main flaw in every absolutist or semi-absolutist state is that its sovereign is the lynchpin of all major institutions, and their personal spending policies directly impact the state's finances for better or worse. For Bavaria this is best illustrated by the night and day reigns of Wilhelm V and Maximilian I. Wilhelm V was a notorious spendthrift who depleted the Bavarian treasury multiple times throughout his reign. Financially speaking, by the time that Maximilian I took over from his father, the duchy was in dire straits. Wilhelm's patronage of the arts and the Jesuits had led to a massive spending deficit, which largely went unabated. The construction of St. Michael's Church and the accompanying Jesuit College in Munich were the final nails in the coffin, which pushed the estates to begin the clamor for his eventual removal.[4] Maximilian was seen as a much

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[3] Carsten, *Princes and Parliaments in Germany*, 352.

[4] Alexander Fisher, *Music, Piety, and Propaganda: The Soundscapes of Counter-Reformation Bavaria* (New York: Oxford University Press, 2014), 41.

more fiscally sound option and was even pushed into a co-regency in 1594 in an attempt to not over-extend the state finances further.[5]

This indebtedness is also another product of the victory that the Bavarian Wittelsbachs had over their own territorial estates during the sixteenth century. Mirroring the creation of the *Geistlicher Rat* that established ducal dominance over the Bavarian church, Albrecht V and Wilhelm V gave vast financial powers to the *Hofkammer* (Chamber Court).[6] The Bavarian *Hofkammer* was founded in 1550 under Albrecht V as a semi-independent financial authority, which he and Wilhelm V would centralize the duchy's finances under and bring fully under their authority.[7] The *Hofkammer* was the duchy's first centralized financial institution, which although initially under the oversight of the *Hofrat* (Court Council)*,* was later given its semi independence in 1572.[8] Its powers extended over all matters of financial interest, overseeing all income and expenditures of the Bavarian state and the court, exercising financial control in all four *Ämter* through the appointment and dismissal of their own officials.[9] The officials that rose up in the

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[5] Rainer Babel, "The Courts of the Wittelsbachs c.1500-1750," in *The Princely Courts of Europe: Ritual, Politics and Culture Under the Ancient Regime 1500-1750*, ed. John Adamson (London: Weidenfeld & Nicolson, 1999), 192.

[6] Carsten, *Princes and Parliaments in Germany*, 390.

[7] Heinrich Lutz and Walter Ziegler, "Das Konfessionelle Zeitalter. Ersten Teil: Die Herzöge Wilhelm IV. Und Albrecht V," in *Handbuch der Bayerischen Geschichte II: Das Alte Bayern der Territorialstaat vom Ausgang des 12. Jahrhunderts bis zum Ausgang des 18. Jahrhunderts*, ed. Max Spindler (Munich: C.H. Beck, 1988), 378.

[8] Dieter Albrecht, "Staat und Gesellschaft. Zweiter Teil: 1500-1745," in Spindler, *Handbuch der Bayerischen Geschichte II*, 652-653.

[9] Dieter Albrecht, "Staat und Gesellschaft. Zweiter Teil," 653.

Hofkammer tended to be drawn from the ranks of foreigners and not drawn from the territorial nobility, thus they owed their status and wealth to the Bavarian Wittelsbachs, making them more eager to aid in the creation of an absolutist state and work against the estates.[10]

The *Hofkammer* was more than willing to appease Wilhelm V throughout his reign, constantly financing every whim of his that they could, but they did not possess unlimited income with which to finance it. Under Wilhelm V, the *Hofkammer* only oversaw his income from his ordinary revenues (taxes, rents, fees), and did not yet have full control of the income of the estates. Wilhelm V ran his state at a massive deficit, and by 1593 the *Hofkammer* could report that their total ordinary revenues totaled 189,000 guilders a year, with another 80,000 – 100,000 provided by the ducal salt monopoly, falling under half of the 635,000 yearly expenses.[11] To afford such a deficit most of the officials in the territory had lent large sums of money to Wilhelm V, and the estates themselves had to be called together once again to take on Wilhelm V's debts in the exchange for promises of financial restraint that did not last.[12] By this point in time the financial resistance of the estates was more or less a symbolic gesture as they had widely been suppressed under Albrecht V, but they still provided much of the economic might of the duchy. Wilhelm V only called them together four times during his reign, and each

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[10] Carsten, *Princes and Parliaments in Germany*, 390.

[11] Carsten, *Princes and Parliaments in Germany*, 391.

[12] Carsten, *Princes and Parliaments in Germany*, 391-392.

time it was to take on the burden of his massively accrued debts, overextending his own

credit, and by 1597 the *Hofkammer* and the estates were on the brink of bankruptcy

prompting Wilhelm to step down in favor of Maximilian I.[13]

Wilhelm V's reign may be seen as a financial failure on the part of the Bavarian

Wittelsbachs but it was far from it as he had most definitely increased Bavaria's prestige

in the eyes of the other imperial estates, at least until he began to run out of money. His

reign showed the limitations of Bavaria's government in the face of growing financial

burdens, forcing a move towards more centralization and modernization. His reign

pushed his territories' government to the brink of bankruptcy giving his heir lessons to

learn from. The Bavarian dukes could not continue to engage in protracted deficit

spending as it had done for decades. The dukes would have to exercise restraint alongside

the *Hofkammer* and pick and choose its battles and try to remotely stick to a budget. The

state would also need to increase its revenue, and this would eventually come from the

further suppression of the estates, removing any pretenses of them being separate of the

Bavarian state.[14] It would be from the financial mismanagement of his father that

Maximilian I would learn his greatest lesson, and from that baseline he would truly begin

to reorganize the Bavarian state.

Wilhelm V's reign was a direct result of the dynastic ambitions of the

Wittelsbachs and the expansion of their influence in a bid to keep up at the imperial level

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[13] Carsten, *Princes and Parliaments in Germany*, 386-387, 392.

[14] Thomas Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe* (Cambridge: Cambridge University Press, 1997), 244-245.

which had exhausted the territory. The success of the Habsburgs over the same period was another example that showed just how important familial wealth was, as their prominence was completely tied to their financial situation and its maintenance. Maximilian I would learn those lessons firsthand immediately upon taking the throne and use it as the basis for his entire reign. During the first year of his reign he failed to secure the Bishopric of Passau for his desired candidate, stating to Wilhelm V, "I see now that ecclesiastics as well as secular men of influence look only to *ragion di stato* (Reason of State), and that he is respected who possesses many lands or much money. Since we have neither, we will enjoy no influence either with the Italians or others until we improve our financial situation."[15] The pursuit of both land and money would be the hallmarks of Maximilian I's reign, especially apparent during the Thirty Years War, but for the first part of his reign he would have to solely rely on what he had already inherited, the Duchy of Bavaria. Its bankruptcy was due to mismanagement, and its reorganization and centralization under him would end up being what not only financed his dynastic ambitions in the imperial church, but end up baring the financial burden of the Catholic League during the Thirty Years War giving him massive amounts of leverage and influence in the Empire.

Due to his embarrassment from the events in Passau and out of necessity, Maximilian I immediately began to tackle the financial issues. Maximilian I was a true absolutist ruler, and it would be through his application of absolutist principles and the

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[15] Robert Bireley, *The Refashioning of Catholicism, 1450-1700: A Reassessment of the Counter-Reformation* (Washington: The Catholic University of America Press, 2007), 88.

subjugation of his territory and the estates, that he would pull Bavaria up from the economic abyss. Maximilian I sought to increase his own revenues and completely remove any pretense that the estates had any economic agency. The *Hofkammer* began to use more accurate methods of accounting and auditing to ensure the dukes' revenues were not slipping between the cracks or being stolen.[16] Once better accounting practices were in place Maximilian I began to use the existing state apparatuses to directly raise his own income through increasing judicial fines, doubling all tolls, creating tighter controls for the Bavarian salt monopoly, all while utilizing his already existing rights as a duke.[17]

The other main difference was Maximilian I's complete subjugation of the territorial estates, which was his forefathers program taken to its logical conclusion under absolutism. The estates had met a mere four times under Wilhelm V but they would meet half that often under Maximilian I in his near 54 year reign; both meetings taking place within the first fifteen years (1605 and 1612).[18] For Maximilian I their cooperation was considered a forgone conclusion, due to his princely prerogatives they had no right to deny him money, and both the times they were called together it was to pay off his debt, not for any semblance of co-governance.[19] The territorial diet in 1605 assumed the burden of the remaining ducal debt of 1,000,000 guilders and tripled their annual grant to

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[16] Carsten, *Princes and Parliaments in Germany*, 393.

[17] Carsten, *Princes and Parliaments in Germany*, 393-394.

[18] Carsten, *Princes and Parliaments in Germany*, 394.

[19] Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe*, 241.

the duke from 50,000 guilders to 150,000 to be in place for six years until the next diet could be convened.[20] This was important as it not only marked the complete reversal of the duke's economic position that he had inherited, but drastically increased the money the estates owed the duke. From this point moving forward with the duchy operating in the black, Maximilian I really began expansionist policies, both through vacant church positions and his aid to other territories in the Empire.

In the interim between the two territorial diets, the estates even loaned Maximilian I 16,000 guilders without interest for his execution of the imperial ban against the Imperial City of Donauwörth (discussed later in this chapter), and a further 19,000 guilders to Maximilian I's uncle Ernst, financing the Bavarian Wittelsbachs' ambitions in Electoral Cologne.[21] Maximilian I would press his newly gained financial powers to great effect as he had become much less burdened by his own estates than other territories and effectively exercised the power over the entirety of Bavaria's finances. He did not blow his wealth but instead invested it into an ambitious expansionist policy and it was no coincidence that this coincided with his domination of his own estates. The territorial diet of 1612 though, would completely cement his superiority over his estates, and further financed his future dynastic plans.

The diet of 1612 reaffirmed the estates financial commitments to the duke for nine years, ensuring that they provided their financial contributions to the territory.

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[20] Carsten, *Princes and Parliaments in Germany*, 394.

[21] Carsten, *Princes and Parliaments in Germany*, 395.

Maximilian I convinced the 1612 diet to agree to the terms for nine years until the next

diet could be called. Until then the estates empowered its committee in the interim to

grant up to 200,000 guilders to the duke in case of emergency.[22] They also granted

Maximilian I 28,000 guilders that went to the state's defense through the Catholic League

which Bavaria would ultimately finance throughout its existence.[23] This diet would offer

a glimpse into Maximilian's absolutist vision of his estates and the role that they were to

play within Bavaria. In a bid to ensure he was maximizing the money he received from

the territory, he demanded the estates render their reports and accounts to the *Hofkammer*

moving forward, and when faced with limited opposition Maximilian I refuted the notion

that he even needed to ask.[24] From this point forward resistance from the estates as a

separate body in the territory was severely limited and by the end of the Thirty Years

War, they would be turned into just another apparatus of the state.

Maximilian I was completely absolutist in his vision of Bavaria and as its prince

and later elector, any refusal to comply with his plans were to be completely squashed.

He did not outright disband the estates during his reign as he viewed them as an

important component of his state and did not seek their removal, instead he sought their

absolute submission. He did believe that the estates should be retained and should

administer the collection of their portion of the states' finances, but ultimately whatever

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[22] Carsten, *Princes and Parliaments in Germany*, 394-395.

[23] Carsten, *Princes and Parliaments in Germany*, 395.

[24] Carsten, *Princes and Parliaments in Germany*, 396.

money the prince demanded was to be given without question. Maximilian I saw the territorial estates as a class-conscious group that naturally worked against the prince, which was not far from the truth, and it was his job to rein them in and force obedience.[25] As long as the estates collected what was asked and gave it to the prince without question they were in compliance, but any resistance was to be stamped out.

Another territorial diet would not be called together for the rest of Maximilian's reign as the Thirty Years War began within that nine-year window that the previous diet created. Warfare is often used as the perfect reason to expand the powers of state organs or in this case the powers of the prince. Maximilian I's taming of the estates and the expansion of the *Hofkammer's* responsibilities and thriftier spending would lead to an economically powerful state, especially in accordance with its size. Once Maximilian's domestic finances were on firm footing, he used that new income to fund the expansion of his dynastic ambitions in every facet a Catholic prince of the time could desire. Maximilian would use his economic might to expand his families' reach in the *Reich* through the Bavarian military and fighting for positions in the imperial church that had embarrassed and eluded him in the first year of his reign.

Maximillian I himself was in many ways like his father but would ultimately prove to be a much more capable duke-- at least in the realm of fiscal responsibility during the first twenty years of his reign. He would turn Bavaria into the head of the Catholic League and use it to climb up the hierarchy of the Empire while utilizing the

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[25] Carsten, *Princes and Parliaments in Germany*, 404; Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe*, 241.

estate and *Hofkammer* to fund his efforts. The whole first period of his reign was based upon the premise that Bavaria could recover from its financial downfall and elevate themselves to a stature worthy of competing with the Austrian Habsburgs and the other surrounding powers.

Maximilian Makes Amends: The Court and Functions of State

In early modern state building the rise of a centralized state in the bureaucratic absolutist tradition necessitates the dismantling of the estate's autonomy and the redistribution of its limited functions into state apparatuses.[26] However, the subjugation of the estates and the elevation of the duke does not mean that the estates were to be completely removed at this juncture nor does it mean that the relationship between the duke and the nobility had to be irrevocably broken, just that their relationship dynamics had to change. The erasure of the estates would take time and their functions would slowly be eroded by and replaced with a strong ducal court, with growing bureaucratic elements. The relationship between sovereign and subject needed to be one sided, with the duke having total control over the nobility, and the nobles were to act in the state's best interest placing their own enrichment secondary. In effect, the dukes still needed nobles, but only in so far as they were willing to be loyal and not act against ducal interests. There could be no pretense of an independent nobility, or that they were within their right to make demands of their ruler. As studies of other early modern states have

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[26] Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe*, 242-245.

shown, it became important to not completely subjugate the nobility, but to incorporate them into the apparatuses of state, in a manner that would best assure their allegiance.[27] The end goal was to make the members of the bureaucracy fully invested in the best administration of the territory as they could only become enriched through service, instead of hiding away in the country and only focusing on their own estates. This restructuring of the government would be paramount through Maximilian I's reign as he would tie the local nobility to the state, or simply replace them with foreigners, educated burghers, or a class of new nobles.[28]

The defeat of the estates in Bavaria necessitated turning their limited power over to other institutions that only derived their power from the duke, and not from centuries old agreements between the past's weaker princes and stronger estates. The estates not only forfeited the bulk of their rights with regards to their own financial administration but also that of possessing any other form of territorial governance. Other institutions would rise to supersede the nobilities' advisory roles in other matters such as in the realms of military, law, diplomacy, and administration. Those responsibilities would be taken up primarily by the *Hofrat*, *Hofkammer*, privy council, *Geistlichter Rat*, and the *Kriegsrat* (war council), all of which were centrally located at the duke's side in the

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[27] Brian Downing, *The Military Revolution and Political Change: Origins of Democracy and Autocracy in Early Modern Europe* (Princeton, NJ: Princeton University Press, 1992), 96.

[28] Rainer Babel, "The Courts of the Wittelsbachs c.1500-1750," 199.

court.[29] From 1612 moving forward the remaining power of the estates would be exercised by the sixteen-member council that operated in between territorial diets, which was much easier to control then the larger body as a whole and for the most part rubberstamped Maximilian's demands. Maximilian would use foreign nobles, some loyal territorial nobles, and a new burgeoning class of educated bureaucrats to round out his state and ensure loyalty through a new form of patronage tied to bureaucratic success.

The key to absolutist rule lies in the strength of an individual ruler and the crystallization of the state around his person, which can be best illustrated by the operation of their court. The lack of means for rapid communication for the vast bulk of history necessitated close physical proximity for any centralization efforts to be successful, typically taking place at court. Although Munich was the largest city in Bavaria neither Albrecht V nor Wilhelm V entrenched it definitively as the true capital of Bavaria or as the seat of ducal power, preferring to spend their time elsewhere. The decade prior to Maximilian's ascension, Wilhelm V maintained the bulk of the Bavarian court at Landshut and prior to that it operated heavily out of Traunitz, even though during his reign he built onto the Munich *Residenz*.[30] Maximilian I's reign though would drastically change this as he set about to firmly entrench Munich as the seat of his ducal power, and a launch pad for his electoral ambitions, in the process redefining what it meant to be a member of the Bavarian court.

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[29] Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe*, 243.

[30] Rainer Babel, "The Courts of the Wittelsbachs c.1500-1750," 190.

Maximilian I would centralize all of his power in Munich, establishing the Bavaria court at the Munich *Residenz*, where they would remain throughout his reign with the only exception being their absence during the Swedish occupation during the Thirty Years War.[31] The Munich court would take on an ever-increasing number of stately functions throughout the entirety of Maximilian's reign beyond what his forefathers had done, placing it as another vital layer of government within the territory. The expansion of the court in the realm of administration separate of the household duties would be key to maintain his control over the territory. Maximilian's reinvigoration of the territory's finances would aid in rapidly increasing the size, function, and splendor of his court, making it enviable to the whole of Europe.

The Bavarian court had experienced rapid growth in its size through the sixteenth century and most noticeably during Albrecht V's reign. Under him the court expanded from 384 members in 1552 to 866 by 1571, with the vast bulk of new positions being in regard to the household services and not those of the administration.[32] This would lead to a drastic increase in ducal expenses that forced the duke's advisors to push for a reduction in court expenditures that would only begin under Wilhelm V's reign, ironically being the only real implementation of anything resembling frugality under him. This resulted in a 20% cut in court expenditures over the course of Wilhelm's reign,

[31] Dieter Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil: Die Herzöge Wilhelm V. und Maximilian I.," in Spindler, *Handbuch der Bayerischen Geschichte II*, 447; Rainer Babel, "The Courts of the Wittelsbachs c.1500-1750," 190-192.

[32] Rainer Babel, "The Courts of the Wittelsbachs c.1500-1750," 194-195.

primarily from cutting the budget to its choral component, but the total size of the court never dropped below 700 members.[33] By the time that Maximilian I took the throne its size had been reduced but was still relatively large for a princely court.

Maximilian I's main alteration to the court would not be a reduction in the size of its membership but the expansion of the grounds and a redesign of its functions and culture. Although some expansion of the court's responsibilities had been undertaken in the 1570s with the addition of the Bavarian *Hofkammer* and the *Geistlicher Rat* their roles within the existing court was not yet well defined. Historically members of the ducal court would have household duties and not just administrative ones, with many of the key court positions being held by the same prominent noble families and oftentimes for generations fulfilling household functions.[34] The *Hofkammer* and *Geistlicher Rat* were not initially kept separate from those duties, but that would change over time through Maximilian's reign. While under Wilhelm V, key members of the *Hofkammer* and the *Geistlicher Rat* would become more involved with the *Hofrat,* and direct communication between state apparatuses would become paramount. This would lead to more administratively oriented court members being separated from owing service in household duties save for the required ceremonies. However, under Maximilian there would begin to be the full separation of the administrative functions of court from those

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[33] Rainer Babel, "The Courts of the Wittelsbachs c.1500-1750," 197.

[34] Rainer Babel, "The Courts of the Wittelsbachs c.1500-1750," 199.

of the household. Thus the *Hofrat*, *Hofkammer*, and *Geistlicher Rat* would form into true governing bodies of the state, distancing themselves from the feudal courts of the past.

Maximilian I made massive additions onto the actual grounds of the Munich *Residenz*, making it a much statelier palace than before. Prior to his rise, the Munich *Residenz* was a collection of odd buildings scattered around, as they had been constructed at various points in the past. The first decade in Maximilian's reign while he was still rescuing the Bavarian treasury from the ashes, he simply began piecing the existing structures together through additions, creating a single complex out of isolated buildings.[35] Once the ducal finances were on stable enough footing Maximilian I doubled the *Residenz* size, turning it into the premier court in Germany, even outshining the contemporary Hofburg in Vienna.[36] The increase in size of the palace was much more about form and function than sheer pride. It was a requisite of great houses to possess stately courts to receive royalty, princes, or foreign dignitaries- such as ambassadors and envoys, to best facilitate the increasingly complex diplomacy during the period.[37] The other benefit of such a large expansion was the ability to house even more functions of state and better facilitate the governance of the duchy there. The *Residenz* would not become large enough to hold the entire territory's bureaucracy, but it was big enough to

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[35] Samuel Klingensmith, *The Utility of Splendor: Ceremony, Social Life, and Architecture at the Court of Bavaria, 1600-1800*, ed. Christian Otto and Mark Ashton (Chicago: Univ. of Chicago Press, 1993), 19-20, 28.

[36] Klingensmith, *The Utility of Splendor,* 27, 33.

[37] Klingensmith, *The Utility of Splendor,* 177-178.

house the functions of the privy council, *Hofrat*, *Hofkammer*, and the *Geistlicher Rat*.[38] Absolutist Bavaria would be increasingly governed by these smaller councils and use their bureaucratic network to disseminate change from there, but ultimately the state would be dominated by small groups of members of the court who were increasingly becoming reliant upon the duke and his hospitality.[39]

Through centralizing the function and decision making of the state in much fewer hands, it became necessary to ensure that members taking up these positions were more professional than those of the past. To experience administrative success, Bavaria had to undergo a push towards a bureaucratic meritocracy (not discounting noble origins, just placing primacy on functions in the government). The primary means of creating this new bureaucracy was to be selective about its composition, which the territorial nobility made easy. Service in the court itself was not a lucrative venture for the territory's nobility to undertake and they became unwilling to participate in large numbers or in a meaningful capacity beyond that of short stints in ducal service (at least until the Thirty Years War destroyed their incomes).[40] This was actually a blessing for the Bavarian Wittelsbachs as they did not need to vest authority into a nobility that truly did not care for governance, nor derived their income from outside of ducal control. Thus, Maximilian I looked

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[38] Klingensmith, *The Utility of Splendor,* 5.

[39] Carsten, *Princes and Parliaments in Germany*, 396; Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe*, 243.

[40] Rainer Babel, "The Courts of the Wittelsbachs c.1500-1750," 199.

increasingly to foreign born nobles to place in key positions within the administrative wing of the court.

One may think it would be beneficial for the territory's nobility to give up any pretense of trying to fill administrative positions at the court and just seclude themselves in their estates, but it was disastrous for their status as a class. Their families only received noble status in the past for past services rendered, and as the early modern age kept pressing forward less importance was placed on long gone past deeds and more on services rendered in the here and now. As their martial roles become more readily filled by conscripts or mercenaries, their judicial and economic functions became filled by educated men. So although they became less sought after for court positions it placed their existence in a precarious balance, and as time went on their services would not be needed and their replacement was sure to happen. Bavaria's nobility had been fighting their replacement well prior to Maximilian I's reign even all the way back to Emperor Ludwig IV, constantly fighting against the encroachment of foreigners or educated men in positions of power.[41] During the beginning of each duke's reign, the estates always attempted to have guarantees made protecting their positions against the encroachment of foreigners but also never offered to increase their services to the duke. They clamored for power and responsibility while simultaneously shirking existing responsibilities. Even at the territorial diet in 1612 they tried to renegotiate their privileges and roles too little to

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[41] Carsten, *Princes and Parliaments in Germany*, 352; Peter Wilson, *Heart of Europe: A History of the Holy Roman Empire* (Cambridge, MA: The Belknap Press of Harvard University Press, 2016), 526-527.

no success.[42] During Maximilian I's long reign he would prefer foreign born nobles, educated burghers, or prelates to that of the native nobility. The nobles would reenter service again in times of war, but even then their reappearance during the Thirty Years War was miniscule compared to the ground they had lost in the first twenty plus years of Maximilian's reign.[43]

There are many benefits to a state seeking outside help from its traditional ruling elite. The foreign-born nobles could be directly sought out by the duke himself for service making the process much more selective. This also tended to draw on a wealth of ideas that might not be inherently present in the territory, especially during an age when communication was relatively slow and driven by proximity. Many of the noble or educated foreigners seeking employment abroad from their own homes could be much more dependable as well, because as a class they tended to be composed of people seeking specific roles or being sought out due to their already existing accomplishments elsewhere.[44] It would be hard pressed to call it a full meritocracy, but in comparison to the alternative of relying on the already absent territorial nobility this was an upgrade in that regard. This is another reason why the growth in prominence of the court became increasingly important as Maximilian I and other early modern states pushed towards absolutism as they needed to possess massive pull factors to not only keep their own

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[42] Carsten, *Princes and Parliaments in Germany*, 395-396.

[43] Rainer Babel, "The Courts of the Wittelsbachs c.1500-1750," 199.

[44] Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe*, 224, 238.

intelligentsia from leaving but also to attract those from other courts. Maximilian's main court competition in the *Reich* were those in Vienna, Prague, Dresden, and Heidelberg, and even with such steep competition Maximilian's court stood above the rest, even rivaling that of the Habsburgs in splendor.[45]

The other pool to draw from was the growing class of educated burghers or lower-born nobles throughout the *Reich*. The Bavarian Wittelsbachs had already aided in this transition themselves through the creation of the Jesuit University of Ingolstadt along with the new Jesuit College in Munich.[46] By possessing those institutions and attracting prominent Counter Reformers they also created a pipeline for well-educated administrators to their court. The educated burghers would fill the rank and file of many of the administrative apparatuses of the state. As already discussed, the spread of Roman Law necessitated the employment of educated jurists and other functions of the state increasingly needed other educated men as well. Maximilian I increasingly valued the importance of ability over birthright, favoring effective administrators over a disloyal class of nobles. Through their ability these educated burghers would begin to fill the ranks of the new nobility through ennoblement by Maximilian I. And unlike the older nobles, their ennoblement was not based on their possession of large, landed estates, with massive incomes to support their lord, but on wages tied to their positions in the court.

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[45] Joachim Whaley, *Germany and the Holy Roman Empire: Maximilian I to the Peace of Westphalia 1493-1648*. Vol. 1 (Oxford: Oxford Univ. Press, 2012), 524-525.

[46] Bireley, *The Refashioning of Catholicism*, 128, 141; Andrew Thomas, *A House Divided: Wittelsbach Confessional Court Cultures in the Holy Roman Empire, c. 1550-1650* (Leiden: Brill, 2010), 121.

Income in the form of wages would ensure loyalty to the duke as falling out of his favor guaranteed poverty.

The burgeoning state needed highly specialized professionals that were above all else loyal in order to actually maintain an ever-evolving state. This new noble class would show their allegiance through that of bureaucratic service and not just of feudal military service or the production of goods tied to peasant labor. This system would be later replicated most successfully in Prussia as the Prussian *Junkers* would be absorbed into the state by similar means.[47] Ultimately with regards to governance the old functions of the nobility were slowly being eroded as they were direct challenges to absolutist power concentration. Maximilian I turned to the new selected administration readily to expand his control over the territorial governmental structure.

Maximilian could ensure loyalty through wages but his most important tool for control over his court was that of its routine and piety, using Counter Reform ideals as a litmus test. The Bavarian court under Maximilian crafted a Counter Reform aura for itself that far exceeded that of even his father Wilhelm V. If a courtier wished to partake in the stately power of the Bavarian court they would need to relocate themselves to the bastion of Wittelsbach power in Munich and submit themselves to the lifestyle of its court. The Tridentine Creed had been enforced prior to get the nobility to submit to the Counter Reformation, but that could be uttered in public and ignored in private; but life at the Bavarian court could not be faked, as it ensured strict piety. The court of the principality

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[47] Downing, *The Military Revolution and Political Change*, 96.

was to reflect the status and vision of the prince, making it unique to each prince's reign, and for Maximilian this meant one of extreme religious discipline and duty. It was structured around Maximilian's personal religious devotion combined with a premium placed on personal accountability. As such almost any and all possibility of sin was eliminated as Maximilian I would not suffer himself to be surrounded by drunks or any other activity that he considered scandalous.[48]

The court under Maximilian I was reflective of the man himself, hard-working and pious. The court during his reign resembled a monastery much more than contemporary courts, especially those in the Italian or French styles.[49] The Bavarian court mirrored that of the Habsburgs taking on a Spanish style, where the duke's life was kept completely separate from the public, while the governmental or ceremonial functions of the court would be grand and visible.[50] Just as Bavaria would be dominated by *polizeiordnungen* during Maximilian's reign so was the court becoming more rigid during this period relying on many *ordnungen*, regimenting the most mundane parts of court life all the way down to seating charts during shared meals.[51] The schedule was also highly regimented, with the duke waking up, going to mass (every day), praying for over three hours a day, eating lunch, then performing functions of the state whatever they may

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[48] Thomas, *A House Divided*, 69-70.

[49] Klingensmith, *The Utility of Splendor,* 119.

[50] Klingensmith, *The Utility of Splendor,* 118.

[51] Klingensmith, *The Utility of Splendor,* 7.

be, followed by vespers and supper, and the day ending between 8-10, leaving no room

for late night debauchery as he saw it.[52] This was not a French court built around social

engagement and excess, but one built on service and faith, while the ceremony was

reserved solely to show the piety and strength of the ducal court.

The last remaining importance of the court came through its role as a symbol of

Bavarian piety to the territory itself and operated in a propagandic manner. All members

of the court were not only expected to participate when just at court but expected to

participate in outward signs of religious devotion to ensure the court had a pious

reputation.[53] This became most represented in the state pageantry that the court itself was

required to not only take part in, but to be the key focal points. The Bavarian court would

rival that of many of the largest European houses, with massive displays meant to convey

the religious conviction to the Counter Reformation by Maximilian I. During Sundays,

holidays, and gala days, the lunch and other functions would be to the public.[54] The court

would also be forced to take part in religious processions and religious pilgrimages.[55]

Since the Counter Reformation was tied so closely to the Bavarian Wittelsbachs and their

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[52] Bireley, *The Refashioning of Catholicism*, 88; Klingensmith, *The Utility of Splendor,* 146.

[53] Michael Hughes, *Early Modern Germany, 1477-1806* (Philadelphia: University of Pennsylvania Press, 1992), 72-73; Phillip Soergel, *Wondrous in His Saints: Counter-Reformation Propaganda in Bavaria* (Berkeley: University of California Press, 2019), 80-81, 89.

[54] Klingensmith, *The Utility of Splendor,* 146.

[55] Soergel, *Wondrous in His Saints*, 161-162.

government, it meant the bulk of religious devotion was matters of state and not just personal. Maximilian I truly believed that good governance necessitated at least an attempt to live by virtue and set an example.

Maximilian's Bavarian court in 1615 was still sizeable at 770 members, but it was a much leaner entity and more based around administration than had been the case before.[56] Through his dedication to financial scrutiny, positions assigned by loyalty and ability rather than ageless favor, and accountability to religious devotion, Maximilian finally had secured an administration that would serve him and the state without question.

At the beginning of Maximilian's reign the Bavarian court was smaller (in the administrative side), primarily located away from Munich, and certainly an archaic court. By the end of his reign the Munich court was the undisputable center of his territory and state. Through the subjugation of the estates and the territorial nobility, and replacing them primarily with foreign-born, or educated bureaucrats, Maximilian turned Bavaria into an absolutist state. It did not even take the entirety of his long reign to do so. By the time the Thirty Years War began Maximilian's court was a jewel of the Empire, the seat of an absolutist state, run by an ever-growing army of professionals. With the creation of a strong centralized state, the duke really began to implement actual legal changes to represent the early modern humanism that was dominating the state and subjected the territory more to Roman Law and propaganda of state.

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[56] Rainer Babel, "The Courts of the Wittelsbachs c.1500-1750," 197.

The Thirty Years War would cause a massive break with the past further cementing the development of the Bavarian state. The court would take on further responsibilities during the war through the increased centralization of the military under the *Kriegsrat* (founded in 1583 but given extensive powers after 1620).[57] The harsh realities of the war would further strengthen the state. Due to the length of the fighting, the territory would grow increasingly reliant upon the court and its administration. By the time the war was over, it would be virtually impossible to return to a pre-Maximilian governmental structure.

Military Reform

For Bavaria to have developed into the leader of the Catholic League and to have other states willingly follow their lead shows how confident they were in Maximilian I's abilities or at least in the Bavarian states ability to manage its resources. The key to this turnaround lies fully in the reforms undertaken during the earliest parts of his reign and his ability to adjust to each phase of the upcoming war. The Bavarian army simply was not the Bavarian army of the past and it owed this in large part to the fact that the Bavarian state restructured itself to wage war. These changes would begin once Maximilian I took control, starting with the creation of a territorial militia, the development of a military council at the state level, and the adaption of fiscal policies aimed at providing for the Bavarian and League forces.

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[57] Dieter Albrecht, "Staat und Gesellschaft. Zweiter Teil," 662.

Early modern warfare has widely been discussed as one of the primary drivers of state formation in the early modern period found in the works centered around the Military Revolution as discussed in the introduction. As far as this thesis is concerned the Military Revolution certainly impacted the Duchy and later Electorate of Bavaria, especially during the reign of Maximilian I. It would be under his direction that Bavaria would drastically increase the size of its military and the state institutions meant to support it. The drastic increase in the size of armies leading up to and during the Thirty Years War is what would most directly affect Bavaria. The size of the Bavarian war machine far exceeded that of most states its size, save for the Palatinate and Hesse-Kassel. All of the other main belligerents during the Thirty Years War had large kingdoms or empires to draw from, with even the emperors themselves relying heavily on Bavaria to prop up the imperial cause, as Bavaria's military power gave them considerable leverage. They could not draw wealth from the new world or massive kingdoms as the other large powers could and as such it would be through the experimental restructuring of their military and the use of frugal financial practices to remain relevant during the Thirty Years War. Maximilian's reign would see an early adoption of a state militia, and the subordination of all military forces under of the *Kriegsrat*, and shrewd financial practices to maintain an army far superior to the size of the territory.

Maximilian's greatest change, but possibly worst military folly, was the creation of the Bavarian *Landesfensionswerk* (territorial militia). Its implementation is a direct break with the past in thought and governance. The idea of territorial militias and their

viability had been reemerging amongst the major territories leading up to Maximilian's reign.[58] The benefits of raising a strong territorial militia could be two-fold, first it enabled the prince to avoid paying such large sums of money yearly to often unreliable mercenaries, and second, the militia would only be paid when called and would be drawn from a group of native born subjects with the psychological drive to defend their homes.[59] The German Peasants' War had scared many princes away from such a concept decades ago, as an armed peasantry was often times a rebellious one.[60] By the beginning of Maximilian's reign, though his family had drastically increased their absolutist control over the territory, he was sure of his position to the point to be willing to reverse centuries of policy. One of Maximilian's earliest projects in his reign would be in setting up the *Landesfensionwerk*, placing a high importance on it and making it a major block of the Bavarian defense policy.

The creation of territorial militia requires that there is to be a greater level of trust between sovereign and subject, with both sharing in ownership of the territory. For the prince it shows a desire to see the territory provide for its own defense, insinuating that at least some level of loyalty must come from the subjects to the prince, and that loyalty came from their identity as Bavarians and their desire to defend said territory. To be able

[58] William McNeil, *The Pursuit of Power: Technology, Armed Force, and Society since A.D. 1000* (Chicago, IL: University of Chicago, 1982), 73, 76; Whaley, *Germany and the Holy Roman Empire Vol 1*, 494-495.

[59] Dieter Albrecht, "Staat und Gesellschaft. Zweiter Teil," 661; Spring, *The Bavarian Army during the Thirty Years War 1618-1648*, 50.

[60] Dieter Albrecht, "Staat und Gesellschaft. Zweiter Teil," 662.

to trust the militia to not immediately turn around and rebel shows a great deal of trust on

Maximilian's part, and the view that they should share in defense of the territory, if not

for him, then for themselves. On the part of the subjects making up the militia it shows a

massive transition as they were willingly participating in the defense of their homeland. If

a foreign army was to invade they were to have a hand in its repulsion.

The implementation of the militia occurred quickly and was an early priority of

Maximilian, with its groundwork being laid by him even while he was co-ruling with

Wilhelm V. The bulk of the militias framework was laid between 1595 and 1600, and it

was fully established by 1615.[61] It was created by selecting and equipping the third, fifth,

tenth, and thirtieth man fit for service in the duchy.[62] Each of the Bavarian *Ämter* had

their own *Landfahnen* (company) that they raised leading to more local administration.[63]

Each *Landfahnen* was primarily composed of peasants and farmers with many of the

nobles opting out in lieu of payment to the militia, which in turn provided for a provincial

calvary comprised of non-nobles.[64] The militia underwent regular trainings on Sundays,

exercising in small formations.[65] The key to the militia's control and a preventative

measure to prevent rebellion was to keep their equipment, particularly their weapons, in

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[61] Dieter Albrecht, "Staat und Gesellschaft. Zweiter Teil," 661; Spring, *The Bavarian Army during the Thirty Years War 1618-1648*, 51.

[62] Dieter Albrecht, "Staat und Gesellschaft. Zweiter Teil," 661-662.

[63] Spring, *The Bavarian Army during the Thirty Years War 1618-1648*, 51.

[64] Dieter Albrecht, "Staat und Gesellschaft. Zweiter Teil," 662.

[65] Dieter Albrecht, "Staat und Gesellschaft. Zweiter Teil," 662.

armories that could better be maintained and controlled by the duke.[66] Since the militia

was a new development in the territory, it was a work in progress but the principles were

there, it was a locally sourced, equipped, and trained fighting force. This periodic training

was beneficial in that the duke could actively effect the changes he wished to see on the

militia, instead of waiting for disreputable captains to furnish ill equipped or unfit men,

making it a superior fighting force, at least in theory. The size of the militia swelled to

slightly over 15,000 men on the eve of the Thirty Years War in 1618, the largest militia

of any German territory.[67] This number could also be swelled in times of great

emergency through conscription amongst the able-bodied men of Bavaria, although

Maximilian I tried to avoid this at all costs.[68]

The provincial militia was not simply for show and Maximilian I had a true desire

to see it succeed and to see it in action. The militia saw limited use during the Long

Turkish War (1593-1606), Donauwörth Affair, and Maximilian's conflict with the

Archbishop of Salzburg Wolf Dietrich von Raitenau (r. 1587-1612).[69] The latter two

conflicts were miniscule in relation to many large scale early modern conflicts of the

time. Both being small border clashes, the result of regional and dynastic ambitions, far

cries from the maelstrom that would be the Thirty Years War. Although it may be seen

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[66] Whaley, *Germany and the Holy Roman Empire Vol 1*, 496.

[67] Spring, *The Bavarian Army during the Thirty Years War 1618-1648*, 51-52.

[68] Spring, *The Bavarian Army during the Thirty Years War 1618-1648*, 52.

[69] Dieter Albrecht, "Staat und Gesellschaft. Zweiter Teil," 661; Spring, *The Bavarian Army during the Thirty Years War 1618-1648*, 53.

similar to that of modern militias or national guard forces it was still ahead of its time and not fully ready to replace the alternative. The only issue with the militia was for the time being it was not truly ready to be a direct competitor with mercenary armies, and its implementation was to be regretted by Maximilian I, but never fully scrapped.

The Thirty Years War would see the direct but limited use of the Bavarian militia during the early stages of the war and during the occupation of Bavaria in 1632. The Bavarian militia was deployed in limited numbers in the Bohemian and Palatinate phases of the war, with the most being roughly 4,500 men augmenting General Johann Tserclaes Tilly's (1559-1632) troops in the Palatinate, so their early deployments were fairly successful.[70] But a decade later in 1632 the Bavarian militia would be soundly humbled by the invading Swedes during the occupation of Bavaria.

Tilly's defeat at the battle of Breitenfeld prompted Maximilian to deploy the militia defensively as well as call up conscripts throughout Bavaria stressing the importance of men defending their families and homes against foreign invaders.[71] This effectively placed importance on some sort of regional identity or at the very least self-preservation. Once the Swedes pushed past the Catholic League's army, the territorial militia never represented a serious threat to the invading armies. Many conscripts in particular dodged muster or fled, despite the militia's relatively large size.[72] By the time

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[70] Spring, *The Bavarian Army during the Thirty Years War 1618-1648*, 53.

[71] Spring, *The Bavarian Army during the Thirty Years War 1618-1648*, 52-53.

[72] Spring, *The Bavarian Army during the Thirty Years War 1618-1648*, 53.

the Swedish army had reached Bavaria it was a battle-hardened army under the command of a very capable king and commander. The militia's failure to mount an effective resistance or to mount successful guerilla warfare would lead to Maximilian considering much of the efforts of its creation a failure. Upon seeing the failure of the conscripts in particular he began on December 10th, 1632 to enforce a monetary contribution from his subjects in lieu of conscripted service in the territorial militia, although it would continue in some capacities.[73] The dire situation that Bavaria faced also compelled Maximilian I to demand even more from the estates and the people of Bavaria, even throwing members of his estates in prison if they defied his demand for funds.[74] To survive the emergency required the full contribution of the entirety of the territory, and it presented itself as the perfect excuse to subjugate the estates further. Following the Bavarian militia's defeat in 1632 and its lack of deployment from then on, the Bavarian militia would regain its strength and survive the Thirty Years War as an institution, and slowly but surely be reworked over the decades following the war. If anything the militia was a premonition of the development of standing armies in the future, as mercenaries would be replaced by territorial or national armies provided for by the ranks of peasants and burghers. The experiment of the Bavarian militia was an indicator of the desire to shift from mercenary armies. Because it wasn't scrapped entirely shows that it was worth tinkering with. The heart of the militia matter outside of its failure in combat during the Thirty Years War is the fact that it represents a titanic shift in world view, on the part of the prince and the

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[73] Spring, *The Bavarian Army during the Thirty Years War 1618-1648*, 54.

[74] Carsten, *Princes and Parliaments in Germany*, 399-402.

subjects. However, much of the shift toward a territorial force was rooted in the need to create a more affordable and loyal army.

Early modern warfare is notorious for its costs relative to the ability of the early modern states to finance it, especially in prolonged warfare.[75] Any remotely successful state during this period in warfare would rely upon its logistical advantages and ability to procure funding for its military more than depending on the pure tactical ability of its commanders. Warfare was protracted and based largely on siege warfare and occurred during campaign seasons.[76] The widespread use of mercenaries only exacerbated costs, placing a hefty burden on any territory wishing to go to war. This was well known and widely established prior to the Thirty Years War in the Empire. For Maximilian to even begin to try and project their power outwards, the territory would have to go through radical changes.

The power of the Bavarian army under Maximilian I would be and remain his ability to finance and equip a large military force. The Thirty Years War would become the prime example of the importance of logistics and state-run finances, as very few of the belligerents of the war could field armies for long, let alone the entirety of the war like Bavaria had. Bavaria's strength in this matter, at least initially, was the financial reforms discussed earlier in the chapter. All of the finances of the duchy would pass through the control of the *Hofkammer* and budgets involving the military would be no

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[75] Geoffrey Parker, *Europe in Crisis 1598-1648* (New York, NY: Cornell University Press, 1980), 71-75.

[76] Parker, *Europe in Crisis 1598-1648*, 66-67.

exception, even once a war council for military affairs was created. The *Hofkammer's* ability to tax and budget was instrumental in even creating a surplus in the Bavarian treasury to begin with. Regular taxation became a massive part of the state's finances, following a long developing trend with direct taxation rising by 2,200 percent in Bavaria between 1480-1660; the bulk of it occurring in the latter half.[77] The *Hofkammer* was also able to control the monetary inputs of the estates, and the estates themselves would have to provide massive contributions to the state's finances as even by the fifteenth century the estates tended to provide about 4/5ths of all territorial revenue, but now it was much more directly controlled by the dukes as it provided the estates with no bargaining power in Bavaria.[78] Bavaria would not only be required to pay for its own military but that of the Catholic League itself.

The key to Bavaria's ability to finance the military was Maximillian's frugality in the first place. Maximilian is the amalgamation of Frederick William I (r. 1713-1740) and Frederick II (r. 1740-1786) of Prussia. He shared Frederick William I's frugality, amassing a fortune through the use of a lean and relatively efficient state, and the subjugation of the territory's nobles and the estates. Like Frederick William, he would also create a large surplus in the state's treasury while providing for a massive expansion of the military and leveraging it against the Habsburgs or other threats to his power. Unlike Frederick William though, Maximilian I would go to war and use the army that he

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[77] Whaley, *Germany and the Holy Roman Empire Vol 1*, 512.

[78] Wilson, *Heart of Europe*, 533.

so carefully cultivated. Maximilian I would use his accumulated wealth and power to push Bavaria into war, a full century before Frederick II would do the same. However, Maximilian I would not completely bankrupt the state in doing so, while also engaging in much more protracted warfare. Prior to even entering the war Maximilian was able to amass over four million thaler in his treasury, had great credit, and his estates were willing to pay just about any debt to retain any relevancy that they had.[79]

Historically much of the princes' autonomy from the emperors resulted from their willingness to defend their territory, and their positions were one grounded in martial power.[80] This had been used over time to erode the power of the estates in wartime. There was already a strong and semi-recent precedent set in Bavaria for the direct taxation and usurpation of the estates' taxation rights during warfare. Once Wilhelm IV decided on joining the emperor's side during the Schmalkaldic wars, he forced a 200,000 guilder tax out of the estates and then gained the right over direct taxation on the peasantry from the emperor, using the justification of war to do so.[81] The further erosion of their rights in the decades discussed in this thesis leading up to the Thirty Years War only exacerbated this trend further. This made it all but a forgone conclusion that during the Thirty Years War the duke would have complete authority over the finances of the territory, especially when foreign troops really drew close to the principality. The economic reforms under

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[79] Erling Petersen, "The Danish intermezzo," in The Thirty Years' War, ed. Geoffrey Parker (London: Routledge, 1997), 65.

[80] Hughes, *Early Modern Germany*, 4.

[81] Carsten, *Princes and Parliaments in Germany*, 371.

Maximilian discussed earlier, coupled with the subjugation of the estates resulted in a surplus heading into the war of four million thaler, which although impressive was not enough to commit to such a major conflict, but Maximilian leveraged his position with Spain and the Habsburgs to remedy this.[82]

The total cost of all military expenditures by Bavaria over the course of the war is hard to pinpoint but one low and reasonable estimate is 58,816,725 florins but the total sum is certain to be larger.[83] Out of the total cost of the Catholic League's life Bavaria accounted for 70% of its financial maintenance totaling 38 million guilders.[84] Certainly the most effective means of financing the Bavarian military came from the widespread use of foreign subsidies, primarily received from the Habsburgs and the papacy. This ranged from subsidies in the forms of commissions over territories under the Treaty of Munich, which is discussed further in depth in Chapter 4, or by direct payments.[85] Between 1620 and 1634 Bavaria received a 1,529,088 florin subsidy from the papacy and between 1620 to 1637 a 504,898 florin subsidy from the Spanish Habsburgs.[86] Naturally they also received contributions from other members of the League which could be considered foreign subsidies, and once the Catholic League was disbanded the

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[82] Petersen, "The Danish *intermezzo*," 65.

[83] Spring, *The Bavarian Army during the Thirty Years War 1618-1648*, 35-36.

[84] Carsten, *Princes and Parliaments in Germany*, 402.

[85] "The Treaty of Munich, 8 October 1619," in *The Thirty Years War: A Sourcebook*, ed. Peter Wilson (Houndmills, Hampshire: Palgrave Macmillan, 2010), 57.

[86] Spring, *The Bavarian Army during the Thirty Years War 1618-1648*, 35-36.

Franconian, Swabian, and Bavarian *Kreise* would be used to fund Maximilian's army, but he still would provide the bulk of its funds.[87] Even with all of these foreign subsidies, war was still an expensive endeavor to undertake and needed some experimentation to aid in financing the war.

The Thirty Years War itself massively constrained even the Bavarian financial system and in doing so Maximilian I became reliant upon more experimental, and in some ways devious methods of resource extraction. Early on in the war many of the belligerents resorted to coinage debasement that drastically tanked the value of the currencies of the *Reich*, but this corrected to more stable levels by the end of 1623 as the imperial *kreise* became involved in regulating coinage alongside the territories themselves largely recalling their own currencies and reminting them.[88] Beyond this Maximilian I would rely on the contribution system just as the Habsburgs would, requiring massive contributions from the local populaces where his armies were quartered to provide for them.[89] Much of this was legitimized from his close relationship with the emperor and through the perception that he was operating within established

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[87] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 451; Dieter Albrecht, *Maximilian I. Von Bayern 1573-1651* (München: R. Oldenbourg Verlag, 1998), 939-941.

[88] Wilson, *Heart of Europe*, 466.

[89] Simon Adams, "Tactics or politics? "The Military Revolution" and the Habsburg Hegemony, 1525-1648," in *The Military Revolution Debate: Readings on the Military transformation of Early Modern Europe*, ed. Clifford Rogers (New York: Routledge, 2018), 265; Parker, *Europe in Crisis 1598-1648*, 75.

legal bounds.[90] Enemy territories faced much worse than the contribution system as often times their property was just outright confiscated in order to pay for the imperial army and by proxy the Bavarian war effort.[91] Also Maximilian I was like all other rulers in that he avoided paying his troops until the last moment possible, usually as they began to take an offensive action, or when faced with mutiny.[92] Through all of these regular and irregular means of finance Maximilian secured for himself the electoral dignity, massive territorial gains, while only amassing a small debt relative to the other major states and quickly recovered from it.

The last major development of the Bavarian military was the further development of the Bavarian *Kriegsrat* in 1620, mirroring that of the Austrian *Hofkriegsrat* 70 years prior.[93] Like the *Geistlicher Rat* and the *Hofkammer* it was under the authority of the *Hofrat* and would increasingly become under the direction of the privy council as the war went on, but the military's finances would still be under the purview of the *Hofkammer*.[94] This centralized war department was responsible for the complete administration of the military in all facets, overseeing the militia, the Bavarian army, and the League armies and coordinated their tactical and logistical concerns.

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[90] Wilson, *Heart of Europe*, 457.

[91] Wilson, *Heart of Europe*, 457.

[92] Spring, *The Bavarian Army during the Thirty Years War 1618-1648*, 93.

[93] Carsten, *Princes and Parliaments in Germany*, 390.

[94] Carsten, *Princes and Parliaments in Germany*, 390.

The development of the Bavarian military over Maximilian's reign shows a clear break with the past. The key to its development was his ability to actually provide for it financially and to incorporate it into his existing state apparatuses. He provided not only a military force for himself, but for the Catholic League, and the emperor. If Maximilian I failed to be able to provide for both the administration or finance of his armies he would surely have failed to receive aid from his allies or voluntary contributions from foreign monarchs. Maximilian I even experimented loosely with the development of the territorial militia, which itself was grounded in the advancement in thought relative to territorial defense and territorial identity.

The Twin Pillars of Faith and Law: Maximilian's Legal and Propagandic Might

Maximillian, like his father, was a devout Catholic who truly believed in what he preached. Maximilian was just as much a product of the post-Tridentine Counter Reformation as he was its driving force. His Jesuit upbringing and education instilled within him all the principles and virtues that an absolutist Catholic prince was expected to possess, and he would be the one to complete Bavaria's Counter Reforms. Maximilian was a truly devout man and not only using faith to justify his power, as he is on record praying for over three hours a day, scouring himself, and various other drastic acts of religious devotion.[95] Maximilian also was a student of the contemporary ideas of absolutist states, and also retained the feudal notion of himself as the prince being the

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[95] Bireley, *The Refashioning of Catholicism*, 88.

shepherd of his people. One of the most widely circulated books regarding governance

and state building during this time was the *Reason of State* (1589) by Giovanni Botero

(1544-1617) which reasoned that "The good and the useful went hand in hand.", and it

was a guiding principle amongst Catholic princes.[96] Acting in accordance with good faith

or through streamlining the state essentially it was good for both the soul, the people, and

the state. During such a chaotic time, loyalty and order were desired above all else, and as

a result the implementation of harsh governance would lead to security, and that security

was good for all. Maximilian I and Ferdinand II, in particular, imbodied this notion and it

made it fairly easy for them to implement their reforms without restraint, using force to

ensure religious conformity and using religious conformity to promote the common

good.[97] Being a great prince and watchful shepherd required Maximilian to oversee the

temporal and physical wellbeing of his people and the territory, and his state and legal

code would grow to mirror that. To assure security and a unified Catholic state, he would

fully establish a Bavarian identity, mainly relying on the key elements of the Counter

Reformation established in his territory along with the expansion of Marian imagery

within the territory, and the widespread use of legal reforms.

  Maximilian also realized that as the duke, he needed to rely on Catholic imagery

and surround his office and land with Catholic iconography, particularly Marian imagery.

Maximilian went above this with regards to any perceived extensions of his office,

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[96] Bireley, *The Refashioning of Catholicism*, 78.

[97] Bireley, *The Refashioning of Catholicism*, 97.

strictly reinforcing the religious requirements of his nobility so that their strict adherence to his religious policies would be visible reminders to his subjects. This was an attempt to showcase to the subjects that these actions were beyond just illusionary propaganda, even though if in many ways it was just that. This propaganda and the actions that he required of others came with a dual purpose, it both largely satisfied his true beliefs that as a Christian monarch he was the patriarch of his people, and it also benefited his office as well and his own familial position.

During the first year of his reign, in 1598, Maximilian issued a proclamation setting forth his standards of morality and religion.[98] This new set of laws prohibited the people from going to or getting married in Protestant churches, required the reception of Easter Communion (essentially ensuring they were going to a Catholic church within Bavaria for it), banned priests from having concubines, and required the people to say one Hail Mary or Our Father a day to pray against the Turkish threat.[99] This collection of seemingly random requirements was used to curate what would become the expectation of all true Bavarian subjects ensuring the development of a Bavarian image. In this image they were to be entirely devout and beholden to the Catholic confession, this can be extended to the clergy as they were not above this reform, ensuring the purity of the state as a whole. It also banded the people together against the empire's primary enemy: the Ottoman Turks. Using this kind of rhetoric all but ensured that people constantly felt as if

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[98] Bireley, *The Refashioning of Catholicism*, 76-77.

[99] Bireley, *The Refashioning of Catholicism*, 76-77; Fisher, *Music, Piety, and Propaganda,* 204-205.

Christianity—and more importantly, Catholicism itself was constantly under siege--, and that Bavaria was to be a strong bastion for its people and their professed faith.[100] As with his predecessors, much of these laws could not be truly enforced or guaranteed, but Maximilian would be the most successful at implementing this system within the dynasty as he set his state apparatuses to the task. He did however have to project Bavaria's power outward and initially it would be solely through the church. For Bavaria to fully gain security it would have to use its legal apparatuses to enforce confessional unity and use propaganda to argue for a supremely divine ducal image.

The bulk of Maximilian's power within the duchy would come from his ability to legislate, enshrining his word in law without the input of the estates.[101] Even from the beginning Maximilian I turned to the use of *polizeiordnungen* which by this time were becoming increasingly pervasive through most territories in the Empire, thus forging his ideal duchy through the use of his pen.[102] *Polizeiordnungen* were wide in scope and used to legislate the minutia of life in a territory, regulating things as mundane as hygiene and public health all the way to blasphemy and usury.[103] Bavaria would be no exception to

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[100] Thomas Brady, *German Histories in the Age of Reformations, 1400-1650* (Cambridge: Cambridge University Press, 2009), 350.

[101] Carsten, *Princes and Parliaments in Germany*, 392.

[102] Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe*, 242; Whaley, *Germany and the Holy Roman Empire Vol 1*, 493.

[103] Whaley, *Germany and the Holy Roman Empire Vol 1*, 493.

this trend as once Maximilian took over the territory became heavily regulated, especially in matters pertaining to censorship and Catholic morals.

Maximilian was consumed at the territorial level with the extermination of heresy and turning Bavaria into a mirror image of himself. The earliest and most glaring example of this was Maximilian's law concerning morality and religion in 1598.[104] This new law tried to force people to attend church regularly, banning people from going over the borders to Lutheran services or having Lutheran weddings, all the way down to punishments as extreme as amputation for offenses such as swearing.[105] It even legally required Bavarians to say one Hail Mary daily when the Turk Bell was rung (A bell rang to remind people to pray against Turkish tyranny in Christendom), as this law was first implemented during the Long Turkish War.[106] The mandate also gave more guidance on the importation of heretical and banned works within Bavaria as they were still slipping through the territory's censorship at the time.[107] This mandate shows just how important Maximilian saw confessional unity and that God either protected the devout or punished the wicked. In this train of thought, a prince who failed to lead his territory divinely would suffer the consequences.

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[104] Bireley, *The Refashioning of Catholicism*, 77.

[105] Bireley, *The Refashioning of Catholicism*, 77.

[106] Fisher, *Music, Piety, and Propaganda,* 168, 204-205; Wilson, *Heart of Europe*, 150.

[107] Fisher, *Music, Piety, and Propaganda,* 223.

The mandate of 1598 continued a pattern of laws existing elsewhere in the *Reich* and the *polizeiordnungen* following them would continue the pattern that had been laid out.[108] The laws were primarily centered around confessional unity and adherence to the post-Tridentine reforms. These laws were concerned with the moral actions of individuals (such as cursing), censorship of inflammatory Lutheran works, and the regimentation of daily life to remove blasphemy. Maximilian sought to eliminate dissenting ideologies from entering the territory, the elimination of bad actors that already acted blasphemously, and to force adherence to Catholic theology. The first two decades would see the widespread use of *polizeiordnungen* under Maximilian I as he constantly updated them to act against what he perceived as heresy, or anything threatening the common good.

His laws on censorship, although not 100% effective at stamping out Protestantism, show to what extent Maximilian I was willing to eliminate it from his territory, no matter how costly. In order to best stamp out Protestantism in the territory he had to not only remove those within the territory who broke his laws, he had to remove their heretical works, and also ensure that they or their materials were not replaced. This required a strict amount of control beginning at the border, through the countryside, and the cities themselves, with checks in between and a system to monitor confessional conformity. The laws would lay out for the populace what the expected behavior was and the clergy and state officials in the *Geistlicher Rat* would be responsible for enforcement.

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[108] Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe*, 242; Whaley, *Germany and the Holy Roman Empire Vol 1*, 493.

He turned the territory into a pseudo-theocratic police state in which movement quickly became more highly regulated both of personnel and material.

Maximilian I ordered state officials to frequently search the countryside for Protestant books, and also clamped down the territories borders to ensure that any works seized would not be replaced through an endless stream of heretical book importers and presses.[109] By the time of Maximilian's reign the territorial princes had long established their power over the control of books printed or imported into their own domains.[110] The bulk of the confessional divide over the course of the sixteenth century was due to the widespread printing of theological texts. With the Reformation owing as much of its success to Johannes Gutenberg (1400-1468) and pamphleteers as it did to Martin Luther. In a bid to reach some sort of confessional peace, the princes of the Empire were granted sweeping powers over the publication and distribution of books within their realms, being reaffirmed in 1521, 1530, and 1570.[111] These rights over the written word were designed to guarantee a confessional peace within a territory but their greatest use in Bavaria was the creation of a surveillance apparatus and the censoring of Protestant thought.

Censorship within Bavaria extended to the importation of heretical ideas in the form of possibly compromised individuals, thus the state imposed strict contraband checks at the borders, enforced a requirement on traveling merchants to attend mass and

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[109] Soergel, *Wondrous in His Saints*, 77.

[110] Whaley, *Germany and the Holy Roman Empire Vol 1*, 369-370.

[111] Whaley, *Germany and the Holy Roman Empire Vol 1*, 369.

confession during their travels in order to certify that they were Catholic, and forced

students studying abroad to show proof of their membership to Catholic institutions as

well.[112] The maintenance of this Catholic bubble would prove to be difficult due to the

close proximity of such massive Protestant cities such as Augsburg, Nuremberg, and

Regensburg.[113] Censorship has never been a perfect political tool, especially as ideas and

dissidents tend to go underground and elude being exposed, but Maximilian did the best

he could with the tools available to him at the time to limit the free flow of people and

ideas. This form of censorship would be imported to the various territories he would

acquire during the Thirty Years War and although there is no metric for success in this

matter, ultimately each territory became unquestionably Catholic by the end of

Maximilian's reign.

Censorship is not a one-way street, as if it is the only tool a state relies on, its

territory will become bankrupt of ideas, something needed to be transplanted to fill the

void left behind and offer itself as a true and viable alternative. Thus, banning Protestant

works was not perfect in suppression of Protestant ideas as they had to be replaced with a

Catholic alternative. Maximilian's relationship with the Jesuits, like his predecessors,

truly revolved around the education of the populace and the infusion of Counter Reform

ideals into the public sphere particularly in education. For their part the Jesuits would

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[112] Soergel, *Wondrous in His Saints*, 77-78.

[113] Fisher, *Music, Piety, and Propaganda,* 190.

widely disseminate their ideas far and wide, lending legitimacy to Maximilian as they did so, making it appear as Catholicism was a faith for the educated elite.

A successful territory though cannot rely on just the enlightenment of its elite but of the widespread adoption of its citizenry as well. Lutheranism's main appeal had been its call to the common man and the use of educational efforts to reach them, and likewise Maximilian I would turn to this type of model. Maximilian I placed a primacy on the expansion of Catholicism's literary appeal and began supporting numerous literary movements and institutions to bring Catholic literature to the front of Bavaria's conscious, combatting the literature of the Protestants at every turn.[114]

The Jesuits would readily aid Maximilian in this endeavor through the translation and spread of preexisting Spanish Catholic works under the Flemish Jesuit Ägidius Albertinus (1560-1620), a member of the Bavarian court.[115] He would also rely on many of the educated Jesuits at his own court to translate or create popular devotionals, especially the widespread dissemination of works by the previously mentioned Peter Canisius.[116] Maximilian brought international Catholicism to his own territory and turned its own cultivated Jesuit elites into the literary hearts of Bavarians.

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[114] Thomas, *A House Divided*, 78.

[115] Bireley, *The Refashioning of Catholicism*, 106; Dieter Albrecht, *Maximilian I. Von Bayern 1573-1651*, 302-304.

[116] Bireley, *The Refashioning of Catholicism*, 106.

It is one thing to translate Catholic works from abroad or to write new ones, but it is much more important to actually make them accessible for wider appeal. Once again Maximilian approached this issue through the use of his connection with the Jesuits. Maximilian encouraged and funded the Jesuits in establishing the *Güldnes Almosen* (Golden Alms) under the Jesuit Emmeran Wesler, which distributed Catholic publications at little to no cost.[117] Unlike his predecessors, Maximilian I was much more successful in flooding the territory with Catholic works and brought it about from his direct financial contributions. He may have never been able to fully eradicate Protestant works from the territory, but he was successful in flooding it with viable Catholic alternatives, many of which works were created within the territory itself giving it a Bavarian identity.

One of the keys to getting the post-Tridentine faith to the masses was the widespread use of itinerant preachers in Bavaria under the Bavarian Wittelsbachs and the proliferation of Catholic pamphlets.[118] Due to Bavaria's rural structure and culture, it was no easy feat to ensure religious conformity in the countryside, and in most other territories it proved almost impossible to reform the countryside and most religious success and conversion occurred in the cities. The Bavarian Wittelsbachs combatted this by their creation of a pilgrimage culture discussed in Chapter One, and through the use of itinerant preachers and pamphlets being made available at shrines and other places where

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[117]Albrecht, *Maximilian I. Von Bayern 1573-1651*, 302-305; Bireley, *The Refashioning of Catholicism*, 106.

[118] Soergel, *Wondrous in His Saints*, 101-102.

Bavarian pilgrims were sure to congregate. This system better intwined the newest

Catholic thoughts with the rural population that needed it most. If the state, its

institutions, or the clergy could not reach every heart or mind, the Bavarian Wittelsbachs

would dominate points of congregation and public space with Catholic reminders.

The propaganda in the territory was to move beyond just the printed word or

academic circles, and it would be acted out much more readily in physical forms that best

encouraged confessional uniformity and societal participation. As discussed in Chapter

One, the Bavarian Wittelsbachs turned readily towards processions, shrines, and

pilgrimages, embracing what set the Catholic faith apart instead of shying away from it,

especially its more mystical components. Maximilian I would re-double his efforts in this

regard turning much more readily to pageantry of the state and dominating the public

sphere with Catholic symbols.

The most drastic change to public devotion in Bavaria during Maximilian's reign

was that of the increase in Marian iconography. Although always held with high regard

by the Catholic church, the Virgin Mary gained an even greater importance during the

sixteenth century, predominantly amongst the Jesuits.[119] Bavaria held one of the two most

sacred shrines dedicated to the Virgin Mary, which was discussed in Chapter One,

Altötting. There already existed a limited amount of Marian devotion under Wilhelm V

as he had formed an archconfraternity dedicated to it, but Maximilian would go all in on

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[119] Thomas, *A House Divided*, 68, 101, 134.

it. Maximilian would create a Marian cult that would come to dominate Bavaria's identity and create regional unity.[120]

The Virgin Mary was important for her intercession on behalf of Catholics, and she was meant to be a pure representative of the Bavarian state, meant to oversee the religious defense of the territory.[121] During the Counter Reformation, Mary was given new importance and through dedicating shrines and works to her, the Catholics set themselves apart from the Lutherans. The intercession and veneration of saints was increasingly seen as a Catholic feature and it would be one of the many traditions latched onto by the Jesuits. The Jesuits in turn would renew widespread devotion to Mary and through Maximilian's education and reliance upon the Jesuits, he became her main proponent.[122] Just as Wilhelm V tried to place St. Michael in a high regard within the territory so would Maximilian with Mary. Maximilian would turn her into the patroness saint of Bavaria and intertwine her with the Bavarian state's image.[123] He would more directly tie her to the folklore and land of the territory itself through gifts to Altötting, the Marian confraternity, and the construction of numerous sites dedicated to Mary.[124]

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[120] Bireley, *The Refashioning of Catholicism*, 111; Soergel, *Wondrous in His Saints*, 163-165.

[121] Soergel, *Wondrous in His Saints*, 163-165; Thomas, *A House Divided*, 101

[122] Bireley, *The Refashioning of Catholicism*, 109.

[123] Thomas, *A House Divided*, 133.

[124] Thomas, *A House Divided*, 135.

The new sites dotting the landscape along with the major pilgrimage site of

Altötting would all become symbols and landmarks within Bavaria. Maximilian would

also elevate the status of the pilgrimage sites just as he elevated the pageantry within the

processions and partook actively in those pilgrimages. His reign even began with a

pilgrimage to Altötting, and over the course of his reign he would make numerous trips

with his court, making them an affair of state, a visible sign of his own devotion.[125] The

pilgrimages themselves were different under Maximilian as they became major spectacles

through the use of crosses, banners, candles, and bringing a large entourage with him.

This was all to ensure that the people themselves would see mysticism play out before

them, and in doing so they were more likely to engage in the same behavior.

Following Bavaria and the League's victory at White Mountain, Maximilian

dedicated the victory to Mary by giving her the title of *Generalissima* of the Catholic

forces.[126] Maximilian was willing to praise her in victory just as much in defeat. He

would erect the famous Mariensäule in the Munich market in 1638, erecting it in order to

fulfill the promise he made to the Virgin Mary if she would intercede and help protect

Munich from total destruction during Swedish occupation.[127] Through acts like this Mary

not only became front and center in the narrative but also became part of the actual

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[125] Soergel, *Wondrous in His Saints*, 162; Thomas, *A House Divided*, 134.

[126] Bireley, *The Refashioning of Catholicism*, 109.

[127] Fisher, *Music, Piety, and Propaganda,* 191; Thomas, *A House Divided*, 330.

history of Bavaria itself, and as such she continued to dominate the public spaces long after Maximilian's reign.

The bulk of these changes had been a continuation of the policies of his forbearers, but brought about to their final conclusion, and his implementation of them was much more successful. Maximilian I was the one to stamp out the other confessions in his territory through strict censorship and controls placed within the territory. He was also the one to bring grandeur to both the pageantry of the state and that of the holy sites he created or championed. His success was brought about through his total domination of the state and its people, aided by a massive treasury that his predecessors could have only dreamt of. All of these developments occurred during the first half of his reign and were only reinforced through the remainder of his reign. As he became victorious in war it only validated the image he created of himself, not of a single warrior prince, but one of a devout leader and organizer. It would be through the laws and propaganda that Maximilian secured his own territories borders and began to seek their expansion and the exportation of his confessional state policies.

Donauwörth

The first half of the seventeenth century would be dominated by confessional conflict, and in particular the Thirty Years War, but this was preceded by conflicts of a smaller scale. Bavaria's role was prominent in these conflicts as well as in the events leading directly into the Thirty Years War. Maximilian I shares as much responsibility for the exacerbation of hostilities as Frederick V (r. 1610-1623*) or Ferdinand II, if not

more, as he imparted his agenda on the *Reich* well before either men reigned within their respective territories. With his iron grip over the Bavarian state Maximilian I looked increasingly outwards to extend his power in the Empire. He had effectively cemented Bavaria as the premier principality in the *Reich* by then and in many ways enjoyed more power within his own territory more than many of the electors or his Habsburg cousins could in their respective territories. The one thing that still illuded the Wittelsbachs though was the electoral dignity and the affirmation of their dynasty as an imperial one. It was far from being a symbolic gesture, as it would effectively ensure that all of their struggles and rights would be forever enshrined in the constitution. With his territory being secure, he used it as a base from which to launch a campaign to become an elector, placing himself at the forefront of imperial politics.

Many of the events leading to the Thirty Years War were the result of the breakdown of the imperial institutions designed to stop the confessional conflict. The Imperial Reforms of 1495 and the Peace of Augsburg 1555 largely prevented the escalation towards warfare over the latter half of the sixteenth century, but they were only stopgaps as new legal challenges persisted, reigniting old conflicts.[128] The Peace of Augsburg legitimized Lutheranism as a one of the two state religions of the Empire but when it was drafted, the writers did not fully comprehend how rapidly Calvinism would

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[128] Ronald Asch, *The Thirty Years War: The Holy Roman Empire and Europe, 1618-1648* (Basingstoke: Macmillan, 2005), 13-14, 34

spread amongst the princes of the Empire.[129] It was signed just prior to the introduction of Calvinism in the Empire. A few short years after its signing the Palatinate Wittelsbachs would convert from Lutheranism to Calvinism and slowly crusade for the Calvinist cause, being joined over time by a growing membership amongst the other princes.[130] Calvinism was not a legitimate confession in the eyes of the *Reich*, and due to this denial the Calvinist princes would grow increasingly radical over the years following the peace. Slowly but surely the reignition of the confessional conflict between the Catholic estates and the Calvinists along with their likeminded Lutheran sympathizers would lead to a radical reescalation of the conflict.

The main issue stemming from the renewal of confessional tensions was the gradual decay of the institutions that were designed to prevent confessional conflict. The *Reichskammergericht* would increasingly become paralyzed over the second half of the sixteenth century, and by the Thirty Years War it had all but ground to a halt.[131] It was impossible by then for them to reach decisions within a timely manner or to have their decision treated as just. The *Reichshofrat* surprisingly took on much of the increased case load during the first part of the seventeenth century, even though it was still considered

[129] Asch, *The Thirty Years War*, 13-14, 34; "The Religious Peace of Augsburg (September 25, 1555)," trans. Emil Reich, Ghdi, accessed April 20, 2022, https://ghdi.ghi-dc.org/docpage.cfm?docpage_id=5366, 1.

[130] Bard Thompson, "The Palatinate Church Order of 1563*," Church History* 23, no. 4 (December 1954): 340; Whaley, *Germany and the Holy Roman Empire Vol 1*, 348.

[131] Asch, *The Thirty Years War*, 13; Wilson, *Heart of Europe*, 629.

the Catholic centric court.[132] The *Reichstag* was no different in this regard as by 1608 it

had grown completely stifled with indecision as well and the Calvinists outright refused

to participate in it moving forward.[133] This was all exacerbated by the stagnation of the

Habsburg family at the imperial level following the death of Maximilian II (r. 1564-1576)

and the ineptitude of Rudolf II and his conflicts with Mattias.[134] Essentially in every

foreseeable way the Empire was stagnating at the imperial level and in a bid to

implement real change, the Calvinists and more radical Catholics like Maximilian I

turned ever increasingly to operating outside of the approved imperial channels and

began to open up the door for international involvement and the formation of alliances

amongst themselves.

     The Germany of the late sixteenth century and early seventeenth century was one

of escalating tensions between both sides of the confessional divide. The conflicts arising

at this juncture tended to be ones based upon the purposeful misinterpretation of the

Peace of Augsburg by both sides in an attempt to push their confessional goals while

simultaneously trying to make it appear legal.[135] These misinterpretations seldom led to

actual violence between territories but sometimes they did spill over, and Bavaria

increasingly found itself at the center of those conflicts. Bavaria under Wilhelm V had

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[132] Asch, *The Thirty Years War*, 13-14; Wilson, *Heart of Europe*, 630.

[133] Thomas, *A House Divided*, 177-178; Wilson, *Heart of Europe*, 418.

[134] Brady, *German Histories in the Age of Reformations, 1400-1650, 371-372;* Wilson, *Heart of Europe*, 440.

[135] Asch, *The Thirty Years War*, 12-16

been no stranger to confessional warfare at the imperial level as was exhibited by their involvement in the War of the Cologne Succession, but that had been a conflict that had direct implications for his brother, Ernst, and for the most part was following the most reasonable interpretation of the Ecclesiastical Reservation. Maximilian I, on the other hand, upon solidifying his position in the territory would force Bavaria into confessional conflicts elsewhere in the *Reich*, even if the conflict did not necessarily concern him. Maximilian's ambitions coupled with the decline of the imperial institutions would lead to one such conflict that foreshadowed the coming of the Thirty Years War.

Between 1595 to 1618 there were approximately twenty cities within the Empire that experienced outright conflict between Lutherans and Catholics in the form of riots or rebellions.[136] The Free Imperial City of Donauwörth was one of only seven officially bi-confessional imperial cities (Augsburg, Biberach, Dineklsbühl, Donauwörth, Kaufbeuren, Leutkirch, and Ravensburg) that had an official toleration between Lutherans and Catholics, with Donauwörth having a Lutheran majority and a Catholic minority.[137] The Catholic minority of Donauwörth had largely been confined to three small places of worship within the city, and largely hindered when trying to bring their devotion outside of those sacral spaces.[138] However, once the Catholics began the struggle to press for a

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[136] Thomas, *A House Divided*, 176.

[137] Scott Dixon, "Urban Order and Religious Coexistence in the German Imperial City: Augsburg and Donauwörth, 1548–1608," *Central European History* 40, no.1 (March 2007): 10, 19; Thomas, *A House Divided*, 176.

[138] Dixon, "Urban Order and Religious Coexistence in the German Imperial City," 19.

larger share of the confessional space in the city during the 1600s, did it devolve into confessional violence.

As early as 1603 the Catholics of Donauwörth under the direction of the Benedictine monks began to use banners during their religious processions, which were outlawed by the Lutheran majority, thus renewing the confessional conflict in the nominally bi-confessional city.[139] The tensions rapidly escalated as neither side saw to stand down and by 1605 another procession led to the cities magistrates forcibly stopping the procession and confiscating the monks' banners, thus breaching the supposed confessional peace.[140] The Bishop of Augsburg Heinrich von Knöringen (r. 1599-1646) became involved as he was the patron of the monastery, and he was the one who brought their case to the *Reichshofrat,* which by February of 1606 ruled that the city would be heavily sanctioned and possibly face the imperial ban if it did not allow the Catholics to observe their religious processions in the manner they saw fit.[141] Just a mere two months after the city magistrate received their censure, they attacked the Catholics partaking in the St. Markus procession (April 25, 1606) in the Battle of the Banners, provoking the fury of the emperor as they were in direct opposition to the religious peace agreed upon in 1555 and had failed to comply with his and the *Reichshofrat's* decision.[142] The next

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[139] Whaley, *Germany and the Holy Roman Empire Vol 1*, 421.

[140] Dixon, "Urban Order and Religious Coexistence in the German Imperial City," 19.

[141] Whaley, *Germany and the Holy Roman Empire Vol 1*, 421.

[142] Dixon, "Urban Order and Religious Coexistence in the German Imperial City," 20.

year Emperor Rudolph II sent a delegation to observe the procession to ensure that it was not met with force, but the Catholics were intimidated by the townsfolk from carrying out their procession directly violating their rights and defying the emperor.[143] This event would have dire consequences for the city and the Empire at large as the normally indifferent Rudolph II leveled the imperial ban at the city.[144]

Even though the decision to apply the imperial ban was reached through the *Reichshofrat* and fully within its jurisdiction, that did not ensure that it would not come with a whole host of controversy.[145] The bulk of the pressure being placed on the emperor came directly from Maximilian I himself, as he was eagerly trying to establish himself as the champion of the imperial church.[146] The main issue at hand was that the Imperial City of Donauwörth was a member of the Swabian *Kreis* and under imperial law it should have been the Swabian *Kreis*, and in particular Frederick I Duke of Württemburg (r. 1593-1608), to impose the ban on the city.[147] Unfortunately for Donauwörth Rudolph II

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[143] Thomas, *A House Divided*, 177.

[144] "The Donauwörth Incident, 1607: Emperor Rudolf II's Imperial Ban, 3 August 1607," in Wilson, *The Thirty Years War: A Source Book*, 10-11.

[145] Hughes, *Early Modern Germany*, 78.

[146] Dixon, "Urban Order and Religious Coexistence in the German Imperial City," 23.

[147] Hughes, *Early Modern Germany*, 78.

illegally charged Maximilian I to impose the imperial ban on Donauwörth, which was a clear break with imperial law and an obvious breach of the confessional peace.[148]

Once the imperial ban was enacted things moved rapidly, the indecision that Rudolph II had relative to the situation did not create any hesitation on Maximilian's part. Once the city had even been threatened by the imperial ban, Maximilian had already sent out an agent to sketch Donauwörth's defenses from the neighboring monastery, showing that conquest was already well within the works.[149] Once being charged with its enforcement, Maximilian I pressed his already subservient estates and the *Hofkammer* for funds to enact the ban, receiving 16,000 guilders from them for his trouble.[150] Following that, the Bavarian troops mobilized quickly and marched on Donauwörth on December 17, 1607, unimpeded by Protestant resistance.[151] Maximilian's forces pushed the Lutheran preachers out of the city and placed the churches back under the control of the Catholics of the city, dispelling any notion that the city would maintain its bi-confessional status.[152]

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[148] "The Donauwörth Incident, 1607: Emperor Rudolf II's Imperial Ban, 3 August 1607," 10; Thomas, *A House Divided*, 177.

[149] Dixon, "Urban Order and Religious Coexistence in the German Imperial City," 29.

[150] Carsten, *Princes and Parliaments in Germany*, 395.

[151] Dixon, "Urban Order and Religious Coexistence in the German Imperial City," 23.

[152] Dixon, "Urban Order and Religious Coexistence in the German Imperial City," 24.

In order to recoup the money Bavaria had spent on its imposition of the imperial ban, Donauwörth was given in its entirety to Bavaria in 1609.[153] Following its annexation Maximilian I began the Counter Reformation processes that his family had employed over the generations in Bavaria.[154] This whole affair had been a glowing victory for the Bavarian Wittelsbachs. They were given the privilege of illegally executing the imperial ban against a regional confessional enemy, and for their troubles they were given the territory in perpetuity. In effect, Maximilian I had been paid to expand his own territory, further his confessional agenda, and use the new territory as a proving ground for his implementation of the Counter Reformation.

To say that the developments in the Donauwörth affair shook the Empire to its foundations is an understatement. Even though it had all been a positive from the view of the Bavarian Wittelsbachs, it could not have appeared more dreadful for the Protestant estates of the Empire. To them, the entire situation had showcased how flawed the imperial institutions were and just how broken they had become. From the Protestant frame of reference a bi-confessional city with a Lutheran majority had existed in equilibrium for fifty years following the peace, and it only became untenable and destabilized once the Catholics began to attempt a reclamation of sacral spaces and an expansion of their processional route alongside the militant use of banners.[155] Once the

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[153] Whaley, *Germany and the Holy Roman Empire Vol 1*, 421.

[154] Thomas, *A House Divided*, 177.

[155] Dixon, "Urban Order and Religious Coexistence in the German Imperial City," 29.

Lutherans physically resisted these new trends, their resistance was justified through the pro-Lutheran interpretations of the Peace of Augsburg and should have been reaffirmed through the courts. But by this time, the supposedly neutral *Reichskammergericht* was bogged down with cases, and the Bishop of Augsburg took the case instead to the decidedly pro-Catholic *Reichshofrat* which imposed the imperial ban unjustly on the city.[156] Furthermore, the emperor chose possibly the most divisive prince possible to enact it while ignoring the primacy of the Swabian *Kreis* in respect to enacting the courts judgements on its members. The final nail in the coffin though was the further illegal annexation of Donauwörth by Maximilian I, which would be the last time a free imperial city would be annexed by a prince until the end of the Empire.[157]

Tensions remained high between the Protestants and Catholics following the Donauwörth's Affair and ultimately it created an increase in cohesion between the Calvinists and Lutherans as Donauwörth's annexation represented the actualization of the Catholic threat, a visible example of Maximilian I's militant Counter Reformation being stamped with imperial approval.[158] The final imperial institution with which the Protestant imperial estates could still redress the issue was the *Reichstag*, and its failure to reach a more tenable peace solution along with the failure of the other imperial institutions had shown just how far communication had broken down by this point.

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[156] "The Donauwörth Incident, 1607: Emperor Rudolf II's Imperial Ban, 3 August 1607," 10; Thomas, *A House Divided*, 177.

[157] Asch, *The Thirty Years War*, 27; Wilson, *Heart of Europe*, 523.

[158] Parker, *Europe in Crisis 1598-1648*, 84.

Everything would come to a head at the Diet of Regensburg 1608 which had more than just long-lasting implications for Donauwörth.

Heading into the diet, Emperor Rudolph II was seeking financial concessions from the imperial estates to pay off the debts he had incurred in his wars with the Ottomans.[159] The reignition of confessional tensions and violence in the Empire led many of the normally moderate Protestants like the Elector of Saxony, Christian II (r. 1591-1611), to side with the radical Calvinists such as the Elector of the Palatinate, Frederick IV (1583-1610), and his militant supporter Christian von Anhalt (1568-1630).[160] They were seeking an expansion of Calvinist rights alongside the addition of more Protestant judges within the *Reichskammergericht*, hopefully to counter events such as Donauwörth from happening again.[161] These demands were doomed though as Rudolph II sent his nephew, the then Archduke Ferdinand of Styria as his plenipotentiary, the future Emperor Ferdinand II, cousin of Maximilian I and possibly the only other prince as militantly Catholic as Maximilian I.[162] Ferdinand went as far as to ensure that a copy of Donauwörth's ban was placed on the town hall of the host city of Regensburg which was about a mere 100 kilometers away from the occupied city.[163] Ferdinand was unyielding

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[159] Geoffrey Parker, "Germany before the war," in Parker *The Thirty Years' War*, 21.

[160] Parker, "Germany before the war," 21.

[161] Parker, "Germany before the war," 21.

[162] Parker, "Germany before the war," 21; Whaley, *Germany and the Holy Roman Empire Vol 1*, 421.

[163] Dixon, "Urban Order and Religious Coexistence in the German Imperial City," 33; Parker, "Germany before the war," 21.

and argued that any confirmation of the religious peace could only occur if the Protestants returned all ecclesiastical property that they had taken since 1552, which clearly was an unreasonable demand in the eyes of the already enraged Protestant princes.[164] After almost five months of impasse, the diet concluded abruptly with the radical Protestant estates led by the Elector of the Palatinate and Christian von Anhalt abstaining and leaving the diet, with the emperor dissolving the diet on May 3rd without publishing a recess.[165] Effectively the last imperial institution capable of deescalating the confessional conflict failed to enact any meaningful change. Quickly the more radical Catholic and Protestant estates would turn to extra-imperial institutions to resolve their issues, effectively ending an era.

The Donauwörth Affair has been a major focal point when it comes to the pre-Thirty Wars Period and is also vital to show Bavarian state building. It shows just how successful the Wittelsbachs dynastic policies had been from the previous century, particularly with regards to their tightening familial relations with the Habsburgs, and their positioning as the champions of Catholicism made them the obvious choices to enact the ban. This also marks changes moving forward in regard to the Bavarian war economy and their willingness and ability to champion Catholicism through arms. Maximilian received money from his territory solely to pursue dynastic territorial gains

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[164] Dixon, "Urban Order and Religious Coexistence in the German Imperial City," 33.

[165] Simon Adams, "The Union, the League and the politics of Europe," in Parker, *The Thirty Years' War*, 23.

and this willingness to finance religious war would be vastly expanded over the next forty years, as they would simultaneously fund Ernst and Ferdinand of Bavaria (Bavarian Wittelsbach Electors of Cologne) in confessional affairs, assuming their status as a Catholic bank.[166] Effectively ensuring that the up and coming confessional battles would be dictated through Bavarian arms, financed by the Bavarian state, and directed by the Bavarian leader Maximilian I. Luckily for Maximilian this new conflict laden empire was close on the horizon, as he and his Palatine cousins split the Empire apart.

Jülich and the First Catholic League

The more radical Protestant estates did not remain idle following the breakdown of the Imperial Diet of 1608 and following it they immediately began talks to form an alliance along confessional lines, reminiscent of the Schmalkaldic League.[167] Clearly if the imperial institutions could not protect them, then they would have to rely only upon themselves. Just five days after the conclusion of the diet, the Protestant Union was formed, led by Electoral Palatinate, and further composed of Palatinate-Neuburg, Württemberg, Kulmbach-Bayreuth, Ansbach-Bayreuth, and Baden-Durlach.[168] A year later they were joined by Electoral Brandenburg, Zweibrücken, Hessen-Kassel, Saxony-Anhalt, Öttingen, and sixteen imperial cities producing a defensive alliance with a

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[166] Carsten, *Princes and Parliaments in Germany*, 395.

[167] Parker, *Europe in Crisis 1598-1648*, 84-85.

[168] "The Protestant Union, 1608," in Wilson, *The Thirty Years War: A Source Book*, 12-13; Whaley, *Germany and the Holy Roman Empire Vol 1*, 422.

proposed force of 20,000 men under Palatinate control.[169] The Protestant Union would only precede the Catholic League by one year, but it can simply be seen as an extension of the Wittelsbach Palatinate line. Unlike the Catholic League, it would not see many military or political victories throughout its existence, but that is not why it is so relevant. It was primarily a political entity designed to amplify the Palatinate's political might and expand Lutheran and Calvinist influence within the Empire. It would also prove itself to be a focal point for foreign Protestant states to interfere in imperial politics.

The creation of the Protestant Union almost certainly directly led to the creation of the Catholic League the following year in 1609. Even though the Union was designed to be defensive in nature it was too reminiscent of the Schmalkaldic League, a half century prior, and due to the recent events much of its fury was aimed directly at Wittelsbach Bavaria. Maximilian I was not completely unaware with regards to the threat he faced for enacting the imperial ban, and during the breakdown of the *Reichstag* in March of 1608, he had already begun to urge Ferdinand to push the emperor towards forming a defensive Catholic alliance, but ultimately it was proven that the Emperor was incapable or unwilling to meaningfully lead the Catholic states.[170] The emperor's unwillingness to lead the other Catholic states against the potential rise of Protestant militancy effectively handed the ecclesiastical estates over to Maximilian I, proving to them that no defense of the imperial church would be mounted unless it was under the

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[169] "The Protestant Union, 1608," 13, 15; Whaley, *Germany and the Holy Roman Empire Vol 1*, 422.

[170] Albrecht, *Maximilian I. Von Bayern 1573-1651*, 409.

Bavarians.[171] The situation fully necessitated Bavaria to form its own defensive alliance, as not only did the Protestant Union fully outnumber Bavaria, but their two most antagonistic members were on its own borders. In response to the challenge posed by his Palatinate cousins, Maximilian created a Catholic League under Bavarian hegemony.

Even though many scholars may attribute this to the growth of the confessional conflict within the Empire, it is almost entirely the culmination of the house rivalry between the Bavarian and Palatine lines. In order to show itself to be the Catholic alternative to the Protestant Union, just as the Bavarian Wittelsbachs were the Catholic alternative to the Palatine line, the early Catholic League became comprised solely of Catholic principalities that were dependent upon Bavaria, and in opposition to the Habsburgs. The League was designed from its inception to be spearheaded by Bavaria and be supported by the other prince-Bishoprics. Like the Protestant Union, it was to be primarily a defensive institution, not designed as an offensive one. It presented itself as a base for Bavaria political power and clout. The League was also designed to exist without the interference of the Austrian Habsburgs, as their involvement would necessitate the subordination of Bavaria and go directly against the reason for its existence. [172]

The institution that Maximilian I would end up creating was designed not only to counter the Protest Union but also to mirror it, sharing many of its key features and purposes. Just as the Protestant Union was created as a defensive alliance against

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[171] Albrecht, *Maximilian I. Von Bayern 1573-1651*, 409.

[172] Whaley, *Germany and the Holy Roman Empire Vol 1*, 422.

Bavarian aggression, the Catholic League was designed to be a defensive bulwark against the Palatinate and to protect Bavaria. The Catholic League differed from the Protestant Union in that the Union had made an open call to all Protestant estates to join it in 1608 at Auhausen, whilst the League under Maximilian I would be much more restrictive in its membership, arguably showing they viewed their cause as less dire than the Protestants viewed their own.[173] The League was to be comprised exclusively of Catholic estates (unlike the bi-confessional nature of the dual Calvinist/Lutheran Union), however it was not designed to admit all Catholic estates seeking entry. Like the Protestant Union it was designed to be an extension of its leading Wittelsbach family, the Palatinate branch for the Protestant Union and the Bavarian Wittelsbachs for the Catholic League. It was created with the dynastic balance of the Empire in mind, the two ascendant branches of the Wittelsbachs filling in the current imperial power vacuum left by Rudolph II's aloof leadership, while trying to keep the Habsburgs on the periphery.

Maximilian had many reasons with which to exclude the House of Habsburgs from any involvement in the League. Short-lived alliances had been a fixture of a destabilized *Reich* over the past two hundred years, usually stemming from weak imperial controls, and being formed due to regional politics or confessional conflict.[174] The membership of the emperor or any faction of the Habsburgs usually brought with it their wealth and prestige, but their involvement inevitably led to those alliances being

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[173] Adams, "The Union, the League and the politics of Europe," 25; "The Protestant Union, 1608," 12-16.

[174] Whaley, *Germany and the Holy Roman Empire Vol 1*, 306-307.

hijacked by the Habsburg agenda. Disagreements between the Bavarian Wittelsbachs and the Habsburgs is ultimately what eroded the fairly successful Swabian League almost a century prior.[175] So when trying to formalize its membership, Maximilian tried to steer it far from Habsburg involvement lest it be taken over and become unsuitable in aiding in the actualization of his ambitions. Luckily he was able to benefit from the dynastic state building policies of his forebearers and their Jesuit connections, supplanting much of the Habsburgs' influence with his own.

The first iteration of the Catholic League was initially founded on July 10th of 1609 in Munich, comprised of Upper German estates.[176] Its membership was composed of Maximilian I, the Prince-Bishops of Augsburg, Constance, Passau, Regensburg, Würzburg, and the prelates of Kempten and Ellwangen; all which were compacted into a relatively small geographic area.[177] It experienced a period of massive growth a month later on August 30th with the additions of all three of the Rhenish Ecclesiastical Electors (Mainz, Cologne, and Trier) followed by the prince-Bishoprics of Bamberg, Worms, Speyer, and Strasbourg, along with the Prince-Abbacy of St. Emmeram.[178] The most notable absent ecclesiastical estate from the League's membership was the Prince-

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[175] Wilson, *Heart of Europe*, 563.

[176] "The Catholic League, 1609," in Wilson, *The Thirty Years War: A Source Book*, 16.

[177] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 417; "The Catholic League, 1609," 17.

[178] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 417; Parker, *Europe in Crisis 1598-1648*, 85.

Archbishopric of Salzburg due to Archbishop Wolf Dietrich von Raitenau's disputes with Maximilian I over the salt trade and his unwillingness to be subjected to Bavarian hegemony.[179] The League was divided into two directorates, the Rhenish Directorate with the Elector of Mainz as its director, and the Oberland Directorate under Maximilian's supervision, with him also being the head of the Leagues military and the general being Johann Tserclaes von Tilly.[180]

The League's initial composition says a lot about how much Bavaria's position within the Empire had changed over the previous hundred years alongside the effect that the imperial institutions had upon it. It was almost a full reversal of positions between the Habsburgs and Wittelsbachs, as Bavaria was now the united ascendant territory while the Habsburgs territory had grown just as fragmented as the relations between the archdukes. It was appearing as if Bavaria was becoming a beacon of stability for the Catholic estates, unyielding to Protestant demands, and seemingly willing to preserve the imperial church. The Catholic League bore a striking resemblance to the Bavarian *Kreis*, initially comprised of many of the same ecclesiastical members (with them being placed under Bavaria in the Oberland Directorate), but just expanded outwards across the Empire, with the Elector of Mainz replacing the Archbishop of Salzburg as the other visible leader. It mirrored the *kreise* structure in general as it had northern and southern directories-- giving some regional control, relied upon two directors, operated under written charters,

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[179] Albrecht, *Maximilian I. Von Bayern 1573-1651*, 410.

[180] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 417.

governing councils balanced by plenary congresses, and had a contributory quota system to distribute burdens equally between the unequally proportioned members.[181] However, in all actuality Bavaria would end up carrying the bulk of the burden as discussed earlier. For Maximilian I though, it was superior that power was not to be shared equally between all members as it was a vehicle designed for his dynastic ambitions, along with the inclusion of his uncle Ernst and all of his territories. Effectively it was a Bavarian Wittelsbach League designed to protect itself and the imperial church from encroachment by their rivals in the Palatinate line and the Protestant Union.

It is argued that the Catholic League and the Protestant Union did not possess "true state-like qualities" as they did not go beyond what the League of Swabia accomplished or what the Imperial Reforms had done for the Empire.[182] Neither alliance was designed to be full on replacements for the *kreise* structure nor were they formally to be incorporated into the Empire as their confessional nature inherently came at the expense of loyalty to the Empire as Wilson argues.[183] However, that is from the point of view of the Empire as an entity and not that of its component parts let alone the Catholic League's main actor. The creation of both the Union and the League paralyzed the imperial institutions due to the radical Protestants refusals to participate in them, such as them walking out of the Imperial Diet in 1608, and the Catholic League slowly becoming

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[181] "The Catholic League, 1609," 17-20. Wilson, *Heart of Europe*, 564.

[182] Wilson, *Heart of Europe*, 565.

[183] Wilson, *Heart of Europe*, 565.

a military branch of the Catholic estates to impose seemingly unjust imperial mandates on the Protestants. But, for the likes of Bavaria the Catholic League was an extension of their state, especially as time marched on. They assumed a staggering proportion of the financial burden, its organization, its leadership, and extended its influence into the whole of Europe acting as a pseudo-state within the Empire. So it could be argued that for the League's lesser members that it took on "no true state-like qualities" but from the Bavarian experience it did. It was an extension of the Bavarian state and its creation and maintenance inevitably led to Bavaria widening its political footprint, becoming an electorate, leveraging it in the peace process during the Thirty Years War, and using their experience from it to engage in state-like practices and alliances with France. Ultimately the Catholic League is Bavarian state building, just existing under an imperial framework.

Maximilian I sought to ensure that the Catholic League did not weigh Bavaria down as the Landsberg Alliance had. The Landsberg Alliance was a cross confessional alliance created by Emperor Ferdinand I in 1556 and under Habsburg direction until its dissolution in 1599.[184] It had been comprised of nine imperial estates all within the southern portion of the Empire and had been disastrous for Bavaria. As a political vehicle of the Habsburgs it never truly resulted in anything beneficial for Bavaria. In fact it aided in the near bankruptcy of Bavaria, a fact Maximilian was not quick to forget.[185] The

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[184] Parker, *Europe in Crisis 1598-1648*, 85; Wilson, *Heart of Europe*, 439.

[185] Adams, "The Union, the League and the politics of Europe," 27-28; Parker, *Europe in Crisis 1598-1648*, 85.

Landsberg Alliance ended as a result of Bavarian and Salzburger infighting and Maximilian I had refused to join another league when asked by Cologne and the papacy preferring to look inwards at his own finances as already discussed.[186] The Landsberg Alliance had highlighted all of the potential pitfalls of entering into another alliance and Maximilian I created the Catholic League with those pitfalls in mind. Following what the Landsberg Alliance had taught him, he avoided Habsburg involvement to the best of his ability, avoided Salzburger involvement, had his own duchy on solid financial ground, forced contributions from other members, and pushed for receiving subsidies from abroad. Effectively, the Catholic League was to perfect itself over time.

In its first iteration Maximilian I tried to limit Habsburg involvement as much as he could but towards the end of 1610, fearing the lack of money coming in from the other estates, Maximilian allowed Archduke Ferdinand of Styria and Philip III of Spain (r.1598-1621) to be the honorary protectors of the League in exchange for a Spanish subsidy (which is unclear if it was ever paid), and furthermore Maximilian would begin to receive papal subsidies for the League in August of 1610.[187] This marks the real beginning of foreign interference in the League and ultimately Bavaria would be close with Spain through the Thirty Years War due to ongoing subsidies to support the war effort. This growth of their relationship reflects that of the involvement of foreign

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[186] Whaley, *Germany and the Holy Roman Empire Vol 1*, 420.

[187] Adams, "The Union, the League and the politics of Europe," 28; Whaley, *Germany and the Holy Roman Empire Vol 1*, 423.

Protestant states when it came to the Protestant Union. But due to the lack of direct

Austrian Habsburg involvement or true foreign hegemony, Maximilian I was able to keep

the League out of direct involvement in the War of Jülich Succession (1609-1610, 1614).

This was despite Maximilian's sympathies and the Elector of Mainz's desire to give

Ferdinand's brother Archduke Leopold V (1586-1632) some subsidies, as it was-- at the

moment-- just between two Lutheran claimants, and the fact that they were a defensive

alliance.[188]

The other disastrous effect that the creation of both the Protestant Union and the

Catholic League had been that they were clear beacons for foreign intervention within the

Empire and that their existence necessitated it due to their smaller economies relative to

the other large states—in particular the Habsburgs Dominions within the Empire. The

Protestant Union dragged in other Protestant states such as the Calvinist provinces of the

Netherlands (in open rebellion against the Spanish Habsburgs and their conflict would be

resolved alongside the Empire's in the conclusion of the Thirty Years War), England, and

the later involvement of Catholic France as they feared Habsburg dominion over

Europe.[189] Whereas the Catholic League would try to stay removed from the Austrian

Habsburgs and align more closely with their Spanish cousins and the papacy (especially

since it was spearheaded by the Counter Reformation success story that was Wittelsbach

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[188] Adams, "The Union, the League and the politics of Europe," 28; Whaley, *Germany and the Holy Roman Empire Vol 1*, 423; Peter Wilson, *The Thirty Years War: Europe's Tragedy* (Cambridge, MA: The Belknap Press of Harvard University Press, 2011), 235.

[189] Hughes, *Early Modern Germany*, 80; Parker, *Europe in Crisis 1598-1648*, 85.

Bavaria). These alliances would not only further split apart the two Wittelsbach lines but it would slowly drive the wedge further into the Empire along confessional lines. The foreign powers that both sides had aligned with derived no benefit from a strong or even semi-unified Empire, almost every single state had a vested interest in the decline of German Habsburg power, even the Catholic states. With imperial politics predicated upon weakening the Habsburgs, it was only natural that many conflicts would be orchestrated to weaken their power.

The influx of foreign funds pouring in, coupled with the breakdown of many of the peace-keeping systems, such as both the courts and the imperial diet, all but guaranteed that even with the absence of desire to actually engage in warfare, that inevitably all sides would be pushed towards it. The first of many conflicts to happen within the Empire during the emergence of the League and the Union was the War of Jülich Succession following the death of Duke Johann Wilhelm of Jülich-Cleves-Berg (r. 1592-1609) on March 25th , 1609, a mere two months before the founding of the Catholic League, undoubtably further effecting their decision to form an alliance.[190] Although there were many claimants to the disputed territories of Jülich, Cleves, Berg, Ravensberg, and Mark, the only two legitimate claimants through way of Johann Wilhelm's sisters were the Elector of Brandenburg Johann Sigismund (r. 1608-1619) and Duke Philipp-Ludwig of Palatinate-Neuburg (r. 1569-1614), both of whom were Lutheran.[191] The fear

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[190] Brady, *German Histories in the Age of Reformations, 1400-1650*, 367; Whaley, *Germany and the Holy Roman Empire Vol 1*, 424.

[191] Asch, *The Thirty Years War*, 29-30; Thomas, *A House Divided*, 184.

of possibly losing such a rich and strategically important collection of territories next to the Spanish Road into the Netherlands prompted direct Habsburg involvement.[192] Emperor Rudolph II in seeking to enfeoff it to someone more loyal to him announced on April 2nd , 1609 that the territories would be placed under the regency of the widowed Duchess Antoinette of Lorraine (1568-1610), the privy council, and an imperial commissioner, and on the 24th of May said that the *Reichshofrat* would decide the territories fate within a month.[193] Following the disastrous decision of the *Reichshofrat* under Rudolph II had come to during the Donauwörth Affair, Johann Wilhelm and Philipp-Ludwig saw no need to wait on a partisan decision and instead signed the Treaty of Dortmund on June 10th, 1609 between Brandenburg and Neuburg to occupy it jointly and to resolve its partitioning within 12 months or face arbitration.[194] The two Lutheran territories decided to push out all other claimants, basing their own claims on actual possession of the territories. A mere month after the Treaty of Dortmund was signed, the Munich Conference creating the Catholic League came to an end, yet Maximilian I managed to keep the developing situation in Jülich off of the agenda, even if it was on people's minds.

On the 14th of June, 1609 Rudolph II decided to suspend the treaty of Dortmund and placed his cousin Archduke Leopold V (at the time the Prince-bishop of Strasbourg

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[192] Asch, *The Thirty Years War*, 29.

[193] Wilson, *The Thirty Years War*, 231-232.

[194] Asch, *The Thirty Years War*, 30;Wilson, *The Thirty Years War*, 232.

and Passau) as his designated commissioner over the territories regency.[195] The issue

though was that Archduke Leopold V in his capacity as the Bishop of Passau was a

member of the Catholic League and he instantly urged the other members for their

involvement.[196] Ultimately, Leopold would be left to his own devices against

Brandenburg and Palatinate-Neuburg, alone as the other members of the Catholic League

sought to only raise troops for their own protection in August, with the League and Union

coming to a truce shortly on October 24th, 1610, leaving the territory to the two

possessors Neuburg and Brandenburg.[197] What had aided in displacing Leopold from the

territories also had been the intervention by the French along with the Dutch, showing

just how international imperial politics were to become. What this first engagement had

shown was just how costly this confessional warfare was moving towards, and how ill

prepared both sides were. Following the expulsion of Leopold, the emperor left the

territories' fates up to the possessors which would not go challenged until the death of

Rudolph II on January 20th, 1612, leading to the election of his brother Mattias as

emperor on June 13th, shortly after.[198]

      Mattias sought to reverse all of the inroads that both the League and Union had

made within the past few years and to make the League specifically a pro-Habsburg

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[195] Wilson, *The Thirty Years War*, 232.

[196] "The Catholic League, 1609," 17.

[197] Adams, "The Union, the League and the politics of Europe," 28; Wilson, *The Thirty Years War*, 237.

[198] Adams, "The Union, the League and the politics of Europe," 30.

entity and not one dominated by Bavaria.[199] Heading into the 1613 *Reichstag* (which was

the last one to be held until 1640), the Catholic League met at Regensburg.[200] Following

Maximilian I's departure, Mattias' chief advisor, Melchior Klesl (1552-1630), convinced

the other members using the Elector of Mainz to push for a more bi-confessional

membership, trying to get Saxony admitted to the League and undermine Bavarian

hegemony.[201] Klesl and Mattias' cross confessional approach led to an actual recess at the

imperial diet, but ultimately the hardline members of the Protestant Union walked out and

the remaining estates only gave limited economic concessions for the frontier.[202] The

Catholic League reconvened following the *Reichstag* and it had massive consequences

and completely decimated the lifespan of the League.

Klesl and the Elector of Mainz pushed the lesser members of the League into

updating their charter. The changes were deliberately targeted to destroy Bavarian

hegemony and the confessional nature of the League itself. They rewrote it to make room

for a third Directorate (Swabian), to be placed under Archduke Maximilian III of Tyrol

(r. 1612-1618), with the Swabian members under Maximilian I of Bavaria being

transferred over.[203] The League also had its name changed to Christian Defense League

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[199] Adams, "The Union, the League and the politics of Europe," 30-31.

[200] Whaley, *Germany and the Holy Roman Empire Vol 1*, 439-440.

[201] Asch, *The Thirty Years War*, 32; Wilson, *The Thirty Years War*, 250.

[202] Whaley, *Germany and the Holy Roman Empire Vol 1*, 439-440; Wilson, *The Thirty Years War*, 249-251.

[203] Asch, *The Thirty Years War*, 32; Wilson, *The Thirty Years War*, 251.

to remove its confessional implications possibly paving the way for the future involvement of the more moderate Saxon Elector to join.[204] These changes were further confirmed at a League conference in Augsburg in March of 1614, and Archduke Maximilian III finally assumed control over his directorate in April of 1615.[205] The addition of Habsburg involvement sealed the fate of this iteration of the League and led to its relatively rapid decline.

During the conference in 1614 Maximilian I of Bavaria created a shadow alliance with his immediate neighbors in the Catholic League, and once Archduke Maximilian III stepped up to become the third director in April 1615, the Swabian Bishop of Augsburg and Prelate of Ellwangen pushed to remain in the Bavarian Directorate.[206] All of this interference culminated in Maximilian I leaving the Catholic League in its entirety on February 14th, 1616, and just focusing on his smaller shadow alliance.[207] Shortly over a year later, knowing he had gained the political edge over the League, Mattias demanded the League and the Union to disband, which Archduke Maximilian III was all too willing to do, marking the end of the first Catholic League.[208]

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[204] Wilson, *The Thirty Years War*, 251.

[205] Wilson, *The Thirty Years War*, 251.

[206] Asch, *The Thirty Years War*, 32-33; Wilson, *The Thirty Years War*, 251.

[207] Wilson, *The Thirty Years War*, 252.

[208] Wilson, *The Thirty Years War*, 252.

At a glance it all appeared to be a political failure for Maximilian I as the entire

lifespan of the Catholic League had only been just shy of eight years, and the last third of

it had been torpedoed by Habsburg involvement and a move towards moderation. It is

also argued that this highlights the impossibility of a separate Bavarian led Catholic

League without Habsburg approval, but it was never sought out to be.[209] The entire point

of the League was not for it to operate completely in the shadows and illegally, but to be

a possible legal vehicle for Bavarian hegemony to develop. Maximilian I may have

avoided Habsburg involvement after his initial attempts at forming one, but he never hid

its association from the Habsburgs and ensured its entire existence was dictated by

working within the legal framework of the Empire. Never once did this Catholic League

break the public peace, wage war against the emperor or the Empire, or challenge any of

its institutions. What it had achieved though was further solidifying the issues that has

already been highlighted with earlier alliances, thus being a learning lesson for

Maximilian I. Habsburg involvement, even as limited as it had been, had led to the

complete collapse of the League and showed how limited people's contributions would

be during the first Jülich-Cleves Affair. But clearly Maximilian I still saw value in such a

League's existence, thus maintaining his smaller shadow alliance (which also never broke

any imperial law), and eventually recreating the Catholic League, but solely under his

own command.

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[209] Wilson, *The Thirty Years War*, 252.

Maximilian I did have other success at the dynastic and imperial level during this period though. The year 1613 was the make-or-break point for the Jülich-Cleves Affair and the Empire itself. During it Frederick V, the new Elector of the Palatinate, married Elizabeth Stuart (1596-1662) strengthening their relationship further with another Protestant monarchy.[210] The year also saw the conversion of both possessors of the Jülich inheritance. Johann Sigismund's conversion to Calvinism further strengthened his ties to the Electoral Palatinate and thus all the status that came along with it, further alienating Neuburg from the Union and causing a breakdown in the co-rule of Neuburg and Brandenburg.[211] Without Protestant aid, Philipp-Ludwig's heir Wolfgang Wilhelm pushed his dynasty closer to the Catholic cause, in particular his cousin Maximillian I of Bavaria, through his own conversion to Catholicism.[212] Maximilian I took pride and credited himself with Wolfgang Wilhelm's conversion to Catholicism and the same year Wolfgang Wilhelm also married Maximilian I's sister, Magdalene of Bavaria (1587-1628), strengthening ties between the two Wittelsbach lines.[213] It was made easier by the fact that Neuburg had been distancing itself from their cousins in Heidelberg upon their own conversion in 1559 to Calvinism, while the Neuburg line had remained Lutheran.[214]

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[210] Thomas, *A House Divided*, 15, 179-180; Whaley, *Germany and the Holy Roman Empire Vol 1*, 526.

[211] Asch, *The Thirty Years War*, 30-31.

[212] Asch, *The Thirty Years War*, 30.

[213] Thomas, *A House Divided*, 46.

[214] Thomas, *A House Divided*, 16.

The conversion of Wolfgang Wilhelm was a long time coming even if it was against his father Philipp-Ludwig's wishes. As the Electoral Palatinate drifted from them and gravitated towards marrying into Calvinist or international families, they distanced themselves from their cousins in Palatinate-Neuburg.[215] Following the conversion of Frederick III to Calvinism it effectively broke the once close branches from one another. Following Elector Palatine Frederick IV's death on October 8th, 1610 they refused to allow Philipp-Ludwig to become Frederick V's regent, even though he was the senior member of the Palatine line and it was his right.[216] Palatinate-Zweibrücken and Palatinate-Neuburg argued over the regency of the Electoral Palatinate extensively, as the Calvinists feared Neuburg's attempts at converting Frederick V to Lutheranism, and later Wolfgang Wilhelm's attempts to turn him Catholic.[217] Furthermore Palatinate-Neuburg had long been a member of the Bavarian *Kreis* and was no stranger to regional cooperation with Bavaria.[218] Even in their childhoods, Maximilian I and his brother had spent a summer in Neuburg with their cousins, and despite religious disagreements ultimately they were kind to one another.[219] Palatinate-Neuburg joined the Protestant Union like many of the other Protestant estates following the Donauwörths Affair, and

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[215] Thomas, *A House Divided*, 16.

[216] Thomas, *A House Divided*, 185; Wilson, *The Thirty Years War*, 242.

[217] Thomas, A House Divided 185; Wilson, *The Thirty Years War*, 252.

[218] Albrecht, "Staat und Gesellschaft. Zweiter Teil," 627.

[219] Thomas, *A House Divided*, 46.

although they feared Bavarian encroachment that did not mean that they were

sympathetic towards the Calvinist cause.[220] Even though from the outside Wolfgang

Wilhelm's conversion looks to be one from convenience, Maximilian I still took pride in

pushing his cousin toward Catholicism and they did develop a friendly relationship with

one another; the marriage further solidified that. The marriage between Wolfgang

Wilhelm and Magdalene gave Catholicism a stronger foothold in Wolfgang Wilhelm's

territories just as the marriage between Archduke Karl II of Inner Austria and Maria

Anna of Bavaria had affected Inner Austria in the 1570s.

These conversions worked for the respective parties but renewed the conflict over

the Jülich inheritance once again. Brandenburg plotted to push the Palatinate-Neuburg's

forces out of Jülich with the use of Dutch assistance and subsequently displaced

Wolfgang Wilhelm, until he returned the favor by forcing the Brandenburgers out of

Cleves with Spanish aid.[221] This period of the conflict did not see the mobilization of

either the Union or the League, but it developed an international character somewhat

alluding to the future. Johann Sigismund received aid from the Dutch to push Wolfgang

Wilhelm out of the territory, who in turn used his newfound Catholic faith to draw in aid

from the Spanish, who needed to save face against the Dutch. Ultimately this phase of the

conflict would wrap up on the 12th of November, 1614 during the Treaty of Xanten with

Jülich-Berg and Ravenstein going to Wolfgang Wilhelm and Cleves-Mark and

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[220] "The Protestant Union, 1608," 12.

[221] Asch, *The Thirty Years War*, 31.

Ravensberg going to Johann Sigismund's son George William.[222] Even though Bavaria was not a direct belligerent in any of the conflicts of the Jülich-Cleves Affair, it did have a staggering impact on them.

The War of Jülich Succession largely mirrored that of the previous Donauwörths Affair. Each issue arose from the breakdown of imperial institutions combined with the chaotic decision-making process of Rudolph II. Both Affairs were delicate situations that required some imperial arbitration, but in both situations Rudolph II turned to the already controversial Catholic dominated *Reichshofrat* to simply level an unpopular decision upon the parties involved, largely playing imperial favorites. Just as Maximilian I had been illegally dispatched to place the imperial ban on the City of Donauwörth in the Swabian Circle, Rudolph II sent his cousin Archduke Leopold V to invade a member of the Westphalian *Kreis*, showing a massive breakdown in the imperial systems with regards to the eternal peace. This was only further complicated by the complete breakdown of the *Reichstag* in 1608 and 1613 and its failure to aid in the resolution of both conflicts and the subsequent reliance upon imperial alliances and foreign powers. These two conflicts may have not guaranteed the escalation into Empire wide warfare but they do highlight just how divided the Empire was becoming through the power vacuum being left by the Habsburgs and it being filled by the dynastic power struggle between the Palatinate and Bavarian Wittelsbachs.

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[222] Asch, *The Thirty Years War*, 31; Brady, *German Histories in the Age of Reformations, 1400-1650*, 368; Whaley, *Germany and the Holy Roman Empire Vol 1*, 426-427.

Even though these conflicts mark the beginning of the Protestant Union and the Catholic League, it ultimately showed the long-term issues that they would face. Neither side was equipped to be able to bare the entire burden of their involvement in the War of Jülich Succession. Neither of the possessors paid their portions of the aid that came to them from both sides, forcing the Protestant Union to take on massive debts that nearly bankrupted it and required the massive funds of France and the Netherlands to support them, effectively showing that foreign investment was necessary to its continuation, especially if war was to breakout.[223] For the Catholic League its limited defensive deployment was still massively expensive which Maximilian I and Spain bore the brunt of, which was a prelude to the future and would undergo massive restructuring due to Habsburg meddling and Maximilian's ambition.[224] This was not the league that Maximilian I nor Bavaria desired as its involvement in largely unrelated territorial disputes was simply a massive burden upon the Bavarian treasury.

It presented itself as a base for Bavaria political power and clout. The League was also designed to exist without the interference of the Austrian Habsburgs, as their involvement would necessitate the subordination of Bavaria, and go directly against the reason for its existence. This can best be shown in the eventual inclusion of Austria and Lutheran Saxony in 1616 and the subsequent departure of Bavaria and the creation of a

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[223] Adams, "The Union, the League and the politics of Europe," 32-33; Whaley, *Germany and the Holy Roman Empire Vol 1*, 442.

[224] Adams, "The Union, the League and the politics of Europe," 31.

new Catholic League that same year without Austria or Saxony.[225] In short, the Catholic League was only designed as an extension of Bavarian political power, and a means to enact their imperial policies without the direct ascension of Maximilian to the position of emperor, just as his Palatine cousin used the Protestant Union to rally Protestant princes to his cause without the politically gridlocked diet or courts.

Conclusion

Through the first twenty years of his reign, Maximilian I managed to alter the fortunes of the Bavaria that he had inherited. This monumental effort involved the refinement of the state building practices of his forbearers, with regards to their implementation of the Counter Reformation, confessional propaganda, and the use of existing state apparatuses to ensure loyalty to the state and develop a Bavarian identity. However, due to conflicts within the Empire and Europe as a whole, Maximilian would set in motion new state building practices that would diverge drastically from his forebearers and only exacerbate the coming Thirty Years War. Even though this period encompassed twenty years of Maximilian I of Bavaria's reign, it does not even fully end at the halfway mark, and the remainder of his reign would be marked by warfare, the testing of his state, its ability to wage effective warfare or merely survive it.

By the beginning of the Thirty Years War Maximilian's Bavaria had effectively placed itself as the perfect candidate for elevation to the status as an electorate. During

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[225] Hughes, *Early Modern Germany*, 79.

this time Bavaria also somehow managed to raise itself in levels of importance to the Habsburgs through necessity, as well as to outside powers such as Spain and the papacy. These processes involved the complete subjugation of Bavaria by Maximilian, his rebuilding of the treasury, and most importantly his political maneuvers taking advantage of the dynastic diplomatic strategy his family had been focused on in the past full century. By the end of his first twenty-year reign, Maximilian would find himself at the head of a Catholic alliance with, at the time, the most powerful military in the Empire. He would use that to obtain the promise of gaining the electoral dignity from Ferdinand II and find himself marching in direct opposition against his Palatine cousin. In the upcoming war for Bohemia, and primarily the first half of the Thirty Years War, Bavaria would know nothing but success and would begin to leave a wider and more substantial mark upon the Empire and European wide politics.

Chapter 4
Bavaria at War

The Thirty Years War overshadows most German historical topics taking place during the first half of the seventeenth century, and Bavarian state building is no exception. Bavaria and Maximilian I were impacted more directly than many other territories in this regard, as Bavaria and Maximilian I were featured prominently during all phases of the war. Their roles in the war changed drastically over time through the periods of victory and defeat, playing both an aggressor and a peace maker. This thesis, however, is not a military history and to avoid it overshadowing Bavarian state building, limitations will be placed on the discussion of the Thirty Years War and instead focus specifically on the events that directly impacted Bavarian state building, how Maximilian leveraged events of the war to best be able to aid in his dynastic ambitions or to defend his spoils of war. With those limitations in mind, this chapter focuses on the Bavarian-Catholic League military and Maximilian I's use of it as a political tool, the Bavarian occupation and re-Catholization of the Upper/Lower Palatinate and Upper Austria, the electoral dignity, the Swedish occupation of Bavaria, and the Peace of Westphalia and its repercussions.

The Palatinate and Electoral Title, Dynastic Diplomacy and a Microcosm of Bavarian State Building

The key motivator driving the Bavarian Wittelsbachs dynasty since 1356 had been the reestablishment of their branch as an electoral family. As discussed in Chapter 1,

the Wittelsbachs had lost that status through the combination of the Golden Bull of 1356 and subsequently the reluctance of the Palatinate Wittelsbachs and the Habsburgs to acknowledge the legitimacy of the Treaty of Pavia 1329. They had tried every legal avenue leading up to the Thirty Years War of trying to regain it. The power balance that had developed in the Empire following the death of Emperor Ludwig IV was built upon a weak Bavaria, but by 1618 they had grown in influence due to the confessionalization of the *Reich* and in spite of the lack of electoral or imperial dignity. Even during the Schmalkaldic Wars, when it was bleakest for Charles V and the Habsburgs, the Austrians still withheld recognition of the Treaty of Pavia from the Bavarian Wittelsbachs. The Habsburg's imperial policy from this point on was built on the strengthening of ties with the post-Tridentine Bavarians while best limiting the spread of Wittelsbach influence beyond the southern portion of the Empire. They desired an ally and not a new rival. The Thirty Years War however would be different as Ferdinand II's predicament became much graver than that of Charles V. Ferdinand II was more than willing to pay any price to get his own lands back.

Ferdinand II lost his grip on Bohemia and was fearful of losing his control elsewhere, and from the beginning of the conflict he rapidly sought the help of his cousin Maximilian I. Prior to being called to Ferdinand II's aid, Maximilian was beginning to turn his shadow alliance into the direct replacement of the first Catholic League and to take up its mantle. Ferdinand II was over-extended and needed a separate fighting force financed and organized by another prince, which Maximilian and the Bavaria state provided. It was this great need that would allow the second Catholic League to be

recreated under Wittelsbachs' ambitions and not be hampered by the Habsburgs. The

second iteration of the Catholic League would blossom from the original founding

principles of the first Catholic League. It would be designed to be directly under

Wittelsbach control with as little Habsburg involvement as possible. The Second Catholic

league would be fully legitimized in the Treaty of Munich on October 8th, 1619.[1] This

treaty would place the Catholic estates, their men, and their resources under the direct

control of Maximilian I.[2] His hegemony over the League was enshrined in the treaty as

well since Ferdinand II had to swear to not hinder Maximilian's plans or control the

League.[3] The Catholic League became a truly independent Wittelsbach political vehicle

and renegotiate the power balance in the Empire.

For Maximilian I and the Catholic League's involvement in regaining possession

of the Bohemia Crown, Ferdinand II gave Maximilian control over Upper Austria in the

form of a commission.[4] The commission gave Maximilian the power to levy the

resources of the territory until he was reimbursed in full. Under the command of Tilly,

the Catholic League army's first stop before Bohemia was the rebel controlled Upper

Austria, where they faced little to no resistance, capturing Linz on the 3rd of August 1620,

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[1] "The Treaty of Munich, 8 October 1619," in *The Thirty Years War: A Sourcebook*, ed. Peter Wilson (Houndmills, Hampshire: Palgrave Macmillan, 2010), 56-58.

[2] "The Treaty of Munich, 8 October 1619," 56-58.

[3] "The Treaty of Munich, 8 October 1619," 56-58.

[4] Laurence Spring, *The Bavarian Army during the Thirty Years War 1618-1648: The Backbone of the Catholic League* (Warwick, England: Helion & Company, 2021), XI; "The Treaty of Munich, 8 October 1619," 57

followed by the rebels full capitulation on August 20th.[5] Before moving on to Bohemia,

Tilly left 5,000 troops under the command of Adam von Herberstorff (1585-1629), a man

who would become Upper Austria's Bavarian governor over the next several years.[6] This

occupation would begin and end in bloodshed, lasting eight years.

The transfer of Upper Austria to Bavaria was just an early modern method of

resource extraction in times of war, providing quartering, taxes, and men for the occupier.

This form of occupation would become a hallmark of the Thirty Years War, especially

through the occupation of an enemies' territory and forcing their contributions.[7] This

system became widespread because it limited the burdens placed on the resources of

early modern states and aided in the short-term prevention of mutinies due to lack of pay,

placing all of the burden on the local populations. The Bavarian occupation of Upper

Austria was not designed to be permanent as Ferdinand II fully expected to receive the

entire territory back once he secured an alternate means of repaying Maximilian I.

Ferdinand II's preferred payment method throughout the war would be to transfer rebel

properties to people loyal to him, or to elevate their station in the imperial hierarchy, with

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[5] Peter Wilson, *The Thirty Years War: Europe's Tragedy* (Cambridge, MA: The Belknap Press of Harvard University Press, 2011), 300.

[6] Wilson, *The Thirty Years War*, 300.

[7] Simon Adams, "Tactics or politics? "The Military Revolution" and the Habsburg Hegemony, 1525-1648," in *The Military Revolution Debate: Readings on the Military transformation of Early Modern Europe*, ed. Clifford Rogers (New York: Routledge, 2018), 265.

Albrecht von Wallenstein (1583-1634) being the most glaring example.[8] The desired person to cover Bavaria's expenses was Frederick V, due to the close proximity of his own territories to Bavaria and their familial history. The imposition of the imperial ban on Fredrick V gave legal justification for this transferal, and in fact, was the reason Maximillian I sought to engage in warfare to begin with. Even as the League had first marched out of Bavaria in 1620, they had left behind 8,600 men just to protect their border against the Upper Palatinate, foretelling what was to come to that territory as well.[9] Following their successes in Bohemia, Ferdinand II expanded Maximilian's commission over Upper Austria to include the Upper Palatinates, which entitled him to 240,000 thaler from both territories.[10] Ferdinand II then gave Maximilian I permission to invade the Upper Palatinate on the 9th of July 1621 with its full conquest completed just three months later on October 9th 1621. Tilly, on the other hand, continued to march further on with the bulk of the League's army to the Lower Palatinate.[11] A few short months later the Catholic League would jointly occupy the Lower Palatinate, severely limiting Frederick V's ability to regain his territories without severe foreign involvement, placing them at Maximilian's discretion.

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[8] Peter Wilson, *The Holy Roman Empire 1495-1806* (Houndmills, Hampshire: Palgrave Macmillan, 2011), 80.

[9] Wilson, *The Thirty Years War*, 314.

[10] Geoffrey Parker, "The Practice of Absolutism I: 1621-1626," in *The Thirty Years' War*, ed. Geoffrey Parker (London: Routledge, 1997), 83.

[11] Wilson, *The Thirty Years War*, 332, 355.

Each of the three occupied territories would experience the very same process of re-Catholization that had been perfected in Bavaria, and later exported to Inner Austria, but all to varying degrees. The first to be discussed will be the one least consequential to long term Bavarian state building, Upper Austria. The Habsburgs had given much of the Lutheran nobility of Upper Austria many religious concessions over time creating a fairly confessionally mixed territory. By 1585, 85% of Upper Austrian nobles, 75% of its urban population, and half of the peasants were Protestant.[12] The nobility of the territory had been given their religious freedom in 1568, about the same time that the Inner Bavarian nobles had received theirs (1572 and 1578), however, unlike Inner Austria they had not yet been forced to fully undergo Bavarian style Counter Reformation, only experiencing re-Catholization to a minimal degree.[13] The rise of the Counter Reform minded Ferdinand II as the head of the House of Austria and clear successor as emperor had prompted the Upper Austrian nobles to join the other Protestant rebels in their cause. Ferdinand II's father had been the one to implement the re-Catholization of Inner Austria, so the territorial nobles had a preview of what awaited them as Ferdinand II was even more reform minded than his father.[14] Since the Upper Austrian nobles found little to no success on the battlefield, they faced the same Bavarian stye re-Catholization that had befallen the others. The Bavarian occupation of Upper Austria was different from the

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[12] Wilson, *The Thirty Years War*, 58.

[13] Wilson, *The Thirty Years War*, 59, 68.

[14] Martyn Rady, *The Habsburgs: To Rule the World* (New York, NY: Basic Books, 2020), 127-130.

others in that it was conducted by Bavarian forces at the behest of Ferdinand II and not just Maximilian I.

Even though Upper Austria was under Bavarian occupation, it was not Maximillian's fief to do with as he pleased, he just had momentary possession of it in order to recoup some of the war indemnity agreed upon in 1623. The only benefit Maximilian expected to receive from it was financial and in that capacity he would not directly benefit from its re-Catholization. Upper Austria was simply an economic component of his war machine and for the most part, he treated it as such.[15] However, he was holding it under the direction of his cousin Emperor Ferdinand II who viewed this as the opportunity to enforce post-Tridentine Catholicism upon the territorial nobility.[16] This was exacerbated by the fact that loyalty and security were his primary concerns since his reign began with an open revolt, and in this period security was becoming even more synonymous with confessional unity.[17] For Ferdinand II it was a win-win as the imposition of the Counter Reformation under Maximilian's banner would eradicate the presence of a rival confession within his territory, replacing the Lutheran nobility with a loyal Catholic one, and the bulk of the blame could be placed on Bavaria, especially if they were brutal in its implementation. Thus, under Ferdinand II's direction, Herberstorff

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[15] Joachim Whaley, *Germany and the Holy Roman Empire: Maximilian I to the Peace of Westphalia 1493-1648*. Vol. 1 (Oxford: Oxford Univ. Press, 2012), 581.

[16] Whaley, *Germany and the Holy Roman Empire Vol 1*, 581.

[17] Parker, "The Practice of Absolutism I," 83.

began the re-Catholization of Upper Austria, mirroring the process that had been created

in Bavaria and perfected in Inner Austria. However, Upper Austria possessed a larger

Lutheran population than the other two territories, and a population that had recently been

inclined to revolt no less (1620).[18]

The re-Catholization of Upper Austria was not fully implemented immediately

upon defeating the rebels, nor would it be likewise in the Upper Palatinate or Lower

Palatinate. It was only once the Catholics had more success in the Palatinate phase of the

Thirty Years War and only when it was apparently going to conclude in their favor, did

they begin implementing the full process. Under direction from the emperor, Herberstorff

expelled Lutheran teachers and pastors in October of 1624, and allowed Catholic

creditors to foreclose on Protestant properties to force the sale of them to Catholics.[19] The

next year the Bavarian occupiers were much more punitive to those who resisted, as they

imposed a fine of one million florins on those accused of aiding the rebellion in 1618.

This was followed by the issuance of a proclamation that all Protestants were to convert

or leave, which primarily effected the peasants as the nobles were given a fifty-year grace

period.[20] Initial pushbacks led to the conversion mandate being delayed to Easter of 1626

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[18] Wilson, *The Thirty Years War*, 410-411.

[19] Parker, "The Practice of Absolutism I," 83.

[20] Parker, "The Practice of Absolutism I," 83; Wilson, *The Thirty Years War*, 411.

and a reduction of the fine to 600,000 florins, but ultimately these measures were still as divisive as they sound.[21]

A planned revolt swept across the territory following a small brawl on May 17th, 1626, plunging the territory into open rebellion against the Bavaria occupiers.[22] The revolt was a decentralized effort lead by a few nobles alongside a massive peasant force, amounting to roughly 40,000 strong.[23] Their main demand was to be granted religious autonomy and freedom from what they saw as heavy-handed Bavarian oppression and taxation. The peasants even went as far as offering to pay Ferdinand II the entire war indemnity he owed to Maximilian I at the cost of ending the occupation and a true concession for their religious freedom.[24] Any overtures for peace were short lived and after initial successes at fighting the Bavarians off, the Bavarian General Pappenheim (1594-1632) subdued the uprising in November of 1626.[25] The end results of the battles were the death of over 12,000 rebels and the execution of many of their leaders.[26]

Even though the peasants paid a steep price through their defeat, the revolt was successful in the fact that the peasants achieved their primary goals. Through the peace

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[21] Wilson, *The Thirty Years War*, 411.

[22] Spring, *The Bavarian Army during the Thirty Years War*, 139-140.

[23] Wilson, *The Thirty Years War*, 412.

[24] Wilson, *The Thirty Years War*, 412.

[25] Spring, *The Bavarian Army during the Thirty Years War*, 140.

[26] Wilson, *The Thirty Years War*, 413.

process they gained a reprieve against the re-Catholization efforts as they were delayed further until 1631.[27] Bavarian interference in Upper Austria would also come to an end in May of 1628 through the negotiations of Maximilian I and Ferdinand II's main advisor Count Max von Trauttmannsdorf (1584-1650). Maximilian I was enfeoffed with the territory of the Upper Palatinate, completely settling his debt with Ferdinand II for his involvement in the war, pending the long-term retention of said territory.[28] Although this ended Bavaria's involvement in Upper Austria, it does illustrate just how dangerous re-Catholization could be and highlighted the lengths at which Maximilian I was willing to enforce it, even on behalf of another without direct benefits for himself. The revolt challenged his financial security, but he managed to still enforce the same policies that his forefathers had used in Bavaria. The long-coveted territories of the Upper and Lower Palatinates would not be so lucky since he viewed them as his own territories. Maximilian I desired for them to undergo full re-Catholization to ensure confessional uniformity and loyalty, and to be better absorbed within the framework of his burgeoned-styled state.

The effects that Maximilian I's confessional policies would have on the Upper Palatinate would be far longer lasting and permanent than those faced in Upper Austria. The Upper Palatinate would be the primary territorial concession that Maximilian I would receive from his participation in the Thirty Years War. Due to the Upper Palatinate's

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[27] Spring, *The Bavarian Army during the Thirty Years War*, 140; Wilson, *The Thirty Years War*, 413.

[28] Parker, "The Practice of Absolutism I," 84.

close proximity and culture to that of Bavaria, it was easily integrable into his already existing state framework, barring a few roadblocks.

The primary difference between the Upper Palatinate and Bavaria was that Protestantism had firmly taken root in the Upper Palatinate. This was to be expected as it was controlled by the Palatinate branch of the Wittelsbachs, but the surprising part was that despite their best efforts Calvinism never really took root in the territory to any meaningful degree.[29] Lutheranism had first been introduced and became widespread in the territory following Otto-Heinrich's church Ordinance of 1556.[30] Following Friedrich III's conversion, he tried to implement Calvinism in the Upper Palatinate, but it failed primarily due to their lack of a shared border and the resistance of the Lutheran nobility, proving how resilient Lutheranism had been in the territory, however neither of which would hinder Maximilian.[31] Even Friedrich III's own son and later successor Ludwig VI refused to convert from Lutheranism and as the viceroy of the Upper Palatinate abstained from converting the territory to Calvinism in his father's absence.[32] The main reason that they managed to avoid total conversion to Calvinism was the fact that it had no legal standing within the Empire under the Treaty of Augsburg 1555. Due to the constitutional illegitimacy of Calvinism, the estates of Upper Palatinate said they would appeal to the

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[29] Andrew Thomas, *A House Divided: Wittelsbach Confessional Court Cultures in the Holy Roman Empire, c. 1550-1650* (Leiden: Brill, 2010), 127-128.

[30] Thomas, *A House Divided*, 127.

[31] Thomas, *A House Divided*, 107.

[32] Thomas, *A House Divided*, 127-129.

Emperor if forced to convert to the illegal confession.[33] Even Albrecht V fought against the territories Calvinization, asserting that Friedrich III had no legal right to convert it in the first place, just as the territorial nobility had argued.[34] Under Maximilian I, however, their conversion to Catholicism would not be as easily avoidable, as he had legal justification under the Peace of Augsburg and through his right to *Ius Reformandi* (right to reform).[35]

The Upper Palatinate had been long coveted by the Bavarian Wittelsbachs, and now it fell directly under their governance. For Maximilian I, confessional possession of a territory was just as important, if not more so, than actual physical possession. When Maximilian I's army marched into the Upper Palatinate in October of 1621, he not only brought his soldiers with him, but also the first two Jesuit priests.[36] The beginning of the re-Catholization of the Upper Palatinate occurred quicker than that in Upper Austria, but for the first few years the Bavarian's only targeted the removal of Calvinism from the territory, as it was not legally protected by the Peace of Augsburg. Due to the lack of a large number of adherents, there was not a powerful enough block of people to prevent the erasure of Calvinism.

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[33] Thomas, *A House Divided*, 128.

[34] Thomas, *A House Divided*, 132.

[35] Robert Bireley, *The Refashioning of Catholicism, 1450-1700: A Reassessment of the Counter-Reformation* (Washington: The Catholic University of America Press, 2007), 41; "The Religious Peace of Augsburg (September 25, 1555)," trans. Emil Reich, Ghdi, accessed April 20, 2022, https://ghdi.ghi-dc.org/docpage.cfm?docpage_id=5366, 1.

[36] Thomas, *A House Divided*, 128.

The Upper Palatinate had been a thorn in Bavaria's side for a long time, especially as the radical Christian von Anhalt had used it as a base from which to defend Protestantism, since he was its governor.[37] Once the Catholic League pushed out Frederick V's forces in October of 1621, its development followed a similar trajectory as Upper Austria. Although Maximilian physically possessed it and was intent on its re-Catholization, ultimately he was still just a commissioner over it appointed by Ferdinand II. So during this period of the occupation Maximilian only occupied it exacting his 240,000 thalers per annum, implemented limited reforms, billeted troops there, and recouped some church lands while hassling the limited amounts of Calvinists within the territory. In 1625 Maximilian I began building Catholic churches, a school and a Jesuit mission in Amberg, turning it into a regional center for reform, mimicking the Calvinist Palatinate Wittelsbachs attempts, but to greater success.[38] Mirroring events in Upper Austria over the course of 1625-1627, Bavarians began with the dismissal of Protestant clergy and teachers in the Upper Palatinate along with the remaining Calvinist ministers in 1626.[39] The Lutheran majority remained relatively safe in this period as Maximilian mainly targeted them through the Jesuits educational efforts, with the exception of the periodic quartering of troops purposefully in Lutheran households and barring the

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[37] Whaley, *Germany and the Holy Roman Empire Vol 1*, 418.

[38] Parker, "The Practice of Absolutism I," 81.

[39] Parker, "The Practice of Absolutism I," 81; Thomas, *A House Divided*, 304.

entrances to cities on Sundays to ensure they would not go off to alternate territories for Lutheran worship.[40]

The Counter Reform did not come to the Upper Palatinate in its full glory until February 22nd, 1628, once Ferdinand II and the other electors recognized Maximilian I as the territories' ruler and confirmed his status as the Elector of Bavaria.[41] The first year following those developments would see the immediate shift in tactics, from just targeting the Calvinists, to a forced conversion of the entire territory. Upon his enfeoffment of the territory he began to rapidly re-Catholicize the territory and incorporate it into the Bavarian state, as physical and confessional possession became mutually important. Maximilian created a new *Amt* to administer over the Upper Palatinate, the *Amt* of Amberg, giving it limited autonomy compared to the others *Ämter*.[42] This new intermediate government would not only oversee the administration of the territory but rapidly facilitate the re-Catholization of the territory alongside the Jesuits, filling the same role that the others had in their own implementation of the Counter Reformation.

Once Maximilian I had legal ownership and a stranglehold over the government of the territory he ordered for the conversion or expulsion of all Protestants (including

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[40] Thomas, *A House Divided*, 305.

[41] Wilson, *The Thirty Years War*, 358, 422.

[42] Dieter Albrecht, "Staat und Gesellschaft. Zweiter Teil: 1500-1745," in *Handbuch der Bayerischen Geschichte II: Das Alte Bayern der Territorialstaat vom Ausgang des 12. Jahrhunderts bis zum Ausgang des 18. Jahrhunderts*, ed. Max Spindler (Munich: C.H. Beck, 1988), 652.

Lutherans) from the Upper Palatinate due to his *Ius Reformandi*. To ensure conformity to

this newly imposed state religion, the Jesuits began a policy of widespread censorship of

Lutheran works mirroring what had happened in Bavaria. They went on many visitations

to confiscate any Lutheran material, with the first mass confiscation of books in Amberg

taking place in April of 1628, followed by the first major book burning in Amberg taking

place on January 29th 1630 whereover 10,000 confiscated Lutheran texts were

incinerated.[43] The same year saw the renewal of the Corpus Christi processions, with all

the pomp and grandeur that had been the hallmark of the Wittelsbachs long running

processions, in addition to the creation of a newly minted Jesuit college.[44] Within two

years of taking it over, the Upper Palatinate was well on its way to becoming a Catholic

Bavarian territory.

Like in Bavaria, the process of re-Catholization was not immediate, but rather

slow and gradual. Policies could not be enforced swiftly or uniformly due to the

limitations of the time, such as a shortage of trained clergy, competent Catholic

replacements for available posts, or the limits of early modern censorship. As time

marched forward, the re-Catholization of the Upper Palatinate became ever more assured

and was particularly successful in the capital Amberg. The Catholic congregation there

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[43] Alexander Fisher, *Music, Piety, and Propaganda: The Soundscapes of Counter-Reformation Bavaria* (New York: Oxford University Press, 2014), 176; Parker, "The Practice of Absolutism I," 81; Thomas, *A House Divided*, 304-305.

[44] Fisher, *Music, Piety, and Propaganda*, 252-253; Thomas, *A House Divided*, 304.

rose from 1,000 in 1625, to 5,000 in 1629, and to 10,000 by 1645.[45] The rise of its

Catholic congregation spanned almost the entirety of the Thirty Years War, and despite

the peaks and valleys of warfare, the re-Catholization of the Upper Palatinate persisted

effectively. Once the war ended Maximilian I would find himself in the legal possession

of the territory with the re-Catholization of it largely complete, a testament to the

strategies of his forefathers.

The Lower Palatinate was a considerably more important territory at the imperial

level than the Upper Palatinate, but not contiguous with the rest of Bavaria. It was the

territory that the coveted Wittelsbach electoral dignity was attached to and was at the

heart of the densely populated Rhenish region, straddling the Rhine itself. Its strategic

location and Protestant activism had long endangered the Spanish Road and it is the

actions of its ruling family that put them at direct odds with the Spanish Habsburgs. The

territories strategic importance, peculiar religious divide, and its electoral implications

would lead to a different type of occupation than in either Upper Austria or the Upper

Palatinate, as it would involve two occupiers (Spain and Bavaria).

Due to the Spanish joining the war under the guise of being members of the

Burgundian *Kreis*, Spain aided in the offensive against the Lower Palatinate alongside the

League's army under Tilly.[46] Once Frederick V's forces were pushed out of the territory

it was divided between the Spanish and Bavarians, with the Spaniards occupying the

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[45] Parker, "The Practice of Absolutism I," 81.

[46] Wilson, *The Thirty Years War*, 297.

territory west of the Rhine, to protect their interests along the Spanish Road, and Bavaria occupying the east including its jewel: Heidelberg.[47] The split in ownership would ultimately complicate the re-Catholization of the territory, even if the Spanish took a similar approach as Maximilian I, but under the direction of Capuchins instead of the Jesuits. However, they would not re-Catholicize the territory in perfect union. The Bavarian's process here would follow the same timeline as the one occurring in the Upper Palatinate but fall short of its success due to the limitations of war.

After capturing the territory Maximilian I waited until being confirmed as its lawful possessor in February of 1623, along with the controversial acquisition of its electoral dignity.[48] Immediately following his elevation in status he began the re-Catholization of his half of the Electoral Palatinate by expelling all of the Calvinist preachers from the territory.[49] He then targeted the educated elite of the territory in 1625 by dismissing all Calvinist ministers, teachers, and officials, and told all remaining Protestants to convert or also face expulsion; this effectively ripped out the intellectual heart of the territory that had been curated over the decades and placed a timer on the remaining individuals.[50]

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[47] Thomas, *A House Divided*, 299.

[48] Simon Adams and Geoffrey Parker, "Europe and the Palatine War," in Parker, *The Thirty Years' War*, 60; Wilson, *The Thirty Years War*, 358.

[49] Parker, "The Practice of Absolutism I," 82.

[50] Thomas, *A House Divided*, 299.

The main difficulty with regards to re-Catholicizing the Lower Palatinate came from the ebbs and flows of war. Following their initial successes in the territory and in the war, the Catholic League and the imperial troops began to suffer defeats at the hands of the Swedes and eventually the French. Heidelberg was recaptured by Sweden in 1631 which led to the expulsion of the Catholics, later to be recaptured by Bavaria four years later.[51] Neither side really gained a continued concrete foothold in the territory as the war escalated and by the end of the war, the Peace of Westphalia returned it to Frederick V's heir Karl Ludwig I (r. 1649-1680) in 1649, with him beginning the reintroduction of Calvinism in the territory.[52]

All three of the territories that Maximilian I was assigned to as commissioner underwent similar processes and had varying degrees of success. The whole experience is telling and gives an insight into how Maximilian I viewed state building and confessionalization. These occupations were undertaken with the constitutional and legal framework of the Empire under consideration. He joined the war once Ferdinand II had gone through the proper imperial channels and institutions legitimizing the taking up of arms against Frederick V. Following this, Maximilian I negotiated for either the commission or legal enfeoffment of said territories and made his involvement contingent

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[51] Thomas, *A House Divided*, 299.

[52] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," (Acta Pacis Westphalicae. Supplementa electronica, 1), accessed August 16, 2022, http://www.pax-westphalica.de/, IPO Art. IV. 4, IPO Art. IV. 6; Thomas, *A House Divided*, 299.

upon long term guarantees of enfeoffment or reimbursement. Through every period of the war he would painstakingly ensure that his retention of the territories and his electoral dignity were reaffirmed.

Once the proper legal channels had been followed, he would invade and begin the persecution of Calvinists as they were not a legally protected confession. Following his invasion of each territory, he then implemented the re-Catholization of the territories into different stages, depending on his legal capacity, whether that be as commission or his right as territorial prince. In the case of Upper Austria this resulted in Maximilian I applying the Counter Reformation under his role as its commissioner, and under the direction of Ferdinand II as it was still his territory. Thus, even though he implemented Ferdinand II's desired reforms, he was not the initiator as it threatened his bottom line, and once he was paid in full he withdrew. For the Upper and Lower Palatinates, Maximilian held off from immediately re-Catholicizing them to their fullest extent as his long-term possession of them was not yet fully cemented at the imperial level. In this capacity he focused on the removal of the Calvinists as they were not a legally protected faith. Once he was enfeoffed with the two territories publicly he began to fully re-Catholicize the territories and expanded the re-Catholization to the Lutherans as well. So in effect, he waited for legal justification to invade, confessionalized it within his power as commissioner (primarily targeting Calvinists), and upon being enfeoffed he then fully brought the Jesuit led Counter Reformation to bare.

The actual process of re-Catholization of the Upper Palatinate, Lower Palatinate, and Upper Austria would all fit the same pattern. Initially, just remove Protestant teachers

and educators and replacing them with loyal Catholics and bringing along the Jesuits. They would take over important positions and the monks would also return and manage the church's property. The Jesuits would commit acts of charity and establish educational systems effecting the intelligentsia of the newly acquired territories. Once Maximilian's position over the territories became secure and he knew he could implement it fully he would then ban all Lutherans from positions of power, scour the territories for any and all Protestant literature and put it to the torch. After his enfeoffment of the Upper and Lower Palatinate in 1628 he began to expel the Lutherans *en masse* from the territories depopulating them of confessional dissidents. The end result was more compliant territories, and in the Upper Palatinate's case it led to their complete annexation into greater Bavaria.

These territorial concessions were the primary motivators for Bavaria's involvement in the Thirty Years War. Maximilian I cultivated a Catholic network (the Catholic League), backed it financially ensuring its dependency on him, and parlayed it into political leverage. The Catholic League was the perfect dynastic vehicle, made ready right as the emperor needed it the most. Ferdinand II's dependency upon it gave Maximilian I the keys to the kingdom, or in this case, the lands of his Palatinate rivals leading to massive territorial concessions. Territorial concessions which not only offered wartime resources but were geographically compact and integrated with Bavaria itself. The geographic expansion of Bavaria was only one half of the equation driving the Bavarian Wittelsbach involvement in the war though, with the acquisition of the Palatinate they assumed an arguably more valuable and long sought-after prize.

The Electoral Dignity

One of the most consequential decisions made during the Thirty Years War was without a doubt the transference of the electoral dignity from Frederick V to Maximilian I. It was not only the motivation and prerequisite for Maximilian I and the Catholic League's involvement in the war but ended up prolonging the war itself. With how contentious the transfer was over time Maximilian's entire diplomatic and military strategy during the war hinged on enshrining his possession of the Upper Palatinate and the electoral dignity in law. By the end of the war he would fully secure it for his line, but it was through thirty long years of effort. Maximilian's acquisition of the electoral dignity was the primary factor that determined both his military and diplomatic strategies throughout the Thirty Years War. Maximilian's service to the emperor and his numerous victories during the first half of the war would lead to him being invested with the electoral dignity. However, once it was placed in jeopardy during the second half of the war Maximilian I would drive Bavaria and subsequently the Empire towards peace. The story of the Bavarian electoral dignity is in many ways the story of the war itself, as it shaped much of the conflict and most importantly the peace.

As early as the Treaty of Munich in 1619 when Maximilian I negotiated the Catholic League's involvement in the war, it was somewhat a foregone conclusion what the price would be.[53] As discussed previously, the Bavarian Wittelsbachs were in a multi-century long contest with their senior branch to gain the electoral dignity. The

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[53] "The Treaty of Munich, 8 October 1619," 57; Wilson, *The Thirty Years War*, 295.

implementation of the Golden Bull and the suppression of the Treaty of Pavia all but assured that the Bavarian Wittelsbachs would not regain the dignity without a drastic shift in imperial politics. Even though the Bavarian branch heavily intermarried with the Habsburgs during the latter half of the sixteenth century, no Habsburg emperor ever settled the dynastic dispute in favor of the Bavaria Wittelsbachs. Giving the Bavarian Wittelsbachs the electoral dignity would cement them as the definitive strongest non-Habsburg electors in the *Reich*, and in the long run it was feared to lead to a reversal in both families' stations. Especially during a time in which the Habsburg family was facing both internal and external pressures.

Prior to the Bavarian Wittelsbachs' reunification of Bavaria, the various members had challenged the Palatinate seven times for the electoral title throughout the 1400s.[54] Throughout the sixteenth century each Bavarian duke pressed for their recognition as electors or positioned other family members for it. Wilhelm IV had tried to negotiate for the electoral title in return for rendering military aid to Charles V during the Schmalkaldic War in the mid-1540s, but he was only rewarded with the marriage of his son, Albrecht V, to Ferdinand I's daughter, Archduchess Anna of Habsburg, as discussed in Chapter 1.[55] Albrecht V tried to cash in on this marriage at the *Reichstag* in Augsburg of 1559, following the death of the Count Palatine of the Rhine Otto-Heinrich, arguing that under the Treaty of Pavia the dignity should now rotate back to his branch. Fearing

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[54] Thomas, *A House Divided*, 27.

[55] Francis Carsten, *Princes and Parliaments in Germany: From the Fifteenth to the Eighteenth Century* (Toronto, ON: Oxford University Press, 1959), 370-371.

that Albrecht V was already growing to powerful, Ferdinand I never even attempted to push the claims of his son-in-law further, even if it would be at the expense of the now Protestant Palatinate.[56] Wilhelm V was not successful in elevating Bavaria into an electorate but was instrumental in promoting other members of his family.

Despite almost bankrupting the Duchy, much of his efforts paid off as he did gain an electoral title for his brother Ernst; one that his family would enjoy till the end of the Empire. Wilhelm V's own ambition to regain the electoral title and to cultivate an electoral image led him to forcing the young Maximilian I to learn Czech in accordance with the recommendations found in the Golden Bull, and sent him for a short time to reside at the imperial court under Rudolph II.[57] However, during none of these previous attempts were the Habsburgs in a weak enough position to willingly aid the Bavarian Wittelsbachs in the pursuit of their dynastic ambitions or for the Palatinate Wittelsbachs to be held in such a low regards as to be deserving a demotion in the feudal hierarchy, both of which would be needed for the Habsburgs to make such a controversial decision.

The controversy surrounding the situation was based on the fact that electors were so well entrenched in the imperial hierarchy and that it would break the constitution itself, combined with the fact that it would destroy the balance of power in the Empire, and subsequently the rest of Europe. Even following the creation of the Golden Bull in 1356 and the accumulation of a global empire, the Habsburgs never turned their own

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[56] Thomas, *A House Divided*, 27.

[57] Thomas, *A House Divided*, 33, 236.

imperial territories into electorates. They avoided it all together by creating fictitious

archducal titles out of thin air to obtain similar status but that is all it amounted to.[58]

There had never been an additional electorate added to the Empire, let alone transferred

forcefully between parties until 1547. The one exception that occurred was when the

Saxon electoral title was transferred from the Ernestine Wettins to the Albertine line in

1547 during the Schmalkaldic War.[59] Even that transfer came with its own controversy

but ultimately it was legal due to the Ernestine Wettins being held responsible for

breaking the perpetual peace and facing the imperial ban. This Saxon exchange is what

would ultimately set the precedence for the transfer of the Palatinates title to Bavaria.

That transfer had relied on an electoral house losing its standing in the *Reich* through

taking up arms against the Emperor, the subsequent application of the imperial ban, and

had a close yet opposing branch to take it over its title; these conditions would not line up

in favor of the Bavarian Wittelsbachs until 1618.

In many ways the transference of the electoral dignity between the two main

branches of the Wittelsbachs mirrored that of the Wettins. Frederick V found himself

leading an open rebellion against Ferdinand II, just as Johann Friedrich I (r. 1532-1547)

had been at war with Charles V. Both leaders' branches had been the public faces of

illegal confessions-- Frederick V (Calvinism) and Johann Friedrich I (Lutheranism)--

both aided in the formation of confessional alliances against their respective emperors

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[58] Rady, *The Habsburgs*, 36.

[59] Peter Wilson, *Heart of Europe: A History of the Holy Roman Empire* (Cambridge, MA: The Belknap Press of Harvard University Press, 2016), 410.

and took up arms against them. With each having to face their own rival house on the battlefield, both ultimately lost their electoral titles in the process. The establishment of that precedent under the Wettins understandably paved the way for the Wittelsbachs transference, but it only softened the blow; it did not fully eradicate dissent.

Early on in the war, those territories willing to allow the transfer of the Wittelsbach electoral dignity and those unwilling to accept it were split fairly clean along confessional lines. The main proponents of granting Maximilian I the electoral dignity were the papacy and the Spanish Habsburgs, with the papacy desiring any resurgence of Catholicism in the Empire and the Spanish Habsburgs understanding the key role that Bavaria and its military could play in regaining the stability of their Austrian cousins in the *Reich*. Both the Spanish Habsburgs and the papacy were instrumental in pushing Ferdinand II to grant the concession, giving an indication of the international importance of the upcoming conflict. While Maximilian I was still building his forces, leading up to the Treaty of Munich in 1619, the Spanish Count Oñate (1566-1644) was urging Ferdinand II to make whatever territorial concession Maximilian I desired, along with granting him the electoral dignity.[60] Spain continued its push for further Bavarian involvement, and the papacy aided in pushing Ferdinand II to actually grant the concession leading up to 1621.[61] This extra push was somewhat necessary as Ferdinand II was arguably the least willing Catholic prince within the Empire for the transfer to go

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[60] Whaley, *Germany and the Holy Roman Empire Vol 1*, 572.

[61] Adams and Parker, "Europe and the Palatine War," 60; Wilson, *The Thirty Years War*, 355.

through, as it flew in the face of decades of Habsburg imperial policy. Ferdinand II needed Maximilian I's aid in securing the Bohemian crown and waging war within the Empire, and with Spanish and papal insistence, he granted Maximilian I the electoral dignity in private on September 22, 1621.[62]

Ferdinand II delayed any public declaration of this transfer for good reason as he knew that it would lead to outrage on the part of the Protestant estates in the Empire, and he definitely did not desire any other Protestant territories aiding Frederick V, primarily the two other secular electors. The secrecy of the transfer allowed Maximilian I the ability to enjoy the electoral dignity in private for a mere six months before he and Ferdinand II faced major blowback over the decision and the way it was handled. Frederick V's General Mansfeld (1580-1626) captured one of Ferdinand II's couriers who was carrying the agreements between the Austrian Habsburgs, Spanish Habsburgs, the papacy and Maximilian I, which happened to discuss Ferdinand II's decision to grant Maximilian I the electoral dignity publicly at the next imperial diet.[63] Frederick V's head minister Ludwig Camerarius (1573-1651) published them widely under the name of the *Cancellaria Hispanica* (Spanish Office Papers) in an attempt to prove that there was a Catholic plot afoot within the Empire.[64] This revelation was controversial to say the least,

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[62] Adams and Parker, "Europe and the Palatine War," 60; Wilson, *The Thirty Years War*, 355.

[63] Adams and Parker, "Europe and the Palatine War," 59-60; Thomas, *A House Divided*, 283-284.

[64] Adams and Parker, "Europe and the Palatine War," 59-60.

showing that this was beyond a territorial matter and that Protestants had much more to fear than previously thought. The *Cancellaria Hispanica* represented a threat to the confessional balance of the Empire and Frederick V's further losses would necessitate foreign intervention to protect German liberties in the face of imperial aggression, at least from the vantage points of the Protestants.

The revelation that the emperor was willing to transfer the electoral dignity at that time was contentious and threatened to destroy the cohesion of the Empire. What aided in somewhat limiting the blowback was that Frederick V was still legally under the ban and had glaringly brought it onto himself. At the next real meeting of the Electors and key princes of the Empire on the 25th of February 1623 (the 75th anniversary of the transfer of the Electoral Saxon Title) Maximilian I was publicly given the title of elector. Even though he now openly possessed this title, it was in a much more limited capacity than he had hoped, as he was only granted it as a personal title where it was set to expire upon his death.[65] The Electors of Brandenburg and Saxony delayed its recognition, with Saxony not formally recognizing it until 1624, and Brandenburg's acceptance came later in May of 1627.[66] They may have conceded to allow it momentarily, but they were the ones who pushed for it to not be a hereditary title, much preferring the Protestant Palatinate branch to Catholic Bavarian Wittelsbachs. He technically had the electoral title, but his claim

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[65] Adams and Parker, "Europe and the Palatine War," 60; Whaley, *Germany and the Holy Roman Empire Vol 1*, 578; Wilson, *The Thirty Years War*, 358.

[66] Wilson, *The Thirty Years War*, 422.

was not well supported and on shaky footing, which could be overturned if the tide of war ever shifted.

Once the imperial army had effectively pushed the Palatinate forces and Danes out of the Empire in 1627, Ferdinand II and Maximilian I then began to shore up their gains. At a meeting of many of the imperial estates including all of the electors on the 12th of November, 1627, Maximilian I fully became a hereditary elector, despite the objections from Electoral Saxony and Brandenburg.[67] The transfer of the electoral dignity was further reinforced on the 22nd of February, 1628, wherein Ferdinand II fully enfeoffed Elector Maximilian with the Upper Palatinate and the eastern half of the Lower Palatinate. He was given them in lieu of the 13 million florin debt he was owed, which would have to be repaid, should Maximilian lose the territories or his newly achieved electoral status.[68] This truly represents Maximilian I's ascension as the Elector of Bavaria as it closed the deal which had facilitated the transfer in the first place, and he was enfeoffed with most of the land that his Palatinate rivals had once physically possessed. For the first time since 1356 the Bavarian Wittelsbachs could legally be considered an electoral house, but the 272-year struggle with their other branch was far from over.

The year 1628 marks a diplomatic policy shift for Bavaria and ends the first era of Maximilian I's reign. That first period prior to 1628 Maximilian I was ascendant. He had taken over an economically bankrupt duchy, restructured its economy for war, and

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[67] Wilson, *The Thirty Years War*, 422.

[68] Wilson, *The Thirty Years War*, 358, 422.

engineered a massive confessional alliance dependent on its leadership. In doing so he was able to leverage the emperor into granting him the electoral dignity that had long eluded his family. It was one thing to obtain the electoral dignity through shrewd negotiation and arms and another to retain it in the face of hostile forces. From this point on Maximilian I would do everything in his power to fully legitimize his claim over the Upper Palatinate and the electoral dignity. This would determine all of his decisions during the rest of the war, as he would play multiple sides in a bid to gather guarantees for his newly acquired territory and electoral dignity. Maximilian I had no path forward from this point that would enable Bavaria to grow even more through the upcoming warfare and could only benefit from a retention of what he already possessed. The shifting balance of power in Europe would place Maximilian I on the backfoot, threatening everything he had gained.

During the first decade of warfare the Catholic League and the imperial army under Wallenstein had been wildly successful, completely obliterating the Palatinate and the Danes. But that period of success would come with its downside as they had arguably been too victorious. The triumph of the emperor represented the real possibility of the Jesuit led Counter Reformation spilling over the whole of the Empire, threatening the remaining Protestant imperial estates autonomy, and the possibility that the princely houses that possessed them would lose their territory and associated political power. Without an enemy to fight within the Empire, other foreign powers such as France, the Netherlands, and Sweden feared the Austrian Habsburgs would aid their Spanish cousins and regain hegemony over Europe as it had been under Charles V. Effectively, their

success necessitated further international involvement, but this time they faced much

stiffer opposition than Frederick V or Christian IV of Denmark (r. 1588-1648).

It became apparent that the imperial forces and the Catholic League would be

victorious over the imperial estates and Ferdinand II wanted to press his advantage in

imperial and confessional politics. These victories led to the creation of possibly the most

damaging decree that Ferdinand II could have issued to the *Reich*, preventing it from

returning to its pre-war condition or ending the need for foreign involvement. On March

6th, 1629, Ferdinand II foisted the Edict of Restitution on the rest of the imperial estates

to the chagrin of nearly every Protestant, and some Catholics alike.[69] The edict reaffirmed

the Catholic interpretation of the Treaty of Augsburg and called for the return of all

ecclesiastical property as it had been in 1552, effectively erasing the territorial gains of

many of the Protestants over the previous seventy years.[70] The territorial concessions

alone vastly alienated the more moderate Protestant princes such as the Elector of

Saxony, but it further alienated Electoral Brandenburg as well since it threatened his

possessions and still refrained from legalizing Calvinism.[71] This now placed the Elector

of Brandenburg in the precarious position of being the sole Calvinist elector. Even though

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[69] "The Catholic Triumph – The Edict of Restitution (March 6, 1629)," trans. Thomas A. Brady, Ghdi, accessed October 12, 2022, https://ghdi.ghi-dc.org/sub_document.cfm?document_id=4395, 1-4.

[70] "The Catholic Triumph – The Edict of Restitution (March 6, 1629)," 1.

[71] "The Catholic Triumph – The Edict of Restitution (March 6, 1629)," 2.

the Edict of Restitution came from a Catholic position of power it was far too punitive and would result in resistance empire wide.[72]

The transference of imperial church property was to be conducted by imperial officials and took place immediately following the publication of the edict itself.[73] This not only drove a wedge deeper into the *Reich*, but it also caused strife between the Bavarian Wittelsbachs and the Habsburgs. Even though Maximilian I had already achieved his desired territorial gains early in the war and was solidifying his control over them, he still was trying to expand the power and influence of the rest of his house. Maximilian I's brother, Elector Ferdinand Maria, had borne the brunt of the warfare in his portion of the Empire and felt a heavy strain from Spanish involvement in his region; just as Maximilian I had borne the brunt of much of the warfare elsewhere in the *Reich*.[74] Both men feared the growing prospect of imperial intervention outside of the Empire's borders and also wanted a share of the newly de-secularized territories for their dynasty and its troubles.[75] Ferdinand II however, had other plans for the new ecclesiastical territories and pushed for the election of his son, Archduke Leopold Wilhelm (1614-1662), as bishop in many of these vacant spots.[76] Maximilian I on the other hand pushed

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[72] Whaley, *Germany and the Holy Roman Empire Vol 1*, 590-592.

[73] "The Catholic Triumph – The Edict of Restitution (March 6, 1629)," 4.

[74] Whaley, *Germany and the Holy Roman Empire Vol 1*, 591.

[75] Whaley, *Germany and the Holy Roman Empire Vol 1*, 591.

[76] Dieter Albrecht, *Maximilian I. Von Bayern 1573-1651* (München: R. Oldenbourg Verlag, 1998), 708.

for his cousin, Bishop of Osnabrück Franz Wilhelm von Wartenberg (r. 1625-1661), as a

viable alternative.[77] Franz Wilhelm von Wartenberg epitomized the Bavarian Counter

Reformation as he had been trained at the German College in Rome, had acted as the

President of the Bavarian *Geistlicher Rat* (1617-1621), and had then become the

Obersthofmeister (chief steward) of Elector Ferdinand of Bavaria's court in Cologne.[78]

He was championed by Maximilian for numerous ecclesiastical posts, being his answer to

Archduke Leopold Wilhelm. Both the Habsburgs and the Bavarian Wittelsbachs were

using the Edict of Restitution to push the growth of their dynasties in the face of growing

mistrust in the rest of the Empire.

The Treaty of Lübeck on the 7th of June, 1629, a mere three months after the Edict

of Restitution, would spell the end of the Danish phase of the Thirty Years War. The

treaty forced the Danes out of the war with no territorial losses for themselves and

required them to swear off involvement in imperial politics, effectively ending the war up

to that point.[79] The Catholic League was also a separate signatory party, showing just

how reliant Ferdinand II was on them and that they enjoyed a great amount of political

legitimacy in the Empire. Maximilian's primary involvement in this peace process came

about through his concern over Frederick V. Maximilian I pushed the Danes to renounce

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[77] Dieter Albrecht, *Maximilian I. Von Bayern 1573-1651*, 708-709.

[78] Dieter Albrecht, *Maximilian I. Von Bayern 1573-1651*, 709.

[79] Whaley, *Germany and the Holy Roman Empire Vol 1*, 589.

any support for Frederick V, mainly in a bid to fully secure the gains Bavaria had made.[80] As had been the standard throughout his entire reign and the war, Maximilian I's primary concern did not solely lie within his capacity as a loyal vassal of the Emperor, or purely within his faith as a Counter Reformer, but by his dynastic ambitions. This period effectively marks the pinnacle of Wittelsbach and Habsburg power within the *Reich* during the war, their ambition and confessional inflexibility would plunge the Empire into a downward spiral.

Habsburg supremacy was finally challenged in 1630 once Sweden, led by King Gustavus Adolphus (r. 1611-1632), entered the war on the side of the Protestants, landing in Pomerania in June.[81] Their entry in the war would completely turn the tables on the Catholic estates, challenging all the gains Habsburgs and Bavarians had made. These developments prompted Maximilian I to undergo a diplomatic policy shift that had, up to this time, only been toyed with. This was designed to hedge his bets against the possibility of future imperial losses or even against an overreaching Habsburg emperor.

France had tried to negotiate for Bavaria's neutrality several times throughout the 1620s but to no avail as Maximilian I still had not solidified his position in the *Reich* even despite his many victories. Initially imperial success was synonymous with Bavarian success, but the rise of Wallenstein as a massive imperial player in the *Reich's* politics undercut Maximilian's leverage over the emperor. The threat of an absolutist

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[80] Dieter Albrecht, *Maximilian I. Von Bayern 1573-1651*, 691.

[81] Wilson, *Heart of Europe*, 126.

Habsburg monarchy backed by a massive army under Wallenstein, placed fear or suspicion in the hearts of many of the princes, including Maximilian. It was feared that the Austrian Habsburgs would use this new hegemony to come to the aid of their Spanish cousins outside of the Empire. These startling developments left Maximilian I weary, and looking for a third way out, instead of being forced to choose between Habsburg hegemony or the loss of his lands to appease Sweden. The arrival of the French diplomat Hercule de Charnacé (1588-1637) in Munich on the 16th of March 1629 had been what initially reopened serious negotiations between the two powers, and by October of 1630 the French diplomats could report that Maximilian I was growing increasingly willing to negotiate.[82]

Maximilian I negotiated primarily from a position of dynastic concerns and not from that of his confessional ones. To hedge his bets and assure the protection of his territorial acquisitions, Maximilian began courting the favor of France and negotiating favorably on behalf of himself and not the Empire. Throughout the process his primary concern and demands were that his hereditary electoral status should not be challenged, nor should his enfeoffment of the Lower and Upper Palatinates. Cardinal Richelieu (1585-1642) was initially hesitant to grant those types of concessions but since he truly desired Bavaria and the League's neutrality he assented to the demands.[83] This new

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[82] Bodo Nischan, "On the Edge of the Abyss," in Parker, *The Thirty Years' War*, 107.

[83] Dieter Albrecht, *Maximilian I. Von Bayern 1573-1651*, 726-728.

relationship would be become somewhat solidified between two parties comprised in two treaties: the Treaty of Bärwalde (January 23rd, 1631) and Fontainebleau (May 30th,1631).

The Treaty of Bärwalde was between Sweden and France whereby Cardinal Richelieu agreed to subsidize the Swedish war effort and Sweden agreed to respect the territorial neutrality of the Catholic League and Bavaria. This was under the stipulation that Bavaria had to actually remain neutral. Due to Maximilian's involvement with the Emperor and his military plans this was all but an impossibility, but a treaty still worth pursuing momentarily. The Treaty of Bärwalde was followed by French attempts at brokering a treaty of neutrality between the Catholic League and Sweden directly, which never came to fruition, especially as their stances on the confessional issues of the *Reich* were polar opposites.[84]

The most representative action of Maximilian I's diplomatic shift was the Treaty of Fontainebleau signed on May 30th, 1631. The treaty became the prototypical arrangement that Maximilian I would try to replicate numerous times throughout the war. It was a "secret" mutual assistance treaty wherein France and Bavaria would render support available to one another if they were attacked, but it primarily was a non-aggression pact as it was extremely unlikely that it would have resulted in direct military aid to one another.[85] Maximilian bargained for his retention of the electoral dignity and both the Upper and Lower Palatinate. France was to acknowledge his possession of all

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[84] Dieter Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil: Die Herzöge Wilhelm V. und Maximilian I.," in Spindler, *Handbuch der Bayerischen Geschichte II*, 445.

[85] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 443.

three and aid in defending his territories from Sweden, so long as Bavaria was not the aggressor.[86]

On the surface it does not appear as if France stood to gain much from this treaty, especially since it had a clause excluding Maximilian I from coming to France's aid if it conflicted with his role under the emperor, but what they did gain was a valuable relationship with Maximilian I. This treaty laid the groundwork for greater cooperation between Bavaria and France moving forward. The Treaty of Bärwalde and Fountainebleau would prove to be impossible to maintain as the war in the Empire unfurled and evolved, but that was not their historic importance. This new relationship would persist through the entire war, even when France and Bavaria were directly combating against one another. The treaties had opened up a back channel between the two Catholic belligerents. The relationship forged would reappear at numerous key points through the war and help shape the eventual peace. However, at this time, the Empire and particularly Bavaria were entering the most disastrous phase of the war, and it was heralded by a horrific event ten days prior to the signing of the Treaty of Fountainebleau.

The Sack of Magdeburg highlights the worst aspects of the Thirty Years War and the Vienna-Munich alliance. The archbishopric under the rule of a secular administrator had been allied with King Christian IV, and upon Sweden's entrance into the war, allied itself with King Gustavus Adolphus, flying boldly in the face of the Edict of

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[86] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 443; Geoffrey Parker, "1630-1632: The Intervention of Sweden," in Parker, *The Thirty Years' War*, 109.

Restitution.[87] Ferdinand II desired the archbishopric for his son, Archduke Leopold Wilhelm, as discussed earlier, and used the administrator's reluctance to adhere to the Edict of Restitution as a justification to lay siege to the city.[88] Ten days prior to the signing of the Treaty of Fontainebleau the Catholic League's army under Tilly sacked the city in what would be the greatest massacre of the war, ushering a period of bloodshed and reprisals. In the process of the sack, over 20,000 people who took refuge in the city were killed.[89] The barbarity of the sack confirmed the fears of the vast majority of those Protestant estates already on the fence. The city's destruction by Tilly went far beyond any violence seen in the war, and it seemingly showed what awaited any Protestant secularized territory if it did not capitulate to the Catholics and resisted re-Catholization. The unpopularity of the Edict of Restitution, combined with the sack of Magdeburg, pushed the moderate estates away. This would lead to Saxony forming an alliance with Gustavus Adolphus as he vocally supported the Protestant estates' liberties, and they began immediately wreaking havoc throughout the *Reich*.[90]

Three and a half months after the sack of Magdeburg the Swedish-Saxon army would deal a crushing blow to the Catholic League and imperial army at the Battle of Breitenfeld on 17th of September 1631. This battle effectively erased all of the previous military gains that the imperial forces had enjoyed in northern Germany and threatened

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[87] Wilson, *The Thirty Years War*, 467.

[88] Spring, *The Bavarian Army during the Thirty Years War*, 141.

[89] Parker, "1630-1632: The Intervention of Sweden," 112.

[90] Wilson, *The Thirty Years War*, 470-472.

their position in the south, severely crippling their military effort throughout.[91] The Protestant victory at Breitenfeld also had the secondary effect of drawing many more Protestant estates than just Electoral Saxony to Sweden's side. Gustavus Adolphus became the champion of the Protestant estates, and unlike Frederick V or Christian IV, he had found immediate success on the battlefield. It seemed as if he could reverse their confessional losses in the Edict of Restitution and possibly force a capitulation from the emperor, if pressed. Just one month after Breitenfeld, Gustavus Adolphus occupied Würzburg and was knocking at Bavaria's door, becoming the first direct threat to Bavarian and League supremacy in the south.[92]

The end of the campaign season led to the renewal of negotiations between Bavaria and Sweden, mirroring those earlier French attempts, except now the Protestants were on the ascendant while the League was reeling from its loss. Even in the face of impending invasion Maximilian I maintained his earlier line of demands, prioritizing the retention of his acquisitions above all other considerations. On December 24th, 1631, Maximilian agreed to neutrality with Sweden, once again pushing for the same terms which were subsequently rejected by Gustavus Adolphus. Pressing his advantage on the field of war, Gustavus Adolphus tried to push for Maximilian I's neutrality, as long as he returned the Upper and Lower Palatinate, which he of course rejected in return.[93] This

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[91] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 444.

[92] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 444.

[93] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 446; Dieter Albrecht, *Maximilian I. Von Bayern 1573-1651*, 807.

moment provides plenty of insight as it showed Maximilian I's primary concern to be the acquisitions he had made in the previous years, and strayed away from neutrality, knowing full well that Sweden and its allies would more than likely ravage Bavaria during the next campaign season. Sweden subsequently began their next campaign in March of 1632, achieving widespread success.[94] The Bavaria Wittelsbachs war policies were based around long term gains and not short-term security.

The Protestant army rushed quickly to envelope Swabia, Franconia, and Bavaria in war. Maximilian I tried to use the remnants of the League's army to prevent Gustavus Adolphus from crossing the Lech on the 15th of April. It was not only a disastrous route for the Catholic League, it also led to Tilly sustaining mortal wounds, succumbing to them two weeks later.[95] The League army did not possess near enough manpower to prevent the Protestant army from subjugating the vast bulk of League territories. Gustavus Adolphus took Augsburg on the 24th of April and pushed quickly into Bavaria, the first time it had warfare within its territorial bounds in 128 years.[96] Maximilian I moved his forces to Ingolstadt in a defensive posture and holed up there whilst his territory was overrun.[97] The Protestant forces went through Bavaria relatively unopposed, with the first Swedish Troops entering Munich on the 16th of May, 1632. The only thing

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[94] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 446.

[95] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 446.

[96] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 447.

[97] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 446-447.

that spared the city from ruin was the city's payment of 300,000 thalers, even though the *Residenz* Library and *Kunstkammer* were raided.[98] The countryside fared worse off than Munich had, with the brutality going far and above what other territories had undergone in the war, save for Magdeburg.[99] Eventually the pillaging led to Maximilian I's abandonment of Ingolstadt to station his army at Regensburg in a bid to meet up with Wallenstein's newly created army, which would not occur in the Upper Palatinate until June.[100]

France did not come to Bavaria's aid under their obligations in the Treaty of Fontainebleau. Maximilian I's actions leading up to the Battle of Breitenfeld and following it were viewed as offensive actions by the French. This interpretation allowed them to save face and legally and diplomatically avoid a premature entrance into the conflict. The gravity of Sweden's victory was also massive in the fact that it showed that France's policy of using the Swedes as a proxy force was successful for the time being. They were far from trying to put the brakes on the Swedish advance at the height of their power.

Wallenstein's return and the League army's failure to stop Gustavus Adolphus from entering their territory put Maximilian I at his mercy. For dynastic purposes

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[98] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 446-447.

[99] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 446-447.

[100] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 447; Geoff Mortimer, *Wallenstein: The Enigma of the Thirty Years War* (Basingstoke: Palgrave Macmillan, 2010), 151-152.

Maximilian I clearly sought to recapture his territory, no matter what the cost may be, but Wallenstein placed it as a matter of secondary importance in the scheme of the greater war, and thus took a much more defensive approach waiting for the right moment to take a more decisive action.[101] That decisive action was to be taken at the Battle of Lützen on November 16th, 1632, and although it was an imperial defeat it led to the death of Gustavus Adolphus.[102] The following month Maximillian I left his army behind and moved his court to Braunau, where it would not return to Munich until May of 1635.[103]

The Swedes, on the other hand, would be left in the fairly capable hands of Count Oxenstierna (1583-1654), who aided in the formation of the Heilbronn League in the spring of 1633.[104] It was to be the Swedish answer to the Catholic League and successor to the Protestant Union. It was financed by France and was comprised of Sweden and a host of Protestant allies.[105] The Heilbronn League's army would spend the bulk of the spring devastating Bavaria while Wallenstein continued to prioritize warfare along the

[101] Mortimer, *Wallenstein*, 153.

[102] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 447; Mortimer, *Wallenstein*, 153.

[103] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 447.

[104] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 448; Thomas A. Brady*, German Histories in the Age of Reformations, 1400-1650* (Cambridge: Cambridge University Press, 2009), 395.

[105] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 448.

Rhine and in Silesia, as a result Regensburg would fall to the Heilbronn League in November of 1633.[106]

The Winter of 1633 was capped off by a mini resurgence of imperial forces in the south. During the winter, the Catholic League's army alongside a new Spanish army led by Gomez Duke of Feria (r. 1604-1634) would quarter themselves for the winter in Bavaria, waiting for the next campaign season. This influx of soldiers placed a massive burden upon the already devastated region and spread thin the population's resources.[107] This would result in a peasant uprising throughout the winter that would be heavily suppressed.[108] This period represents rock bottom for Bavaria, its people, and its elector. But with Wallenstein remaining at the helm of the imperial forces, he would not risk it all to save Bavaria.

Luckily enough for Maximilian I, the assassination of Wallenstein on the 25th of February 1634 would lead to a quick reversal of his fortunes.[109] Maximilian played no actual role in Wallenstein's assassination, but he had aided in the destruction of his

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[106] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 448; Mortimer, *Wallenstein*, 199-200.

[107] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 450; Otto Schiff, "Die Deutschen Bauernaufstände Von 1525 Bis 1789," *Historische Zeitschrift* 130, no. 2 (1924): 199.

[108] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 450; Schiff, "Die Deutschen Bauernaufstände Von 1525 Bis 1789," 199.

[109] Mortimer, *Wallenstein*, 230-232.

reputation.[110] He, like the other princes of the Empire, feared Wallenstein's meteoric rise. It did not help that Wallenstein effectively left the Catholic League's lands to fend for themselves, while he focused on the defense of imperial lands or his own. His inaction in the south limited his ability to cultivate allies among the established princes. Wallenstein's death brought the emperor back full circle to relying upon Maximilian's leadership and the rebuilt League army.

Under Maximilian I's direction, the Imperial Catholic League and Spanish armies would descend upon the south and retake Regensburg on the 26th of July, 1634.[111] They dealt their decisive blow on the Heilbronn Leagues army at the Battle of Nördlingen on the 6th of September 1634, pushing the Swedes out of southern Germany.[112] The reversal of fates since Breitenfeld was staggering and the political impacts of Nördlingen would practically cancel out the former. The victory accelerated the ongoing negotiations between Saxony and the Emperor. This time the negotiations would be more moderate and less punitive than before. Both sides had experienced great defeats and reversals throughout the war leading up to this point, and even though the Catholic forces were, for the moment, victorious, that did not mean they would be punitive. It had been eighteen long years of imperial warfare at this point and both sides had grown tired of warfare,

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[110] Wilson, *The Thirty Years War*, 536.

[111] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 448.

[112] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 450.

making them more likely to compromise than they had been previously. These series of compromises culminated into the Peace of Prague on the 30th of May 1635.[113]

The Peace of Prague was designed to directly address the issues that lead to the Thirty Years War, particularly the confessional ones. The Peace of Prague nullified the Edict of Restitution, creating a new nominal date of November 12th, 1627, for the redistricting of secularized church lands and was the middle ground between both sides, allowing both to maintain some territorial gains since 1552.[114] This still maintained a confessional advantage in favor of the Catholics, but it enabled the Protestant estates to maintain the bulk of the disputed lands that they had secularized well prior to 1618. This all but ensured the cooperation of the Protestants as the enforcement of the Edict of Restitution had been what pushed so many Protestants to the Swedish Camp in the first place, especially the moderates such as the Elector of Saxony.[115] This extension of the olive branch and moderation to both sides did not fully apply to everyone though.

Frederick V died on the 30th of November 1632 from an infection, but this did not absolve his familial line of the crimes they had committed, nor upend the punishments that had been brought upon them.[116] His heirs were not granted amnesty, their electoral

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[113] Robert, Bireley, "The Peace of Prague (1635) and the Counterreformation in Germany," *The Journal of Modern History* 48, no. 1 (March 1976): 31.

[114] Brady*, German Histories in the Age of Reformations, 1400-1650*, 397.

[115] Bireley, "The Peace of Prague (1635) and the Counterreformation in Germany," 58-59; Brady*, German Histories in the Age of Reformations, 1400-1650*, 397.

[116] Wilson, *The Thirty Years War*, 480.

title, or their former territories under the Peace of Prague. The main driving force behind this vengeful decision remained the same as it had always been. The forgiveness of their deeds would come with the loss of Bavaria's territory and Maximilian I's electoral title. Throughout the entire war it would prove to be impossible to jeopardize his gains, as per the arrangement in 1628 between Ferdinand II and Maximilian I, it would require the emperor to repay Maximilian 13 million florins for his involvement, a price which was exceedingly steep.[117] This reality all but guaranteed that the emperor would always side with Bavaria in peace settlements and protect their interests.

This represented a significant political and dynastic victory for Maximilian I as the Peace of Prague solidified his hold on both the Upper and Lower Palatinate and the electoral title once again. The widespread acceptance of the treaty by almost all of the Protestant belligerents of the Empire, minus the radicals William of Hesse-Kassel (r. 1627-1637) and Bernard of Saxe-Weimar(1604-1639), showed how desirable peace had become, placing its importance above the rights of the Palatinate Wittelsbachs as electors and their German liberties.[118] This did not lay the issue to rest but its reaffirmation in yet another treaty shows just how big of a contentious point it would be for peace. The emperor and Maximilian I would do anything to maintain Maximilian's new position and had proven that they were willing to let the territory and the Empire both burn than relinquish the territories.

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[117] Wilson, *The Thirty Years War*, 422.

[118] Brady*, German Histories in the Age of Reformations, 1400-1650*, 397.

Arguably the most important change arriving from the Peace of Prague was how it placed emphasis on further centralization of the Holy Roman Empire. To reestablish the perpetual peace, the treaty called for the elimination of the imperial estate's rights to *ius armorum et foederis* (right of arms and covenants).[119] This change prohibited the formation of military alliances amongst the imperial estates with one another, and a prohibition against them engaging in international treaties with foreign powers.[120] This was designed to stop much of the imperial infighting that had been undertaken over the previous 150 years, as alliances had interfered non-stop in the *Reich*. They had time and time again created deadlock in the imperial institutions and led to the princes attempts at taking up arms against one other. This change was effectively a more updated version of the Imperial Reforms of 1495 with its ban on violence in the *Reich* and call for a return towards imperial institutions for conflict resolution.

The provision against armed alliances drastically changed the face of warfare in the Empire as it led to the dissolution of the Heilbronn League and the secession of hostilities from the bulk of the Protestant estates. However, this also necessitated the dissolution of the Catholic League itself.[121] This policy was designed to bring the estates

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[119] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 450-451.

[120] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 450-451.

[121] Michael Hughes, *Early Modern Germany, 1477-1806* (Philadelphia: University of Pennsylvania Press, 1992), 91; Whaley, *Germany and the Holy Roman Empire Vol 1*, 607.

of the Empire together under only one banner and push out foreign involvement.[122] The

imperial estates from this point were to avoid turning towards alliances for their

protection, but to the Empire itself as a collective. The treaty laid the groundwork for a

heightened level of cooperation moving forward.

The Peace of Prague called for the creation of an actual imperial army. It was to

be financed by all the imperial estates as they were all supposed to benefit from its

maintenance.[123] Like all institutions of the *Reich*, it would not be nearly as centralized or

modern as France or Spain's but was relative to what the imperial constitution allowed or

that the other imperial estates were willing to commit to. The main issue would be taking

on the same basic structure of the alliances that had preceded its creation; it would

become dominated by the electoral and princely classes. Even though this creation of an

imperial army under the Emperor was meant in many ways to subjugate the imperial

estates under him, Maximilian I still had massive amounts of leverage over it from the

beginning.[124]

The Peace of Prague officially abolished the Catholic League, but it was in name

only. Maximilian leveraged his position over the emperor to maintain his autonomy

within this new structure. Through an imperial decree on October 9th, 1635, Maximilian

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[122] Hughes, *Early Modern Germany, 1477-1806*, 91.

[123] Brady*, German Histories in the Age of Reformations, 1400-1650*, 397.

[124] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 451; Wilson, *Heart of Europe*, 458.

was re-given command over the military forces of the now defunct Catholic League.[125] This army formed its own independent block of the imperial army and answered directly to Maximilian. This case shows just how fluid the Empire was at this point. As the Empire was trying to centralize, it still could not do so without the institutions of the territorial estates themselves propping it up, forming hybrid imperial territorial organizations . The state building during this period was nonlinear and had many times altered itself throughout the war. The Catholic League was an army created by various territorial states within the Empire and formed its own institutions, then during a rise in foreign interference, it became incorporated into an imperial institution, blending the imperial and territorial levels.

It became hobbled together with other pre-existing state organs. The maintenance of this specific portion of the military was to be done by the Bavarian, Swabian, and Franconian *Kreise* through their taxation. But, as it had been during the Catholic League, the vast bulk of its maintenance would be provided through Bavaria's financial backing, with the other two *kreise* failing to meet their obligations.[126] This army would also come to be relied on just as much if not more than the official Catholic League's army had been. This portion of the imperial army would come to total half of the army's overall size. It was directly beholden to Maximilian I, who was given the right to appoint his own generals and officers from the outset. This authority was further strengthened by

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[125] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 451.

[126] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 451; Dieter Albrecht, *Maximilian I. Von Bayern 1573-1651*, 939-941.

Maximilian as he avoided having to swear an oath of loyalty to the Emperor, so in practice, it was not a fully imperial institution but a hybrid.[127] Moving forward Maximilian I's portion of the army was *de facto* his own and the emperor's reliance upon it would not change in the slightest.

The Peace of Prague largely settled the confessional issues of the *Reich* and ended many of the religious aspects of the war. The ban on leagues and the lack of a cause for the Protestant estates to rally behind eliminated almost all of the territorial infighting of the Empire. Without allies in the Empire, Sweden required even more French intervention, both financially and logistically.[128] The vast bulk of Richelieu's subterfuge and shadow funding had failed, and France decided to stop fighting the Habsburgs merely through proxies. These diplomatic setbacks resulted in France declaring war on Spain in May of 1635, and in March of the next year, France would sign the Treaty of Wismar with Sweden, officially entering the Thirty Years War as a direct combatant.[129] This phase of the war would be the most devastating to the Empire as a whole, but for the most part it was the Empire trying to expel the two foreign powers, to limited success. By the end of this phase, it became apparent that all sides were weary of combat and most of the internal issues of the *Reich* were becoming flushed out.

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[127] Albrecht, "Das Konfessionelle Zeitalter. Zweiter Teil," 451

[128] Brady*, German Histories in the Age of Reformations, 1400-1650*, 399.

[129] Richard Bonney, "France's 'War by Diversion'," in Parker, The Thirty Years' War, 133; Brady*, German Histories in the Age of Reformations, 1400-1650*, 398.

The Peace of Westphalia

The Peace of Westphalia is omnipresent in most scholarly works during the early modern period with regards to state building, warfare, politics, and diplomacy. Arguably only the Treaty of Versailles 1919 or the Congress of Vienna 1815 in the modern period have had as much impact on the structure or development of European states as the Peace of Westphalia. It not only concluded the Thirty Years War in the Empire but also the Eighty Year War between the Dutch Republic and Habsburg Spain; two wars which had dominated European politics with Habsburg hegemony hanging in the balance for a near century. The treaty ended the stranglehold that the Habsburgs in both Spain and in the Empire held over Europe marking an end of an era. The next era would be dominated by France under Louis XIV in a post-Westphalian world. It rewrote the imperial constitution replacing its feudal framework with one grounded in early modern ideas of states. Many of the princes of the Empire, most importantly the Hohenzollerns in Brandenburg-Prussia, would use it to develop into nation states over the next two centuries. But for Bavaria, the treaty was not the beginning of their state building process but a reaffirmation of their state building principles up to that point. It represented the solidification of all they had struggled to attain over the previous two hundred years and aided in projecting their ongoing state building processes into the future.

The peace developed slowly as the primary belligerents only agreed on a preliminary treaty as early as 1641. The Treaty of Hamburg outlined a timetable for meaningful peace talks to occur while the war continued. The subsequent peace talks

would only come to an end in October of 1648.[130] The Peace of Westphalia is the collection of the following three treaties that were agreed upon: 1) the Treaty of Münster signed in May of 1648 which ended the Eighty Year War between Spain and the Netherlands, granting the Dutch Republic their independence; 2) the Treaty of Münster (IPM) between the Empire, France and its allies; 3) the Treaty of Osnabrück (IPO) between the Empire, Sweden, and their allies.[131] The belligerents settled on the prince-Bishoprics of Münster and Osnabrück as the locations for the peace conferences. Münster had remained Catholic and Osnabrück was biconfessional, rotating between Lutheran and Catholic control. The two cities were chosen as to avoid precedence disputes between the two allies: France and Sweden.[132] The cities were also specifically chosen due to their confessional leanings and their proximity to the Dutch Republic as it was a prerequisite for their involvement. This created the neutralization zone due to being centrally located to most of the belligerents and included the area surrounding the two cities in preparation of the peace talks.[133]

The relatively long duration of the peace talks largely resulted from the sheer number of participants and their conflicting interests. Even the allies of the main treaty partners had conflicting demands due to their confessional implications. The slow nature

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[130] Derek, Croxton. *The Last Christian Peace: The Congress of Westphalia as a Baroque Event*. (Basingstoke: Palgrave Macmillan, 2015.), 81.

[131] Wilson, *Heart of Europe*, 127.

[132] Croxton, *The Last Christian Peace*, 127.

[133] Croxton, *The Last Christian Peace*, 127.

of early modern warfare also played a substantial role in drawing out the length of the peace talks. How one's territory was faring in the war was directly tied to their bargaining power at the table. With each new campaigning season in the spring, some members sought to improve their position providing leverage during that time. Ironically it was France and Sweden that were placing the most urgency on concluding the peace as they wanted to codify the gains that they had made in the war or use them to negotiate for territorial concessions elsewhere.[134] They did not want to risk a reversal of all they had gained.

Habsburg Spain and Austria, on the other hand, kept protracting the warfare in the sheer hopes of reversing their losses or at best to minimize them. Ferdinand II's son and successor, Ferdinand III (r. 1637-1657) kept holding onto the hopes that if he could rally the other imperial estates to his cause, and unite as an Empire, that they would possess enough power to push out both France and Sweden.[135] But that never seemed to coalesce into anything of substance. Austria's ability to wage war was dependent on Bavaria's participation.

Although Maximilian I's position on the religious peace never deviated, he had already achieved everything that he had sought to gain from the war materially. Despite having Bavaria ravaged during the Swedish occupation, he still possessed ownership over the Upper Palatinate and a hold on the electoral dignity. His continued involvement in the

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[134] Croxton, *The Last Christian Peace*, 176.

[135] Croxton, *The Last Christian Peace*, 211.

war placed an ever-increasing burden on his resources, as each new campaign season passed and placed his gains at jeopardy. By the time the peace talks in Münster and Osnabrück began, Maximilian I could see that ultimately he and Ferdinand III would be on the losing side, and it became more advantageous to use his remaining leverage to maintain his spoils. Even as this was the case, he played a major role in the peace process, especially for a prince. Maximilian I ultimately determined if Ferdinand III could even continue to wage war. Ferdinand III could not rely on any other estate to come save him, as there was no officer like Wallenstein that would materialize out of thin air and save the imperial war effort. He was solely relying on his own army and Maximilian I's. Once it became apparent to Maximillian I that victory was unobtainable, he began to renew close diplomatic relations with France to try and obtain as advantageous peace as possible for the Catholic side, even if that meant a separate peace for him and Bavaria.

As disastrous as the latter half of the Thirty Years War was for Bavaria, Maximilian I still held mountainous amounts of negotiating power. The demands for peace had steadily increased during the final decade of the war, and as time went on France wanted to fully shift its efforts against Spain. Sweden also had to worry about the possible reescalation of hostilities between them and the Polish Vasas.[136] Bavaria also benefited in that what they sought at the peace talks did not come at the expense of French or Swedish ambitions, but their continued involvement in the war did. The issue

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[136] Croxton, *The Last Christian Peace*, 111.

at stake though, was that everything Maximilian I had gained had been at the expense of his Palatinate cousins, and his reluctance to return it all is what had protracted the war in the first place in the eyes of the imperial estates. The main aims of Bavaria in the peace process were to maintain control of the Upper Palatinate and to keep the electoral dignity for themselves. As long as those two primary objectives were secured, the other reforms pushed for by the other territorial states would simply be ancillary.

France was a seemingly natural ally for Bavaria in the peace process and even following it, especially when compared to the alternative of Lutheran Sweden. Frances's ability to pry Bavaria away from supporting the emperor would not only hasten the war to its conclusion, but it aided them in pursuing their own goals at the peace talks. France stood to gain from not being too punitive towards Bavaria, even at the risk of alienating their allies in the Palatinate. Ultimately Bavaria was a Catholic state--like themselves-- and had proven themselves to be capable in imperial politics without being a direct threat to France itself. By propping up a stable Bavarian state, France could limit Habsburg hegemony in the Empire moving forward, essentially returning to the pre-war times of Bavaria being a Catholic counterweight. Through this, other Catholic states could rally to the pair, instead of risking the reemergence of an empire completely dominated by the Austrian Habsburgs.

From France's position the Thirty Years War was always a secondary theater in their war against the Habsburgs, as they had entered the war to prevent the Austrians

from aiding their Spanish cousins in the Franco-Spanish war.[137] By the time that the belligerents were meaningly moving towards a peace, France was seeking peace with the Austrians so that they could concentrate on their war against Spain while also denying Austrian involvement. Although secondary, their involvement in the Empire had come with phenomenal success. France was demanding control over Metz, Toul, Verdun, Alsace, and the stretch goal of retaining Lorraine, demanding that it be kept separate from taking part in the peace talks at Münster or Osnabrück.[138] Outside of those territorial gains France did not see a need to punish the Catholic estates and even desired to reaffirm Catholic hegemony over the imperial institutions as it would further align with their Catholic nature. France would use Bavaria to secure many of their demands and in return, they would assist Maximilian I in an attempt to establish Bavaria as an imperial counterweight to Austria. Several times during the lengthy peace process Maximilian I sought out separate peace treaties with France and reluctantly France and Sweden signed the short-lived Treaty of Ulm on March 14th, 1647.[139] It lasted all of six months as once Ferdinand III was truly threatened by Sweden again, did Maximilian rejoin the fray as the real last major campaign that the Bavarian army would be part of.[140]

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[137] Croxton, *The Last Christian Peace*, 111.

[138] Croxton, *The Last Christian Peace*, 108-109; Whaley, *Germany and the Holy Roman Empire Vol 1*, 628.

[139] Dieter Albrecht, *Maximilian I. Von Bayern 1573-1651*, 1063-1064; Croxton, *The Last Christian Peace*, 293.

[140] Croxton, *The Last Christian Peace*, 295-296.

France used their developing diplomatic ties with Bavaria to have Maximilian I act on their behalf in pressing their claims. In response Maximilian I pressed Ferdinand III to keep Lorraine separate of the peace talks, to give up the territories of Alsace and Breisach, and to refrain from aiding the Burgundian *Kreis* in Ferdinand's capacity as Emperor.[141] Maximilian had threatened multiple times to pull out of the war if Ferdinand III did not comply as he was trying to spare Bavaria once again from invasion and occupation. Ferdinand III reluctantly conceded everything to France in a bid for peace and aided Maximilian I in trying to get his demands at the larger treaties as well. In the last 30 years of Maximilian I's reign, he could rely on his leverage over a Habsburg emperor. Ferdinand III had no desire to see the return of the Upper Palatinate to the Palatinate Wittelsbachs as their familial ambition had not only been the catalyst for the war in the first place, but their subjugation had come at great expense. In return for Maximilian I's aid in subduing the Protestants, Ferdinand II had offered him control of the Upper Palatinate and electoral dignity, a great cost. Maximilian had been satiated with the Upper Palatinate and the electoral dignity that had been stripped long ago. If Bavaria lost control of either through the peace process, then Ferdinand III would be on the hook to repay Maximilian the debts his father had previously agreed upon.[142] Accordingly, Ferdinand III saw no reason to have to repay Maximilian I in the event they

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[141] Croxton, *The Last Christian Peace,* 226, 233; Whaley, *Germany and the Holy Roman Empire Vol 1*, 629.

[142] Croxton, *The Last Christian Peace*, 123; Wilson, *The Thirty Years War*, 422.

could not secure his right to both, making it much more preferable to see Maximilian's payment come at the Palatinate Wittelsbachs expense.

The treaties signed in October of 1648 held major gains for Bavaria, and solidified Bavaria's position within the Empire and arguably justified their involvement in thirty years of protracted warfare. Judged strictly by territorial concessions alone, the peace was a complete success for Bavaria as the treaty reaffirmed their control over the Upper Palatinate.[143] It was not given to Maximilian I as a separate fief but an actual addition to Bavaria's core territory. Maximilian I had to give up any claims he held on the Lower Palatinate as that was to be given back to Karl Ludwig, and consider Ferdinand III's debt paid.[144] Even though the Bavarian Wittelsbachs lost claims over their portion of the Lower Palatinate it had been unlikely by this point in the war that they would have retained it, and ultimately it was not geographically relevant to Bavarian long-term growth as it was non-contiguous. As a smaller victory the treaty also did not make a direct decision relative to the status of Donauwörth, instead leaving it up to a future imperial diet, which led to its full annexation by Bavaria, finally putting that issue to bed.[145] This effectively made almost all of Maximilian I's territorial acquisitions during his reign come to fruition.

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[143] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. IV. 3.

[144] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. IV. 4, IPO Art. IV. 6.

[145] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. V. 12.

The addition of the Upper Palatinate to Bavaria was only overshadowed by their retention of the electoral dignity and its enshrinement in the constitution in perpetuity. The peace gave him control of the same electoral title that the Bavarian Wittelsbachs had been fighting over for two centuries. The one they were supposed to be alternating with their Palatinate cousins since the Treaty of Pavia but were chronically denied due to political convenience or imperial politics.[146] In lieu of this and to prevent further feuding a new and separate eighth electoral title that was given to Karl Ludwig, bringing the total electors in the Empire to eight: five Catholic and three Protestant.[147] It was a lessor title in the pecking order amongst the electors and represented the diminished status of the Palatinate of the Rhine. In effect, the Peace of Westphalia finally solidified the Bavarian lines dominance over the Palatinate. It did allow for the Palatinate line to reacquire the original electoral dignity in the event that the Bavarian line would go extinct, and it also reaffirmed the house treaties between the Heidelberg and Neuburg branches of the Wittelsbach Palatinate line, which laid the groundwork for the War of the Bavarian Succession over a century later.[148]

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[146] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. IV. 3.

[147] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. IV. 5.

[148] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. IV. 9, IPO Art. IV, 10.

All of the clout that Maximilian I and Bavaria had with the Catholic church did not aid them much in the peace talks. The papacy refused to acknowledge the peace talks based upon the confessional issues at stake and could not make any concessions to Protestants as they still considered themselves the universal church. The Catholic ecclesiastical territories though still held some sway, were actively involved in the peace talks, and were in all actuality closely aligned with Bavaria. The best example of this was the prince-Bishop in Exile of Osnabrück, Verden, and Minden Franz Wilhelm von Wartenberg, Maximilian I's cousin. Franz was the progeny of a morganic marriage of Maximilian's uncle Ferdinand of Bavaria, and he represented a sizeable collection of the ecclesiastical territories, controlling the votes of his own prince-Bishoprics along with Ferdinand of Bavaria's (Cologne, Hildesheim, Liege, Münster, Paderborn), and others by proxy totaling fifteen.[149] Franz Wilhelm von Wartenberg negotiated his best to push for a peace most beneficial to the Catholics but ultimately the Catholics would follow a line of moderation with the other electors, and being led by Maximilian I and Ferdinand III as losses on the battlefield necessitated moderation.[150] The era of one sided confessional politics was truly at an end.

The changes that held the most imperial significance though were all in regard to the confessional crisis, paving over many of the issues that had pushed the Empire towards war in the first place. Instead of acting in a vengeful manner, the estates of the

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[149] Whaley, *Germany and the Holy Roman Empire Vol 1*, 626.

[150] Whaley, *Germany and the Holy Roman Empire Vol 1*, 626.

Empire overwhelmingly pushed for toleration and forgiveness, with the treaties mirroring that sentiment, there was a call for general amnesty.[151] To do so they had to determine a nominal date with which to reset the confessional lines in the Empire. The date chosen was January 1st, 1624, reverting all ecclesiastical territories back to their professed confession as of that date.[152] The nominal date that it established may have not as been as beneficial a date as the Peace of Prague that was established for the Catholics, but it still gave them a Catholic majority, firmly entrenching it once again in law. It reaffirmed the Peace of Passau and the Peace of Augsburg with the exception of limiting *Ius Reformandi*.[153] It also further limited the reach of the prince in this regard, as subjects were given the freedom of conscious and allowed to worship their chosen confession within their own household.[154] This was even extended to Calvinists as it had been legitimized as a member of the Augsburg Confession and shared the same legal rights as Lutherans in the Empire.[155]Even though the articles of the treaty were designed to spread toleration across the Empire, it did not necessarily impose toleration within Bavaria.

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[151] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. II.

[152] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. V. 2, IPO Art. V. 14, IPO Art. V. 15.

[153] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. V. 1, IPO Art. VII. 2.

[154] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. V. 34.

[155] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. VII. 1.

Bavaria had never strayed from Catholicism as its confession, so the nominal date did not change the official state related. Beyond that the Counter Reformation had been so successful within Bavaria and furthermore in the Upper Palatinate, that it effectively was a non-issue politically as members of the Augsburg Confession had nonexistent political power. Even if for some reason the Elector of Bavaria wanted to change it, he was barred from doing so upon his conversion. The Peace of Westphalia effectively ensured there was no possible legal way for the return of or the spread of Protestantism to occur within the territory, and the subsequent articles allowing for the emigration of religious dissenters ensured that most territories in the Empire would shift more towards their legal confession.[156] Speaking completely confessionally at the territorial level, the Peace of Westphalia was also a net positive for Bavaria and Maximilian I.

At the imperial level is where Maximilian I and the Catholics arguably lost ground. The success of the peace treaty lies in that the Thirty Years War was the last war of religion in Europe. Even though the religious peace effectively guaranteed a Catholic majority in the estates due to the return of the Ecclesiastical Reservation and the establishment of the nominal date of 1624, the peace made it legally impossible to press that advantage in confessional matters.[157] At the heart of this confessional balance was the stipulation that when addressing matters concerning both confessions or in general for

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[156] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. V. 36.

[157] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. V. 14, IPO Art. V. 15, IPO Art. V. 52.

religious matters, the *Reichsdeputations* had to be split apart into two *corpus*. The two

corpus were given equal weight and the plurality of votes could not be used to make a

decision, effectively eliminating the Catholic advantage.[158] Furthermore the

Reichskammergericht and the *Reichshofrat* had to effectively be split in the same manner

when they handled cases with confessional implications.[159] At the imperial level the

Peace of Westphalia just implemented many controls when it came to matters of religion

to ensure that the imperial institutions designed to keep the peace would not be fouled by

indecision or by the tyranny of one confession. The Catholics still enjoyed a majority and

that undoubtably spilled over in some form of favoritism in imperial politics, but,

ultimately, when it came to religion, the matter was largely settled.

One of the key talking points in regard to the treaty has always been how it

pushed the territorialization of the *Reich* into overdrive and that it caused the Empire to

become a non-entity. The Peace of Westphalia empowered the *Reichstag* at the emperor's

expense by expanding the share of the territories in the decision-making process

regarding fortresses, war, and a whole other host of state functions.[160] It also expanded

upon the rights of each of the estates at their own territorial level, chief amongst them

being their ability to enter into alliances with other estates and foreign nations (as long as

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[158] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. V. 51.

[159] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. V. 54, IPO Art. V. 55.

[160] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. VIII.

it was not in direct opposition to the Empire).[161] The issue though is that as the war had

proven most of the princes already had benefitted from and engaged in alliances with

other states, and even in the case of the estates fighting against the emperor, they had

argued that it was still in service of the Empire. Bavaria had been entering into

negotiations with foreign powers for a century prior and the second half of the century

would see their relationship blossom further with France. Most of the territories could

hardly be said to exercise sovereignty even following the Peace of Westphalia, with

Austria and Prussia being major exceptions, as most territories simply lacked the

resources or political clout.[162]

Bavaria under the Wittelsbachs should be held up as the third example of

successful sovereign territory. It cannot be disputed that they exhibited complete control

over themselves at the territorial level well prior to the Peace of Westphalia and the Peace

of Westphalia just kicked the process into overdrive. They would use this limited

sovereignty protected by the imperial constitution to push its boundaries even to the point

of using their relationship and dynastic power to oppose the Habsburgs in the War of

Spanish Succession. Furthermore they would gain, for a limited time, the imperial crown

in 1746, and eventually defend their territories' sovereignty in the War of Bavarian

Succession while in direct defiance of the Habsburgs trying to subvert their house treaties

and the Peace of Westphalia. Effectively, the Peace of Westphalia did not begin the

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[161] "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," IPO Art. VIII.

[162] Whaley, *Germany and the Holy Roman Empire Vol 1*, 626.

territorialization and state building of Bavaria, but it was a continuation of the process that began under Ludwig IV in the fourteenth century.

The Peace of Westphalia did not completely rip the Empire asunder as previous historians had suggested, but merely altered it. Through granting so much autonomy to the imperial estates it weakened the centralization efforts of the Habsburgs and ensured the continuation of the *Reich* as a confederation, which arguably extended its life expectancy and relevancy. The Empire was no longer an offensive threat to the other states of Europe, but it did not cease to exist as a defensive block. Through their participation in certain events, they could actively maintain the balance in Europe, in particular aiding the Habsburgs against the Ottomans in central Europe and further down into the Balkans. Without it being a viable vehicle for the growth of the Habsburg ambitions, it had the two-fold effect of reducing Habsburg pressures placed upon the *Reich* and the threat to its security from other foreign powers. Effectively, without the possibility of it being fully united under a Habsburg hegemon it did not draw much unwarranted hostility from foreign powers. What the Empire was able to do, however, was give each of its member-states a chance to better navigate the development of their own states, and a constitutional framework through which to defend them.

The Peace of Westphalia represents the culmination of all the Bavarian Wittelsbachs' dynastic maneuvering over the previous two hundred years, and from the Bavarian perspective can be seen as a reversal of their fortunes following the Golden Bull of 1356. The Golden Bull had denied them the imperial dignity at the expense of their Palatinate cousins, hamstringing them at the imperial level and placing them on unequal

footing with territories smaller than themselves. The Peace of Westphalia rectified that by rewinding the clock and placing them once again at the forefront of imperial politics and addressed it at the constitutional level. This time their status in the *Reich* was not reliant on a vengeful emperor but protected by foreign agents, primarily France, who in return propped them up once again as viable imperial candidate in direct opposition to the Habsburgs, regardless of how close they had been during the war. Moving forward, the trajectory of all medium sized German principalities were on the ascendant, while still preserving the Empire.

Conclusion

The Thirty Years War and the peace of Westphalia created a massive break from Europe's past beyond that of its confessional implications. For the Empire it represented the end of the centralization efforts by the Habsburg emperors even though the retention of the imperial crown and the maintenance of the Empire still remained key pieces of their political strategy. For Bavaria though, it was the proving grounds of their dynastic strategy, and through their successes at state building and diplomacy they had set up their future as a powerful state and eventual kingdom. The new era on the horizon would see the Bavarian Wittelsbachs become key components of French diplomatic strategy, and them acting more in concert politically. Bavaria would still remain part of the Empire until the dissolution of the *Reich,* but as stated previously, it was not subservient to it. The future would see a continuation of European wide conflicts, led by absolutist

monarchs, and the implementation of widespread standing armies, all of which Bavaria

would be a part of moving forward.

Thesis Conclusions

Following the conclusion of the Thirty Years War Maximilian I worked on rebuilding his devastated electorate. Even though he had gained all he could have hoped from the peace process, the Thirty Years of War had wreaked financial havoc on the territory as it had paid the steep price of victory for him. To rebuild the electorate and repair its finances he transitioned Bavaria to peacetime through dismantling the bulk of the 20,000 man Bavarian army (save for the Bavarian militia and a few garrisons) and a return to the same shrewd fiscal policies he developed before the war.[1] Disbanding the army and implementing the Peace of Westphalia was to cost 5,000,000 guilders, which Maximilian I would do through taxation, and forcing the territorial estates to pay two thirds of it without holding a territorial diet.[2] The prewar estates were truly never to return, this signified their complete and total subjugation, as they had merely become part of the states' financial system with no pretenses of autonomy. Without having to prop up the Catholic League or the imperial army he rapidly replenished his treasury in three short years leading up to his death on September 27th, 1651.[3] His death marked the end of an era, leaving behind a vastly different territory than the one his family unified a century

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[1] Francis Carsten, *Princes and Parliaments in Germany: From the Fifteenth to the Eighteenth Century* (Toronto, ON: Oxford University Press, 1959), 403; Laurence Spring, *The Bavarian Army during the Thirty Years War 1618-1648: The Backbone of the Catholic League* (Warwick, England: Helion & Company, 2021), 55.

[2] Carsten, *Princes and Parliaments in Germany, 403.*

[3] Dieter Albrecht, *Maximilian I. Von Bayern 1573-1651* (München: R. Oldenbourg Verlag, 1998), 1105.

and a half prior, taking a disjointed rural territory and turning it into an imperial and financial powerhouse.

Even though there was no clear cut or organized dynastic plan in the beginning, due to necessity the Bavarian Wittlesbachs certainly shaped Bavaria into a well-defined state by the end of Maximilian's life. Their strategy developed in response to events both at the imperial and territorial level, using the influence of both to shape their state apparatuses. The Empire created broad institutions which the Wittelsbachs manipulated to their advantage, copied, or hybridized with to support their own institutions. Imperial politics, especially in regards to confessionalization, presented a suitable niche to Bavaria through which it could grow to become a prominent figure within the Empire, and give legitimization to the reforms they would implement in their own territory, especially as the papacy and the Emperor gave them an increasing amount of leniency and autonomy. They partnered themselves with the Jesuits and tied their state building policies to the Counter Reformation, gaining direct control over the Bavarian church, censoring Protestants and using their expulsion to solidify control over the territorial nobility and subsequently the estates. The perfection of those policies under Maximillian I and his fiscal policies lead to an absolutist state that elevated itself in the imperial hierarchy.

This was important for showing the development of the Bavarian state throughout this period. As a case study of one independent territory, it helps fill in some of the broad outline of German territorial state building. Bavaria is unique in the path that it chose but not in the difficulties it faced. All German states of the period faced the same constitutional developments at the imperial level that Bavaria did, but the ways in which

their ruling elites faced the situation varied widely, ranging from the response of the Calvinist Palatinate Wittelsbachs, to that of the Catholic Habsburgs in Austria, or even down to secularized bishoprics under Protestant administrators. Not every single territory evolved into a state during this period as argued in Bavaria's case, and some would fit the argument of some historians that they only began to develop following the Peace of Westphalia, but ultimately it is unique to each territory. Due to the autonomy that the federative nature of the Empire gave to individual territories and its protection of their rights against imperial prerogatives no single template can be observed across the entirety of the Empire.

Bavaria presents a unique case within German state building and breaks many of the models proposed by various historians. This thesis proposes that Bavaria underwent the process much earlier than most models contend, especially in relation to the other German principalities. It subjugated its estates, created absolutist state apparatuses, turned rapidly towards bureaucratic rule, and began building its own territorial identity. This all began following the unification of Bavaria, but truly ramped up in the 1560s once Albrecht V broke much of the nobility's power, and was truly an absolutist state by 1618, with Maximilian's reign truly highlighting the completion of the process. Even though most models dismiss them as being their own state due to the federated nature of the Empire this thesis argues that they enjoyed great autonomy under the Empire, especially in 1648, that it is akin to being a state within more modern federations. Many of these same developments would occur in Brandenburg-Prussia over the century following 1648

where historians are more willing to call them their own state, but simply because a piece of their territory laid outside of the Empire.

Moving into the future a greater importance should be placed on individual case studies of German territories state building. Only through exploring the vast breadth of the territories can a more actualized timeline of German state building be established and along with it possibly a more applicable broad template. The lack of federated Empires in relation to other feudal monarchies makes the Holy Roman Empire a very unique example and may aid in exploring the concept of state formation in non-traditional monarchies and how they developed. The Bavarian template itself may truly be only applicable to just this single state or through more research it may have be replicated multiple times, but only further inquiry will tell. The Bavarian Wittelsbachs legacy though for better or worse, directed or accidental, is that of a family that unified Bavaria, created a common culture, and a uniquely Bavarian state.

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