Dissertation #12

Title: **Beiträge zur Finanzgeschichte des Deutschen Reiches unter Ludwig dem Bayer** (Contributions to a Fiscal History of the German Empire Under Louis the Bavarian)

Author: **Hirsch Gradenwitz**

Year: 1908; Place of Publication: Leipzig; Publisher: Borna

German Rabbis – Project
Carlebach Institute / Bar-Ilan University

Summary by: Michael Hasin
Date: April 28, 2022

Executive Summary: This dissertation belongs to the field of German medieval history. Written by a graduate of the (Orthodox) Berlin Rabbinical Seminary, it aims to give an overview of the fiscal system, i.e. the revenue sources, of the Roman-German Empire during the reign of Louis IV (1314 - 1347). Based on Louis's decrees, letters and other documents as primary sources (mainly cited from published compilations of imperial records) and on then-contemporary historical scholarship, the author paints a bleak picture of a weak central authority challenged by centrifugal forces, lamenting with German patriotic sentiment the ever-growing loss of land from the royal domain and of lucrative privileges to particularist territorial princes. The work also deals in detail with taxes and levies imposed upon the Jews, measures strongly decried by the author as unjust and cruel towards the Jews and economically harmful to the Empire. In methodical terms, despite often referencing material of a statistical nature, a more interpretive / qualitative approach in the spirit of the "historical school of economics" is employed here in the analysis of this material.

Preface (p. 5)

The author presents his dissertation as inspired by Adolf Nuglisch's PhD thesis on the public finances of the Roman-German Empire under Emperor Charles IV (reign: 1347-1378), intending to adopt its structure and approach to the treatment of the same subject under the reign of the preceding Emperor, Louis IV - "the Bavarian" (1314 - 1347), while following the advice of his initial supervisor, the medievalist historian Paul Scheffer-Boichorst (1843-1902), to use statistical material more sparingly, i.e. only when it serves to elucidate phenomena and trends of a general nature.

Introduction (pp. 7 - 9)

The introduction starts with an overview of the Roman-German Empire's financial challenges at the time of the election of Louis the Duke of Upper Bavaria to the throne by the prince-electors in 1314: after an election decried by the author as essentially a corrupt deal, Louis IV who lacked financial means of his own had to pay off the electors through funds to be generated by the Empire via the pawning of crown land (which went in hand in hand with the transfer of possession of the land). Thereby, the process of the shrinkage of the royal domain (*Reichsgut)* and of the weakening of the Empire's central authority that had already started under King Rudolf I (reign: 1273 - 1291), was continued by Louis IV and by his successor Charles IV (1347-1378). But while the state of the Empire's finances and its sources of income had already been analyzed for the period both preceding and succeeding the reign of Louis IV in the doctoral theses of Wilhelm Küster and Adolf Nuglisch, the author's own dissertation is set to fill the research gap with regard to the years of Louis IV's reign, that is 1314 until 1347. The introductory chapter ends with one of the author's core conclusions: that the time of Louis IV's rule did not stand out from the periods before and after but was marked by the same fiscal penury. Several primary sources (most of them in Latin) testifying to the dire state of the realm's finances under Louis the Bavarian are then quoted so as to back up this claim.

As to the sources cited in the whole dissertation, the author explicitly announces to primarily make use of the *Regesta Imperii*, a collection of summaries of documents (especially decrees) issued by the rulers and peers of the Roman-German Empire initiated by the historian and archivist Johann Friedrich Böhmer (1795 - 1863). He also announces to consult the documents summarized in the *Regesta Imperii*

- abbreviated B. R. L., i.e. *Böhmers Regesta Ludovici* - themselves. Besides, secondary sources on medieval (economic) history written mainly by then-contemporary German historians (such as Karl Lamprecht's *German Economic Life in the Middle Ages*) are also often mentioned in the endnotes.

It follows an overview of the Empire's fiscal system organized around the various sources of income.

A. The Royal Domain (pp. 9 - 15)

The Annual Taxes of the Imperial Cities (pp. 9 - 13)

This chapter deals with the so-called "annual taxes", i.e. annual financial contributions, of the imperial cities (those not subject to any other territorial ruler) of the Roman-German Empire to the realm's budget. At the beginning of the chapter, the author provides a long alphabetical list of around 40 imperial cities, the amount of their annual contribution, exemptions and notes regarding a possible pawning of those cities to local dukes (e.g. Nuremberg is reported to have paid 2000 pound of heller coins annually to the King / Emperor, except for two years in which it benefitted from an exemption). This information was gathered mainly from secondary sources on the (regional) imperial administration (e.g. on the *Landvogtei Schwaben*) and from the *Regesta Imperii*.

However, these contributions were an inadequate source of income due to the Emperor's inability to create a centralized fiscal administration, so the author: many cities, e.g. in Alsace, were pawned away and were not obligated to disburse a contribution; in addition, due to Louis IV's conflict with the Habsburg anti-king Frederick the Fair, both men bought the allegiance of cities by the granting of exemptions; finally, due to the debts incurred by Louis IV, many contributions were not even collected by the Emperor but sold to creditors. All this led to a lack of centralized budgetary planning and therefore, according to the author, to a weakening of the Empire.

The Court and Scutage Levy (pp. 13 - 14)

In this short chapter, the author gives - based on various collections of printed primary sources and on secondary scholarship (especially on a work by the medievalist Karl Zeumer) - an overview of an extraordinary contribution that imperial cities had to provide whenever an imperial diet / court assembly (*Reichstag / Hoftag*) was convocated and imperial military campaigns were decided. Cities could either send troops or had to pay an amount equal to their annual obligatory contribution. Non-payment led to heavy fines.

Imperial Forests (pp. 14-15)

Forests owned by the Roman-German Empire itself (close to Frankfurt, Nuremberg and Hagenau) provided additional income from the sale of firewood, construction timber or grazing rights etc. However, the author does not give an estimation of the sums obtained thus and of the relative importance of this revenue stream.

B. The Pawnings / Pledging of the Royal Domain (pp. 15 - 19)

Based mainly on the *Regesta Imperii* and on other compilations of published primary sources like Eduard Winkelmann's *Acta imperii inedita*, this chapter focuses on the process of pledging parts of the royal domain in return for remuneration and on the rules and customs governing this act.

At the beginning, the author recapitulates the role played by this legal instrument as a means for paying off the debts to the prince electors incurred by Louis IV, adding that the Emperor also often made use of it to conduct smaller transactions due to a lack of liquidity. An emperor's successors were bound by such a pledge and had to first return the sums received in order to reacquire possession of the royal land that had been pawned.

Afterwards, some examples of the Latin phrasing used in those mortgage agreements (in this case vis-a-vis the Archbishop of Mayence) are quoted by the author illustrating how the pledgee had the right to exercise full control of the royal domain and to derive profit from it until the loan was fully repaid or how the mortgage loan was sometimes raised once the Emperor was in need of even more funds. Even though such an increase in the sum that had to pay back made it more difficult to recuperate the land,

this was, according to the author referencing another example, still preferable to pawn an additional piece of the royal domain to the creditor (who was already in the possession of pledged territory) in order to receive the needed financing because in the latter case both loans were unified into one and the whole increased sum had to be reimbursed to redeem the land - it was impossible to just settle a part of the debt to retrieve a part of the land.

Imperial cities that had been pawned away had to swear an oath of homage to their new acquirer, which they were, however, often reluctant to do fearing to lose their privileges (liberties) or to face abuses. The author gives the example of the resistance exhibited by the city of Boppard that was to be pledged to the Archbishop of Trier and of how this opposition was overcome by Louis IV. through both threats and reassuring promises.

Lastly, the author plaintively reiterates that despite being reversible in theory by reimbursing the loan, those transactions were in practice final, an act of sale, amounting to a permanent transfer of power over imperial territory to princely rulers.

C. Income from Royal Privileges / Regalian Rights (pp. 19 - 21)

General Introduction (pp. 19 - 21)

This part is dedicated to the income derived from the monetization of royal privileges. It starts with a theoretical overview (mainly based on secondary sources from the area of economic and legal history) of the various types of those rights and deals then with the concrete revenues generated during the time of Louis IV's rule from two of the most important of them.

The first such regalian right was the license to levy duties (*Zollregal*) based on the fact that the Empire owned the large roads and waterways of the realm. This right could be farmed out to third parties (though tariffs continued to be set by the king / emperor himself). Next, the author elaborates on mining / mineral rights: initially seen as belonging to the owner of each piece of land, from the mid-12th century the Roman-German emperors started to claim the exclusive privilege to exploit mineral resources. In practice, however, it was the major territorial rulers who were vested in this right, thus precluding it from becoming a source of income for the empire as a whole. Minting rights (*Münzregal*), in the Frankish Empire a privilege of the king, became increasingly delegated to territorial rulers of the Holy Roman Empire, a process which reached its apogee in the first half of the 14th century. There is no information on any remaining income that the empire itself was able to extract from these rights in the time in question. Lastly, the privilege to rule over the Jews (*Judenregal*) is mentioned: arising from a legal relationship based on mutual commitment wherein in return for protection Jews had to remunerate the king, it started to degenerate from Emperor Friedrich II (reign: 1212 - 1250) on into a right of total domination, Jews being essentially treated as servants of the king's chamber, that is his property, enabling him to despoil the Jews at will. This privilege was also often sold or delegated to the princely rulers of the empire.

The License to Levy Customs Duties (pp. 21 - 28)

After a period in which the empire successfully retained privileges to collect customs duties and even reacquired those rights in many cases where they had been sold to princely rulers, so the author referencing the historian Karl Lamprecht, the 14th century was marked by the reverse process: the privilege to impose tariffs was again increasingly delegated from the empire to the territorial princes.

This process of fragmentation is illustrated by the author by producing an extensive (Latin) quote from a letter containing three written promises with regard to the right to collect customs duties made by Louis IV before his coronation to one of the prince electors, the Archbishop of Trier Baldwin of Luxembourg (in office: 1307 - 1354) a promise to assign him the right to collect a toll in the area of Boppard on goods shipped on vessels using the waterways of the Rhine; a promise to extend the bishop's right to collect customs duties in Koblenz (a right which was set to expire); and a promise not to introduce against the bishop's will any new imperial tariff in the territory of the bishopric and in additional areas. These quotes are followed by a commentary on the part of the author elucidating the background and economic

importance of each of these promises: the author portrays them as significant concessions contributing to the weakening of the empire's central power.

Then, a detailed description is given - based on an analysis of Louis IV's letters patent and other primary sources - of the state of the customs duty collection on goods transported on the Rhine in the Bacharach area and on how this privilege was pawned by the Emperor (the function of this passage is not wholly clear).

Subsequently, the author produces an overview table (pp. 25-6) of delegated customs duty collection rights, arranged in alphabetical order of the toll collection point in question, naming the pledgee, the height of the tariff, the yearly total income from it and the source from where this information was extracted. Based, i.a., on this - not exhaustive - list, on the fact that toll collection rights often still remained with the empire at that time and on examples showing how the emperor was able to limit territorial princes in the exercise of such rights even when they were ceded, the author concludes that the Holy Roman Empire was in a transitional phase during the reign of Louis IV, in which substantial elements of central authority were still preserved. Further devolution and fragmentation took place under Louis IV's successors, though.

The Royal Privilege to Rule over the Jews (pp. 28 - 30)

Arguing against a strand in then-contemporary (German) historical thought that saw the Jews as a major factor in the transition from a barter-based to a monetary economy, the author starts the chapter stressing that the economic importance of the Jews during the reign of Louis IV was primarily based on them constituting a source of income.

Apart from an annual imperial tax on the Jews going back to the *fiscus judaicus* of Roman times, Jews were - being considered less as human beings than as fiscal objects - often subject to additional arbitrary measures on the part of the emperor, as the author asserts on the basis of several cited documents, for example a decree ordering the confiscation of Jewish property in the city of Worms meant to punish the Jews for an unknown offense and to provide funds for a military campaign, or letters patent canceling debts to Jews of Christians whose favor Louis IV wanted to obtain. Sometimes, as the author shows, the emperor also came to regret such actions: after one of his expropriation orders caused many Jews of Frankfurt to emigrate in 1346, thereby inflicting damage on the city's economy, he was forced to rescind this decree and to promise to return the Jews their property. All in all, those revenues - despite the impossibility to determine their overall amount - are held to have been very significant on the basis of several extant records of cases where the emperor sold the right to collect the annual Jewish tax to various cities for high sums.

This chapter is not just just based on the author's own analysis of primary sources, though. Assessments by leading German (Non-Jewish) historians such as Julius Pflugk-Harttung and Otto Stobbe that explicitly characterized the attitude towards the Jews as repressive and unjust are also approvingly cited in the text.

Conclusion (p. 30)

The dissertation ends with a rather ambivalent verdict on Louis IV's fiscal policies. Despite decrying the, in his view, disastrous state of the Roman-German Empire's finances during the reign of Louis IV, the author leaves open the question whether the emperor himself was responsible for this weakening of central authority or whether the circumstances of the time (the throne succession crisis and the particularist ambitions of the territorial princes) made any other development unthinkable.