Academics as COUNCillORS of German Kings and Rulers (CA. 1350-1550)

RAINER CHRISTOPH SCHWINGES
Bern

The prince-elector of Brandenburg and margrave of Ansbach in Franconia, Albrecht Achilles, was one of the most influential imperial princes of the 15th century. His attitude towards scholars or academics in his own or in other rulers’ service was sceptical at first. In the year 1440, at the beginning of his rule in Ansbach, his opinion of academics was not exactly flattering, as we can see in his statement about doctores, so in den püchern lesen. Dadurch sie maynen, allem einen schein zu geben, es hab grund oder nicht, which roughly translates as “doctors who read books and therefore believe to give a lustre to everything, be it true or not”. This resentment was not limited to opinions, but also included actions. In December 1452, he had imperial counsellor Ulrich Riederer, a doctor of both laws, thrown out of the parlour of the castle in Vienna Neustadt when he, Albrecht, entered the room. As Enea Silvio Piccolomini, who was present, relates, he rudely snubbed him: Tu ne princeps es, [...] qui te principibus misces? (“You are not a prince, [...] why do you mingle with princes?”).

This treatment and the use of the less polite tu reveal the limits of social acceptance, even for a successful lawyer of noble parentage like Doctor Rieders... Albrecht was far from alone with his behaviour and opinions in the middle of the century. The Alsatian Peter von Andlau, doctor of canon law from the university of Pavia and most fervent advocate for the establishment of a University in Basel, repeatedly bemoans the disdain of the ruling class for the scholars, pointing out that at the same time, the rulers and nobility were facing decline and appeared unable to fulfill their erstwhile roles within the empire. Quoting influential Italian jurists like Bartolo di Sassoferrato, Peter stipulated that the hereditary nobility be supplemented by a nobility of merit which would be recruited from the pool of university graduates. A doctoral degree was to ennoble, and after 20 years of academic work at a university, an elevation to earldom was to take place 1. Peter von Andlau himself had set out for an academic career in 1438. The discrepancy between self-regard and external recognition was par for the course in his time, but there were, without doubt, personal reasons that reinforced his chagrin. He was, after all, a scion of an Alsatian dynasty of knights and had long served in the prestigious role of vice-chancellor for the bishop of Basel 2.

Somehow needed, but never really respected, such seems to have been the lot of scholars in attendance on German courts. But it is precisely the after taking over the electorate in 1470, how useful the academic doctor held a doctorate in civil law from Bologna, had successfully lobbied for an academic career in 1438. The discrepancy between self-regard and external recognition was par for the course in his time, but there were, without doubt, personal reasons that reinforced his chagrin. He was, after all, a scion of an Alsatian dynasty of knights and had long served in the prestigious role of vice-chancellor for the bishop of Basel 4.

One could cite many more examples, both positive and negative, since our knowledge about academics in the service of kings and rulers has been steadily growing in the past few years, in respect to courts as well as churches, cities...
Generally speaking, scholars in the service of kings and princes are a timeless phenomenon; nonetheless, it is reasonable to assume that the development of universities and the increase in student and graduate numbers on all levels and in all disciplines may have caused a shift towards a more "scientificized" quality in employment relationships. But in spite of the studies I mentioned before and others more, this has not yet been empirically analysed for the old empire.\(^{16}\)

This is where our research endeavour of the Repertorium Academicum Germanicum steps in, a project dedicated to prosopographic research including provenance, paths of life and spheres of action as well as the specific culture of German scholars between 1250 and 1550. We expect more than 50,000 personal files, most of which can already be consulted online.\(^{17}\) The criteria for inclusion in the Repertorium are at minimum a promotion to Magister Artium or the enrolment in one of the higher faculties of theology, laws or medicine. In the case of the nobility, simply matriculating at a university is enough. In this context, we regard everyone as an academic counsellor who fits these criteria and is documented at least once as a counsellor. This includes consiliarii (nate in German), privy counsellors, court counsellors, and anything else that includes the label council, counsellor or advisor, no matter by what other names those positions may go (such as proctors, secretaries or envoys).

In the following, I want to give an overview of the academics in service in the period investigated. I will do this in five sections: first I will touch upon numbers and chronology, then we will have a look at academic education, provenance, the service of princes and, as a last point, at the matter of remuneration.

Numbers and Chronology

At the present moment, the RAG lists approximately 835 counsellors in the service of kings and princes within the empire. You may forget this number at once; it shows only the momentary state of a research process. More important are relations and trends, since this number contains merely those 1.7% of all our scholars that became "princely scholars". At first glance, this is a very small category; however considering the group's education, it is one of the phenomenon; nonetheless, it is reasonable to assume that the development of universities and the increase in student and graduate numbers on all levels and in all disciplines may have caused a shift towards a more "scientificized" quality in employment relationships. But in spite of the studies I mentioned before and others, this has not yet been empirically analysed for the old empire.\(^{16}\)

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elites at court. The phenomenon that only such a small portion of the total of academics found employment at court corresponds neatly with the actual circumstances at the court of Brandenburg’s elector Albrecht, who shall serve as a reference figure today. As I mentioned before, apart from the emperor Albrecht was the ruler with the most academic counsellors, namely 64. The total number of his counsellors, however, is a multiple of that, numbering 396 in the 40-plus years of his reign, nearly as much as the emperor Friedrich had up to 1493 (400). The academics amongst them constitute only 16.4%; but at other courts this number is much smaller.²

This comparatively small number also corresponds with the count of graduates with a title higher than magister artium, which is surprisingly low in Germany, compared to the rest of Europe. Around the year 1500, depending on the university, only 3 to 10% of registered attendees achieve the degree of magister artium. Licentiates and Doctors of the Laws, Medicine and Theology amount to less than 3 to 4% of the total number of students. Graduates taking the path of academic counsellorship offered their services to rulers much more often than to cities. This was not only a matter of prestige, but also a result of the fact that only a small number of cities, and only the larger ones at that, was willing to incur the expense of an academic council. Even including syndics, legal counsellors and secretaries, only 0.5% of the RAG’s clientele served in municipal councils — and the majority of those served cities as well as rulers.

Let me illustrate this with an example of Berne, the biggest city state north of the Alps and the most powerful nucleus of the Old Swiss Confederacy. Only once in the course of the whole 15th century did Berne afford a learned lawyer willing to incur the expense of an academic council. Even including syndics, legal counsellors and secretaries, only 0.5% of the RAG’s clientele served in municipal councils — and the majority of those served cities as well as rulers.

As is to be expected, the number of actually employed counsellors began to slope upward in the 1440s. This rise in numbers did not run parallel to a general increase in university attendees, however, but rather shows some marked cuesae in itself. These were caused primarily by the two great events of the 15th century: the councils of Constance and Basel, which provoked, as it were, a boom of counsellors which lasted for decades. The councils are known as stages and markets for scholars and experts of all stripes; along these lines, they offered an opportunity to tender oneself to the present rulers both spiritual and secular, including kings. A typical example from the council of Constance is Doctor decretorum Winandus von Steeg, the energetic advocate for duty-free transport of mass wine on the Rhine. Before securing his “dream job”, the lucrative post of pastor at St. Peter in Bacharach, Winandus served a series of employers at and around the council of Constance — sometimes several at once, for example the bishops of Würzburg and Passau, the count palatine of the Rhine, and king Sigismund, whom he accompanied to Hungary. He also served as a counsellor or advisor for the cities of Nuremberg and Augsburg.

The council of Basel brought about a new boost with more than twice as many counsellors as the council of Constance. A third caesura began in the 1470s, the “take-off stage” for an emerging excess supply of academic graduates. Speaking more broadly, this was the time that is described as Verdichtung, that means the onset of administrative densification of the empire, a phenomenon in which the scholars at the courts of kings and princes, and especially jurists, played a part that is not to be underestimated. A fourth-marked phase shows a repeated increase in academic counsellors that begins around 1510 and lasts beyond the middle of the 16th century. What is fascinating about this phase is that it runs contrary to the so-called frequency dip of the German universities during the first decades of the reformation, namely between the 1520s and the 1540s. The supply of academics suitable for service at court clearly remained


sufficient. This needs to be analysed more closely, but it appears that the consistently catholic universities in the West, such as Cologne and Leuven, as well as the Italian centres of education, maintained their productive capacity and helped accommodate the demand of the courts in large parts of the empire.

The Academic Education of the Counsellors

As you might expect, most of the princely advisors emanated from the academic elite of jurists; 60% of them were graduates, and two thirds of those were doctors of civil or canon law, half of them even doctors utriusque iuris. Only 5.8% were licentiates or doctors of theology, 2.7% doctors of medicine; simple magistri artium make up 9% of prince's counsellors. Only every fifth counsellor had studied at a university without graduating, most of them were noble men. These numbers reveal an unmistakable hierarchy, which results from the developments since the 1440s. There was an increasing tendency amongst jurists to graduate in both laws while they were at it. The majority of counsellors began to follow a pattern originating in Southern and Western Europe and increasingly spreading across the German-speaking part of Europe. The pattern was to seek professional employment only after graduation – excepting, of course, the tenure of sinecures and benefices such as canonries, which made it financially possible to study in the first place. Princes' counsellors came from practically every German university, and many of the jurists among them had attended the Italian law schools, above all Bologna, but also Padua and Pavia, the three most distinguished centres of jurisprudence of the time. Other Italian universities are mentioned, but only sporadically or as the place of a second or third matriculation. This is not surprising, nor is the fact that of all French universities, Orléans was the most popular. Paris and a few others stand far behind it; only the law schools of Bourges and Dôle deserve special mention. I was surprised to find out, however, that distinctly leading the list of counsellors' almae matres is a cluster of German universities: the highest attended universities are, in this order, Cologne, Heidelberg and Leuven, followed by the German Nation of Bologna, than by

Provenance

Kings and princes, themselves noble, liked to mingle with nobles, not least when it came to their advisors, and so it was predominantly educated noblemen that they employed as counsellors. Compared to the quota of nobles among the empire's overall population – which is assumed to be 2 or 3% – or among university attendees about 4%, there was a disproportional ratio of academically educated noblemen among the counsellors. This is true for the 15th and even more for the 16th century, after the nobility had caught on to the fact that if they wanted to prevail in a field saturated with commoner scholars, they needed to study and obtain academic qualifications themselves. The RAG's
data shows a share of 26.2% of noblemen amongst princes' counsellors—that means a good fourth. It is very likely that the rate is even higher, since we have only been able to determine the social status of about half of all counsellors. When I talk about noblemen, I mean counts, lords, and knights, the nobles of our sources, as well as members of the lower nobility.

The social status of civilian members of the councils was surprisingly high as well. The higher someone's social standing, the higher is the likelihood of this information to be recorded and consequently available to us. It may therefore be assumed to be more or less accurate when we determine that 75% of all prospective counsellors descended from the patriciate, that is, dynasties of city councilmen, jurymen and merchants— or, as they were called in the south of the empire, the burgher notables (honoratiores, Ehbarkeit). Furthermore, many of them came from families of civil servants and scholars, who had long-served in the courts for king, prince and country to their family strategy. The remaining fourth of counsellors stemmed from the urban bourgeoisie; some of them with a background in trade, some of undetermined background. I will refrain from mentioning statistical numbers, but allow me to name a few of the occupations that some of our counsellors' fathers pursued: among the civil servants, we have governors, bailiffs, stewards, clerks, magistrates, abbey caretakers, physicians, and professors; among the tradesmen butchers, brewers, goldsmiths, hatters, stonemasons, innkeepers, rope makers, and shipcarpenters. What is particularly conspicuous about this random list are the trades that are missing; weavers, tanners, bakers, fishermen, or blacksmiths in these prestigious positions.

The same profile of provenances appears grosso modo at the courts of Bavaria and Saxonia as well as at the court of the prince-elector of Brandenburg, albeit even more distinctly. Over a third of Albrecht's learned counsellors were noblemen, mostly from the local nobility of the Mark Brandenburg. The remaining counsellors were mainly descendants of the patriciate of this region—no true social climbers to be found at this high frequently-mentioned class consciousness towards scholars, but the social distinctions remained firmly in place.

By mentioning the Brandenburgian nobility and the Frankish patriciate I meant to indicate that regional as well as social provenience was an important criterion in the selection for court service. Albrecht (as many others) relied heavily on his own subjects, his Landeskinder. Here is not the place to elaborate on local provenience. I will merely touch on some instances that diverge from the normal practice of employing one's own subjects: the kings and emperors from Frederick III to Maximilian I and Charles V recruited their counsellors from all across the empire, with an emphasis on the long-term royal orientated (königsnahen) regions of South Germany and their traditional and newly acquired Habsburg territories and, after 1500, on the old Netherlands. Some regions attract attention because they supplied several rulers at once; I would like to call them surplus regions. Those are the Rhineland, the Palatinate, Württemberg and Baden and above all Upper Swabia and South Baden including the Alsace and the northern part of the Swiss Confederation, as well as, last but not least, Franconia. Not only the margraves of Brandenburg drew their counsellors from those regions, but also kings and emperors, the four prince-electors of the Rhine region, the archdukes of Austria, the prince-bishops of Würzburg, Bamberg, and Eichstätt as well as those of Strasbourg and Constance. Those observations complement the image of a north-south and a west-east divide that has been popular throughout German history. There is a high concentration of cities in these regions, especially imperial and free cities, which fostered the pertinent social and academically inclined classes. Apart from that, the general ratio of students and scholars was much higher in those regions compared to others.

Service of Princes

There were multiple kinds of social relations that could pave the way into the service of princes. The principal one appears to have been the court, which could grant patronages similar to those of the ruler himself, following the practices of the Roman Curia. There seems to have been an awareness of prospective members' comings and goings from universities—it is striking how close the dates of graduations and first references of employment often are. The prince-elector of Brandenburg managed to engage a whole series of

35. See B. Immenhauser, Bildungsweg..., op. cit., pp. 228-231.
37. S. Andersen, In Fürstlichen Auftrag..., op. cit., pp. 81-89; ead., "Gelehrte Räte im Dienst..."
counsellors immediately after their return from university. This was facilitated by students’ relatives – brothers and fathers, but most frequently learned and often clerical uncles (mothers’ brothers) – who provided the court with pertinent information. Apart from that, a key role was played by academic networks including teacher-student relationships as well as, increasingly, something very modern: a person’s own merits. Court members would take notice of young men who were successfully engaged in other councils or who distinguished themselves in learned writing such as reports or academic treatises. Every fourth counsellor, often at once university professors, including the abovementioned Winandus von Steeg, had found their employment this way.

Accepting a position in someone’s service is one thing; retaining it, however, is a different matter. Overlooking 200 years and more, we can observe that it was the exception rather than the rule to constantly fill a counsellor’s position with scholars. Council mandates were a matter of individual assignments, not a career track, at least not before the early fifteenth centuries. For a long time, rulers were more interested in the prestige that the employment of academic counsellors entailed than in their actual professional services. It was enough to be able to keep up with the other lords in fielding a learned counsellor, most often a jurist. Furthermore, it was quite common among kings, princes and cities to lend and borrow learned counsellors, and the counsellors themselves often aspired to change positions. This open situation was not specific to councils, but common for several other professional groups including academics. There always were alternatives to constant employment of scholars, even for the prevalent employer, the papal church. The same was true for the higher ranks of cathedral and collegiate churches, where social provenance (from the nobility or the patriciate) took precedence over education when it came to the assignment of positions. This occurs over the course of time – it always comes down to individual arrangements and the duration of specific mandates, which in turn depended on the rulers’ periods of government as well as the political events of the day. The great majority of counsellors were employed only for short periods; more precisely, two thirds of them (67%) were employed for less than a year, at least as far as we can tell. The remaining third, on the other hand, remained in the service of their rulers for an average of 10.4 years, individual figures ranging from 2 to 43 years. Periods of 20 years or longer were not observed before the late 15th century. In other words, there is no proof for permanent employment of academic counsellors before that time; and by the way this is a key-note for state-building in the Old German Empire. The “record number” of 43 years of employment belongs to the Dr. utr. iur. Heinrich Olislegier (Oelschläger) from Wesel. He was active in the council of the dukes of Julich-Cleves-Berg from at least 1532 until his death in 1575; in addition to that, he acted as chancellor of Julich from 1547 onwards. Olislegier, of course, is an early example of the type of professional counsellors descending from dynasties of officials: both his father and grandfather were counsellors and state bursars respectively; two of his brothers were counsellors like him, and his brother-in-law was Dr. utr. iur. Heinrich Sudermann, the famous syndic of the Hanseatic league.

Not only the circumstances of employment were unstable, but also the spheres and areas of activity. The primary tasks of a learned counsellor at king’s or prince’s court were generally the same, namely to deal with foreign affairs. This could mean diplomatic relations with the papal court, participation in ecclesiastical synods, missions to court councils and diets of princes, or delegations to foreign kings and princes. In addition to these older, traditional counsellors’ duties emerged new fields of duty more concerned with domestic and regional politics. The domestic assignments required extended stays – we are talking about tasks such as mediating in conflicts between rulers or between cities and rulers, procurement at manorial and arbitral courts, and especially mandates in the delicate business of dynastic succession and marriage contracts. Those are fields that particularly profited from the employment of jurists, especially of canonists familiar with the fourth book of the decretales (Liber quattuor decretaletum), which deals with matrimonial law, kinship, and relationship by marriage with reference to laws of succession and inheritance, and which often was commented in treatises traditionally called Arbor consanguinitatis et affinitatis.


Remuneration

I will conclude with a short glance at the matter of remuneration: what was in it for the counsellors? Considering the high concentration of nobility, we may assume that being in their service must have made for a comfortable living. Remuneration corresponded to social rank. Some counsellors were granted arms or even ennobled by kings, emperors or territorial lords. The latter became more frequent after the middle of the 15th century. One example is Dr Konrad Stürtzel, a law professor from Freiburg, a counsellor and chancellor for Sigismund, archduke of Austria-Tirol, and emperor Maximilian I. What eluded Peter von Andlau 20 years prior, Konrad achieved when he was knighted in 1491. I assume that most counsellors, especially those who were only in service for short periods of time, provided for themselves. The typical double-track approach of pre-modern professional life suited the employes just fine: they were happy to borrow senior clergymen like canons and capitulars from their church posts and prebends. The same is true for professions who, with regard to their livelihood, were little else than beneficiaries of their church.

Personnel, one intended to keep in service, on the other hand, needed to be offered additional benefits. This was handled following the example of the church. Across the board and regardless of the reformation, rulers always tried to remunerate their servants with benefits and vicarships of the church, rather than appointing them properly and footing the bill themselves. Almost half of all counsellors were furnished with clerical positions. What became increasingly rare, however, was the traditional practice of providing an esteemed counsellor with an episcopate. Ecclesiastical politics, as we know, made this rather difficult, except for marginal bishoprics of limited consequence, where kings and territorial rulers were given free rein.

The decline of clerics in council positions brought in its wake other possibilities and means of compensation. Albrecht, prince-elector of Brandenburg, was quite serious — if not entirely selfless — in conveniently suggesting to his scholars that they find themselves a wealthy wife.


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Littérature, esthétisation et politique en Angleterre à la fin du Moyen Âge

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Lorsque Jean-Philippe Genet m’a demandé de préparer une intervention pour ce volume, il a souhaité que j’explore, parmi les huit « révolutions » qu’il a définies, celle du « sensible ». Bien qu’il ne me paraîse pas évident de traiter séparément ces « révolutions », et en particulier, pour ce qui concerne mes travaux, celles de la littérature, des langues et du sensible, j’ai pu à cette occasion entamer une réflexion sur un aspect encore peu présent dans mes recherches, celui de l’esthétisation de l’anglais, cette langue qui se constitue tardivement – aux XIVe et XVe siècles – en langue intellectuelle, en articulation avec l’autonomisation d’un nouveau champ littéraire. Une question, en particulier, m’a interpellée: pourquoi une grande majorité des textes littéraires sur lesquels je travaille, qui réfléchissent à la société et au pouvoir dans ce « nouveau » langage qui est l’anglais – relativement nouveau, en tout cas, dans le paysage écrit du système de communication – sont-ils en vers plus qu’en prose?

Dans la même série :

I  La légitimité implicite  
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Vecteurs de l'idéal et mutations des sociétés politiques

Actes des colloques organisés en 2013 et 2014 à Rome par SAS et l'École française de Rome

sous la direction de Jean-Philippe Genet

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