

THE GERMAN CRUCIBLE: HOW THE IMPERIAL SYSTEMS OF THE HOLY ROMAN
EMPIRE FOSTERED A CULTURE OF ECONOMIC, POLITICAL, AND MILITARY
INNOVATION DURING THE EIGHTEENTH CENTURY

A Thesis
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Abstract

THE GERMAN CRUCIBLE: HOW THE IMPERIAL SYSTEMS OF THE HOLY ROMAN EMPIRE FOSTERED A CULTURE OF ECONOMIC, POLITICAL, AND MILITARY INNOVATION DURING THE EIGHTEENTH CENTURY

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Three states are profiled in this thesis: Bavaria, Prussia, and Austria. Their political systems are compared as methods for achieving influence in the Holy Roman Empire and Europe as a whole. For context, some details of the Holy Roman Imperial system are provided. Overall, this is done with the goal of illustrating that the Imperial system inadvertently fostered political innovation within its member states, by providing incentives for political uniqueness, and setting up roadblocks for political domination, which many member states worked to overcome in innovative ways.

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Foreword

This project is the culmination of the exploration of several topics which each were, variously, originally intended to be the entire focus of my thesis. It is only because I observed that it did not seem appropriate to discuss any one of these topics alone, without discussing the others as points of reference, that I decided to cover in the scope of my research, so many several states within the Empire. I had considered, for instance, a comparison of Austrian and Prussian military reforms to explore how the states within the Holy Roman Empire used military force for political gain. I also considered using Bavaria and Prussia as points of reference to discuss a possible north-south German cultural divide, especially within the context of nineteenth century Austro-Prussian dualism.

In truth, though, both of these topics woven together, and several others, make up the cultural fabric of eighteenth and nineteenth century (pre-Hohenzollern Unification) Germany, and all of these topics are informed by the unique structures of the Early Modern Holy Roman Empire. So, in an attempt to provide the most authentic portrait of the political forces which informed nineteenth century German culture, I have provided brief profiles of several German states, each with unique political systems of their own, and illustrated how they all work within a common framework, that of the Holy Roman Empire, and attempt to explain how this common framework made possible, and served as the necessary foundation for the growth of, each of these systems.

The reader will observe that this paper is separated into a series of clearly denoted segments, each dedicated to a different state within the Holy Roman Empire. The first chapter of

this text establishes the nature of the imperial framework and discusses the role of the Habsburgs within it. Readers will observe that, especially during the latter portion of this paper, the terms “Austria” and “Habsburg Empire” are sometimes used interchangeably. This is intended to reflect that concepts of “Austrian” identity were still being formed during this period in history, and so it is necessary to choose which term is more conducive to historical truth based on context. The following three chapters are dedicated to profiling those states within the empire, which had unique and noteworthy relationships with the Imperial framework, in a manner that demonstrates how Imperial social and political systems fostered divergent evolution among the states, and by extension a kind of innovation through political experimentation.

Since each chapter of this text, except for the last chapter, is intended to profile a different German political body, overarching arguments, which tie these otherwise mostly independent studies together, are provided in the introduction and conclusion. Therefore, in order to fully understand the nature of the arguments posited in this piece, these sections provide critical context, since they go a long way to answering the all-important question of: “What can be learned from the information presented?”

Ultimately, this thesis includes all of the aforementioned topics in some capacity, and therefore attempts, for instance, to compare Prussian and Austrian socioeconomic systems as well as Bavarian and Prussian diplomatic strategies. Note that it is precisely the differences between these structures and systems, and overall the enormous variety of systems within the Holy Roman Empire, which I believe will demonstrate that under the proverbial Imperial umbrella, competition between states, which is essentially enumerated by the Empire’s governing documents, fostered a degree of innovation that made Germany a testing ground for political ideas, with only the most efficient ideas achieving the greatest success

Introduction

It is common for existing European scholarship to characterize Germany, during the early modern period, as a 'backwards' society. Not only does a considerable body of early modern European academic work focus on Western Europe with a deal of exclusivity that makes the internal affairs of the Holy Roman Empire seem comparatively irrelevant, but a great deal of the scholarship surrounding Germany during the early modern period focuses on the ways in which Germany was a reactionary society. Specifically, it has often been said that the period of German history beginning with the Treaty of Westphalia in 1648 and ending approximately with the Treaty of Prague in 1866, was a period defined by a high degree of resistance to social and political change, during which the region was unable to assert itself, as a collective body, in the European diplomatic sphere.

This narrative, although convenient when exploring the evolution of European social structures from the perspective of observing or documenting the rise of the modern nation-state, is reductive, overall. Although it is not entirely unreasonable to assert that the governing body of Germany, then the Holy Roman Empire, was not a serious geopolitical competitor with the other imperial titans of the eighteenth century, Britain, France, and Spain, that does not mean that the Holy Roman Imperial system was, within the purview of eighteenth century European society, outdated or irrelevant overall. It does not even necessarily mean that eighteenth century Germany was more resistant to social change than its immediate neighbors.

Historians such as Mack Walker and Joachim Whaley, who will be referenced often in the forthcoming chapters, demonstrate effectively that the Holy Roman Empire of the early modern period was designed more or less with the specific intent of curtailing the ambitions of

its individual client states. Certainly, while this system, such as it was, had the highly notable effect of preventing the consolidation of power in Germany under a single, authoritative collective body, and by extension made Germany less competitive geopolitically than its neighbors, this does not mean that German social development was necessarily occurring more slowly than that of the British or French. It does not mean that Germany was not innovating constantly in the diplomatic and socioeconomic spheres.

In fact, the primary goal of this paper is to demonstrate that, at least in part specifically because of the nature of the Holy Roman Imperial system, Germany was made a particularly lively place in the area of social and political innovation and experimentation. Politically pluralistic as it was, eighteenth century Germany was a place defined by a high number of creative and competitive systems, that would help to form the cornerstone of German preeminence in the nineteenth century.

There are many ways in which the narrative of early modern German backwardness or rigidity fails to live up, fully, to historical scrutiny. For instance, when exploring the topic of the rise of Prussian power during the nineteenth century. Apart from the many character studies that have been written on the eighteenth century Prussian Kings, most notably Frederick William I and Frederick II, it is common for historians to imagine that the rise of Prussia, and indeed, the realignment of German politics towards European preeminence, begins with the political shakeup of the Napoleonic Wars.

Napoleon's invasion and subsequent dismantling of the Holy Roman Empire, according to many scholars in the area of Modern German history, marks the beginning of Germany's transition towards nation-state status. The Treaty of Vienna and governing system of the German Confederation of 1815 provided the framework which formalized Austro-Prussian dualism and

made possible the rise of German nationalism due primarily to the absence of the preceding feudal institutions of the Holy Roman Empire. This is the narrative of Thomas Nipperdy's *German History 1800-1866*, which states, for instance, "In the beginning was Napoleon."¹

Some authors, such as Louis Snyder, posit that Napoleon's conquest of Germany and the subsequent break up of Holy Roman Empire in 1806 represented a kind of a 'wake up call,' for German society and most notably Prussia itself, in the sense that it not only illustrated the ease with which an outside power could dismantle the existing German system of quasi-feudal states, but also provided a counterexample, in the form of the Confederation of the Rhine and Napoleonic France, for how the German states could be managed. As historian Louis Snyder described it: "The original stimulus for German nationalism came from outside Germany. Napoleon set the boundaries of the German states much as they would exist in the twentieth century."²

In addition, by finally dissolving the Holy Roman Empire, it has been posited that the Napoleonic Wars resulted in the freeing of the German states to pursue political autonomy, diplomatic self-interest, and in the long run, military domination of one another. As Louis Snyder put it, "Napoleon had inflicted on Prussia the most humiliating defeat in her history. The disaster was not complete, however, for out of it emerged the impulse for revenge, which was to prove a powerful stimulant for German nationalism.... When Napoleon decided to spread his ideas of the French Revolution as he interpreted them into other countries by military force, he invariably ignited the fires of nationalism."³ This narrative, while not entirely untrue, is fraught with many historiographical shortcomings.

¹ Ute Planert, *The Oxford Handbook of Modern German History*. (Oxford, UK: Oxford University Press, 2011), 91.

² Louis Snyder, *Roots of German Nationalism*. (Bloomington, IN: Indiana University Press, 1978), 56.

³ Snyder, 57.

For example, and particularly in the case of Snyder's statement, it is largely implied that the Napoleonic shakeup also provided Germans with an impetus for reform, and the will to consolidate power. While it is not unreasonable to suggest that Napoleon's conquest of Germany contributed to the rise of nationalist ideas in the region, it makes eighteenth century Prussia, Bavaria, and most or all of the German states out to be rudderless bodies. Rather by contrast, there can be no denying that throughout the eighteenth century, Prussia in particular underwent what can reasonably be referred to as the most important period of reform in its history prior to the founding of the German Empire.

Power within the state was consolidated into the hands of estate holding nobles, and Prussia's first internally financed standing army was formed. If it was Napoleon who "ignited the fires of nationalism" then what incentive did the Prussian kings have, nearly a century before Napoleon, to undergo the effort of pursuing greater military influence and autonomy? It is possible to make the semantic argument that they were motivated by something other than strictly "nationalist" fervor, but this is impossible to know for certain without peering into the minds of the Prussian nobility. Moreover, the effect is the same in either case. The Kingdom of Prussia had put itself on the path to consolidating Germany long before Napoleon had come to power.

However, when I began research for the topic of early modern Germany, I took the Napoleonic narrative for fact, and began my research by trying to understand the cultural roots of Austro-Prussian dualism. I wanted to see on what basis the smaller and midsize German states, such as Hesse-Cassel, Saxony, and Wurttemberg chose to align themselves, either with Prussia or with Austria, during the turbulent period prior to the founding of the German Empire under Prussian leadership in 1871.

In addition, as I studied the scholarship around Prussian history, I perceived a need to publish an update for the mainstream narratives about the history of Prussian Militarism. Much ink has been spilled discussing the topic of German militarism, but most scholarly musings on the subject appear to have been written in the immediate aftermath of World War II. Therefore, most of this material appears to be outdated, and there is now a great deal of room to integrate new forms of historiography into how one contemplates the history of Prussian military culture.

Many historians, particularly those of the mid-twentieth century, posit that the rise of Prussia was made possible by two simple factors: First, Prussia's status as the second largest state in the Holy Roman Empire, in terms purely of geographic volume, after the German and Bohemian territories of the Habsburgs, and second, the peculiar character of its eighteenth century rulers, and in particular Frederick William I. These narratives place a high degree of importance on the individual character of the Prussian Kings themselves, and usually take for granted that the governing mechanisms of the Holy Roman Empire were something to be overcome.

Historian Gerhard Ritter, for instance, states that "[Frederick William I] inspired his army with a spirit of relentless effort in the service of state power, initiating a revolutionary change in German territorial policy from which the new type of Prussian and German was to emerge."⁴ This narrative, without the extensive context that it deserves, but which Ritter fails to include, does not seriously consider the role of the Imperial system, or in Prussia's predecessors in the German diplomatic sphere as laying the groundwork for Prussian reform. To begin, the structures of the Empire were at least in part a catalyst for Prussian political innovation simply by existing as the cultural and political framework in which rulers such as Frederick I operated.

⁴ Gerhard Ritter, *The Sword and the Scepter*. (Miami, FL: University of Miami Press, 1969), 17.

Moreover, though, to call the reforms of Frederick William I “revolutionary” is somewhat reductive, in the sense that it overestimates the unique character of the reforms of Frederick William I. Rather than being a “revolution,” these reforms were the natural consequence of the ongoing development of the East Elbian German character, and since the Holy Roman Empire was, in fact, a political body which fostered uniqueness and change, the development of the unique Prussian political character is just one example of the larger trend of German political experimentation at work.

Until relatively recently, it was common to describe the rise of Prussia as having its origins in the particular character of Frederick II, with comparatively little regard given to the economic and political conditions in Germany, at the time, that made it possible for Frederick II to put Prussia on a trajectory towards challenging the power of Germany’s Habsburg rulers. This narrative, more than just being outdated in the sense that it does not employ modern historiographical strategies, which place a much higher value on contemporary economic and political climate, does attribute adequate importance to two critical details. First, that political and social change could, and did occur in Prussia under the Holy Roman Empire of the eighteenth century to such an extent that it changed the core dynamic of German internal politics, and second, that other German elector states, most notably Bavaria, were undertaking equal or greater levels of continuous reform during the same period.

The reader will observe, notably, not only that neither Prussia nor Austria entirely monopolizes the topic of this paper, but that the Napoleonic narrative of modern German history, that is, the idea that ‘In the beginning was Napoleon,’ is not promoted here at all. This is because, during the course of my research process, I found myself continually tracing the cultural and political roots of German regional political identities and ideas, be they Prussian, Bavarian,

or otherwise, to the Holy Roman Empire. In particular, to the politics of the Holy Roman Empire of the eighteenth century. It was during these chaotic years that Germany truly seems to have come into its own, and so this paper endeavors to uncover, using my research of the constituent Imperial states, exactly how and why this came to be the case.

This paper will begin by providing commentary on the relevant nuances of the political framework of the Holy Roman Empire and the part which the Habsburgs had to play in it, and this will provide the foundational political guidelines in which the major states, especially the Imperial electors, were made to operate. The reader will observe how this framework led to the creation of several other unique systems, each differently adapted to achieve greater political influence and economic success within the confines of the Empire. In addition, this paper intends to make apparent that the War of Austrian Succession, rather than the Napoleonic Wars, was what truly marked the beginning of the end for the Holy Roman Empire, and the genesis of ideas about German reconsolidation and alignment. It was the “make or break” moment for the status quo in Germany, and represented a critical failing, on the part of the Holy Roman Emperor, to simultaneously govern Germany and keep the peace.

Moreover, the War of Austrian Succession and subsequent Seven Years War was the culmination of several decades of divergent evolution among the states, which can be understood by exploring how the diplomatic situation within the Holy Roman Empire evolved over the preceding two centuries, especially as a consequence of the fateful Treaty of Westphalia, which this paper will demonstrate had done more to define political life within the Holy Roman Empire than any other Imperial governing document.

Chapter 1:

The Iron Status Quo: The Holy Roman Imperial System, and the Role of the Habsburg Emperors

Voltaire is often credited with the famous quip that the Holy Roman Empire was “neither holy, nor Roman, nor an empire.”¹ By the eighteenth century, when Voltaire was active, this statement was, for the most part, true. The Holy Roman Empire had not governed the city or Rome since the Treaty of Venice in 1177,² and although the Empire did recognize the legality of Ancient Roman law, dominant legal thinkers of the eighteenth century promoted municipal German laws over Roman law in all applicable instances.³ For all intents and purposes, the Holy Roman Empire had been stripped of any vestiges it might have had of a legitimate political or cultural connection to the Roman Empire.

Rather, in this chapter evidence will be put forward to illustrate that by the eighteenth century, the Holy Roman Empire can reasonably be described as the point of convergence between two competing concepts of Germany. The first is the all-important Treaty of Westphalia, which codified the relationship between the German states, and to some extent the relationship between the states and their Emperor as well. The second is what I will refer to as the “dualism” between the Holy Roman Empire and the Habsburg crown territory in Austria, Bohemia, Hungary, etc. the Austrian Habsburgs invented a system by which the Holy Roman Empire could be governed through the use of outside Habsburg territory, and this is perhaps the

¹ Thomas Renna, “The Holy Roman Empire was Neither Holy, Nor Roman, Nor an Empire,” *Michigan Academician* 42, no. 1, (2015): 60.

² Ernest F. Henderson, *Select Historical Documents of the Middle Ages*. (London: George Bell and Sons, 1896), 425.

³ Johann Jakob Moser, known as “the father of German constitutional law” stated that Roman law should only be used when German law and German legal precedent was not sufficient to address a given legal issue.

German political innovation which needs to be given primacy in order for the others to be understood.

The erosion of authority within the Empire proper, which is enumerated in this chapter along with a summary of the causes, does not inherently mean the Empire's erasure as an effective political body, and the reason this is the case has everything to do with the role of the Habsburgs as innovators, adapting to the challenges, created by the Treaty of Westphalia, inherent to governing Germany.

To begin, though, it is necessary to analyze the Empire's inherent status during the early modern era, and to that end it is not unreasonable to posit that the HRE did not retain, in any significant way, the trappings of an Empire. The exact definition of an "empire," historically, has always been a difficult thing to make concrete, but there are two characteristics which have typically been recognized by historians as qualifying a state as an empire. First, an Empire must be made by conquest, or govern over one or more conquered subject peoples, who are subdued by conquest and do not have equal status with the state's citizens.⁴ Since the Holy Roman Empire's borders were static, and had been since the Peace of Westphalia,⁵ the Empire cannot be said to have engaged in conquest, or to have governed conquered peoples for the whole of its modern history.

Second, an Empire may, as an alternative, be governed by a "king of kings." This means that if the subjects of the state's highest authority are recognized as kings in their own right, then a state qualifies as an Empire.⁶ In the case of the Holy Roman Empire, however, it had become a

⁴ Stephen Howe, *Empire: A Very Short Introduction*. (Oxford, UK: Oxford University Press, 2002), 30.

⁵ Subsequent wars involving the Holy Roman Empire, such as the Nine Years' War and War of Spanish Succession, resulted in treaties which often changed the dynamics within the Empire, but which did not change its physical borders.

⁶ Howe, 35.

matter of policy, by the eighteenth century, for no subject of the Holy Roman Emperor to be recognized as a king who ruled over a subject territory in his own right.⁷ So, in either respect, the Holy Roman Empire had no imperial trappings, and in fact is broadly recognized, by modern and contemporary sources, as a Confederation, in terms of its style of governance.⁸

Perhaps most importantly of all, when it comes to understanding the evolution of the Empire's identity, is the fact that by the eighteenth century, the HRE had lost any plausible claim to being "holy." For most of the Empire's history, and until the Protestant Reformation and subsequent conflicts, the Empire was a partially theocratic institution, governed at least in part through the institutions of the Roman Catholic Church. The autonomy of the Church was recognized everywhere in the Empire's borders, and among the Empire's nobles, freedom of religion was not recognized or tolerated.⁹¹⁰ Several Imperial nobles were religious leaders as well, and many states within the Empire were ruled directly by Bishops and other non-secular catholic leaders.¹¹

In the aftermath of the Protestant Reformation and the Schmalkaldic Wars, however, the Emperor was forced to recognize the religious freedoms of the Protestant Princes of Northern Germany. Catholic Church leaders were expelled from Protestant lands and land held by the Church was confiscated by the secular Princes. The Peace of Augsburg recognized this right, and as a consequence the HRE was no longer a religiously homogeneous state. Moreover, the loss of

⁷ The "King of Bohemia," despite theoretically being the title of a subject of the Emperor, was in fact a title held by the Emperor himself, since the Habsburgs, who governed Bohemia as its king, had controlled the Imperial throne since the Middle Ages. Notably, in the Crown Treaty of 1700, the Elector of Brandenburg-Prussia was awarded the title "King in Prussia," implying that, in Brandenburg and therefore within the borders of the HRE, he could not be considered a king.

⁸ Renna, 62.

⁹ During the Hussite Wars, the Empire officially recognized a set of non-Catholic Christian beliefs as a heresy. This implies the existence of a state religion.

¹⁰ Francis Lützow, *The Hussite Wars*. (New York, NY: Dutton 1914).

¹¹ The HRE had dozens of bishoprics and archbishoprics among its states, perhaps most notably the bishopric of Cologne, the attempted Protestant conversion of which would be the catalyst for the Cologne War in 1583.

this religious power marked a considerable loss of secular authority as well. For the first time in the Empire's history, the Empire's subjects were governing their lands in a manner which defied traditional imperial structures, and in particular those structures which were knitted together by Canon Law and Church institutions.

For Germany, the dawn of the Early Modern Era is usually traced back to the end of the Thirty Years War and the signing of the Treaty of Westphalia. This is because the Treaty of Westphalia represented a critical point in the development in the institutions of the Empire, and more importantly, a point of divergence between the Holy Roman Empire, and its neighbor states, such as France, Poland, and Russia.

It is generally recognized that the Thirty Years War, which lasted from 1618 to 1648, is a direct consequence of the Protestant Reformation, which preceded the war by almost exactly a century, beginning with Martin Luthor's 95 theses, in 1517. The steady expansion and encroachment of the Lutheran and Calvinist faction within Northern Germany, during the latter half of the sixteenth century and early portion of the seventeenth century, was a violation of existing treaties in effect within the Empire. Most notably, the Ecclesiastical Reservation, which barred Protestant governance from expanding into regions of the empire overseen by Catholic clerical officials.¹²

Although the expansion of Protestantism in Germany was a continuous process throughout the sixteenth century and in some cases occurred unchallenged, the Reformation ultimately saw the triggering of an almost continual state of war, usually on a relatively small scale, across Central Europe throughout the century. And finally, issues over the Ecclesiastical Reservation and encroachment of Protestantism reached a boiling point with the dispute over the

¹² Joachim Whaley, *Germany and the Holy Roman Empire: Volume I: Maximilian I to the Peace of Westphalia 1493-1648*. (Oxford, UK, Oxford University Press, 2012).

rights of Protestant nobility in Bohemia following the accession of Ferdinand II to the Holy Roman Emperorship.¹³

It is well documented that the Thirty Years War began with the Bohemian revolt against Emperor Ferdinand II, and that it escalated to include several other European powers, most notably Denmark, Sweden, and France, the involvement of which marked the three phases of the war. The involvement of these powers, particularly in opposition to the Catholic aligned states of the Austrian Habsburgs and their Spanish Allies, is what defined the Thirty Years War and transformed it into a general European conflict. What is more important for the purpose of understanding the causes and effects of the involvement of these nations, and how this led to the evolution of the HRE is seen in the aftermath of the Peace of Westphalia.

First, it is critical to understand that the Bohemian Revolt of 1618 represented a critical opportunity, for Catholic and Protestant nations, to define the future of the Christian faith in Western Europe. The revolt itself occurred as a consequence of the Accession of Ferdinand II, since he was well known to have conservative, strongly pro-Catholic views.¹⁴ The liberties granted to Protestant nobles under Ferdinand II's predecessor, Rudolf II, were likely to be repealed or reinterpreted, and the famous 1618 Defenestration of Prague can reasonably be described as an attempt to preempt any such reforms, in addition to being the beginning of the revolt.¹⁵

Although the Bohemian Revolt was originally an attempt to assert the rights of local Protestants within the Empire, its escalation into a general war against the Empire was largely

¹³ Peter Wallace, *The Long European Reformation*. (New York: Palgrave Macmillan 2004), 155.

¹⁴ Ibid.

¹⁵ Officially, the Defenestration of Prague, in the eyes of executors, was an attempt to assert the rights enumerated in the 1609 Letter of Majesty, which granted religious tolerance to Bohemian Protestants. There was some dispute, with regard to the nature of the Letter, about whether or not this would allow the Emperor to impose a Catholic leadership upon the province, which is what Rudolf II attempted to do in 1618.

inevitable, since Protestant states within the Empire had long been forming and consolidating defensive pacts with one another to prevent the Emperor from overthrowing individual Protestant princes under his control without sparking a large scale rebellion.¹⁶ Therefore, when the Emperor moved to suppress the Bohemian Revolt, an opportunity was presented.

By taking action against one Protestant stronghold, the Emperor provoked the Protestant community at large, and when the defeat of the Bohemians led to the consolidation of Catholic and Imperial power throughout several parts of central Germany,¹⁷ several states along the Empire's northern frontier reached out to Denmark for protection.¹⁸ What ensued, in brief, was a general conflict that spanned the breadth of central Europe. The outcome, in the long run, was a precarious situation for Protestant aligned forces, which had begun to run out of resources and allies.

In 1634, after the defeat of Protestant-aligned forces at Nördlingen, it became more feasible than it had ever been before for Emperor Ferdinand II to consolidate power in the German states to a degree that had not been possible before, and would not be possible since that time. Imperial forces, especially as a consequence of Spanish aid, had the opportunity to upset the balance of power in Europe strongly in their favor. During this period, Spain was governed by a Habsburg king, and although the Spanish Habsburgs constituted a separate branch of the Habsburg family, they were still steadfast allies of the Austrian Habsburg branch, and so the

¹⁶ The Protestant Union was formed 1608 for this purpose.

¹⁷ Forces aligned with the Emperor, such as the King of Bavaria, used the Bohemian Revolt and the opening stages of the War to expand their own power. The King of Bavaria, in exchange for support in the Bohemian War, was given control of the Upper Palatinate, and the Count of Tilly, for his own part in putting down the Bohemian Revolt, took the personal liberty of restoring the Catholic Diocese of Halberstadt. This exchange of favors, essential to the affairs of state within the HRE, give the impression of a general Catholic pushback against Protestant liberties.

¹⁸ Steve Murdoch, *Britain, Denmark-Norway and the House of Stuart 1603–1660*. (Canberry, AU: Tuckwell, 2000).

enormous Spanish wealth, then extracted from Spain's American colonies, was largely at the disposal of the imperial war effort.

It is this fact, primarily, that many historians believe motivated France to join the Thirty Years War in favor of the remaining members of the Protestant Coalition.¹⁹ This detail is critical, because it suggests, firstly, that the Habsburg sphere was poised to reorganize itself in a manner that may have proven to be a credible threat to France, but also it represents the moment when the Thirty Years War develops a distinctly secular character.

The third and final phase of the Thirty Years War, fought primarily between France, Spain, and the HRE, was a war among Catholic kings, and the cause, for France, appears to have been to prevent Germany from being consolidated into a potentially dangerous cohesive force. There is considerable reason to suspect that, if not for the French intervention, the largely feudal confederated system that defined the HRE at the time, and which would continue to define it until its fall, may have been dismantled and replaced with a more centralized system. It is unlikely that the HRE could have reorganized itself into something seriously resembling a nation state, but the elective character of the monarchy, and the sovereign rights of the princes were called into question by the conflict.

Therefore, the aforementioned point of divergence, between the histories of the HRE and those of nations such as Britain and France, occurred when France intervened in the Thirty Years War and exerted force to arrest the consolidation of power in the hands of the Emperor. Up until that point, and for the first time in the modern history of the Empire, the rights of German princes could be trampled upon by the forces of the Emperor and his allies. When the cities of

¹⁹ Robert Birely, "The Peace of Prague (1635) and the Counterreformation in Germany". *The Journal of Modern History* 48 no. 1 (1976), 32.

Bremen and Verden, for instance, aligned themselves with Denmark, it was the force of arms which brought them back into the Imperial fold.²⁰

A new precedent had the potential to be set: namely, that the Emperor might have had the power to restrain his subject princes and nobles from exercising diplomacy independent of the Emperor. Those states which disobeyed the Emperor, were summarily replaced by more pliant nobles.²¹ Moreover, the right of those same princes to practice and enforce the practice of their religion, the principle of “Cuius regio, eius religio,”²² seems unlikely to have been upheld if it hadn’t been for the French intervention in the war.

However, the fact of the matter is that France’s timely intervention brought the war to a standstill and forced a position of leniency towards the Protestant states upon the Emperor. By the time the war was nearing its conclusion French troops had occupied Alsace, Swedish troops had entered Bavaria, and Spain, the Emperor’s most valuable ally, was running out of resources to prosecute the war further.²³ It is worth noting that the Spanish and Imperial forces were not the only factions that had become exhausted, but nevertheless the French intervention made possible the Peace of Westphalia, as we now know it.

The nature of the secular aspect of this conflict, and of the French King’s desire to prevent Germany from superseding France in terms of power, is reflected strongly in the Peace of Westphalia. One can observe, for instance, that it enumerates the liberty of German princes to exercise diplomacy with nations outside the Emperor’s authority, stating “Above all, it shall be

²⁰ Paul D. Lockhart, *Denmark, 1513-1660: the rise and decline of a Renaissance monarchy*. (Oxford, UK, Oxford University Press 2007).

²¹ The Prince of the Palatinate was replaced by the King of Bavaria, and the Duke of Mecklenburg was replaced by Wallenstein, one of the Emperor’s generals.

²² Whaley, *Germany and the Holy Roman Empire: Volume I*, 624.

²³ Martin Van Gelderen, *Republicanism and Constitutionalism in Early Modern Europe: A Shared European Heritage: Volume I*. (Cambridge, UK: Cambridge University Press, 2002).

free perpetually to each of the states of the Empire, to make alliances with strangers for their preservation and safety.”²⁴ It also enumerates the right of German Princes, without any notable exception, to choose and to enforce whatever religion they pleased within their own territory. This is reflected in the following statement: “The concluded peace shall remain in force, and all parties in this transaction shall be obliged to defend and protect all and every article of this peace against any one, without distinction of religion.”²⁵ In general, however, the ultimate result of the Treaty of Westphalia is to restructure the entire Empire, officially, around a confederated system. In the treaty, the Emperor’s princes may “right one, right two, right three, and right four.”²⁶

The Treaty of Westphalia became, in many respects, a stand-in for what otherwise might have been a German Constitution. It had come to define, perhaps more than any other early modern German institution, the cultural and political character of Germany. The region became known as and thought of as a confederated body by its very nature. One nineteenth century German commentator, Adolph Tiers, stated “The highest principle of European politics is that Germany shall be composed of independent states connected only by a slender federative thread.”²⁷

Whereas other feudal states consolidated power over the course of the late seventeenth and eighteenth centuries, the Holy Roman Empire retained a largely feudal character, in which imperial policy was negotiated through noble intermediaries, rather than imposed directly by decree. It is not as though there is something inherently distinctive about the HRE prior to the Reformation which might have made a consolidation of power around a centralized authority

²⁴ “Treaty of Westphalia,” *Avalon Project*. (New Haven, CT: Lillian Goldman Library, 2008).

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ Mack Walker, *German Home Towns: Community, State, and General Estate, 1648–187*, (Ithaca NY: Cornell University Press, 1971), 115.

impossible. The nations of Western Europe, during the sixteenth century, shared many or most of the Empire's feudal institutions, as well as its multiethnic character.

It is common to assert that the HRE was especially ethnically diverse, and therefore could not have developed a national identity, in the same way that Britain or France might have during the same period,²⁸ but this ignores the fact that, certainly by the standards of the sixteenth century, none of the great powers of Western Europe had clear cohesion of ethnic identity, or clear boundaries demarcated by a common heritage.

In France, for example, there were dozens of native spoken languages, and the language of French, as it is presently recognized, then a distinctly Parisian dialect, was spoken by less than 50% of the population, and this did not change significantly until the nineteenth century.²⁹ A similar situation pervaded in Spain, with the country itself only coming into existence along its present boundaries at the end of the fifteenth century. So why should these nations develop into cohesive nation-states during the seventeenth, eighteenth, and nineteenth centuries, while Germany remained confederated? While it is not unreasonable to point out that the character of Habsburg leadership, during the same period, divided the attention of Germany's rulers between Germany and the Balkans, there is precedent to suggest that this was not an insurmountable barrier to nation-state status.

To begin, a consolidation of German power and a crystallization of German identity might have happened within the HRE if the German and Balkan spheres of Habsburg land were

²⁸Karl Haerter, "Cultural diversity, deviance, public law and criminal justice in the Holy Roman Empire of the German Nation: Introduction: Cultural diversity and the society of orders (Ständegesellschaft)" *In Law Addressing Diversity: Premodern Europe and India in Comparison (13th-18th Centuries)*, (Berlin, Boston: De Gruyter Oldenbourg, 2017). 56-94.

²⁹ Eric Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality*. (Cambridge Univ. Press, 1990). 80–81.

decoupled, as they were in the case of Habsburg Spain.³⁰ Or, just as well, the division of regions that we recognize today, between central Europe and the Balkans, might have been eroded by a consolidation of power around a Habsburg Emperor had such an event occurred.³¹ These speculations might be labeled as thought experiments at best, and therefore cannot be taken for historical fact in and of themselves, but they still serve to illustrate the essential fact that Germany's feudal structures, leading into the eighteenth century, were uniquely a product of the Treaty of Westphalia, and it was the reverberations of this document which made Germany into an "incubator" of political pluralism, rather than a unified political entity.

Indeed, by the middle of the eighteenth century, Germany not only had developed an identity defined by its status as a confederation, but had been thoroughly broken apart by a century of divergent evolution. Cities and states within the Empire had developed highly distinct political institutions, and just as the Treaty of Westphalia encouraged, had aligned themselves variously among one another, as friends or as rivals, or had formed alliances with powers outside the Empire, making it nearly impossible for a consolidation of Imperial power to occur. Naturally this was by design, since in the aftermath of the Treaty of Westphalia, the French King Louis XIV expanded his influence, through independent diplomacy with the states of Mainz, Trier, Cologne, and several others particularly along the Rhine River in Western Germany.³²

³⁰ In 1556, the Habsburg family split into separate Spanish and Austrian branches. While this distinction might have seemed arbitrary to contemporaries, to a modern historian, this split is a necessary distinction, in the sense that it allows Spain to be defined as separate, in terms of cultural and political character, from the rest of the Habsburg conglomeration of states, which oversaw Germany, Hungary, Bohemia, and many other regions.

³¹ The precedent which can be used to back up this possibility is the case of the Russian Empire. Cultural distinctions which followed clearly defined regional boundaries, such as those between Muscovy and Astrakhan, were eroded considerably over the seventeenth and eighteenth centuries. The exact extent to which Astrakhan was integrated into Russian culture is debatable, but following rebellions in the early eighteenth century, large segments of the cossack population were forced out of the region, contributing to greater cultural and ethnic homogeneity.

³² Otto Martin, "Confederation of the Rhine," *Encyclopedia of Early Modern History Online*. (J.B. Metzler 2005).

The new Germany, that is, the Germany of the early modern era, was a region in which centralization was stifled by the terms of Westphalia. As Mack Walker explains in the book, *German Home Towns*:

“The situation codified at Westphalia was not just an agreement, it was a fact of European political life, in which two basic principles bearing on Germany intertwined. First, the Emperor could exert power and influence enough to protect the status quo from upset... but not enough to achieve full sovereignty within Germany for himself; and second, this apparently delicate balance would be kept in constant adjustment by the working of the principle of the balance of power, on a European scale, with a German fulcrum.”³³

So essentially, Germany had become the vehicle with which the balance of power could be maintained. And while this often meant that outside powers such as Britain and France enacted their will upon the German states as though they were tools for maintaining that balance, it also meant that the states themselves, and especially the larger states, were enacting diplomacy in two spheres. First, the internal sphere of the Empire itself. German states negotiated and competed one with another, forging alliances or rivalries between them, or in some cases using the laws of the Empire as tools of internal competition.

Mack Walker explains: “The distinctive genius of the Holy Roman Empire was that, in practice as well as in law, to preserve the powerless was to defend one’s interests and uphold the imperial constitution.”³⁴ In this case, to “preserve the powerless” meant to protect the independence of the smaller German states, the rights of which were enshrined in the Treaty of Westphalia and the imperial constitution.

³³ Walker, 13.

³⁴ Walker, 16.

However, German states also operated within the external sphere of European politics as a whole. If Germany was the “fulcrum” by which the balance of power on the continent could be maintained, this also means that in principle, the larger states had the potential to, through skillful use of diplomacy, upset the balance of power, if such an action was favorable to their individual goals. And indeed, all of the states profiled in this thesis used both internal and external diplomacy to advance their interests, often not acting even remotely as pawns, but as partners of the great powers at most, or at least as critical points of leverage.

Moreover, the new status quo, seemingly unbreakable as it was, presented an interesting challenge for the Habsburg emperors themselves. Not only to preserve the system through the suppression of forces which would overthrow or replace it, but to operate within it, and where possible to consolidate power. Joachim Whaley explains that in the decades following the end of the Thirty Years War, the Holy Roman Emperor sought to reassert authority over their domain through the reorganization and revival of imperial institutions, and further states that “The revival inspired a whole variety of schemes for the establishment of ‘national’ institutions, national economic schemes, and plans for the reunification of Christianity.”³⁵

Perhaps the most illuminating examples of these principles in action; in particular the principles of the Emperor’s unique relationship with his subjects and the intersection of his objectives with those often divergent objectives of the larger states, such as Prussia and Bavaria, come from the European general conflicts of the eighteenth century. In particular, one need only look at the War of Austrian Succession and subsequent Seven Years War. These conflicts were chosen as the focus of this study because they represented the culmination of a century of

³⁵ Joachim Whaley, *Germany and the Holy Roman Empire: Volume II: The Peace of Westphalia to the Dissolution of the Reich, 1648-1806*. (Oxford, UK: Oxford University Press, 2011), chap. 1, <https://doi.org/10.1093/acprof:oso/9780199693078.001.0001>.

political evolution within the German sphere, and resulted in several critical political realignments.

Many historians even recognize the Seven Years War as the beginning of Austro-Prussian dualism, due to the Prussian conquest of Silesia and subsequent diplomatic reverberations which spread across Europe as a consequence of this action. The impact of the War of Austrian Succession, however, is the more critical conflict, however, in the sense that of the aforementioned “schemes” described by Joachim Whaley, the Pragmatic Sanction, and subsequent attempts by Emperor Charles VI to establish a dynastic system in the Holy Roman Empire, represented the last clearly recognizable point in the history of the Empire in which the Habsburgs appear to have had a serious opportunity to consolidate authority over the region.

It is notable to point out that, in the aftermath of the two wars, historians bear witness to and emphasize the rise “Josephinism,” that is, the reforms and doctrines of Emperor Joseph II (1765–1790), which contemporary commentator Johann Pütter described as “repugnant... to the Treaty of Westphalia,”³⁶ because these reforms resulted somewhat in the consolidation of power around the Imperial crown, at least, relative to the historic powers held in the hands of the nobility. However, the scope of these reforms pales in comparison to those of most of Joseph II’s contemporaries and predecessors in Western Europe, such as Louis XIV and the Georgian Kings of Great Britain.

Moreover, the reforms of Joseph II, while having the effect of consolidating some powers around the Emperor, are consistent with the economic evolution occurring during this period of history, in the sense that the decline in the economic influence of the feudal nobility consistently led to the decline of their historic rights as well. Within eighteenth century France, for instance,

³⁶ Johann Pütter, *An Historical Development of the Present Political Constitution of the Germanic Empire*. (Charleston, SC: Nabu Press, 2010), 202.

one may observe the division of authority between the ancient feudal order in the institution of “nobles of the sword,” and the new bureaucratic and economic institutions embodied by “nobles of the robe.”³⁷³⁸

In this instance, the importance of landed gentry as a ruling class in France was being eroded by the emergence of an urban bourgeoisie, which held sufficient economic power to warrant the yielding of privileges, by the government, in order to forestall a conflict of interest between these two separate but nearly equally influential social classes.³⁹⁴⁰ This example indicates a general trend, driven by economics, away from the holding and wielding of power by feudal nobility which pervaded most of Western and Central Europe.

So, ultimately it is most likely that Joseph II’s reforms represented, more so than any serious attempt to consolidate imperial power, a necessary adjustment of political authority around the realigning of economic power. Most notably, perhaps, is the abolishment of serfdom under Joseph II in 1781.⁴¹ This reform does not appear to have resulted in the expansion of Imperial authority in the HRE, since it did not officially take effect outside of Austrian land. That is, land which was under the direct sovereignty of the Austrian Habsburgs, such as Austria

³⁷ Specifically, these segments of society were referred to as the “noblesse d’épée” and “noblesse de robe” respectively.

³⁸ Franklin L. Ford, *Robe and sword: the regrouping of the French aristocracy after Louis XIV*. (Cambridge, MA: Harvard University Press, 1953).

³⁹ It is worth noting that the orchestrators of the French Revolution were, in large proportion, members of the urban bourgeoisie, and came from similar class demographics as those who might otherwise have been able to buy noble titles. This would seem to indicate that the selling of titles of nobility, by Louis XIV, was an effective strategy in forestalling a revolution, but in another respect gave this social class the privileges necessary to orchestrate, or at least become a driving force behind, the French Revolution.

⁴⁰ Henry Heller, *The Bourgeois Revolution in France (1789-1815)*. (New York, NY: Berghahn Books, 2009).

⁴¹ David F. Good, *The Economic Rise of the Habsburg Empire, 1750-1914*. (University of California Press, 1984), 33.

proper, Bohemia, and Hungary. The major states and regions of the HRE such as Prussia and Bavaria, abolished serfdom at different times.^{42,43}

So in fact, these reforms may even be said to represent a period of separation between the Austrian interests in the HRE and their interests in the Southern European sphere. Joachim Whaley explains that “It was not until the later eighteenth century that serious strategy papers reflected on the value of the Reich to the Habsburgs and the question of whether ‘Austria’ might be better off without ‘Germany’.”⁴⁴ Not surprisingly, these reforms and evaluations occur almost directly after, and directly as a consequence of, the Seven Years War, which proved that any effort to consolidate imperial power over the sovereign states of the HRE was no longer possible as a consequence of the rivalries it would agitate in the other parts of Europe.

Austria was, in its own right, a great power even without direct control over the German States, and since the Treaty of Westphalia had codified the status of Germany as a tool by which the balance of power could be maintained, any serious upset of the established order necessitated a general conflict. The War of Austrian Succession represented, to the Habsburg rulers of Germany, the first demonstration of this principle.

Ostensibly, the War of Austrian Succession was fought over a dynastic dispute within the Holy Roman Empire, as the name suggests. However, it is fairly unique in the sense that it was fought between the daughter of Habsburg Emperor Joseph I, Maria Theresa, and his son-in-law, Charles VII, who bore the dynastic surname of Bavaria: Wittelsbach.⁴⁵ Although this was a war between more or less legitimate dynastic claimants, and at least in part over the nuances of

⁴² At least on paper, Prussia abolished Serfdom in 1763, and Bavaria in 1808.

⁴³ John Powelson, *The Story of Land - A World History of Land Tenure and Agrarian Reform*. (Cambridge, MA, USA: Lincoln Institute of Land Policy, 1987), 103–106.

⁴⁴ Whaley, *Germany and the Holy Roman Empire Vol. II*, chap. 1.

⁴⁵ Whaley, *Germany and the Holy Roman Empire Vol. II*, chap. 4.

imperial law with regard to the Pragmatic Sanction of 1713, it was not between members of the same dynasty.

Similar scenarios had played out in Europe before, as the nations of Europe occasionally pressed dynastic claims one against another, such as in the case of the War of Spanish Succession,⁴⁶ but unlike that war, which was fought between recognized great powers, the War of Austrian Succession, in most respects was a war between sovereign and subject, in which both had equal claims to the imperial throne of the HRE. This anomalous circumstance was a direct consequence of the HRE's most unique properties. First, its status as an elective monarchy.

Although the HRE had, by the middle of the eighteenth century, been governed by Habsburg patriarchs, in a pattern of succession which essentially resembled a dynasty, for three hundred years,⁴⁷ this succession was not codified in law, and indeed upon the passing of one emperor another had to be elected by the appointed sovereigns of the HRE's elector states.⁴⁸ Therefore, the Habsburg dynasty's control over the imperial throne was predicated on their ability to control the electors through court intrigue or military force.

Emperor Charles VI and his elder brother and successor, Joseph I, in an attempt to secure the throne for the next generation, employed both strategies. The Pragmatic Sanction of 1713, which allowed for Joseph I's daughter to inherit the Habsburg family's hereditary possessions,⁴⁹ allowed for the use of force, since it meant that during imperial elections Maria Theresa could wield the power of Habsburg crown lands, which far outstripped the lands of her potential rivals in terms of wealth, size, and population. However, the marriage of Maria Amalia of Austria to

⁴⁶ In this case, the Bourbon and Habsburg dynasties had rival claims to the Kingdom of Spain which were a direct consequence of previous generations of Spanish Habsburgs intermarrying with members of the Bourbon dynasty.

⁴⁷ Albert II of Habsburg, who reigned from 1438 to 1439, was the first in an unbroken line of Habsburg Emperors that continued until the Austrian war of Succession in 1748.

⁴⁸ Paul Hasall, "The Golden Bull of Charles IV 1356." *Internet Medieval Sourcebook*. (Fordham University, 1996).

⁴⁹ Whaley, *Germany and the Holy Roman Empire* Vol. II, chap. 1.

Charles Albert of Bavaria and the marriage of Maria Josepha of Austria to Augustus of Saxony were an attempt at intrigue, leveraging the rivalry between the two states to prevent one from assisting in the election of the other.

These diplomatic marriages turned out to be a mistake for the Habsburg dynasty, however, since they did not account for the possibility that one claimant might leverage the interests of powers outside the empire to press his newfound dynastic claim to the throne of the Empire, as was the case of Charles Albert of Bavaria. King Louis XV of France's decision to back the claims of Charles Albert of Bavaria are evidence of the principle that Germany was used as a tool for controlling, and in this case manipulating, the balance of power in Europe.

Since the Habsburgs held considerable influence outside of the HRE and were a great power on the basis of land and wealth extracted from dynastic possessions, the Habsburg mastery of the HRE represented not only a considerable compounding of the Austrian threat, but also, and perhaps conversely, it represented a potential weak point in Austrian power, since control of the Empire could not be passed on without an election. Prince Charles Albert of Bavaria's claim to the imperial throne demonstrated the truthfulness of this principle; it showed that the member states of the HRE would turn on one another, and on the Habsburgs, if sufficient incentive was offered, making it a potential liability to the Austrians, but one which perhaps ironically offered a power base that, if wielded by a rival, would be too threatening to part with.

After the outbreak of the War of Austrian Succession, this principle, that is, the concept of the HRE as a liability to the Habsburgs, reverberated through the Habsburg sphere and is reflected in contemporary writings from the Austrian court: in particular, those writings which

Whaley references when he states “strategy papers [in the later eighteenth century] reflected on... whether ‘Austria’ might be better off without ‘Germany’.”⁵⁰

This possibility is borne out by the fact that, in order to prosecute the War of Austrian Succession, the Habsburgs had to depend almost entirely upon troops from dynastic lands, whereas in previous conflicts, such as the War of Spanish Succession a generation prior, The Habsburgs could supplement their forces with those which were summoned by the Imperial Diet of the HRE,⁵¹ this was not the case with the Austrian War of Succession, due to the nature of the war as being an internal imperial conflict.

While the Habsburgs certainly had German allies during the war, those factions were just that: allies, and were relied upon as one might cooperate with another nation, rather than a subject, whereas the vast majority of forces contributed by the Habsburgs during the war were levied from dynastic territory.⁵² The result, at least in part, was a general shift in interpretations of how power is distributed in the Empire and central Europe as a whole. While the Habsburgs were able to, by the war’s conclusion, retake the throne of the Holy Roman Empire, this was achieved only at a considerable price.

First, the Bavarian claimant to the Imperial throne, who was elected to the office at the conflict’s height, was awarded legal recognition as an Emperor of the HRE. This was not the least of which because he had died before the war’s conclusion.⁵³ Moreover, the Habsburgs were forced to cede Austrian Silesia to the Prussian King, who had opportunistically seized the province during the war.⁵⁴ These concessions, taken at face value, are relatively minor. However,

⁵⁰ Whaley, *Germany and the Holy Roman Empire Vol II*, chap. 1.

⁵¹ Peter Wilson, *German Armies: War and German Society, 1648–1806*. (London, UK: Routledge, 1998).

⁵² Whaley, *Germany and the Holy Roman Empire Vol II*, chap. 1.

⁵³ Reed Browning, *The War of the Austrian Succession*. (New York, NY: St Martin's Press 1975).

⁵⁴ Ibid.

the symbolic and eventually concretely diplomatic consequences of these concessions forever changed the complexion of the Empire, since they proved that it was possible to openly defy the Emperor without losing political power or diplomatic prestige.

So, if the individual German states of the HRE had been self-governing and autonomous bodies before, then the War of Austrian Succession proved that several of these states, most notably Prussia, Bavaria, and Saxony, could act as independent players on the European diplomatic stage as well. What followed was the aptly named “Diplomatic Revolution of 1756.” Historians often debate the exact beginning of Austro-Prussian dualism, but in the eyes of many historians, it appears to have begun during the Diplomatic Revolution, in which Britain, which was arguably the preeminent power in Europe at the time,⁵⁵ recognized Prussia as a worthy ally in its own right.⁵⁶ In the same way the Bavarian alliance with France made possible the War of Austrian Succession in the first place and the eventual ascension of a Bavarian ruler of the HRE, a British alliance with Prussia gave Prussia the potential political leverage to act against the Habsburg Emperors and by extension the HRE itself.

Ultimately, by the end of the War of Austrian Succession, and in the aftermath of the Diplomatic Revolution, Prussia was acting as an independent power. The key difference was, however, that Austria, through the HRE, still claimed Prussia as a subject, and therefore had the diplomatic privilege to prevent Prussia from acting against the other states of the Empire without risking a war with Austria and the Empire. This is why the Alliance with Great Britain and the Seven Years War became critical. Although the Habsburg Emperors could no longer use political

⁵⁵ Although Britain’s status as the preeminent European power had been mostly untested by the War of Austrian Succession, the Seven Years’ War demonstrated that Britain had the capacity to outcompete France in the global geopolitical theater.

⁵⁶ Charles W. Ingrao, *The Habsburg Monarchy, 1618–1815*. (Cambridge, UK: Cambridge University Press, 2000), 157–177.

channels to make demands\of Prussia, such as demanding the levying of troops on the Empire's behalf, it still could use military force to put Prussia back under the Austrian thumb.

The primary political innovation of the Austrian Habsburg Emperors during the eighteenth century was the conceptualization of the "Austrian Empire," as it became known during the nineteenth and twentieth centuries. As the HRE became an unreliable power base and the rivals of the Habsburgs within the Empire mobilized to move against them, the Habsburgs had to find new wells of money and manpower to draw from, outside of the HRE, with which they could suppress unrest within it.

It is well established that, as the rulers of the Empire, the Habsburgs were tasked with enforcing a status quo that would remain in effect for more than a century and a half, beginning with the Treaty of Westphalia and ending with the Napoleonic Wars. Moreover, although it was during the Napoleonic Wars that Emperor Francis II took the title "Österreichischer Doppelkaiser,"⁵⁷ that is, "Double Emperor" of Austrian and Holy Roman Empires, it was during the wars of the mid eighteenth century that this paradigm of the double emperor was developed, as a reaction to external pressure.

Although the Seven Years War did not truly mark the starting point of Austro-Prussian dualism, it did mark its crystallization, and when Austria failed to recapture Silesia from Prussia at the conclusion of that conflict, they also failed to force consequences on Prussia for their aggression against the Empire, and this was the ultimately the greater loss. It represented the final stage in the Empire's development, in which the states of the HRE were knitted together not by legal precedent, or by the threat of military force from the Emperor.

⁵⁷ Franz II, *Proclamation of August 11, 1804*.

After the end of the Seven Years War, the larger states of the Holy Roman Empire, Bavaria, Prussia, Saxony, and others, were almost completely independent bodies, forming their own armies and establishing their own diplomatic channels. Prussia in particular had become a European power in its own right. So, the Empire was knitted together by the rivalry between the states. Whaley explains this principle when stating “the emperor's exploitation and manipulation of that competition... was one of the key factors in the re-establishment of his authority.”⁵⁸ The Emperor himself became like a mediator between the states, leveraging these rivalries in an attempt to prevent any one state from Austrian power, and drawing said power from the dynastic territories of Austria, Bohemia, Hungary, etc.

This new and final political framework for the HRE can reasonably be referred to as the dual imperial system. The Austrian Habsburgs, now “Doppelkaiser” in everything except name, used each Empire to keep control of the other. The states of the HRE contributing troops to the wars Habsburgs waged outside the HRE borders,⁵⁹ whereas the Austrian Empire itself was the well from which troops were drawn to fight wars within the borders of the HRE⁶⁰

Every German state was molded by and adapted to the confines of the HRE. In the case of Austria, it was the dual imperial system that emerged to enforce the status quo. This innovation, however, is also what allowed the Austrian Empire to ultimately outlive the Holy Roman Empire, and in addition it became the final framework in which the other German electors were made to operate and overcome on their way to achieve domination of Germany, until the Empire's eventual dismemberment in 1806.

⁵⁸ Whaley, *Germany and the Holy Roman Empire Vol II*, chap. 1.

⁵⁹ War of First and Second Coalition, Turkish Wars, etc.

⁶⁰ Seven Years War, War of Austrian Succession, etc.

Chapter 2:

Exploiting the System: The Holy Roman Empire and the Political Innovations of the Electorate of Bavaria

The history of seventeenth and eighteenth century Bavaria is, by turns, both highly distinctive and highly emblematic of trends within the Holy Roman Empire. It is distinctive, in the sense that Bavaria appears to have been a pioneer in German diplomatic policy, but emblematic in the sense that there is considerable evidence to support the idea that the other major German states within the HRE followed precedents established previously by the Bavarian Wittelsbachs. By observing the evolution of Bavarian diplomatic policy over the course of the early modern era, historians can see not only many of the strengths and weaknesses of the Empire as a whole, but also understand many of the rights and privileges of the larger German states, and the way those privileges could be exploited.

Bavaria was the first major German state to test the boundaries of the rights enumerated in the Treaty of Westphalia. In this manner, Bavaria was both an innovator and a catalyst for further change, at least in part by fostering competition between the states. Furthermore, due to the ways in which Bavaria was relatively exemplary of the status of major states in the Empire, Bavaria acts as a proof for the concept that the HRE itself fostered a culture of competition between the German states and, as a consequence, innovation.

The history of the German states, during the latter portion of the Middle Ages and following the Protestant Reformation, was a history of the crystallization of identity. The exchange of courtly favors, and even to some extent open warfare between states within the

Empire, caused borders to shift and titles to change hands often enough to prevent many of the states from developing into clear, cohesive bodies until after the Peace of Westphalia was signed in 1648. It was the Treaty of Westphalia which formally codified the autonomy of each state and the right of the states to retain authority over their given lands, so this made nearly impossible the diplomatic exchanges of territory and wars of conquest between princes which were more pervasive during the Middle Ages.¹²

In this respect, Bavaria was practically archetypal. Not unified into a single state which would be recognizable in the modern era until 1503, Bavaria had previously been a battleground for feuding lords.³ When this unification finally occurred, Bavaria had grown into circumstances advantageous for the state's ascendancy. Not only was it one of the largest states in the HRE at the time of its inception, but it was created only a few years before the beginning of the Protestant Reformation, which would plunge the Empire into war, and cause a religious divide between northern and southern Germany that would persist for the rest of the Empire's existence.

The outbreak of the wars of the Reformation and ensuing Counter-Reformation,⁴ which culminated in the Thirty Years War, turned the lands and people of Bavaria into a strategic resource. Moreover, their location in the southernmost portion of Germany along the border of Habsburg dynastic lands mostly insulated them from the destruction of the wars, and made them a natural ally of the Habsburgs, which, by the time of the Schmalkaldic Wars, they were.⁵

¹ "Treaty of Westphalia," *Avalon Project*.

² Examples of conflicts between German princes during the Middle Ages include the Thuringian Counts' War, the Franconian War, the Soest Feud, and many others. Without the rights and limitation of the nobles and their estates clearly enumerated, as it was by the Treaty of Westphalia, these internal conflicts were considerably more common.

³ Most notably the Landshut War of Succession, which saw the Bavarian lands united under the Wittelsbachs of Bavaria-Munich.

⁴ In the Holy Roman Empire, this meant the Schmalkaldic Wars and the Cologne War, however the Eighty Years' War also falls into this category.

⁵ Peter Wilson, *Europe's Tragedy: A History of the Thirty Years War*. (Cambridge, MA: Harvard University Press 2009), 222.

This does not mean, however, that the Bavarian Electors did not harbor ambitions which were decoupled from the interests of the Holy Roman Emperors. Their status as an important ally, during the Wars of the Reformation, gave them the leverage to extract favors of the Emperor for greater dynastic influence, and in a few instances, the Bavarians used their own political and military leverage to take the lead in imperial policy. This is born out through several actions, taken by the sovereigns of Bavaria, over the course of the seventeenth century and eighteenth.

First and foremost, it is notable to recognize that Bavaria, at its inception in 1503, did not have electorate status. Rather they earned the electorship by trading favors with the Emperor during the Thirty Years War. The Duke of Bavaria during the war, Maximilian I, provided funding for the Imperial army that crushed the Protestant rebels of the war's opening stages. In exchange the Bavarian duke demanded and was given both electorate status, and the territory of the Upper Palatinate.⁶ Following this exchange, the interests of Maximilian I became seemingly inseparable from the interests of the Catholic aligned forces during the war, with Bavaria taking the lead in several battles throughout the war, as well as contributing large amounts of soldiers, supplies, and finances for the war effort.⁷

This was, at the time, an alliance of convenience, or perhaps even of desperation for the Habsburg Emperor Ferdinand II, who needed as much support as possible from his German and Spanish allies.⁸ However, for Bavaria, the alliance was the culmination of an effort which had begun with Bavaria's founding, and which reached a critical turning point when Bavaria was awarded with elector status.

⁶ Wilson, *Thirty Years War*, 746.

⁷ Ibid.

⁸ Wilson, *Thirty Years War*, 222.

There is a clearly observable, if not always easily definable, gradient of status among the states of the Holy Roman Empire, in which greater status almost invariably correlated with greater autonomy. German duchies, landgraviates, and similar such city-states had the lowest status and the least autonomy, often being driven politically by dominant regional sentiment; that is, moving with the flow of regional politics in order to preserve their independence. These small, autonomous political bodies appear to have been treated, by the Emperor and his most powerful subjects, as satellite states, which may fall within various regional spheres of influence.

A good example of this principle is the role of the Duchy of Brunswick-Wolfenbüttel during the Seven Years War. The Duke of Brunswick-Wolfenbüttel during that time, Augustus William, became an officer in the Prussian army, and fought on the side of Prussia during the Seven Years War.⁹ Although Brunswick-Wolfenbüttel does not appear to have had any marital or formal diplomatic ties to Prussia during this period, the duchy moved practically in lockstep with the Prussians in terms of policy on the basis of relative size and proximity. This means that, for all intents and purposes, Brunswick-Wolfenbüttel was acting, even during the eighteenth century, as a satellite state of Prussia.

Above these small states, in terms of status, are those states which were powerful enough to assert themselves as independent policy makers, but not sufficiently influential to shape the general character of politics within the Empire. This category included the largest landgraviates and grand duchies. States such as Hesse-Kassel and Württemberg can be distinguished as members of this status, and in the case of Hesse-Kassel in particular, autonomy was guarded by a sizable army, personally answerable to the Landgrave. Nevertheless, these states were, in terms of practical diplomacy, not capable of exerting influence over the great powers, nor can they be

⁹ Daniel Marston, *The Seven Years War*. (Oxford, UK: Osprey publishing 2001).

seen to have attempted as much. However, the alignment of these midsize states, within the Empire, tended to reflect the status of the whole, since states such as Hesse-Kassel aligned their interests with the power which seemed most capable of protecting their independence.

However, exceeding all other subjects of the Emperor in terms of status were electors and kings, with the latter title being held only by the rulers of Prussia and Bohemia, both of whom also controlled an electoral seat in the Empire. In this respect the rulers of Prussia were particularly unique, since “King of Bohemia” was a title retained by the Habsburg dynasty throughout the early modern period, such that it was a title which only the Emperors themselves held, and was only intended to enumerate the particular status of Bohemia as Habsburg crown territory.¹⁰ However, Joachim Whaley explains that, by the end of the seventeenth century “Brandenburg-Prussia was by no means the only territory that aspired to enhance its status by means of a royal crown,”¹¹ referring to Bavaria and Saxony as other states which had royal ambitions.

An elector within the Holy Roman Empire of the early modern period had several important privileges which no other German nobles held. Not only does the presence of satellite states within the Empire demonstrate that the Empire’s most influential states could build regional spheres of influence, but the privilege of elector status gave certain states greater access to the Emperor, greater influence over the Empire as a whole, and more prestige in the area of European diplomacy. Technically, upon the death of a reigning Holy Roman Emperor, the duty fell to the electors to appoint his successor. In practice, the Habsburgs had reigned continuously over the Holy Roman Empire since the Middle Ages, but nevertheless the privilege of elector

¹⁰ Whaley, *Germany and the Holy Roman Empire Vol. II*, chap. 1.

¹¹ Ibid.

status entitled certain states to favors from the Emperor, in order to ensure their loyalty on the occasion of succession.

These privileges, especially in the European diplomatic theater, provided the incentive for states such as Bavaria, Saxony, and Prussia to rise through the ranks of Imperial politics. In all three of the aforementioned cases, states acted as independent diplomatic bodies throughout the course of the eighteenth century. During the Austrian War of Succession, Bavaria allied with France, and in so doing briefly won the Imperial crown for the Wittelsbach dynasty. Leading up to the Seven Years War, Prussia allied with Great Britain, and in the ensuing conflict permanently won the Austrian province of Silesia for themselves. As for Saxony, it had been eclipsed by the other two by the second half of the eighteenth century, but nevertheless leveraged an alliance with Austria in order to preserve its independence.¹²

Moreover, though, it was the ability of the Imperial electors to leverage independent military power and the use of their electoral vote to influence the actions of the Holy Roman Emperor which appears to have dictated the course of eighteenth century Bavarian policy the most. That is why the Bavarian acquisition of the Palatinate and subsequent elevation to elector status appears to have been such a watershed moment in the course of Bavarian political history. It demonstrated the viability of leveraging an alliance with outside powers to gain favor in the German court, and in turn work towards the acquisition of a royal crown.

For the Bavarians, the acquisition of royal status would have meant holding sovereign authority over their subject territory, and as a consequence the power to make laws and pursue policies that were not required to align with the interests of the Emperor and the Imperial Diet. This is borne out by the fact that those states within the Empire which had their own “crown

¹² “Treaty of Hubertusburg,” (Paul Getty Trust, 2004).

territory” could use this territory for projects rooted in personal ambition. Perhaps most notably, the Habsburgs themselves used crown territory to levy troops and resources with which to retain some measure of control over the Empire, and the Prussian kings used crown territory to fill the ranks of their army for wars of expansion against Poland.¹³

The history of the Bavarian Wittelsbach dynasty in the aftermath of the Thirty Years War, that is, during the late seventeenth century and for most of the eighteenth century, is the history of considerable and nearly continuous conflict and political maneuvering for the purpose of achieving greater prestige and sovereignty. In particular, the nature of Bavaria’s political strategy during this period can be divided into stages based on which outside power the Wittelsbach dynasty chose to make common cause with.

The first stage of Bavarian diplomatic development lasted from 1619 to 1698, and can be defined by the period in which Bavarian interests aligned closely with the interests of the Holy Roman Emperor. This represented the period in which Bavaria’s status was the most vulnerable, since the period defined by the alliance with the Habsburgs began before Bavaria had been declared an electorate. Just as well, Bavaria had been brought nearly to ruin by the expense and destruction of the Thirty Years War, and spent a generation recovering from its ravages.¹⁴ For these reasons, allying outside the Empire in a way which might have estranged the Habsburg Emperors would have been impractical.

Nevertheless, Bavaria still played a highly active role in Imperial politics throughout this period. For example, it is notable that unlike in many of the wars both preceding and succeeding it, the Imperial Diet of the Holy Roman Empire did not levy troops, under its own authority, to

¹³ William W. Hagen, "The Partitions of Poland and the Crisis of the Old Regime in Prussia 1772-1806". *Central European History* 9 no. 2, (1976), 115–128.

¹⁴ Wilson, *Thirty Years War*, 784.

fight the Great Turkish War of 1683.¹⁵ Many of the larger German states, including Bavaria and Saxony, marched to war against the Ottomans during this conflict. However, this was not mandated by the Imperial Diet, meaning that these states had done so at the request of, or in partnership with, the Habsburg Emperor himself.

The role of Bavaria in the Great Turkish War is not significant for its part in enhancing Bavarian prestige, since there is no evidence that Bavaria received significant favor with the Emperor in the aftermath of the war. However, it does demonstrate that Bavarian troops were being levied by the emperor using diplomatic channels rather than imperial mandate, and this is a notable evolution in Imperial diplomacy, since the Diet of the Empire could still be used as a tool for mustering troops, but Bavaria itself would not contribute soldiers to the army of the HRE until the wars of the French Revolution, with the sole exception being the Nine Years War of 1688.¹⁶ The latter is an example of the proverbial “exception which proves the rule,” though, since the Bavarian involvement in the Nine Years War appears to have been entirely conditioned upon the involvement of critical Bavarian interests.

The Nine Years War was, for Bavaria, the far more significant conflict, especially in the sense that it demonstrated the fact that Bavaria was during this period influential enough to be a driving force in Imperial politics. Any historian might reasonably observe that Bavaria acted as a fulcrum on which this war between France and the HRE was fought. First, a leading catalyst for the war was the accession of the brother of the Bavarian elector, Joseph Clemens of Bavaria, to the office of Archbishop-Elector of Cologne.¹⁷ Second, France inaugurated the conflict by

¹⁵ Peter Wilson, *Heart of Europe: A History of the Holy Roman Empire*. (Cambridge, MA: Belknap Press 2016), 456.

¹⁶ Whaley, *Germany and the Holy Roman Empire Vol. II*, chap. 6.

¹⁷ Wilson, *Heart of Europe*, 461.

invading the Palatinate in 1688,¹⁸ which put Bavaria under direct threat of French invasion.

Third, the elector of Bavaria was made commander-in-chief of Holy Roman Imperial forces by 1690 and served in this capacity for much of the conflict.¹⁹

In many ways, the Nine Years War was Bavaria's war, and illustrated how instrumental Bavaria had become in Imperial politics. In a similar way to how the Bavarian Duke Maximilian I led imperial policy in the opening stages of the Thirty Years War by helping to finance the Imperial army that marched on Prague, and in turn escalated the conflict by demanding control of the then Protestant-controlled Palatinate, the Bavarian Prince-Elector Maximilian II dominated Imperial policy in the Nine Years War, simply by being deeply entrenched in territories contested by France and the Holy Roman Emperor.

Furthermore, as a consequence of his part in the Nine Years War, the Prince Elector of Bavaria was given the title of Governor of the Spanish Netherlands.²⁰ After three major conflicts over two generations, Bavaria had slowly worked its way to the forefront of Imperial politics. By the end of the seventeenth century, the Wittelsbach dynasty controlled the Electorate of Bavaria, the Electorate of Cologne, the Bishopric of Liège, and the Spanish Netherlands, all of which were awards given to the Wittelsbachs, by the Habsburg Emperors, for their part in the previous few conflicts. By the dawn of the eighteenth century, however, with two electoral votes and three major imperial territories under their sway, Bavaria potentially had the influence to compete with the Habsburgs in their own right; something which no other German Prince could reasonably be said to have been capable of doing.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ David Onnekink, "The Treaty of Ryswick", *The Encyclopedia of Diplomacy Volume III*. (Wiley Blackwell 2018).

Most importantly, this shift from beneficiary to competitor is reflected by a shift in Bavarian diplomatic policy, starting with the War of Spanish Succession. The basis for the Bavarian alliance with France, ostensibly, was based on an old claim the Wittelsbach family had to the Spanish throne. However, by the time the war had broken out, the Bavarian claim to the Spanish throne, in the person of Joseph Ferdinand of Bavaria, had died several years before the conflict, and so the Bavarian claim was in fact recognized by neither side in the conflict.²¹

So ultimately, the Bavarian alliance can only reasonably be described as opportunistic. During the reign of the same ruler, Maximilian II, Bavaria had fought once on the side of the Habsburgs against France, and once on the side of France against the Habsburgs. It is the attitude; the attitude of acting as the ally of whichever great power offered the most in terms of diplomatic favors, which defined Bavarian policy during the eighteenth century.

It is difficult to discern exactly what the goals of the Maximilian II were during the War of Spanish Succession. It is unlikely that, after the death of the Bavarian claimant prior to the war, that the House of Wittelsbach had any illusions about claiming the Spanish throne. Moreover, it also seems unlikely that Bavaria had any interest in establishing or preserving a balance of power in Europe, since Bavaria itself could not have been, at that point in its history, one of the powers involved in keeping that balance. However, it is possible to make reasonable inferences about the Bavarian motive based on prevailing contemporary trends.

For instance, the prior chapter demonstrates that the Habsburg monarchy preserved power over the Holy Roman Empire using resources and manpower from without the borders of the HRE and in particular from the Habsburgs' crown territories. That is, those lands in Hungary, Austria proper, portions of the Balkan coast, and perhaps most of all, Spain. The Habsburg-

²¹ Linda Frey and Marsha Frey, *The Treaties of the War of the Spanish Succession: An Historical and Critical Dictionary*. (Westport, CT: Greenwood Publishing Group, 1995).

aligned faction in the Nine Years' War, for instance, is often referred to as the "Grand Alliance,"²² because in addition to the allies of the Habsburg monarchy during that war, which included England, the Netherlands, and Portugal, the monarchy itself controlled the majority of western Europe, most notably Spain, the HRE and all of its subjects, and numerous balkan kingdoms.

In fact, contemporaries of this period seemed to seriously consider the possibility that Europe itself could become unified under the Habsburg dynasty.²³ So, for the fifty years prior to the War of Spanish Succession, Bavaria had carved out a place exclusively within the Habsburg Sphere, but by the dawn of the eighteenth century it is reasonable to assert that it had become necessary for the Wittelsbach dynasty to separate themselves diplomatically from the Habsburgs in order to progress further along their path of ascendancy. Bavaria still ultimately posed no threat to the Habsburg Empire as it stood at the time, because the Habsburgs could draw upon resources which spanned across the majority of Western Europe. However, Bavaria had reached a degree of diplomatic independence that made it a weak point which could be leveraged against the Habsburgs.

So, by allying with France in the War of Spanish Succession, the Wittelsbachs had given France the opportunity to break the grip of the Habsburgs over Spain. While it is impossible to discern for certain whether or not the part the Wittelsbachs played in that conflict was decisive, the result was a Habsburg monarchy which could no longer draw upon Spain for resources, and was therefore more vulnerable to disruption within the HRE. Just one generation later, the

²² An alternate name sometimes used in sources referring to the Nine Years' War is the "War of the Grand Alliance."

²³ N. M. Sutherland, "The Origins of the Thirty Years War and the Structure of European Politics," *The English Historical Review* 107, no. 424, (1992), 591.

Wittelsbachs would reach the high water mark of their influence by breaking the grip of the Habsburgs over the Holy Roman Empire itself, if only for a short period.

It is easy to imagine, when considering the role of Bavaria in the Austrian War of Succession, that the ultimate goal of the Wittelsbach Dynasty, since the Thirty Years War, may have been to take over control of the Holy Roman Empire. This is not only because the Bavarian electors seized upon the opportunity to influence the elections in their favor and leveraged, essentially, all of the influence they had accrued since the Thirty Years War in holding the Imperial crown, but also because it marked the highest point of Wittelsbach influence, in Europe, before or since the election of the Bavarian Emperor Charles VII.

However, Bavaria had been acting in a manner similar to an independent state since the beginning of the eighteenth century, and one could reasonably argue, using evidence of the Bavarian use of personal finances and armies during the Thirty Years War, that Bavaria had been autonomous almost since the moment of its foundation as a unified duchy. Bavaria was forming its own alliances, building and disbanding its own armies, and crafting its own laws which were distinct from the rest of the Holy Roman Empire. It was taking these actions, though, in the shadow of the Empire, and was also forced to accede to an enormous amount of influence therefrom.

Notably, after Bavaria had contested Habsburg power in the War of Spanish Succession, Bavaria had itself been occupied by Austrian troops for roughly ten years until the Treaty of Baden officially ended the war.²⁴ Twenty years later, the Bavarian elector Charles Albert found himself in the difficult position of attempting to resist a troop levy issued by the Imperial Diet intended for use in the War of Polish Succession. Although during this period neither the

²⁴ Linda Frey and Marsha Frey, *The Treaties of the War of the Spanish Succession*.

Habsburg monarchy nor the Imperial Diet itself had the ability to use military force to impress troops from the Wittelsbach domains, neither did Charles Albert have the influence to provoke revolt against the levy, so inevitably, Bavarian troops went to war on the side of the Habsburgs during the conflict, if not in their full numbers.²⁵

So, it would seem that ultimately, the common motif that runs through the seventeenth and eighteenth century history of Bavaria is one of an assertion of autonomy, which never quite materialized, except during the so called Interregnum, in which the Wittelsbach dynasty controlled the throne of the Holy Roman Empire. The Bavarian Role in the Polish War of Succession demonstrates that, at least until the Austrian War of Succession nearly a decade later, the HRE was still functional as a cohesive body, and so Bavaria would not be entirely free to pursue its own interests unless it controlled the HRE or the Empire itself was dissolved.

The Bavarian ascension to Imperial status, brief as it may have been, occurred within the larger context of an experiment in state autonomy. Following the conclusion of the Thirty Years War, it does not appear to have been immediately clear how states within the Holy Roman Empire should adjust to the new status quo. The Peace of Westphalia guarded the independence of the states of the Holy Roman Empire, but the extent of the privileges of autonomy had yet to be tested, especially under the watchful eye of the Habsburgs, who controlled the Empire with a mixture of political leverage and military force.

Although Bavaria did not succeed in completely separating itself politically from the HRE, nor did it achieve as much in this endeavor as its Prussian competitor, Bavaria was the first political innovator within the Holy Roman Imperial system. By acting as the only German state to fight against the Habsburgs in the War of Spanish Succession, Bavaria helped to define the

²⁵ Wilson, *German Armies*, 226–34.

character of the eighteenth century by proving that the HRE could no longer move as a monolith, and in subsequent conflicts, the Empire fractured politically in a way that had not occurred at all in its history.

Although it may have been true that, in a legalistic sense, the HRE had functioned as a confederation since the Peace of Westphalia, no serious resistance against the Imperial system had occurred before the War of Spanish Succession, so without the Bavarian intervention in that conflict, it is unlikely that the true weakness of the Empire would have been fully understood for at least another generation.

Until near the end of the eighteenth century, Bavaria was perhaps the most likely state to achieve the title of “king,” among all those states which Joachim Whaley describes in his book as seeking to “enhance its status by means of a royal crown.”²⁶ However, the Bavarian Wittelsbach dynasty ran out of heirs upon the death of Maximilian III in 1777.²⁷ This largely unforeseen circumstance turned Bavaria, in the aftermath of its greatest triumph, into a pawn in the quarrels between Prussia and Austria, and indeed is perhaps the reason why historians do not comment today on the possibility of an AustroBavarian dualism, but rather an AutroPrussian dualism.

Although a Wittelsbach pretender was restored to the Electorate of Bavaria after the brief and largely uneventful War of Bavarian Succession, Bavaria had already been at least partially carved up by the Treaty of Teschen, which awarded portions of Bavarian lands to Austria, paved the way for greater Prussian expansion, and reduced the number of electoral votes held by the Wittelsbach dynasty from two, to just one.²⁸

²⁶ Whaley, *Germany and the Holy Roman Empire Vol. I*, chap. 1.

²⁷ Timothy Blanning, *The Pursuit of Glory: Europe 1648–1815*. (New York, NY: Viking, 2007), 591.

²⁸ Brendan Simms, *The Struggle for Mastery in Germany, 1779-1850* (Cambridge, MA: Cambridge University Press, 1998).

In the following chapter we will explore the relationship between Austria and Prussia which eventually led to the creation of those political and military innovations that would break the power of the Habsburgs over Germany once and for all. For many historians, these innovations begin with Frederick II, and become actualized beginning with the Silesian Wars. The often unsung conflict, in these analyses is the War of Bavaria Succession, which despite famously involving no fighting on a large scale, paved the way for Prussian ascendancy by largely breaking the power of Bavaria, when just a few decades ago, the Bavarians had weakened the power of the Habsburgs considerably.

The story of Bavaria's political adventures within the Holy Roman Empire must be told before frank discussions can be had about the rise of Prussia and the decline of the Empire, not just because the Bavarian Wittelsbachs were the first to leverage the legal protections provided by the Treaty of Westphalia to invent diplomatic strategies that might lead to the relative independence of their state, but because the impact of Bavarian political maneuvering can be observed in every subsequent topic this paper covers.

The rise of Prussia, the Habsburg realignment towards the Balkan territories, and even the establishment of the Hessian mercenary state would likely not have been possible if the Bavarian Wittelsbachs had not first worked alongside France to craft the alliances that would lay bare the reality of the HRE as a loose confederation of states. Napoleon III took for granted, in his nineteenth century address to the German people in the latter portion of the nineteenth century, that the Germans had been part of a confederated union since the Treaty of Westphalia.

In truth, however, since none of the "confederated" states had clearly demonstrated a will to act independently of the Habsburg Emperor before the Bavarians had in the War of Spanish Succession, the idea of the HRE as a confederation rather than a fully cohesive political body

was largely an eighteenth century idea, one which had been invented, in a bid self-interested opportunism, by the Bavarians, and this by far was the greatest contribution made by the Bavarians in the area of political innovation under the Empire.

Chapter 3:

Breaking Out of the System: The Holy Roman Empire and the Kingdom of Prussia

In the previous chapter, it was demonstrated that the Duchy of Bavaria was the first of the major German states in the HRE to attempt to achieve total independent self-governance: that is, to have a king in their own right. Although the Bavarian Wittelsbachs did act in a manner similar to a diplomatically independent power during the eighteenth century, it is also observable, based on the evidence presented, that Bavaria was never fully self-governing until after the Holy Roman Empire was dissolved, on the basis that Bavaria was always a subject of the laws and declarations of the Imperial Diet.

Prussia differs somewhat from Bavaria in the respect that, although it was also the dissolution of the HRE which officially gave Prussia its independence as a state, Prussia came much closer to becoming functionally independent than Bavaria did during the eighteenth century. By the end of the eighteenth century, the ruling dynasty of Prussia, the Hohenzollerns, had achieved the title of “king” of their own domain, and as such held sway over “crown territory,” which the Hohenzollerns had exclusive right to govern, especially with regard to Prussian territory which fell outside the borders of the HRE, which by the end of the eighteenth century constituted the majority of Prussian territory.¹

These differences reflect not only the effect of fundamental deviations in diplomatic strategy, but also the ways in which the major states of the empire competed with and played off one another. Competition was a key factor in the development of the HRE, and the relationship

¹ Norman Davies, *God's Playground. A History of Poland. The Origins to 1795. Vol. I* (Oxford, UK: Oxford University Press, 2005), 394.

between Bavaria and Prussia demonstrates the impact of pluralism and competition on the states of the Empire.

Bavaria and Prussia, for all observable intents and purposes, had the common goal of being given a royal crown, and the privilege to govern without oversight from the HRE, with the long term objective of pursuing the state's own enlightened self-interest. Where the Wittelsbachs attempted to direct Imperial politics in their favor, however, the Hohenzollern policy was to separate Prussia, as much as possible, from Imperial politics altogether. This does not mean, however, that they did not involve themselves in Imperial politics opportunistically. It only means that the Hohenzollerns did not pursue a policy of Imperial influence, as the Wittelsbachs had by offering loans to the Habsburgs in exchange for electorate status, as they had in the Thirty Years War, or by contributing their own votes to the election of the Wittelsbach Emperor in 1742.²

Moreover, the rise of Prussia, during the eighteenth century, would not have been possible except by the actions of the Bavarian Wittelsbachs. Their 1742 subversion of the Habsburg monarchy largely gave the King in Prussia at the time, Frederick II, the opportunity for expansion into Silesia, and by extension set the precedent for Austro-Prussian dualism. The War of Austrian Succession was, in fact, the conflict which forced the Empire to jettison Prussia as a subject, since Austria could not demonstrate that it had the ability to control Prussia, the other states of the Holy Roman Empire, and Habsburg crown territories outside the Empire simultaneously.

Technically it would be the Seven Years' War which formally codified the relationship between Austria and Prussia: a relationship of near equals, in which Prussia had openly defied

² M. S. Anderson, *The War of the Austrian Succession 1740–1748*. (London, UK: Routledge, 1995), 148.

the Emperor without losing status within the Empire. However, the Silesian campaigns of that conflict were merely an extension of the Silesian campaigns in the previous conflict, which was the War of Austrian Succession. That war was the “make or break” moment in the History of the HRE, and by its conclusion the authority of the Habsburgs in the Empire’s borders, if not the ability of the Habsburgs to exert force, had been broken. Until Bavaria had taken, if only briefly, the Imperial crown of the Holy Roman Empire, and the Prussian kingdom had swiped Silesia out from under the proverbial nose of the Austrian Habsburgs, the Holy Roman Empire does not appear to have been seen, by its masters and subjects, as an obsolete or unprofitable body.³

However, the end of the War of Austrian Succession heralded a new order within the Empire, an order characterized by the polarization of power in the Empire around Austria and Prussia. And although Bavaria had provided an opening for the era of Austro-Prussian dualism to begin, the Prussians themselves were innovators in their own right. Where Bavarian innovation was diplomatic, dynastic, and highly visible, in the sense that it played out over the course of multiple wars in which the armies of Bavaria played an essential role, Prussian innovation, for most of the eighteenth century, was less visible.

The famous Prussian army, at the beginning of the eighteenth century, which would become the primary tool for protecting Prussian autonomy, can reasonably be shown to be an extension of Prussian economics, and it is the seventeenth century reformation of the Prussian economy which lies at the heart of Prussian innovation. However, to understand the nature of the Prussian economic innovation and in particular the renowned Junker system, it must first be understood that Prussia profited enormously from a unique political geography, which was shared only by Prussia’s rival in Habsburg Austria.

³ Whaley, *Germany and the Holy Roman Empire*, Vol. II, chap. 1.

For this reason, it is necessary to begin by stating that Prussia, like Bavaria, was a young state by the time of the breakout of the Thirty Years War. Where Bavaria had become a united duchy in 1503, however, Prussia was even younger by more than a century, having become the unified territory of Brandenburg-Prussia in only 1618.⁴ This union was, in reality, the consequence of the death of the Brandenburg branch of the Hohenzollern family. The effect was that the Prussian branch of the family, which had been formed less than a century before, constituted the only eligible inheritor to the electorate.⁵ It is this unified state which will be the focus of this study, especially since prior to this period, there is some cause to debate whether Brandenburg or Prussia, prior to the unification, was the social and political predecessor of the unified state.

What is immediately clear is the fact that Brandenburg-Prussia, from the moment of its invention, was a battleground. The Hohenzollern's part in the Thirty Years War, unlike that of the Bavarians, has not inspired much renown in the eyes of most historians,⁶⁷ perhaps on account of the territory's relative newness at the time. However, the proverbial seeds of Prussia's ascendancy had been planted at the moment of its unification with Brandenburg, not only because it was already one of the largest states in the Holy Roman Empire in terms purely of landmass, but also because its territories existed both within and without the Empire.

⁴ John G. Gagliardo, *Germany under the Old Regime, 1600–1790*. (London, UK: Routledge, 1991).

⁵ Ibid.

⁶ Ibid.

⁷ The only perceptible common theme that I noticed while searching for interpretations of Prussia's role in the Thirty Years' War was that Prussia had been ravaged by the war.

Brandenburg-Prussia's Prussian provinces were initially subjects of the Polish Commonwealth,⁸ and as Poland faded from the world stage as an active player⁹¹⁰ this gave Prussia, like Austria, a wellspring of wealth and manpower which came from outside of the Holy Roman Empire, but could be used to safeguard Prussian interests within the Empire, and which critically was almost entirely free of outside oversight.

Also of note is Brandenburg-Prussia's role as a combatant in the wars between Russia, Sweden, and Poland. Frederick William of Prussia gained the title "the Great Elector," for the victories of his army against the armies of Sweden and Poland during several such conflicts across the second half of the seventeenth century.¹¹ Although many German states became battlegrounds for the great powers of Europe during the seventeenth and eighteenth centuries, and those that weren't on the front lines of the battles fought between the preeminent dynasties of the continent were often called upon to serve in the armies of the Holy Roman Empire, it is worthwhile to note that Prussia is distinctive in that it fielded its own armies and led those armies largely using the state's own resources.

The German historian Hajo Holborn describes the 1656 Battle of Warsaw, in which Prussian and Swedish forces faced the Polish army, as "the beginning of Prussian military history,"¹² and although the significance of this precise battle may be debated, the Prussian part in these conflicts not only ensured that Prussia would be free from Polish influence, but also set the precedent that a Prussian standing army was critical for the defense of the state.

⁸ Gagliardo, *Germany under the Old Regime*.

⁹ Poland became, for all intents and purposes, a protectorate of Russia in 1710, following a poor performance in the Great Northern War.

¹⁰ W. F. Reddaway and J.H. Penson, *The Cambridge History of Poland, Volume 2*, (Cambridge, UK: Cambridge University Press, 1941), 39.

¹¹ Robert Frost, *After the Deluge. Poland-Lithuania and the Second Northern War, 1655-1660*. (Cambridge, UK: Cambridge University Press, 2004).

¹² Hajo Holborn, *A History of Modern Germany: 1648-1840*. (Princeton, NJ: Princeton University Press 1982), 57.

Frederick I of Prussia became the state's first "king," and indeed the Crown Treaty of 1700 marked the point of convergence between three critical forces which propelled Prussia to prominence: First, the importance attributed to the Prussian army, second, the unique Prussian geography as a state that existed both within and without the Holy Roman Empire, and third, the role of Bavaria as a subversive force in the HRE. It was the latter of these three factors which made the Crown Treaty essential for the Holy Roman Emperor, since the Treaty was, in essence, a defensive pact between Prussia and Austria in reaction to the Bavarian intervention in the War of Spanish Succession.

The Crown Treaty, in essence, exchanged titles for troops. The Holy Roman Emperor gave the Hohenzollern dynasty the title of "King in Prussia," and in exchange, the Hohenzollerns lent the Emperor 8,000 troops to fight on the side of Habsburgs in the War of Spanish Succession.¹³ This contract is similar to the contract made between the Emperor and the Wittelsbachs in the Thirty Years War, in which the Emperor awarded Elector status to Bavaria in exchange for financial support for the Imperial Army in Prague. So ultimately it is part of a relatively common precedent employed by the Holy Roman Emperors of the Early modern era.

However, the Crown Treaty also demonstrates a need for German soldiers, in addition to those levied by the Imperial Diet, that was dire enough to necessitate a compromise of powers on the part of the Holy Roman Emperor. Prussia had become the first and only German state within the Empire, which was not part of Habsburg dynastic land, to be governed by a family which held the title of "king." Specifically, the title of "King in Prussia," which was awarded by the Crown Treaty of 1700, was intended to apply to those territories, under the Hohenzollern dynasty, which fell outside of the borders of the HRE.

¹³ Peter Wilson, *German Armies*.

When analyzing the implications of the Crown Treaty on Prussian policy in the eighteenth century, however, it is perhaps most notable to observe the treaty in its context. There is little credible evidence to demonstrate that the Prussian army, at the beginning of the eighteenth century and throughout the Spanish War of Succession and subsequent Great Northern War in which it was used, was in any way exceptional relative to those of the other German states. In addition, it is commonly shown that long periods of war on a large scale often can result in the economic ruination of the European states of the Early Modern era, and Prussia does not appear to have been exempt from this either.

In the aftermath of the Thirty Years War, there is plentiful evidence to show that Bavaria endured a period of economic hardship which warranted a generation of recovery before the Bavarian electors entered vigorously into new conflicts, such as the Nine Years' War. Similarly, after the Prussians contributed large numbers of men and materiel to the Spanish War of Succession and Great Northern War, a period of considerable economic hardship occurred.

It is during this period, and largely as a consequence of the economic ruin brought upon Prussia for its part in fighting the wars of its dual overseers in the HRE and Poland,¹⁴ that the Prussian state was organized into an economically and politically innovative body. When Frederick William I, the "soldier king" of Prussia came to power in 1713, the state was, by his own description, "in such a state that we were on the verge of bankruptcy."¹⁵ In addition, he

¹⁴ The former "overseer" of Prussia is the Holy Roman Emperor, then Leopold I, who levied troops from Prussia for the Spanish War of Succession. The latter is the King of Poland, then Augustus II, who had far less influence over the Prussian state, but whose part in the Great Northern War still helped prompt the King in Prussia, at the time, to take up arms against Sweden in exchange for new territory.

¹⁵C.A. Macartney, "The Political Testament of Frederick William I," *The Habsburg and Hohenzollern Dynasties in the Seventeenth and Eighteenth Centuries, in Documentary History of Western Civilization*. (New York, Evanston, and London: Harper & Row, 1970), 309-22.

states that “The army [was] in so bad a condition and so small in numbers that I cannot even describe all that was wrong.”¹⁶

For many historians, the economic and military reforms of Frederick William I represent a major turning point in Prussian development and identity, which arguably eclipses the more widely renowned military campaigns of his more famous successor Frederick II. Historian Gerhard Ritter posits, for instance, that Frederick William I created the army of Frederick II, and states that he “inspired his army with a spirit of relentless effort in the service of the state power, initiating a revolutionary change in German territorial policy.”¹⁷

But these changes, revolutionary as they may have been, can all be directly traced to those necessities imposed upon Frederick William I by the actions of his predecessor, and, in addition, a particularly convincing case can be made that the same reforms would have been possible in no other German state, and were a direct product of Prussia’s unique geography. Frederick William I had inherited a state which had been impoverished by its involvement in previous wars and was in particular need of reform.

In addition, the Prussian countryside was still largely underdeveloped, and this gave the Prussian king more power to influence its development. In *German Hometowns*, Mack Walker writes: “The Success of the Prussian Government in dominating Prussian towns was more directly related to the internal looseness and the paucity of towns in the lands it ruled.”¹⁸ Later in the same text, Walker explains that Prussia had, during this period, a mostly rural export economy which was supplemented in places with a burgeoning textile industry.¹⁹

¹⁶ Ibid.

¹⁷ Ritter, 17.

¹⁸ Walker, 22.

¹⁹ Ibid.

The social structure of Prussia, most often defined by the preeminence of a landed aristocracy known as the “Junker” class, could not have existed in German states which were more heavily forested, such as Hesse-Kassel, or more heavily urbanized, such as Saxony.²⁰ Thus the centralization of authority in Prussia around the Hohenzollern dynasty is indeed unique to Prussia among the German states, but only as a consequence of the unique Prussian geography.

The effect, however, was that social reform in Prussia occurred at a similar pace, or perhaps somewhat faster, than similar reforms in the majority of eighteenth century Europe. For instance, the previously mentioned centralizing reforms of the Holy Roman Emperor Joseph II occurred in the latter half of the eighteenth century, and in Great Britain and France, a similar consolidation of power around the king, as opposed to his nobles, had already been underway.²¹ While this rural decentralization, and consequent consolidation of power around the Hohenzollern Kings does explain how Prussia put itself ahead of the other states in Germany, it also illustrates, in essence, that the Prussian state was only as efficient, in terms of social structure, as most of the other European great powers.

So, to fully understand the nature of Prussian innovations within the Holy Roman Empire, it is important to observe these reforms, which were largely aligned around the eighteenth century ideals of power consolidation for the fulfillment of a social vision of “enlightened despotism,” in their political context. Basically, one must understand to what end these reforms were accomplished and to what ultimate purpose they were being used.

In short, they were being used according to the designs invented by Frederick William I, who carried out the majority of Prussia’s most drastic military and economic restructurings.

²⁰ Walker, 25.

²¹ Stephen J. Lee, *Aspects of European history, 1494–1789* (London, UK: Routledge, 1990), 258–66.

However, as mentioned before, Frederick William I's perception of the Prussian state and its needs were informed by the austerity imposed upon the state by his predecessor.

In his political testament, Frederick William I explains that "If your army marches outside the country the excise will not bring in a third as much as if the army is in the country. The prices of commodities will fall, then the Crown agents will not be able to pay their rents in full, it is total ruin."²² What Frederick William I was describing, in this instance, is largely the experience of the Prussian army and state on the occasion of his ascendance, after Prussia had exhausted itself fighting in two previous general wars, in addition, Frederick William I's policy reflects a specific point of contrast with the policy of the Bavarian Wittelsbachs of the same period, so enumerated in the next statement: "You will find that unjust wars have come to no good end, [and] you have for examples King Louis XIV in France, King Augustus of Poland, the Elector of Bavaria, and many others."²³

The Electors of Bavaria can be shown to have exhausted their state through war on several occasions, but where Prussia differed was in its ability to recover quickly, largely as a result of reforms not just in centralization, but in taxation, through the use of a flat tax on land held by the Prussian nobility, which was decreed in 1715, and had the simultaneous effect of weakening the Hohenzollerns rivals in the Prussian nobility and providing the state with new income to finance the army.²⁴ Land in Bavaria was not so easily or effectively taxed, since it was held by a broad network of nobles, client states, and clerical institutions, all of which held various and differing legal tax exemptions, or were protected by varying tools of political leverage.²⁵

²² Political Testament, 3.

²³ Ibid.

²⁴ Ibid.

²⁵ Powelson, 105.

So, while the Prussian territories did rebound from the brief period of decline which followed the War of Spanish Succession and Great Northern War in a manner that made the state stronger and more efficient than it had been before the wars, this does not mean that the collective trauma of the ruination imposed upon Prussia by the wars did not influence policy in a perceptible way. Indeed, it was Frederick William I's policy of "armed neutrality," which was itself a reaction to the trauma of the preceding wars, which ultimately presented the first step towards the highest achievement of Prussian political thought: the functional separation of Prussia altogether from Imperial politics.

Frederick William I's reformed Prussian army was, according to the policies expressed by the Prussian King, an army of independence, which provided Prussia with the political leverage to, in the literal and figurative sense, "pick its battles," which was a luxury shared by no other subject of the Holy Roman Emperor. Frederick William I is said to have himself boasted that he was, unlike his predecessors, no longer a "mercenary king,"²⁶ and in addition laid a groundwork for how the Prussian army ought to be used. He states in his political testament: "My dear successor must therefore not split up his fine army and give no troops for money and subsidies to Emperor, England, Holland, but must return the Powers the answer that I have given them: if you want to have troops, I will march myself with my whole army but not for subsidies, but give me land and men, which is what I want, then I will march, but not before."²⁷

This policy, of dictating the terms on which the Prussian army may be used by the Emperor in particular, implies that Frederick William I had no intention, for himself or his successor, of answering a call made for troops made by the Emperor or the diet. This is functionally, a policy of independence, if not for the entire Prussian state, then certainly for the

²⁶ Ritter, 9.

²⁷ Political Testament, 3.

Prussian army. The only thing which is lacking from this policy, in terms of giving Prussia the tools for functionally separating itself entirely from the HRE, is a policy of open defiance, or armed resistance, which would be crafted by Frederick William I's successor, Frederic II, commonly referred to as "Frederick the Great."

Frederick II is known to have earned his famous honorific for his part in the second and third Silesian Wars,²⁸ and in the general sense, the title "the Great" is not misplaced. The Prussian annexation of Silesia is considered by many historians to have officially launched the era of Austro-Prussian dualism,²⁹ and indeed it represents the deviation from the policy of Frederick William I that was necessary to transform Prussia into a state which was in no way truly beholden to the HRE. Namely, open defiance, carried out with impunity.

The War of Austrian Succession, and by extension the Silesian wars, demonstrated that ultimately, by the eighteenth century, the HRE was being held together by military force. In particular, it was dominated by the force being exerted by the Habsburg Empire; the HRE's strongest member state. Therefore, any state in Germany which could undermine the military domination of the Habsburg monarchy, could not effectively be compelled, in any manner, to comply with the laws and decrees of the Empire and its offices. The Treaty of Westphalia provides states within the Empire with the right to self-regulate, but outside of this context, it does nothing to subvert the supremacy of the Emperor. It was only on the independent initiative of the Prussian monarchs that Prussia asserted itself as a European power in its own right, especially as it pertained to territorial expansion.

²⁸ Franz Theodor Kugler, *History of Frederick the Great: Comprehending a Complete History of the Silesian Campaigns and the Seven Years' War*. Translated by Moriarty, Edward Aubrey. (London: Henry G. Bohn, 1845), 242.

²⁹ Oxford Handbook of Modern German History, 93.

Not only did the Silesian wars set the precedent that Prussia could exercise sufficient independent military force to take territory from its German neighbors with relative impunity, but it also gave Prussia a proverbial place at the table during the partitions of Poland, which is arguably the more radical precedent. The Silesian wars proved that the Habsburgs could not use the HRE to control Prussia, since the HRE was largely an extension of Austrian military power, but it did not necessarily oblige the Habsburg, or any of the other great powers, to act in partnership in Prussia, or recognize its claims over Prussian crown territory in Poland.

The aftermath of Prussia's part in the Seven Years War is long and illustrious, and demonstrates the finality of Prussia's separation from the HRE. This is largely because, unlike the initial seizure of Silesia during the Austrian War of Succession, which was largely opportunistic in nature, the Prussian victory in the Seven Years War³⁰ was achieved on Prussian initiative, using Prussian merit. In the past, this paper has observed the ways in which Prussian foreign policy followed the proverbial trails that had been blazed by Bavaria earlier in the century. Prussia profited by an alliance against Bavaria in the War of Spanish Succession by way of the Crown Treaty, and as the Wittelsbachs appeared to tip the balance of power in their favor by seizing, through force of diplomacy and especially through the leveraging of an alliance with France, the Imperial throne of the HRE, the Prussians profited by an alliance with Bavaria against the Empress Maria Theresa of Austria.

Contrary to assertions made by historian Gerhard Ritter,³¹ the seizure of Silesia in the

³⁰ Ostensibly, the aforementioned "Prussian victory" was in reality more of a forced stalemate, at least on the battlefield. However, since the Austrian aligned coalition's objective was to recapture Silesia, and the Prussian objectives were more flexible, the outcome of the Seven Years' War, in the German theater, more closely resembled a Prussian victory than an Austrian one. Moreover, the long term consequences of the Seven Years' War illustrate that Prussia came out of the war in a stronger position than it had entered.

³¹ Ritter explains, on pg. 17 of *The Sword and the Scepter*, that Frederick the Great's capture of Silesia constituted a break from the reserved foreign policy of his predecessor, Frederick William I, as it was enumerated in the political testament.

War of Austrian Succession does not itself necessarily constitute a deviation from the policy of Frederick William I. In his 1722 Political Testament, Frederick William I explains that “if one can hold the balance in the world there is always some profit to be got for one’s lands,”³² in essence encouraging his successor to leverage changes to the balance of power for Prussia’s gain. In the War of Austrian Succession, Frederick II initiated hostilities against the Habsburgs in coalition with the Bavarian claimant to the Imperial throne, and indeed the Wittelsbach Emperor of 1742.

As was expressed before, Frederick William I outlined a preference for favors of men and land, and demanded that his successor not mobilize and make use of the army in exchange for subsidies or similar such financial favors.³³ In essence, Frederick II’s invasion of Silesia falls relatively cleanly within his predecessor’s framework, in the sense that it was an exchange of political favor for land. The only complication, in this respect, is that there is no evidence that the Wittelsbach pretender coordinated with Frederick II to plan the attack on Silesia. However, it is notable that the Wittelsbach Emperor was elected unanimously, and this means Frederick II used his vote, as the Elector of Brandenburg, to support Charles VII’s claim,³⁴ so regardless of whether an alliance between Bavaria and Prussia was ever formally codified before the War of Austrian Succession, the effect is that Frederick II used his predecessor’s army in the way it was intended: to assist with the enforcement of changes to the balance of power in Europe in exchange for acquisitions of men or territory for Prussia.

Therefore, it was not truly until the outbreak of the Seven Years’ War that Prussia fully trades a policy of opportunism for a policy of separatism from the HRE, and even this change

³² Political Testament, 3.

³³ Ibid.

³⁴ Anderson, 148.

appears to have been initiated as a result of Austrian aggression against Prussia intended to enforce the status quo in the HRE by military force. Regardless of the cause, however, Frederick II's primary contribution, diplomatically, to Prussian development is his wholehearted embracing of the new policy. Following the Seven Years' War, Prussia appears to have become a state which existed entirely in two spheres. Similar to how the Habsburgs began a rigorous program of reform in Austrian crown lands following the Seven Years' War,³⁵ Frederick II and his successors appear to have refocused their ambitions largely to affairs outside of the HRE

It was Frederick William I's economic reforms which made it possible for Frederick II and his successors to consolidate power in Prussia's Polish provinces as efficiently as it was done. The Junker system, in which landed nobles largely managed their constituent states in person, rather than as an absentee landlord, was not necessarily originally an asset for Prussia. It allowed for local nobles to oversee and control local development more directly, and thus helped to prevent local communities from developing guilds and similar such local administrative institutions that might stymie state control of those polities,³⁶ but the Prussian nobility may have merely been a replacement for these institutions, such as if they had been allowed to share more power with their sovereign, and exert unchecked power over their communities, in the manner of a microcosm of feudalism.

It is useful, in this sense, to think of Prussian social structures, during the eighteenth century, as a hybrid of German and Polish institutions, not the least of which because Prussia had been, since the seventeenth century, the product of a personal union between a German and Polish province (Brandenburg and Prussia respectively). This can be seen in the level of

³⁵ This refers to the "Josephinism" mentioned on pg. 27.

³⁶ Walker, 116.

administrative authority held by many or most Prussian nobles, which in many respects mirrors the high level of autonomy afforded to Polish nobles.³⁷³⁸

However, whereas Poland remained decentralized for the duration of its early modern history, and as such was taken advantage of by the more powerful and more centralized states of Europe, Prussia leveraged its nobility as a tool for exerting more direct power over its subject territories than most or all of the other German states, and especially those on the West Bank of the Elbe river.³⁹ This centralization was achieved through the limiting of the power of Prussian nobility, through the implementation of new taxes and the reorganization of the military.

Frederick William I's flat tax on land held by nobility not only had the effect of contributing to the army's finances, but also weakened the nobility to the point of making it much more economically dependent upon the King. Moreover, the army reforms, financed largely by land taxes and raw material exports,⁴⁰⁴¹ had the effect of giving the Prussian monarchy a monopoly on military force over its domain.

Whereas some European nations, not the least of which being the HRE itself, depended upon the nobility for contributions to its military, the military of Prussia could be used to exert power of the nobility, thus giving the impression of a state governed by the monarchy, through the military. Although this is certainly not the only reason that Prussia had been referred to by its some of its contemporaries, such as Minister Friedrich von Schrötter, as "not a country with an

³⁷ Poland, famously, was a Commonwealth realm which had been ruled more by its nobility than by its monarchy, since reforms had been put in place to empower the nobility in 1569. There are instances throughout the modern history of Poland in which Polish policy was dictated not by the King or by the central government of Poland, but by the consensus of Poland's high-ranking nobility.

³⁸ Jakub Filonik, "The Polish Nobility's 'Golden Freedom': On the Ancient Roots of a Political Idea". *The European Legacy* 20, no. 7 (2015), 731–744.

³⁹ Walker, 116.

⁴⁰ Material exports, as a significant portion of a German state's economy, was relatively unique to Prussia, and played an important role in Prussian economic, and by extension military, development.

⁴¹ Walker, 22.

army, but an army with a country,”⁴² it is the reason which perhaps had the greatest impact on the early history of Prussian civil administration.

Perhaps fortuitously, though, the consolidation of Prussian power around the Hohenzollern monarchy, and the first significant assertions of Prussian defiance towards the HRE, in the form of the War of Austrian Succession and Seven Years War, happened to consolidate with the decline of Poland. Not only did the decline of Poland have the effect of ensuring that Prussian crown lands, which fell within Polish borders, would not be meaningfully interfered with by Poland, but also critically for Prussian development, provided an avenue outside of the HRE for territorial expansion.

Although the military institutions of the HRE by itself appear to have lost all functional potency following the War of Austrian Succession, the HRE as a political body and as an arm of the Habsburg Monarchy, was still resilient against territorial changes from internal and external forces. The proof of this principle lies in the nature of the Silesian Wars, which nearly brought the Prussian state to ruin, despite ultimately resulting in the Prussian expansion into Silesia. Indeed, the first clear example of Austro-Prussian dualism at work comes less than twenty years after the conclusion of the Seven Years’ War within the HRE’s borders, and demonstrates a mutual “cold war” state between the Habsburg and Hohenzollern forces brought on by a mutual fear of ruin, the like of which had been brought about during the Seven Years’ War.

Perhaps the most distinctive properties of the War of Bavarian Succession are the lack of battles, and the relatively poor supply situation from which both factions suffered. None of the main Prussian or Austrian aligned forces directly engaged one another over the course of the nearly yearlong conflict. Ultimately the dispute over Bavarian territory, which was claimed by

⁴² David Blackbourn, *History of Germany, 1780–1918: The Long Nineteenth Century*. (Hoboken, NJ: Blackwell Publishing 2003), 544.

the Austrian Habsburgs and by the Wittelsbachs of the Palatinate following the death of the Bavarian Wittelsbach line, was settled by Catherine II of Russia. Austria was forced to give up most of its claims in the region, and Wittelsbach control was restored to Bavaria, albeit from the Palatinate branch of that family.⁴³

This conflict demonstrated two important principles that would define the relationship between Prussia and Austria certainly until the Napoleonic Wars, and arguably until the Austro-Prussian war. First, the less powerful states in the HRE and subsequent German Confederation could use one of the two primary German powers, either Prussia or Austria, as a shield against the other. In the case of the War of Bavarian Succession, the Elector of Saxony Aligned himself with Frederick II of Prussia, since the new pretender to the Bavarian Electorship was his brother-in-law. This means, by extension, that neither the Austrian nor Prussian faction within the HRE could impose its will upon the smaller states without drawing the ire of the other, and perhaps causing a war.

For the Hohenzollerns, this was a proverbial step up in terms of control over the German states, since in the purely legalistic sense, the Prussian King had no power over the states of the HRE except in terms of what he could achieve with his vote, as elector of Brandenburg. Functionally, though, the outcome of the War of Bavarian Succession proved that Prussia could exert force over the Empire sufficient to force a compromise upon its Habsburg masters. However, the reverse is also true. Namely, the War of Bavarian Succession proved that both factions were unwilling to engage in open war with the other, since the outcome would be incredibly costly, and could likely result in the ruination of one or both Kingdoms.

⁴³ Simms, *The Struggle for Mastery in Germany*.

In a sense, the new system, created by the outcome of the Seven Years' War and crystallized by the outcome War of Bavarian Succession, validates the principals of enumerated by Mack Walker in German Hometowns: "the Emperor could exert power and influence enough to protect the status quo from upset... but not enough to achieve full sovereignty within Germany for himself."⁴⁴ One can observe that, throughout early modern German history, there have always been some forces, within the Holy Roman Empire, which were subversive towards the will of the Emperor. Since the Treaty of Westphalia, which defined the nature of the Empire following the Thirty Years War, enumerated the rights of states to govern themselves and pursue their own interests, but did not make clear the extent to which these states could govern and act independently when the interests of the state and the Empire do not align.

Bavaria was the first of the German states to engage in clear exercises of open defiance towards the Holy Roman Emperor, however it was Prussia, by leveraging the ensuing divide within Germany between the Habsburgs and the Wittelsbachs, which profited the most. By the end of the War of Bavarian Succession, however, the Habsburg Empire had reformed, and a new policy, by which the Habsburgs used their crown territories outside the Empire to exert pressure, in the form of military force, upon the Empire, had been formed and put into practice.

The effect was that the status quo in Germany, which had been shaken to its core by the Austrian War of Succession and subsequent Seven Years' War, had recrystallized, and by the time of the Bavarian War of Succession, any threat posed to the integrity of the Empire could be met by a response from the full might of the Austrian Empire, and any Attempt to encroach upon the rights of the states, by the Emperor, would be met by an organized opposition under the Prussian banner. Prussia and Austria, effectively, had become equal partners in the governing of

⁴⁴ Walker, 13.

Germany,⁴⁵ and although this meant Prussia had begun to affect the trappings of a great power, it also meant that further expansion of influence in Germany would not be tolerated by the newly restructured dual Empire of the Habsburgs.

Moreover, the second principal Mack Walker describes is that “this apparently delicate balance [of powers in the HRE] would be kept in constant adjustment by the working of the principle of the balance of power, on a European scale, with a German fulcrum,”⁴⁶ so it was unlikely that either the Prussians nor the Austrians could engage in acts of aggression in Germany without drawing in the other powers, since any perceptible consolidation of power within the Empire could lead to a clear upset in the balance of European power overall.

To use the War of Bavarian Succession as an example, one may observe that Catherine II of Russia mediated largely in favor of Prussia during the conflict, since Joseph II of Austria’s aims were to annex lower Bavaria into the Habsburg crown territory,⁴⁷ and such an acquisition would have given Joseph II considerably more leverage over the HRE as a whole. It would have set the precedent that succession crises may be leveraged by the Habsburgs, as mediators, to expand their personal holdings within the Empire. In addition, it would have reduced considerably the power of the Wittelsbach family, which until the Seven Years’ War had been Austria’s most prominent rival within Germany.

In essence, the Austrian aims in the War of Bavarian Succession were to consolidate power over the HRE in a way that had the potential to transform the Empire into a governable

⁴⁵ Essentially, this partnership in governing Germany is what was codified by Metternich in the Treaty of Vienna a generation after the War of Bavarian Succession. The Confederation required consensus between Prussia and Austria before any action could be taken legally or diplomatically. This may seem, at face value, like a major concession from Austria, but the evidence shows that it is more akin to a codification of the system which had been in use more or less since the Seven Years’ War.

⁴⁶ Ibid.

⁴⁷ Blanning, 591.

body more closely resembling a nation-state, in the sense that the greater Austria's holdings were within the Empire, the more force they could exert to influence the smaller states. Without a powerful opposition within the Empire, the Habsburgs may have been able to use the Empire as a tool to sway the balance of power in their favor. After the Bavarian Wittelsbachs was vanquished in the War of Austrian Succession and Prussia leveraged the conflict to grab Silesia, it is reasonable to assert that many of the powers in Europe recognized Prussia as the new face of that opposition, leading to an alliance between Prussia, Russia, and Great Britain.⁴⁸

As Germany crystallized into a form it would retain until the Napoleonic Wars, however, Poland crumbled, and this was perhaps the most fortuitous development in the history of eighteenth century Prussia, since it provided the Hohenzollerns with a way to expand their influence without toppling the delicate balance of powers in Germany and by extension Europe as a whole. Poland had been, effectively, a Protectorate of Russia since the Great Northern War of 1700-1721,⁴⁹ and that meant, by extension, that only the consent of Russia was required for Prussia to expand into Polish territory, and indeed by the time of the First Partition of Poland, in 1772, Russia and Prussia had been allies for nearly a decade.⁵⁰

The cause for the First Partition of Poland was dubious at best. Justifications were fabricated by the aggressor nations related to intervening in an ongoing Polish Civil War,⁵¹ but in fact the agreement to expand into Poland, negotiated by Russia, Prussian, and Austria jointly, can reasonably be described as an explicit power-grab; the first in a series of conquests against a dying state. All three aggressor states profited, in some way, from the ensuing three partitions of

⁴⁸ These alliances came in stages. The alliance between Prussia and Britain was formed in 1756, whereas the Alliance between Prussia and Russia was formed in 1764.

⁴⁹ *The Cambridge History of Poland, Volume 2*, 39.

⁵⁰ Russo-Prussian Alliance of 1764.

⁵¹ *The Cambridge History of Poland, Volume 2*, 39.

Poland, and for the most part at little cost. What the Austrian Habsburgs failed to recognize, or perhaps did not feel empowered to protest, was the fact that Prussia, being the smallest of the three powers, gained by far the most, proportionally speaking. Whereas Austria enjoyed a less than 20% increase in geographic size, Prussia's size nearly doubled.⁵²

Moreover, since the new Polish territories under Prussian control fell within the purview of Prussian crown territory, it could not be controlled by the laws and limitations of the HRE. Just as Austria had used its own crown territories as a source of wealth and manpower to use for the purpose of exerting force on the states of the HRE so could Prussia levy forces from its own crown territories which were comparable in size and quality to Austria, as the Bavarian War of Succession, which followed the First Partition of Poland by a few years, goes some way to demonstrating.

In addition, the Partitions of Poland are the first clear demonstration of Prussia being treated, by other great powers, as a great power in its own right, both within and without the German sphere. Austria, during the Partitions of Poland, might have attempted to assert dominance over Prussia since, if the Prussian Kings were truly subjects of the HRE then in principle the Emperor may have had the authority to negotiate on their behalf.

After all, the Treaty of Westphalia gave the states of the HRE the authority to engage diplomatically with nations outside of the Empire, but it did not empower them to engage in their own wars of aggression.⁵³ The fact that the Emperor instead chose to recognize Prussian territorial gains in Poland, in exchange only for its own share of Polish territory demonstrates that at the negotiating table Prussia was an equal to any of the other great powers, and appeared to be getting stronger all the time.

⁵² Davies, 394.

⁵³ "Treaty of Westphalia," *Avalon Project*.

Whereas the War of Bavarian Succession demonstrated that Prussia would be seen as the equal of Austria within the German sphere, the Partitions of Poland proved that Prussia would be seen as a great power in its own right outside of the German sphere. In neither case could the Holy Roman Emperor exert his will over Prussia, and in the former case, Prussia demonstrated considerable ability to influence affairs within the Holy Roman Empire. Therefore, in every meaningful sense, Prussia had separated itself from the Holy Roman Empire and had become an entirely separate power.

It is not a coincidence that Frederick II adopted the title “King of Prussia” [as opposed to King in Prussia, which was the titled used by Prussian monarchs since the Crown Treaty of 1701] in 1772, the same year as the first partition of Poland, and met no meaningful resistance in so doing. Where once Prussia lent favors and negotiated with the Habsburgs for land and titles, by the end of the eighteenth century, they acquired these things independently and without interference from the Habsburg Emperors.

What happened to the Prussian kingdom, over the course of the eighteenth century, can reasonably be described as the perfect storm of political, geographical, and individual factors, the latter referring to those unique individuals who held power in Prussia, and largely dictated the course of the state as it reacted to those diplomatic events which shaped Prussia’s course through history. On the diplomatic level, Prussia appears to have followed the proverbial paths blazed by Bavaria. Where the Bavarian course through the seventeenth century is largely characterized by a close relationship with the Habsburg Emperors, resulting in the exchange of lands and titles which would make the Wittelsbach dynasty a powerful force within the Empire, it was a similar strategy which guided Prussia through the early eighteenth century.

When Bavaria, by the beginning of the eighteenth century, had achieved sufficient influence to bargain with France for possible influence over the HRE, Prussia profited by leveraging the schism, first through the Crown Treaty and support for the Habsburgs during the War of Spanish Succession, and later through the Invasion of Silesia and support for the Wittelsbachs against the Habsburgs, during the War of Austrian Succession. In this manner, the rise of Prussia mirrored the decline of Bavaria. As the Bavarian Wittelsbachs exhausted their economic resources and manpower in their bid for the throne of the HRE, Prussia opportunistically seized new territory amid the chaos.

Thus, from the diplomatic perspective, Prussia doesn't really appear to be innovating in any meaningful way. For an historian looking at the history from this angle alone, the question then becomes a matter of how much pressure the HRE could withstand from its subject states before it simply disintegrated. It should be noted that ultimately, the Wittelsbachs and the Hohenzollerns had, in the broad sense, the same goal. That goal was for each dynasty to pursue its own political self-interest without interference from the Holy Roman Emperor. Although their strategies for achieving this appear similar on the scale of European diplomacy, where they differ was in terms of civil development.

Internally, Bavaria was a largely decentralized state, and remained so for the duration of the eighteenth century. A large proportion of land in Bavaria was owned by the church,⁵⁴ and that land which was held under the sway of Bavarian nobles answerable to the elector did not exert direct power over the peasants, farmers, and guild laborers, on their lands.⁵⁵ Thus there was less room in Bavaria for domestic reform. Over the course of the eighteenth century, the

⁵⁴ Powelson, 105.

⁵⁵ Walker, 116.

Bavarian army and economy never equaled that of the Prussian state in efficiency or size.⁵⁶ This is not evidence for Prussian exceptionalism, however. Rather it is the consequence of convenient geography and favorable political circumstances, in addition to capable leadership.

Church land was never a meaningful liability for early modern Prussia, owing to the fact that the Prussian state was an early adopter of Protestant Christianity, and the majority of church lands within Prussia were seized by the government in 1540.⁵⁷ Furthermore, the Junker system, particularly following the taxation reforms of Frederick William I, gave the Prussian monarchy considerable power to control the Prussian domestic economy through its landed nobles, who unlike Bavarian nobles tended overwhelmingly to oversee the affairs of their lands in person.

Those German territories which fell East of the Elbe tended to be less developed and overall more agrarian than their Western counterparts.⁵⁸ This meant, firstly, that ancient institutions such as trade guilds did not exert insurmountable power of any segment of the economy, and second, the ruling dynasties in eastern Germany, and Prussia in particular, had greater opportunities to influence the development of the economy, particularly in favor of export industries.

Evidence of the latter fact is seen in the political testament of Frederick William I, in which he states:

“In the Prussian towns there are no manufactures, but manufactures are the true backbone of a land, and of the Prince of a land, so my successor must establish manufactures in Prussia and in all his other Provinces where there are none, especially manufactures of woollens; for that

⁵⁶ Wilson, *German Armies*.

⁵⁷ Johannes Janssen, *History of the German People at the Close of the Middle Ages, Volume 6*. (London, UK: Kegan Paul, Trench, Trubner & Co, 1903). 65-66.

⁵⁸ Walker, 116.

purpose, my successor must forbid the importation of all foreign woolen goods into Prussia and all his Provinces.”⁵⁹

This statement is significant not because there is anything exceptional about the degree to which Frederick William I values the manufacture of textiles, but because it demonstrates the degree to which Prussian monarchs could control the development of their state’s economy, especially since there had been little development prior to the eighteenth century Prussian consolidation of economic authority. The reputation of Prussia as “an army with a country,” can only be derived from the fact that those monarchs of Prussia, who valued military development very highly, could tightly control Prussian society in a manner that was helpful for fostering the stewardship of the army.

This critical difference in economic development can be shown to have affected Prussian diplomacy, but in a manner which deviated subtly from that of Bavaria. Namely, Prussian diplomacy was centered around a greater degree of political autonomy, even to the point of relative isolation, when compared to Bavarian diplomacy. The fortunes of the Wittelsbach dynasty, throughout the seventeenth and eighteenth century, were always tied to actions of Bavaria’s allies; most commonly France. Even during the War of Austrian Succession, in which the Wittelsbach dynasty took control of the Imperial throne, this action was supported by the French army,⁶⁰ even to such an extent that it would not be unreasonable to say that, far from forging their own destiny, the Bavarian Wittelsbachs may have been forging a path towards French client state status.

The Prussian innovation on the Bavarian strategy for full self-determination was a policy of state autonomy. The Second and Third Silesian Wars, despite their overlap with the War of

⁵⁹ Political Testament, 2.

⁶⁰ Marston, *The Seven Years War*.

Austrian Succession and the Seven Years' War, were fought with Prussian force of arms alone, and so in the aftermath of those conflicts Prussia had proven itself to be a political body that could not be controlled effectively by outside powers; Austrian, French, Russian or otherwise. It was this aspect of the Prussian diplomatic strategy which made it possible for Prussia to achieve great power status, and attain an equal position among the other powers during the Partitions of Poland.

Moreover, it was this strategy of Prussian independence from the HRE which ultimately proved that the Empire could not fully govern its subjects without superior force of arms. By casting Habsburg military supremacy over Germany into doubt with its victories in Silesia, Prussia had forced the Habsburg Emperors into a position of government by mutual consent from the Austrian and Prussian aligned factions in Germany. This was the catalyst for Austro-Prussian dualism, and would establish a system for governing Germany which would last until the Austro-Prussian war more than a century after the annexation of Silesia.

Chapter 4:

Conclusion: The Holy Roman Empire as a Catalyst for Innovation

More so than any other constitutional body in the early modern Holy Roman Empire, it was the Treaty of Westphalia which governed Germany. Guidelines that were most likely originally intended to dictate primarily how states could interact with one another (for instance, guaranteeing each states freedom from the aggression of the other states), had the effect of also dictating how the Emperor could interact with his subjects. In the introduction to this paper, I introduced Mack Walker's two basic principles governing Germany:

“First, the Emperor could exert power and influence enough to protect the status quo from upset... but not enough to achieve full sovereignty within Germany for himself; and second, this apparently delicate balance would be kept in constant adjustment by the working of the principle of the balance of power, on a European scale, with a German fulcrum.”¹

Since then, it has been my intention to demonstrate the effects. At the most basic level, the effects of the Treaty of Westphalia, and the consequent governing principles, were twofold. First, it ensured that Germany would remain a pluralistic environment. Second, that there remained, in Germany, a kind of power vacuum which persisted throughout most of the early modern era. As Mack Walker heavily implies in the above statement, this was very much by design. The Thirty Years' War, which the Treaty of Westphalia concluded, had become by its final phase² a contest for power in Germany.

¹ Walker, 13.

² The Thirty Years' War is typically divided into three “phases,” according to which of the great powers had most recently intervened to prolong it. The final phase is the “French phase,” so named to demarcate the entry of France into the war.

This contest, waged primarily between France and the Habsburg empire, had been fought more or less to a complete standstill by 1648, and the Treaty of Westphalia reflects this reality. In essence, the treaty ensured that neither power, and to some extent no European power at all, could claim effective dominion over Germany without violating the terms of the agreement and bringing about a general war. And indeed, it would not be misleading to think of the Treaty of Westphalia as an armistice, more so than a permanent peace, since the unresolved question of domain over Germany would cause tensions between France and the Habsburgs to flare up at least four times over the next century,³ or roughly once every generation, with near continuous war ongoing between the French Bourbons and Spanish Habsburgs in Italy and the Netherlands.

However, it is clearly a mistake to think of Germany as a passive actor during this century-long period; merely a province or region of one Empire or another; a pawn in the broader game of European power politics. Walker describes them as the “fulcrum” of the European balance of power, and indeed it seems that all of the major powers in Europe at the dawn of the eighteenth century had some stake in Germany, or even direct familial ties, but even this concept does not offer a complete portrait of the role of German states in European diplomacy.

As a treaty of peace, the Treaty of Westphalia was not effective at all. The period for which it kept the peace was essentially only long enough for the European powers to recover financially from the damage caused by the war, and for a new generation of men to be raised to fight, the Nine Years’ War having been fought only forty years later. As an armistice, which established the terms for which future wars would be fought, the Treaty of Westphalia was more

³ This statement refers to the Nine Years’ War, the War of Spanish Succession, the War of Polish Succession, and the War of Austrian Succession.

effective, but even in this role it had serious flaws; flaws which would eventually make Germany an active player in deciding its own fate.

Walker enumerates this concept as well in *German Home Towns* when he states:

“Nobody won the Thirty Years’ War, at least nobody before Bismarck, and there is room to doubt whether Bismarck did. The Treaty of Westphalia, an international agreement that became the main statement of the German constitution, proclaimed not a decision but an impasse among competing powers.”⁴

More value than just iterating that the Treaty of Westphalia represented an impasse, by offering the idea that Bismarck may have “won” the Thirty Years’ War, Walker is implying that Bismarck, by forming a German Empire under Hohenzollern leadership, had broken the deadlock between the powers competing for control of Germany that by then had stood for more than two centuries. Prussia, however, the German kingdom that would go on to consolidate the vast majority of the German-speaking regions of central Europe into a cohesive, modern nation-state, and in so doing achieve what had been seemingly impossible for two centuries, does not appear to have been a serious consideration for the drafters of the Treaty of Westphalia. So naturally, one is left to contemplate not only how Prussia came to consolidate power over Germany, but why such a course of history was allowed to take place.

The answer lies in an aspect of the treaty which hindsight might reasonably reveal to be an oversight in the language of the treaty. The Treaty of Westphalia guaranteed the princes, bishops, and other petty rulers of the German states a certain degree of individual autonomy, and authority over their respective realms. This was designed to have two effects. First, it ensured that the Austrian Habsburgs, as de jure sovereigns of the German lands for the previous several

⁴ Walker, 12.

centuries, could never assert complete ownership over the states, in the same way that the Bourbons could assert ownership over their own lands. Second, it guaranteed that Germany would act as a flexible body, with the constituent states of the Holy Roman Empire shifting their alignment, whether voluntarily or by force, to reflect and in some cases uphold the balance of power.

What appears to have been an unforeseen side-effect of the treaty, however, is that it also transformed Germany into a point of strategic interest for most of the nations in western and central Europe, as well as a potentially vulnerable point in the massive Habsburg Empire, which constituted Spain, the vast majority of central Europe, a majority of Italy, portions of the Balkans, and an enormous colonial presence in the Americas. The Habsburgs were unquestionably the most powerful family in Europe and possibly the most powerful family in the world by the late seventeenth century, but the Treaty of Westphalia had provided the Habsburgs' rivals with an avenue of attack, by which the balance of power in Europe might be rebalanced.

All of this can reasonably be attributed to the fact that the treaty is vague in its wording about the extent to which the German states within the Empire, as autonomous political bodies, had the right to define the terms of their own existence, particularly on a diplomatic level. If each state has a right to exist as a free and independent political body, that would seem to indicate that the Emperor of the Holy Roman Empire could do very little, if anything, to penalize the states within the Empire which may be non-compliant with the Emperor's civil or diplomatic policies.

It also meant that no state within the Empire could impose a transparent act of aggression upon another state without also violating the treaty and incurring the risk of a full military response from the Emperor and his subjects, but the Bavarian Wittelsbachs appear to have been the first state in the Empire to realize that even this barrier was not insurmountable.

Bavaria was, in essence, the first state in the Holy Roman Empire to act not as the subject of an imperial monarchy or even as a state in a confederation, bound to its neighbors by law and by common identity. Rather, Bavaria was the first state in the Empire to act like an independent country. To be sure, nearly all of the rights and privileges afforded to an independent country were available to Bavaria and the other German states in the terms of the Treaty of Westphalia. However, wielding sufficient diplomatic influence to make use of these privileges, without violating the terms of the treaty, (such as by engaging in war against another state of the Empire) was something which does not appear to have been possible for any other German state.

The Wittelsbach dynasty was, in part because of their role in the Thirty Years' War, most likely the second most powerful family, in a secular position, in the entire Holy Roman Empire, after the Habsburgs themselves, by the end of the seventeenth century. They held two electoral positions in the Empire, specifically in Bavaria proper and the Palatinate, one of the largest domains within the Empire, and at least some territory which bordered both France and Austria. This meant, as a point of leverage within the Empire, Bavaria was invaluable, to such an extent that Bavarian diplomacy, during this period, involved the formation of military alliances with the great powers of Europe.

When the Bourbon dynasty wished to engage in diplomacy in Germany during the lead up to the War of Spanish Succession, roughly fifty years after the Treaty of Westphalia, they engaged with the Wittelsbachs first. This is for several reasons. First, the Wittelsbachs had some familial ties to Spain, and therefore a stake in the succession crisis. Moreover, though, the Bourbons were looking for a strategy by which to subvert the power of the Habsburgs, so reaching out to the likely next most powerful faction in Germany would have been a natural choice.

The effect, however, superseded these political considerations. Regardless of the nuances of their reasons, by allying with Bavaria against the Habsburgs in the Spanish War of Succession, the Bourbons had elevated Bavaria to a near equal partner to the great powers, in terms of diplomatic leverage and prestige. All of the states in the HRE had the right, according to the Treaty of Westphalia, to engage in individual diplomatic arrangements with outside powers. Bavaria was the only state for which this presented an effective avenue for defiance of the Holy Roman Emperor.

Although the War of Succession was technically a French victory, in the sense that the question of Spanish succession had been decided largely in favor of the Bourbon dynasty, this did not mean success for France's Bavarian ally. Bavaria had been overrun and placed under military occupation by forces loyal to the Holy Roman Emperor, however, two new realities crystallized around the terms of the war's conclusion.

Firstly, the Wittelsbachs were not deprived of their lands or titles within the Empire for their defiance, and second, the Habsburgs were forced to make major concessions to their own subjects in order to acquire aid from Prussia, then the largest state on the HRE's eastern frontier. The Crown Treaty of 1701 gave the Elector of Brandenburg, who enjoyed ownership of Prussia via personal union, the title of "King in Prussia" in exchange for troops which would provide aid to the Habsburg monarchy in the War of Spanish Succession.

This conflict set several precedents that shaped the status of the Holy Roman Empire during the eighteenth century. First, it established that German princes could not be deprived of their offices in the Empire, regardless of the transgression, without risking a violation of the Treaty of Westphalia. Second, it established that, with sufficient political leverage, states within the Empire had the potential to act as diplomatic entities separate from the HRE. Third, it

established that, especially under extenuating circumstances, the imperial army of the HRE was a force of volunteers, assembled only from those states which have an incentive to serve. In the case of Prussia in the War of Spanish Succession, it was necessary for the Habsburgs to extend political favor to the Prussian rulers in exchange for troops, rather than simply seizing them by decree as the ruler of a more cohesive nation might have done.

Fourth, and most importantly of all, the Bavarian and Prussian part in the War of Spanish Succession established that the Holy Roman Empire was a pluralistic body, in which states could compete with one another and conspire with the European great powers to pursue their own state's individual self-interest. The Prussian king, now so decreed by the Holy Roman Emperor, was perhaps the greatest victor of the War of Spanish Succession and profited the most from the Bavarian attempt to undermine the authority of the Emperor.

These precedents, taken together, established that the German states had the potential to act as independent nations, and that they had the potential to profit enormously from competition with each other and outside powers. If the Treaty of Westphalia created and sustained a power vacuum in Germany, then the Bavarian and Prussian parts in the Spanish War of Succession established the precedent that the vacuum could be filled, not just by France or Austria, but possibly by any of the major states within the Empire, since they already had the capacity to act outside of the Emperor's directives. Moreover, even those states which did not wish to command the German territories had the potential to assert themselves as independent of them; a policy which Prussia largely pursued under the directive of Frederick William I.

The full reality of the situation within the Empire throughout the eighteenth century is, though, that all of the major states in the HRE, presumably acting on the established precedents, developed their own strategies for influencing, or overcoming the influences of, the other states

within the Empire. The Empire itself became a crucible of competition, and although this paper only covered Austria, Prussia, and Bavaria, for the sake of thoroughness, all of the major states of the Empire had at least slightly different strategies climbing the proverbial ranks of German and European politics, and each strategy, in the grand scheme of European politics, was pitted up against every other in order to decide the answer to the question of which European power could overcome the limitations of the Treaty of Westphalia.

As it happened, and as Walker suggested, the first European power to do so was Prussia under Bismarck and Wilhelm I. However, a reasonable case can be made that many of the major German states had, at very points in the eighteenth century alone, made real and reasonable bids to consolidate Germany into a cohesive force under their own oversight. The Wittelsbach dynasty's bid for Germany came when Charles Albert of Bavaria took the throne of the Holy Roman Empire in 1742.

While it can be tempting to view this as simply a political coup, Charles' Alberts vision for the Holy Roman Empire was one which did not involve nearly as many outside influences, since Bavaria claimed no land outside of Germany, and one in which Bavaria had the political power to dominate affairs within Germany completely, since Bavaria claimed an absolute majority of electoral seats within the Empire during the brief period in which Charles Albert of Bavaria ruled as Holy Roman Emperor.

Austria's bid for domain over Germany came a generation later, during the Bavarian War of Succession, when Joseph II of Austria made a bid to annex parts of Bavaria, and possibly in so doing claim an absolute majority in electoral seats and a more imposing lead in terms of land and military power within the Empire. This potential power grab, notably was blocked by Prussia and its own allies, thus demonstrating that pursuing a policy of relative separatism from the Empire

allowed Prussia to wield force, derived from outside the Empire, against its rivals within the Empire.

While it is not unreasonable to claim that, during the eighteenth century, Austria, Bavaria, and Prussia achieved more than any other German state in pursuing domain over Germany, but none of them were inherently exceptional among the German states in terms of intrinsic political influence. Saxony and Hanover were also major players in the German diplomatic sphere, each with strategies and interests of their own, which each pursued vigorously. Even the smaller states adapted to this environment through unique political maneuvering, although their ambitions were not as grand.

For example, Hesse-Cassel became famous, during the eighteenth century, for their “army for hire,” which could be contracted out to other major powers at a considerable profit margin for the Hessian Landgrave. Since Hesse-Cassel was forced to maneuver through a dangerously militarized political landscape, a large and renowned standing army presented the greatest recourse for protection, whereas the mercenary aspect of the army provided the Landgrave with a method for financing the army when it otherwise might have been impossible.

In any system which promotes competition and pluralism over a long period of time, innovation is likely going to be the outcome. In every European conflict in which the German states were forced to take sides, different concepts of Germany were being tested. And, during the course of this paper, we have seen how Bavaria’s failings, not just during the Spanish War of Succession but in subsequent conflicts as well, became opportunities for Prussia. We have seen how Prussian military and political strategy forced Austria to adapt, and how Austrian adaptations presented opportunities for Prussia to consolidate power in Germany.

For at least a century, due to the limitations of the Treaty of Westphalia, the German states had been developing separate competitive models, in essence, for the consolidation of Germany, and by the Napoleonic Wars, the ascendance of Prussia, and to some extent the reorientation of Austrian identity to meet the Prussia threat, had been developed throughout that entire century by rigorous challenges from the competing visions of other states, such as Bavaria.

The leading nations of the post-Napoleonic German Confederation represented the strongest and most rigorously tested ideas of German dominion, such that when Bismarck unified Germany in 1871, the form Germany took had been influenced by two centuries of war and competition. The fate of Germany had indeed been decided by German blood and iron,⁵⁶ but it had already been spilled for over a century, to help forge the proverbial “iron” of the Hohenzollern-led German Empire.

⁵ This is a reference to the famous statement of Otto Von Bismarck, in which he is said to have stated: “Not through speeches and majority decisions will the great questions of the day be decided... but by iron and blood.”

⁶ Otto von Bismarck, “Speeches, 1847-1869,” *Wilhelm Schüßler, vol. 10, Bismarck: Collected Works*. (Berlin: Otto Stolberg, 1924). 139-40.

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