

ARTICLE

A New Old Reign: How Traditional Privileges and Old Laws Established Austrian Rule in the Southern Netherlands after 1713

Simon Karstens 

University of Trier, Germany
Email: karstens@uni-trier.de

Abstract

How did early modern sovereigns establish authority over newly acquired territories? This is the question behind this article which examines the beginning of Austrian rule in the Southern Netherlands after the Peace of Utrecht 1713. Transfers of sovereignty like these marked the end of international conflicts and lead to the change or reinforcement of the social and political order within affected territories. Therefore, their analysis offers new insight into early modern state building. To achieve this, the article first offers an overview of the events before and after the transfer of sovereignty. This is followed by a closer look at the vital role of the relationship between the local church and the new ruler. Finally, a spotlight will be cast on a tax called Pain d'Abbaye, which serves as a example for an empowering interaction that helped to create a stable relationship between the new Lord and his new subjects.

Introduction

In the years 1713 and 1714, the European powers not only put an end to the War of the Spanish Succession but also, with the Treaties of Utrecht, Rastatt, and Baden, agreed on a transfer of sovereignty concerning the southern or so-called Spanish Netherlands. These provinces, situated mostly in present-day Belgium and Luxembourg, were to remain under the rule of the Habsburgs but, as the Spanish branch of this house had become extinct, would now fall to the Austrian dynasty. Thus, with the stroke of a pen, ties that had bound these provinces to the Iberian Peninsula for almost two hundred years were severed. Although Emperor Charles VI (1685–1714) subsequently became the official sovereign of the Southern Netherlands, he still had to establish and stabilize his rule after years of war.¹ This was, as Klaas Van Gelder has pointed out, a cumbersome and almost decade-long

¹ For the history of the Southern Netherlands after the treaties, see Klaas Van Gelder, *Regime Change at a Distance: Austria and the Southern Netherlands Following the War of the Spanish Succession (1716–1725)* (Leuven: Peeters, 2016), 79–122, for the basic establishment of the Austrian rule. See also Hervé Hasquin, “Le temps des assainissements (1715–1740),” in *La Belgique autrichienne, 1713–1794. Les Pays-Bas méridionaux sous les Habsbourg d’Autriche*, ed. Hervé Hasquin (Brussels: Credit Communal, 1987), 71–94; Catherine Denys and Isabelle Paresys, *Les anciens Pays-Bas à l’époque moderne (1404–1815)* (Paris: Ellipses, 2007), 141–206; Claude Bruneel, “De spaanse en Oosterrijkse Nederlanden (1585–1780),” in *Geschiedenis van de Nederlanden*, ed. C. H. Johan and E. Blom Lamberts (Rijswijk: Nijgh & Van Ditmar, 1993), 181–206.

task that required Charles to carefully balance his own interests along with those of his subjects and his allies.²

This article aims to provide a deeper understanding of this transitional period as an important example of transfers of sovereignty—key events in early modern politics, policy, and policy. These transfers are important because they marked the end of international conflicts and opened possibilities for either a confirmation or a change of the social and political order within the affected territories. Local and regional elites rose to such occasions and pursued their specific interests, whether radical reform, the conservation of tradition, or any middle ground between these two extremes. Transfers of sovereignty, however, were more than just singular events. They remained at the center of an entire process of triangular communications among a new ruler, his new subjects to be, and foreign powers.³ This process started even before the signing of treaties and went beyond them.

Communications between rulers and local or regional elites have lately been at the center of research into early modern state building and have been described as empowering interactions.⁴ It is generally agreed that these communications created legitimacy and were crucial to establishing the functionality of newly formed political systems.⁵ They likewise offered people with a certain degree of power and status a much desired opportunity for political participation that corresponded with their provincial and local customs; this often materialized in the form of patronage.⁶ The fact that rulers, certain power brokers, and even subjects themselves each had political influence compelled historians long ago to abandon the classic top-down model of absolutism when describing early modern rulership.⁷ It has been repeatedly proven that the mediators between the monarch's government and its people enjoyed substantial room to maneuver and that it was in fact individual

² Van Gelder, *Regime Change at a Distance*, 295–303. Due to the broader focus of Van Gelder's groundbreaking study, the church's policy and clerical networks play merely a minor role in his analysis.

³ Compare with Helga Schnabel-Schüle, "Herrschaftswechsel. Zum Potential einer Forschungskategorie," in *Fremde Herrscher—fremdes Volk. Inklusions- und Exklusionsfiguren bei Herrschaftswechseln in Europa*, ed. Helga Schnabel-Schüle and Andreas Gestrich (Frankfurt/Main: Lang, 2006), 5–20, and Helga Schnabel-Schüle, "Herrschaftswechsel. Vernachlässigte Aspekte eines bekannten Themas," in "Das Wichtigste ist der Mensch." *Festschrift für Klaus Gerteis zum 60. Geburtstag*, ed. Angela Giebmeier, Helga Schnabel-Schüle, and Klaus Gerteis (Mainz: Von Zabern, 2000), 421–430. Simon Karstens, "Eine Alternative zu Integrationsmodellen? Überlegungen zu Herrschaftswechseln in der Frühen Neuzeit am Beispiel der Südlichen Niederlande 1716–1725," in *Inklusion/Exklusion und Kultur. Theoretische Perspektiven und Fallstudien von der Antike bis zur Gegenwart*, ed. Iulia-Katrin Patrut and Herbert Uerlings (Cologne: Böhlau, 2013), 209–34; Mark Greengrass, "Introduction: Conquest and Coalescence," in *Conquest and Coalescence: The Shaping of the State in Early Modern Europe*, ed. Mark Greengrass (London: Arnold, 1991), 1–24.

⁴ For an overview, see Wim Blockmans, André Holenstein, and Jon Mathieu, eds., *Empowering Interactions: Political Cultures and the Emergence of the State in Europe, 1300–1900* (Farnham: Ashgate, 2009), especially the following chapters: André Holenstein, "Empowering Interactions: Looking at Statebuilding from Below," 1–34; Peter Blickle, "Concepts and Approaches in Recent Scholarship on Statebuilding—A Critical Review," 293–97; and Stefan Brakensiek, "Communication between Authorities and Subjects in Bohemia, Hungary and the Holy German Empire, 1650–1800: A Comparison of Three Case Studies," 149–62.

⁵ Timothy Charles William Blanning, *The Culture of Power and the Power of Culture: Old Regime Europe 1660–1789* (Oxford: Oxford University Press, 2006); Stefan Brakensiek, "Akzeptanzorientierte Herrschaft. Überlegungen zur politischen Kultur der Frühen Neuzeit," in *Die Frühe Neuzeit als Epoche*, ed. Helmut Neuhaus (München: Oldenbourg, 2009), 395–408.

⁶ Brakensiek, "Communication between Authorities and Subjects in Bohemia, Hungary and the Holy German Empire, 1650–1800," 149–62.

⁷ For a short overview on this long, ongoing debate, see Dagmar Freist, *Absolutismus* (Darmstadt: WBG, 2008). With special regard to the Habsburg monarchy, see Petr Mat'a and Thomas Winkelbauer, "Einleitung, das Absolutismuskonzept, die Neubewertung der frühneuzeitlichen Monarchie und der zusammengesetzte Staat der österreichischen Habsburger im 17. und frühen 18. Jahrhundert," in *Die Habsburgermonarchie 1620 bis 1740. Leistungen und Grenzen des Absolutismusparadigmas*, ed. Petr Mat'a and Thomas Winkelbauer (Stuttgart: Steiner 2006), 7–42, esp. 7–24.

networking and case-related communication that built early modern administration.⁸ This long-term pattern has been demonstrated in the Austrian rule of the Southern Netherlands by Hanna Sonkajärvi, who analyzed the secular administration, and also by Guy Thewes, who has studied the military aspects of the regime, especially in the establishment and organization of the so-called Walloon regiments.⁹

Nevertheless, the situation that this article focuses on was special, as the transfer of sovereignty not only involved ruler, mediators, and subjects, but also foreign powers. Therefore, the transfer represented a challenge even for the Habsburgs, who were experienced in balancing integrative and disintegrative powers within their composite monarchy.¹⁰ This additional complexity, and the fact that transfers of sovereignty are processes with a very high intensity of interactions, created a perfect case study for better understanding the phenomenon in general.

Considering the research done by Van Gelder, Sonkajärvi, and Thewes on the mundane administration and military regime of the Habsburgs, this article offers a complementary focus on church policy and politics.¹¹ This is well justified because the Catholic Church and its officials held a position of extraordinary importance in the Southern Netherlands. The church was, in itself, a network that stretched across territorial limits, and its higher-ranking officials held prestigious social ranks and were well connected to the local and sometimes foreign nobility. Around 1700, a common faith still held great importance, and religious rites and ceremonies worked as a medium to build and strengthen not only the social but also the political order. It is also well documented that people in the Southern Netherlands at that time, due to the religious conflict at the heart of the country's partition in 1648, strongly identified as Catholics living under Catholic rule. Therefore, an examination of Emperor Charles VI's church policy and the interactions he and foreign powers had with the church promises new insights into the history of the Southern Netherlands during and after the War of the Spanish Succession.

This analysis comprises four steps: first, a short overview of the acting powers, their contexts, and the formal transfer of sovereignty; second, an examination of the relationship between the local church and Charles VI in times of war; third, a look into changes and continuities during the early years of peace; and finally, a closer look at a tax called the *Pain d'Abbaye* (Abbey's Bread) that serves as a case study for an empowering interaction that linked subjects, local elites, and their networks to the ruler and his agents and therefore, slowly but steadily, solidified the new political order.

Context—New Problems and Old Traditions

Both Emperor Charles VI and his Bourbon rival for the Spanish throne, King Philip V (1683–1746), were unwilling to accept the partition of traditionally Spanish-held territory that was

⁸ Stefan Haas and Mark Hengerer, "Zur Einführung: Kultur und Kommunikation in politisch-administrativen Systemen der Frühen Neuzeit und Moderne," in *Im Schatten der Macht. Kommunikationskulturen in Politik und Verwaltung 1600–1950*, ed. Stefan Haas and Mark Hengerer (Frankfurt/Main: Campus 2008), 9–22; Brakensiek, "Akzeptanzorientierte Herrschaft."

⁹ Van Gelder, *Regime Change at a Distance*; Hanna Sonkajärvi, "Supplikationen als Mittel zur Herrschaftsvermittlung in den Österreichischen Niederlanden im 18. Jahrhundert?," in *Herrschaft und Verwaltung in der Frühen Neuzeit*, ed. Stefan Brakensiek, Corinna von Bredow, and Birgit Näther (Berlin: Duncker & Humblot, 2013), 75–90; Guy Thewes, "Léopold Philippe Arenberg, die wallonischen Regimenter und die Militärorganisation in den Österreichischen Niederlanden," in *Das Haus Arenberg und die Habsburgermonarchie. Eine transterritoriale Adelsfamilie zwischen Fürstendienst und Eigenständigkeit (16.–20. Jahrhundert)*, ed. William D. Godsey and Veronika Hyden-Hanscho (Regensburg: Schnell & Steiner, 2019), 241–68; Guy Thewes, *Stände, Staat und Militär: Versorgung und Finanzierung der Armee in den Österreichischen Niederlanden 1715–1795* (Wien: Böhlau, 2012).

¹⁰ On composite monarchies, see J. H. Elliott, "A Europe of Composite Monarchies," *Past & Present* 137 (1992): 48–71; Petr Mat'á and Thomas Winkelbauer, "Einleitung," 9 and 17–24.

¹¹ Van Gelder, *Regime Change at a Distance*; Sonkajärvi, "Supplikationen als Mittel zur Herrschaftsvermittlung in den Österreichischen Niederlanden im 18. Jahrhundert?"; Thewes, *Stände, Staat und Militär*.

enforced by the treaties of 1713 and 1714. Both men still hoped to become ruler of all of Spain's former possessions. However, it was not only because of their continued rivalry that, even after the war, the Southern Netherlands must be considered a contested territory. Charles's own allies, the Dutch Republic and England, still held positions in present-day Belgium, even after they made peace with France. The Dutch and the English wanted to force Charles into accepting a new barrier treaty, as had his Spanish predecessor, granting them permanent control over a line of fortresses.¹² Only after Charles had ratified this additional treaty and made vast military and economic concessions were the Sea Powers willing to leave the Southern Netherlands. It thus took them until 1716 to formally hand sovereignty over to their ally, the very person that they themselves had proclaimed to be the only legitimate ruler since the very beginning of the war.

As a result of this arrangement, Charles's new rule came at quite a price.¹³ He had to accept that his allies closed the Scheldt River for trade, established a system of customs duties in their favor, and installed garrisons that he had to pay for. Charles was also obliged to muster an army of his own to ensure the defense of the Dutch Republic. As if this was not enough, the emperor was further bound to pay for the war efforts of his allies and to grant their garrisons the right of free religious practice. It is obvious that the latter would cause irritations in a country strongly built on the common ground of Catholicism; the shared faith had united the distant ruler and his people since the estates of the Southern Netherlands proclaimed their will to stay under Habsburg rule in the 1579 Union of Arras.

It was not, however, only foreign influence that caused Charles trouble. The political structure of his new provinces was an obstacle to any attempts to actually take control—even though the Habsburgs were very experienced in managing politically heterogeneous territories and in cooperating with local elites in a composite monarchy. The Austrian Netherlands consisted of different political entities, each with its own laws, estates, privileges, local administrations, and traditions.¹⁴ Although the estates could not help but to accept their regular taxes—the aides and subsidies—they still maintained their right to grant any extraordinary taxation—called the *don gratuit*—and could use this as a bargaining chip.¹⁵

The distant ruler, formerly situated in Madrid and now in Vienna, was traditionally represented by a governor-general of royal blood who resided in Brussels. This was also the place where several councils met and consulted the governor-general on how to administer the provinces. These institutions gave provincial elites, especially the nobles, a prestigious chance to create influence.¹⁶ Furthermore, the governor-general, who used to be part of the ruler's own family, traditionally held court and so offered a place for social interactions

¹² This was the continuation of an older policy that the Dutch Republic enforced against its southern neighbors. Roderick Geikie and Isabel A. Montgomery, *The Dutch Barrier 1705–1719* (Cambridge: Cambridge University Press, 1930).

¹³ Concerning the negotiation of the Barrier Treaty and later attempts to change it, see Van Gelder, *Regime Change at a Distance*, 113–41, and Jonathan Israel, *The Dutch Republic: Its Rise, Greatness and Fall 1477–1806* (Oxford: Clarendon Press, 1995), 977–80.

¹⁴ Jan Dhondt, "Les assemblées d'Etats en Belgique avant 1795," in *Estates or Powers: Essays in the Parliamentary History of the Southern Netherlands from the XIIIth to the XVIIIth century*, ed. Willem Blockmans (Heule: UGA, 1977), 179–248. For the early rule of Charles VI, see Denys and Paresys, *Les anciens Pays-Bas à l'époque moderne (1404–1815)*, 142–61; Piet Lenders, "Trois façons de gouverner dans les Pays-Bas autrichiens," in *Unité et diversité de l'empire des Habsbourg à la fin du XVIIIe siècle*, ed. Roland Mortier (Brussels: Editions de L'Univ. de Bruxelles, 1988), 41–53, esp. 42–46; Hasquin, "Le temps des assainissements (1715–1740)," 73–82; and Georges-Henri Dumont, *Histoire de la Belgique* (Brussels: Le Cri Edition, 2000), 320–25.

¹⁵ Paul Janssens, "Taxation in the Habsburg Low Countries and Belgium 1579–1914," in *The Rise of the Fiscal States: A Global History 1500–1914*, ed. Bartolomé Yun-Casalilla, Patrick K. O'Brien, and Francisco Comín Comín (Cambridge: University Press, 2012), 67–93.

¹⁶ Compare with Micheline Soenen, *Archives des Institutions centrales des Pays-Bas sous l'Ancien Régime* (Brussels: Archives générales du Royaume, 1994); Erik Aerts, Michel Baelde, Herman Coppens, and Claude de Moreau Gerbehaye, eds., *Les institutions du gouvernement central des Pays-Bas habsbourgeois (1482–1795)* (Brussels: Archives

that linked local noble families to the ruler and allowed them to meet with high-ranking foreign visitors.¹⁷ It was a reminder of the once prestigious court of Burgundy, albeit a rather small one.

The high esteem in which the provinces' elites held their court can be seen when protests arose after 1716. Although the emperor officially appointed his military commander Prince Eugene of Savoy as governor-general, the famous prince never arrived due to a new war with the Ottoman Empire and his social duties in Vienna. In his stead, Eugene sent an Italian diplomat of a lower noble rank, Hercules Turinetti the Marquis de Prié.¹⁸ The estates of Brabant and other provinces perceived this as an insult to their country's status, one that added to the injury inflicted by the new Barrier Treaty. They therefore used every chance to worsen the plenipotentiary's situation and welcomed Prié's eventual dismissal. In 1724, they even agreed to pay for a royal household and court when Charles VI finally sent his sister Archduchess Maria Elisabeth (1680–1741) to rule in his name.¹⁹

Apart from the governor-general, his court, councils, and a common audit chamber, some but not all of the provinces were linked by a high court in the city of Malines/Mechelen. It was the court of appeal for some of the territories, and its members presented themselves as legal experts for all of them. In matters of the church, the archbishop of Malines/Mechelen claimed a leading role, although this was actually quite limited because the ecclesiastical boundaries did not match the secular borders, and so some bishoprics and monasteries were beyond his control and under the influence and jurisdiction of foreign clergymen such as the Archbishop of Trier.

Agents of Charles such as Count Joseph Lothar von Königsegg (1673–1751), who was sent to seize control of the provinces, soon came to realize that in order to transform their master's claim to authority into an established rule it was imperative to win the cooperation of the local and regional elites. To accomplish this feat, it seemed wise to distinguish themselves from all rivals, be they friends or enemies. Three major forces had ruled parts of the Southern Netherlands during the War of the Spanish Succession: the Bourbons, their Bavarian allies, and the Sea Powers (England and the Republic of the Netherlands), who had taken possession of several provinces in 1706 and ruled in the name, but not in the interest of, Charles VI. Indeed, until 1716 the emperor controlled only a very small part of the territories.²⁰ In this situation of divided loyalties—as Klaas Van Gelder has pointed out—Charles decided to openly claim exclusive legitimacy.²¹ To do so, he and his office holders, several of whom had served the

générales du Royaume, 1994); Michel Baelde, "Les conseils collatéraux des anciens pays-bas 1531–1794. Resultats et problèmes," *Revue du Nord* 50 (1968): 203–12.

¹⁷ Anne-Laure van Bruaene, "The Habsburg Theatre State: Court, City and the Performance of Identity in the Early Modern Southern Low Countries," in *Networks, Regions and Nations: Shaping Identities in the Low Countries 1300–1650*, ed. Robert Stein and Judith Pollmann (Leiden: Brill, 2010), 131–49; Van Gelder, *Regime Change at a Distance*, 63–68.

¹⁸ Hildegard Sandner, "Prinz Eugen als Statthalter der Niederlande und sein Verhältnis zu Prié" (PhD diss., University of Vienna, 1944); Soenen, *Archives des Institutions centrales des Pays-Bas sous l'Ancien Régime*, 39–68; Renate Zedinger, *Die Verwaltung der Österreichischen Niederlande in Wien (1714–1795). Studien zu den Zentralisierungstendenzen des Wiener Hofes im Staatswerdungsprozess der Habsburgermonarchie* (Wien: Böhlau, 2000), 42–44; Max Braubach, *Prinz Eugen von Savoyen. Eine Biographie*, vol. 4, *Der Staatsmann* (Wien: Verlag für Geschichte und Politik, 1965), 180–201; most important is Van Gelder, *Regime Change at a Distance*, 155–65.

¹⁹ Sandra Hertel, *Maria Elisabeth. Österreichische Erzherzogin und Statthalterin in Brüssel (1725–1741)* (Wien: Böhlau, 2014). Concerning the preparations for her arrival and the establishing of her court, see Sandra Hertel and Klaas Van Gelder, "Die Mission des Grafen von Daun in Brüssel 1725. Ein Wendepunkt in der Regierung der österreichischen Niederlande?" *Zeitschrift für Historische Forschung* 38, no. 3 (2011): 405–39.

²⁰ For an overview, see Reginald De Schryver, "Who Had Sovereignty in the Southern Netherlands during the War of Spanish Succession (1700–1715)," in *Recht en instellingen in de oude Nederlanden tijdens de Middeleeuwen en de nieuwe tijd*, ed. G. Asaert and W. Buntinx (Leuven: Universitaire pers, 1981), 483–98; Lenders, "Trois façons de gouverner dans les Pays-Bas autrichiens," 41–53.

²¹ Klaas Van Gelder, "Divided Loyalties: Angevin Partisans in the Southern Netherlands in the Aftermath of the War of the Spanish Succession," *Dutch Crossing: A Journal of Low Countries Studies* 34, no. 1 (2010): 59–76. Concerning the importance of the Spanish tradition, see Simon Karstens, "Die spanische Illusion—Tradition als Argument der

Habsburgs since the Spanish rule, actively portrayed the Bourbon Philip V as a usurper who defied the country's traditions. Charles and his supporters had no need to take similar action against his ambiguous allies, the Sea Powers, because the religious differences and their self-centered economic policy alienated the provincial elites regardless. Furthermore, the Sea Powers themselves had to present their ally Charles VI as the personified continuation of the rightful Habsburg rule in order to give their own presence an air of legitimacy.

Charles, his agents on the spot, and his allies unanimously claimed that he succeeded Charles II of Spain (1661–1700) after a period of foreign occupation by the Bourbon Philip.²² This was more than just a pretense because the claim was based on real continuations of governance. During the war, Charles had established a Spanish council in Vienna to administer all territories that were formerly part of Spain. Even after a special council for the Netherlands was established in 1717, including two council members from the provinces, key members of the administration and the military were of Spanish origin or had been in service to the Spanish Habsburgs and still used Spanish as their language of administration.²³ Accordingly, more than a third of the officers in the local Walloon regiments were of Spanish origin.²⁴

After fifteen years of war and foreign rule, the estates, the exiled Spaniards, and the local nobility welcomed Charles's claim to continue the line of Habsburg rulers and also considered it to be more than just symbolic. For them, stressing continuity was a sign of respect for their laws and privileges, which, in the case of Brabant, had been codified centuries ago in the *joyeuse entrée* or *blyde incomst*. In order for the estates to acclaim his inauguration, Charles VI had to swear to uphold this special code of rights and to guarantee all the estates' privileges and all traditional laws and customs just as his ancestors had done.²⁵ Similar demands were made in other territories. Some of them Charles had to obey, but others he was able to avoid by putting political pressure on local elites.

Making Charles VI the embodiment of the traditional political system of the provinces created a political consensus—common ground for future interactions between ruler and subjects.²⁶ But Charles and his subjects interpreted this agenda quite differently. For Charles it was the source of his power, whereas the local elites viewed the link to the past more as a chain restraining his ambitions.²⁷ Therefore, attempts at centralization—especially when following the example of the Bourbon rule—provoked resistance that could even lead to violence.²⁸ For example, in certain ceremonial situations, the monarch and his agents tried to present Charles as a triumphant, undisputed ruler, whereas the

Herrschaftslegitimation Karls VI. in den Südlichen Niederlanden 1702–1725," *Österreichische Zeitschrift für Geschichtswissenschaft* 23, no. 2 (2012): 161–89.

²² With further annotations. Karstens, "Die spanische Illusion." Compare with Van Gelder, *Regime Change at a Distance*, 288–95.

²³ On the administration in Vienna, see Zedinger, *Die Verwaltung der Österreichischen Niederlande in Wien (1714–1795)*, and also Van Gelder, *Regime Change at a Distance*, 180–88. Concerning the networks of power on Charles's court, and the question of if there was a Spanish faction, see Andreas Pečar, *Die Ökonomie der Ehre. Der höfische Adel am Kaiserhof Karls VI (1711–1740)* (Darmstadt: WBG, 2003), 86–92.

²⁴ Thewes, "Léopold Philippe Arenberg, die wallonischen Regimenter und die Militärorganisation in den Österreichischen Niederlanden," 251f.

²⁵ For an overview, see André Holenstein, *Die Huldigung der Untertanen. Rechtskultur und Herrschaftsordnung (800–1800)* (Stuttgart: Fischer, 1991). Concerning the Austrian Netherlands, see Klaas Van Gelder, "The Investiture of Emperor Charles VI in Brabant and Flanders: A Test Case for the Authority of the New Austrian Government," *European Review of History: Revue européenne d'histoire* 18, no. 4 (2011): 443–63.

²⁶ Karstens, "Die spanische Illusion," 178–80.

²⁷ For these different points of view, see Luc Duerloo, "Discourse of Conquest, Discourse of Contract: Competing Visions on the Nature of Habsburg Rule in the Netherlands," in *Bündnispartner und Konkurrenten der Landesfürsten? Die Stände in der Habsburgermonarchie*, ed. Gerhard Ammerer (Wien: Oldenbourg, 2007), 463–78.

²⁸ Compare with Karin van Honacker, *Lokaal verzet en oproer in de 17de en 18de eeuw. Collectieve acties tegen het centraal gezag in Brussel, Antwerpen en Leuven* (Kortrijk-Heule: UGA, 1994); Van Gelder, *Regime Change at a Distance*, 213–42.

estates favored a different perspective.²⁹ Such disobedience or open resistance, on the other hand, provoked reactions from Charles, who could not afford to have his authority challenged while foreign powers, be they enemies or allies, were watching closely. In this complex situation, the church was of utmost importance for the ruler.

Church Policy during the War of the Spanish Succession

Clerical institutions and the people working in them played an important role as a communication network in the early modern era. In the case of the Southern Netherlands, they carried Charles's claim to sovereignty into the everyday lives of his subjects.³⁰ During Mass, the sovereign was named and presented as having God's blessing for his rule and embodying the institution of the monarchy. Extraordinary festivities and special worship marked military success or royal family matters, such as the birth of children or the recovery from illness.

The church as a communication network, however, was not only of importance to Charles, but also for his Protestant allies as long as the provinces were divided during the war.³¹ In a period of ongoing conflict with the Bourbons, the Sea Powers—who, since 1706, controlled far more territory than Charles himself—had a strong interest in using the church to promote Charles's claim and to rally locals to their side. Their effort was, much like their administration in general, coordinated through a council in Brussels, in which a few members of the local nobility worked for rather than with a joint Anglo-Batavian conference.³² In dealings with this council, and with the people of the provinces in general, the Sea Powers' administrators officially claimed to be representatives of the sovereign Charles with the authority to act in his name and interest. They thus bound the legitimacy of their very presence to his claim.

On several occasions, the council in Brussels wrote to bishops, abbots, and vicars with regard to the public representation of Charles.³³ Church bells were supposed to ring to mark his birthday, and while his wife was with child the members of the clergy were ordered to prepare festivities to celebrate the expected birth. During services, a special offering was to be given to support Charles and his allies, accompanied by prayers for their victory.³⁴ Furthermore, a special service accompanied by a *Te Deum* was supposed to celebrate any military success.³⁵ After Charles was elected emperor in

²⁹ This can be seen in the ceremonial inauguration of Charles VI in Brabant. Luc Duerloo argues that, after previous riots, the sovereign's agents focused on displaying their master's power, while the estates tried to visualize the long history of loyalty and cooperation; compare with Duerloo, "Discourse of Conquest, Discourse of Contract," and Van Gelder, "The Investiture of Emperor Charles VI in Brabant and Flanders."

³⁰ Sébastien Dubois, *L'invention de la Belgique. Genèse d'un État-Nation 1648-1830* (Brussels: Éditions Racine, 2005), 274–90; Van Gelder, *Regime Change at a Distance*, 319–23.

³¹ Compare with Dumont, *Histoire de la Belgique*, 310–17; Geikie and Montgomery, *The Dutch Barrier 1705–1719*; Augustus J. Veenendaal, *Het Engels-Nederlands condominium in de zuidelijke Nederlanden tijdens de Spaanse successieoorlog 1706–1716* (Utrecht: 1945); Louis Prosper Gachard: *Histoire de la Belgique au commencement du XVIII^e siècle* (Brussels: Nijhoff, 1880), 287–403; Reginald De Schryver, "De zuidelijke Nederlanden als Frans en geallieerd protectoraat 1700–1715," in *Nieuwe tijd. Algemene geschiedenis der Nederlanden*, vol. 9, ed. D. P. Blok and Walter Prevenier (Haarlem: Fibula van Dishoeck, 1980), 31–44.

³² The documents of this council of state are conserved in the *Archives générales du Royaume/Algemeen Rijksarchief Brussel* (AGR) under the title *Conseil d'État de Regence (CER)*; Soenen, *Archives des Institutions centrales des Pays-Bas sous l'Ancien Régime*, 178–82. Accordingly, the sea powers also established local Walloon regiments that were controlled by local noblemen under the Anglo-Batavian conference's influence. For a further study of this, see Thewes, "Léopold Philippe Arenberg, die wallonischen Regimenter und die Militärorganisation in den Österreichischen Niederlanden," 241–68.

³³ AGR, CER, Box 261, Cérémonies Publiques, unpaginated.

³⁴ AGR, CER, Box 261, Cérémonies Publiques. A circular was sent by the council of state to the bishops and vicars on November 9, 1711. There are no sources on how the collected money was actually spent.

³⁵ Sebastian Küster, "Te Deum for Victory. Communicating Victories through Sermons, Illuminations and Gun Salute," in *Atlantic Communications: The Media in American and German History from the Seventeenth to the Twentieth Century*, ed. Norbert Finzsch and Ursula Lehmkuhl (Oxford: Berg, 2004), 65–86, and Sabine Zak, "Das Tedeum als Huldigungsgesang," *Historisches Jahrbuch* 102 (1982): 1–32.

1711, the Sea Powers informed their council that clergymen from all of the provinces should speak about his success from their pulpits.³⁶ They probably hoped that the new title might give Charles additional credit because the provinces were still a part of the Holy Roman Empire despite their special status confirmed in the Burgundian Treaty of 1548.

Cooperation between the Sea Powers and the clerical elites, however, did not always go smoothly. On the one hand, when it came to following the Sea Powers' orders, the clergy was reluctant to pray for and celebrate Protestant victories and, in at least one case, openly refused to do so.³⁷ Generally, the clergy tended to show passive resistance if orders were not bound directly to the authority of Charles VI. This differentiation was important for them because obeying orders given by the Sea Powers in their own right would signal the acceptance of their rule. On the other hand, conflicts arose from the denominational differences between the Sea Powers and the provinces.³⁸ One reoccurring problem was allegedly offensive behavior on the part of occupying Protestant forces and the lax attitude of the Anglo-Batavian conference when dealing with these complaints. Furthermore, it seemed that, regardless of the clergy's desires, the Protestant Sea Powers had no interest in persecuting the small number of Protestants living secretly in the provinces. Finally, the traditional right of the province's sovereign to influence the allocation of sinecures became a problem while Protestants were the *de facto* rulers.³⁹

To put these tensions into perspective, it is important to emphasize that the Sea Powers were unable to fulfill a role that was of vital importance to the clergy—they could not be defenders of the church and the faith. They may have become part of the political order but would forever be excluded from the spiritual union between the subjects and their rightful ruler. Even worse, being Protestants, they themselves embodied one of the dangers the clergy demanded protection from. Thus, a powerful network with a vast fellowship constantly proclaimed Charles as the legitimate ruler and discredited his allies so as to exclude them, while these allies themselves had no choice but to cooperate with this very network due to the ongoing Bourbon threat.

In addition to clerical disagreements, administrative disputes also occurred whenever local secular elites felt that the Sea Powers were enacting policies against Charles's interests or, even worse, their own.⁴⁰ Appointing agents who demanded subsidies and tried to enforce taxes caused a stir and moved the estates and clergy to eagerly await the moment that the war would end and the Sea Powers would leave.

These troubles, however, did not pose a threat for the Sea Powers as long as their political authority remained uncontested. They had always considered their rule as temporary and

³⁶ AGR, CER, Box 261, Cérémonies Publiques, order to the vicar general of Brussels, November 19, 1711.

³⁷ AGR, CER, Box 261, Cérémonies Publiques, letter of a Doyen from Courtrai/Kortrijk, May 12, 1710.

³⁸ For several examples with further annotations, see Simon Karstens, "Herrschaftswechsel und Exklusionspolitik in den Südlichen Niederlanden. Der Beginn der Herrschaft Karls VI. (1714–1725)," *Time in the Age of Enlightenment. Jahrbuch der Österreichischen Gesellschaft zur Erforschung des 18. Jahrhunderts* 27 (2012): 161–95.

³⁹ Hubert van Houtte, *Les occupations étrangères en Belgique sous l'ancien Régime* (Paris: Champion, 1930), 325f.

⁴⁰ Take, for example, a conflict between the Anglo-Batavian conference and its council of state regarding a new administrative procedure: The conference's order to the council: AGR, *Département de Pays-Bas dans la Chancellerie de Cour et d'État à Vienne (DPB)*, Box 611, Conseil d'État de Régence 1706, Nr. 2, October 9, 1711. The procedural regulations can be seen in AGR, CER, Box 2, Folder 1r.–7v. The council hesitated to accept the order and responded that this would contradict the province's traditional rights and should not be put into effect. See AGR, DPB, Box 611, Conseil d'État de Régence 1706, document Nr. 11, October 29, 1711. The council finally decided not to obey because their allegiance lay only with the sovereign and not the conference; see the document, AGR, DPB, Box 611, Conseil d'État de Régence 1706, January 14, 1713. The estates of Brabant officially supported this in document Nr. 23, AGR, DPB, Box 611, Conseil d'État de Régence 1706, March 20, 1713. Compare with Louis Prosper Gachard, *Documents inédits concernant les troubles de la Belgique sous la règne de l'empereur Charles VI* (Brussels: Wahlen, 1839), 309–53; Gachard, *Histoire de la Belgique au commencement du XVIII^e siècle*, 381–94; J. Lefèvre, "De zuidelijke Nederlanden 1700–1748," in *Op gescheiden Wegen 1648–1748, Algemene Geschiedenis der Nederlanden*, vol. 7, ed. J. A. Houtte, J. F. Niermeyer, and J. Pressler (Utrecht: De Haan, 1954), 162–94, esp. 172–74.

had been preparing their retreat since 1709 anyway. For them, it was only important to hold the provinces until Charles VI met their military and economic demands in a formal treaty. When this policy became evident during peace talks with France, the council in Brussels refused to cooperate with the Sea Powers, and the estates sent delegates to Charles VI in order to urge him to take his place as their sovereign lord.⁴¹

Church Policy after the Transfer of Sovereignty

When the Barrier Treaty was agreed and Charles finally took over, he and his subjects did not enjoy an entirely fresh start.⁴² For years, it had been proclaimed from pulpits and church towers that he was the only legitimate ruler and the upholder of tradition. Thus, he entered the scene as the new representative of the traditionally ruling legitimate dynasty.

This offered him a lot of influence. Following his ascension to power he claimed the same rights as his Habsburg precursors. Every time the position of a high-ranking church official became vacant, he had to consult the clergy itself, which would then provide him with a list of three candidates he was obliged to choose from. All publications and announcements by the church—even nominations of officials—required his *placet* in order to be considered valid and then published. Furthermore, he acted as judge and mediator if the privileges of the church were contested by other estates or if members of the clergy disagreed.⁴³ This could concern questions of protocol, rank, economic privileges, the granting of asylum, or rights of ownership. In all such cases, the members of the church and others involved appealed to the sovereign for an arbitral verdict that he would enforce by his authority.

The clergy, on the other hand, tried to manipulate Charles's claim that he was continuing Habsburg rule to oblige him to defend them and the spiritual identity of the provinces against two major threats.⁴⁴ The first of these was Protestantism. Domestic Protestants had profited from the benevolent policies of the Anglo-Batavian forces until 1716, which allowed them certain religious freedoms, for instance, the ability to hold their religious services in Catholic churches.⁴⁵ Although they were but a very small minority, members of the clergy described them as a menace that could spread if ignored. The permanent deployment of Protestant troops, including families and pastors, added fuel to the fire after 1716. The treaties created yet another problem in that on the border between the Northern and Southern Netherlands, some Catholic parishes now fell under Protestant rule.⁴⁶ This led

⁴¹ Concerning this period of transition, see Van Gelder, *Regime Change at a Distance*, 94–100, on the delegation 120–25.

⁴² For a different opinion that does consider this a fresh start, see Van Gelder, "The Investiture of Emperor Charles VI in Brabant and Flanders," 445f.

⁴³ These conflicts have so far been neglected by researchers. The documents are collected in the AGR Brussels in the collections: *Conseil d'État (CE)* and *Département de Pays-Bas de la Chancellerie de Cour et d'État à Vienne (DPB)*.

⁴⁴ For an overview with further annotations, see Karstens, "Herrschaftswechsel und Exklusionspolitik in den Südlichen Niederlanden."

⁴⁵ See, for example, two letters of Humbert de Precipiano, Archbishop of Malines/Mechelen, dated March 2 and 27, 1709, in AGR, CER, Box 351, Généralités 1706–1716. Similar grievances came from clerics in Flanders and Namur, see AGR, DPB, Box 667. More reports came from secular officials such as the count of Valsassina, governor of Limburg, who complained to Marquis de Rialp on March 9, 1715, concerning the establishment of protestant churches; see AGR, DBP, Box 75, Folder 132r.–133r. Further documents have been collected by Eugene Hubert, *Notes et documents sur l'histoire religieuse des Pays-Bas autrichiens au XVIIIe siècle. Une Enquête sur l'état religieux de la Partie Flamande des Pays-Bas en 1723* (Brussels: Lamertin, 1924). Although this collection of examples is useful, the author's nationalistic interpretations should be kept in mind. Compare with Franz Van Kalken, *La fin du Régime Espagnol aux Pays-Bas. Etude d'histoire politique, économique et sociale* (Brussels: Lebègue, 1907), 225–30, and Robert Collinet, *Histoire du Protestantisme en Belgique aux XVIIe et XVIIIe Siècles* (Brussels: Librairie des éclairés unionistes, 1959), 27–41.

⁴⁶ This situation originated in the Barrier Treaty's sections 17 and 18. See Alfred Francis Pribram, ed., *Österreichische Staatsverträge. England 1526–1748* (Innsbruck: Wagner, 1907), 306–11.

to complaints from members of the clergy who feared for the established clerical networks and spiritual welfare.⁴⁷ They hoped that Charles would intervene on their behalf.

The second threat was the Jansenists.⁴⁸ These followers of the Catholic reformer Cornelius Jansen, whose works had been condemned by the pope, had been persecuted long before Charles VI came to power. There was, however, no distinctive Jansenist ideology or organization. Although some individuals owned the writings of Jansen or texts about his ideas, in most cases “Jansenist” was more of a label to stigmatize and persecute those who did not show due respect for clerical hierarchy or papal supremacy.⁴⁹ Additionally, as Prince Eugene pointed out, the accusation of being a Jansenist was so vague that it was often abused in personal rivalries. The archbishop of Malines attempted to overcome this ambiguity by demanding all people take an oath to obey the papal bulls against Jansen.⁵⁰ He thought only true Jansenists would refuse and could then be identified and persecuted.⁵¹ They would, as a result, suffer exclusion from holy rites (even on their deathbed), the loss of clerical positions, and social stigmatization. However, his policy was much disputed within the estates.

Charles thus faced many contrary expectations when he came to rule. Because he had tied himself to his ancestors’ line of tradition, he accepted the role of a defender of the church and even proclaimed this in official letters patent and instructions for his plenipotentiaries and governors.⁵² In these texts, he announced a strict policy against Protestants and Jansenists, leaving them nothing but the choice between giving up their beliefs or facing political and social exclusion.⁵³ In both cases, his intentions led to extensive political interactions with his new subjects and his former allies, each of which strengthened his position as sovereign.

When it came to dealing with the Protestants, there was no room for harsh measures because the Barrier Treaty prevented the expulsion of Protestants residing in the Netherlands and even put some fortresses under their rule. In fact, compromises had to be made with commanding officers and the states general of the Northern Netherlands.

⁴⁷ Compare with a letter of Thomas d’Alsace, Archbishop of Mechelen/Malines, written on May 31, 1720, to the papal secretary cardinal Paulucci, in Louis Jadin, *Le cardinal Thomas-Phillipe d’Alsace archeveque de Malines et le Saint-Siège. Correspondence tirée des Archives du Vatican 1703–1759* (Brussels: Academia Belgica, 1953), 277, and a letter written by the estates of Flanders to the council in Brussels, in which the consequences of the newly drawn borders are called a “*cruelle catastrophe*” for the church. AGR, DPB, Box 667, Folder “Flanders—Clergé general,” undated.

⁴⁸ For an overview compare with William Doyle, *Jansenism: Catholic Resistance to Authority from the Reformation to the French Revolution* (Basingstoke: Macmillan, 2000); Jan Roegiers, “Kerk en Staat in de Oostenrijkse Nederlanden,” in Blok and Prevenir, *Algemene geschiedenis der Nederlanden*, 361–75. For the conflict described here, compare with L. Willaert, *Le Placet Royal dans les Anciens Pays-Bas* (Brussels: Secretariat des Publications Facultés Universitaires, 1955), 1103–110; Lucien Ceyskens, “La publication de la bulle Unigenitus en Belgique,” *Revue Belge de Philologie et d’histoire* 62 (1984): 721–42; Lucien Ceyskens, “Autour de la bulle Unigenitus: Le Cardinal d’Alsace (1679–1759),” *Revue Belge de Philologie et d’histoire* 66 (1988): 792–828.

⁴⁹ See Roegiers, “Kerk en Staat in de Oostenrijkse Nederlanden,” 361. Compare with Jacques Thielens, *Le Placet royal et la Bulle Unigenitus. Un aspect des rapports entre l’Eglise et l’État dans les Pays-Bas au début du 18e siècle* (Heule: UGA, 1975), 35–51.

⁵⁰ See Ceyskens, “La publication de la bulle Unigenitus en Belgique,” 792–828; Thielens, *Le Placet royal et la Bulle Unigenitus*, 51–89; and Jacques Thielens, *La correspondance de Vincenzo Santini Internonce aux Pays-Bas (1713–1721)* (Rome: Institut historique belge, 1969), where more than one hundred letters on the topic have been published.

⁵¹ The publication and reception of the bull in the provinces is described in Ceyskens, “La publication de la bulle Unigenitus en Belgique,” 721–42; Ceyskens, “Autour de la bulle Unigenitus,” 792–828; and Michel Nuttinck, *La vie et l’oeuvre de Zeger-Bernard van Espen: Un canoniste janséniste, gallican et régalien à l’université de Louvain (1648–1728)* (Louvain: Publications universitaires de Louvain 1969), 423–97.

⁵² See Elisabeth Kovács and Franz Pichorner, *Instruktionen und Patente Karls (III.) VI. und Maria Theresias für die Statthalter, Interimsstatthalter, bevollmächtigten Minister und Obersthofmeister der Österreichischen Niederlande (1703–1744)* (Wien: Verlag der Österreichischen Akademie der Wissenschaften, 1993); see esp. “Instruction for Prince Eugen of Savoyen,” 79–101, and “Instruction for his Plenipotentiary de Prié,” 114–27.

⁵³ On Charles’s multilayered policies of exclusion, see Karstens, “Herrschaftswechsel und Exklusionspolitik in den Südlichen Niederlanden.”

In cities that hosted a Protestant garrison, agreements of exclusion were signed to keep soldiers, their families, and the townspeople as separate as possible.⁵⁴ No Protestant writings were to circulate, Protestant ceremonies were to be closed to outsiders, and no marriages between people of different denominations were to be performed. Finally, pastors were forbidden to travel around the country in order to prevent them from spreading their beliefs.

In reality, this ideal of two separated worlds was hard to maintain. Catholics and Protestants living in such close proximity with each other led to all kinds of social interactions, as indicated by complaints that reached the Habsburg administration.⁵⁵ These cases, for instance, a complaint about a Protestant teacher who opened his lessons to children of the townspeople, indicate that subjects in the garrison cities wrote to Charles VI because they wished for him to represent their interests in dealings with the foreign military.⁵⁶ As the ongoing negotiations concerning a revision of the Barrier Treaty and the Protestant rule over Catholic parishes in the borderland made clear, only he and his envoys were able to negotiate with a foreign power eye to eye, thus leading to his subjects appealing to him in this matter.⁵⁷

Dealing with the Jansenists required different measures. A local pressure group led by the archbishop of Malines/Mechelen lobbied for decisive action and was supported by the papal internuncio, as well as the neighboring archbishop and elector of Trier, whose influence reached across the secular borders.⁵⁸ The members of this group wrote several pleas to the emperor and his officials asking for support. Tensions rose when secular elites in the provinces formed a counter-group against the archbishop and declared it illegal to demand an oath of submission to a papal bull that had not yet received the sovereign's *placet*.⁵⁹ Even members of the clergy protested against this obligatory oath, especially those at the University of Louvain/Löwen. They appealed to the distant governor-general Prince Eugene and asked for his help to resist what they considered an intrusive act.⁶⁰ It is noteworthy that both sides in this conflict fully accepted, in principle, the authority of

⁵⁴ Compare with Karstens, "Herrschaftswechsel und Exklusionspolitik in den Südlichen Niederlanden"; Collinet, *Histoire du Protestantisme en Belgique aux XVII^e et XVIII^e Siècles*, 27–41; Hubert, *Notes et documents sur l'histoire religieuse des Pays-Bas autrichiens au XVIII^e siècle*, 9–123; Monique Engels, "De Godsdienstpolitiek van Maria-Elisabeth, Gouvernante der Zuidelijke Nederlanden 1725–1741" (PhD diss., Katholieke Universiteit Leuven, 1976), 19–31.

⁵⁵ Concerning those social interactions in general, see Catherine Denys, "Les relations entre Pays-Bas du Nord et Pays-Bas du Sud autour du problème de la Barrière au XVIII^e siècle, une proposition de révision historiographique," *Revue du Nord* 87, no. 359 (2005): 115–37. The author offers convincing arguments against the older analysis of Eugene Hubert, *Les Garnisons de la Barrière dans les Pays-Bas autrichiens (1715–1782). Etude d'histoire politique et diplomatique* (Brussels: L'Académie royale de Belgique, 1902).

⁵⁶ See, for example, a letter from the papal nuncio in Vienna to the supreme council of the Netherlands dated November 7, 1718, in AGR, DBP, Box 156, Folder 8r. and a letter from the council of the province of Hainaut to the council of state in Brussels dated December 23, 1718, in AGR, DBP, Box 156, Folder 10r.; compare with Geikie and Montgomery, *The Dutch Barrier 1705–1719*, 367; Collinet, *Histoire du Protestantisme en Belgique aux XVII^e et XVIII^e Siècles*, 27–41.

⁵⁷ Concerning this negotiation, see Van Gelder, *Regime Change at a Distance*, 123–39.

⁵⁸ See AGR, DPB, Box 807, letter from the Archbishop of Trier to the council of state from July 30, 1720, and a report concerning debates in the supreme council dated September 10, 1720. Concerning the persecution of Jansenists in the archbishopric of Trier, compare with Leo Just, *Das Erzbistum Trier und die Luxemburger Kirchenpolitik von Phillip II. bis Joseph II* (Leipzig: Hiersemann, 1931), 103–17; Wolfgang Seibrich, *Die Weihbischöfe des Bistums Trier* (Trier: Paulinus, 1998), 123–32; Wolfgang Seibrich, "Der Kampf gegen den Jansenismus," in *Kirchenreform und Konfessionsstaat 1501–1801. Geschichte des Bistums Trier*, vol. 3, ed. Bernhard Schneider (Trier: Paulinus, 2010), 750–66. For an exchange of more than one hundred letters concerning this topic between the internuncio Santini and the archbishop of Malines/Mechelen d'Alsace, see Thielens, *La correspondance de Vincenzo Santini Internonce aux Pays-Bas (1713–1721)*. The archbishop also mentions his cooperation with his counterpart in Trier in a letter to Cardinal Giorgio Spinola from March 6, 1723; see Jadin, *Le cardinal Thomas-Phillipe d'Alsace archeveque de Malines et le Saint-Siège*, 386f.

⁵⁹ Ceyskens, "La publication de la bulle Unigenitus en Belgique," 721–42; Willaert, *Le Placet Royal dans les Anciens Pays-Bas*, 1103–1110.

⁶⁰ Max Braubach, "Prinz Eugen und der Jansenismus," in *Diplomatie und geistiges Leben im 17. und 18. Jahrhundert*, ed. Max Braubach (Bonn: Röhrscheid, 1969), 530–45.

Charles VI. In this situation, Prince Eugene called for a calming of spirits. In his opinion, the church should no longer aim to persecute, but rather to convince and educate. Furthermore, he noticed how easily this policy could be misused and how much risk the new administration would face if it let itself be drawn into a clerical confrontation.

Charles VI made his decision no earlier than April 1723, when the archbishop of Malines/Mechelen visited Vienna shortly after his promotion to the rank of cardinal.⁶¹ The emperor allowed the publication of the disputed papal bull, but at the same time forbade anyone to demand an oath on it. The clergy were only to persecute those who spoke or wrote publicly against the bull.⁶² In these cases, he offered his full support.

So far, it has been evident why Charles VI and the clergy were important for each other. The church prepared and supported his rule and also promoted stability in the provinces. In return, the clergy expected Charles to pursue their interests. When these interests were divided, as in the case of the Jansenists' movement, he could rise above the dispute and take on the role of an arbiter who was accepted by all parties. Beyond that, the connection between ruler and subjects was further strengthened by being confronted with a commonly created Other—the Protestant powers with whom only the emperor could negotiate.

Empowering Interactions—The Example of the *Pain d'Abbaye*

As important as foreign relations or the persecution of heretics may be to understanding the establishment of a new rule, one should also take note of the way in which the new administration built a network of interaction with its clerical institutions. A brief examination of the surviving documents of the Austrian administration shows that the *Pain d'Abbaye* tax provoked a particularly voluminous series of communications among the sovereign, his local administration, the clergy, and other subjects.⁶³

The *Pain d'Abbaye* is a sovereign right to grant a clerically funded lifelong pension in the Southern Netherlands and bears some similarities to a medieval imperial privilege in the Holy Roman Empire called Panis-Letters, which were strongly disputed in the late eighteenth century.⁶⁴ In the Holy Roman Empire, this privilege allowed emperors to oblige monasteries with imperial immediacy to pay for the lifelong upkeep of a person of his choice. This could be done either in the form of an annual payment or by granting food and shelter to a beneficiary who did not have to take up a religious lifestyle.⁶⁵ To understand the situation in the Southern Netherlands, it is important to emphasize that Charles VI did not demand this tax in his role as emperor and never consulted imperial law councils or administrations on the matter. As such, the implication of the *Pain d'Abbaye* seems to resemble the practice of the Panis-Letters, albeit with some differences.

Considering the troublesome start of Austrian rule in the Southern Netherlands, a right to award pensions must have been a welcome opportunity. The war had left many of Charles's

⁶¹ Ceyskens, "Autour de la bulle Unigenitus," 827f.

⁶² Thielens, *Le Placet royal et la Bulle Unigenitus*, 82.

⁶³ The following analysis is based on the proceedings of the council of state in Brussels during the years 1716–1720. After this year, the number of documents concerning the *Pain d'Abbaye* begins to decline. The year 1720 can, as Van Gelder has argued, generally be seen as a milestone in the establishing of the new regime because Charles was finally inaugurated in this year. Van Gelder, *Regime Change at a Distance*, 378.

⁶⁴ Compare with Werner Gross, "Die Panisbriefe des deutschen Kaisers an das Kloster Ochsenhausen," *Zeitschrift für Württembergische Landesgeschichte* XVI (1957): 365–81; Hans Jörg Hirschmann, "Vom Kaiserlichen Recht der Panis-Briefe" (Phd. diss., University of Marburg, 1973), 22–95; Günther Dickel, *Das kaiserliche Reservatrecht der Panisbriefe auf Laienherrenpfändern. eine Untersuchung zur Verfassungsgeschichte des Alten Reichs und zur kirchlichen Rechtsgeschichte nach Wiener Akten* (Aalen: Scientia, 1985), 15–162.

⁶⁵ Most research concerns either the use of Panis-Letters by the Habsburgs in the sixteenth century or an attempt by Emperor Joseph II to reactivate this privilege. See Dickel, *Das kaiserliche Reservatrecht der Panisbriefe auf Laienherrenpfändern*, and Christoph Gnant, *Die Panisbriefe Kaiser Joseph II* (Münster: Lit., 2011).

followers, or their families, stranded. These people looked to their patron for help.⁶⁶ Charles saw it as his obligation to reward and support them, but it became quite a burden on his finances because he had already created positions for his exiled noble Spanish followers in Vienna.⁶⁷

Charles's first step in exploiting the *Pain d'Abbaye* was to find out which institutions were obliged to pay and how much money he could raise in total. The council of state in Brussels received the order to make a list using its archives and expertise.⁶⁸ This list consisted of 184 institutions, 81 of which were communities of men, and 103 communities of women. These were referred to as *Hôpital, Abbaye, Cloître, Convent, or Prioré*.

Because formally owning a privilege and actually reaping its benefits are two different things, the question arises of how the institutions on the list reacted to the demands. First of all, being on the list was not irreversible; there were two ways out of it. Either the emperor could grant an exemption, or the institutions could prove that they already had an exemption from his ancestors. In the latter case, the institutions relied on Charles's word to honor all of the privileges his predecessors had previously given to the church. As a result, the council of Brussels received a rising number of applications and acted as experts on this matter so that they could verify the alleged exemptions.⁶⁹

This administrative mechanism was also well established in other contexts. As Hanna Sonkajärvi's analysis of the management of mundane petitions has shown, several webs of interaction among subjects, local elites, and the ruler were woven together at the same time, connecting the provinces and their distant sovereign.⁷⁰ Sonkajärvi demonstrates that these interactions had their own ebbs and flows, and mostly occurred after the transfer of sovereignty but also when rulers tried to centralize their governments through administrative reforms.

In 1720, the council wrote an interim report on the affair and mentioned seventy applications in total, of which forty-seven had been successful.⁷¹ To verify claims of older exemptions, the council looked into lists from 1600, 1622, 1623, 1629, 1665, 1704, and 1705.⁷² The use of the last two documents shows a certain ambiguity in Charles's policy. Although he and his allies had always outright discredited Bourbon rule between 1701 and 1714 as a usurpation, they still used its reforms as an example and drew on its administrative resources. Once the applications had been examined, a resolution was sent to the emperor, who himself consulted with the high council of the Netherlands in Vienna and his governor-general Prince Eugene in German, French, Italian, and Spanish.⁷³

A closer look at the individual applications reveals substantial differences. Some merely consist of a short remark claiming an older exemption and possibly a transcript of the old

⁶⁶ This can be seen in the applications for a pension, for example, by the daughter of a general in AGR, CE, Box 918, Folder 108, and by a veteran who served in Charles's Spanish army, AGR, CE, Box 918, Folder 110, both dated 1717. Further applications are scattered throughout the collection DPD in the AGR Brussels and can be found in the correspondence of the governor-general, his plenipotentiary, or the Viennese administration.

⁶⁷ Compare with Pečar, *Die Ökonomie der Ehre*, 86–92; Zedinger, *Die Verwaltung der Österreichischen Niederlande in Wien (1714–1795)*, 23–35.

⁶⁸ AGR, CE, Box 918, Folder 111.

⁶⁹ For this reason, there are far fewer documents concerning this tax in the archives of the Viennese administration compared to their Brussel counterparts. The documents of the supreme council in Vienna for the period 1716–1740 can be stored in the single box AGR, DPB, Box 802 (despite the information in the archival guidebook T 129), whereas the documents of the council of state in Brussels fill no less than seven boxes. AGR, CE, Boxes 918–924.

⁷⁰ Sonkajärvi, "Supplikationen als Mittel zur Herrschaftsvermittlung in den Österreichischen Niederlanden im 18. Jahrhundert?"

⁷¹ AGR, CE, Box 921, Folder 7, Interim Report of the Counsel from 1720.

⁷² AGR, CE, Box 921, Folder 7, Interim Report of the Counsel from 1720.

⁷³ In a letter dated September 1, 1720, Prince Eugene told the emperor that many abbeys would try to evade the tax by claiming to have old exemptions or be too poor. The prince nevertheless emphasizes that it is solely the ruler's prerogative to demand this tax or to grant exemptions. AGR, DPB, Box 802, *Pain d'Abbaye*, unpaginated.

document.⁷⁴ Others, filling up entire folders, prove much more complex. This was generally the case when there was no previous exemption and the applicants tried to convince the council and Charles to grant them one. Such applications mostly made use of two arguments: either the *Pain d'Abbaye* had been neither demanded nor paid for centuries—in which case the applicants considered it to have expired—or they claimed to be too poor. To prove these claims, they accompanied their applications with letters from a network of supporters. Magistrates (with administrative or judiciary functions), bailiffs, members of nobility, abbots, bishops, and other clergymen from superior or neighboring institutions all wrote to the council of the state and supported the respective exemption.⁷⁵

The use of poverty as an argument in this debate is of particular interest. The council of state supported claims of poverty if the applicants could muster high-ranking support or if they could prove that they had previously been exempted due to poverty. This means an officially certified state of poverty from the 1620s could count as a valid argument in the 1720s. This observation stresses once more that the basic policy in the first years of Charles's reign was the continuation of the former Habsburg administration in order to obtain and consolidate a powerbase.

All exemptions but one were applied for and granted individually. In the case of the Carthusian Order, the members of the council themselves acted as advocates and achieved a complete exemption for all their institutions by the end of 1718.⁷⁶ As usual, they based their argument on older legal documents to verify that the *Pain d'Abbaye* had not been demanded from this order by former sovereigns, including the last Spanish king of the House of Habsburg. In its statement, the council strengthened the importance of this fact by referring to Charles's claim that he wished to directly continue the traditions of his Habsburg predecessor, and thus explicitly used his strategy of legitimation for their own purposes. Furthermore, they took the opportunity to remind him that this tax was originally meant to support local widows and orphans—implying that this was no longer the case.

The council's rather critical observation begs the question: who received these pensions. In 1720, the council of the state completed a list of the pensions thus far awarded. This list shows 114 people receiving 137 *Pains d'Abbaye*, each worth exactly 150fl.⁷⁷ The uniformity of this number is puzzling when compared to the pensions later demanded by Emperor Joseph II within the Holy Roman Empire, as an imperial *Painis-Letter* could be worth something between 30 and 100fl.⁷⁸ So in comparison, the pensions in the Austrian Netherlands appear to have been very high, yet the exact amount of money to be paid was never disputed—merely the duty to pay at all. This stresses the fact that the imperial *Painis-Letters* are a different matter. In the Southern Netherlands, a total of fifty-one men and sixty-three women received a *Pain d'Abbaye*, usually one pension, but in some cases also a second or even a third.

The register shows that the beneficiaries who received two or three gratifications mostly had Spanish names accompanied by a “Don” or “Doña.” This indicates that Charles indeed used the *Pain d'Abbaye* to reward his wartime supporters and their families, just as he had

⁷⁴ The oldest of these exemptions dates back to 1420, see *AGR, CE*, Box 921, Folder 7, Interim Report of the Counsel from 1720.

⁷⁵ For example, the council of Brabant gave a statement on behalf of the abbey of Nizelles to support its claim of being poor. *AGR, CE*, Box 919, Folder 12, April 28, 1719. The mayor and “Schepenen” of Brugge wrote a letter in Flemish to support the claim of an abbey; see *AGR, CE*, Box 919, Folder 13, May 4, 1719. The chancellor of Flanders and the bishop of Brugge also acted as supporters of abbeys' applications, see *AGR, CE*, Box 919, Folder 51. Other communities, like the Abbey of Dunes near Brugge, sent several documents of their own. This abbey sent no less than twelve extracts from peace treaties and older documents as well as an actual budget plan to prove its dire economic situation. *AGR, CE*, Box 919, Folder 27, August 3, 1719.

⁷⁶ *AGR, CE*, Box 918, Folder 115 and 117, September to December 1718.

⁷⁷ *AGR, CE*, Box 921, includes a list of the entire male and female beneficiaries who received a *pain de abbaye* in 1715–1720. The gender of the beneficiary and the members of the religious community bound to pay the pension always matched. This might be due to an earlier practice to grant the pension in the form of food and shelter.

⁷⁸ Hirschmann, “Vom Kaiserlichen Recht der *Painis-Briefe*,” 97–103; Gross, “Die *Painisbriefe* des deutschen Kaisers an das Kloster Ochsenhausen,” 376; Dickel, *Das kaiserliche Reservatrecht der *Painisbriefe* auf Laienherrenpfründen*, 86–119.

in Vienna. Nonetheless, the greater part of the names on the council's list were French or Flemish and received a single pension. This indicates that these beneficiaries may have come from the provinces themselves. All in all, the names and titles suggest a wide social variety spreading from three-time beneficiary Maria Ana de Brunswick-Luneburg to one-time beneficiary Anna Moscherock from Wieselsheim.⁷⁹

But what happened if a clerical institution did not accept its duty? Several complaints about delayed or even denied payments have survived. These documents illustrate that the beneficiaries asked for legal counsel to enforce their privilege. In such situations, the council of state asked local authorities to examine and draw statements.⁸⁰ Most of the clerical institutions who refused payment did so as an attempt to stall while their plea for an exemption was still pending.

Generally speaking, any attempt to receive a *Pain d'Abbaye* or an exemption from it established ties of communication with the Austrian administration. These were empowering interactions because they linked simple subjects, old followers, local elites, and their respective contacts' networks to the ruler and his agents.

Remarkably, all parties involved supported Charles's authority and his right to grant a *Pain d'Abbaye* in principle but were exceptionally eager to question whether his right applied to their specific case. The basic argument that all sides agreed upon and tried to implement for themselves was acceptance of tradition. This principle constituted a political framework inside of which flexibility for individual cases was possible. Social networks and powerful patrons were able to work successfully within the system, either on behalf of a beneficiary or an institution fighting for exemption. By allowing these traditional mechanisms of networking, Charles and his administration strengthened their positions. This observation is supported by Sonkajärvi's analysis regarding the management of mundane petitions within the Austrian Netherlands.⁸¹ Sonkajärvi shows that the administrative process was designed to present and manifest the authority of the monarch as the one who determines exemptions from traditional rules.

Several similarities are also present in Charles's strategy of supporting and enhancing the so-called Walloon regiments that have been analyzed by Guy Thewes. In this matter, Charles offered the local nobility a place for military activities that would honor their status. Furthermore, the administration and support of these regiments also led to a high number of interactions on a local level—ones that tied the new regime to provincial elites.

Considering the importance that this study attributes to the *Pain d'Abbaye*, it is important to note that contemporaries' views could differ. In his work on Prince Eugene, Alphonse Sprunck mentions a 1721 attempt to reform the *Pain d'Abbaye*.⁸² Annoyed by the administrative workload, Prince Eugene suggested a new law that would oblige all monasteries and abbeys, without exemption, to pay a pension of 150fl to a person of their choice that met certain standards. However, his idea was never put into practice, and the complex negotiations persisted and continued slowly but steadily to stabilize Habsburg rule.

Conclusion—A New Old Reign

As far as handbooks are concerned, the transfer of sovereignty in 1714 could be considered a rather straightforward event. The Southern Netherlands now belonged to the

⁷⁹ Here, more differences between the *pain d'abbaye* and the imperial panis-letters come to light. When emperors granted these pensions, they gave them mostly to older court officials who had no family money, except Joseph II, who tried to expand this privilege. In any case, an accumulation of imperial panis-letters was uncommon. See Dickel, *Das kaiserliche Reservatrecht der Panisbriefe auf Laienherrenpfünden*, 86–119.

⁸⁰ See a summary of the council's investigations until 1720, in *AGR, CE*, Box 921, Folder 7. Compare the report dated July 25, 1720, in *AGR, DPB*, Box 802.

⁸¹ Sonkajärvi, "Supplikationen als Mittel zur Herrschaftsvermittlung in den Österreichischen Niederlanden im 18. Jahrhundert?", 87–89.

⁸² Alphonse Sprunck, "Prinz Eugen als Generalstatthalter der österreichischen Niederlande," *Mitteilungen des österreichischen Staatsarchivs* 15 (1962): 114–80, esp. 135.

Austrian-Habsburg monarchy, whose political heart beat in Vienna and whose future would depend on decisions made on the banks of the Danube. This article, like the studies of Van Gelder, Thewes, and Sonkajärvi before it, has shown that this was actually a far more complex situation than it may first appear. Among the reasons for this are the colliding interests of several European powers and the provinces' inhabitants during and after the war. Only after foreign affairs were settled was the official sovereign finally able to begin the long process of becoming the actual ruler.

Furthermore, it is crucial to remember that throughout the ongoing occupation, throughout all political tension and warfare, parts of the church increasingly proclaimed and supported Charles's claim to power, even before the official transfer of sovereignty was agreed upon. He and his administration, which itself was divided into several groups in Vienna and Brussels, undoubtedly held key positions in the ongoing political communications. In spite of this, however, they were never able to escape the interdependencies with the local elites and establish a top-down system of government.

Remembering this helps one to understand that the ruler's policy toward the church, and even his attempts to enforce the *Pain d'Abbaye*, were not part of an intentional state-building in the sense of establishing a more modern or centralized rule than before. Yet they still helped to establish Charles as sovereign. What made these interactions possible and relatively easy was the fact that both sides—ruler and subjects—could agree upon the tradition of the Spanish-Habsburg rule as a consensus in a period of transition just like they did in the secular administration. The new rule was, therefore, not that new at all. A closer look at the church's policy and the clergy further reveals that the monarch gained an influential position from this agreement due to his subjects' accepting his authority to act as judge in cases of rival interpretations of the traditional order. His subjects supported Charles's power out of individual and sometimes contradictory interests, but nonetheless did so collectively. This manner of proceeding was of special importance in Charles's dealings with Protestants and Jansenists, where the question of who belonged to the social and spiritual community of the provinces and who should be excluded stood at the center of interactions. It offers additional proof that political power was anything but a zero-sum game. Instead, political players could create new resources of power by intensifying their acts of communication, be they cooperative or confrontational.⁸³

The negotiations concerning the *Pain d'Abbaye* may have affected only certain clerical institutions directly. The network of supporters brought into the negotiations, however, encompassed many more subjects. All attempts to be awarded a pension or to be exempt from paying the *Pain d'Abbaye* were affairs in which Charles was addressed as a representative of collective or individual interests and as the one who should decide on them. The fact that conflicts concerning the *Pain d'Abbaye* were always handled as singular cases kept this rather annoying (as it was to Prince Eugene) administrative machinery turning.

The *Pain d'Abbaye* offers an interesting perspective for a better comprehension of the way in which a supposedly new regime established itself in the early modern period and how composite monarchies managed their administration. It shows that rulership was not necessarily a strict imposition, but sometimes the slow consecutive weaving of a network of power and interaction, and that this could create a stable relationship between a sovereign and his subjects.⁸⁴ This was, however, achieved at a price because Charles VI based his rule—or at least his church policy—on two principles: first, he would respect the given law and

⁸³ Blockmans, Holenstein, and Jon Mathieu, *Empowering Interactions*, 25–26; Barbara Stollberg Rilinger, “The Impact of Communication Theory on the Analysis of the Early Modern Statebuilding Processes,” in Blockmans, Holenstein, and Jon Mathieu, *Empowering Interactions*, 313–18.

⁸⁴ As has been pointed out by Birgit Emich, “Frühneuzeitliche Staatsbildung und politische Kultur. Für die Veralltäglichsung eines Konzeptes,” in *Was heißt Kulturgeschichte des Politischen?* ed. Barbara Stollberg-Rilinger (Berlin: Duncker & Humblot, 2005), 191–205, esp. 198.

traditions; and second, he would be open to established forms of patronage to offer well-known and desirable shortcuts.⁸⁵

Considering the phenomenon of empowering interactions in general, it becomes evident that the subjects accepted Charles VI's authority to arbitrate conflicts regarding the actual interpretation and validity of traditional rights. It seems that the more he acted as an arbiter or as protector of his subjects against religious or political outsiders, the more influence he could claim. To the contrary, Charles provoked resistance or at least reluctance when he acted in his own interest or attempted to reform the political system. This finding correlates well with the analysis of Guy Thewes on the so-called Walloon regiments and also Sonkajärvis's insight into the early Austrian administration: it is obvious how beneficial a detailed comparison of these two perspectives and the new one presented in this article would be in the future.

Finally, it becomes evident that tradition, as one of the most important political ideals of the early modern period, was not—as the word would suggest—something handed down through generations. Tradition was constructed, changed, and subject to various interpretations. It may even have been this variability that gave tradition its key role as a point of reference in political interactions between the ruler and his subjects—not only in the Southern Netherlands but also in other provinces of the Habsburg's vast composite monarchy.

Jan Simon Karstens teaches Early Modern History at the University of Trier and at the Hochschule für Archivwissenschaft Marburg (both in Germany) (email: karstens@uni-trier.de). He received his PhD in history for an in-depth analysis of the career of the Austrian professor, state-reformer and writer Joseph von Sonnenfels [published as: *Lehrer-Schriftsteller-Staatsreformer. Die Karriere des Joseph von Sonnenfels 1733-1817*, 2011]. Afterwards he worked in an interdisciplinary research group focusing on the history of the Southern Netherlands under Austrian rule. Karstens recently published his second thesis [*Habilitation*] on failed attempts of colonization in the sixteenth and seventeenth century [*Gescheiterte Kolonien - Erträumte Imperien. Eine andere Geschichte der Europäischen Expansion 1492-1615*, 2020]. In his latest work he also discusses failure as a historical phenomenon and as a historiographical concept.

⁸⁵ Blockmans, Holenstein, and Jon Mathieu, *Empowering Interactions*, 26f.