

8. The Nassaus and State Formation in Pre-Modern Germany

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Abstract: Historians tend to throw states, dynasties and historical periodisations into the same pot, approaching ‘dynasty’ and ‘state’ as two sides of the same coin. Although there is much to be said for this approach, it neglects the role of the family. This chapter addresses this problem in dynastic history by studying pre-modern state formation as a family business. By focusing on the house regulations of the Nassau family, a dynasty in early modern Germany not renowned for its state building, this chapter argues that scholars of dynasty and state formation may gain from a more open approach to the strategies pre-modern princely families deployed to secure their portfolio of lands, titles, offices and other goods for the future.

Keywords: state formation – partible inheritance – long-term succession strategies – Nassau dynasty

Historians tend to throw states, dynasties and historical periodisations into the same pot. Tudor England, for instance, refers to the English kingdom in the period 1485–1603, when it was ruled by members of what later became known as the house of Tudor. Other examples in historiography where ‘dynasty’, state and a periodisation overlap include Ming China, the Safavid Empire and Bourbon France. This practice in historiography betrays the assumption that there is a degree of unity that can be imposed on states ruled by a single family and that ‘dynasty’ and ‘state’ are two sides of the same coin.¹

¹ I would like to thank the editors, reviewers, and participants of *Dynasty and State Formation in Europe 1500–1700* and Bart van der Steen for their helpful suggestions and criticisms on earlier

This is not so surprising if we look at the etymology of 'dynasty'. Jeroen Duindam explains in his global history of dynasty that the term derived from Ancient Greek and denoted 'lordship and sovereignty'. According to this etymology, the ruling family and the state thus happily coincide. Yet now the term is 'commonly understood as a ruling family, a line of kings or princes'.² Natalia Nowakowska has attributed this shift to the *Encyclopédie* of 1755, which defined the term as follows: 'DYNASTY, s. f. (Hist. anc.) means a series of princes of the same race who rule a country'.³ The use of multiple interpretations of 'dynasty' has caused confusion and detracted from the concept's analytical edge.⁴ Some see the concept for instance as an important category in the contemporary self-identification of princes, theoretically independent of the territories they ruled, while others underline the primacy of territorial title and status, which defined dynastic identities rather than the other way round.⁵

Two developments in the fields of state formation and dynastic power continue to put pressure on these definitions. Firstly, John Elliott has shown that the composite state was ubiquitous in early modern Europe and that dynasties were often the only common denominators in otherwise distinct polities. This perspective raises questions about the precise relationship between the dynasty and the state, however we may define this latter concept.⁶ Secondly, the concept of 'dynasty' has been opened up by new insights produced by kinship studies, gender history and history from below. One of these insights is that dynastic history can no longer be reduced to a sequence of male rulers but should also include the wider family network, including women, cousins, prematurely deceased offspring and illegitimate children.⁷

These new insights are essential for our understanding of the early modern world, but they have also created a new problem. The traditional idea of 'dynasty' has become both so all-encompassing and elusive that, as

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2 Duindam, *Dynasties*, p. 4.

3 'DYNASTIE, s. f. (Hist. anc.) signifie une suite des princes d'une même race qui ont régné sur un pays.'

4 Nowakowska, 'What's in a Word?', p. 7.

5 Nowakowska, 'What's in a Word?', p. 12; Hardy, 'Dynasty, Territory, and Monarchy'.

6 Elliott, 'A Europe of Composite Monarchies', pp. 48-71.

7 Kaiser, 'Regierende Fürsten und Prinzen von Geblüt', pp. 3-28; Geevers, 'The Miracles of Spain', pp. 291-311; Duindam, *Dynasties*; Broomhall and Van Gent, *Gender, Power and Identity in the House of Orange-Nassau*; Pieper, *Einheit im Konflikt*.

a concept, it has increasingly begun to slip through scholars' fingers like a handful of sand.⁸ This explains the continued popularity of the outdated model of dynastic history as a serial biography of male rulers.⁹ Since the 1980s historians have, in different ways, tried to solve this problem. Dynasty became a social construct and imagined community.¹⁰ Some historians connected it to the institution of the princely court.¹¹ Others noted the impossibility of distinguishing between those in the dynasty and those outside it.¹² The matter of how individuality put tension on dynastic interests further complicated the concept.¹³

The shift in dynasty's meaning from lordship, via a male line of succession, to a kinship system with an increasingly inclusive but virtually undefinable membership causes doubt about the concept's continued analytical value. But such is the case with all historical concepts. Theories and concepts are tools for historians to solve 'recurrent explanatory problems'.¹⁴ By concentrating on particular aspects of a phenomenon, other aspects inevitably lose focus. The same is true for the concept of dynasty. This chapter pleads the case for dynasty's continued relevance in the study of state formation but also contends that scholars must not simply equate dynasty to an interpretation of *raison d'état* that yokes modern state formation to centralisation. They should foster a more open mind towards the dynastic rationale that drove members of princely families in their actions.

The most important recurrent explanatory problem of 'dynasty' is its role in state formation. Historians have traditionally tended to adopt a binary approach to the matter, presenting some states and their dynasties as failures in and victims of European state formation and others as its prime driving forces and beneficiaries.¹⁵ In the context of the principalities in pre-modern Germany, Peter H. Wilson called this approach the 'failed nation state thesis'.¹⁶ Some dynasties were able to develop and wield the increasing stability and power of the state, while many other dynasties failed to do so due to a variety of factors, including bad choices and sometimes sheer bad

8 This was already observed by Weber, 'Dynastiesicherung und Staatsbildung', pp. 91–136; Geevers and Marini, 'Introduction', pp. 1–22.

9 Curtis, *The Habsburgs*; Crawford, *The Yorkists*; Meyer, *The Tudors*.

10 Weber, 'Dynastiesicherung und Staatsbildung'; Geevers and Marini, 'Introduction'.

11 Duindam, *Dynasties*.

12 Kraus, 'Das Haus Wittelsbach und Europa', p. 426; Nowakowska, 'What's in a Word?', p. 11.

13 Jendorff, 'Eigenmacht und Eigensinn', pp. 613–44.

14 Tilly, *As Sociology Meets History*, p. 11.

15 For a useful overview, see Tilly, *Coercion, Capital, and European States*, pp. 5–16.

16 Wilson, 'Still a Monstrosity?', p. 571.

luck.¹⁷ The distinction between ‘winners’ and ‘losers’ continues to bring out the worst teleological biases in the field of state formation and dynastic power. It also emanated in the reputation of the Holy Roman Empire as a ‘monstrosity’ in terms of modern state formation, from which it has only recently begun to recover.¹⁸

The famous cultural historian Johan Huizinga already warned against the dangers of teleology when he wrote about the history of Dutch national consciousness: ‘When we arrange historical facts into a perspective in order to distinguish a meaningful connection [between them], it is so tempting to see that meaningful connection as an inevitably proven causality.’¹⁹ Historians of dynastic power and state formation seem particularly prone to this risk. One of dynasty’s defining characteristics is a line of princes. Taking the line of succession as their point of departure, dynastic histories tend to be serial biographies, explaining for instance the rise and fall of a princely house as a single bloc. The dual meaning of the Latin verb ‘*succedere*’, namely ‘to follow, follow after, succeed’ and ‘goes on well, is successful, prospers, succeeds’, mirrors how members of dynasties and later historians have equated succession to success.²⁰

Much in the same way that methodological nationalism and the rise of the modern, rational, bureaucratic nation-state inform approaches to the history of early modern state formation, historians — accepting succession as the *sine qua non* of ‘dynasty’ — have developed a methodological blind spot for the uncertainties, what-ifs and dead ends that to a large extent characterised dynastic power in world history.²¹ We need a much more open-ended approach to dynasty and state formation to capture these uncertainties. This chapter will show what such an approach could bring and what scholars of state formation and dynastic power stand to benefit by it.

To gain a more open perspective on the relation between dynasty and state formation, this chapter focuses on the house of Nassau in the Holy Roman Empire. It might seem like a contradiction in terms to study state

17 Also see Tilly, *Coercion, Capital, and European States*, p. 7.

18 Wilson, ‘Still a Monstrosity?’; Zmora, *Monarchy, Aristocracy and State*; Stollberg-Rilinger, *The Emperor’s Old Clothes*; Hardy, *Associative Political Culture*.

19 Huizinga, ‘Uit de voorgeschiedenis van ons nationaal besef’, pp. 432–3: ‘Het is zoo verleidelijk, wanneer wij de historische feiten gerangschikt hebben tot een perspectief, zoodat wij er een begrijpelijk verband in zien, dat begrijpelijk verband te houden voor een als onvermijdelijk bewezen oorzakelijkheid.’

20 Lewis and Short (eds), *A Latin Dictionary*.

21 Exceptions include Haddad, *Fondation et ruine d’une maison*; Davies, *Vanished Kingdoms*, p. 4.

building by a dynasty known for its *Kleinstaaterei*. After all, historians have presented the Nassaus as a notoriously unsuccessful example of state building. There is currently no state of Nassau; its last remnant — the Duchy of Nassau — was annexed by Prussia in 1866. Yet, taking its cue from studies in German *Landesgeschichte*, this chapter shows that as a case study this dynasty offers a few important advantages. Where, for instance, Heinz Schilling used the country of Lippe as a laboratory to study confessionalisation and state formation in Germany, this chapter focuses on the house of Nassau to explore the relationship between dynasty and state.²² Precisely the absence of the 'burden' of hindsight facilitates an examination of the Nassau state-building efforts on their own terms instead of taking the ultimate outcome as a point of departure. Furthermore, it allows us to focus not on the state but on the family to explore what strategies dynasties developed to hold on to their power and pass it on to the next generation.

Partible Inheritance and Primogeniture

Throughout history, people and their communities have faced tensions between the interests of the individual and the interests of the group. Sometimes it is necessary to surrender individual liberties to protect or benefit the community. But what interests are most important? And who determines what interest will prevail in any given situation? These universal questions stand at the heart of political thinking, from antiquity to the present day. We can perceive this historical tension in every conceivable corporation and community, from local villages, towns, guilds and provincial assemblies all the way up to the relationship between citizens and their national governments. The internal dynamics in the princely dynasties of early modern Europe were no exception.

The dynastic systems that were in place to deal with the tension between the interests of the individual and those of the group stood in the way of modern state formation in pre-modern Germany. Partible inheritance, for instance, had been the default succession practice since antiquity, partly because it fostered intra-dynastic solidarity. It survived for a comparatively long time in the Holy Roman Empire. For this reason, the nineteenth-century historian Karl Braun remarked, referring to the house of Nassau as an example: 'It is a peculiarity of most dynastic houses in southern and western Germany that they do not have even the slightest conception of the idea of

22 See, notably, Schilling, *Konfessionskonflikt und Staatsbildung*.

the state.²³ From a modern perspective, the political culture of the Holy Roman Empire and its ruling dynasties obstructed modern state formation.

Yet in recent decades historians have argued that we should not overstate the supposedly irrational attitude towards state formation among Germany's ruling families. In many ways, family and state interests coincided in pre-modern Germany. The family derived its importance from the lands that it ruled, and fragmentation of those lands would injure its power base in the Empire, in the course of the sixteenth century when it became increasingly difficult to use partitions to increase a family's number of votes in the Imperial Diet.²⁴ It was in the interest of princely families to consolidate their power. One of the most obvious examples is the introduction of primogeniture to prevent territorial fragmentation, which was adopted by many German dynasties in the course of the late medieval and early modern period. The Golden Bull of 1356 had already laid down the indivisibility of electorates. And with their *Constitutio Achillea* of 1473, the Hohenzollerns sought to avoid partitions of Brandenburg-Prussia and over time created one of the most powerful states in the Holy Roman Empire.²⁵

Primogeniture spread slowly and partible inheritance, condominiums and other forms of political association proved resilient practices. This was not because their adherents were irrational but because these practices fulfilled needs in their contemporary context.²⁶ Paula Sutter Fichtner has shown that Protestants, in some ways, experienced more difficulty in circumventing the divisive potential of partible inheritance. Firstly, a career in the church — common among the younger sons in Catholic houses — was a decidedly less attractive alternative to dynastic rule in Protestant Europe. Secondly, Lutheran family ideals opposed the practice of barring younger sons from the succession.²⁷ Many families who enjoyed imperial immediacy (i.e. who recognised no overlord other than the Holy Roman Emperor) and practiced partible inheritance received their fiefs assigned to the *gesamten Hand*. This meant that all the agnates were enfeoffed collectively and acted as joint stakeholders.²⁸

Primogeniture has long been seen as the rational choice and partible inheritance as an irrational relic of the past. Yet the house regulations in

23 Braun, 'Prinz Hyacinth', p. 423: 'Es ist eine Eigenthümlichkeit der meisten Dynastengeschlechter im südlichen und westlichen Deutschland, dass sie von der Staatsidee auch nicht die entfernteste Ahnung haben.'

24 Wilson, *The Holy Roman Empire*, p. 425.

25 Bonney, *The European Dynastic States*, pp. 527–8.

26 Jendorff, *Condominium*; Hardy, *Associative Political Culture*.

27 Fichtner, *Protestantism and Primogeniture*; also see Wilson, *The Holy Roman Empire*, p. 425.

28 Westphal, *Kaiserliche Rechtsprechung*, p. 33.

dynasties that practiced partible inheritance demonstrate a keen awareness of the potentially harmful effects of this succession practice. These regulations provided members of princely families with guidelines as to what to do if one among them violated the rules. They demonstrate rational thinking about how to prevent individuality from injuring collective interests. As the next sections will demonstrate, these house regulations are rich sources for the study of German dynasties and state formation.

The Family Business of Dynastic Power

In the early modern period, house regulations (*Hausgesetze*) — an umbrella term for the family pacts concluded by members of princely dynasties and also including important testaments — served the important purpose of regulating succession.²⁹ As a source, however, they are underutilised by historians, probably because nineteenth-century historians associated them with partible inheritance and blamed them for the slow unification of Germany. As such they seem unlikely sources for the study of early modern state formation. Still — as we will see — house regulations served the state by serving the dynasty.

How did these regulations serve the family? The individual members of a princely family in early modern Germany were, as a rule, subjects of the Holy Roman Emperor but not of one another. Each agnate enjoyed imperial immediacy.³⁰ As such, German dynasties differed from royal families in Europe. Like the royal families, they engaged in state formation but, unlike them, no head of the family could simply dictate family rules, and fiefs were often held '*in gemeinschaft*'.³¹ A German territorial ruler — generally even if he was a member of a dynasty practising primogeniture — was at least theoretically a *primus inter pares* with varying degrees of influence over his relatives.³² Family rules in German dynasties were the product of house conferences where the agnates, as stakeholders, would assemble and agree on common ground. They did so whenever the need for new regulations arose, for instance when the family risked over-fragmentation due to a surplus of heirs or faced extinction because of a lack of successors. Partition treaties

29 For a critical discussion of the term 'Hausgesetz', see Bornhak, 'Beiträge zur deutschen Hausgesetzgebung', p. 290.

30 Somsen, 'Intra-Dynastic Conflict', pp. 55–75.

31 Also see Hardy, *Associative Political Culture*, pp. 83–4.

32 Bornhak, 'Beiträge zur deutschen Hausgesetzgebung', p. 290; *Europe Divided*, p. 73.

are excellent sources for studying the policies that the dynasty developed over time to secure its future.

The best-known Nassau example is the partition concluded in 1255 between the brothers Walram and Otto of Nassau. The pact served not only as a partition but also as a treaty of mutual succession: should one line die out, the other would succeed to its possessions. It became known as the *Prima Divisio* and created a Walramian and an Ottonian branch of the family, which would never again be reunited.³³ This chapter focuses on the Ottonian branch. The Ottonian Nassaus developed ties with the Low Countries from the beginning of the fifteenth century: in 1403 Engelbert I of Nassau married the heiress Joanna of Polanen, whose dowry included extensive Netherlandish property, notably the lordship of Breda. As lords of Breda, subsequent counts of Nassau were enfeoffed by the dukes of Brabant. In their Netherlandish lordships they were only mediate vassals of the Holy Roman Emperor while in Germany they enjoyed imperial immediacy.³⁴

Historians have often approached partitions as irrational barriers to the formation of the modern state. Yet, as Robert von Friedeburg has reminded us, this interpretation does not do justice to the dynastic rationale that underpinned these partitions.³⁵ After Engelbert I's death in 1442, his two surviving sons divided the inheritance. The eldest son John IV inherited the richer Netherlandish possessions while the second son Henry II succeeded to the German lands.³⁶ This was to become a dynastic tradition. Since Henry II died without children, the children of John IV once again concluded a pact. This pact of 1472 between the brothers Engelbert II and John V confirmed that the senior line inherited the Low Countries possessions and the secondary line the German lands. It reconfirmed the practice of mutual succession, but this time within the Ottonian branch: should one Ottonian line die out, the other would inherit, and should all Ottonian branches die out, the fiefs would devolve on the Walramian line.³⁷ Indeed, since Engelbert II died

33 Koninklijk Huisarchief, The Hague (*hereafter* KHA), inv. A1a, Nr 1: 'Prima Divisio' (1255).

34 See for instance: Nationaal Archief, The Hague (*hereafter* NA), Nassause Domeinraad inv. 1.08.01 29.1988: 'Verklaring van den hertog van Brabant, dat Engelbrecht II, graaf van Nassau, den leeneed heeft afgelegd voor Breda en verdere goederen in Brabant' (1475); Nassause Domeinraad inv. 1.08.01 30.3110: 'Akte van beleening van prins Willem I van Oranje met zijn Brabantsche leenen' (1545). Also see: von Arnoldi, *Geschichte der Oranien-Nassauischen Länder*, p. 5.

35 von Friedeburg, *Luther's Legacy*, p. 46.

36 On the relative value of the Netherlandish and German possessions of the house of Nassau, see: Glawischnig, *Niederlande, Calvinismus und Reichsgrafenstand*, p. 9.

37 KHA Inv. A 2 Nr. 481: '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 Erbzersplitterung vorzubeugen' (1472).

without heirs the next generation could continue this practice. The two sons of John V divided the inheritance. Henry III inherited the Netherlandish lands and William of Nassau succeeded to the patrimony in Germany.³⁸

What we see, then, is that from the marriage in 1403 onwards each generation produced an heir and a spare, and in each generation only one of those two fathered surviving male heirs.³⁹ Although elements of this practice depended on chance, it was also a deliberate dynastic strategy that ensured survival of the dynasty while preventing over-fragmentation of the patrimony.⁴⁰ The strategy was also maintained when more than two heirs survived their father. This happened when René of Nassau-Chalon, prince of Orange and the heir of Henry III — who had inherited the principality of Orange through his mother's side — died without children in 1544. Henry's younger brother, Count William, had four sons at the time (and would father one more). René had appointed his uncle's son William as heir to the Netherlandish portion, a decision which received imperial approval.⁴¹ In a separate pact Prince William and his father Count William agreed to reconfirm the earlier family agreements regarding mutual succession.⁴² Although the other sons remained stakeholders of the German possessions, the second son John ruled on their behalf.⁴³ These dynastic pacts between Nassau agnates demonstrate rational thinking about the dangers of both the potential oversupply of heirs, which could lead to over-fragmentation and thus oblivion, and the undersupply of heirs, which could lead to extinction and, again, oblivion.

The State

The strategy described above was a family strategy but should not only be seen as an internal family matter. The pacts regulated succession to titles, lands and feudal rights over people and therefore touched the lives of the

38 KHA Inv. A 2 Nr. 501a.: 'Vertrag und Teilungsbrief von Graf Johann V. von Nassau-Dillenburg zu Gunsten seiner beiden Söhne Heinrich III. und Wilhelm' (1504).

39 Glawischnig, *Niederlande, Calvinismus und Reichsgrafenstand*, p. 8.

40 Also see Wrigley, 'Fertility Strategy', pp. 135–54.

41 KHA Inv. A 2 Nr. 637a: 'Zustimmung von Kaiser Karl V. zur Übereinkunft zwischen Graf Wilhelm 'dem Reichen' von Nassau-Dillenburg und seinem Sohn Prinz Wilhelm I. 'dem Schweiger' über den Nachlass von René von Chalôn' (1545).

42 KHA Inv. A 2 Nr. 706a: 'Erbteilung des Grafen Wilhelm 'dem Reichen' von Nassau-Dillenburg zugunsten seiner Söhne (beglaubigte Abschrift)' (1557).

43 Pons, 'Oraniens deutsche Vetter', pp. 125–53; for the bonds between Nassau and Orange, see: Groenveld, 'Nassau contra Oranje'; Geevers, 'Family Matters', pp. 459–90; Geevers, 'Being Nassau', pp. 4–19; Geevers, 'Prinselijke stadhouders', pp. 17–32.

inhabitants of Nassau territories as well. Furthermore, dynastic policies facilitated state building. The prevention of over-fragmentation of the family territories not only served to safeguard the family's political position in the Empire. Around 1500, the small number of stakeholders compared to later periods also enabled Nassau rulers to consolidate their position in their own lands, particularly in Germany.

Indeed, since the fifteenth century, successive generations engaged in a wide range of state-building activities in their territories. These included settlements with the local nobility, especially those who claimed imperial immediacy and autonomy from the house of Nassau. In 1486 John V of Nassau, for instance, took over the local nobleman Heiderich von Dernbach's serfs in exchange for financial compensation.⁴⁴ That same year he brokered a similar agreement with the brothers and local noblemen Philip and Conrad von Bicken.⁴⁵ Furthermore, John issued many decrees for the regulation of justice, public order, guilds and trade in his territories.⁴⁶ Via the Wetterau Association of Imperial Counts, the Nassaus also made treaties and land exchanges with neighbouring princes, including the counts of Solms, Hanau and others, for the purposes of mutual defence against the territorial aspirations of both the lower nobility and the greater princes of the Empire.⁴⁷

The sixteenth century was considered even more successful for the Ottonian Nassaus by the German historian Karl E. Demandt, who called it their 'greatest century'. John VI resumed the earlier attempts at administrative centralisation. In 1566, for instance, he enacted a new '*Regierungs- und Ratsordnung*', which established a central administration of all secular and spiritual state affairs in the castle at Dillenburg.⁴⁸ The Reformation and the subsequent process of confessionalisation provided John VI, like other rulers, with new tools to further build on his ancestors' expansion of the state.⁴⁹ The

44 Hessisches Hauptstaatsarchiv Wiesbaden (*hereafter* HHStAW) Abt. 170 II Nr. 1486: 'Regelung der Nachfolge bei den Gotteslehen und Eigenleuten zwischen Graf Johann von Nassau und Heidenrich von Dernbach' (1486); Arnoldi, *Geschichte der älteren Dillenburgerischen Linie*, p. 35.

45 HHStAW Abt. 170 I Nr. 1962: 'Die Auseinandersetzungen zwischen Johann Graf zu Nassau und Diez wegen seines und Vaters Johann Graf zu Nassau, Diez und Vianden mit Philipp, Ritter, und Konrad von Bicken' (1486); Arnoldi, *Geschichte der älteren Dillenburgerischen Linie*, pp. 40–1.

46 See for instance: HHStAW Abt. 171 Nr. L 559: 'Landesordnung des Grafen Johann V. von Nassau' (1498); and Nr. N 184: 'Policey- und Zunftordnungen des Amtes Nassau' (1497–1522). For useful overviews of John V's administrative innovations, also see: Arnoldi, *Geschichte der älteren Dillenburgerischen Linie*, pp. 62–5; Demandt, *Geschichte des Landes Hessen*, p. 400.

47 Arnoldi, *Geschichte der älteren Dillenburgerischen Linie*, pp. 144, 201–19; Schmidt, *Der Wetterauer Grafenverein*.

48 Demandt, *Geschichte des Landes Hessen*, p. 412.

49 Schmidt, 'Die "Zweite Reformation"', pp. 209–13.

Nassau territories had become Lutheran in the 1530s and became Calvinist under John's rule in the 1570s.⁵⁰ The Peace of Augsburg (1555) had vindicated the Lutheran princes in their confiscation of Church goods in their territories and placed oversight of Church affairs in their hands.⁵¹ Although Calvinism was still banned and lacked the protection of imperial law, Calvinist princes arrogated the same rights afforded to Lutherans. With their own territorial Church, the counts of Nassau enjoyed more opportunities than before to exercise spiritual and social control over their subjects.⁵² John VI instituted ecclesiastical regulations for the purposes of social discipline and poor relief, school orders for his subjects' education and the establishment of the high school of Herborn, which became an important training ground for Calvinist princes, nobles and clergymen.⁵³ These regulations also included a mandate against witchcraft and wizardry (1582) and one against 'frivolous dances and other customs' (1585).⁵⁴ Confiscation of property that had formerly belonged to the Catholic Church allowed the Count to finance the transformation of Nassau possessions from feudal territories into an increasingly bureaucratic and 'rational' territorial state.⁵⁵

As this section has shown, the Nassaus were no strangers to what may be called early state formation. At the end of the sixteenth century, the overlap between the reason of state and what we might call the 'reason of dynasty' — advanced by the family pacts — ensured that the authority of the Ottonian counts of Nassau in their German territories was better established than ever before.

A Different Road to Modernity

After the death of John VI of Nassau, his sons decided on a course that has astonished historians ever since. In 1607 they divided the patrimony

50 Schmidt, *Konfessionalisierung*, pp. 19, 45, 53; Schilling, 'Die Konfessionalisierung im Reich', p. 24; Wolf, 'Zur Einführung des reformierten Bekenntnisses', pp. 160–93; Reinhardt, 'Von der Stadtrepublik zum fürstlichen Territorialstaat', pp. 147–61.

51 Schmidt, *Konfessionalisierung*, pp. 3–4.

52 Münch, *Zucht und Ordnung*, pp. 35–98, 191–2.

53 Oestreich, 'Grafschaft und Dynastie Nassau', pp. 22–49; Strauss, *Luther's House of Learning*, pp. 291–4; Menk, 'Territorialstaat und Schulwesen'; Schmidt, *Konfessionalisierung*, pp. 54, 67.

54 Arend, *Die evangelischen Kirchenordnungen*, pp. 175–6.

55 Schilling, 'The Reformation and the Rise of the Early Modern State', p. 26; Blaschke, 'The Reformation and the Rise of the Territorial State', pp. 62–3; Hsia, *Social Discipline in the Reformation*, pp. 38, 135–6; Whaley, *Germany and the Holy Roman Empire*, pp. 502–3; Stollberg-Rilinger, *The Holy Roman Empire*, p. 78.

— which at that time counted around 50,000 inhabitants — into five parts. They thus effectively prevented their lands from becoming a more powerful territorial state.⁵⁶ Four of these five new lines survived into the eighteenth century. Only halfway through the eighteenth century, after the extinction of all but one of these lines, did the German possessions of the Ottonian Nassaus once again fall into the hands of one man: John VI's great-great-great-grandson William IV of Orange-Nassau-Diez.

In the seventeenth century, the Nassaus thus failed spectacularly in state building in comparison to European monarchies and some other German territories — Brandenburg-Prussia being the best example.⁵⁷ But great state-building dynasties like the Hohenzollerns were, numerically, the exception rather than the rule. A more inclusive approach to dynastic power, one that also takes German *Kleinstaaterei* seriously, has implications for our understanding of the relation between dynasty and state. The Nassaus followed a path that cannot properly be understood either by a one-sided focus on the merits of the modern state or, from this vantage point, a dichotomy between the 'winners' and 'losers'.

As the Nassau family branched out, the connection between dynasty and territorial state became more tenuous than before. The incomes of the different parts were barely enough to support a suitable lifestyle and several Nassaus found opportunities in other parts of the Empire to supplement their income by entering into the service of other princes.⁵⁸ The career paths of the five brothers illustrate the level of fragmentation in the family. William Louis of Nassau-Dillenburg — the eldest son — was a stadholder of Friesland in the Dutch Republic and a commander in the States Army.⁵⁹ His younger brother John VII of Nassau-Siegen sought to introduce primogeniture in his portion but refrained from doing so after his eldest surviving son, the later John VIII, had converted to Catholicism. After John VII's death, Nassau-Siegen was thus further divided into no fewer than three tiny parts.⁶⁰ The third

56 Demandt, *Geschichte des Landes Hessen*; Glawischnig, *Niederlande, Calvinismus und Reichsgrafenstand*. Although John VI provided instructions in his last will of 1597 as to how this partition should be executed, he also ordered his sons to rule the Nassau territories jointly, an instruction that the brothers largely ignored: HHStAW 170 I Nr 5237: 'Testament des Grafen Johann VI. von Nassau-Dillenburg' (1597), f. 2v and Nr 5464: 'Teilung der Grafschaft Nassau-Katzenelnbogen' (1607), f. 1r.

57 Externbrink, 'State-Building within the Empire'; Marcus, *The Politics of Power*.

58 Groenveld, 'Fürst und Diener zugleich', pp. 269–304; Pons, 'Oraniens deutsche Vettern'.

59 More than twenty counts of Nassau fought on behalf of the Dutch Republic during the Revolt of the Low Countries, see: Oestreich, 'Grafschaft und Dynastie Nassau im Zeitalter der konfessionellen Kriege', p. 25.

60 KHA Inv. A 4 nr. 1268a: 'Testament des Grafen Johann VII. von Nassau-Siegen' (1621).

brother Georg of Nassau-Beilstein started governing his portion after the death of his father but, after his eldest brother's heirless death, was promoted to Dillenburg. Ernest Casimir succeeded his eldest brother as stadholder of Friesland in the Dutch Republic. And the fifth and youngest brother John Louis of Nassau-Hadamar became a Catholic, like his nephew John VIII, and embarked on a successful career in the imperial service, playing an important role in the Westphalian peace talks. State building in Germany was generally not at the top of their list of priorities.

The fragmentation after 1607 suggests that the common denominator in the Nassau family was not simply the German territory they ruled but rather the idea of belonging to the same dynastic community of interest. Of course, the partition did not entirely preclude state building. John VII, for instance, modernised the military in his territories, pioneering the transition from a feudal system of vassalage to one based on loyalty to the fatherland.⁶¹ But historians generally emphasise the political fragmentation — perceived as irrational — without paying attention to the regulations that the family purposefully developed in order to secure the dynasty's future.

The Regulations of 1607

House regulations reveal that in families where partible inheritance was the norm, awareness of its potentially negative consequences stimulated the creation of policies to limit the damage — especially during the political turmoil of the Reformation and Counter-Reformation.⁶² When John VI made his will in 1597 he did not introduce primogeniture in his territories, even though he had five sons and fragmentation was looming. Primogeniture was not an easy solution due to the legal requirement of consent from the next in the line of succession, but also because members of princely families considered it harmful to intra-dynastic equality and solidarity. Instead, John therefore asked his sons to rule the Nassau territories jointly, a request that they ignored after his death in 1606, each son preferring to rule his own portion of the territory.⁶³ Financial and political independence and the corresponding status were the implicit motivation for their choice.

61 Whaley, *Germany and the Holy Roman Empire*, vol. I, p. 495.

62 Spieß, *Familie und Verwandtschaft*.

63 This was not unusual. See Westphal, *Kaiserliche Rechtsprechung und herrschaftliche Stabilisierung*, p. 33.

Despite this ‘failure’ to remain together, there was a shared desire for joint management of certain family assets that should not be underestimated. This is evidenced by the partition treaty of 1607, in which the brothers laid down the conditions of their division of Nassau lands, and by the *Erbverein* of 1607, which they created as a legal framework to make sure future generations would never alienate family property or allow female succession to *Land und Leute*. Using family regulations to maintain some degree of unity was not a novelty in 1607. By 1600, for example, the castle of Nassau had become politically and economically a relatively inconsequential possession, but remained nevertheless highly symbolic. This was primarily so because it gave the family its name and title. In 1255, the brothers Walram and Otto of Nassau had agreed to continue joint management of this symbolic family seat in perpetuity.⁶⁴ Later regulations reconfirmed the symbolic importance of the castle.⁶⁵ Similarly, John VI had already determined in his last will of 1597 that the artillery and other weaponry in the castle of Dillenburg would remain an indivisible part of the patrimony, which meant that the coercive potential of the dynasty — small as it was — remained largely centralised.⁶⁶ Although strategies to prevent disunity caused by partition and to protect territorial integrity were thus already in place, the high number of heirs and, consequently, greater risk of fragmentation required more complex and detailed regulation of the family.

The Nassau regulations of 1607 answered these needs and centralised certain functions in the dynasty. The brothers decided, for instance, that a *primus inter pares* — also known as a ‘senior’ — would represent the agnates in both active fiefs (where Nassaus served as the overlord) and passive fiefs (where Nassaus were enfeoffed as vassals). They also arranged that this ‘senior’ would always be the eldest living descendant of John VI, a measure aimed at avoiding future confusion and conflict about the position.⁶⁷ On a similar note, they agreed to maintain a central archive in the main ancestral castle Dillenburg for the administration of their feudal rights. They decided that all original feudal deeds were to be stored in a vault of the castle and that representatives of each of them or their heirs would have access to the archive in order to consult these documents.⁶⁸ The Dillenburg archive

64 KHA Inv. A1a, Nr 1: ‘Prima Divisio’ (1255).

65 KHA Inv. A 2 Nr. 706a: ‘Erbteilung des Grafen Wilhelm ‘dem Reichen’ von Nassau-Dillenburg zugunsten seiner Söhne (beglaubigte Abschrift)’ (1557), f. 1v; HHStAW 170 I Nr 5464: ‘Teilung der Grafschaft Nassau-Katzenelnbogen’ (1607), f. 1v.

66 HHStAW 170 I Nr 5237: ‘Testament des Grafen Johann VI. von Nassau-Dillenburg’, article 9.

67 HHStAW 170 I, Nr U 5464: ‘Teilung der Grafschaft Nassau-Katzenelnbogen’ (1607), f. 5v.

68 Ibid.: f. 5v–6r.

is one of the predecessors of the modern-day Hessian State Archives in Wiesbaden; it is ironic that an institution that has helped make state formation possible — the archive — was in fact the result of a dynastic partition agreement, historically known for obstructing such state formation. The brothers also adopted their father's prescribed system for conflict resolution that had emphasised the desirability of settling disagreements internally or by appointing arbiters from the Wetterau Association of Imperial Counts. Only if this proved unsuccessful in the first instance would an appeal to the imperial courts of justice be acceptable.⁶⁹ And in their *Erbverein* of 1607 the brothers promised on behalf of themselves and their descendants to continue to defend each other's interests against external challenges.⁷⁰

Four out of the five lines created by the partition in 1607 survived into the eighteenth century and the regulations of the Partition and *Erbverein* remained valid until the extinction of the penultimate surviving branch Nassau-Siegen in 1743. The brothers had probably not expected the branches to attain such longevity, for the family history of the fifteenth and sixteenth centuries had taught them that Nassau partitions were often only of relatively short duration. This means that the regulations should not only be approached as signs of disintegration but also as well-considered plans for reunification. Although the partition treaty and *Erbverein* may seem short-sighted from a modern perspective of state formation, in fact they contained detailed forms of scenario planning. These ensured that if a branch died out — even after having survived independently for more than a century after the partition — its possessions would devolve on the surviving agnatic branch.⁷¹ An ostensible lack of administrative centralisation compared to other European principalities hence did not preclude rational ideas about the preservation of unity within the family as well as the political integrity of the Nassau territories.⁷²

Conclusion

The fact that the Nassau dynasty did not become a shining example of modern European state formation in the seventeenth century and early

69 HHStAW 170 I Nr 5237: 'Testament des Grafen Johann VI. von Nassau-Dillenburg' (1597), ff. 6r–v; HHStAW 170 I Nr 5464: 'Teilung der Grafschaft Nassau-Katzenelnbogen' (1607), f. 6r; HHStAW 170 I Nr 5472: 'Nassauische Erbverein' (1607), article 27.

70 HHStAW 170 I Nr 5472: 'Nassauische Erbverein' (1607), article 26.

71 Ibid., articles 1–14.

72 See Van der Steen, 'Dynastic Scenario Thinking'.

eighteenth century was the result of choices made at the beginning of the 1600s and before. What we can learn from those choices is not that with hindsight they vindicate the importance we attach to the modern state, but rather that primogeniture is just one strategy that dynasties can pursue to hold on to and augment their power. Furthermore, this chapter has shown that administrative centralisation and the German practice of partible inheritance were not always mutually exclusive.

As such, this case study about the house of Nassau in pre-modern Germany challenges the double teleology that continues to distort research into both dynastic power and state formation. Success in state formation has, to a large extent, been equated to a polity's survival into the modern age and a high degree of administrative centralisation. Successful dynasties, in their turn, are those that survive as the suppliers of heads of government in those polities. Yet the 'failure' of Nassaus in seventeenth-century state formation was not necessarily a dynastic failure.

After the extinction of the penultimate branch of the Ottonian Nassaus in 1743, William IV of Orange-Nassau-Diez and his son William V tried to have the Nassau territories recognised by the Holy Roman Emperor as a single fief with a statute of primogeniture in both the male and female line. Although the project was unsuccessful, it reveals that the Nassaus used the extinction of all but one Ottonian cadet line to consolidate their territories, just like John VI had done in the sixteenth century.⁷³ During the French Revolutionary Wars around 1800, William V's son — the later King William I of the Netherlands — accepted compensation for the loss of his possessions in the Low Countries. A treaty between France and Prussia in 1802 allocated to him the secularised Church territories of Fulda, Corvey and Weingarten and the imperial city of Dortmund.⁷⁴ His acceptance of this form of compensation reflects the words his ancestor Count William Frederick of Nassau-Diez penned in his diary more than a century earlier, in 1647. 'We are just private persons', William Frederick had written, 'and can settle anywhere. We have our goods and such a reputation, thank God, that we can always do well and advance ourselves through war.'⁷⁵ 'Dynasty first' seems to have been a key value in the Nassau family.

73 Demandt, 'Die oranischen Reichsfürstentumspläne', pp. 161–80.

74 Koch, *Koning Willem I*.

75 Nassau, *Gloria Parendi*, p. 368: 'wij sijn maer particulire [113] en kunnen ooverall terecht komen. Wij hebben onse goederen, Godtloff sulke reputatie, dat wij alletijt kunnen wel geraecken en door den oorloch voortkomen'.

To conclude, long-term perspectives on European history benefit from the distinction between reason of state and reason of dynasty. And scholars of dynasty and state formation may gain from a more open approach to the strategies pre-modern princely families deployed to secure their portfolio of lands, titles, offices and other goods for the future. Even though agnatic succession purists will claim the Nassaus died out after the deaths of William III of the Netherlands and Luxembourg in 1890 and William IV of Luxembourg in 1912, today the Ottonian and Walramian branches allow female succession and therefore still occupy the thrones of the Netherlands and Luxembourg, respectively.

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