

Cambridge University Press

0521026512 - Royal and Republican Sovereignty in Early Modern Europe: Essays in Memory of Ragnhild Hatton

Edited by Robert Oresko, G. C. Gibbs and H. M. Scott

Excerpt

[More information](#)

INTRODUCTION

I

This volume is devoted to royal and republican sovereignty in early modern Europe and has two interrelated purposes. It is intended as an act of homage to the late Ragnhild Hatton, a great and widely influential historian within this field. It is also an attempt by a group of scholars from diverse fields of political and cultural history to examine the importance of the concept of sovereignty from a new set of perspectives and to investigate the varied meanings and the different uses to which this idea was put in early modern Europe, especially during the seventeenth and eighteenth centuries. The collection redraws the intellectual map by marking out areas which complement the debates of historians of political thought, who have hitherto dominated scholarly discussion of the topic. It follows a similar path to that of political theorists, who have sought to contextualise their subject by locating it firmly within the intellectual traditions of the period and highlighting what was important to contemporaries. The chapters in this volume illuminate new aspects of sovereignty during the seventeenth and eighteenth centuries. The collection as a whole serves to complement, rather than contradict, the writings of historians of ideas.

The problem of the origins and nature of modern sovereignty, it has been recently observed, was ‘Once the preserve of constitutional historians’,¹ but this is no longer the case. During the past generation sovereignty as a term and as a subject has become largely the preserve of historians of ideas, who have seen in it one of the key theoretical principles of early modern political thought.² The notions of sovereignty which run through the detailed chapters which follow are rather different and certainly more extensive, embracing as they do the territorial,

¹ Thomas Mayer, ‘Sovereignty, sovereignty, who’s got the sovereignty’, *The Sixteenth-Century Journal* 25 (1994), pp. 399–402.

² See, for example, the outstanding survey by Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge, 1978); and the large-scale collective work edited by J. H. Burns, with the assistance of Mark Goldie, *The Cambridge History of Political Thought 1450–1700* (Cambridge, 1991).

Cambridge University Press

0521026512 - Royal and Republican Sovereignty in Early Modern Europe: Essays in Memory of Ragnhild Hatton

Edited by Robert Oresko, G. C. Gibbs and H. M. Scott

Excerpt

[More information](#)

the personal and the practical as well as the philosophical. At times, however, they run in parallel to the theoretical and legislative sovereignty which primarily concerns political theorists, and on occasions these two streams intersect. One overarching purpose of the volume is to establish the utility and importance of 'sovereignty', whether in its singular or plural form, for political and cultural historians of early modern Europe. Many of these ideas and usages have their origins in Ragnhild Hatton's own writings, and this also unifies the individual chapters.

The importance of sovereignty for early modern continental historians has usually been viewed in terms of the strengthening of monarchical authority which took place during this period. Sovereign power has been seen as one of the essential attributes of the modern state, which had its origins in developments at this time. Here there is an obvious link between the world of politics and government, and that of philosophy and ideas. During the seventeenth and eighteenth centuries, so-called absolute monarchs were quick to borrow from the world of political theory and sought to buttress their own authority by employing the doctrine that the sovereignty which they exercised was complete and indivisible. This notion was of value both abroad and at home. It was first employed to assert a sovereign's independence from any external control, and then used to uphold the ruler's authority over all his subjects. This process extended across the seventeenth and eighteenth centuries. Domestically the idea of sovereignty provided a bulwark against the serious successions crises, rebellions and civil wars which many monarchs had faced during the second half of the sixteenth century, and also did much to remove all theoretical constraints upon a ruler's authority within his own territories, while in Catholic states it was a way of containing the authority claimed by the pope, both in temporal affairs and in spiritual matters.

The stark and inflated claims which resulted from this process were epitomised by the arguments advanced by the French king, Louis XV (1715–74), in his celebrated speech during the 'séance de la flagellation' in 1766. This was the high-point of the crown's counter-attack against the sovereign law courts during its bitter struggle with the parlements, especially that of Paris, and it was the occasion for one of the most extreme statements of monarchical sovereignty ever uttered. 'C'est en ma personne seule [the king declared] que réside l'autorité souveraine dont le caractère propre est l'esprit de conseil, de justice et de raison. C'est à moi seul qu'appartient le pouvoir législatif sans dépendance et sans partage. L'ordre public tout entier émane de moi.'³ Half a century earlier Russia's

³ Quoted by Philippe Sueur, *Histoire du droit public français, XVe–XVIIIe siècle*, 2 vols. (Paris, 1989), vol. 1, p. 139. The full text of the king's speech can be found in J. Flammermont, *Remonstrances du parlement de Paris au XVIIIe siècle*, 3 vols. (Paris, 1888–98), vol. 11, pp. 554–60. The author of the royal declaration seems to have been either Calonne or Jacob-Nicolas Moreau, and not Gilbert de Voisins as was long believed: Julian Swann, *Politics and the Parlement of Paris under Louis XV, 1754–1774* (Cambridge, 1995), p. 270.

Cambridge University Press

0521026512 - Royal and Republican Sovereignty in Early Modern Europe: Essays in Memory of Ragnhild Hatton

Edited by Robert Oresko, G. C. Gibbs and H. M. Scott

Excerpt

[More information](#)*Introduction*

3

Peter the Great had defined his own authority in the following terms: ‘His Majesty is a Sovereign monarch, who is responsible to no one for his actions, but has the power to rule his state and his lands as a Christian lord according to his will and good understanding.’⁴ These and similar claims of absolute monarchy and power were themselves derived from early modern political thought and especially from the well-known writings of the sixteenth-century French theorist, Jean Bodin, encapsulated in his celebrated *Six Books of the Republic* which first appeared in 1576. Bodin’s assertion that sovereignty was complete and indivisible was seized upon by rulers seeking a theoretical justification for their efforts to increase their own authority.

The exaggerated claims advanced upon their behalf by royal propagandists were in turn believed by credulous historians of earlier generations, particularly those nineteenth- and early-twentieth-century scholars searching for the origins of the homogenised ‘nation-state’. Their preoccupation with absolute rule was strengthened by a concentration upon the institutions of central government and by the publication of important series of related documentation: among the earliest, and certainly most significant of these was the famous *Acta Borussica*, the great series which opened up the institutional history of eighteenth-century Prussia.⁵ Assumptions about state power in past times were further reinforced by the ideas of the German sociologist, Max Weber, and his theories about bureaucracy, which came to be widely influential among historians at this period and which indirectly shaped writing about the expansion of state authority during the seventeenth and eighteenth centuries. In this way, the assumption that monarchical power during the early modern period was absolute both in theory and in practice became firmly established.

It is increasingly clear that this belief is mistaken in two quite separate respects. In the first place, historians of political thought now generally recognise that sovereignty was itself far from indivisible. One distinguished scholar has gone so far as to write that Bodin was ‘primarily responsible for introducing the seductive but erroneous notion that sovereignty is indivisible’.⁶ It is apparent that the author of *Six Books of the Republic* did believe that supreme authority should not be divided or distributed among several persons but should remain concentrated in

⁴ Quoted by Isabel de Madariaga, ‘Autocracy and sovereignty’, *Canadian-American Slavic Studies* 16 (1982), pp. 369–87, at p. 375. Peter’s declaration is from his Military Code of 1716 and repeats the formulation employed by the Swedish *riksdag* in its declaration on sovereignty in 1693. Professor de Madariaga’s article provides a subtle and important linguistic analysis of the terminology in the context of eighteenth-century Russia.

⁵ *Acta Borussica: Denkmäler der preussischen Staatsverwaltung im 18. Jahrhundert – Behördenorganisation*, ed. the Royal Academy of Science, Berlin, 16 vols. (Berlin, 1892–1970).

⁶ J. H. Franklin, ‘Sovereignty and the mixed constitution: Bodin and his critics’, in *The Cambridge History of Political Thought*, pp. 298–328, at p. 298.

Cambridge University Press

0521026512 - Royal and Republican Sovereignty in Early Modern Europe: Essays in Memory of Ragnhild Hattton

Edited by Robert Oresko, G. C. Gibbs and H. M. Scott

Excerpt

[More information](#)

the hands of a single ruler or ruling body. Bodin believed, in other words, in ‘ruler sovereignty’ or ‘legislative sovereignty’. But this doctrine permitted the division and delegation of sovereign powers to subordinate individuals and institutions.⁷ In any case, Bodin’s doctrines, after a period of considerable influence, were by the 1630s and 1640s becoming less influential.

There was, moreover, far more contemporary ambiguity about the nature of sovereignty than might be realised from the preoccupation with Bodin and his interpreters. In a magisterial work published in Lyons in 1660, the eminent jurist and historiographer, Samuel Guichenon, addressed himself to the definition of sovereignty, and quickly declared himself to be perplexed.

Les Auteurs anciens et modernes [he wrote], ont esté bien empeschés à donner une veritable definition de la Souveraineté et d’en déterminer les marques essentielles; parce que depuis que la fortune s’est mêlée des affaires du Monde, elle a tellement alterés par ses continuelles revolutions l’ordre des Puissances et des grandeurs de la Terre, qu’il est très-difficile, surtout en ces derniers Siecles, de reconnoistre celles qu’on peut dire proprement souveraines.⁸

Guichenon was a Gallocentric regalist, and Bodin was a prime source. He cited approvingly the Frenchman’s seven marks of sovereignty, those powers the possession of which clearly indicated that a prince was sovereign. These included the making of war and peace (that is, the conduct of relations with other sovereign princes, a mutually validating exercise), the striking of money, the granting of pardons and the judgement of final resort. To these Guichenon added others adopted from the French royal councillor and propagandist, the jurist Cardin Le Bret: ennobling commoners, legitimising bastards, naturalising foreigners, treating with ambassadors.⁹ Lacking an established definition, even in the second half of the seventeenth century, Guichenon clung to lists of activities which, taken together, indicated the exercise of sovereignty. This was a highly practical means of cutting through the dense jungle of theoretical debate which had grown up, particularly since the mid-sixteenth century. It is an approach which has considerable implications for political and cultural historians, as many of the individual authors of this collection make clear.

⁷ See Richard Bonney, ‘Bodin and the development of the French Monarchy’, *Transactions of the Royal Historical Society*, 5th ser., 40 (1990), pp. 43–62, for a demonstration of the way in which Bodin’s ideas facilitated the issuing of royal commissions and so advanced the development of sub-delegation.

⁸ Samuel Guichenon, *Histoire généalogique de la Royale Maison de Savoye* (Lyons, 1660), p. 80. For Guichenon, see below, pp. 328–9.

⁹ Le Bret’s *De la souveraineté du Roy* had been published in 1632. His ideas and importance are briefly examined by William F. Church, *Richelieu and Reason of State* (Princeton, NJ, 1972), pp. 268–72.

Cambridge University Press

0521026512 - Royal and Republican Sovereignty in Early Modern Europe: Essays in Memory of Ragnhild Hatton

Edited by Robert Oresko, G. C. Gibbs and H. M. Scott

Excerpt

[More information](#)*Introduction*

5

II

During recent decades historians have become increasingly aware of the practical limitations upon monarchical authority during the early modern period. It is now recognised that writing about the nature and powers of government in past times has been distorted by nineteenth-century developments, which established the notion that the emergence of an all-powerful nation-state was the principal development in European history from the medieval period onwards. The institution of the state, according to Max Weber, was credited with possessing ‘the monopoly of legitimate force and regularly, normally, and effectively exercising domination’ within a defined territorial area.¹⁰ Such a definition implied that sovereignty was the preserve of the ruler and by extension what came to be perceived as a ‘government’, the existence of which derived directly from princely validation and attribution of responsibility. This approach was for long widely influential. Historians have traditionally reified the nation-state, and located its origins in early modern and even medieval developments. Some scholars even deified the entity. They have myopically concentrated upon the expanded administrative apparatus and particularly the enlarged institutions of central government which were beginning to emerge at this time, and have attributed to these far greater authority than rulers actually possessed. This blinkered approach has obscured two crucial facts. The first is that many of what have been taken to be the attributes of the modern state – the authority to tax, the administration of justice, even the right to pursue a separate foreign policy – were at this period not the monopoly of the ruler alone, but were shared with other individuals, groups and territories within the frequently disparate lands over which the prince claimed sovereign power.

In the second place, the composite nature of most early modern polities is increasingly recognised by historians.¹¹ The debate over what came to be called ‘composite monarchy’ here made a major contribution. Early modern kingdoms were collections of separate territories and provinces, all with their own

¹⁰ Quoted by Howard Kaminsky and James Van Horn Melton in their *‘Land’ and Lordship: Structures of Governance in Medieval Austria* (Philadelphia, 1992), p. xxiii, a recent English translation of Otto Brunner’s *Land und Herrschaft: Grundfragen der territorialen Verfassungsgeschichte Oesterreichs im Mittelalter* (1939; reprinted Darmstadt, 1984). The ultimate source of the quotation is Weber’s *Wirtschaft und Gesellschaft*.

¹¹ For the origins of the concept, see H. G. Koenigsberger, ‘*Dominium Regale or dominium politicum et regale: monarchies and parliaments in early modern Europe*’ (an inaugural lecture delivered in 1975), printed in *Politicians and Virtuosi: Essays in Early Modern History* (London, 1986), pp. 1–26, esp. pp. 12ff, and the important recent discussion by J. H. Elliott, ‘A Europe of composite monarchies’, *Past and Present*, 137 (1992), pp. 48–71. See also two papers devoted to the theme ‘Multiple kingdoms and provinces’: John D. Law, ‘The Venetian mainland state in the fifteenth century’, and Jenny Wormald, ‘The creation of Britain: Multiple kingdoms or core and colonies?’, both printed in *Transactions of the Royal Historical Society*, 6th ser., 2 (1992), pp. 153–74 and 175–94.

Cambridge University Press

0521026512 - Royal and Republican Sovereignty in Early Modern Europe: Essays in Memory of Ragnhild Hatton

Edited by Robert Oresko, G. C. Gibbs and H. M. Scott

Excerpt

[More information](#)

distinctive constitutions. Each component part defended its own way of life and especially its fiscal, legal and (sometimes) religious privileges against the encroachment of central government. It was aided in this by the small size of the state apparatus during the early modern period and by the difficulties posed by slow and unreliable communications, which magnified the fundamental problem of distance. Within every polity there were numerous smaller jurisdictional and territorial units, all of which guarded their status as distinct and independent authorities. Efforts to promote internal cohesion, from the seventeenth century onwards, could make only slow progress in the face of the enormous strength of traditional structures and established patterns of life.

Integration was still in its infancy, and fell far short of that achieved in the unified nation-states that first asserted a dominant presence during the nineteenth century. Instead, as has recently been noted, during the early modern period 'Sovereignty was still the exercise of authority within different domains (seigneurial, ecclesiastical, juridical etc.). These domains were often not delineated territorially with great precision and, if they were, their limits often did not coincide with one another.'¹² The old world of lordship thus persisted long into the early modern period, when competing jurisdictions jostled for supremacy and in this way contributed to defining the boundaries of sovereignty. Whatever was meant by 'the centralised state' was only one – and often not the strongest – of a number of institutions and individuals each seeking to establish its pre-eminence.¹³ A corollary of this – as Ragnhild Hatton noted – was that political authority was more complete within Europe's republics. There – within smaller territorial confines – a dominant oligarchy, ruling in the interests of a homogenous section of society, could wield more effective authority than could absolute monarchs.¹⁴

During the past generation the established emphasis upon the emergence of a Leviathan state during the early modern period has given way to a recognition of the real limitations in practice upon the authority of central government. Ragnhild Hatton was in the forefront of this reaction. She herself was one of the earliest historians to question the reality of 'absolutism' in seventeenth-century France. This was the assumption that the theoretical claims to 'absolute' authority and full sovereignty advanced by French kings, their ministers and their

¹² Mark Greengrass, 'Conquest and coalescence', in Greengrass (ed.), *Conquest and Coalescence: The Shaping of the State in Early Modern Europe* (London, 1991), pp. 1–24, at p. 3.

¹³ The classic description of the world of lordship remains Brunner's *Land und Herrschaft*, the first edition of which was published in 1939; see the admirable English translation: '*Land' and Lordship*, especially chs. 3–5. One notable recent example of an attempt to examine competing sovereignties in early modern France is James R. Farr, 'Parlementaires and the paradox of power: Sovereignty and jurisprudence in *Rapt* cases in early modern Burgundy', *European History Quarterly* 25 (1995), pp. 325–51.

¹⁴ *Europe in the Age of Louis XIV* (London, 1969), p. 83.

Cambridge University Press

0521026512 - Royal and Republican Sovereignty in Early Modern Europe: Essays in Memory of Ragnhild Hatton

Edited by Robert Oresko, G. C. Gibbs and H. M. Scott

Excerpt

[More information](#)*Introduction*

7

propagandists were realised in practice. It was believed that there was an immense increase in the power and effective authority of central government, closely associated with such great ministerial figures as the Cardinal de Richelieu, whose dominance extended from 1624 until 1642. This enlarged and more efficient administrative apparatus was believed to have been capable of imposing taxation and military conscription on a wholly new scale, particularly from the point in 1635 when France entered the Thirty Years War. The crucial development was seen to be the deployment, from the early 1630s onwards, of increasing numbers of intendants in the provinces. These royal officials acted as the spearhead of absolute monarchy and were believed to have provided a new and effective tier of administration, inserted into the existing hierarchies of power, which was responsive to control from the supposedly centralising court. Underpinning this approach was the assumption that the selfish, entrenched noble elites who dominated the French provinces were always opposed to 'progress' and that state-building was always enlightened in its intentions. Historians of 'absolutism' seemed to have annexed morality to the cause of the kings and royal ministers whom they studied.

Ragnhild Hatton was extremely sceptical about such an approach. Her own wartime experience of government made her aware of the distance which often separated intention from achievement, in the present as in the past.¹⁵ She questioned both the efficacy of institutional structures, especially during the pre-modern period, and the propaganda deployed at the time and since on behalf of the French monarchy. Instead she emphasised the need to examine government in practice, urging historians to look beyond the imposing façade of Louis XIV's palace at Versailles and to examine the reality of administrative authority at the local and provincial level, and the very real limitations upon it.¹⁶ Her reservations about the authority wielded in practice by royal officials, especially in those provinces attached to the crown from the late fifteenth century onwards, with their own regionalist and even separatist traditions, has subsequently inspired new interpretations of power-holding in seventeenth-century France.¹⁷ In a wider sense, the application of the term 'absolutism' to a distinct phase of European history and even the coherence of the notion itself are now seriously questioned and used with growing caution and discretion.

¹⁵ See below, p. 32.

¹⁶ See in particular *Europe in the Age of Louis XIV*, pp. 82–3. This re-evaluation owed much to Eugene L. Asher, *The Resistance to the Maritime Classes: The Survival of Feudalism in the France of Colbert* (Berkeley and Los Angeles, 1960), a pioneering study of naval conscription and the effective opposition it encountered: e.g. Hatton, 'Louis XIV and his fellow monarchs', in J. C. Rule (ed.), *Louis XIV and the Craft of Kingship* (Columbus, Ohio, 1969), p. 184.

¹⁷ See especially William Beik, *Absolutism and Society in Seventeenth-Century France: State Power and Provincial Aristocracy in Languedoc* (Cambridge, 1985), and Roger Mettam, *Power and Faction in Louis XIV's France* (Oxford, 1988).

Cambridge University Press

0521026512 - Royal and Republican Sovereignty in Early Modern Europe: Essays in Memory of Ragnhild Hatton

Edited by Robert Oresko, G. C. Gibbs and H. M. Scott

Excerpt

[More information](#)

The need for such scepticism is highlighted by Grete Klingenstein's chapter, which reveals the slow and partial progress of centralisation within the eighteenth-century Habsburg Monarchy, and the continuing vitality and importance of provincial law codes, social customs and even institutions, at a period when the context of social, economic and political life remained overwhelmingly local. Her contribution examines the slow growth of Vienna's sovereignty over the neighbouring Austrian territories and charts a crucial change in political and geographical vocabulary which accompanied this: the emergence of 'Austria' as the designation of the heartland of Habsburg power. She emphasises that law was still the foundation of political authority during the early modern period, and views the establishment of 'Austria' as a concept and a term as the consequence of the slow erosion of physical and provincial barriers and of the related advance of Vienna's centralising policy, as an administrative infrastructure slowly took shape. Grete Klingenstein's chapter makes clear the enormous complexities of political structures during the eighteenth century in the Habsburg Monarchy, and the slow and partial progress of centralisation at this time. It reinforces the need for scepticism about the actual achievements of would-be centralising government, which was a recurring emphasis in Ragnhild Hatton's own writings. Even at the beginning of the nineteenth century, as Grete Klingenstein concludes, 'The unity of the *Gesamtstaat* depended entirely, from a legal point of view, on the personal institutions of sovereign and House, which had traditionally united the various territories.'¹⁸

Though the Habsburg Monarchy was one of the most complex polities in the early modern period, its structure was only the extreme manifestation of a pattern which was to be found in some measure across the whole of Europe. France's territorial consolidation and expansion was a case in point. During the later middle ages the French monarchy had expanded the geographical area under its control by annexing – by agreement, by inheritance, or by conquest – a series of outlying sovereign territories, previously independent of the crown. The last major acquisition was that of Brittany, in two stages (1490–1532); earlier reigns had seen the addition of Guyenne (1351), ducal Burgundy (1477) and Provence (1480), while around 1620 the principality of Béarn and the kingdom of Navarre, which had until then retained their sovereign status, were incorporated into France. Such absorptions of sovereign territories, together with a series of conquests throughout the early modern period, had increased and highlighted the composite nature of the French monarchy. Many of these new possessions of the French crown retained and sought to defend established privileges: as, of course, did provinces that had been part of a greater France for much longer periods. Throughout the realm numerous individuals and corporate bodies – bish-

¹⁸ Below, p. 470.

Cambridge University Press

0521026512 - Royal and Republican Sovereignty in Early Modern Europe: Essays in Memory of Ragnhild Hatton

Edited by Robert Oresko, G. C. Gibbs and H. M. Scott

Excerpt

[More information](#)*Introduction*

9

ops, towns, guilds, universities, parlements, provincial estates where these still existed in the *pays d'états* – vigorously defended their traditional privileged status and, above all, their fiscal immunities and legal rights against the encroachments of the would-be centralising monarchy, competing for power. Even more striking was the handful of independent enclaves to be found all across France where the king's writ did not run. The last of these to be incorporated into France were the papal territories of Avignon and the Comtat Venaissin in 1791, when they were occupied by the French Revolutionaries. In the course of the previous century other enclaves had been incorporated, or 'reunited', to employ the validating term which was habitually used for acquisitions to justify historical territorial expansion. The best known of these was the principality of Orange, property of the House of Nassau, who were stadholders in the Dutch Republic. This was occupied by Louis XIV in 1680 and transferred to French sovereignty in 1713 under the terms of the Peace of Utrecht. Another example was the *vicomté* of Turenne, which had been owned by the La Tour d'Auvergne family, but was annexed by the crown in 1733.

The existence of these independent enclaves within the French kingdom until such a late point is an important reminder of the limitations of efforts at legal, administrative and fiscal integration and unification. In a similar way early modern France contained a number of powerful individuals who claimed to be regarded as sovereigns in their own right. They were not the king's subjects but the juridical equals of the monarch, whom they might agree to serve. These were the *princes étrangers*, members of foreign sovereign dynasties who in the French aristocratic hierarchy were placed immediately below the *princes du sang* and the *princes légitimés*. David Parrott's chapter examines one of the best-known of these: Charles de Nevers, who is most familiar for his efforts to secure the succession to the duchies of Mantua and Monferrato at the end of the 1620s, which was at the heart of a celebrated international crisis. Nevers had a contractual view of his relationship to France's king, Louis XIII (reigned 1610–43). While he might and did enter French royal service and become a fief-holding aristocrat, Charles de Nevers retained his sovereign status. He always thought and acted not like a subject of the king of France but as an independent ruler: which he was twice over, through his possession of the sovereign principalities of Bois-Belle-en-Berry, in central France, and Arches, on the north-eastern frontier. He also held and administered directly the duchies of Nevers, Rethel and (after 1621) Mayenne. The sovereign principality of Bois-Belle-en-Berry was sold in 1605, but Arches – renamed, after the duke, as Charleville – was rebuilt in appropriate style, in order to assert his independent status. This was accomplished through the creation of a city whose rigorous formalistic adherence to urbanistic expressions of sovereign rank – grid plans focusing on the most important buildings, exactly as was later to be done in the case of Turin, as Geoffrey Symcox makes clear

Cambridge University Press

0521026512 - Royal and Republican Sovereignty in Early Modern Europe: Essays in Memory of Ragnhild Hatton

Edited by Robert Oresko, G. C. Gibbs and H. M. Scott

Excerpt

[More information](#)

– drew attention to its role as an independent capital. Charles de Nevers's sovereignty was evident in his ability to mint coins and to dispense justice (with no appeal to another, higher jurisdiction), and manifest in his resplendent court and independent military forces. This was the nub of the problem for the French crown: the existence and dual status of a number of powerful families who held French ducal titles and rank, but came from sovereign princely Houses. They either continued to have direct inheritance claims elsewhere in Europe, such as the princes of Savoy and Lorraine who took service with the French crown, or had residual rights upon sovereign lands, such as Brittany, absorbed by the French crown, which was the case with the Rohan.

The position of the *princes étrangers* within France exemplified the way in which individual sovereignties overlapped and intersected. This also occurred at the territorial level, most notably in northern Italy and in 'Germany'. In both instances the key issue was the claims of the Holy Roman Emperor. In substantial areas of the north of the Italian peninsula (Reichsitalien), imperial claims to overlordship clashed with the sovereign rights of the territorial rulers. This, as will be seen, was one significant source of the instability and, hence, the important political potential of the region during the early modern period.¹⁹ The situation in the Reich itself was both less ambiguous and also more complex. The Peace of Westphalia, which concluded the long and destructive phase of fighting known as the Thirty Years War (1618–48), was a watershed in the development of ideas about sovereignty and also in the position of the Austrian Habsburgs within Germany. It ended a conflict which had seen the failure of Habsburg efforts to push back the power of the individual German rulers and to create a territorial power-base stretching into the northern half of Germany, and instead recognised the special sovereign status of electors, which involved a redefinition of the Golden Bull. The provisions of the peace settlement of 1648, however, were in some degree contradictory. On the one hand, the sovereignty (*Landeshöheit*) of the territorial princes great and small was asserted and by the provisions of the treaty they were allowed formally for the first time to pursue independent foreign policies. In another clause of the treaty, however, this liberty was made subject to the restriction – though this was in practice quite meaningless – that these policies should not be directed against the emperor. After 1648, as Ragnhild Hatton herself remarked, a German ruler enjoyed 'power over his own territory [which] was as near sovereignty as made little difference in practice'.²⁰

In two significant respects, however, this sovereignty was qualified, rather than complete. The first restriction was that, while they might ennoble deserving subjects, they could only do so at the lowest level, that of simple *Adel*, and they

¹⁹ See below, p. 39.²⁰ *Europe in the Age of Louis XIV*, p. 67.