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The Reich of the Golden Bull

"Every kingdom divided against itself shall disintegrate. For its princes have become the companions of robbers and thieves." These opening words of the Golden Bull of 1356 set a forthright agenda for the reform of the Holy Roman Empire. The following thirty-one chapters, agreed upon by Charles IV and the German princes at the *Hoftage* (diets) of Nuremberg 1355-56 and Metz 1356-57, set out the mode of procedure for the election and succession of a Holy Roman emperor, the rights and privileges of the seven electors, together with detailed stipulations concerning orders of precedence at elections and other occasions. The electors were guaranteed immunity from imperial jurisdiction and hereditary tenure of their electoral titles. Their rights to maintain mints and levy customs dues were confirmed, as was their right to promulgate legislation and their duty to protect the Jews in return for the payment of a fee. The lands of the electors were declared to be indivisible and electoral titles were to be passed on by primogeniture and it was laid down that eldest sons should receive instruction in Latin, Italian, and the "Slavic tongue" from the age of seven to fourteen. The bull further provided for an annual meeting of the electors in which they were to deliberate with the emperor. The emperor's authority was asserted by giving him the power to rescind an elector's privileges in certain circumstances. Leagues of all kinds, except those devoted to maintaining the peace, were to be prohibited. Conspiracies against the electors were to be punished severely. Finally, the practice of subjects who lived in a territory claiming freedom in respect of citizenship in a free city (*Pfahlbürger*) was outlawed.

The general aim was to establish the Reich on a new basis: to end the divisive and chaotic conduct of imperial elections, to pacify the Reich and to create a mechanism for its effective government by the emperor in close consultation with the electors and in wider consultation with the princes generally. The emphasis placed on Bohemia throughout the text reflected Charles's aspiration to make that kingdom into the secure foundation for his dynasty's tenure of the imperial crown. The prohibition of Pfahlbürger reflected the particular interests of certain electors, notably the archbishop of Cologne, whose more prosperous subjects were wont to claim that they were really citizens of the imperial city of Cologne which lay at the heart of his lands.

How novel was this Bull? What did it signify for the reign of Charles IV, and how far did it change the nature of the German monarchy after his death? What were the implications of the Golden Bull for the longer term development of the Reich? These are the questions addressed by the two-volume work edited by members of the Berlin research unit of the Monumenta Germaniae Historica responsible for "Constitutiones et acta publica." Twenty-four of the essays were papers given at a conference that marked the 650th anniversary of the Golden Bull in 2006. Ten further essays have been added to the publication. The whole work comprises 1249 pages, including meticulous indices of people, places, and subjects, which alone cover eighty-nine pages.

The essays are arranged in four thematic sections: emperor and Reich in the fourteenth century; the "stag-

ing" or "performance" and representation of the Reich; the Reich and its neighbors; the reception and impact of the Golden Bull in the 450 years following its promulgation. Many of the essays deal with topics that go far beyond the bull itself; some are in reality more contributions to the study of the reign of Charles IV and his times generally. Overall, though, the volumes raise important questions about the early development of the Holy Roman Empire and about the significance of Charles IV's key edict.

The first group of essays is directly concerned with the text of the bull. Contributions by Jean-Marie Moeglin and Michael Menzel show how much Charles IV owed to Louis IV (Louis the Bavarian). Despite Charles's fierce hatred of his predecessor and his attempts to eradicate his memory in the Reich, much of his legislative program that was at least conceived under Louis and the Golden Bull can in some respects be seen as a formalization and implementation of principles and aspirations developed in the thirty or so years before Charles's election. Menzel indeed speaks of a "hostile takeover" of ludovician principles in the Golden Bull (p. 39). Equally, Paul-Joachim Heinig draws attention to antecedents in the prior development of the electors: their gradual emergence as recognized exclusive players in German royal elections and in particular the role of the ecclesiastical electors in the dispute over papal prerogatives, culminating in the Declaration of Rhense of 1338 which explicitly rejected the notion that the emperor might in any way be dependent on the pope. In two separate contributions Michael Lindner shows how Charles built on the practice of his predecessor and also drew on the works anti-papal writers such as Marsilius of Padua, William of Ockham and, above all, Lupold of Bebenburg to clarify and reinforce his own position.

While Heinig emphasizes that the Golden Bull was essentially the outcome of a complex compromise between emperor and electors, Lindner stresses that it was a sovereign declaration of independence from the pope. Wherever one lays the emphasis, the bull was certainly, as Eva Schlotheuber suggests, a striking expression of Charles's image of himself as a law-giver, whom Petrarch famously recognized in a letter of March 1361 as having a profound understanding of imperial law. Even so, in practice, as Claudia Garnier argues, the bull was scarcely heeded for the rest of the century. Indeed, the election of Charles's own son, Wenceslaus, as his heir (king of the Romans) in 1376 arguably represented a transgression, for elections *vivente imperatore* were not explicitly envisaged, though the election and coronation themselves were carried out according to the letter of the law. Similarly, in subsequently deposing Wenceslaus in 1400, the electors exceeded their powers. It was almost certainly this act that led Wenceslaus to commission the most splendid of all copies of the Golden Bull, which he used to justify his resolute refusal to recognize his deposition. It was this copy that Emperor Frederick III acquired around 1440-41 from the estate of Albrecht II of Hungary and Bohemia, and increasingly used to stabilize the Reich during his long reign.

The Golden Bull was only gradually accepted, and adhered to, as a fundamental law of the Reich. In the same way, as Dietmar Willoweit suggests in one of the most important essays in the collection, the bull itself might be seen as part of the gradual reception of Roman law in the Reich. It illustrates, he argues, the way that German rulers appropriated those elements of Roman law that reinforced their interests as rulers and which they combined as required with elements of canonical, Swabian, and Saxon law. He also underlines the striking parallel between the institutional development of Reich and territories in the fourteenth century: in each case the major innovation was the formation of a ruling council (*Rat*) with particular office holders as permanent members. In both Reich and territories, he argues, Roman law facilitated the formalization of political procedures and enabled contemporaries to step out of the shadow of customary law and develop the more rational constitutional structures that were characteristic of the early modern period.

Emphasizing the slow acceptance of the Golden Bull focuses attention on its significance for the reign of Charles IV. If even he ignored some of the fundamental precepts of his most important edict, then perhaps its significance initially lay more in the fact that he could promulgate it at all and in the wider aspirations it conveyed than in the details concerning royal elections and the definition of the electors as "pillars of the Reich" that later became so exclusively important. The second group of essays investigates the ways in which Charles IV presented himself as ruler. Bernd Scheidmüller compares the rituals and orders of precedence contained in the Golden Bull with the equivalent forms in France and England. His fascinating analysis of relevant clauses of the bull underlines the character of the Reich as a polity dominated by an oligarchic association of emperor and electors, while in France the king was portrayed as surrounded by wise advisers and in England the monarch was tied to parliament.

The following essays in this section examine diverse aspects of the way that Charles projected his power. Martin Kitzinger contrasts Charles's confident assertiveness with the nervous grandiosity with which his contemporary Charles V of France sought to compensate the weakness of his position. Robert Suckale compares Charles IV's iconography with that of Rudolf I and Louis IV, while Jiří Fajt investigates what is "caroline" in the court art of Charles's reign. Richard Němec deconstructs the iconographic programme of Charles's residence at Lauf an der Pegnitz near Nuremberg and Olaf Rader examines his burial monument in Prague in comparison with those of other German kings. Wolfgang Schmid illuminates Charles's use of relics and the distinction apparently made between the "private" reliquaries held at the Karlstejn castle and the public reliquaries, including the remains of Saint Wenceslaus, at Prague itself. Representations of the monarch on coins and in literature are dealt with by Torsten Fried and Martin Schubert respectively, while Mathias Lawo analyzes the development of the language of official documents, showing that Latin predominated in the early period as Charles consolidated his power while German gained steadily in the later years as Charles no longer felt the same need for a formal diction that underlined the distance between himself and his subjects.

The third section, devoted to the theme of the "Reich and its neighbors," opens with an essay by Werner Maleczek that shows just how little contemporaries knew in detail about the vast expanse of the Holy Roman Empire that straddled the center of Europe. The other pieces in this section are diverse in the extreme. Franz Tinnefeld's juxtaposition of the powerful Charles and his hapless Byzantine contemporary John V underlines the contrast between an eastern empire on the brink of collapse and the German Reich whose greatest period was yet to begin. Ulrike Hohensee examines Charles's marriage policies with regard to Hungary and Poland while Sławomir Gawlas compares the German electoral system with the development of the rights of succession and election in Poland during the fourteenth century. The formidable complexity of relations with the Italian states contrasted with the rather simple account of them given by the Nuremberg Chronicle emerges clearly from Marie-Louise Favreau-Lilie's contribution while Uwe Ludwig dissects relations with Venice specifically and illuminates Charles's interest both in establishing a reliable and robust imperial vicariate in nort-eastern Italy and in pursuing the idea of a new crusade. Anotnella Ghignoli's presentation of Italian research into the Italian regnum in the age of Charles IV sheds further light on relations with Italy, as does Flaminia Pichiorri's examination of Charles's careful recruitment of diplomats to represent him to the papacy and the northern and central Italian lordships and communes. The early efforts to retain control over the ancestral lands of Luxemburg, which culminated in the calling of the Metz Hoftag in 1356, after which, however, Charles focused more on Prague rather than on Metz and Luxemburg, which he left his half-brother Wenceslaus to deal with as duke of Luxemburg and Brabant, are investigated by Michel Margue and Michel Pauly. Relations with papacy, touched on in numerous contributions, are analyzed here in detail by Stefan Weiß. Lenka Bobková's discussion of the Golden Bull in relation to Charles's legislation in Bohemia between 1346 and 1356 underlines the extent to which the bull marked the culmination of efforts to secure his hold on the kingdom, which he saw as the foundation of his power in the Reich. It is significant that the privileges given to the electors in the bull, are granted first and foremost to the king of Bohemia, and then by extension to the other electors. Finally, Michael Borgolte considers the Golden Bull as a "European fundamental law," by which he means that it was both an exemplary elective statute and one such statute among others in the Europe of the time. The comparative approach is welcome for it places the alleged singularity of the Golden Bull into perspective and locates it among the other medieval fundamental laws. Yet the assertion that the Golden Bull deserves special attention precisely because it did not lead to the emergence the kind of nation-state that subsequently caused Europe so much suffering is as bizarre as the notion that study of the Golden Bull might help resolve the constitutional problems of the contemporary European Union.

Borgolte's rather breathless broad sweep does, however, raise the bigger question of the significance of the Golden Bull in German history, albeit without really answering it. More illuminating thoughts on this matter may be found in the final cluster of essays devoted to its reception and impact. A valuable contribution by Marie-Luise Heckmann documents the reception and dissemination of the Golden Bull and records no less than 173 medieval copies of the text, in addition to the 7 original copies held by the electors, plus some 20 post-medieval copies. The frequency of copies increased markedly from about 1400, from which point the decree first actually became known as the "Golden Bull" (after the gold casing which enclosed the seal attached to it). Most were either written or held by owners in south Germany, which

again reaffirms the significance of middle and upper Germany as the core areas of the later medieval Reich.

As Eberhard Holtz demonstrates in his essay on the role of the Golden Bull in the reign of Frederick III (1440-93), the emperor invoked the Golden Bull when it suited him and ignored it just as easily. At the same time, Frederick sought to revert to Charles's original program from the outset: on the one hand he acquired the emperor Wenceslaus's copy of the copy of the decree and on the other hand he promulgated the "Reformatio Friderici" as the framework for a domestic peace in the Reich. Frederick's persistence, his success in promoting his son's prospects by marriage and his sheer longevity combined to lay the foundations for the reforms under Maximilian. These realized, at least in part, what Charles IV and his successors had sought to achieve: stability in the imperial succession, the pacification of the Reich by substituting judicial process for violent feuds, the coordination of defense of the Reich and the agreement of the princes to pay for it, and the organization of the Reich in regional associations or *Kreise*. The key to all this was the transformation of the Hoftag into the Reichstag during the fifteenth century and the formalization of its procedures that made it capable of effective decision-making and of effective implementation of its decisions.

In this system and in the extensive body of literature devoted to its constitution, analyzed here by Arno Buschmann, the Golden Bull at last came to be seen as the fundamental law of the Reich, which had established eternal principles which were absolutely binding on subsequent generations. It was thus entirely understandable, as Michael Niedermeier points out, that the bull was for Johann Wolfgang von Goethe the central *lieu de mémoire* of the Reich. That view was fully shared by the duke of Württemberg, who on becoming an elector in 1803 and acquiring the abbey of Ellwangen, which belonged to Trier, immediately sent an envoy to the archbishop demanding that he hand over his copy of the bull, which explains why it now resides in the state archive of Baden-Württemberg at Stuttgart.

As Johannes Helmrath points out in his marvelous concluding essay, the constitutional structures and political principles that characterized the early modern Reich are perhaps presaged in the Golden Bull in ways that have not been fully appreciated. Of course the most explicit provisions were those that created the body of electors, set rules for its procedure and ensured that its membership remained confined to the specified princes and their male heirs. This ultimately created security and, as the Golden Bull became accepted as a fundamental law, eliminated the damaging interregna and multiple elections that had characterized the Reich for much of the Middle Ages. Yet the references to the relations between electors and princes in future meetings of the Reich might be taken as the basis for the later development of colleges of electors, princes, and cities and the formalization of relations between them. Similarly, the disappearance of the pope from imperial elections, now formally confirmed by the silence of the Golden Bull regarding the papacy, reaffirmed the Reich as a fundamentally German Reich. This did not, however, mean the secularization of the Reich: the decree opened with a prayer and the prologue was couched in sacral and biblical language; the word "Holy" remained in the title of the Reich to the end, and its rulers clung to the sacral aura of world rule, even though both those attributes soon became utterly intangible and implausible. Helmrath's wide-ranging essay seeks to link the 650th anniversary of the Golden Bull with the 200th anniversary of the end of the Reich, which also fell in 2006.

The Golden Bull, Helmrath concludes, essentially represented the beginning and focal point of the premodern history of Germany in Europe. One might object that it took nearly one and a half centuries for the Golden Bull of 1356 to realize its full potential. In some ways, early modern commentators had to recover its memory as an ancient constitution similar to those discovered by early modern writers in the more remote past of other European countries. The Golden Bull was last studied comprehensively and in depth by Karl Zeumer at the start of the twentieth century.[1] These essays should ensure a renewed interest in the statute and its place in German and European history, and they provide a framework of constitutional, political, and cultural contexts that fully reflect the new historical interests of the early twenty-first century.

Note

[1]. Karl Zeumer, *Die Goldene Bulle Karls IV,* 2 vols. (Weimar: Böhlau, 1908).

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