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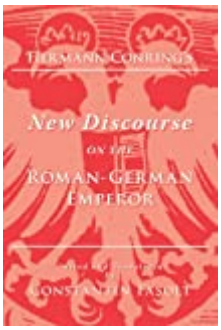

Hermann Conring. *Hermann Conring's New Discourse on the Roman-German Emperor.* Medieval and Renaissance Texts and Studies, Neo-Latin Texts and Translations Series. Tempe: Arizona Center for Medieval and Renaissance Studies, 2005. xxxvii + 122 pp. $32.00 (cloth), ISBN 978-0-86698-325-9.

Reviewed by Ruben Alvarado (WordBridge Publishing)

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Constantin Fasolt has provided a fine translation of an important work by a neglected figure of early modern political and legal science, Hermann Conring. Conring is often cited, but has received little scholarly attention. Although indisputably one of the great figures of German intellectual history, he and his contributions remain in the shadows. With this translation, Fasolt hopes to shed light on Conring's work and thought.

The translation reveals to readers of English one of Conring's early works, never meant to see the light of day. Conring in fact vehemently disowned it (Fasolt's detective work on this point is excellent). Even so, the *New Discourse* (1642) provides an indication of Conring's thought as he advised, lectured and published within the German political and intellectual cauldron of the mid-seventeenth century.

Central to the argument of the *New Discourse* is the debunking of the notion that the German emperor is in fact the Roman emperor–that is, that a direct line of continuity existed between the ancient caesars and the contemporary holders of the throne of the Holy Roman Empire of the German Nation. Apparently, Germans (especially those loyal to the Habsburg cause) still obstinately adhered to this idea. Conring set himself the task of destroying the mythical underpinnings of this belief. In replacing myths with historical fact, he hoped to ground the imperial throne upon German national foundations, and thus to restrict it, with the goal of averting the kind of wars pursued on the basis of a perverted claim to universal empire. Whatever it was, therefore, according to Conring, the Holy Roman Empire of the German Nation was not Roman.

Appearing as it did in the middle of the Thirty Years' War, Conring's thesis was meant to undermine the claims of the Habsburgs to the kind of caesaropapist spiritual and secular power that Roman and Byzantine emperors had always enjoyed. Conring was a Protestant, and his argument worked to bolster the claims to the autonomy of Protestant territorial princes against the Habsburg-sponsored Counter-Reformation. Conring helped to reorient the imperial idea from that of "universal empire" to, in Georg Schmidt's terminology, a "complementary empire-state" (_komplementÃ¤re Reichsstaat), a regime in which the emperor cooperated with the princes and estates in a complementary framework, rather than exercising supreme authority.[1]

As Schmidt argues, this complementary empire-state and not the destruction of the empire itself came out of the Thirty Years' War. Later nation-state-oriented historiography replaced this picture with one of the triumph of the absolute nation-state at the expense of a feeble, decrepit empire, which for its part led a shadow existence

until its final demise in 1806. It has only been more recently, with the advent of the work of scholars such as Karl Ottmar von Aretin, Volker Press, Dieter Langewiesche and Georg Schmidt, that a more accurate picture of the "Old Reich" as a viable (albeit intellectually difficult to pin down) regime has been restored.

It would be especially helpful to situate Conring's work and influence within this revised picture of "das alte Reich," but, alas, Fasolt's contribution does not provide such a contextualization. This remark is not intended to take away from the scholarly value of his translation and notes: these are top-notch. Furthermore, the guide to further reading is very good as far as it goes. But it shows no signs of acquaintance with the abovementioned school of thought. To be sure, Fasolt warns that "scholarly examination of Conring's work has not yet reached a point at which it would be possible to locate him with any great precision on the landscape of intellectual history" (p. xv). And it may be that Fasolt does not share the revisionist viewpoint sketched above. But surely that does not justify depicting Conring as if he were a patron saint of budding post-imperial German nationalism, which is the distinct impression Fasolt's introduction leaves.

"These insights" debunking the claims to universal dominion, Fasolt writes, "must have come to Conring with the force of a revelation" (p. xi). But how can that be, if the view that the emperor was the ruler of the world had already been decisively rejected by legions of jurists and theologians? Fasolt softens this impression by affirming that, although Conring's views in this respect were not original, he "was the first to give these ideas a form that assured their acceptance in Germany" (p. xii, n. 5). Certainly, opposition to the Roman-continuity thesis flourished mainly outside of Germany, in Spain and France, countries that claimed their own sovereign right. But even in Germany, that thesis was by no means considered to be the fundamental claim legitimizing the existence and powers of the imperial German throne. If it were, how is it that such an important German scholar as Johannes Althusius in his own political theory could completely ignore it?[2]

Fasolt further claims that Conring "emancipated politics from traditional authority and endowed its study with the dignity of science" (p. ix). He may have done so, but he certainly was not the first. Again, Althusius, in a plea to keep the sciences properly delineated, wrote in his *Politica* (1603): "Where the moralist leaves off, there the theologian begins; where the physicist ends, the physician begins; and where the political scientist ceases, the jurist begins…. We should make sure that we render to each science its due (*suum cuique*) and not claim for our own what is alien to it. How many juridical questions taken from the midst of jurisprudence do you find in the political writings of Bodin and Gregorius?"[3] The necessity for a political science qua science was well understood before Conring came along. Nor can statements like "Roman law needed to be placed in the historical distance where it belonged" (p. xii) be justified, for Conring eyed not the elimination of Roman law from Germany but the regrounding of its reception on practical rather than mythical grounds.[4]

Something Fasolt does not discuss (although he certainly is not to be faulted for it) could provide further clues regarding the inspiration for Conring's work: it is the fact that, as Fasolt notes in his excellent chronology of events, Conring began drawing a pension from Louis XIV in 1663. Louis paid off the leaders of the Electorate of Mainz (the leading state in western Germany), including Conring's patron Johan Christian von Boineburg, in order to keep them on his side, or at least neutral, vis-Ã -vis the Habsburg emperor. This tactic exposed Germany (not to mention Holland) to the ravages of the French king's late-seventeenth-century expansionist militarism. To what degree did Conring's efforts undermine not only the kaiser but also the Reich's ability to defend itself? In a short introduction to Conring's life and work Fasolt could not have set himself to answering such questions; nevertheless, they are an indication of the work that needs to be done to situate a figure like Conring properly.

Apart from these quibbles, this translation and the person whose work it presents to the English-speaking public are well worth the attention of anyone interested in this period of European history.

Notes

[1]. Georg Schmidt, *Geschichte des alten Reiches. Staat und Nation in der FrÃ¼hen Neuzeit 1495-1806* (Munich: Beck, 1999), p. 188.

[2]. Ernst Reibstein notes that Althusius "implicitly grounds his political theory upon the concepts developed by the Spaniards, that no hierarchically constructed universal monarchy exists but rather a world of coexisting states." See Ernst Reibstein, *Johannes Althusius als Fortsetzer der Schule von Salamanca* (Karlsruhe: Verlag C.F. Mueller, 1955), p. 207.

[3]. Frederick S. Carney, editor and translator, *Polit-*

ica: An Abridged Translation of Politics Methodically Set Forth and Illustrated with Sacred and Profane Examples (Indianapolis: Liberty Fund, 1995), p. 5 (preface to the first edition of 1603). The preface to the third edition contains similar statements.

[4]. Cf. Franz Wieacker, *A History of Private Law in Europe* (Oxford: Clarendon Press, 1995), pp. 160-162.