

War as an Investment Opportunity Purchasing Imperial Officers in the Kingdom of Bohemia during the Thirty Years' War

*By Marek Starý**

The Thirty Years' War broke out in 1618 with the uprising of the Bohemian estates against Emperor Ferdinand II. After its suppression, against the backdrop of ongoing military conflict, two fundamental interventions by the monarch took place in the Kingdom of Bohemia, dramatically changing internal conditions. The first was an order to confiscate properties, which affected a large part of the Bohemian estates. The monarch then sold the confiscated estates cheaply to his loyal subjects. The second change was the issuance of the Renewed Land Constitution (1627), a code of law that in many respects weakened the powers of the estates and, conversely, strengthened the power of the monarch. Among other things, it reserved the right for the emperor to decide which foreigners would be accepted as residents of the country and given the right to acquire real estate (castles, towns, fortresses, domains). The combination of these two factors led to the assimilation of a large number of commanding officers of the imperial army into the Bohemian aristocracy and the lower nobility. Due to the partially "entrepreneurial" model of army building, where the commanders were responsible for building individual units and subsequently billed their costs (certainly not without profit) to the imperial treasury, it became a relatively common phenomenon that the claims of colonels, lieutenant colonels, and possibly other officers were compensated by the transfer of some of the confiscated estates (usually in the form of a sale, where the buyer's claim was taken into account when settling the purchase price). The study attempts to outline the legal context of granting Bohemian residential right (inkolat) in the 17th century and, based on a preserved collection of land reversals, through which new residents formally registered themselves in the land, and to estimate the number of officers who made up a significant part of them (over 35% in the period 1627–1653).

Introduction

The Thirty Years' War, as the conflict that lasted with certain interruptions from 1618 to 1648 is called, and which, given its scope, is sometimes considered the first pan-European war. Its beginning is traditionally considered to be the uprising of the estates of the Kingdom of Bohemia against the Austrian Habsburgs, which broke out in the summer of 1618. It should be added, however, that this rebellion was not an isolated phenomenon and that it took place in the context of increasing tensions in Europe, linked to religious conflicts, but also to the longer-term delineation of spheres of political influence. When both the Habsburgs and the

*Associate Professor, Charles University, Faculty of Law, Czech Republic.

Bohemian estates began to seek foreign support intensively, the spread of the conflict was almost inevitable.

The war began "in the east," that is, in the Lands of the Bohemian Crown and also in Hungary, whose aristocracy traditionally had a very tense relationship with the ruling Habsburgs. However, its center of gravity soon shifted westward, and the main battles took place in the Holy Roman Empire of the German Nation, where the Habsburgs, after defeating the Bohemian Revolt, sought to assert their hegemony and suppress the resistance of the Protestant princes. The Danish King Christian IV soon came out in support of them against Emperor Ferdinand II and later his son of the same name, and after the failure of his military campaign, the "lion of the north," Swedish King Gustav II Adolf, became the protector of the empire's Protestants. The united Dutch provinces, striving for complete independence, also fought fiercely against the Austrian and Spanish Habsburgs, and Stuart England briefly joined the fighting. As part of the Europe-wide turmoil, smaller military campaigns also took place in other regions, such as the War of the Mantuan Succession from 1628 to 1631.

Although the war may have initially appeared to be a purely religious conflict, various non-confessional power ambitions gradually came to bear, as best illustrated by the alliance between Catholic France and Protestant Sweden, concluded in 1635. France's involvement then moved the conflict even further westward. The formal conclusion of peace was not accepted until 1648, when the final negotiations took part in the cities of Münster and Osnabrück.¹ Unfortunately, this did not bring peace to Europe. Between 1653 and 1659, war broke out again between France and Habsburg Spain, while in the northeast, the Polish-Russian War (1654-1667) and the Polish-Swedish War (1655-1660), expressively called the "Swedish Deluge," were raging. However, these were only local conflicts that did not ignite the flames of war across the entire old continent.

Decades of war had a devastating impact on the lives of millions of people. It resulted in a sharp demographic decline, affecting not only men who died directly on the battlefield, but above all the civilian population, which suffered from combat operations, epidemics, and, last but not least, starvation.² However, as in any war, there were groups of people for whom war was a path to success, social rise, and wealth. In addition to those who were economically linked to the construction and

1. From the rich literature on the Thirty Years' War, see e.g. ASCH, Ronald G.: *The Thirty Years War. The Holy Roman Empire and Europe 1618–1648*, Basingstoke 1997; WILSON, Peter H.: *The Thirty Years War. Europe's Tragedy*, Cambridge 2011; MÜNKLER, Herfried: *Der Dreißigjährige Krieg. Europäische Katastrophe, deutsches Trauma. 1618–1648*, Berlin 2017; FUKALA, Radek: *Třicetiletá válka 1618–1648 [The Thirty Years War 1618–1648]*. 2 Volumes, Praha 2018; MEDICK, Hans: *Der Dreißigjährige Krieg: Zeugnisse vom Leben mit Gewalt*, Göttingen 2019; KILIÁN, Jan: *Třicetiletá válka. Stručná historie [The Thirty Years War. Brief History]*, Praha 2023 and many others.

2. OUTRAM, Quentin: *The Socio-Economic Relations of Warfare and the Military Mortality Crises of the Thirty Years' War*. *Medical History*, 45 (2), 2001, pp. 151-184.

maintenance of armies, i.e., suppliers of weapons, ammunition, uniforms, and other equipment that had to be continuously replenished over time, this also included the officers of the warring armies themselves.

Confiscations and Financing of the Army

In the Habsburg Monarchy, as well as in a number of other European countries, the building of armies was partly based on a kind of entrepreneurial model, whereby regimental commanders were tasked with ensuring that their regiments were fully staffed and equipped, and with continuously securing further supplies. In most cases, their expenses were reimbursed by the state retrospectively, based on settlements submitted by the colonels. The state had only limited control mechanisms at its disposal, so it can be assumed that the amounts claimed (significantly) exceeded the actual expenses of the officers rather than the contrary.

The Thirty Years' War offered colonels and other officers a unique opportunity to capitalize on their investments. The aim of this article is to show how their financial investments were transformed into more or less extensive land holdings within the Kingdom of Bohemia, under what legal circumstances members of the officer corps were able to settle in Bohemia, and how significant a proportion of new immigrants they constituted during the period of the war and the years immediately following it.

The costs of the war placed an enormous burden on the budgets of the belligerent states. For example, the National Archives in Prague hold documents containing an overview of the money paid out by the Bohemian Chamber from the Battle of White Mountain (November 8, 1620) until the end of 1622 in connection with the unfolding war. The total amount reaches almost 7 million Rhenisch guildens, which was a very considerable sum in itself.³ It should be noted that this was only money from the budget of the Kingdom of Bohemia, which was only part of the vast empire ruled by the Austrian Habsburgs, and that, moreover, the payment of this money was far from settling the claims that individual commanders of the Habsburg armies had against the treasury.⁴

Fortunately for the Austrian Habsburgs, however, they had a good opportunity to deal with their colonels without having to pay them from the perpetually empty imperial treasury. Both within their hereditary lands and within the Holy Roman Empire of the German Nation, which they practically continuously ruled on the basis of the election of the prince-electors (Churfürsten), they had a number of opponents

3. Národní archiv [National Archives] Praha, fund České oddělení dvorské komory IV [Bohemian Department of the Court Chamber], sign. Čechy 7/15, cart. 29, fol. 947r – 950v.

4. According to the above-mentioned document, Count Adolf of Altheim was paid 66,000 Rhenisch guildens, but he claimed a disproportionately higher amount of 526,000 guildens.

whose estates could be confiscated and used as material compensation for those who remained loyal to them.

Confiscation processes took place in all countries ruled by the Habsburgs in the first half of the 17th century,⁵ but the aforementioned Kingdom of Bohemia represents an exemplary and unrivalled case in terms of its scope. It was here that the Thirty Years' War began in 1618, when the protestant Bohemian estates rebelled against Emperor Matthias and, a year later, after his death, elected their own king, Frederick V, Elector Palatine of the Rhine, instead of the previously designated successor, Ferdinand II of Styria. However, the rebels failed to gain sufficient foreign support, and the Battle of White Mountain marked the complete collapse of the rebellion. Some of the most compromised leaders of the uprising fled abroad with Frederick and their estates were naturally confiscated for the benefit of the emperor. However, the emperor decided to go much further in punishing the Bohemian estates than their members could have imagined, and after the execution of 27 leaders of the uprising in June 1621, he initiated confiscation proceedings, in which even those who had not actively participated in the fight against the Habsburgs were affected.

Moreover, the mechanism of the proceedings was set up in such a way that even those who were sentenced to lose part of their property (half, a third, a quarter, or even less) had their estates confiscated and were to receive adequate financial compensation for the part that was to be retained. However, the payment of this compensation was generally postponed for a long time. The result of these processes was that the emperor accumulated enormous real estate holdings, which the royal authorities had no realistic chance of managing effectively and which were, from the outset, intended to be transferred to other persons.⁶

If we were to look for the greatest military entrepreneurs, it would be difficult to choose anyone other than Albrecht von Wallenstein. Originally a poor nobleman, he acquired considerable wealth in Moravia before the Thirty Years' War and became one of the imperial colonels. After 1620, he developed his unique organizational talent. Compared to most of his peers, who expected rewards for their loyalty, Wallenstein realized that the emperor desperately needed to borrow money and was willing to make all his resources available, even going into debt himself, just to bind the monarch to him. He was well aware that sooner or later it would inevitably be the confiscated estates that would be used to pay off the imperial debts. And that the transactions through which this redistribution of

5. In the broader Central European context, confiscations are mainly observed in KNOZ, Tomáš: *Pobělohorské konfiskace. Moravský průběh, středoevropské souvislosti, obecné aspekty* [Post-White Mountain Confiscations. The Moravian Course, Central European Context, General Aspects], Brno 2006.

6. A detailed overview of Bohemian confiscations was provided on the basis of archival materials by BÍLEK, Tomáš Václav: *Dějiny konfiskací v Čechách po r. 1618* [The History of Confiscations in Bohemia after 1618], Praha 1882–1883.

confiscated property would be carried out would undoubtedly be advantageous for those loyal to Ferdinand who would be allowed to participate in them. This assumption was undoubtedly reinforced by his first two loans in February and March 1621, when he was granted the estates of the deceased 'arch-rebel' Albrecht Jan Smiřický, one of the leaders of the uprising (and also Wallenstein's distant cousin), for 110,000 guildens. Their actual value was many times higher.⁷ Admittedly, for the time being it was only a pledge, and moreover, the estates had not yet been formally transferred to the monarch, but there was little doubt that intensive involvement in the trade in confiscated property would be a promising path to personal enrichment.

This opportunity was open to many, but Wallenstein surpassed them all with his ambition, aggressiveness, and incredible generosity. On January 1, 1620, Ferdinand II issued him a promissory note for 80,535 guildens,⁸ which was probably the total amount of all his claims against the emperor at that time, then from July 1622 to March 1624 he bought up estates in the Kingdom of Bohemia with a total value exceeding 3.5 million guildens. He resold some of them immediately, while for others he remained indebted to the treasury and the previous owners, but in any case, he suddenly began to think and trade in amounts incomparable to what he could have dreamed of two years earlier. And he did not even use the money from his Moravian estates inherited from his first wife, which he gradually disposed of. From estates worth 4.5 million guildens, he quickly built the feudal Duchy of Frýdlant in northeastern Bohemia, which was literally a state within a state.

After becoming generalissimo in 1625, i.e. commander-in-chief of the imperial armies, whose ongoing financing he took upon himself, Wallenstein's claims against Vienna began to grow astronomically. The emperor had to settle at least part of them by ceding entire principalities – thus, in 1627, the generalissimo acquired the Silesian Duchy of Zaháň, and in 1632, the neighbouring Duchy of Hlohov.⁹ A completely unique acquisition, which was far beyond the limits of what a Bohemian nobleman

7. Later, these estates were sold to him for more than 500,000 guildens, and even this price was certainly undervalued. More details in STARÝ, Marek: *Terra felix. Dějiny Valdštejnova frýdlantského vévodství. Díl I. Geneze a rozsah vévodství* [Terra Felix. History of Wallenstein's Duchy of Frýdlant. Part I. Genesis and Extent of the Duchy], Praha 2024, pp. 26–41.

8. Its text was published by DVORSKÝ, František: *Albrecht z Valdštejna až na konec roku 1621. Nové listy do knihy třistaleté paměti* [Albrecht von Wallenstein until the End of 1621. New Pages in the Book of three hundred Years of Memory], Praha 1892, pp. 160–161, footnote 66.

9. The most detailed elaboration of Wallenstein's rule in Zaháň is still provided by ARTHUR, Heinrich: *Wallenstein als Herzog von Sagan*, Breslau 1896. Hlohov was held by Wallenstein for only a very short time and he did not significantly influence its fate, which is reflected in the lack of interest in the literature to date. The study FUKALA, Radek: *Albrecht z Valdštejna jako hlohovský kníže a jeho slezské epizody* [Albrecht von Wallenstein as Prince of Hlohov and his Silesian episodes]. In: *Wielki Głogów. Między blaskiem dziejów i geniem ruin*, red. B. Czechowicz – M. Konopnicka, Głogów – Zielona Góra 2010, pp. 183–189 also offers just a few modest reflections.

could even consider, was the acquisition of the North German Duchy of Mecklenburg. The emperor first gave it to him as a pledge at the beginning of 1628 for 1,450,000 guldens,¹⁰ and then in June 1629 granted it to him as a vacant imperial fief (the previous dukes having been deprived of their estates by the emperor's decision for rebelling against him).¹¹ Of course, he did not have to pay the money, as it was deducted from the emperor's debt, the full repayment of which remained a distant prospect. On the other hand, it is fair to say that Wallenstein did indeed have to raise the money he charged the emperor, or at least a substantial part of it, himself and invest it in the army.

It was precisely these growing and more or less unpayable debts, alongside unconvincing military results, that were the main reasons why Wallenstein, who was called back to lead the armies two years after his dismissal in 1630, was declared a traitor without a proper trial and physically eliminated in Cheb in February 1634.¹²

Wallenstein's fate is quite exceptional in many respects, but it shows that, contrary to popular belief, it was not only foreigners who benefited from Bohemian confiscations after 1620. In fact, the second largest amount of confiscated property was acquired by a member of the Bohemian estates – or, more precisely, a female member, Marie Magdalena Trčková of Lobkovice. Her family, however, became closely associated with Wallenstein and shared his tragic fate when Marie's son Adam Erdman, an imperial colonel and Wallenstein's brother-in-law, was murdered alongside him in Cheb.¹³

Legal Regime governing the Settlement of Foreigners in the Kingdom of Bohemia

However, this study focuses primarily on foreign officers whose fates intersected with the Kingdom of Bohemia during the Thirty Years' War, when the emperor allowed them to settle here and join the local estates. The estates they acquired were

10. Namely, on January 26, 1628, he pledged to him for 700,000 guldens the Duchy of Mecklenburg, the Principality of Venden, and the County of Schwerin (Schwerin) with the lands of Rostock and Stargard, and for another 750,000 guldens, he also gave him the bishopric of Schwerin and other ecclesiastical estates in Mecklenburg. Státní oblastní archiv [State Regional Archives] Praha, fund Rodinný archiv Valdštejnů [Waldstein family archive], Listiny [Charters], sign. N-24, No. 39; Valdštejniána, sign. I-H2, No. 2367.

11. Státní oblastní archiv Praha, Rodinný archiv Valdštejnů, Listiny, sign. N-34, No. 47.

12. For more details on the legal aspects of Wallenstein's liquidation, see KAMPMANN, Christoph: Reichsebellion und kaiserliche Acht. Politische Strafjustiz im Dreißigjährigen Krieg und das Verfahren gegen Wallenstein 1634, Münster 1992.

13. On the punishment of the Trčka family see in particular DOSTÁL, Josef: Z historie trčkovských konfiskací [From the History of the Trčkas' Confiscations]. Český časopis historický 2/L, 1949, pp. 165–184.

then largely left to them in direct connection with their war claims related to the financing of their troops.

Before the outbreak of the estates uprising, the settlement of foreigners in Bohemia was relatively effectively controlled by the local estates. The roots of this situation can be traced back to the early 14th century, when, after the extinction of the domestic Přemyslid dynasty, the Bohemian royal throne began to be occupied by members of foreign families, who tended to come to Bohemia with their own advisors and courtiers, who then, with royal patronage, had relatively broad opportunities for advancement, to the detriment of the domestic aristocracy. Already in the privilege issued in 1311 by the young King John of Luxembourg to the inhabitants of the Margraviate of Moravia, he promised not to appoint foreigners to provincial offices and not to transfer castles or estates to them.¹⁴ A very similar commitment apparently appeared in the draft inauguration diploma presented to John at the same time by the Bohemian nobility.¹⁵ And to prevent the second of these prohibitions from being circumvented, a customary rule was eventually established that not only the monarch, but no one else, could transfer estates to foreigners on any legal basis. This prohibition was explicitly and definitively formulated in the code of Bohemian land law, issued in 1500. The norm was accompanied by a severe sanction, whereby the transferor was to be stripped of his honour and expelled from the country, and the incriminated estate was to be forfeited to the monarch.¹⁶

Of course, it was not possible, nor was it desirable, to strictly prevent foreigners from settling in Bohemia if they were willing to submit to local rules and integrate into the local community. However, the first preserved norm dealing with this issue dates back only to 1486 and is very general: any sale of property to a foreigner had to be subject to the monarch's permission, which could not be issued without the "land council", and the immigrant in question was required, before taking possession of the property acquired in Bohemia, to guarantee that he would have no other hereditary lord than the crowned King of Bohemia and that he would comply with all the obligations of the other inhabitants of the Kingdom of Bohemia.¹⁷

14. The original of the repeatedly confirmed privilege has been preserved and is stored in Moravský zemský archiv [Moravian Land Archives] Brno, fund A 1 – Stavovské listiny [Estates' Charters], sign. 2.

15. The requirements are preserved only in transcripts; they were first printed by PALACKÝ, František (ed.): *Ueber Formelbücher, zunächst in Bezug auf böhmische Geschichte. Nebst Beilagen, I. Lieferung*, Prag 1842, pp. 331–333, No. 129. From the literature, compare, for example KOSS, Rudolf: *Zur Kritik der ältesten böhmisch-mährischen Landesprivilegien*, Prag 1910.

16. KREUZ, Petr – MARTINOVSKÝ, Ivan (ed.): *Vladislavské zřízení zemské a navazující prameny (Svatováclavská smlouva a Zřízení o ručnicích)*. Edice [Vladislaus' Land Constitution and Related Sources (The Treaty of St. Wenceslas and the Regulation on Handcuffs). Edition], Dolní Břežany 2007, pp. 222–223, Art. 432.

17. PALACKÝ, František (ed.): *Archiv český čili staré písemné památky české i moravské [Bohemian Archive, i.e. Old Written Monuments from Bohemia and Moravia]. Díl [Tom.] V.*, Praha 1862, pp. 427–428, No. 32.

Subsequently, however, in the Land Constitution of 1500, in addition to the "council" a land "permission" also appeared.¹⁸

This shift in wording corresponds to the fact that, although the monarch's consent was formally listed as the first sine qua non condition, in reality the Land Diet, i.e. the assembly of representatives of the privileged estates (the higher and lower nobility and royal cities), assumed the decisive role in accepting foreigners into the country. They decided at their discretion which foreigners they were willing to accept, while the monarch's role was limited to addressing the assembly with his "intercession" on behalf of a specific applicant. On the other hand, it is true that without this intercession, it was not possible to appear before the Land Diet at all.¹⁹

However, the Diet resolution did not in itself establish the residential right (for which the term "inkolat," derived from the Latin "ius incolatus", was later adopted); the person to whom it applied still had to meet certain requirements, which had been established at the end of the 15th century. Specifically, they were first required to issue a parchment reverse under their own seal, which contained certain binding promises aimed at full integration into the new environment, and to deliver this reverse to the office of land tables. In addition, the newly accepted foreigner had to make a similar promise orally. This so-called confession to the land could also be made elsewhere, but always in the presence of at least some minor land officials. It was then recorded in the land tables, special official books in which the agenda of various estates institutions was recorded, as well as a lot of acts of a private law nature.²⁰

The entire process was regulated in more detail by resolutions of the Land Diet at the beginning of the 17th century, the most extensive of which was adopted in 1610 – a six-week period was set for sealing the reverse and making an oral confession, during which newly admitted foreigners were also required to purchase a property in the land, have their children taught the Czech language and prove their membership of the relevant estate corporation before representatives of that corporation. All this was subject to the penalty of invalidity of the Diet acceptance if the obligations were not fulfilled within the above specified period. The binding nature of this resolution was partly retroactive, i.e., it also applied to foreigners who had gone through the approval procedure in the past.²¹

18. KREUZ, P. – MARTINOVSKÝ, I. (ed.): Vladislavské zřízení zemské a navazující prameny (Svatováclavská smlouva a Zřízení o ručnicích). Edice, pp. 222–223, Art. 432.

19. From the period before the Battle of White Mountain, there is only one known case in Bohemia where admission took place without this intercession (although this was not intentional, but rather an administrative oversight).

20. For a very detailed comparison of land tables, see BURDOVÁ, Pavla: Desky zemské (Rozdělení po stránce obsahové a formální) [Land Tables (Classification by Content and Form)]. Sborník archivních prací 2/XLIII, 1993, pp. 347–439.

21. Similar conditions had already been adopted in 1608 by the Diet of the neighbouring Margraviate of Moravia, which had been inseparably linked to the Kingdom of Bohemia since the Middle Ages. The local estates also explicitly reserved the right to reject a candidate for settlement in the country, and at the turn of the 16th and 17th centuries, candidates for

Formally, all legal rules relating to the settlement of foreigners remained in force even after the Battle of White Mountain. However, the victorious Ferdinand II had no intention of being constrained by them. Even before the final collapse of the uprising, he did not hesitate to dispose of the rebels' estates at will and hand them over to foreign officers. An extreme case was the transfer of the extensive estates of Petr of Švamberk, worth more than 1 million guildens, to General Charles Bonaventure de Buquoy, originally from France.²² As already mentioned in connection with Albrecht von Wallenstein, from 1621 onwards, the estates of rebels were pledged as a guarantee for war loans, and in 1622–1623 a 'great sale' took place, i.e. the first wave of sales of confiscated estates. Among the buyers were again a number of foreigners who, although not eligible to purchase property in Bohemia under the law, were not prevented from doing so in the new political landscape. The only external reflection of the fact that these transactions were somewhat unorthodox was that a special book was created for them in the land tables, and from 1622 onwards, sales of estates to domestic residents and foreigners were registered in parallel.²³

However, the emperor did not go so far as to grant citizenship rights himself. On the other hand, the Land Diet, which was responsible for granting citizenship, was not convened at all after the Battle of White Mountain. For this reason, no foreigners were legally incorporated into the Bohemian estates for several years. It was not until the Renewed Land Constitution, which Ferdinand II approved and ordered to be printed in 1627, that a fundamental change in the legal regulation of the settlement of foreigners in Bohemia took place. The decision to grant the residential right (*inkolat*²⁴) was transferred entirely to the monarch as one of his

citizenship coming from the neighbouring Kingdom of Hungary were thoroughly investigated to determine whether they or their ancestors had behaved in a hostile manner towards Moravia. More about the situation in Moravia JANIŠOVÁ, Jana – JANIŠ, Dalibor: Postavení cizinců a inkolát podle moravského zemského práva v 16. a na počátku 17. století [The Status of Foreigners and Inkolat according to Moravian Land Law in the 16th and Early 17th Centuries]. In: „Morava jako zrcadlo Evropy“. Etnické menšiny na Moravě do roku 1918. „Mähren als Spiegel Europas“. Etnische Minderheiten in Mähren bis zum Jahr 1918. XXXI. Mikulovské sympozium, 13.–14. října 2010, Brno 2010, pp. 191–201.

22. BÍLEK, T. V.: Dějiny konfiskací v Čechách po r. 1618, pp. 651–656. For more on General Buquoy and his era, see a recent monograph MAREK, Pavel – NOVÁKOVÁ, Anna et al.: Karel Bonaventura Buquoy a jeho doba [Charles Bonaventura Buquoy and his Era], České Budějovice 2022.

23. Národní archiv Praha, fund Desky zemské [Land Tables], sign. DZV 153.

24. At that time, the term 'inkolát' began to refer not only to the residential right as such, but also to the document by which the monarch authoritatively granted it. See BRŇOVJÁK, Jiří: Šlechticem z moci úřední. Udělování šlechtických titulů v českých zemích 1705–1780 [A Nobleman by Official Authority. The Granting of Noble Titles in the Bohemian Lands, 1705–1780], Ostrava 2015, esp. pp. 104–105. For a comparison of the regime of residential rights before and after 1620, see BRŇOVJÁK, Jiří, STARÝ, Marek. Residential Right in the Course of Time: Changes in the Legal Institution of the Inkolat in the Bohemian Crown

important prerogatives.²⁵ The estate community itself could no longer interfere with it. The strengthened position of the monarch was also symbolised by another administrative step, newly incorporated into the whole process, namely the oath of hereditary allegiance, which every newly admitted foreigner had to take at the Bohemian Court Chancellery.²⁶ Of the pre-White Mountain elements, the parchment reverse and oral confession of allegiance to the land at the office of the land tables remained, while other estates' demands enacted at the beginning of the 17th century were abolished. In 1627, residential right was granted to a large number of people, including many who had purchased property in Bohemia in previous years.²⁷

Post-White Mountain Immigration and Imperial Officers: Statistical Evaluation

Thanks to the fact that the reverses to the land were concentrated over time into a single archive fund, which is now stored in the National Archives in Prague, it is possible to statistically examine the phenomenon of aristocratic immigration to the Kingdom of Bohemia relatively easily. However, certain methodological difficulties cannot be ignored, which somewhat relativise the persuasiveness of the results of statistical analysis. First of all, it should be noted that some immigrants in Bohemia purchased estates, especially in the 1620s, without subsequently issuing a reverse to the land. One example is the imperial prince and colonel Henry Julius of Saxe-Lauenburg, who built up a relatively extensive landholding in western Bohemia, consisting of several estates. After inheriting his father's principality, he found himself in the somewhat schizophrenic role of sovereign imperial ruler and landowner, subject to the authority of the King of Bohemia. This combination of roles was not entirely unique.²⁸ In any case, it should be borne in mind that the

Lands. In: GAŁĘDEK, Michał, KLIMASZEWSKA, Anna (eds.) *Modernisation, National Identity and Legal Instrumentalism. Volume 2: Public Law. Studies in Comparative Legal History*, Leiden – Boston 2020, pp. 1–32

25. JIREČEK, Hermenegild (ed.): *Obnovené právo a zřízení zemske dědičného království Českého. Verneuerte Landes-Ordnung des Erb-Königreichs Böhmen 1627*, Praha 1888, pp. 28–31, Art. A XX.

26. This oath was introduced into the legal system as mandatory for all nobles who had reached adulthood.

27. Even so, a large number of foreigners remained in Bohemia illegally, which Emperor Ferdinand III complained about in his patent in 1637. WEINGARTEN, Johann Jacob: *Codex Ferdinando-Leopoldino-Josaephino-Carolinus*, Pragae 1720, p. 23.

28. Individual cases were concentrated by STARÝ, Marek. *Souveräne Untertanen. Die im Reich regierenden Fürsten und die Reichsfürsten als Einwohner des Königreichs Böhmen in der Frühen Neuzeit*. *Biuletyn Polskiej Misji Historycznej. Bulletin der Polnischen Historischen Mission* 17, 2022, pp. 77–110.

collection of reverses cannot be considered a 100% reflection of the group of foreigners who immigrated to Bohemia.

In the pre-White Mountain period, residents of other lands that were linked to the Kingdom of Bohemia in a complicated constitutional entity known as the Bohemian Crown (the Margraviate of Moravia, the Duchy of Silesia, and initially also the Margraviates of Upper and Lower Lusatia, which was later ceded to the Elector of Saxony under the Peace of Prague in 1635) also had to issue reverses to the lands. They also had to declare their allegiance to the land verbally. However, they were not considered foreigners in the true sense of the word, and therefore, before the outbreak of the Thirty Years' War, they were not forced to apply for admission to the provincial assembly, or, after the issuance of the Renewed Land Constitution, they did not have to submit a similar request to the monarch.²⁹

Finally, the above statement is also valid because it covers other cases where, on the contrary, some foreigners formally obtained Bohemian residential right but were unable to actually exercise it. That is, they did not purchase any property and did not assimilate into Bohemian society in any way. Their reverses, or any other legal acts that have been preserved regarding their admission to the country, thus only reflect the process of granting residential right, but not the actual personnel changes in the ranks of the nobility of the Kingdom of Bohemia.

It should also be noted that the individual legal acts mentioned above may have been separated by a relatively long period of time and that the date of the reverse alone may not be very indicative of when and in what broader context a particular person sought to acquire Bohemian residential right and was granted it by the monarch. Unfortunately, no complete collection of the relevant imperial decrees exists, and drafts or copies of the relevant documents can be found (without any guarantee of completeness) in the extensive Stará manipulace archival fund, in which various archival materials were concentrated in the second half of the 18th century and at the beginning of the 19th century, primarily related to the functioning of the three central authorities of the Kingdom of Bohemia, namely the Bohemian Court (Royal) Chancellery, the Bohemian Governors' Office and the Bohemian Chamber.³⁰ Within this collection, under the reference number J 21, there are 38 cartons containing documents related to residential rights.³¹ However, it should be added that there is also a significant amount of archival material relating to the oaths of hereditary

29. It should be added that in the period after the Battle of White Mountain, it became customary for the monarch to grant citizenship once for all the lands of the Bohemian Crown, so that its holders could then settle freely in Bohemia, Moravia, and Silesia.

30. More about the establishment of the fund PROKEŠ, Jaroslav: *Archiv Ministerstva vnitra v Praze v letech 1918–1934* [Archive of the Ministry of the Interior in Prague in the Years 1918–1934]. *Sborník Archivu Ministerstva vnitra Republiky československé VIII*, 1935, pp. 12–18; KOLLMANN, Josef: *Archivář J. J. Klausner (K 200. výročí jeho úmrtí)* [Archivist J. J. Klausner (On the 200th Anniversary of his Death)]. *Archivní časopis 4/XXI*, 1971, pp. 234–247.

31. Národní archiv Praha, fund Stará manipulace [Old Manipulation], sign. J 21, inv. no. 1522–1544, cart. 1002–1039.

allegiance that Bohemian nobles swore to the emperor. Furthermore, the materials are arranged alphabetically by family name, making the search for imperial deeds remarkably similar to looking for a needle in a haystack.

If, with the above reservations, we analyse the set of reverses from 1627–1648,³² we can reach the following conclusions (also shown in the table below):

From the time of the publication of the Renewed Land Constitution for the Kingdom of Bohemia (May 10, 1627) to the conclusion of the Peace of Westphalia, which finally ended the Thirty Years' War (October 24, 1648), a total of 220 reverses to the land have been preserved.³³ A large part of them (130) date from 1627–1633, and within this period, the year 1627 itself is key, as 81 were issued in that year alone,³⁴ i.e. more than a third of the total number.

The assassination of Albrecht von Wallenstein in February 1634 was undoubtedly a significant turning point. It was followed by another wave of confiscations, with the estates of the slain generalissimo and his 'co-conspirators' being quickly divided up. While imperial officers already accounted for a relatively large proportion of newly admitted foreigners (28 %) between 1627 and 1633, this proportion rose to more than half (52 %) in the five years following Wallenstein's assassination. However, this is entirely logical given that it was precisely these officers who participated in Wallenstein's downfall and among whom a significant portion of the confiscated estates were divided. From another point of view, the massive absorption of foreign officers by the Bohemian estates can be seen as a clear programmatic effort by the emperor to strengthen loyalty within the officer corps. This trend continued in the last years of the war, when a high number (40%) of officers still appeared among the sealers of reverses. The situation did not change significantly even after the conclusion of peace, when between 1648 and 1653 the proportion of military commanders among all new inhabitants remained at 41%. This is clearly an echo of the war, and to a certain extent it can also be assumed that after the end of the fighting, some officers sought opportunities for their future employment outside the army hierarchy.

Among the precisely 100 officers who submitted their reverse to the land between 1627 and 1653, the decisive part was made up of colonels – they were 64. This is entirely logical, because it was the regimental commanders who were, from the perspective of the Viennese court, the most important representatives of the armed forces and who could most easily obtain imperial permission to settle in Bohemia. Without exception, these were also men who had to have sufficient economic credit, so that it was realistic

32. In line with the above, the term *post quem* is postponed until the moment when the process of granting residential rights was revitalized in a modified form after the Battle of White Mountain.

33. Národní archiv Praha, fund Reversy k zemi [Reverses to the Land], inv. no. 293–512.

34. This number does not include the reverse of Martin Knisen of Kopach, issued on January 18, 1627, as it dates from before the issuance of the Renewed Land Constitution and applies to residents of a secondary crown land, who did not have to be granted residential right and it was not granted him.

for them to be able to finance the purchase of a table estate. Following the colonels, but at a considerable distance, is the second subset of the entire group, consisting of 19 lieutenant colonels, while other lower-ranking officers, numbering 17, are a clear minority.

Although the figures cited cannot be considered methodologically unassailable, i.e. they are based on formal criteria,³⁵ they undoubtedly show that the Thirty Years' War created unique conditions for the ruling elite in the Kingdom of Bohemia to undergo far-reaching changes, and that officers of the imperial army and their descendants became a very significant part of it.

Table 1. Number of Persons who sealed the Reverse to the Kingdom of Bohemia between 1627 and 1653

	1627– 1633	1634– 1638	1639– 1648	1648– 1653	Total
Colonels	21	21	9	13	64
Lieutenant Colonels	9	4	-	6	19
Other Officers	6	1	7	3	17
Officers Total	36	26	16	22	100
Reverses Total	130	50	40	54	274
	(28 %)	(52 %)	(40 %)	(41 %)	(36 %)

35. It is based strictly on the position of the sealer himself. In some cases, however, there may have been a situation where the issuer of the reverse was not an officer, but the acquisition of the Bohemian inkolat was undoubtedly a direct result of military activity or efforts made by certain imperial officers. One example is colonel Jakub Strozzi († 1635), who received the Hořice estate from Emperor Ferdinand II after Wallenstein's assassination. However, due to his early death, he did not manage to complete the process of admission to the land, and the reverse was issued in 1636 by his sons Petr and Oktavián. Similarly, colonel Walter Butler († 1634) died shortly after receiving the Doksy estate as a reward for his part in Wallenstein's liquidation, and the reverse was therefore issued by his widow Anna Maria of Donín together with his daughter Eleonora Constance. Národní archiv Praha, Reversy k zemi, inv. no. 442 and 462.

Conclusion

Although formally, in accordance with the law, imperial officers were only allowed to settle in Bohemia from 1627, when a new code of law changed the existing legal regulations, in fact, Bohemian estates fell into their hands as early as 1620, when the Bohemian Revolt was defeated and Emperor Ferdinand II gained complete control over the Kingdom of Bohemia and the lands annexed to it. He also reserved for himself and his descendants a key role in deciding who would be allowed to obtain residential right in Bohemia and be given the opportunity to purchase estates. It is entirely logical that the recipients of the relevant decisions included a large number of high-ranking officers, whose loyalty was crucial at a time of protracted war. It can be added that the confiscation processes that took place in Bohemia in the 1620s and 1630s created a unique opportunity for these officers to invest their war profits in Bohemian estates. It was an opportunity that was not to be repeated in the future.

Based on preserved land registers, the number of officers initially approached 30% of the total number of those who formally became privileged residents of the Kingdom of Bohemia. After the assassination of Generalissimo Wallenstein in 1634, it rose to over 50%, then remained at around 40% until the end of the Thirty Years' War and even immediately after its conclusion. These initial statistics are undoubtedly very remarkable in themselves, but they need to be supplemented by other types of sources (imperial decisions in the registry of the Bohemian Court Chancellery, entries in the land registers, etc.), as it cannot be assumed that all foreigners who received the monarch's consent actually issued such a reversal.

Similarly, further research into specific cases and deepening our knowledge of individual immigrants and their families, or rather the mechanisms that were applied in practice when granting Bohemian citizenship, and last but not least, the extent of property they managed to acquire in the Kingdom of Bohemia or other countries of the Bohemian Crown, remains an urgent challenge not only for Czech historiography. In a broader context, this involves understanding migration flows and the convergence of political elites across Europe, topics that are as relevant today as they were four hundred years ago.

Bibliography

Archival Sources

Moravský zemský archiv [Moravian Land Archives], Brno.

Fund A 1 – Stavovské listiny [Estates' Charters], sign. 2.

Národní archiv [National Archives], Praha.

Fund České oddělení dvorské komory IV [Bohemian Department of the Court Chamber], sign. Čechy 7/15, cart. 29.

Fund Desky zemské [Land Tables], sign. DZV 153.

Fund Reversy k zemi [Reverses to the Land], inv. no. 293–512.

Fund Stará manipulace [Old Manipulation], sign. J 21, inv. no. 1522–1544, cart. 1002–1039.

Státní oblastní archiv [State Regional Archives], Praha.

Fund Rodinný archiv Valdštejnů [Waldstein family archive], Listiny [Charters], sign. N-24, no. 39; sign. N-34, no. 47.

Fund Rodinný archiv Valdštejnů [Waldstein family archive], Valdštejniána, sign. I-H2, no. 2367.

Literature

Arthur H. Wallenstein als Herzog von Sagan. Breslau, 1896.

Asch R. G. *The Thirty Years War: The Holy Roman Empire and Europe 1618–1648*. Basingstoke, 1997.

Bílek T. V. *Dějiny konfiskací v Čechách po r. 1618* [The history of confiscations in Bohemia after 1618]. Praha, 1882–1883.

Brňovják J. *Šlechticem z moci úřední. Udělování šlechtických titulů v českých zemích 1705–1780* [A nobleman by official authority: Granting of noble titles in the Bohemian lands, 1705–1780]. Ostrava, 2015.

Brňovják J. and Starý M. Residential right in the course of time: Changes in the legal institution of the inkolat in the Bohemian Crown Lands. In: Gałędek M. and Klimaszewska A. (eds.), *Modernisation, national identity and legal instrumentalism*, vol. 2: Public law. Leiden–Boston, 2020: 1–32.

Burdová P. Desky zemské (rozdělení po stránce obsahové a formální) [Land tables: Classification by content and form]. *Sborník archivních prací* 43(2, 1993): 347–439.

Dostál J. Z historie trčkovských konfiskací [From the history of the Trčkas' confiscations]. *Český časopis historický* 50(2, 1949): 165–184.

Dvorský F. *Albrecht z Valdštejna až na konec roku 1621* [Albrecht von Wallenstein until the end of 1621]. Praha, 1892.

Fukala R. Albrecht z Valdštejna jako hlohovský kníže a jeho slezské epizody [Albrecht von Wallenstein as prince of Głogów and his Silesian episodes]. In: Czechowicz B. and Konopnicka M. (eds.), *Wielki Głogów*. Głogów–Zielona Góra, 2010: 183–189.

Fukala R. *Třicetiletá válka 1618–1648* [The Thirty Years War 1618–1648]. 2 vols. Praha, 2018.

Janišová J. and Janiš D. Postavení cizinců a inkolat podle moravského zemského práva v 16. a na počátku 17. století [The status of foreigners and inkolat under Moravian land law]. In: *Morava jako zrcadlo Evropy*. Brno, 2010: 191–201.

Jireček H. (ed.) *Obnovené právo a zřízení zemské dědičného království Českého* [Verneuerte Landes-Ordnung des Erb-Königreichs Böhmen 1627]. Praha, 1888.

Kampmann C. *Reichsebellion und kaiserliche Acht*. Münster, 1992.

Kilián J. *Třicetiletá válka: Stručná historie* [The Thirty Years War: A brief history]. Praha, 2023.

Knoz T. *Pobělohorské konfiskace*. Brno, 2006.

Kollmann J. Archivář J. J. Klauser. *Archivní časopis* 21(4, 1971): 234–247.

Koss R. *Zur Kritik der ältesten böhmisch-mährischen Landesprivilegien*. Prag, 1910.

Kreuz P. and Martinovský I. (eds.) *Vladislavské zřízení zemské a navazující prameny*. Dolní Břežany, 2007.

Marek P. and Nováková A. et al. *Karel Bonaventura Buquoy a jeho doba*. České Budějovice, 2022.

Medick H. *Der Dreißigjährige Krieg: Zeugnisse vom Leben mit Gewalt*. Göttingen, 2019.

Münkler H. *Der Dreißigjährige Krieg: Europäische Katastrophe, deutsches Trauma 1618–1648*. Berlin, 2017.

- Outram Q. The socio-economic relations of warfare and the military mortality crises of the Thirty Years' War. *Medical History* 45(2, 2001): 151–184.
- Palacký F. (ed.) *Archiv český čili staré písemné památky české i moravské*, vol. 5. Praha, 1862.
- Palacký F. (ed.) *Ueber Formelbücher, zunächst in Bezug auf böhmische Geschichte*. Prag, n.d.
- Prokeš J. Archiv Ministerstva vnitra v Praze v letech 1918–1934. *Sborník Archivu Ministerstva vnitra Republiky československé* 8(1935): 12–18.
- Starý M. Souveräne Untertanen. *Biuletyn Polskiej Misji Historycznej* 17(2022): 77–110.
- Starý M. *Terra felix: Dějiny Valdštejnova frýdlantského vévodství*, vol. I. Praha, 2024.
- Weingarten J. J. *Codex Ferdinando-Leopoldino-Josaephino-Carolinus*. Pragae, 1720.
- Wilson P. H. *The Thirty Years War: Europe's tragedy*. Cambridge, 2011.