Dickens, the German Reformation, and the issue of nation and fatherland in early modern German history

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Abstract

This article offers an outline of the historiographical developments in German Reformation history since the later nineteen-sixties. It argues that Dickens picked up major issues in his treatment of the German Reformation that have again come to the fore in recent years. In particular, his combination of local social history with the history of political thought, and with the history of the new pamphlet medium that emerged from the early sixteenth century, allowed him to try to connect these different arenas of research. This remains a primary concern for current Reformation research, as pioneered by studies such as Andrew Pettegree’s book on Emden.¹

Dickens’s famous phrase, ‘the German Reformation was an urban event’, is arguably one of the best known of such obiter dicta today.² It epitomized a development that was then still very much in the making, but that has continued substantively to redefine the whole landscape of Reformation studies in Germany. However, Dickens also explored other aspects of the German Reformation. Although I am not aware of any similar phrase relating to his interest in the concatenation of the early Reformation, humanism, anticlericalism and the uses of the terms natio and patria in both learned treatises and broadsheets, it is in this area that Dickens’s work, more than a quarter of a century after its publication, is still quoted in both British and continental scholarship.³

Clearly, in assessing Dickens’s contribution, the word ‘influence’ must be, if not completely avoided, at least used with great caution – for the landscape of Reformation studies twenty-five years after the publication

of Dickens’s book *The German Nation and Martin Luther*, with chapters on ‘Nationalism and anticlericalism’ and ‘Humanism and the national myth’, has changed so significantly that straightforward ‘influences’ should not too easily be detected. Dickens’s later book, *The Reformation in Historical Thought* (1985), looking back to the nineteen-sixties and seventies, described the historiographical landscape as defined by two major publications of 1962: Moeller’s *Reichsstadt und Reformation* and Williams’s *The Radical Reformation*. Significantly, only the former has survived the dense research of the last four decades.4

Despite these groundbreaking changes in scholarly accounts of the Reformation and early modern Germany, Dickens is still quoted with respect on the issue of nation and national identity. Georg Schmidt’s major, although controversial, study on this question defined itself against the debate on ‘confessionalization’ which dominated the later nineteen-eighties and nineties. Schmidt’s work thus appeared within a considerably altered historiographical landscape to the one that greeted Dickens’s *German Nation*, to which Schmidt still refers. While Dickens’s work did not find its way into the standard nineteen-nineties textbooks on the German Reformation ‘town’, the fact that his chapters on *natio*, *patria* and broadsheet polemics are still referred to, both as a basis of argument, and also for the material that he used and made accessible, is no minor accomplishment, given the increasingly dense nature of subsequent empirical research.

Dickens’s major achievement, one that ensures both that his 1974 book is still fresh reading and that it is one of the very few Anglophone books surviving as works of reference in German-language research on the Reformation in Germany, lay in his combining a century of learning on humanist historiography with his own interest in the popular Reformation and social history, including broadsheets and pamphlets. Dickens attempted to combine the history of ideas and social history, and refrained from inferring the meaning of sources and events by locating them on alleged highways to either freedom or tyranny. In contrast, research on the social meaning of the Reformation carried out during the later nineteen-seventies and eighties, not least under the influence of the 1974–5 celebration of the Peasants’ War, did not always combine – or even show an interest in combining – social and intellectual history. Dickens’s immense learning and broad overview of the material allowed him to bring together insights into social and intellectual history conducive to an examination of the issue of the use and meaning of the terms *natio* and *patria* in their social and constitutional context, as Dickens saw it and as the issue is seen today. In what follows, a number of general remarks on the changing place of the Reformation in modern historiography

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will introduce a summary of Dickens’s approach. I shall conclude with some remarks about future possibilities for research into the issue of reformation, *patria* and *natio* in early modern German history.

In the nineteen-sixties, the place of the Reformation in English-language research on the empire was very much defined by the general framework of narratives on the history of modern Germany as a whole. Leonard Krieger’s influential work, *The German Idea of Freedom: History of a Political Tradition* (1957), \(^5\) aimed to synthesize current thinking about the nature of and reasons behind the German catastrophe. His work was predicated on the twin beliefs that any such attempt needed to take account of the peculiarities of German history long before 1800 – indeed since the Reformation – and also that full account needed to be taken of the interdependent history of both political theories and popular mentalities. From these premises, he argued that the distinctive character of the ‘German idea of freedom’ derived from the characteristically authoritarian nature of the German Reformation states and from Lutheran authoritarian theology, which affected not only the political mentality of Germans generally, but of later German liberalism in particular. Krieger reached these conclusions by relying upon a defined group of political theorists and assuming that their writings – and his interpretation of the meaning of those writings – shaped the mentality and social self-fashioning of Germans. Further, he built upon ideas, widely accepted at the time, about the politically authoritarian implications of Lutheran theology. Current research has presented overwhelming evidence against many of these assumptions and conclusions about the nature of early modern German states, in particular in the light of the specialized research in all areas of early modern German political, constitutional, social and cultural history over the last four decades. Dickens’s own work stands at the start of this empirical re-orientation.

Recent research on sixteenth- and seventeenth-century Germany has challenged most assumptions regarding the alleged passive obedience of German subjects in the face of allegedly authoritarian regimes, uncovering evidence about the large extent of popular political activity and resistance from the fifteenth to the seventeenth centuries. Much of this activity was spurred by pious Lutherans, indeed, by Lutheran ministers themselves, and it would seem that it continued right into the seventeenth century and the period of the establishment of territorial states. Current historiographical thinking about nineteenth- and twentieth-century German history is too complex to allow direct causal links to be traced back into the early modern era. But, however one assesses historiographical developments concerning

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later periods, the image of an authoritarian and essentially dictatorial princely state, emerging with the Reformation and fully formed by 1648, has virtually dissolved.\(^6\)

The evidence uncovered during the last thirty years addresses two different debates which have recently become interrelated: one centres on the nature of the Holy Roman Empire and its society of estates, corporations, churches and princes; the other concerns the issue of German national identity, if such a thing existed, during the early modern period. Up to this point, the historiography on early modern Germany had looked at the relation between society and state-making in terms of the alleged support for, or resistance to, the monarchical state shown by specific social groups. For example, in the eighteen-eighties the pro-Prussian historian Reinhold Koser alleged that the monarchical state had been based on an alliance between national monarchy, peasants and urban citizens.\(^7\) In contrast, by 1939, in an influential article, the liberal historian Hans Baron began to perceive the early modern monarchical state as compromising civic freedom and started to search for the roots of German democracy in civic ideas based upon the experience of urban government.\(^8\) In each case, the Reformation remained embedded in a narrative which envisaged peasants and urban citizens struggling against the aristocracy and the minor princes in order to establish a suitably ‘modern’ state. Peter Blickle’s ‘communalism’ is a latter-day example of this highly ideologized tradition.\(^9\)

In contrast, studies by some of today’s most influential historians in the field of early modern history in general, and Reformation history in

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particular, such as Karl Otmar von Aretin, Thomas Brady, Peter Moraw, Heinz Schilling, Georg Schmidt, Volker Press and Andrew Pettegree have conclusively dismantled Koser’s, Baron’s and Krieger’s most fundamental assumption: that of a German ‘Sonderweg’ of monarchical state-building – variously applauded or condemned – during the early modern period. In its place emerged a recognition of the continuing strength and importance of the empire at the beginning of the sixteenth century, and of religious allegiances within or beyond the emerging territorial states. The empire, the emperor, its developing courts and administrative structure, were by no means overwhelmed by the territorial princes, either during the Reformation or by 1648. Rather, the empire developed alongside the emerging princely territorial state, and functioned as a means of controlling the personal rule of princes through its characteristic balance of competing religious affiliations, communal political institutions, and intellectual and cultural traditions.

As a consequence of these findings, the reformations of the towns and of the princes are still understood to be different aspects of the German Reformation, but they have ceased to be understood as products of opposing visions of society and rule. The Peace of Westphalia is no longer taken to be a watershed in the progress towards territorial absolutism. As a corollary to these developments, the history of early modern Germany has undergone a radical transformation in the last thirty years. Above all, this has entailed the abandonment of three key ideas: that the German empire even remotely resembled modern conceptions of a state during the later middle ages; that such a state was dismantled during the sixteenth century; and that Brandenburg – or any other of the emerging territorial states – was going to take over that role on German soil. In contrast, recent accounts have underlined the continuing independence of central European families and corporations vis-à-vis the princes. With the exceptions of Bohemia, captured in 1620 after the Battle of White Mountain, and Silesia, captured in 1740 by Frederick the Great and then indeed ruled in an absolute manner, hardly any German prince was able, either in legal theory or in practice, to exercise absolute control as a ruler.


12 See the various publications of Peter Moraw, the leading figure in German late medieval history, esp. P. Moraw, ‘Königliche Herrschaft und Verwaltung im spätmittelalterlichen Reich (ca. 1350–1450)’, in Das spätmittelalterliche Königstum im europäischen Vergleich, ed. R. Schneider (Sigmaringen, 1987), pp. 185–200; G. Schmidt, ‘Der Wormser Reichstag von 1495 und die Staatlichkeit im Hessischen Raum’, Hessisches Jahrbuch für Landesgeschichte, xlvii (1996), 115–36.
Consequently, the period from the mid-fifteenth to the later seventeenth century – and not from 1517 to 1648, for instance – has been reconceptualized as the making, from a diverse number of corporations, families and allegiances, of the German empire in conjunction with territorial states, rather than being understood as the emergence of the territorial states from imperial ruins. Early modern German historiography is now being rewritten in terms of evolving political, social and cultural relations in the German-speaking parts of central Europe, which increasingly began to reorganize themselves as part of a meaningful political unity and a jurisdictional legal entity, in particular from the mid-fifteenth century onwards. Owing to the fragile relations of power and rights in the empire, neither the emperor nor the princes could dictate the shape of the evolving political entity of the empire, the territories within it, and their relations to each other.

Because the consolidation of public power within the empire remained in such a state of flux during the early modern period, both within the empire as a whole and within the evolving territories of the princes, individuals and groups were continually forced to adapt their own claims for status and public power according to changing events and to changing notions of legitimacy. Given the large number of semi-independent jurisdictions, printing presses and universities, each with their own constellation of emerging confessional ties, it was inevitable that politics in Germany would be conducted in the context of a broad publishing market for controversial pamphlets and books. While, during the first half of the sixteenth century, it was primarily Protestants who made use of these means of communication, the empire was also characterized by the vitality and controversial nature of its publishing trade – book and pamphlet – and inevitably affected by the theologians and lawyers who provided these propaganda tools to influence other towns and courts in the empire. As the scholarly work of the late Bob Scribner and the papers presented at the most recent meeting of the Deutsche Vereins für Reformationsgeschichte at Wittenberg on the ‘Interim’ in September 2001 have shown, the social history of popular mobilization and of the influence of social groups on one another in Germany should not be separated from the political and intellectual history of the ideas that underpinned these developments. Recently Andrew Pettegree’s work, in particular, has emphasized the interrelation of local Reformation history, international Reformation developments, and the book and pamphlet market.

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14 See Das Interim 1548–50, ed. L. Schorn-Schütte (Gütersloh, 2003); Pettegree, Emden. On the scholarship on popular pamphlets, see R. von Friedeburg, Lebenswelt und Kultur der unterständigen Schichten in der Frühen Neuzeit (Munich, 2002).
writing very much at the beginning of these historiographical developments, but, to an extent, he foreshadowed them.

As Dickens remarked, the organization of material in his *Luther and the German Nation* was influenced, against the background of his own interest in, and stimulation of, local and regional history, by the publication of Bernd Moeller’s book on *Reichsstadt und Reformation*, and by the research of Bob Scribner, then being undertaken specifically on Erfurt. He was thus one of the first to begin to redress the alleged image of an authoritarian princely Reformation. At the same time, Dickens’s unwillingness to let himself be pinned down by any single-theme framework has ensured that his study is still used approvingly. Rather, he insisted on a broad chronological scope, which he saw as essential in order to address the long- and short-term forces in German society that would allow him to explain the appeal of Luther. And he insisted on identifying a variety of circumstances that helped to explain why various and quite different audiences were, from the later fifteen-tens to the fifteen-twenties, interested in, and willing to listen to, Luther, and, indeed, were prepared to take action to impress upon their environment whatever they thought Luther’s message actually was.

Dickens admirably surveys the multifarious groups that found parts of Luther’s message interesting, and the way in which Luther consciously knew that he could reach various audiences. Publications could and did have an impact during this period, but Luther’s willingness and ability to use the medium as effectively as he did was still unusual. Charles V, for example, did not have the same confidence in print, and when trying to get the Interim compromise together, he attempted to communicate his ideas through diplomatic channels to the various princely courts and to concerned theologians. In his survey, Dickens moved from the rather intellectual background of humanism (and in particular the interest of some humanists in *natio* and *patria*) to the widespread criticism of the alleged corruption of the Church, and to the very different audiences constituted by the lower orders in city and countryside and the courts in Germany. At no time, however, did he force his survey into any narrow teleological road. He neither propagated a Reformation from below nor a Reformation from above. Nor did he try to organize the various issues with which he dealt under any single term or catchphrase.

It was the variety of circumstances that was important for Dickens’s narrative. Of these, only two could be identified as standing out: first, the relative wealth of printing institutions in German lands; and second, the diffuse sense of an urge for reform on very different, and sometimes contradictory, levels in society during the period directly before the onset of the *causa Lutheri*. Indeed, few other works on the early Reformation have exhibited such a broad scope, ranging from detailed comparative accounts of reformation in single cities to the history of the historiography of the Reformation since 1545. Certainly, *The German Nation and Martin*
Luther does have its failings: Dickens concentrated on the first half of the sixteenth century; and he did not, as more current research has done, put sufficient emphasis on the further development of three different confessional Churches within the empire. But his emphasis on the social variety of audiences of the Reformation, and on pamphlets and the publication market as an important tool of the Reformation message, along with his attempt thus to put sufficient emphasis on the intellectual and social background of the Reformation, was clearly groundbreaking in many ways.

Dickens was in part concerned to emphasize the nature and meaning of the use of the terms *natio* and *patria* in books and broadsheets. He illuminated this aspect of the Reformation from two angles: the point of view of the humanists, in particular the Alsatian humanists, from the fourteen-eighties; and the use of the terms *natio* and *patria* in broadsheets concerned with the reform of Germany in general, and with the reform of the Church in Germany in particular. In neither context was there any need to allege the actual existence of a German nation or to speculate about the nature of its alleged nationalism, for the motives of the various known and anonymous authors varied according to their different backgrounds and the circumstances of publication. While Dickens, in the course of the book, emphasized the role of the cities, and was less concerned with the Reformation in the territories, he did address the problem of the sensitivity of relevant segments of the German public, clearly wider than only small circles of learned humanists, to the issue of a reform of the Church. It was clear from his work that the issues of the popular impact of the printing press, of constitutional and legal reform, and of the learned humanist background of many major participants in the evolving crisis were thoroughly interrelated.

Between the anniversary of the Peasants’ War in 1974–5 and the mid nineteen-nineties, this promising combination was not always kept alive in German-language historiography. The work of Bob Scribner, while clearly massively enriching our knowledge of popular print, was directed more to questions and issues related to anthropology, ritual and the impact of images than to the connection between learned and popular discourse. Nevertheless, his work on the impact of images on popular print did lend itself to an investigation of the learned messages that were meant to be transported, an issue that Scribner himself pursued. The single most important historiographical development during the nineteen-eighties and nineties was the debate addressing the ‘confessionalization’ of the Christian Churches in Germany. This debate was consciously trying

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to break out from a chronological framework restricted to the middle of
the sixteenth century and to integrate social, political and Church history
into discussions of the Reformation.\(^\text{16}\) Indeed, the confessionalization thesis
tended to shift emphasis toward the latter part of the sixteenth century.
Since 2001, and the last meeting of the Verein für Reformationsgeschichte,
research interest has shifted back to the earlier history of the Reformation,
but within an entirely altered historiographical landscape. It is in this
landscape that Dickens’s work reads surprisingly fresh. Some of the
themes that Dickens linked in his account are clearly less convincing
today, or have ceased to have any impact on contemporary debate. The
arguments for a decline of citizenship and citizen rights in German towns,
and for the decline of the towns themselves, have been severely
compromised, to the extent that this once important chronology is now
almost meaningless. With regard to the history of the empire, the concept
of confessionalization has clearly stressed the many parallels between the
reorganization of the Churches in Germany, and the systematic attempt
of all of these Churches to influence, teach and control the laity and the
clergy on a new and unprecedented scale.

Beyond this, it is difficult to identify any single new route of research
at this moment. The diverse character of what was believed to be a
legitimate faith among common people and elites alike has been stressed.
The mutually exclusive evidence and arguments of recent publications –
for example Susan Karant-Nunn’s work on the banishment and suppression
of ritual in Protestant faith, liturgy and religious practice on the one
hand, and Thomas Fuchs’s work on Protestant popular veneration for prince-
saints on the other – signifies how plainly contradictory the current
directions of research have become.\(^\text{17}\) At this stage, it is perhaps more
appropriate to take stock of our knowledge and our perceptions of
problems, rather than to attempt any new grand synthesis.

At the same time, the demise of the narrative of the authoritarian
Lutheran territorial state has re-opened research into the meaning of
politics in the empire and has left a vacuum that is not yet entirely filled.
It is against this background that the meaning of core terms of
contemporary politics and pamphlet propaganda, such as patria and natio,
is being reassessed. It has become clear that in order to make any progress
here, the back projection of current usage and meanings into the
sixteenth century must be avoided, and that a strong historical awareness
of the changing character of core concepts is indispensable if this is to

\(^{16}\) Die reformierte Konfessionalisierung in Deutschland: das Problem der ‘Zweiten Reformation’, ed.
H. Schilling (Gütersloh, 1986), still to be considered a major historiographical breakthrough,
heralding a number of further conferences on Catholic and Lutheran confessionalization and
containing crucial debates on the subject.

\(^{17}\) S. Karant-Nunn, The Reformation of Ritual: an Interpretation of Early Modern Germany (1997);
be achieved. A prime example of such a careful conceptual re-evaluation – and of the role that the terms ‘Germany’ or ‘German’ could play in such research, far removed from anything approaching modern nationalism – is Heide Wunder’s brilliant assessment of Luther’s use of the term ‘German piety’. She examined, in her contribution to Die frühe Reformation in Deutschland (1996), the meaning of the term Teutonice Fromkeyt. Luther himself commented in his Adventspostille of 1522 on how to translate or not to translate iustitia. Given the core emphasis of the Protestant Reformation on the issue of justification, this was clearly a major concern for anyone attempting to translate his message into the vernacular. Luther wrote, ‘Ich wolt auch, das das wort Justus, iustitia ynn der Schrifft, noch nie were ynnss deutsch auff den brauch bracht, das es gerecht, gerechtigkeit hiesse, denn es heisst eygentlich from und frumkeyt’. Already, in 1518, Luther had written his Sermo de triplici iusticia Triplex est peccatum, cui triplex opponitur iusticia, ‘Teutonice fromkeyt’.

There is not the space here to reiterate Wunder’s argument about the different uses of these terms by Luther. Suffice it to say that she locates it against a social background in which contemporaries linked pious behaviour with civil righteousness concerning civic matters, for example, in Hans Sachs’s popular plays. Fromkeyt addressed virtues relevant both in the civic and the ecclesiastical realms, for example in wedlock, one of the most important areas where both spheres interlocked closely. Around 1500 frumkeyt addressed civic virtues – in the literal sense of virtues important in order to carry citizen-status, indeed all virtues relevant for the upholding of the corporate civic community, including bravery in defending the city. It involved submission to laws, but also voluntary participation in upholding them. Even more important, Wunder is able to demonstrate that there was no Latin equivalent for these uses of frum/frumkeyt in later fifteenth- and sixteenth-century urban sources. Pietas – as in pietas patriae, for instance – meant, during the early sixteenth century, something quite different, something that Luther could not have applied to his own concern with justification. Thus, Luther intentionally seized upon the German term fromkeyt in order to distinguish what he had in mind from a mere outward submission to laws. In so doing, Wunder argues, he took another step in explaining issues concerning the proper Christian faith in terms also used to describe the duties of citizens. For Fromkeyt could also address, among other meanings, that specific part of the three different meanings of iustitia directed to a useful life and to legitimate actions in this world. Luther was arguing not only against what he attacked as a theology of works, but also against the alleged spiritualism of other groups he assailed.18

Wunder’s argument reminds us that while terms such as *natio*, *patria* and ‘teutonic’ did indeed play their role in the early sixteenth century, it is important carefully to assess their meaning, which more often than not had hardly anything to do with current usage of these terms. In what follows, the possible meanings of *patria* and *natio*, and their role in future research, will be discussed. Current insight into the historicity of these concepts insists that *patria* and *natio* have to be discussed separately, because they addressed entirely different discourses. *Patria* addressed primarily a *civitas* to whom an individual owed irrevocable duties, while *natio* addressed primarily a group of persons united by their common legal status as growing from their birth (*natus*). Thus, neither concept had anything to do with the more metaphysical notions of the later eighteenth and nineteenth centuries. In contrast, their use must be understood against legal and theological meanings in which they remained embedded.¹⁹

From the later fifteenth century onwards, claims for participating in the evolving political entity which by 1648 had become the early modern ‘empire’ increasingly referred also to the ‘German nation’.²⁰ These claims did not, however, address a clearly defined body of people or a specific place; nor did they attempt to replace qualifications for rule, such as noble birth or gender, with membership of the ‘nation’ as such. Thus, historians insisting on the existence of a meaningful ‘national identity’ in Germany prior to the Enlightenment have met criticism.²¹ Insights gleaned from research into the phenomenon of modern nationalism must not be overlooked. Many alleged characteristics of German medieval and early modern national identity were actually only invented during the nineteenth century. For example, the German legal historian Otto Gierke invented traditions of civic equality for purposes directly related to nineteenth-century political struggles. At the same time, recent ‘constructivist’ scholarship on


‘nationalism’ has been challenged primarily by work on England, emphasizing the early modern, and indeed medieval, vitality of national identity.

The new findings on early modern Germany coincided with an increasing separation of early modern German history, the history of the eighteenth century, and the history of the nineteenth and twentieth centuries. As a result, even in volumes attempting to bridge this gap, mutually exclusive notions of ‘state’ and ‘nation’ remain unexamined beside each other, and are not located in their intellectual background. For example, Georg Schmidt attacked the idea that German national identity only truly emerged after the seventeen-seventies and took Thomas Abbt’s famous pamphlet *Vom Tod fürs Vaterland* (1761) to be a further manifestation of ideas on nation and fatherland in Germany, focusing on Prussia, but applicable to German national identity in general. In the same volume, Thomas Abbt is understood as providing a basic text of German ‘blood-and-soil’ ideology, seducing Germans into abandoning the empire in favour of the Prussian military state.

These approaches, however, focus mainly on the development of collective identities allegedly visible in pamphlet literature. To a degree, the more sophisticated legal and theological reasoning that directly or indirectly informed such pamphlets, and the specific framework of events and subsequent intentions that prompted the writers of pamphlets to choose one particular argument over another, are not always sufficiently taken into account. This is a central reason for the failure of much of the new research on the empire to account for the increasing legitimacy of the territorial state in debates about public law and its enforcement against corporate privileges. While a number of studies have attempted to combine the new insights into the fragmented character of the Holy Roman Empire, and to understand the rise of the territorial state against the

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24 See the claims of Schmidt, ‘Teutsche Kriege’; and Langewiesche.


26 W. Burgdorf, ‘“Reichsnationalismus” gegen “Territorialnationalismus”’, in Langewiesche and Schmidt, pp. 137–89.
background of new ideas about state and society and the role of citizens therein, such accounts still tend to concentrate on the Enlightenment and need to be placed in a broader framework of conceptual change.

Because the idea of a German nation was informed by a changing framework of natural law and ideas about the role of the citizens, the rise of the territorial state cannot simply be dismissed as the result of the vicious schemes of a few individual princes, as sometimes in the more recent historiography on the empire, attacking the older, pro-Prussian school of historians. Many citizens and noblemen in the empire increasingly believed that the new territorial state provided the true tool for the reform of German society, because they shared new ideas about themselves and their proper role in this society. This choice, however, was just another step in the history of the changing self-fashioning of citizens and noblemen that accompanied the formation of the empire and the territories as states from the fifteenth century onwards.

However, before dismissing entirely the more recent research about a German national identity during the early modern period, two issues must be kept in mind. Even if we accept the distinction of Dieter Langewiesche between older claims of rights and privileges based on an alleged specifically ‘national’ legal tradition and modern nationalism (based on an assumption that only modern nationalism attempts to provide an argument about political participation in society by virtue of a person’s membership of the nation alone rather than by virtue of birth, religion and so on), we have to realize that such a radical argument was mainly developed only during the twentieth and not during the nineteenth century. More important, certain characteristics of the framework of ideas informing German national identity around 1830 were undoubtedly specifically German and clearly different from contemporary English or French ideas about national identity. This was particularly the case because of the lack of a clear-cut geographical or political unit that could be considered as the basis for the ‘nation’. While principalities such as Pomerania were described as a ‘nation’ of their own during the seventeenth century, even tiny principalities such as Lippe, Electoral Hesse or Hanover were still described as ‘fatherland’ during the nineteenth century. It was also true of opinions of the legitimacy of monarchical constitutionalism expressed by German liberals, who wanted to employ the monarchical state for their own purposes in the face of, more often than not, hostile local and regional populations clearly opposed to liberal reforms.


Research on early modern Germany will have to attempt to understand these peculiarities – as Krieger attempted to do – by explaining them as results of the specific interaction of state-building, political reflections on state-building and the subsequent self-fashioning of groups in the Holy Roman Empire. But rather than taking the subjection of individuals to an authoritarian, absolutist territorial state as a starting point, it will need to stress the shifts and transformation of those cultural and social roles and identities that prompted peasants, citizens and noblemen in the empire increasingly to perceive it to be to their own advantage to pursue their varying interests within the emerging territorial state. They did this, however, in increasingly German ways.\textsuperscript{29} An example of such a specifically ‘German’ way, and of how one might approach the issue, lies in the examination of the uses and the meanings of the term \textit{patria}.

The growing importance of the concept of \textit{patria}, in legal argument and in humanist historiography about the proper application and projection of public power, arose from an increasingly clear-cut distinction between private and public territorial law, the latter enforced by the princes of the empire. After the diet of 1495, recourse to arms was already meant to be outlawed and the princes were asked to settle their quarrels, among each other and with the emperor, before either the imperial aulic court or the revived imperial chamber court. Only those counts, towns and monasteries not subject to the jurisdiction of a prince kept their right to arms, as not subject to the emerging princely territorial government. They could still contemplate the use of arms, at least to defend themselves or to pursue military or political objectives not directed against the emperor. Mainly found in the German south and south-west, such counts, knights and ecclesiastical corporations did not constitute proper territories of their own, but they could, for example, contemplate military intervention in the Netherlands on behalf of their Protestant brethren, as the Calvinist Wetterau counts had done since the fifteen-seventies. This was the background against which the famous French Huguenot writer Hubert Languet served as envoy of August of Saxony, monitoring the deliberations of William of Orange about the Netherlands, and against which Johannes Althusius taught at the regional high school of Herborn, developing his ideas about the rights of inferior magistrates in a monarchy like the empire.\textsuperscript{30}


Mere subjects, however, particularly in the wake of the Peasants’ Wars of 1524–5 and the Anabaptist experience at Münster, were denied such rights. While they retained the right to petition for legal remedy, and might even assemble for that purpose, any co-operation with a view to resisting magistrates was declared an illegal *coniuratio*. As the consequences of this legal reasoning became clearer, with the reception in the empire of Bodin’s ideas, two different types of struggle emerged: counts such as those in the Wetterau, or like the count of Waldeck, had to defend themselves against princes like the landgraves of Hesse, who began to claim that the former were really, and had always been, subject to their jurisdiction and that their counties were part of a princely territory; and territorial estates like those of Württemberg, or towns like Herford in Lippe or Arolsen in Waldeck, began to oppose the consequences of tightened territorial rule. These struggles could and did overlap. Calvinist Landgrave Moritz thus supported the Lutheran town of Arolsen in its struggle for independence against the counts of Waldeck because proof of his legal responsibility in this matter would also provide proof that Waldeck’s subjects were his subjects, that the county of Waldeck was thus part of his principality, and that the count of Waldeck himself was ultimately, under the newly emerging interpretation of *Landesherrschaft*, his subject as well. In some cases, as in Lippe or Hesse-Cassel, the adoption of Calvinism by one of the parties involved deeply reinforced these conflicts. Reference to a ‘fatherland’ could attain crucial importance in all of these contexts, as in Württemberg or Hesse, yet with a meaning quite different from the layers of use of the concept at the advent of the Reformation, although still carrying some of the earlier undertones.

Humanist interest in Tacitus’s account of German virtues had, by the early sixteenth century, reinforced the civic dimension of the concept already prevalent in some of the later scholastic writings. To Ptolemaeus of Lucca, the main student of Aquinas and true author of the latter parts of Aquinas’s standard work on monarchy *De Regimine* (reprinted many times, and again in 1630 in Leiden), *amor patriae* was, beside *zelum iustitiae* and *zelum civilis benevolentiae*, one of the three civic virtues thriving under a *regimen politicum*, a just government taking account of the citizen’s wishes. At the same time, there was the medieval understanding of heaven as the *patria coelestis* of the true believer. *Patria* could also describe

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the place where one was born and under whose laws one had been reared; and in the context of the numerous semi-independent jurisdictions, boroughs, *pays* and emerging territories in the empire, even a single town could be such a *patria*.\(^{35}\) Finally, the Burgundian wars of the fourteen-eighties on the western fringes of the empire led to the emergence of a rhetoric of concerned humanists in those cities affected that emphasized the role of the whole *regnum teutonicum* as a *patria*.\(^{36}\) This sense was reinforced by concerns over the Turkish threat and the movement for institutional reform in the empire. Indeed, some of the rhetoric of *patria* connected to these efforts for reform even embraced the early Reformation in Germany. In this context, *natio* and *patria* frequently overlapped in their meaning.\(^{37}\)

Thus, the concept *patria* involved primarily an argument about the passions and duties associated with *amor patriae* and *pietas patriae*.\(^{38}\) However, at the advent of the Reformation, and during the fifteen-twenties, its application had become, if possible, even more amorphous than that of the term *natio*. The layers of uses and related meanings included Ptolemaeus of Lucca’s sense of civic duty and participatory government, the religious sense of *patria* being heaven, and the denomination of a single town, village or *pays* under whose laws one had been reared and to which, consequently, *pietas patriae* was owed. Despite the enormous variety of these uses, the distinction from *natio* remained. *Natio* hinted at the specific privileges with which an individual or group of individuals was endowed by virtue of birth (*natus*). *Pietas* or *amor patriae* did address the shape that passions were given by an adequate education, making them useful for the successful performance of civic duties, but while some humanist writers, such as Ulrich von Hutten, alleged that such shaping was related to the place of birth alone,\(^{39}\) Philip Melanchthon argued the much more accepted case when, in 1538, he reiterated in an edition of Tacitus that *amor patriae* was inscribed upon men’s hearts to


defend not only the laws, but also the religion of one’s birthplace, and ultimately only mirrored the love to ‘illam coelestem sedem, unde animorum origo est’.  

When in 1536, during a discussion between Philip, landgrave of Hesse, and his advisers on the issue of the Baptists and their punishment, his chancellor and adviser, Johann Feige, reminded Philip that the Baptists would not be willing to defend their ‘fatherland’ against an outside invasion, he probably had these various layers of meaning in mind – including true piety and control of one’s passions in order to direct them to useful civic behaviour, both allegedly characteristics that the Baptists did not display.  

But by the fifteen-thirties yet another layer of meaning was becoming increasingly important. To the members of the Schmalkaldic League, Melanchthon’s and Luther’s reticence in allowing scripture to be used as the basis for legitimizing war against the emperor had led them to require explanations from civil law.  

During the pamphlet warfare of the fifteen-thirties, however, self defence under natural law played an increasingly important role in arguments about the possible exploits of the Schmalkaldic League. As such pamphlets began to allege that such self defence might be employed by common people in circumstances where they lacked any other means of redress of grievances, it became increasingly clear that a line had to be drawn between, on the one hand, the defence of religion and the protection of subjects by inferior magistrates, that is, mainly the princes of the League, and, on the other, illegal acts of riot and violence by mere subjects. In this context, the emerging territories of the Protestant princes acquired a new role as the patria in need of defence. Feige was indeed pointing towards the very real possibility that there might be a requirement to defend the principality – the fatherland he talked about – against an attack by Charles and that the loyalty of subjects in this case could become an issue.  

Three developments reinforced this new sense of the princely territories as ‘fatherlands’ during the latter part of the sixteenth century. First, as the new Protestant Churches had to make do with the princes as their legal and military protectors, the jurisdictions of the princes as areas of protection acquired a heightened meaning. The confessions of faith adopted by individual territorial churches, along the lines of the Confession of Augsburg, reinforced this connection between patria as the patria coelestis

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\text{41 Urkundliche Quellen zur hessischen Reformationsgeschichte, iv: Wiedertäuferakten 1527–1626, ed. G. Franz (Marburg, 1951), p. 133.}
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\text{43 Friedeburg, Widerstandsrecht; Friedeburg, ‘Welche Wegscheide in die Neuzeit’.}
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and patria as the territory within the borders of which the true faith could be practised unmolested. Second, humanist historiographers in the service of princes began to write the history of these princely jurisdictions as if they had been areas of unified political experience and government from antiquity onwards, despite the fact that, as in the case of the Hessian landgraves, the consolidation of their territory reached only back into the late middle ages and had been interrupted frequently.

Finally, between 1549 and 1612, patria emerged in legal dictionaries as the term to address a jurisdiction within which all powers necessary to rule and administer (ordinatio politiae) were exercised by a single magistrate. The legal precedent for this meaning of patria derived from the power of the presides provinciae, the heads of the administration of the Roman provinces in the late Roman empire, as it was also described in Roman law. The reception of this specific part of Roman law allowed the lawyers of the princes to describe their clients as having the power of the late Roman presides. The Lexicon Iuris Civilis, edited by Johannes Spiegel in 1549, already addressed not only the paternal power, the patria potestis, but also the provincial, in the meaning described above, as an entity of jurisdiction and administration, the head of which, while still below the rank of emperor, nonetheless possessed a range of jurisdictional and administrative powers similar to that of the emperor himself.

A further edition of this dictionary, edited by the Marburg law professor Nicolaus Vultejus, kept this article but added an edition of Johannes Oldendorp’s Verba Legum XII Tabularem Scholia, which mentioned the presides provinciarum and their particular concatenation of powers, modelled after those of the emperor no less. The Lexicon Iuridicum of 1612 repeated these definitions: patria had become a term for the new princely territory. In these cases, the pater patriae was, of course, the prince. His standing was clearly enhanced, but princes nevertheless remained vassals of the emperor and members of the empire, bound by its laws and its courts. The loss of land and power by roughly a dozen German princes who had forgotten about this fact – from Ulrich of Württemberg in the early sixteenth century to the duke of Mecklenburg after the War of the Spanish Succession – proved the point.

44 During the last two decades, this important connection has mainly been emphasized by Heinz Schilling in a number of books and articles (see H. Schilling, ‘Die Konfessionalisierung im Reich’, Historische Zeitschrift, ccxlvi (1988), 1–45).
47 Pt. II, De Magistratibus, ch. xv, on ‘Præcepta iuris de magistratibus’.

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These considerations demonstrate how vastly the historiographical and methodological landscape has changed since Dickens’s time. The image of the authoritarian Lutheran territorial state is gone; so is the assumption that we can take for granted what was meant by \textit{natio} or \textit{patria} when contemporaries used these terms. To be sure, these insights are in some ways unhelpful: we are less able to draw straightforward lessons from the past; we are less able to go for straight comparisons; we know now that the networks of corporations, towns, nobilities, princes, clients of princes and of the emperor, and clients of the kings of Spain and France in Germany, were even less comparable to the organization of kingdoms like France or England than we had hitherto thought. Other questions and concepts, for example the ‘confessionalization’ of the Christian Church and of society, and of allegiances within that society, have become much more important for the understanding of the history of the Reformation and of the empire. But, although this major new approach has influenced research in the last two decades, the role of \textit{natio} and \textit{patria} in learned and popular discourse still remains an important issue. It allows us to probe into the ways and means by which citizens and noblemen in the emerging monarchical state began to carve out their own legal and social place within it, and to go beyond simplistic dichotomies, such as that distinguishing an alleged ‘absolutism’ from supposedly freedom-fighting estates. The comparisons possible, and our understanding of European history, have together become much more complicated, and much more dependent upon seeing and understanding political thought and political practice in conjunction than was the case forty years ago.\footnote{See H. Schilling, ‘Nationale Identität und Konfession in der europäischen Neuzeit’, in \textit{Nationale und kulturelle Identität: Studien zur Entwicklung des kollektiven Bewusstseins in der Neuzeit}, ed. B. Giesen (Frankfurt, 1991), pp. 192–252; H. Schilling, ‘Confessionalisation and the rise of religious and cultural frontiers in early modern Europe’, in \textit{Frontiers of Faith: Religious Exchange and the Constitution of Religious Identities 1400–1750}, ed. E. Andor and I. G. Tóth (Budapest, 2001), pp. 21–35; R. von Friedeburg, \textit{Self-Defence and Religious Strife in Early Modern Europe: England and Germany, 1530–1680} (Aldershot, 2002).}

We must, much more carefully than in the past, choose our \textit{tertium comparationis}. Dickens did much to open up such questions, and the undogmatic way in which he approached these issues has greatly helped us to address problems such as the use of terms like \textit{patria} and \textit{natio} without jumping to conclusions about modern nationalism or moving on to new high roads to wherever we believe modernity (whatever that is) might be located.