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# DYNASTIC SCENARIO THINKING IN THE HOLY ROMAN EMPIRE\*

## I

### THE FUTURE-MINDEDNESS OF PREMODERN DYNASTIES

Princely dynasties in early modern Europe planned for many possible contingencies. Theoretically, this aspect of dynastic culture is well established. The empirical basis in historiography, however, is still rather narrow. Historians have tended to emphasize the importance that dynasties attached to their past. This focus on the conservative historical mindset of princely families has fuelled both the scholarly and the popular assumption that dynasties were ill-equipped to adjust to change. Based on an examination of the formulation and implementation of future-orientated regulations in the seventeenth-century house of Nassau in the Holy Roman Empire, this article challenges that assumption. It argues that, while dynasties such as the Nassaus did indeed acknowledge the political potency of the past, they were also able to think rationally and resourcefully about what the (long-term) future might have in store for them.

In her study of the symbolic language of the Holy Roman Empire and its constitutional significance, Barbara Stollberg-Rilinger has shown that imperial rituals, such as coronations and feudal investitures, often camouflaged disunity in premodern

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Germany, but in doing so contributed to a long-lasting ‘elementary consensus’ that bound the imperial estates together.<sup>1</sup> In a similar way, as this article will show, plans for the future in dynastic house regulations (*Hausordnung*) often failed, but the dynastic scenarios that they contained featured prominently in discussions within princely families about how to deal with both internal and external challenges. To neglect such future-mindedness is thus to miss a key element in the practice of dynastic power.

Conceptualizing people’s perception of their future is traditionally more a task for social and business scientists than for historians.<sup>2</sup> Since the Second World War, business scholars have hailed the concept of scenario thinking as an innovative way of planning for the future. Scenarios can be defined as ‘coherent descriptions of alternative hypothetical futures that reflect different perspectives on past, present, and future developments, which can serve as a basis for action’.<sup>3</sup> Approaching scenario thinking as a way of steering organizations in the business world, James A. Ogilvy contends that ‘one of the old ways relies on tradition. As our forefathers managed, so shall we manage’. Succeeding this premodern way of business administration was a form of strategic planning that ‘consists primarily in predicting the future, shaping a vision, then plotting the steps to fulfill that vision in the context of the future as predicted’. Halfway through the twentieth century, scholars contemplating the inherent uncertainty of the future argued that the construction of multiple alternative narratives about its potential course allows for well-considered decision-making.<sup>4</sup>

Ogilvy’s three stages would be of little interest to historians of early modern Europe had they not resonated with the historiography on how, in those times, people perceived the

<sup>1</sup> Barbara Stollberg-Rilinger, *The Emperor’s Old Clothes: Constitutional History and the Symbolic Language of the Holy Roman Empire*, trans. Thomas Dunlap (New York, 2015), 273.

<sup>2</sup> See, for instance, academic journals dedicated to the theme, such as *Futures*, *Future Business Journal* and *World Futures Review*.

<sup>3</sup> Ph. W. F. van Notten, ‘Writing on the Wall: Scenario Development in Times of Discontinuity’ (Maastricht University, Ph.D. thesis, 2005), 7; Philip W. F. van Notten, Jan Rotmans, Marjolein B.A. van Asselt and Dale S. Rothman, ‘An Updated Scenario Typology’, *Futures*, xxxv, 5 (2003), 424.

<sup>4</sup> James A. Ogilvy, *Creating Better Futures: Scenario Planning as a Tool for a Better Tomorrow* (New York, 2002), ch. 1.

future. Reinhart Koselleck saw premodern people's orientations towards the future as fundamentally anchored in past experience. They were very much interested in the time to come, but their historical imagination shaped a rather conservative conception of the future. The history of Christianity was generally a 'history of expectation' of the inevitable end of time.<sup>5</sup> Medieval and early modern Europeans considered astrology a valid and Christian method of scientific prognostication.<sup>6</sup> And they relied on the Ciceronian idea of drawing lessons from history as *magistra vitae*.<sup>7</sup> Their understanding of the future broadened over time, however, as they moved from relatively closed Christian ideas of the time to come to increasingly open ones from the eighteenth century onwards. The Enlightenment and the upheavals of the French Revolution separated past experience from expectations of the time ahead and secularized conceptions of history, leading to an opening up and, according to some historians, even 'discovery' of the future.<sup>8</sup>

Critics of Koselleck and his followers have pointed out that their conclusions are predicated on an unhelpful dichotomy between closed premodern and open modern conceptions of the past and the future, which neglects the resourceful ways in which premodern people engaged with both.<sup>9</sup> Of course, approaches to the future in history depended on evolving social, political, legal and intellectual contexts, but people practised scenario thinking long before it was conceptualized.<sup>10</sup> Thus, in

<sup>5</sup> Reinhart Koselleck, *Vergangene Zukunft: zur Semantik geschichtlicher Zeiten* (Frankfurt am Main, 1979), 20.

<sup>6</sup> William R. Newman and Anthony Grafton (eds.), *Secrets of Nature: Astrology and Alchemy in Early Modern Europe* (Cambridge, Mass., 2001), editors' intro.; In Wiebke Deimann and David Juste (eds.), *Astrologers and their Clients in Medieval and Early Modern Europe* (Cologne, 2015); Margaret C. Jacob, *The Secular Enlightenment* (Princeton, 2019), 3, 36–7.

<sup>7</sup> Judith Pollmann, *Memory in Early Modern Europe, 1500–1800* (Oxford, 2017), 10.

<sup>8</sup> Koselleck, *Vergangene Zukunft*, 87–9; Lucian Hölscher, *Die Entdeckung der Zukunft* (Frankfurt am Main, 1999), ch. 2.

<sup>9</sup> Pollmann, *Memory in Early Modern Europe*, ch. 2; Peter Burke, 'Foreword: The History of the Future, 1350–2000', pp. ix–xvii, and Andrea Brady and Emily Butterworth, editors' intro., both in Andrea Brady and Emily Butterworth (eds.), *The Uses of the Future in Early Modern Europe* (Abingdon, 2010).

<sup>10</sup> R. Bradley MacKay and Peter McKiernan, *Scenario Thinking: A Historical Evolution of Strategic Foresight* (Cambridge, 2018), ch. 2; Geoffrey Lloyd, 'Foresight in Ancient Civilisations', and Francesca Rochberg, 'Foresight in Ancient Mesopotamia', both in Lawrence W. Sherman and David Allan Feller (eds.), *Foresight* (Cambridge, 2016).

the history of early literate societies such as Old Assyrian Mesopotamia and classical Greece and Rome, last wills, which essentially comprised one or more scenarios for the future, regulated inheritance.<sup>11</sup> When planning for battle, Chinese army commanders combined military theory with observations of the present situation to consider multiple contingent courses of action.<sup>12</sup> In the negotiation of peace treaties, European princes and their diplomats weighed the available options by rationally contemplating the possible outcomes.<sup>13</sup> And the premodern calculation of risk in business ventures and the insurance of commercial activities throughout the world is testimony to the antiquity of common-sense attitudes towards a great variety of predictable challenges.<sup>14</sup> In short, the premodern future was neither as closed nor as past-orientated, as both historians and business scholars have assumed.

Dynastic future-mindedness is an under-studied topic, firstly, because one of the defining features of ‘dynasty’ — a line of succession — carries with it a teleological problem. It took until 2020 before a scholar systematically explored the historical uses of the term ‘dynasty’. Natalia Nowakowska has observed that from its ancient Greek etymology onwards it denoted ‘government’. Only in the eighteenth century did it also come to signify ‘government in a more collective, long-term sense by figures of shared familial descent’.<sup>15</sup> Thus the Tudors,

<sup>11</sup> Klaas R. Veenhof, ‘Mesopotamia: Old Assyrian Period’, in Raymond Westbrook (ed.), *A History of Ancient Near Eastern Law*, 2 vols. (Leiden, 2003), i, 457–60; W. K. Lacey, *The Family in Classical Greece* (London, 1968), 88–9, 131–7; Robin Lane Fox, ‘Aspects of Inheritance in the Greek World’, in P. A. Cartledge and F. D. Harvey (eds.), *Crux: Essays in Greek History Presented to G. E. M. de Ste. Croix on his 75th Birthday* (Exeter, 1985); Richard P. Saller, *Patriarchy, Property and Death in the Roman Family* (Cambridge, 1994), pt 3, intro. and ch. 7.

<sup>12</sup> See Sun Tzu’s *Art of War*, which was studied by premodern army commanders across East Asia and includes alternative scenarios to prepare for contingencies: Sun Tzu, *The Art of War*, trans. Samuel B. Griffith (Oxford, 1963); see, for example, chs. viii and ix.

<sup>13</sup> Laura Manzano Baena, *Conflicting Words: The Peace Treaty of Münster (1648) and the Political Culture of the Dutch Republic and the Spanish Monarchy* (Leuven, 2011).

<sup>14</sup> See also the research project ‘Back to the Future: Future Expectations and Actions in Late Medieval and Early Modern Europe, c.1400–c.1830’ at the University of Antwerp, funded by the European Research Council and led by Jeroen Puttevils.

<sup>15</sup> Natalia Nowakowska, ‘What’s in a Word? The Etymology and Historiography of Dynasty: Renaissance Europe and Beyond’, *Global Intellectual History* (2020), first published online 7 Aug. 2020, doi: 10.1080/23801883.2020.1796233.

Habsburgs, Jagiellonians and Bourbons, to name but a few ‘dynasties’, did not refer to themselves as such. The prevailing focus in dynastic histories on actual succession tends to overlook the unknowns, what-ifs and might-have-beens that dynasties faced and tried to control by internal regulations.<sup>16</sup> Furthermore, the idea of Western history as a progressive rise of the modern democratic nation state has long pushed family and kinship to the margins of political historiography.<sup>17</sup> Historians and historical sociologists have already pointed to the resilience of ‘family’ as a social system for the exercise of power, yet owing to the nineteenth- and twentieth-century demise of most European monarchies it remains tempting to see the European dynastic system with its idiosyncrasies retroactively as a system on its way out.<sup>18</sup> Finally, studies in historical kinship have pointed out that the late medieval and early modern period saw the gradual rise of ‘patrilineality, primogeniture, and other single-heir principles’. The subsequent emphasis on the relative decline of the importance of family in European politics has only recently started to give way to a more balanced picture that also includes the strengths of family networks.<sup>19</sup>

<sup>16</sup> See, in particular, Anne Crawford, *The Yorkists: The History of a Dynasty* (London, 2007); Oliver Thomson, *The Impossible Bourbons: Europe’s Most Ambitious Dynasty* (Stroud, 2009); G. J. Meyer, *The Tudors: The Complete Story of England’s Most Notorious Dynasty* (New York, 2010); Benjamin Curtis, *The Habsburgs: The History of a Dynasty* (London, 2013).

<sup>17</sup> Max Weber famously and influentially argued, for instance, that the ‘rational-legal’ type of authority characteristic of modern Western democracies with professionalized bureaucracies competed with and often replaced ‘traditional’ and dynastic regimes of power: Max Weber, *Wirtschaft und Gesellschaft: Grundriss der verstehenden Soziologie* (Tübingen, 1976), 122–55, 815–37. See also Pierre Bourdieu, ‘Rethinking the State: Genesis and Structure of the Bureaucratic Field’, in George Steinmetz (ed.), *State/Culture: State-Formation after the Cultural Turn* (Ithaca, 1999), 59.

<sup>18</sup> Julia Adams, ‘The Familial State: Elite Family Practices and State-Making in the Early Modern Netherlands’, *Theory and Society*, xxiii, 4 (1994); Julia Adams, ‘The Rule of the Father: Patriarchy and Patrimonialism in Early Modern Europe’, and Philip S. Gorski, ‘The Protestant Ethic and the Bureaucratic Revolution: Ascetic Protestantism and Administrative Rationalization in Early Modern Europe’, both in Charles Camic, in Philip S. Gorski and David M. Trubek (eds.), *Max Weber’s Economy and Society: A Critical Companion* (Stanford, 2005); In Ronald G. Asch (ed.), *Der europäische Adel im Ancien Régime: von der Krise der ständischen Monarchien bis zur Revolution (ca.1600–1789)* (Cologne, 2001); Ronald G. Asch, *Nobilities in Transition, 1550–1700: Courtiers and Rebels in Britain and Europe* (London, 2003); Ronald G. Asch, *Europäischer Adel in der Frühen Neuzeit* (Cologne, 2008); In H. M. Scott (ed.), *The European Nobilities in the Seventeenth and Eighteenth Centuries*, 2 vols. (London, 1995), i.

<sup>19</sup> David Warren Sabean and Simon Teuscher, ‘Kinship in Europe: A New

(cont. on p. 6)

The house regulations of German princely families are excellent sources for studying dynastic scenario thinking. Until fairly recently, however, they too have escaped the attention of serious political historiography because of their association with the persistent practice in the Holy Roman Empire of dividing the family territories among multiple male heirs, which historians have long interpreted as an irrational obstruction to modern state formation. The nineteenth-century historian Karl Braun condemned partible inheritance as a 'propensity for self-dissolution', and wrote that 'it is a feature of most dynasties in southern and western Germany that they have not the faintest notion of the idea of the state'.<sup>20</sup> The lawyer Hermann Schulze, Braun's contemporary, collected princely house regulations in his famous three-volume *Die Hausgesetze der regierenden deutschen Fürstenhäuser* (1862–83), but not necessarily because he appreciated their historical relevance. He only included pacts of dynasties that were still ruling their patrimony; thus the pacts continued to be legally relevant. Although he had stated in the first volume his intention to include the Nassau house regulations in the next one, by the time of the second volume's publication the duchy of Nassau had been invaded by Prussia. Schulze consequently felt that its house regulations had fallen into irrelevance and that their inclusion had become unnecessary.<sup>21</sup> The rise of the nation state proved detrimental to scholarship on the Holy Roman Empire, whereas the nation state's waning in the late twentieth century caused renewed interest in Germany's premodern constitutional history.<sup>22</sup>

Around 1990, scholars began to place the dynasty as a corporate entity, held together by collective agreements, on the research agenda.<sup>23</sup> They argued for a revaluation of dynastic

(n. 19 cont.)

Approach to Long-Term Development', in David Warren Sabean, Simon Teuscher and Jon Mathieu (eds.), *Kinship in Europe: Approaches to Long-Term Development (1300–1900)* (New York, 2007), 51.

<sup>20</sup> 'Hang zur Selbstauflösung', 'Es ist eine Eigenthümlichkeit der meisten Dynasten-Geschlechter im südlichen und westlichen Deutschland, dass sie von der Staatsidee auch nicht die entfernteste Ahnung haben': Karl Braun, 'Prinz Hyacinth: ein Beitrag zur Geschichte der Segnungen des Kleinstaats', *Preußische Jahrbücher*, xxiv (1869), 423.

<sup>21</sup> Hermann Schulze, *Die Hausgesetze der regierenden deutschen Fürstenhäuser*, 3 vols. (Jena, 1862–83), vol. i, p. x; vol. ii, p. vi.

<sup>22</sup> Stollberg-Rilinger, *Emperor's Old Clothes*, trans. Dunlap, 8.

<sup>23</sup> Helmut Neuhaus and Johannes Kunisch (eds.), *Der dynastische Fürstenstaat*:

(cont. on p. 7)

practices that might seem irrational from a modern perspective. Revaluating the advantages and disadvantages of the persistent dynastic practice of partible inheritance in early modern Germany, Paula Sutter Fichtner, for instance, showed that land partitions were not simply a sign of individual greed prevailing over the collective interest, but also the product of a dynastic rationale aimed at long-term survival and intra-dynastic solidarity.<sup>24</sup> Since then scholars have reappraised the dynastic rationale of princely families and, in doing so, argued that dynasty should be seen, not only as a biological given, but also as a social construct: as a corporation zealously guarding its communal interest. Karl-Heinz Spieß, for instance, has demonstrated the purposeful development of house regulations by dynasties to adapt to changing circumstances.<sup>25</sup> Wolfgang Weber introduced the concept of *Dynastiesicherung* to examine the strategies that princes and princesses developed to safeguard the interests of their house over the long term. Weber saw dynasty as an ‘optimized form of the family’ held together by the careful nurture of dynastic identity, the historicization of kinship, the continual negotiation of agreements to hold possessions jointly and keep them within the family, marriage practices aimed at expanding family lands and enhancing the dynasty’s status and reputation, as well as rules regarding succession.<sup>26</sup> Of course, as Alexander Jendorff has reminded us,

(n. 23 cont.)

zur Bedeutung von Sukzessionsordnungen für die Entstehung des frühmodernen Staates (Berlin, 1982); Paula Sutter Fichtner, *Protestantism and Primogeniture in Early Modern Germany* (New Haven, 1989); Karl-Heinz Spieß, *Familie und Verwandtschaft im deutschen Hochadel des Spätmittelalters: 13. bis Anfang des 16. Jahrhunderts* (Stuttgart, 1993); Wolfgang E. J. Weber, ‘Dynastiesicherung und Staatsbildung: die Entfaltung des frühmodernen Fürstenstaats’, in Wolfgang E. J. Weber (ed.), *Der Fürst: Ideen und Wirklichkeiten in der europäischen Geschichte* (Cologne, 1998); In Heide Wunder (ed.), *Dynastie und Herrschaftssicherung in der Frühen Neuzeit: Geschlechter und Geschlecht* (Berlin, 2002); Siegrid Westphal, *Kaiserliche Rechtsprechung und herrschaftliche Stabilisierung: Reichsgerichtsbarkeit in den thüringischen Territorialstaaten, 1648–1806* (Cologne, 2002); Cordula Nolte, *Familie, Hof und Herrschaft: das verwandtschaftliche Beziehungs- und Kommunikationsnetz der Reichsfürsten am Beispiel der Markgrafen von Brandenburg-Ansbach, 1440–1530* (Ostfildern, 2005).

<sup>24</sup> Fichtner, *Protestantism and Primogeniture in Early Modern Germany*, ch. 1. See also Liesbeth Gevers, ‘The Miracles of Spain: Dynastic Attitudes to the Habsburg Succession and the Spanish Succession Crisis, 1580–1700’, *Sixteenth Century Journal*, xlv, 2 (2015).

<sup>25</sup> Spieß, *Familie und Verwandtschaft im deutschen Hochadel des Spätmittelalters*.

<sup>26</sup> Weber, ‘Dynastiesicherung und Staatsbildung’.



tensions between individual and house interests were endemic to dynastic power.<sup>27</sup>

Now viewing dynasty as both a biological phenomenon and a constructed corporate entity, historians have increasingly combined horizontal (synchronic), vertical (diachronic) and multicultural approaches to (trans)familial networks, thus opening up a hitherto male-dominated and teleology-prone field of research to include women, illegitimate children and cousins and pay due attention to the challenges of succession inherent in the dynastic system.<sup>28</sup> This broadening of perspectives on dynasty is a welcome development. It has also made the historical concept more elusive. Furthermore, research on the empirical foundation for the practice of Weber's *Dynastiesicherung* is still in its infancy.<sup>29</sup> Moving forwards, we need to combine research on theory and practice to understand how, and the extent to which, members of princely families implemented their own regulations and what was 'dynastic' about them.

Building on the work of scholars approaching princely families as corporations of communal interest and of historians of the future in early modern Europe, and combining examinations of theory and practice, this article argues, firstly, that dynasties were very aware of potential hazards and therefore developed house regulations to deal with threats. Secondly, these house regulations reveal that, in a kind of virtual reality, dynasties formulated 'what if' questions and were capable of imagining a whole range of alternative scenarios for the future. Thirdly, the

<sup>27</sup> Alexander Jendorff, 'Eigenmacht und Eigensinn: zum Verhältnis von Kollektivität und Individualität im alteuropäischen Adel', *Historische Zeitschrift*, ccxcii, 3 (2011), 613–15.

<sup>28</sup> Jeroen Duindam, *Dynasties: A Global History of Power* (Cambridge, 2016); Liesbeth Geevers and Mirella Marini (eds.), *Dynastic Identity in Early Modern Europe: Rulers, Aristocrats and the Formation of Identities* (Farnham, 2015), editors' intro.; Michaela Hohkamp, 'Transdynasticism at the Dawn of the Modern Era: Kinship Dynamics among Ruling Families', in Christopher H. Johnson, David Warren Sabean, Simon Teuscher and Francesca Trivellato (eds.), *Transregional and Transnational Families in Europe and Beyond: Experiences since the Middle Ages* (New York, 2011), 95; Leonhard Horowski, *Die Belagerung des Thrones: Machtstrukturen und Karrieremechanismen am Hof von Frankreich, 1661–1789* (Ostfildern, 2012); Susan Broomhall and Jacqueline Van Gent, *Gender, Power and Identity in the Early Modern House of Orange-Nassau* (Abingdon, 2016); Susan Richter, *Fürstentestamente der Frühen Neuzeit: politische Programme und Medien intergenerationeller Kommunikation* (Göttingen, 2009); and most recently in Kolja Lichy (ed.), *Cognatic Power: Mothers-in-Law and Early Modern European Courts*, special issue of *Court Historian*, xxv, 3 (2020).

<sup>29</sup> Notable exceptions include Nolte, *Familie, Hof und Herrschaft*.

implementation of future-orientated house regulations demonstrates both that dynasties dealt more rationally with potential challenges to their authority than historians have previously assumed, and that these regulations contributed to the associative political practices of the Holy Roman Empire.<sup>30</sup>

Historiography on the Holy Roman Empire has long emphasized its fragmented political character. Political maps of medieval and early modern Germany show a patchwork of many different territories. This changed after the Peace of Westphalia in 1648, when a select group of rulers increasingly consolidated their territories and established quasi-sovereignty over them, heralding the beginning of the end of the Holy Roman Empire. Scholars have now begun to amend this paradigm by pointing to the continued relevance of the Holy Roman Emperor and imperial institutions.<sup>31</sup> And Duncan Hardy has argued convincingly that the scholarly focus on territorialization has overshadowed the high interconnectedness between the political stakeholders of the empire. He has shown that political life in premodern Germany was more integrated than historians had previously assumed. These connections consisted of active horizontal relationships between the empire's 'power-wielders' in both *ad hoc* and increasingly formalized and institutionalized associations. This associative political culture, Hardy argues, is an important explanation for the empire's longevity despite its ostensible lack of unity.<sup>32</sup> As this article will demonstrate, a similar dynamic operated within the princely families of premodern Germany, as their planning for the future was in fact also an associative political practice that can shed new light on the concept of dynasty.

The house of Nassau in the Holy Roman Empire offers an excellent laboratory to study alternative scenarios for the future. A multi-branch family ruling over territories in and around the Westerwald (covering modern-day Rhineland-Palatinate, Hesse and North Rhine-Westphalia), they have a well-documented history of partitions, branch extinctions and intra-dynastic

<sup>30</sup> Also see Duncan Hardy, *Associative Political Culture in the Holy Roman Empire: Upper Germany, 1346–1521* (Oxford, 2018).

<sup>31</sup> For a helpful overview of recent historiography, see Hamish Scott, 'The Changing Face of the Holy Roman Empire', *Austrian History Yearbook*, xlviii (2017).

<sup>32</sup> Hardy, *Associative Political Culture in the Holy Roman Empire*, intro., 70–1.

family agreements.<sup>33</sup> As examples of German *Kleinstaaterei*, which Whaley defined as ‘a (pejorative) term coined in the early nineteenth century to denote the extreme territorial fragmentation of the Reich’, the Nassaus were minor players in the grand narrative of state formation in early modern Europe (much like the families of other imperial counts who practised partible inheritance, such as the houses of Solms, Salm, Hohenlohe, Waldeck and Lippe). Still, an examination of their regulations enables us to understand the dynastic rationale that underpinned their actions, probably even better than in the case of princely houses that have become closely connected to modern nation states. Just like other families of imperial counts, they needed to collaborate on the levels of the family, the neighbouring princes and the empire. Collaboration was necessary to avoid threats from more powerful princes and, owing to the practice of partible inheritance, the fact that the Nassaus received their imperial fiefs jointly from the emperor, and because as a family they enjoyed a single vote in the Wetterau Association of Imperial Counts, which in turn had one vote (a *Kuriatstimme*) in the college of imperial princes of the Imperial Diet.<sup>34</sup>

The imperial context mattered to the Nassaus. They were vassals of the Holy Roman Emperor, which placed them under his imperial jurisdiction. Their plans for the future thus needed to conform to imperial law. Only the right to enfeoffment was hereditary, not the fiefs themselves.<sup>35</sup> Each dynastic succession hence prompted family members to turn to the emperor for feudal investiture and reconfirmation of privileges. At times, disagreements in the family culminated in appeals to the

<sup>33</sup> For relevant (sometimes dated, but still useful) general historical overviews of the family, see E. F. Keller, *Geschichte Nassau's von der Reformation bis zur Neuzeit* (Wiesbaden, 1864); Heinrich von Achenbach, *Geschichte der Stadt Siegen*, 2 vols. (Siegen, 1894), ii; Karl E. Demandt, *Geschichte des Landes Hessen* (Kassel, 1980); Rouven Pons, ‘Oraniens deutsche Vettern: Bedeutung und Selbstverständnis der ottonischen Linie des Hauses Nassau in der Frühen Neuzeit’, *Nassauische Annalen*, cxxvi (2015).

<sup>34</sup> Joachim Whaley, *Germany and the Holy Roman Empire*, 2 vols. (Oxford, 2011), ii, 653; Georg Schmidt, ‘Die politische Bedeutung der kleineren Reichsstände im 16. Jahrhundert’, *Jahrbuch für Geschichte des Feudalismus*, xii (1988), 206; Alexander Jendorff, *Condominium: Typen, Funktionsweisen und Entwicklungspotentiale von Herrschaftsgemeinschaften in Alteuropa anhand hessischer und thüringischer Beispiele* (Marburg, 2010).

<sup>35</sup> Werner Goetz, *Der Leihzwang: eine Untersuchung zur Geschichte des deutschen Lehnrechtes* (Tübingen, 1962), 21.

emperor and his Imperial Aulic Council (Reichshofrat) and Imperial Chamber Court (Reichskammergericht) as the two highest imperial arbiters. And the Reformation, Counter-Reformation and Thirty Years War (1618–48) complicated the implementation and adjudication of house regulations, allowing for an investigation of the implementation of house regulations in times of turmoil.

The sources for this article consist of Nassau family regulations, including testaments, a partition treaty, an *Erbverein* (association of inheritance) and marriage contracts. After a discussion in section II of the issues that these texts sought to regulate, sections III and IV will measure their normative character against their practical implementation in two cases that reveal the future-mindedness of dynasties. The first case involves a religious conversion in the 1610s and its legal consequences. The second case concerns an unequal marriage in 1669 and subsequent discussions about the succession. The starting point is the beginning of the seventeenth century, when the core possessions of the Ottonian branch of the family in Germany were concentrated in the hands of one man: John VI of Nassau (1536–1606).

## II

### BRANCHING OUT: FAMILY REGULATIONS

By their very definition — the line of succession — dynasties are interested in posterity. Their worst-case scenario is dying out.<sup>36</sup> To prevent extinction, princely families in early modern Germany spread risks, for example by using partitions to enable multiple sons to marry *standesgemäß*, that is, a partner of equal birth, establishing a reservoir of dynastic spares in parallel lines. They also created regulations to organize future successions.<sup>37</sup> The first known Nassau pact was the *Prima Divisio* of 1255

<sup>36</sup> H. M. Scott and Christopher Storrs, 'The Consolidation of Noble Power in Europe, c.1600–1800', in Scott (ed.), *European Nobilities in the Seventeenth and Eighteenth Centuries*, i, 14–15.

<sup>37</sup> Johann Jacob Moser, *Teutsches Staats-Recht*, pt xxiii, *Darinnen von dem Herkommen in denen Häusern derer weltlichen Reichs-Stände in Ansehung derer Familien- und Haus-Verträgen, derer Familien Streitigkeiten und Austräge, des Rangs unter denen Glidern der Familie, so dann noch mancherley anderer Familien-Sachen, weiter in Ansehung eines Regierungs-Nachfolgers Verbindung an seiner Vorfahren Handlungen und endlich ihrer Schulden, besonders deren, so nicht auf dem Lande hafften, gehandelt wirdt* (Leipzig, 1746), 72–9, 153.

between Walram and Otto of Nassau, dividing the Nassau lands in a Walramian and Ottonian line on each side of the river Lahn.<sup>38</sup> This fragmentation of the territory weakened the dynasty politically, but it also necessitated a culture of compromise and collaboration.<sup>39</sup> For example, the brothers pledged that the castle and territory from which the family derived its name, Nassau, was to remain a joint possession in perpetuity.<sup>40</sup> Every once in a while, depending on the number of heirs and land acquisitions, Nassau counts renewed the regulations.<sup>41</sup>

Apart from the need for a sufficient supply of heirs in the future, German families practising partible inheritance also sought to limit the number of heirs to prevent fragmentation of the patrimony. They did so by sending them into the army or the Church.<sup>42</sup> Counts of Nassau, for instance, occupied clerical positions such as provost of Münster and Mainz cathedrals and canon of Cologne Cathedral, and countesses became abbesses in Essen and Thorn.<sup>43</sup> But, like other Protestant families, they lost many of these options when they adopted Lutheranism in the 1530s and Calvinism in the 1570s.<sup>44</sup> A problem more specific to the Nassaus was John VI's large family. In the previous generations since the fifteenth century, the Dutch and German branches of the Ottonian Nassaus had conveniently taken it in turns to die out, while the surviving branch, as a reserve,

<sup>38</sup> *Prima Divisio* (1255): Koninklijk Huisarchief, The Hague (hereafter KHA), inv. A1a, no. 1.

<sup>39</sup> Demandt, *Geschichte des Landes Hessen*, 372.

<sup>40</sup> 'Ordinamus itaque, quod castrum in Nassowe et comicia per totam provinciam ... ratione dominii permaneant indivisa': *Prima Divisio* (1255).

<sup>41</sup> See, for instance, the pact of 1472 which regulated the succession to the Netherlandish and German lands: 'Die Brüder und Grafen Engelbert II. und Johann V. von Nassau-Dillenburg vereinbaren in einem Vertrag, dass ihr Erbe immer in der männlichen Linie am Stamm Nassau verbleiben soll, um einer Erbsplitterung vorzubeugen' (1472): KHA, inv. A2, no. 481.

<sup>42</sup> Spieß, *Familie und Verwandtschaft im deutschen Hochadel des Spätmittelalters*, 252.

<sup>43</sup> For the late medieval appointments in cathedral chapters, see Wilhelm Kisky, *Die Domkapitel der geistlichen Kurfürsten in ihrer persönlichen Zusammensetzung im vierzehnten und fünfzehnten Jahrhundert* (Weimar, 1906), 65–7.

<sup>44</sup> Richter, *Fürstentestamente der Frühen Neuzeit*, 268. There are exceptions as some abbeys became evangelical, such as the Imperial Abbey of Herford, where Frederica Albertina of Nassau-Dillenburg (1668–1719) and Maria Amalia of Nassau-Diez (1684–1771), for example, became canonesses: Teresa Schröder-Stapper, *Fürststäbinnen: frühneuzeitliche Stifteherrschaften zwischen Verwandtschaft, Lokalgewalten und Reichsverband* (Cologne, 2015), 71. See also 'Erklärung der Äbtissin Johanna Charlotte von Herford über die Aufnahme der Prinzessin Maria Amalie von Nassau-Diez als Kanonikerin' (1729): KHA, inv. 26b-III, no. 9.

reunited the Dutch and German lands and repartitioned the patrimony again among the two eldest sons.<sup>45</sup> But John, who inherited all the German lands of the Ottonian Nassaus, fathered more than twenty children, including five surviving male heirs, which seriously complicated the inheritance.

Testaments are ideal sources for analysing changing perspectives on the future. To provide for the ever-growing number of heirs, John VI revoked an earlier emergency testament from 1568 and wrote a new one in 1597. He reminded his heirs that the problem of numerous offspring was compounded by the weak financial position of the family, caused notably by its defence of 'the church of God and the common *patria*' during the Revolt of the Netherlands, in which several counts of Nassau were fighting. Another problem was the protracted and expensive legal battle against the landgraves of Hesse over the succession to the lucrative county of Katzenelnbogen after the death of the heirless last count.<sup>46</sup> With this background John presented his sons in a remarkably detailed way with a number of scenarios for the future regarding succession, religion, marriage and conflict resolution, which demonstrate that dynastic planning for the future took into account changing circumstances.

One major changing circumstance was by itself a reason for dynasties to prepare for the future more thoroughly than before. It concerned the imperial constitution, defined here as the totality of legal relationships between the political elites of the empire. At the Imperial Diet of 1495, Maximilian I passed the Perpetual Peace, which prohibited feuding, and he established the Imperial Chamber Court, creating a new imperial arbiter to resolve inter- and intra-dynastic conflict. As a source of imperial justice, it competed with the Imperial Aulic Council. These two courts adjudicated dynastic conflict by reviewing house pacts and the imperial constitution, which explains why it became increasingly important from the sixteenth century onwards to

<sup>45</sup> Simon Groenveld, 'Spiegel van de tijd: het huwelijk van Willem van Oranje en Anna van Egmont-Buren (1551), geplaatst in het kader van de Habsburgse adelspolitiek', *Jaarboek Oranje-Nassau Museum* (2001), 16. Liesbeth Geever, 'Family Matters: William of Orange and the Habsburgs after the Abdication of Charles V (1555–67)', *Renaissance Quarterly*, lxii, 2 (2010), 469.

<sup>46</sup> 'Testament des Grafen Johann VI. von Nassau-Dillenburg' (1597): Hessisches Hauptstaatsarchiv, Wiesbaden (hereafter HHStAW), 170 I, no. 5237, fo. 2<sup>r</sup>; Otto Meinardus, *Der Katzenelnbogische Erbfolgestreit*, 2 vols. (Wiesbaden, 1899–1902), vol. i, pt 1; vol. ii, pt 1, with a very useful summary of the conflict on pp. 92–7.

anticipate potential conflicts and preclude them as far as possible through family regulations.<sup>47</sup> Families such as the Nassaus also applied to the Imperial Aulic Council for legal confirmation of their family pacts.<sup>48</sup>

In his detailed testament of 1597, John anticipated that fragmentation of the patrimony after his eventual death would complicate both the dynasty's fulfilment of its debts and the joint defence of its financial claims.<sup>49</sup> Primogeniture, however, was not an established practice. He therefore asked his sons to govern their territories 'as long as possible in *gemeinschaft*', and 'enjoy [them] together in a friendly, peaceful and brotherly way, [and] not to move to a partition without significant reason'.<sup>50</sup> John hoped that through co-government of the Nassau territories, which had precedents both within and outside the Nassau family, his sons would 'keep between them as much as possible a suitable equality, which will prevent all brotherly discord, bitterness and partition'.<sup>51</sup> In short, John envisioned two possibilities in 1597: after his death his sons would partition the patrimony among themselves (and weaken the dynasty) or they would decide for co-government (thus preserving dynastic integrity). He recommended the latter option.

Scenarios for the future in last wills reveal that radical change was not unforeseen. The Reformed faith, for example, had united the Ottonian Nassaus since the 1570s, but was still very young. The third article of John's testament reflects on the insecure position of Protestantism in sixteenth-century Europe. In it, he instructed his sons to remain 'with the acknowledged pure evangelical faith ... founded only on God's word' and

<sup>47</sup> Hardy, *Associative Political Culture in the Holy Roman Empire*, ch. 12.

<sup>48</sup> See 'Confirmationes Privilegiorum (deutsche Expedition) (1136–1806), Näck.–Nassau': Haus-, Hof- und Staatsarchiv, Vienna (hereafter HHStA), Reichshofrat (hereafter RHR), Grat. Feud. Conf. priv. dt. Exped. 137.

<sup>49</sup> Notably on the estate of his brother William of Nassau-Orange, who had died in 1584 and left his inheritance in a terrible state: P. Scherft, *Het sterfhuis van Willem van Oranje* (Leiden, 1966).

<sup>50</sup> 'ordtnen und wöllen wir, das zuvor gemelte unsere zu erbenn eingesetzte söhne und manliche erbenn gedachten unsern nachlaß, so lang als immer möglich in gemeinschaft besitzenn', 'freundt-, friedt- und brüederlich miteinander genießenn, ohne erhebliche ursachen zu keiner theilung schreittenn': 'Testament des Grafen Johann VI. von Nassau-Dillenburg' (1597), fo. 2<sup>r</sup>.

<sup>51</sup> 'zwischen ihmenn sovill möglich eine gebürliche gleichheit gehalten und dardurch allem brüederlichen unwillen, verbitterung und trennung vorkommenn werde': *ibid.*, fo. 2<sup>r</sup>.

forbade 'adoption of papist errors or espousal of other opinions and teachings unfounded in God's word'.<sup>52</sup> He did not threaten future converts with disinheritance, but he did remind them that a wrong religious choice would cost them the salvation of their soul. Again, the father imagined two possible scenarios: either that his sons would remain Reformed (and thus bring honour to the family) or that they would stray from the right religious path by converting, for instance, to Catholicism (and risk eternal damnation). Similarly, princes saw misalliances as bad investments with a negative impact on the marriageability of future generations. John had many children, which decreased the chances of equal marriage and required a more explicit denunciation of unequal unions.<sup>53</sup> The sixteenth article of his testament therefore instructed his children to marry *standesgemäß*. Any violation would be 'under penalty of forfeiting half their portion of the inheritance bequeathed in this will'.<sup>54</sup> Once more, John considered alternative scenarios. The marrying sons could marry well through an equal alliance with an imperial countess or through hypergamy with an imperial princess. Or they could marry beneath their station, for instance with an untitled noblewoman or commoner (and as a result lose much of their inheritance).

Plans for the future formulated in a last will, and the actual implementation of these plans after the testator's death are not quite the same thing.<sup>55</sup> John died in October 1606. Less than six months after his death, on 31 March 1607, his sons agreed that 'it would have been desirable, if the occasion had allowed us, that we ... in accordance with the well-intentioned suggestions in our dear late father's testament, for a while remained together'. Yet, after some consideration they 'considered it not

<sup>52</sup> 'allein in Gottes wortt ... gegründter reinen evangelischer lehr', 'annhemmung der päbstischenn irthumben, oder beliebung anderer inn Gottes wortt nicht gegründter opinionen undt lehren': *ibid.*, fo. 1<sup>v</sup>.

<sup>53</sup> Johann Stephan Pütter, *Über Mißheirathen teutscher Fürsten und Grafen* (Göttingen, 1796), 198–9.

<sup>54</sup> 'bey verlust ihres hierinnen vermachten halben erbtheils': 'Testament des Grafen Johann VI. von Nassau-Dillenburg' (1597), fo. 5<sup>v</sup>.

<sup>55</sup> Spieß, *Familie und Verwandtschaft im deutschen Hochadel des Spätmittelalters*, 275; Fichtner, *Protestantism and Primogeniture in Early Modern Germany*, 21; Georg Schmidt, *Der Wetterauer Grafenverein: Organisation und Politik einer Reichskorporation zwischen Reformation und Westfälischem Frieden* (Marburg, 1989), 159; Westphal, *Kaiserliche Rechtsprechung und herrschaftliche Stabilisierung*, 33.



useful' to do so.<sup>56</sup> The siblings decided instead to throw their father's plans for the future overboard and partition the Nassau possessions. The degree of fragmentation that followed was remarkable. (See [Table](#).)

PARTITION OF THE NASSAU POSSESSIONS, 1607

Sons of John VI	Inheritance (excluding less important possessions)	No. of households <sup>a</sup>
William Louis (1560–1620)	Dillenburg, Herborn, Haiger, Tringenstein, Ebersbach	1,982
John VII (1561–1623)	Siegen, Hain, Netphen, Hilchenbach, Ferndorf, Freudenberg, Ginsburg	1,974
George (1562–1623)	Beilstein, Mengerskirchen, Johannsburg, Liebenscheid, Nenderoth, Neukirchen, Marienberg, Emmerichenhain, parts of Löhnberg and Burbach, Rennerod	1,153
Ernest Casimir (1573–1632)	Diez, Flacht, Hahnstätten, Dauborn, Obernhof, Nassau (half)	1,167
John Louis (1590–1653)	(Ober-)Hadamar, Ellar, Lahr, Niederzeuzheim, Frickhofen, Elsoff, Isselbach, Ruppenrod, Eppenrod	1,057.5

<sup>a</sup>The document refers to *Untertanen*, 'subjects': see Karl E. Demandt, *Geschichte des Landes Hessen* (Kassel, 1980), 415.

Historians have traditionally interpreted the partition of 1607 as an irrational and self-defeating fragmentation of the patrimony.<sup>57</sup> Such an evaluation anachronistically privileges the

<sup>56</sup> 'obwohl zu wünschen gewesen, es die Gelegenheit allerseits also geben und ertragen können, daß wir obgemeldte sämtliche Gebrüdere Graffen zu Nassau-Catzenelnbogen &c. unsers geliebten Herrn Vaters seel. in Sr. Lbd. Testament beschehenen wohlgemeinten Andeuten nach, wo nicht gar, doch eine Zeitlang in Gemeinschaft bleiben und seyn mögen; Nachdem wir aber in Überlegung dieses Punctens und fleitziger Erwegung allen dessen Umständen, wie auch Betrachtung jetziger Zeit Gelegenheit gerührtes vorgeschlagenes Gemeinschafts-Mittel (als auf welchen wohlgedachter unser geliebter Herr Vater und Vetter seeliger in Sr. Lbd. Disposition ohne das præcise nicht bestanden) nunmehr gestalten Sachen nach, nicht dienlich, oder vortrüglich ermesen': 'Teilung der Grafschaft Nassau-Katzenelnbogen' (1607): HHStAW, 170 I, no. U 5464, fo. 1<sup>r</sup>. This was a consideration shared by princes in similar circumstances, such as the sons of Elector Joachim I of Brandenburg: Fichtner, *Protestantism and Primogeniture in Early Modern Germany*, 11. Another example is Landgrave Philip of Hesse, who, despite the planned partition of his territory, made provisions to ensure the political integrity of the principality: see Schmidt, *Der Wetterauer Grafenverein*, 159.

<sup>57</sup> Sebastian Schmidt, *Glaube — Herrschaft — Disziplin: Konfessionalisierung und Alltagskultur in den Ämtern Siegen und Dillenburg (1538–1683)* (Paderborn, 2005), 216.

concentration of power in the hands of one individual over the collective management of dynastic resources. Here, Hardy's argument about associative political practices holding the empire together resonates with practices of dynastic power. The Nassau brothers not only divided the patrimony in 1607; as the following paragraphs will show, they also established an associative system to remain together as a family in the future.

The ninth article of the partition treaty stipulated that, in accordance with their father's testament, the eldest agnate, William Louis, should 'receive', as the senior member of the family, the house's imperial, electoral and princely fiefs (*die lehn-hand ... empfangen*) and, in turn, enfeoff vassals of the Nassaus in the name of the five agnates (*in gesamten nahmen*).<sup>58</sup> This practice of enfeoffment prevented fiefs from reverting to the emperor after the death of a single holder.<sup>59</sup> The system of seniority, common in families practising partible inheritance, emphasized the perpetual equality of the agnates. Once obtained, the position of senior was held for life, but it did not automatically devolve on the senior's eldest son after his death.<sup>60</sup> Instead, the eldest male agnate among all descendants of John VI would receive the family's fiefs in the name of the others.<sup>61</sup> The system thus prevented one line from dominating the family.<sup>62</sup>

There are many other examples of the associative systems put in place by the partition and subsequent family regulations. The

<sup>58</sup> 'Teilung der Grafschaft Nassau-Katzenelnbogen' (1607), fo. 5<sup>v</sup>. They did this in a separate agreement: 'Die Söhne des Grafen Johann VI. von Nassau-Dillenburg bestätigen die Übertragung der Lehenhand auf Graf Wilhelm Ludwig von Nassau-Dillenburg' (1607): HHStAW, 170 I, no. U 5529.

<sup>59</sup> Goetz, *Der Leihzwang*, 94.

<sup>60</sup> Fritz Ulshöfer, *Die Hohenlohischen Hausverträge und Erbteilungen: Grundlinien einer Verfassungsgeschichte der Grafschaft Hohenlohe seit dem Spätmittelalter* (Neuenstein, 1960), 72–6; Westphal, *Kaiserliche Rechtsprechung und herrschaftliche Stabilisierung*, 115.

<sup>61</sup> This is indeed what happened. William Louis requested the emperor to recognize him as the senior and enfeoff him as such: Resolutionsprotokoll, 1607 3.IX.–18.XII. (1607): HHStA, RHR, Resolutionsprotokolle saec. XVII. 13. Moser has shown that this was a common practice among the German nobility: Johann Jacob Moser, *Familien-Staats-Recht derer teutschen Reichsstände*, 2 vols. (Frankfurt, 1775), ii, 937–9.

<sup>62</sup> Similar to Jeroen Duindam's observations on matrilineal succession in his global history of dynastic power, the system of seniority as described here reveals a more balanced distribution of power across the family than historians focusing on agnatic succession have appreciated. This opens up new ways of perceiving dynasty, with succession moving not only downwards, but also sideways: Duindam, *Dynasties*, 97–100.

brothers designated the castle of Dillenburg as the central archive for the deeds that documented the family's feudal rights, to be 'put in five different cabinets in the great letter vault in Dillenburg, and that the vault shall be locked with five different locks, of which each lord has one key'.<sup>63</sup> According to the treaty, at least twice a year five clerks, each entrusted with a key from his lord, should assemble in Dillenburg to open the cabinet and access any papers they needed to consult at the time.<sup>64</sup> The brothers also regulated the important issue of the large Nassau debt, which by 1607 had risen to 636,248 florins.<sup>65</sup> Naming practices further demonstrate the continued relevance of the family collective. Even though modern historians for purposes of convenience distinguish between such hyphenated names as Nassau-Dillenburg and Nassau-Siegen, in the seventeenth century all Nassau brothers and their descendants shared the same formal title: 'count of Nassau Katzenelnbogen, Vianden and Diez, lord of Beilstein'.<sup>66</sup> Finally, as a collective, the siblings pledged to act in accordance with Ovid's adage: 'It is no less of a virtue to keep a possession than to acquire it'. Thus they promised each other to pursue the 'succession, conservation and augmentation of our ancient house of Nassau-Katzenelnbogen'.<sup>67</sup>

Since the future is by definition uncertain, alternative scenarios in regulations were conditional and the language reflects this conditionality. This can be seen clearly in a third family regulation: the *Erbverein* of 1607. With this pact, the brothers regulated future successions and also practised scenario planning. Their future-mindedness can be recognized by

<sup>63</sup> 'in fünf unterschiedene Kasten in dem grossen Brieff-Gewölb zu Dillenburg geleet, und das Gewölb mit fünf verschiednen Schlössen, davon jeder Herrschafft ein Schlüssel zuzustellen, verschlossen gehalten werden sollen': 'Teilung der Grafschaft Nassau-Katzenelnbogen' (1607), fos. 5<sup>v</sup>–6<sup>r</sup>.

<sup>64</sup> There is no documentation of these visits, but the archive was used. Take, for example, the documentation used for discussions about a new *Erbverein* in the eighteenth century: 'Aushandlung eines Erbvereins innerhalb des Hauses Nassau-Katzenelnbogen und mit dem Haus Nassau-Saarbrücken' (1491–1727): HHStAW, 171, no. S 2317, unfoliated. The last pages are an inventory of the documents in the Siegen drawer of the Dillenburg archive, dated 1724.

<sup>65</sup> Schmidt, *Der Wetterauer Grafenverein*, 509.

<sup>66</sup> See, for instance, 'Testament des Grafen Johann VII. von Nassau-Siegen' (1607): HHStAW, 170 I, no. U 5475; 'Testament des Grafen Wilhelm Ludwig von Nassau-Dillenburg' (1617): HHStAW, 170 I, no. U 5834.

<sup>67</sup> 'Non minor est virtus, quam quaerere, parta tueri': Ovid, *Ars Amatoria*, 2. 13; 'Succession, Conservation und Vermehrung unsers uralten Hauses Nassau-Catzenelnbogen': 'Teilung der Grafschaft Nassau-Katzenelnbogen' (1607), fo. 4<sup>r</sup>.

conditional wordings such as ‘if it were the case that’, ‘should ... not be the case’, ‘if, however’, ‘were ... to happen’, followed by the contingency the pact sought to regulate and a modified plan to deal with it.<sup>68</sup> The chief goal of the pact was the establishment of a perpetual entail, to prevent the growing number of family members from alienating the possessions, for instance by sale, or by allowing female inheritance, as a result of which allodial possessions could devolve on other families.<sup>69</sup>

Such restriction of succession to male heirs short-changed women. In general, they only inherited movables and money.<sup>70</sup> The brothers did pledge to provide Nassau women with housing, food and clothing for them to live in accordance with their status (*ihrem Standt gemäß*). On marriage, women were entitled to a dowry of 4,000 florins, and 1,000 florins in clothing and jewellery.<sup>71</sup> Yet in accepting this dowry they had to swear an oath relinquishing any future claims on the succession, which indeed they did.<sup>72</sup> The fact that women had to renounce their

<sup>68</sup> ‘wehre es aber sach’, ‘da es aber ... nicht wehre’, ‘wurde aber’, ‘geschehe aber’. These examples are taken from ‘Nassauischer Erbverein’ (1607), article 23: HHStAW, 170 I, no. U 5472.

<sup>69</sup> Richter, *Fürstentestamente der Frühen Neuzeit*, 272–6.

<sup>70</sup> Goetz, *Der Leihzwang*, 30. In the case of the Nassaus: ‘Nassauischer Erbverein’ (1607), fos. 7<sup>r</sup>–8<sup>r</sup>.

<sup>71</sup> There is plenty of evidence that such dowries were generally paid. For a good example of payment in kind, see ‘Aussteuer der Gräfin Sophie Hedwig von Nassau-Diez, geborene Herzogin von Braunschweig-Wolfenbüttel’ (1607): HHStAW, 171, no. E 49 II. See also ‘Solmssche Heiratsgelder (6000 fl.) für Gräfin Amalie von Nassau-Dillenburg’ (1604): KHA, inv. A3, no. 952; ‘Wilhelm Ludwig Graf von Nassau-Dillenburg und seine Brüder bestätigen den Empfang der durch Graf Ernst von Isenburg-Büdingen ausgezahlten Heiratsgelder für Gräfin Elisabeth von Nassau-Dillenburg’ (1612): HHStAW, 170 I, no. U 5672.

<sup>72</sup> ‘Nassauischer Erbverein’ (1607), fo. 7<sup>r</sup>–v. See, for instance, ‘Verzichtsbrief der Gräfin Elisabeth von Waldeck, geb. von Nassau-Siegen’ [daughter of John VII of Nassau-Siegen] (1604): KHA, inv. A4, no. 1325; ‘Verzichtsbrief der Gräfin Magdalene von Nassau-Dillenburg’ [daughter of John VI of Nassau] (1623): KHA, inv. A3, no. 986; ‘Verzichtsbrief der Gräfin Magdalene von Nassau-Dillenburg’ [daughter of Louis Henry of Nassau-Dillenburg] (1662): KHA, inv. A3, no. 1110. Similar clauses appear in other house pacts, such as the *Geraische Hausvertrag* of Onolzbach (1603) in the house of Hohenzollern: Schulze, *Die Hausgesetze der regierenden deutschen Fürstenhäuser*, iii, 719. See also Johann Jacob Moser, *Teutsches Staats-Recht*, pt xv, *Darinnen der Rest der Materie von denen Theilungen vorgetragen und dann ferner von dem Herkommen in denen Häusern derer weltlichen Reichs-Stände in Ansehung der gemeinschaftlichen Regierung, wie auch derer in Gemeinschaft behaltenden einzelnen Stücke, nicht weniger der Collateral-Succession und endlich des Verzichtes derer Töchtern gehandelt wird* (Leipzig, 1744), ch. 79.

claims explicitly indicates that their exclusion from succession was not automatic and needed to be reconfirmed time and again.

Extinction was the worst-case scenario that the *Erbverein* regulated. In case of a branch's extinction, the Nassaus practised a system of collateral succession called *Fortrückung*, which provided a clear if rather complicated script.<sup>73</sup> According to this system, should William Louis die without male heirs, Dillenburg and the rest of his fiefs would fall to John VII, who would subsequently have to surrender Siegen to George, who, in turn, would be required to yield Beilstein to Ernest Casimir, who would give up Diez to John Louis. The remaining portion vacated by John Louis would be divided equally among the two most junior branches. The rationale behind this collective system was to emphasize that the fiefs were ultimately held jointly by the agnates and to compensate the youngest brothers, who had been relatively ill-provided for in the partition of 1607.

Article 23 of the *Erbverein* served to prevent, or at least limit the negative consequences of, family conflict. It observed that nothing is more dangerous to a family than one of its members alienating his share of the patrimony. Relatives without male heirs were particularly suspect. The Nassau brothers declared that 'daily experience' had taught them that 'some agnates whom our Lord God has not blessed with male children' tended to squander family possessions.<sup>74</sup> The brothers agreed that, 'although we do not hope that someone among us or our heirs are or will be of such a disposition', an offender would 'first be warned and reasoned with, and be compelled to give a reason for and answer to his actions'.<sup>75</sup> To prevent lands from falling

<sup>73</sup> 'Testament des Grafen Johann VI. von Nassau-Dillenburg' (1597), fos. 2<sup>v</sup>-3<sup>r</sup>.

<sup>74</sup> 'Und dieweil wir auch aus der täglichen Erfahrung gelernet, dass zu Zeiten, wie dann dessen wohl frische Exempel, da nöthig, aus anderen Familien anzu ziehen wären, etliche Agnaten, welche unser Herr Gott mit keinen mannlichen Kindern gesegnet gehabt, sich unterstanden haben, Ihre Graff- und Herrschafften unter allerhandt Schein mit ohnnöthigen Schulden zu beladen, und dasselbig auffgenommene Geldt entweder übel zu verprassen, unnützen nichtwürdigen Leuthen zu verschencken, oder in andere ihnen gefällige Wege zu verschwenden': 'Nassauischer Erbverein' (1607), fo. 10<sup>v</sup>.

<sup>75</sup> 'ob wir wohl nun gar nicht hoffen wollen, dass jemand unter Uns oder Unsern Erben eines solchen Gemüths ist oder indkünfftig seyn, sonder viel mehr auff unser und unsers löblichen Hauses Nassau Catzenelnbogen &c ... jedoch ... [haben wir] verglichen und vereiniget, das ein solches keinem unter Uns und Unsern Erben soll passiret undt guth geheissen werden, sondern sobald man vermercken wirdt, das der ein oder ander übel hausen, und seine Sachen zum Verlauffen gerathen wollen, so soll derselbige zufförderst verwarnet undt zu Reden

(cont. on p. 21)

into ‘strange hands’ (*frembde hände*), the brothers agreed that any such transfer ‘would be and remain null, void and invalid’.<sup>76</sup> If, owing to financial problems, an agnate should have to sell allodial land, he would first need to offer it to another member of the *Erbverein* or, if that proved impossible, to other families in the Wetterau Association of Imperial Counts.<sup>77</sup> In cases of conflict, Nassau relatives pledged in the first instance to settle their disputes internally. Only if attempts to do so failed would they be allowed to appoint an impartial judge from a neighbouring family. His ruling would be final, and appeal to the Imperial Chamber Court or Imperial Aulic Council only permitted if the losing party refused to accept the verdict.<sup>78</sup> Although the brothers as a collective disliked the idea of involving these courts in their family affairs, each of the Nassau agnates enjoyed imperial immediacy personally, which meant that house pacts could not actually prevent appeals to imperial justice.<sup>79</sup>

The scenarios formulated in house regulations such as the *Erbverein* did not prognosticate the future, but they did offer a realistic idea of what could happen. All sons of John VI signed the house law except for the youngest, John Louis, who was still a minor at the time. He was represented by his guardians, cousin Herman Adolf of Solms and uncles John Albert of Solms and George of Sayn and Wittgenstein.

The Nassau brothers committed themselves and their descendants to these scenarios by introducing an obligatory oath — a common feature of German family pacts and typical of the associative political culture in Germany — to be sworn by all

(n. 75 cont.)

gestellt warden, er auch von seinem Thun Rede undt Antwertt zu geben schuldig seyn’: *ibid.*

<sup>76</sup> ‘nichtig, krafftloß und von Ohnwürden seyn undt bleiben’: *ibid.*, fo. 9<sup>r</sup>.

<sup>77</sup> *Ibid.*, fo. 9<sup>v</sup>. Even though the *Erbverein* mentions the Imperial Chamber Court, owing to its slow handling of cases noble families (including the Nassaus) in the seventeenth century increasingly resorted to the Imperial Aulic Council: Ulshöfer, *Die Hohenlohschen Hausverträge und Erbteilungen*, 92–9; Oswald von Gschließer, *Der Reichshofrat: Bedeutung und Verfassung, Schicksal und Besetzung einer obersten Reichsbehörde von 1559 bis 1806* (Vienna, 1942), 45.

<sup>78</sup> ‘Nassauischer Erbverein’ (1607), fos. 11<sup>r</sup>–12<sup>r</sup>.

<sup>79</sup> Jürgen Weitzel, ‘Die Hausnormen deutscher Dynastien im Rahmen der Entwicklungen von Recht und Gesetz’, in Neuhaus and Kunisch (eds.), *Der dynastische Fürstenstaat*, 47; Quinten Somsen, ‘Intra-Dynastic Conflict and the Empire’, in Marija Wakounig and Ferdinand Kühnel (eds.), *East Central Europe at a Glance: People, Cultures, Developments* (Berlin, 2018), 57.

male agnates on reaching the age of 18.<sup>80</sup> Thus the *Erbverein* regulated the succession for all male successors for as long as two or more branches existed (which was in fact until the death of William Hyacinth of Nassau-Siegen in 1743, when only the Nassau-Diez branch survived). Approximately forty-five male agnates pledged to uphold the *Erbverein* in the period 1607–1727. The house regulations discussed in this section reveal little about the actual implementation of the rules, however, except for the fact that, combined, they demonstrate that the brothers did not follow in 1607 their father's instruction in his testament ten years earlier to co-govern the Nassau territory in Germany.

### III

#### FAMILY RULES IN PRACTICE: RELIGIOUS CONVERSION

Changing circumstances in the present required dynasties to rethink their future and adjust their behaviour. So although early modern princely families looked to the past to divine what could happen in the time to come, this was a very dynamic process. A combined examination of the seemingly static theory and the dynamic practice reveals, as we shall see in the following two sections on conversion and misalliance, how individuality put tension on collective regulations.

Dynasties could foresee change to a certain degree. After the partition of 1607, the second of the five brothers, John VII of Nassau-Siegen, made his will, in which he introduced primogeniture in his part of the patrimony. His motivation was that further fragmentation would lead to 'the ultimate ruin of our mentioned portion'.<sup>81</sup> Like his father he had many children and the Nassau territory had become so fragmented that the incomes of the various parts were barely enough to live on. He therefore made his eldest son, John Ernest, heir apparent to all the Nassau-Siegen lands.<sup>82</sup> Yet disaster struck in 1617 when the

<sup>80</sup> 'Nassauischer Erbverein' (1607), fos. 12<sup>v</sup>–13<sup>r</sup>. There is widespread evidence that most male descendants of the Nassau brothers took the oath: see, for instance, Louis Henry of Nassau-Dillenburg (1619): HHStAW, 170 I, no. U 5899; Henry of Nassau-Dillenburg (1652): HHStAW, 170 I, no. U 6859; Hardy, *Associative Political Culture in the Holy Roman Empire*, 31–40.

<sup>81</sup> 'endlichen underganck berürten unseren ahnthails': 'Testament des Grafen Johann VII. von Nassau-Siegen' (1607), fo. 3<sup>v</sup>. For similar considerations in other houses, see Richter, *Fürstentestamente der Frühen Neuzeit*, 262–4.

<sup>82</sup> 'Testament des Grafen Johann VII. von Nassau-Siegen' (1607), fos. 3<sup>v</sup>–4<sup>r</sup>.

heir contracted dysentery during the Uskok War and died without children.

The death of the heir would not have been so problematic had the second-eldest son, John VIII, not converted to Catholicism.<sup>83</sup> On 9 December 1612, he converted in the presence of Pope Paul V during a stay in Rome.<sup>84</sup> Although genuine concern for his own salvation cannot be ruled out as a motivation for the conversion, John's religious choice was probably at least partly inspired by opportunistic considerations, including his desire to marry the Catholic princess Ernestine Yolande of Ligne. After the wedding had indeed taken place in 1618, the princess's father informed his overlord, Philip III of Spain, of the event. He wrote that John VIII had become a Catholic and entered into his majesty's service, 'without which conditions we would not have heard of it [the marriage]'.<sup>85</sup> A widely felt concern about the future of Protestantism during the Catholic revival and the run-up to the Thirty Years War probably also motivated John VIII.<sup>86</sup>

Once news of the conversion broke, it became clear to his relatives that John's visions of the future had drifted away from those of the rest of the family. The *Acta Missionis Hollandicae* (a late seventeenth-century overview of Jesuit activities

<sup>83</sup> H. J. Allard, *Johan de Jongere van Nassau-Siegen* ('s-Hertogenbosch, 1877); Karl Wolf, 'Die Konversion des Grafen Johann des Jüngeren von Nassau-Siegen', *Nassauische Annalen*, lxxvi (1965); Gerhard Specht, *Johann VIII. von Nassau-Siegen und die katholische Restauration in der Grafschaft Siegen* (Paderborn, 1964); Lorenz Baibl, 'Konversion und Sukzession: die Grafen von Nassau-Siegen zwischen dynastischer Einheit und konfessioneller Spaltung', in Hartwin Brandt, Katrin Köhler and Ulrike Siewert (eds.), *Genealogisches Bewusstsein als Legitimation: inter- und intragenerationelle Auseinandersetzungen sowie die Bedeutung von Verwandtschaft bei Amtswechseln* (Bamberg, 2009); Susan Broomhall and Jacqueline Van Gent, 'Converted Relationships: Re-negotiating Family Status after Religious Conversion in the Nassau Dynasty', *Journal of Social History*, xlvii, 3 (2014).

<sup>84</sup> For more on the conversion, see Specht, *Johann VIII. von Nassau-Siegen und die katholische Restauration in der Grafschaft Siegen*; Wolf, 'Die Konversion des Grafen Johann des Jüngeren von Nassau-Siegen'; Allard, *Johan de Jongere van Nassau-Siegen*; Baibl, 'Konversion und Sukzession'.

<sup>85</sup> 'sans lesquelles conditions nous n'y eussions volus entendre': Lamoral of Ligne to Philip III, 16 Aug. 1618: Archivo General de Simancas, fondo Estado, legajo 2305, unfoliated. With many thanks to Dries Raeymaekers for generously sharing this useful reference with me.

<sup>86</sup> Ralf-Peter Fuchs, 'Gegen die Apokalypse? Zukunftsdiskurse im Dreissigjährigen Krieg', in Achim Landwehr (ed.), *Frühe Neue Zeiten: Zeitwissen zwischen Reformation und Revolution* (Bielefeld, 2012), 240.



attributed to the Jesuit Norbertus Aerts) for the year 1614, provides a general summary of the reactions John received from his family.<sup>87</sup> The author remarked that, following John's conversion, the count had 'to fight a domestic war with flesh and blood against the men and women of his house, especially against the bearers of the Nassau name'.<sup>88</sup> They repeatedly tried to change John's mind, according to the Jesuit, and argued that if he persisted in his errors, he would 'press an eternal stain on the blood of the Nassaus'.<sup>89</sup> Aerts praised John for his steadfast conviction, especially the consistency with which the count had always deflected criticisms. Ostensibly referring to the Revolt of the Netherlands, John apparently said 'that he, by changing religion, had returned to the ancestral glory of the Nassaus, whence they, who to the eternal dishonour and disgrace of the Nassau family had abjured the Catholic king and religion, had first deviated'.<sup>90</sup>

This kind of triumphalist Jesuit narrative reflected, but probably also bolstered the count's resolve to place himself in a longer line of Nassau history in order to let the Reformation's share in it pale in comparison. Writing to his father in December 1613, John argued that by converting he returned to the religion 'in which all our praiseworthy ancestors have died and without doubt have become blessed'.<sup>91</sup> His declaration shows that the convert saw his religious choice and concern for his own salvation as a personal affair, but also that he wanted to trump

<sup>87</sup> Joep van Gennip, *Controversen in context: een comparatief onderzoek naar de Nederlandstalige controversepublicaties van de jezuïeten in de zeventiende-eeuwse Republiek* (Hilversum, 2014), 83.

<sup>88</sup> 'Enimvero postquam illius ad Catholicorum partes transition manarat in vulgus, domesticum ei bellum cum carne et sanguine ac principibus stirpis suae viris matronisque gentilibus, maxime Nassovis nominis, ingens exortum': [Norbertus Aerts?], *Acta Missionis Hollandicae Societatis Iesu*, ii (1614–23): Royal Library, Brussels, MS 11991, cat. 4084, format B, p. 44; trans. Allard, *Johan de Jongere van Nassau-Siegen*, 32.

<sup>89</sup> 'sempiternam Nassovico sanguini dedecoris notam inureret': *ibid.*; trans. Allard, *Johan de Jongere van Nassau-Siegen*, 33.

<sup>90</sup> 'illud identidem reponebat se demum, mutata religion, in avitam Nassoviorum gloriam postliminio rediisse, a qua primum exciderant ii, qui cum aeterno Nassovicae gentis dedecore atque ignominia, Catholico Regi ac Religioni nuntium miserunt': *ibid.*; trans. Allard, *Johan de Jongere van Nassau-Siegen*, 33.

<sup>91</sup> 'in welcher all unsere löbliche voreltern gelebt, gestorben und ohne allen zweifel selig worden seindt': John VIII of Nassau Siegen to John VII of Nassau-Siegen, 26 Dec. 1613: HHStAW, 170 III, no. 311, fo. 249<sup>r</sup>.

the possible objections against his abandonment of one family value with an appeal to another, older one.

A classic argument of Counter-Reformation propagandists was that Catholicism's antiquity demonstrated its verity.<sup>92</sup> While Catholicism had more than a thousand years of tradition, Protestantism was in the eyes of many not even a century old. John attached his 'Important and Thorough Motives and Causes' to this letter, in which he elaborated on this argument of seniority.<sup>93</sup> Roman Catholicism had begun with Christ and the Apostles, and survived 'continuously without downfall or any alteration until the present time'.<sup>94</sup> The Nassau family had practised Roman Catholicism for 'many hundreds of years'. 'One finds, conversely', John VIII explained, 'that all other vague sects, such as the Lutherans of Luther, and the Calvinists of Calvin, do not trace back their origin to 1,500 years, not even to a hundred years, and not to Christ, but to Luther and Calvin'.<sup>95</sup> He added that, surely, this was 'indicative of a mistaken faith'.<sup>96</sup> The prestige of seniority, which John considered a valid argument by itself in favour of his religious choice, also had dynastic implications. John found it an 'abhorrence' (*grewell*) to believe, as he apparently thought Calvinists did, that the many generations of Catholic forebears were damned.<sup>97</sup> With this argument he cleverly demonstrated his continued loyalty to the dynasty, while removing its link to Protestantism. The active role of Nassau counts in the reformations of the sixteenth century was, according to the convert, merely an undesirable glitch in the long-standing Catholic traditions of the ancestors.

<sup>92</sup> Euan Cameron, 'Primitivism, Patristics, and Polemic in Protestant Visions of Early Christianity', in Katherine Van Liere, Simon Ditchfield and Howard Louthan (eds.), *Sacred History: Uses of the Christian Past in the Renaissance World* (Oxford, 2012), 31.

<sup>93</sup> 'Erhebliche vnd gründliche Motiva und Vrsach, warum ... Herr Johann Graff von Nassau etc. sich zum Römischen Catholischen Glauben begeben hat': Forschungsbibliothek Gotha, Briefwechsel von Johannes und Philipp Ludwig Piscator, Signatur: Chart. A130, fos. 608<sup>r</sup>-13<sup>v</sup>.

<sup>94</sup> 'stehts ohne undergang oder einige verenderung bis auf die itzige unsere zeitt herrührend': *ibid.*, fo. 609<sup>v</sup>.

<sup>95</sup> 'Endgegen befindet man klärllich, dasz alle andere itz schwebende secten, als die Lutheraner von Luthero, undt die Calvinisten von Calvino, nitt von 1500, sondern ja nicht von 100 jahren, nicht von Christo, sondern Luthero undt Calvino ihren ursprunck herführen': *ibid.*, fos. 610<sup>v</sup>-11<sup>r</sup>.

<sup>96</sup> 'eines irrigen glaubens rechte anzeig': *ibid.*, fo. 611<sup>r</sup>.

<sup>97</sup> *Ibid.*, fos. 612<sup>v</sup>-13<sup>r</sup>.

John's justifications clashed with the cultivated image of the Nassaus as protectors of Protestantism, and spoiled his family's plans for the future.<sup>98</sup> In March 1614, his father replied to his son's motivations 'not without extreme concern' and found them 'so little, ill-informed and insignificant and unfounded in God's Word, that they could easily be rejected and ... contradicted by lowly idiots'.<sup>99</sup> His own father, John VI, had for good reason instructed in his testament that all his descendants should uphold the Reformed faith. He reminded his son that all Nassau relatives had for the sake of the religion risked 'goods, blood and all that we have had'.<sup>100</sup> The convert, however, refused to go back on his decision. He married Ernestine Yolande de Ligne, entered Habsburg military service and bought the South Netherlandish barony of Ronse, and Philip III appointed him knight of the Order of the Golden Fleece.

In 1618, John VII contemplated the implications of his son's conversion.<sup>101</sup> Interpreting it as a serious violation of the family rules and unwilling to put Protestantism in the Nassau territories in jeopardy, he altered existing plans for the succession in two ways. Firstly, the count relinquished his claim on the eventual *Fortrückung* to Nassau-Dillenburg. As the Table has shown, after their father's death the five sons divided the Nassau patrimony in respectively Dillenburg, Siegen, Beilstein, Diez and Hadamar.<sup>102</sup> The system of *Fortrückung* prescribed that if William Louis, the eldest, died without male heirs, Dillenburg would fall to John VII. Even though John VI, as testator, had considered a virtually unlimited number of possible scenarios, this first (and in the testament most elaborate)

<sup>98</sup> Jasper van der Steen, *Memory Wars in the Low Countries, 1566–1700* (Leiden, 2015), 128–9; Schmidt, *Glaube — Herrschaft — Disziplin*; Jill Stern, *Orangism in the Dutch Republic in Word and Image, 1650–75* (Manchester, 2010).

<sup>99</sup> 'nicht ohne besonder hohe bekümmernis', 'deromassen gering, schlecht, unerheblich und in Gottes Wortte ungegründet befinde, dasz dieselben leichtlich auch von geringen idioten abgelehnt und ... wiederlegett werden könttenn': John VII of Nassau-Siegen to John VIII of Nassau-Siegen, 17 Jan. 1614: KHA, inv. A4, no. 1366, unfoliated.

<sup>100</sup> 'gutt, blutt, und alles wasz wir gehabt': *ibid.*

<sup>101</sup> 'Erklärung des Grafen Johann VII. von Nassau-Siegen über die Zukunft seines Territoriums nach dem Übertritt seines Sohnes Johann VIII zum Katholizismus' (1618): HHStAW, 171, no. 548.

<sup>102</sup> In principle, John VI had made substantial bequests in 1597 mainly to his three eldest sons ('Testament des Grafen Johann VI. von Nassau-Dillenburg' (1597), fo. 2<sup>r-v</sup>), but in 1607 all the sons applied the system of *Fortrückung* to the five portions.

scenario almost became reality. William Louis of Nassau-Dillenburg had been a widower since 1588, had never remarried, was in his fifties, and had no children. To pre-empt the situation in which the ancestral castle of Dillenburg with the family archive fell into Catholic hands, John VII gave up his claims on behalf of himself and his heirs in his Renunciation of 1618.<sup>103</sup>

Secondly, after several intermediate stages he replaced his previous wills with a new testament. In this new document he wrote ‘that we have taken our last testaments from the archive in Dillenburg and brought to our hands, and transected and truly annulled [them]’.<sup>104</sup> Plate 1 shows the invalidated testament of 1607. The most important innovation in the testament of 1621 was the reversal of the primogeniture. Despite his earlier reluctance to cause further territorial fragmentation, John VII now saw it as a lesser evil and decided that his territory should be subdivided in three parts after his death. His eldest son would receive only one of those parts.<sup>105</sup> Although he did not say so explicitly, the aim of this alteration was to prevent a Catholic restoration in Siegen.<sup>106</sup>

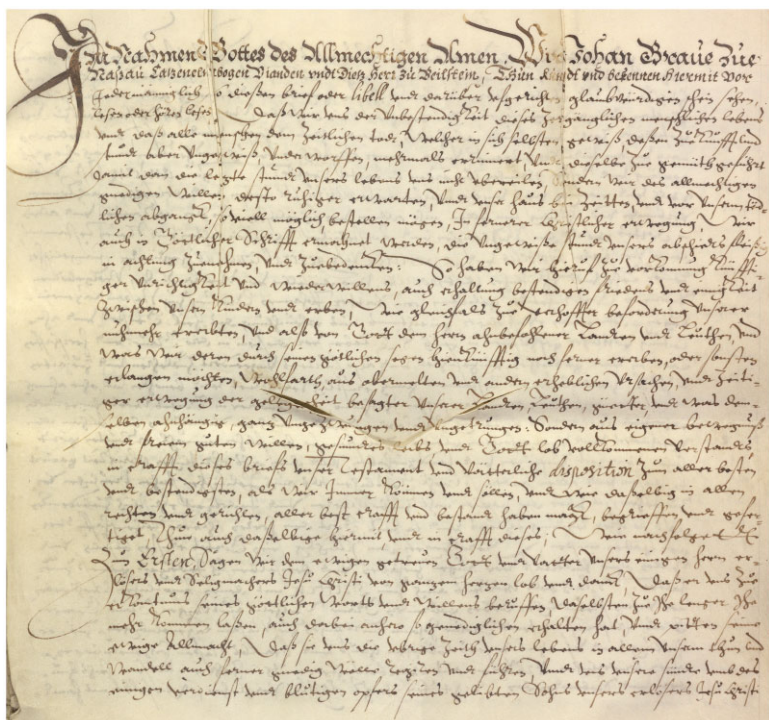
In 1623, John VII died and his testament of 1621 came into effect. Since its revocation of the primogeniture lacked imperial confirmation and downgraded John VIII without his permission

<sup>103</sup> ‘Verzicht des Grafen Johann VII. von Nassau-Siegen auf die Erbfolge in Nassau-Dillenburg nach dem Tod seines kinderlosen Bruders Wilhelm Ludwig wegen des Übertrittes seines Sohnes Johanns VIII. zum Katholizismus’ (1618–19): HHStAW, 171, no. Z 2840. See also ‘Erklärung des Grafen Johann VII. von Nassau-Siegen über die Zukunft seines Territoriums nach dem Übertritt seines Sohnes Johann VIII zum Katholizismus’: HHStAW, 171, no. J 548, unfoliated. Ernst Casimir of Nassau-Diez and John Louis of Nassau-Hadamar also renounced their rights of ‘moving up’ to respectively Beilstein and Diez. As a result, the four remaining brothers divided Beilstein among themselves: Moser, *Teutsches Staats-Recht*, pt xv, p. 400.

<sup>104</sup> ‘wir dieselbige unsere zwey letzte willen aus dem dillenburgischen Archivio erheben, undt zu unseren handen bringen laßen, auch selbstenn uffgeschnitten, und alß würcklich cassirt haben’: ‘Testament des Grafen Johann VII. von Nassau-Siegen’ (1621): KHA, inv. A4, no. 1268a, fo. 2<sup>v</sup>.

<sup>105</sup> Specht, *Johann VIII. von Nassau-Siegen und die katholische Restauration in der Grafschaft Siegen*, 15–46.

<sup>106</sup> ‘Testament des Grafen Johann VII. von Nassau-Siegen’ (1621), fos. 4<sup>r</sup>–6<sup>v</sup>. A document entitled ‘Schema Successionis nach dem Testamento de anno 1621’ lists several alternative courses of the future succession on the basis of the testament of 1621 and reveals explicit scenario thinking: ‘Erbfolge-, Schulden-, Religions- und Huldigungsangelegenheiten der Grafen zu Nassau’: Landesarchiv NRW Abteilung Westfalen, Münster, E 401/Fürstentum Siegen, Landesarchiv — Akten, no. 103, fos. 128–31.



The invalidated testament of John VII (1607), HHStAW 170 I Nr (U) 5475

from sole heir to co-heir, its legal validity was open to interpretation. Feeling wronged, John VIII sent a formal protestation to the devout Catholic emperor, Ferdinand II, who that same year issued a mandate which copied and pasted many of John's arguments, and annulled the testament of 1621.<sup>107</sup> Justified by this mandate, John VIII took Siegen by force. The Nassau conflict mirrored the vicissitudes of the Thirty Years War. The war fanned existing disagreements in the family and ravaged the region of the predominantly Protestant Wetterau and Westerwald, of which the Nassau lands were part.<sup>108</sup> Once

<sup>107</sup> 'Erbfolge-, Schulden-, Religions- und Huldigungsangelegenheiten der Grafen zu Nassau', fos. 263–7, 290–2.

<sup>108</sup> For other examples of how the Thirty Years War stirred up family conflict, see Kurt Beck, *Der Hessische Bruderzwist zwischen Hessen-Kassel und Hessen-Darmstadt in den Verhandlungen zum Westfälischen Frieden von 1644–1648* (Frankfurt am Main, 1978) (on the Hessian War between the Calvinist Hessen-Kassels and the Lutheran

Sweden entered the war, King Gustavus Adolphus supported the Protestant younger brother of John VIII, John Maurice, as he captured Siegen. After the imperial triumph at the Battle of Nördlingen in 1634, however, John VIII had himself reinaugurated in Siegen with the support of the Holy Roman Emperor. In 1644, the Protestant brothers of John VIII took control of Siegen's upper castle, the residence of the Catholic counts of Nassau-Siegen.<sup>109</sup> The Peace of Westphalia ended the war and also settled many conflicts among the ruling dynasties of the empire. Article 4, paragraph 29 of the Treaty of Osnabrück confirmed that 'Count John Maurice of Nassau and his brothers shall remain uncontestedly in possession, but only of the portions allocated to them'.<sup>110</sup> As part of the imperial peacemaking process, Ferdinand III confirmed in 1649 the testament of 1621, and in 1651 the brothers agreed on a settlement that arranged for bi-confessional coexistence in Siegen.<sup>111</sup> The Protestant and Catholic branches of the Nassau-Siegens would remain divided until their successive extinctions in the 1730s and 1740s.

This section has shown that dynastic plans for the future reflected the circumstances of the time. When circumstances changed radically (in this case owing to a religious conversion), so did plans for the future. The reactions to John VIII's conversion demonstrate that the Nassaus contemplated hypothetical future scenarios and, in doing so, adopted a flexible approach to what they might bring.

(n. 108 cont.)

Hessen-Darmstadts); Hansmartin Schwarzmaier, *Baden: Dynastie — Land — Staat* (Stuttgart, 2005) (for the conflicts between the Lutheran house of Baden-Durlach and the Catholic house of Baden-Baden); Andrew L. Thomas, *A House Divided: Wittelsbach Confessional Court Cultures in the Holy Roman Empire, c.1550–1650* (Leiden, 2010) (concerning confessional tensions within the Wittelsbach family).

<sup>109</sup> Specht, *Johann VIII. von Nassau-Siegen und die katholische Restauration in der Grafschaft Siegen*, 199, 209.

<sup>110</sup> 'Johann Moritz von Nassau und seine Brüder sollen jedoch nur an den ihnen zustehenden Anteilen unangefochtenen Besitz haben': *Instrumentum Pacis Osnabrugensis*, cited from the German translation in Arno Buschmann, *Kaiser und Reich: Verfassungsgeschichte des Heiligen Römischen Reiches Deutscher Nation vom Beginn des 12. Jahrhunderts bis zum Jahre 1806 in Dokumenten*, 2 vols. (Baden-Baden, 1994), ii, 27–8.

<sup>111</sup> 'Haupt- und Nebenrecess in den Auseinandersetzungen zwischen der katholischen und reformierten Linie des Hauses Nassau-Siegen' (1651): HHStAW, 170 II, no. 1651b.

## IV

## FAMILY RULES IN PRACTICE: UNEQUAL MARRIAGE

Historians have long dated the start of the decline of the Holy Roman Empire to about 1648, arguing that from the ravages of the Thirty Years War emerged increasingly absolutist princes who undermined imperial authority. Yet recent research has demonstrated the continuing relevance of the empire and the emperor for the imperial estates.<sup>112</sup> This section develops this point further and shows that in post-Westphalian Germany, too, the imperial constitution framed dynastic outlooks on the future and played a key role in determining the parameters for acceptable dynastic behaviour.

Just as John VI explicitly instructed his heirs to remain within the Reformed Church, he also instructed all his children to marry *standesgemäß* and to provide any daughters with dowries so that they could marry according to their status.<sup>113</sup> Like religious conversions, misalliances, as violations of the rules, offer a useful opportunity to see how scenario thinking worked out in practice. A case in point is the third marriage of John Francis Desideratus of Nassau-Siegen, the son of the convert John VIII. John Francis married three times. The first marriage, to Countess Joanna Claudia of Königsegg-Rotenfels-Aulendorf, and the second, to Margravine Maria Eleonora Sophia of Baden-Rodemachern, were from the Nassau perspective endogamous. With the latter spouse, John Francis fathered a surviving male heir, William Hyacinth (1667–1743). However, Maria Eleonora died in childbirth in 1668 and a year later John Francis married his third wife, Isabella du Puget de la Serre, who had been a lady-in-waiting to his second spouse and was an untitled noblewoman. By 1669, all the Ottonian Nassaus, in contrast, had been elevated to princely rank. This misalliance and the conflicts it provoked are particularly well documented in a collection of files kept at the Hessische Hauptstaatsarchiv in Wiesbaden. The documents were probably compiled late in the

<sup>112</sup> Whaley, *Germany and the Holy Roman Empire*, i, intro.; Stollberg-Rilinger, *Emperor's Old Clothes*, trans. Dunlap, intro.

<sup>113</sup> 'Testament des Grafen Johann VI. von Nassau-Dillenburg' (1597), fo. 5<sup>v</sup>. The Ottonian Nassaus contracted approximately 115 marriages in the period 1600–1816. Virtually all of these were *standesgemäß*: H. M. Spruyt-Kooij, 'Marriages in the Ottonian Nassau Dynasty, 1550–1815', first published online 2 Jan. 2019, doi: 10.17026/dans-xy7-5y7x.

eighteenth century as testimony against the claims to succession of all the descendants from this third marriage after the death of William Hyacinth in 1743. Although compiled long after the actual conflicts, these documents provide a unique insight into the family reactions to the unequal marriage.<sup>114</sup>

The relatives of John Francis were unable to punish their cousin with disinheritance because he had already succeeded his father. Still, they saw his misalliance as a break from tradition and a threat to the family's future. Writing to him in May 1670, his mother-in-law, Maria Sidonia, expressed her disapproval 'that you have could ... have forgotten the love and fidelity of your dear consort', and reminded him that her late daughter had done her duty by giving birth to three sons (two of whom died only a few years later, in 1672).<sup>115</sup> Furthermore, the Protestant agnates were keenly interested in the affairs of their Catholic cousin. John Francis's uncle, John Maurice of Nassau-Siegen, who served as a military commander in the States Army of the Dutch Republic, apparently told the Spanish ambassador in The Hague, Esteban de Gamarra y Contreras, that his nephew was 'unworthy of bearing the name of Nassau' and described him as 'a lantern without light, having a big head without wit'.<sup>116</sup> The ambassador replied that 'were Count John [VIII], your brother, still alive, he would break his (John Francis's) neck'.<sup>117</sup>

<sup>114</sup> 'Urkunden [zu dem Streit der morganatischen Brüder von Fürst Wilhelm Hyazinth von Nassau-Siegen gegen die fürstlichen Stammesagnaten]: mit Stammtafeln': HHStAW, 3005, no. 818. There are also two handwritten drafts: 'Nassau-oranische Deduktionen gegen die Erbfolgefähigkeit der Nachkommen des Fürsten Johann Franz Desideratus von Nassau-Siegen aus seiner Ehe mit Isabella Klara Eugenia de la Serre (Konzepte und Drucke)' (1688–1764): HHStAW, 171, no. Z 2526; 'Auslassung von Dokumenten beim Druck der Deduktionen gegen die Erbfolgefähigkeit der Nachkommen aus der Ehe des Fürsten Johann Franz Desideratus von Nassau-Siegen mit Isabella Klara Eugenia de la Serre (Kopien um 1764)': HHStAW, 171, no. Z 2527. The originals of some of the assembled documents can be found in the archives too, but not all originals of cited correspondence could be retrieved.

<sup>115</sup> 'dass Evv. Lbden. der Lieb und Treu Deroselben lieben Gemahlin sogar sollten oder könnten vergessen': Maria Sidonia of Baden to John Francis of Nassau-Siegen, 12 May 1670, in 'Urkunden', 11.

<sup>116</sup> 'nicht werth den Nahmen von Nassau zu führen', 'eine Laterne ohne Licht, habe einen grossen Kopf ohne Verstand': 'Annotation der Discurse, so bey Fürst Johann Moritzen zu Nassau-Siegen über seines Vetter, Fürst Johann Franzens, dritte Heyrath geführt worden', in 'Korrespondenz 1670, Juli–September 1670', 13: HHStAW, 170 III, no. 981, fo. 294<sup>r-v</sup>.

<sup>117</sup> 'woferne Graf Johann, ewer bruder, lebte, er bräche ihm, Johann Frantz, den hals': *ibid.*, fo. 294<sup>r</sup>.



According to Gamarra, John Francis ‘felt slighted at court and by many’ because of his new wife’s ‘low station’.<sup>118</sup> He also said that, according to rumour, John Francis ‘had used [Isabella] during his [previous] wife’s lifetime as a whore’.<sup>119</sup>

Initially, John Francis had tried to limit the negative impact of his misalliance by marrying morganatically. Morganatic marriage offered an alternative scenario for the future because, although legally valid, it prevented the wife from taking the title and status of her husband.<sup>120</sup> It should be seen, not only as a failure to contract an equal union, but also as a remedy against sin for widowers who already had legitimate offspring and were thus relatively unattractive to potential partners of ‘equal’ birth.<sup>121</sup> By denying the lower-ranking wife and any future children the rank of their husband and father, respectively, as well as barring them from the succession, the dynasty as a whole would ideally not suffer from the misalliance. Indeed, the first article of the marriage contract stipulated ‘that the children who issue from this marriage ... will content themselves with a portion that I will be pleased to assign to them and they can claim no other rank than that of gentleman’.<sup>122</sup>

Morganatic marriage was theoretically an ideal solution to the negative consequences of unequal marriage. But in fact morganatic partners regularly sought to upgrade the position of their children by recognizing them as successors in opposition to the original marriage contract.<sup>123</sup> Indeed, after the birth of a

<sup>118</sup> ‘er verspürte bey dem hofe und männiglichen in disgrace zy seyn’, ‘basser condition’: *ibid.*, fo. 294<sup>r-v</sup>.

<sup>119</sup> ‘hat selve bey seiner Gemahlin leben als hure gebraucht’: *ibid.*, fo. 294<sup>r</sup>.

<sup>120</sup> Peter H. Wilson, *The Holy Roman Empire: A Thousand Years of Europe’s History* (London, 2016), 426.

<sup>121</sup> Michael Sikora, ‘Conflict and Consensus around German Princes’ Unequal Marriages: Prince’s Autonomy, Emperor’s Intervention, and the Juridification of Dynastic Politics’, in Jason Philip Coy, Benjamin Marschke and David Warren Sabean (eds.), *The Holy Roman Empire Reconsidered* (New York, 2010).

<sup>122</sup> ‘que les enfans qui proviendront de ce mariage ... se contenteront d’un deputed ou portion, telle, qu’il me plaira leur assigner, & ne pourront tenir que rang des gentilshommes’: ‘Heirat des Fürsten Johann Franz Desideratus von Nassau-Siegen mit Isabella Klara Eugenia de la Serre’: HHStAW, 171, no. Z 2522, fo. 3<sup>r-v</sup>.

<sup>123</sup> Dietmar Willoweit, *Standesungleiche Ehen des regierenden hohen Adels in der neuzeitlichen deutschen Rechtsgeschichte: Rechtstatsachen und ihre rechtliche Beurteilung unter besonderer Berücksichtigung der Häuser Bayern und Pfalz* (Munich, 2004), 85–9.

son, Alexius, John Francis and Isabella attempted to change the status of their marriage from morganatic to *ebenbürtig* (of equal rank). They had their chancellor, Johann Heeser, prepare a new marriage contract in 1673, which he dated retroactively to 1669.<sup>124</sup> The fourth article in this new contract stated that Isabella and any children from the marriage would ‘follow the rank and dignity of respectively their lord consort and lord father, so that the lady mother becomes a princess, and the children are born princes and princesses’. Isabella signed this contract with her newly adopted princely title.<sup>125</sup> John Francis and Isabella’s union produced in total three sons and three daughters who reached maturity.<sup>126</sup>

Both supporters and opponents of the morganatic marriage appealed to the emperor for imperial approval of their respective plans for the future. Writing to the agent for Nassau-Siegen at the Imperial Aulic Council, Matthias Ignaz Nipho, Johann Heeser hinted at the desirability of allowing the sons of Isabella a place in the succession because William Hyacinth was sickly, ‘which is why we do not place hope on his survival’.<sup>127</sup> John Francis addressed a petition to the emperor in 1679, in which he requested imperial recognition of the more recent marriage contract. He cited the custom that wives and children took the title and precedence of their husband and father, conveniently omitting that this custom was exactly what the original marriage contract had sought to set aside. Imperial confirmation of his sons’ eligibility to succeed would, he argued, prevent unrest. Should the son from his second marriage die without male issue, any descendants from the third marriage, a kind of ‘dynastic reserve’, would be qualified to succeed. Confirmation of the marriage contract thus increased the

<sup>124</sup> John Francis seems to have had some scruples regarding this fabrication and communicated some ‘Rationes Dubitandi’ to his chancellor, Heeser: John Francis of Nassau-Siegen to Johann Heeser, 2 Aug. 1673, in ‘Urkunden’, 19–20.

<sup>125</sup> ‘der Würden und Dignität Ihres respective Herrn Ehegemahls und Herrn Vatters folgen, mithin die Frau Mutter eine Fürstin, die Kinder aber gebohrne Fürsten und Fürstinnen werden’: ‘Ehevertrag zwischen Fürst Johann Franz Desideratus von Nassau-Siegen und Isabella Klara Eugenia de la Serre’: KHA, inv. A4, no. 1376, fo. 1<sup>v</sup>.

<sup>126</sup> Michel Huberty, Alain Giraud and F. and B. Magdelaine (collaboration by Patrick Chevassu and Charles Dupêchez), *L’Allemagne dynastique*, 7 vols. (Le Perreux, 1976–91), iii, 309–10.

<sup>127</sup> ‘dahero wir uns keines langen Lebens mit Ihme Hofnung machen’: Johann Heeser to Matthias Ignaz Nipho, 30 Dec. 1678, in ‘Urkunden’, 31.

chances of Catholicism's survival in the Nassau-Siegen territories, an important consideration for the emperor.<sup>128</sup>

These conditional formulations reveal that succession issues were complex because they involved conflicting inferences from imperfect knowledge of what might happen in the future. The Imperial Aulic Council, which dealt with John Francis's request, understood this very well. The Council adjudicated intra-dynastic conflicts by reviewing house pacts and the imperial constitution. In doing so it considered alternative scenarios and their legal consequences. The judges were very reluctant to approve requests that might privilege the interests of some members of a family over those of other members, unless doing so would be indubitably in accordance with the house pacts.<sup>129</sup> In the Nassau-Siegen case, any legitimization of the morganatic offspring would mean that the Nassau cousins of the Dillenburg, Siegen (Protestant), Diez and Hadamar lines would drop a few places in the line of succession. Indeed, in his request to the emperor, John Francis complained that his cousins had threatened to challenge the second marriage contract and exclude Isabella's sons from the succession.<sup>130</sup> On 4 January 1680, the council expressed its doubt over the legal validity of John Francis's arguments, fearing that they might contravene the family pacts and the testament of his father. The judges ordered John Francis to submit copies of his family's pacts.<sup>131</sup> Since these forbade unequal marriage, the mandate worried the Catholic Nassau-Siegen party. The Jesuit priest, Father Wilcken, who had been sent to the imperial court to join the agent Nipho, wrote from Wels that to submit the family pacts would be tantamount to 'hitting ourselves in the face'.<sup>132</sup>

These obstacles motivated the couple to find alternative ways, beyond legal procedures, to bend the scenario planning in the family regulations to their will. They began to seek evidence

<sup>128</sup> John Francis to Emperor Leopold I, 23 Feb. 1679, in 'Confirmationes Privilegiorum (deutsche Expedition) (1136–1806), Näck.–Nassau'.

<sup>129</sup> Westphal, *Kaiserliche Rechtsprechung und herrschaftliche Stabilisierung*, 93; Somsen, 'Intra-Dynastic Conflict and the Empire', 69.

<sup>130</sup> John Francis to Emperor Leopold I, 23 Feb. 1679.

<sup>131</sup> Reichs-Hof-Raths-Conclusum, 4 Jan. 1680, in 'Confirmationes Privilegiorum (deutsche Expedition) (1136–1806), Näck.–Nassau'.

<sup>132</sup> 'so schlagen wir uns selbst ins Gesicht': P. Wilcken to Johann Heeser, 19 Nov. 1680, in 'Urkunden', 52. Owing to Ottoman threats, the Imperial Aulic Council relocated from Prague to Wels in 1680: see Peter Oestmann, *Wege zur Rechtsgeschichte: Gerichtsbarkeit und Verfahren* (Cologne, 2015), 168.

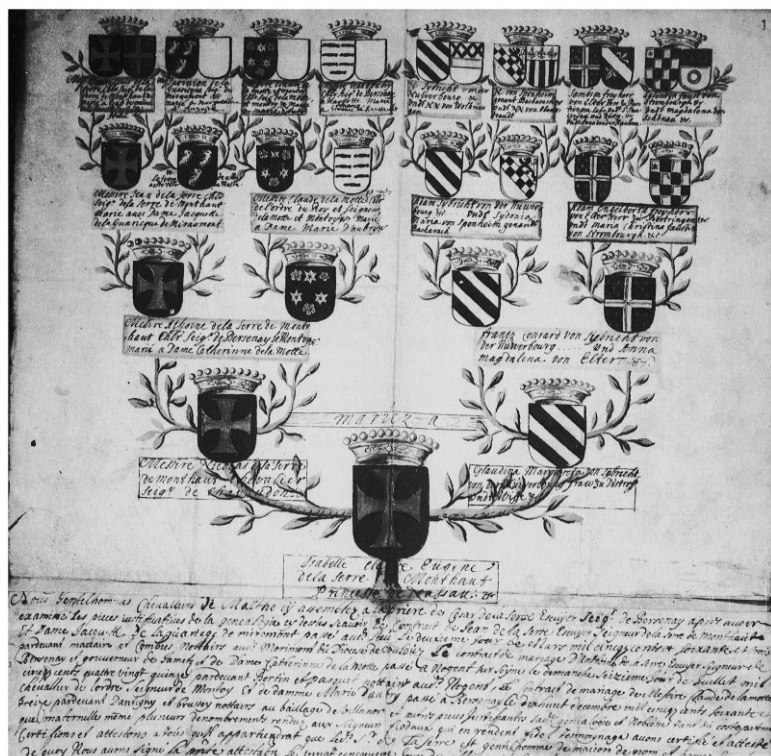
proving that Isabella was of high noble descent and that the marriage had thus always been *ebenbürtig*. Since there was no central register of noble filiation in the Holy Roman Empire, the burden of proving nobility (*Ahnenprobe*) lay with the applicants themselves.<sup>133</sup> In the summer of 1681, the couple therefore embarked on a genealogical project. The format was to be a family tree (*stammbaum*) with the names of Isabella's ancestors and their coats of arms. Correspondence between the people involved in this genealogical project reveals the many practicalities involved. Knowledge of one's family relationships, for instance, was not self-evident. John Francis wrote to his chancellor, Heeser, on 8 October 1681: 'three maternal coats of arms, the names of which are not known, are missing' (see [Plate 2](#)).<sup>134</sup> He continued that, if necessary, Isabella's relations in France might provide more information about these women. Ignorance of family relationships also meant that the evidence was sometimes circumstantial at best. For instance, from the fact that one of these unknown women's children had been a knight of Malta, John Francis inferred 'that the mother must also have been of good nobility'.<sup>135</sup> The colouring of the coats of arms was also problematic. Writing from Roermond, John Francis instructed Heeser to correct the white heraldic crosses because they should in fact be silver.<sup>136</sup> More than six months later, Father Wilcken, who was in Vienna on behalf of John Francis, had 'a good friend' (probably someone informed in matters of nobiliary law and status interaction) look over the family tree. The friend found many inconsistencies: the supporting material consisted merely of 'copies of copies' and he wondered 'why the names of several are left out and only

<sup>133</sup> Elizabeth Harding and Michael Hecht, 'Ahnenproben als soziale Phänomene des Spätmittelalters und der Frühen Neuzeit: eine Einführung', in Elizabeth Harding and Michael Hecht (eds.), *Die Ahnenprobe in der Vormoderne: Selektion — Initiation — Repräsentation* (Münster, 2011), 76–7. See also William D. Godsey, 'Adel, Ahnenprobe und Wiener Hof: Strukturen der Herrschaftspraxis Kaiserin Maria Theresias', in Harding and Hecht (eds.), *Die Ahnenprobe in der Vormoderne*, 318.

<sup>134</sup> 'Ess mangelen aber drey mütterliche Wapfen, deren Nahmen man nicht weiß': John Francis of Nassau-Siegen to Johann Heeser, 8 Oct. 1681, in 'Urkunden', 57.

<sup>135</sup> 'so muss die Mutter ja auch von guttem Adel gewesen sein': *ibid.*

<sup>136</sup> John Francis of Nassau-Siegen to Johann Heeser, 27 May 1682, in 'Urkunden', 62.



The genealogy of Isabelle de la Serre, missing three great-great-grandparents,  
HHStAW 171 Nr Z 2521

indicated with N.N. [*nomen nominandum*]<sup>137</sup> Years later, after the death of John Francis, his eldest son, William Hyacinth, had an informant in Avignon check the genealogy. This informant wrote back that it included a putative female forebear who had never given birth.<sup>138</sup>

Despite the fundamental flaws in the genealogical data, the couple continued to seek imperial approval for their preferred scenario. In July 1683, John Francis informed Wilcken that he and Isabella were pursuing her elevation to imperial countess in

<sup>137</sup> 'einem guten freundt', 'copia copiae', 'warum seint die Nahmen von etlichen außgelassen und nur mit N.N. bedeutet?': P. Wilcken to Johann Heeser, 5 July 1682, in 'Urkunden', 63.

<sup>138</sup> J. C. J. Ruffe to William Hyacinth of Nassau-Siegen, 3 July 1703: HHStAW, 171, no. Z 2404, fo. 8<sup>v</sup>.

order to prevent the exclusion of their sons from the succession.<sup>139</sup> On 18 December 1684, he wrote to his chancellor, Heeser, that 'As soon as my consort has been elevated to the comital dignity, I shall be happy to have both my sons Prince William and Alexio inaugurated'.<sup>140</sup> Such an elevation was in many ways simply a financial transaction benefiting the emperor and his court.<sup>141</sup> On 4 January 1686, Emperor Leopold I granted Isabella the title of imperial countess 'as if, from all four quarters on her father's and her mother's sides, she were a legitimately born imperial countess and lady'.<sup>142</sup>

The Protestant agnates were very unhappy with the course of events. Henry of Nassau-Dillenburg wrote to his cousin, William Maurice, of the Protestant Nassau-Siegen branch, imploring him to protest the efforts of John Francis to have hismorganatic sons invested as his heirs. He argued that the planned ceremony was entirely against the familial pacts and would damage the reputation of the house.<sup>143</sup> The tug-of-war in the Nassau family, including the conflict over the investiture, shows the impossibility of distinguishing between private family interests and public affairs. For instance, the Nassau agnates appealed to the emperor to oppose John Francis's violation of the house pacts.<sup>144</sup> His cousin, Henry of Nassau-Dillenburg, sought to persuade local elites that, by backing the investiture of themorganatic sons of John Francis and Isabella as legal heirs,

<sup>139</sup> John Francis of Nassau-Siegen to P. Wilcken, 18 July 1683, in 'Urkunden', 65.

<sup>140</sup> 'So bald meine Gemahlin zum Gräfflichen Standt wirdt erhoben seind, so bin wohl zufrieden meine beyde Söhne Printz Wilhelm undt Alexio huldigen zu lassen': John Francis of Nassau-Siegen to Johann Heeser, 18 Dec. 1684, in 'Urkunden', 68.

<sup>141</sup> Michael Sikora, *Der Adel in der Frühen Neuzeit* (Darmstadt, 2009), 131.

<sup>142</sup> 'als ob sie von ihren vier ahnen vatter und mütterlichen Geschlecht zu beyden Seiten Eine Recht geborne Reichs-Graffin und Frau werre': 'Kayserliches Diploma, wodurch Fürst Johann Franzens Ehelieste, Isabella Clara Eugenia de la Serre in den Reichs-Grafen-Stand erhoben worden' (1686), in 'Urkunden', 74. This retroactive elevation was customary in letters patent of this kind. See also Harding and Hecht, 'Ahnenproben als soziale Phänomene des Spätmittelalters und der Frühen Neuzeit', 75.

<sup>143</sup> Henry of Nassau-Dillenburg to William Maurice of Nassau-Siegen, 29 June 1686, in 'Urkunden', 83–4.

<sup>144</sup> 'Nassau-Siegen contra Nassau-Siegen: Auseinandersetzung um das Sukzessionsrecht der Söhne aus der dritten Ehe von Fürst Johann Franz mit Isabella de la Serre, 1686–1691' (1686–91): HHStA, RHR, *Judicialia Antiqua* 406–5, pp. 2–7.

they were in fact debasing themselves. William Maurice of Nassau-Siegen even ordered John Francis's supporters to be fined a hefty sum. Back and forth, both sides threatened dissidents with financial penalties. The Catholic chancellor, Heeser, retaliated by telling William Maurice's deputy that Isabella was descended from an ancient noble family, while Peter Melander, count of Holzappel, a Protestant general in the Thirty Years War and grandfather of William Maurice's wife, Elisabeth Charlotte of Nassau, had not even been born a nobleman.<sup>145</sup> The conflict continued unresolved because both sides could not agree in principle, but also because the matter was hypothetical. Disagreements in the present about the investiture of heirs were but symptoms of what might become a problem: the succession of a morganatic son. As long as John Francis and his first heir were both alive, this was just one of many possibilities.

The problem became more urgent, however, after the death of John Francis in 1699. In article 3 of his last will (1698), he had appointed William Hyacinth as his universal heir. But he also instituted his morganatic sons (by then there were three: Alexis, Francis Hugo and Emanuel Ignatius) as his heirs 'consecutively and according to order of birth', in default of William Hyacinth's line.<sup>146</sup> The latter had a son at the time, but the child died a few years later (in 1703), leaving William Hyacinth heirless. However, a printed edition of John Francis's testament, used in support of William Hyacinth's legal proceedings against his stepmother and half-brothers in the early 1700s, had already considered the bequests of John Francis to be violations of the family pacts. The *Erbverein* had directed that only legitimate heirs should succeed to the bulk of the inheritance, an instruction confirmed in subsequent testaments. And the original marriage contract of John Francis and Isabella had excluded any future sons from the succession.<sup>147</sup> Thus we see William Hyacinth referring to existing family regulations to discredit some of his father's testamentary dispositions. He

<sup>145</sup> Achenbach, *Geschichte der Stadt Siegen*, vol. ii, bk ix, pp. 37–48.

<sup>146</sup> 'consecutivement & selon l'ordre de la naissance': 'Testament des Fürsten Johann Franz Desideratus von Nassau-Siegen in französischer Sprache' (1698): HHStAW, 170 I, no. U 7331.

<sup>147</sup> 'Testament du feu Prince François Jean Desiré de Nassau' (1698–1701): HHStAW, 3005, no. 677, 6–7.

continued to argue that Isabella's genealogy was fake, any upgrade of the morganatic marriage illegal, and the sons from this third marriage ineligible to succeed.

Paradoxically, the unflattering image of dynastic power illustrated in this section also demonstrates the potency of dynastic regulations and imperial law. In their quest for vindication the two sides took the matter to different legal authorities. In 1701, William Hyacinth challenged his father's testament at the Imperial Chamber Court in Wetzlar, while also asking for a mandate from the Imperial Aulic Council in Vienna against his half-brothers' use of the name, title and arms of the family in private correspondence and formal communications, and on carriages. In the Holy Roman Empire, the imperial courts tested the case against the house pacts. In December 1701, the Chamber Court declared the testament invalid.<sup>148</sup> A few months earlier, on 6 October 1701, the Aulic Council had ordered the *parti adversae* to 'act in accordance with the marriage pacts', which William Hyacinth rightly saw as confirmation that the sons of Isabella de la Serre were only noblemen, able neither to claim the princely titles of their father nor to assume a place in the succession to Nassau-Siegen.<sup>149</sup> The morganatic sons continued to use the family name, title and arms. Alexis, for instance, used them to pursue a clerical career, occupying canonical positions in Cologne and Liège, and ultimately becoming titular archbishop of Trebizond.<sup>150</sup> But for the time being they were not enfeoffed as princes of Nassau.

The extent to which legal scenarios for the future in the Nassau family regulations were embedded in the imperial legal context is further evidenced by the fact that in regions with loose ties to, or outside, the empire, Isabella and her sons achieved more success. They took the case to the Great Council of the Netherlands at Mechelen to secure the Netherlandish portions,

<sup>148</sup> 'Verhandlung des Testaments des Grafen Johann Franz Desideratus von Nassau-Siegen vor dem Reichskammergericht in Wetzlar' (1700–4): HHStAW, 171, no. F 687, unfoliated. See also Carlo de Clercq, 'Die katholischen Fürsten von Nassau-Siegen', *Nassauische Annalen*, lxxiii (1962), 143.

<sup>149</sup> 'communicetur parti adversae, mit der auflag, sich denen Ehepactis gemäß zu bezeugen': Resolutionsprotokoll, 1701 I.VII. – 1701 23.XII. (1701): HHStA, RHR, Resolutionsprotokolle saec. XVIII. 4. See also 'Verfahren vor dem Reichshofrat über die Ehefrau des Fürsten Johann Franz Desideratus zu Nassau-Siegen, Isabella Klara Eugenia de la Serre' (1701): HHStAW, 171, no. Z 445.

<sup>150</sup> Clercq, 'Die katholischen Fürsten von Nassau-Siegen'.



notably movables in Brussels and lands in and around Ronse, the use of which had been largely assigned to Isabella in the testament of John Francis. Their greater success here was due to the Habsburg Netherlands being part of the Burgundian Circle of the empire, and therefore largely exempt from the jurisdiction of the imperial appellate courts.<sup>151</sup> Similarly, the guardians of Charles Henry Nicholas Otto, the grandson of Emanuel Ignatius, the third morganatic son, obtained in 1756 from the Grand Châtelet and Parliament of Paris confirmation of his legitimate status as prince of Nassau, even though there was great uncertainty about the dynastic legitimacy of his birth. However, in this case, too, the emperor did not recognize the dubious claims.<sup>152</sup> These examples are testimony to the ties that bound imperial estates such as the Nassaus to the emperor and empire, and vice versa, as mutual guarantors of family order and imperial stability.

## V

### CONCLUSION

This article has offered a new perspective on premodern princely families and the Holy Roman Empire, by taking the future rather than the past as a focal point for understanding contemporary dynastic behaviour. The examination of the seventeenth-century formulation and implementation of future-orientated house regulations has demonstrated that the traditional approach to dynastic history as a serial biography is no longer tenable. It not only neglects the fundamental tensions that underlie succession, but also undervalues both the active attempts of princes to control these tensions and their ability to anticipate rationally the need to adjust to changing circumstances. Furthermore, the serial biography approach presupposes that each generation reinvented itself, even though the intergenerational lifespan of family regulations reveals that

<sup>151</sup> Wilson, *Holy Roman Empire*, 627; 'Guillaume Hyacinthe, prince de Nassau — Isabelle-Claire, comtesse de la Serre du Puget, veuve de Jean-Fr., prince de Nassau: succession de Jean-François-Désiré, prince de Nassau-Siegen, baron de Ronse, père et époux des parties, 1699–1714': Algemeen Rijksarchief, Brussels, Grote Raad voor de Nederlanden te Mechelen, Processen, Aanzienlijke geslachten, Reeks A, inv. 1220/A–1220/B.

<sup>152</sup> John Stephen Pütter, *An Historical Development of the Present Political Constitution of the Germanic Empire*, 3 vols. (London, 1790), iii, 35.

successive generations did not start from scratch in their planning for the future, but were bound and influenced by agreements made by their predecessors.

It is therefore high time to rethink 'dynasty' as a category of historical inquiry. In providing empirical support for Wolfgang Weber's idea of *Dynastiesicherung*, 'dynasty' should be redefined as a kinship-based community of stakeholders in public authority, continually developing new strategies to prevent individuality from injuring family interests. The advantage of this definition is that it allows for approaches that take dynamic processes rather than historical outcomes as the point of departure. Family regulations and their alternative scenarios for the future coexisted and often clashed with personal hopes and expectations of family members, but this article's combined approach of theory and practice has demonstrated that regulations constituted a basic consensus that kept the family together. 'Dynasty' was more than the sum of its parts.

This redefinition also requires a new model for writing dynastic history. Historians have provided clues to how to build this new model, but the serial biography persists. The organizing principle should no longer be primarily the vertical line of succession. Vertical, diachronic approaches should be combined with accounts of the horizontal, synchronic interconnectedness of family members. Such an innovation detracts from the elegant model of the male-line succession, but it brings back the family in dynastic history and opens up a whole new range of viable approaches to dynastic power. This approach requires more critical thinking about what is dynastic about dynastic history. Then, as this article has shown, even relatively dull sources such as house regulations can be reinterpreted, not only as the ineffective relics of irrational dynastic behaviour, as historians have long presented them, but also as indicators of the resilience with which dynasties confronted change.

The Nassau practice of give and take in the formulation and implementation of family regulations, both reflected and contributed to the associative political practices that not only obstructed the political integration of Germany but, as Hardy has argued, also held the Holy Roman Empire together. The Nassau brothers looked one another in the eye in 1607 and gave up some autonomy, but in doing so protected the future integrity

of the house from which they derived their position. As the family branched out over time and the number of stakeholders increased, family ties became less self-evident, and the intrinsic will of individual family members to observe specific family regulations declined. Nonetheless, we have seen that members of the family and their secretaries did not challenge the system itself, because they understood that the existence of multiple collateral branches of the dynasty necessitated regulations and collaboration to manage succession. Instead, in times of conflict, and far into the eighteenth century, they appealed to imperial justice to gain recognition of their interpretation of the house regulations. Thus they reconfirmed the legal validity of the regulations as well as the Holy Roman Emperor's status as the supreme source of worldly authority and justice.

Finally, the question of how people negotiate conflicting interests within a community is a central topic in studies of politics and state formation. Ruling families have been among the most influential contenders for power in both the premodern and the modern world. This article's examination of their future-mindedness to reconceptualize 'dynasty' thus has implications beyond the history of princely families in premodern Germany. Jeroen Duindam has strongly advocated the approach of dynasty as a global phenomenon.<sup>153</sup> Indeed, testaments and other official documents that contained scenarios for the future — the genre of sources used in this study — were neither exclusively German nor even exclusively European. Rulers all over the world desired post-mortem control of family assets. Their views of, plans for, and internal conflicts about the future are just as much part of the history of princely families as the real or imagined lines of descent that continue to shape the historiography of dynasty today. An examination of contemporary conceptions of the future, then, is a fruitful way to contextualize historical phenomena in time and space, and to avoid the risk of teleological bias in the study of history.

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<sup>153</sup> Duindam, *Dynasties*; Jeroen Duindam, 'A Plea for Global Comparison: Redefining Dynasty', in John-Paul Ghobrial (ed.), *Global History and Microhistory* (Past and Present Supplement no. 14, Oxford, 2019).

## ABSTRACT

Owing to the prevailing definition of ‘dynasty’ as a line of succession, historians have long neglected the fundamental tensions that underlie succession, and have undervalued both the active attempts of princes to control these tensions as well as their ability to anticipate the need to adjust to changing circumstances. Yet premodern dynasties were well equipped to anticipate and develop coping mechanisms for a wide range of future challenges regarding succession, religion, marital alliances and extinction. They did so by considering alternative scenarios for the future in house regulations. Using as an example the seventeenth-century house of Nassau in the Holy Roman Empire, this article argues that even though conflict remained endemic to dynastic power, future-orientated regulations constituted a basic consensus within princely families on how to deal with conflict, which both reflected and contributed to the associative political practices that held the Holy Roman Empire together.