



Volume 1. From the Reformation to the Thirty Years War, 1500-1648 The Golden Bull (1356)

This first great act of the law of the late medieval Empire was issued in 1356 by Emperor Charles IV (1316-78), King of the Romans since 1346 and King of Bohemia since 1347. It remained in force until 1803. Named for its golden seal, the Golden Bull regulated the Imperial succession. It named the royal electors and fixed their number at seven – four temporal (Bohemia, Palatinate, Saxony, and Brandenburg) and three spiritual (Mainz, Cologne, and Trier) – and declared their temporal lands indivisible. With the Golden Bull, the Empire acquired the first elements of the constitutional structure it would possess for the next 450 years. Note the highly symbolic language of the introduction (and compare the language with that of the Public Peace of 1495). We may very well doubt that the German aristocracy was moved by the reference to the Greek furies, a conceit of Charles's chancery, in which neo-classical learning was prized. Entirely traditional, on the other hand, was the manner in which the statute dealt with the problem of instability almost entirely in terms of persons, not impersonal institutions. The latter would begin to appear during the course of the fifteenth century.

The Golden Bull of 1356 **The Nuremberg Book of Laws. January 10, 1356**

Almighty, eternal God, sole Hope of the world, Who dost reveal Yourself to be Shaper of the heavens and Creator of the earth, look down upon Your people! From the heights of heaven graciously look upon us, so that we do not turn our steps into those realms where Eris commands, Alecto rules, and Megaera fashions the laws. Help Your people, O gracious God, by the power of Your beloved son, Charles, this illustrious emperor, that under his faithful leadership this people may be brought through the green fields of Paradise, ever-blooming forests, and blessed lands to those sacred springs, where the germs of life are enlivened with divine water, and where the young seeds, quickened by the heavenly springs, can be purified by the plucking out of the thorns. Then, the harvest will become God's own cause, and the hundred-fold yield of future benefits will be heaped up in great barns.

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In the name of the holy and indivisible Trinity, Amen. From Charles IV, by grace of God Roman Emperor, always increaser of the empire and king of Bohemia, to be remembered always. Every realm that is divided internally will go to ruin, for its princes have become the comrades of thieves. The Lord has poured out the spirit of deceit among them, so that they grope about at midday as though in darkness, and He has withdrawn the light from their dwellings, so that they are blind and leaders of the blind. And those who wander in the dark run into things, and those who are blind of spirit bring about evil deeds, which occur in disunity. Tell us, Pride, how could you have dominated Lucifer unless you had disunity as your handmaiden? Tell us, envious Satan, how could you have driven Adam from Paradise if you had not first made him rebellious against authority? Tell us, Luxury, how could you have destroyed Troy without first separating Helen from her husband? Tell us, Anger, how could you have brought the Roman state to naught, without first inciting Julius Caesar and Pompey to civil wars fought with bitter swords? You, Jealousy, have soiled the Christian Empire, which was reinforced by God with the virtues of faith hope and love, just like the indivisible Trinity, and whose foundations stand firmly on the kingdom of Christ; you have soiled it with your ancient poison that you have spewed forth like an evil snake on the Empire and its members. And to shatter the pillars and to bring the whole structure to collapse, you have incited disunity among the seven electors, who should illuminate the Empire like the light of the seven lamps of the mind.

But in the name of the office which we hold as Emperor we are obliged to act against disunity and struggle among the electors (to whom we belong as King of Bohemia), for two reasons: because of our Imperial office, and because of our rights as an elector. In order to increase the

unity among them, and to bring about unanimity during elections and to avoid disgraceful divisions and to close the door to the multiple dangers that arise from them, we have issued the laws written down here at our festive Imperial Diet in Nuremberg, in the presence of all the spiritual and worldly electors, and before a large crowd of other princes, counts, free lords, lords, nobles and urban delegates. From our Imperial throne, decorated with the imperial insignias and treasures, wearing the imperial crown, after ripe deliberation, we issued them on the basis of our unrestricted imperial powers, in the year of our Lord 1356 in the 9th indiction, on the 10th of January, in the tenth year of our royal power and the first of our Imperial power.

Chapter 1

What sort of escort the electors should have, and who should provide it

[Summary: All are required to give free passage and protection to the electors and their representatives when an election is announced. Electors who disobey are to lose their vote in the election involved; others are guilty of perjury and shall lose all their fiefs from all lords. Commoners who disobey are to lose all rights, privileges and benefits, and are to be put under Imperial ban. Cities are obliged to sell to electors and their representatives going to or attending an election (food and other goods at usual prices). Electors who are engaged in feuds must nevertheless obey these rules, as must other lords engaged in feuds or wars with electors. The exact lords who should give free passage to each elector are then listed. The Archbishop of Mainz is to announce the date of election in letters carried by his messengers, and shall name the deadline by which such letters are to be delivered. Within three months of the deadline, each elector must appear or send a representative to Frankfurt am Main. If the Archbishop fails to call such a meeting within a month of the Emperor's death, then the electors should appear in Frankfurt on their own. No elector shall appear in Frankfurt with more than 200 mounted men, of whom no more than 50 may be armed. If an elector does not appear, or leaves before the election, he shall lose his vote for that election. The city of Frankfurt is responsible to prevent the electors and their armed men from attacking each other; they shall not let anyone else into the city during the election.]

Chapter 2

On the election of a King of the Romans

[Summary: Upon arrival in Frankfurt, the electors are to hear a Mass, so that the Holy Spirit may enlighten their hearts and minds, so that they elect an upright, honorable and diligent man as King of the Romans and future Emperor; after which they are to swear on the Gospel of St. John an oath to elect a suitable King of the Romans, without previous agreements, rewards, payment or promises, "whatever way they may be named." Then they should proceed to the election, by majority, and not leave the city until they have succeeded. If they do not succeed with 30 days, they shall then subsist on bread and water until a majority of them has elected a ruler and secular head of the faithful. Once a majority has elected a King, the result is to be regarded as if they had done so unanimously. If an elector or his representative arrives late, they are to be admitted to the election at whatever stage it is.]

And because the following has always been observed as a recognized and honorable custom, we also decree that whoever is elected to be King of the Romans shall, immediately after his election and before undertaking any other business in his capacity and power as head of the holy Empire, acknowledge with his seal the spiritual and secular electors (who are known to be the closest members of the Holy Empire) in all their privileges, letters, rights, freedoms, and benefits, their customs and also their honors, and everything they have received from the Empire up to the very day of the election, without delay. And he should reconfirm everything named above, when he is crowned with the Imperial insignia. [. . .]

And if three of the electors decided to elect a fourth elector from among them, his vote [or that of his representative] shall continue to be counted towards the majority like the votes of all the other electors.

Chapter 3

On the order of precedence among the Archbishops of Trier, Cologne, and Mainz

[Summary: Regulates the relations between the spiritual electors in order to "avoid all occasions for conflict and suspicion," specifically which elector shall sit where relative to the Emperor when they are together.]

Chapter 4

On the electors in general

We also decree, that from now on whenever a Diet is held, at each meeting, whether in council or at meals, where the Emperor takes place, that to the right of the Emperor, after the Archbishop of either Mainz or Cologne, [. . .] shall sit the King of Bohemia, because he is a crowned and anointed king. And next shall sit the Elector Palatine. On the left, after the other of the two Archbishops shall sit the Duke of Saxony, and after him the Margrave of Brandenburg.

[Summary: The Archbishop of Mainz shall have the power to call the electors together whenever there is no Emperor, and he shall ask them for their votes in the following sequence: Trier, Cologne, Bohemia, Palatinate, Saxony, Brandenburg. When this has been done, his fellow electors shall ask the Archbishop what his opinion and vote is. Further ceremonial offices of the electors at a Diet are described.]

Chapter 5

On the rights of the Elector Palatine and also of the Duke of Saxony

[Summary: The Elector Palatine shall be vicar in the Rhineland and Swabia when there is no Emperor. In regions of Saxon law, this function shall be carried out by the Duke of Saxony. Complaints against the Emperor shall be heard before the Elector Palatine, but only at a Diet.]

Chapter 6

On the electors in comparison with other, ordinary princes

[Summary: No other lord shall ever take precedence before the electors at a Diet; and in particular, the King of Bohemia shall have precedence before any other king who attends.]

Chapter 7

On the succession of the electors

[Summary: The dangers of disunity and the true, important role of the electors are again described. To avoid conflict among the sons of electors over their vote, which might lead to delays dangerous to the common good, it is decreed that after the death of an elector, his vote, privileges and powers shall go to his first-born legitimate son of the secular estate, or if he is dead to his first-born legitimate son. And if the first son dies without an heir, the descent goes to his next-oldest brother, etc. If the heir is underage, that is under 18, his eldest uncle in the male line should be his guardian and exercise his vote. If an electorate is left without heir, the Emperor may enfeoff it without damage to its privileges (except for the Kingdom of Bohemia, whose inhabitants have the privilege of electing a king if the throne becomes vacant without heirs).]

Chapter 8

On the legal immunities of the King of Bohemia and of Bohemia's inhabitants

[Summary: Establishes the judicial immunity of the Kingdom of Bohemia and its inhabitants from all other courts.]

Chapter 9

On gold mines, silver mines, and other mines

[Summary: The King of Bohemia, and also the other electors shall have rights to all mineral finds in their lands, and shall also have the power to admit Jews and to raise all tolls that have been collected in earlier days.]

Chapter 10

On the right to mint

[Summary: The King of Bohemia shall have the power of the mint; and the power to buy or receive all kinds of lands and lordships, but without changing their feudal status. If he joins them to his kingdom, he must ensure that the traditional dues to the Empire are paid. This privilege is also extended to all the other electors.]

Chapter 11

On the legal immunity of the electors

[Summary: Establishes the judicial immunity of the three spiritual electorates].

Chapter 12

On the meetings of the electors

Amidst the many concerns for common affairs that occupy our mind, our Majesty has determined after fundamental consideration that it is necessary that the electors assemble more often to deliberate about the good of the Empire and of the world. For as the foundations and the irreplaceable pillars of our realm, though they are separated by large stretches of territory, they can in this way report about affairs and deliberate, and propose intelligent and useful measures that can provide effective remedies. Therefore at the Diet in Nuremberg, in the presence of the honorable spiritual and eminent secular electors and many other princes and lords, after fitting consultation with the same electors and with their agreement, we have ordained that the electors should assemble in person annually four weeks after Easter, the resurrection of our Lord, in one of the cities of our realm, and that in the coming year such a meeting shall be held in our city of Metz. And in successive years, each meeting shall determine where to meet in the next year. But this ordinance shall only continue as long as it pleases us and them; as long as it does, we take the electors under Imperial protection as they travel to and from such meetings. And in order that the negotiations about the common good and about peace are not delayed by postponements because of amusements, or because of excessive visits at feasts (as has happened in the past), we have unanimously agreed that during such meetings it will not be allowed for anyone to invite all the electors to any affair. Invitations to single electors that do not delay affairs shall, however, be allowed.

Chapter 13

On the revocation of privileges

[Summary: No privilege issued by previous or future Emperors shall harm or hinder the rights, freedoms and privileges of the electors, and we withdraw and declare invalid all such privileges.]

Chapter 14

On the withdrawal of fiefs from those deemed unworthy

In many regions the vassals of lords have the habit of renouncing the fiefs they have from their lords at unfitting times, [but only with words and with treacherous intent], and after their renunciation is complete, they in bad faith announce a feud against their lords, express their enmity, and cause their lords great damage; and they attack and seize the fiefs that they have renounced, and claim and occupy them anew under the pretense of the law of war and conquest, and retain them as their property. Therefore we ordain the following, immutable law, that such renunciations and abandonments shall be considered not to have happened, except when they happen in fact and without force, and the lands are given back to the lord in real and actual possession – in such a way, moreover, than those who declare feud shall not bother or

attack the lord, nor encourage or help others to do so. Anyone who violates this law, and attacks his lord's lands whether renounced or not, or who encourages others to do so, shall lose all claim to the lands, shall be dishonorable and shall fall under the Imperial ban; and for all time they shall lose any right to return to such land and fiefs, nor shall they ever be enfeoffed with them again, nor shall any such enfeoffment be valid. Finally we decree that anyone who acts fraudulently against his lord without renouncing his fiefs shall fall under the same penalties.

Chapter 15

On conspiracies

Detestable and illegal conspiracies, conventicles and associations in cities or outside them, or between city and city, between person and person, or between persons and cities, whether under the pretext of kinship, or of acceptance into the citizenry, under whatever color; and also conjurations [i.e., oaths sworn together], confederacies and pacts, and also the recent custom (or much more abuse) by which cities or persons of whatever rank make agreements without regard to whose subjects they are and in whose lands they dwell, and without the permission of their lords or without making exceptions for their lords in all these things, whether already undertaken or planned for the future, we condemn and deplore, and we declare with absolute certainty that such things are invalid, since they are clearly forbidden by the holy laws established by our predecessors. Only those confederations and leagues are excepted, which are made among princes, towns and other estates for the purpose of maintaining the public peace among themselves in their regions. For these we make a special arrangement, and declare that they should remain in force until we are pleased to proclaim otherwise. Any single person who violates the terms of this decree, and of the old laws, by entering into any such alliances, leagues, conspiracies and pacts, shall suffer in addition to the punishments set forth in the old laws a fine of 10 £ in gold, and shall be declared dishonorable. Any city or community, however, that should similarly violate this law, shall pay a fine of 100 £ in gold and lose and have withdrawn all privileges given by the Empire. Half of this fine shall go to the city's lord who has been damaged, the other half to the imperial treasury.

Chapter 16

On the Pfahlbürger (external citizens)

Many complaints have been brought before us, that some citizens and subjects of princes, free lords and other people have sought to shake off the yoke of original subjection, or in truth to despise it contemptuously, by allowing themselves to be accepted as citizens of some other town. Even though they then live in person in the lands, towns, hamlets and villages of their former lords, whom they have sought to escape, they claim the privileges of those towns to which they have attached themselves, and seek to be protected by them. Such people are generally called "Pfahlbürger" in the German lands. Now since no one should benefit from treachery and slyness, we ordain by our Imperial power, with the considered support of all the spiritual and secular electors, and confirm by the following immutable law, that the aforementioned citizens and subjects, who evade their lords in this fashion, shall henceforth no

longer enjoy the rights and privileges of citizenship of those cities in which they have by fraud allowed themselves to become citizens, unless they actually and physically move to these cities, settle there permanently, and take on the burdens and obligations of citizenship. And if any Pfahlbürger should be accepted against this statute, their citizenship shall have no validity, and the new citizens, whatever their rank or estate, shall by no means and under no circumstances enjoy the rights and privileges of the city that accepts them, (no matter what other rights or privileges, no matter how old, say the contrary, and we hereby recall and cancel any such rights and privileges from the plenitude of our Imperial power). And in any case the princes, lords and other people, shall retain undiminished their rights over such people who have abandoned them, or who might abandon them in this way in the future. Furthermore, we declare that anyone who seeks or has sought to take in such Pfahlbürger against our older laws, if they do not release such citizens within one month of this law, shall pay a fine of 100 £ in gold for each such violation in the future, of which half is to go to the Imperial treasure, the other half to the damaged lord, without any remission.

Chapter 17

On feuds

We declare than anyone who henceforth uses the pretense of having just cause for a feud against someone in order to attack that person in places where he does not have a residence or normally resides, or who declares an untimely feud [i.e., without sufficient advance notice], shall be considered dishonorable for any damages caused on account of arson, robbery or plundering. Now since no one should benefit from treachery and slyness, we ordain by our Imperial power, and confirm by the following immutable law, that declarations of feud of this kind against some lord or person with whom one had a connection or with whom one was trustfully engaged or with whom one had honorable friendship, shall not be valid. It shall be forbidden to attack anyone with arson, robbery or plundering under the pretense of feud, unless the feud is declared publicly three natural days in advance to the victim in person at that place where he usually resides; and unless the declaration is heard by trustworthy witnesses. Anyone who should conduct a feud against another in any other way shall incur the penalty of dishonor, as if he had not declared feud at all; and he should be punished as a traitor by any judge with the ordained penalties.

We also forbid and condemn all and every unjust war and campaign; every unjust arson, robbery and plundering; inappropriate or uncustomary tolls and passage rights and safe-conduct fees which may be extorted, on the pain of the penalties prescribed by the holy laws.

[. . .]

Source of original Latin text and modern German translation: Lorenz Weinrich, ed., *Quellen zur Verfassungsgeschichte des Römisch-Deutschen Reiches im Spätmittelalter (1250-1500)*. Darmstadt: WBG, 1983, pp. 315-21, 337, 341, 357-59, 361-67.

English translation and summary: Thomas A. Brady Jr. and Randolph C. Head