Reformation and the German Territorial State

Upper Franconia, 1300–1630

William Bradford Smith

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Changing Perspectives on Early Modern Europe

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Dewey Gordon Smith
In Memoriam

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Abbreviations

Annotationes	*Annotationes Domini M. Pauli Reinelii Diaconis Selbensis Anno 1612* (= StAB, A 245/I, 40/I)
AEB	Archiv des Erzbistums Bamberg
AO	*Archiv für Geschichte Oberfrankens*
ARG	*Archiv für Reformationsgeschichte*
BHVB	*Berichte des Historischen Vereins Bamberg*
BDLG	*Blätter für deutsche Landesgeschichte*
B. u. A.	*Briefe und Akte zur Geschichte des Dreissigjährigen Krieges*
CCB	*Corpus Constitutionem Bambergensium* (= StAB, B 26[c], 1)
CCC	*Corpus Constitutionem Carolinum*
CEH	*Central European History*
CUL	Cornell University Library, Department of Rare Books and Manuscripts
Falkenstein	Johann Heinrich von Falkenstein, ed. *Antiquitatem Nordgaviensium. Tom. IV, Codex Diplomaticus od. Probationun.* Leipzig, 1788.
GO	*Geschichte am Obermain*
JFFL	*Jahrbuch für fränkische Landesforschung*
JMH	*Journal of Modern History*
Kist, *Matrikel*	Johannes Kist. *Das Matrikel der Geistlichkeit des Bistums Bamberg*. Würzburg, 1955ff.
L	Johannes Looshorn. *Geschichte des Bistums Bamberg,* 6 vols. Bamberg, 1889–1906.
MGH	*Monumenta Germaniae Historica*
MJGK	*Mainfränkische Jahrbuch für Geschichte und Kunst*
MZ	Rudolf Graf Stillfried and Traugott Maerker, eds. *Monumenta Zollerana, Urkundenbuch zur Geschichte des Hauses Hohenzollern.* 8 vols. Berlin, 1852ff.

NBD	*Nuntiatur Berichte aus Deutschland*
PfA	Pfarreiakten
RI	*Regesta Imperii*
Rep.	Repertorium
RTA	*Deutsche Reichstagsakten*
SCJ	*Sixteenth Century Journal*
StAB	Staatsarchiv Bamberg
StBB	Staatsbibliothek Bamberg
U	Urkunde
Urbar A	Walter Scherzer. "Das älteste Bamberger Bischofsurbar 1323/28 (Urbar A)." *BHVB* 108 (1972).
Urbar B	Constantin Höfler, ed. *Friedrich von Hohenlohe, Rechtsbuch (1348)*. Bamberg, 1852.
VSWG	*Viertelsjahrschrift für Sozial- und Wirtsschaftsgeschichte*
WA	Martin Luther. *Werke. Kritische Ausgabe* (Weimar Ausgabe)
WA (B)	Martin Luther. *Werke, Kritische Ausgabe. Briefwechsel* (Weimar Ausgabe)
Wachter	Wachter, Franz. *General-Personal-Schematismus der Erzdiözese Bamberg, 1007–1907*. Bamberg, 1908.
ZBKG	*Zeitschrift für bayerische Kirchengeschichte*
ZBLG	*Zeitschrift für bayerische Landesgeschichte*
ZGW	*Zeitschrift für Geschichtswissenschaft*
ZHF	*Zeitschrift für historische Forschung*
ZKG	*Zeitschrift für Kirchengeschichte*

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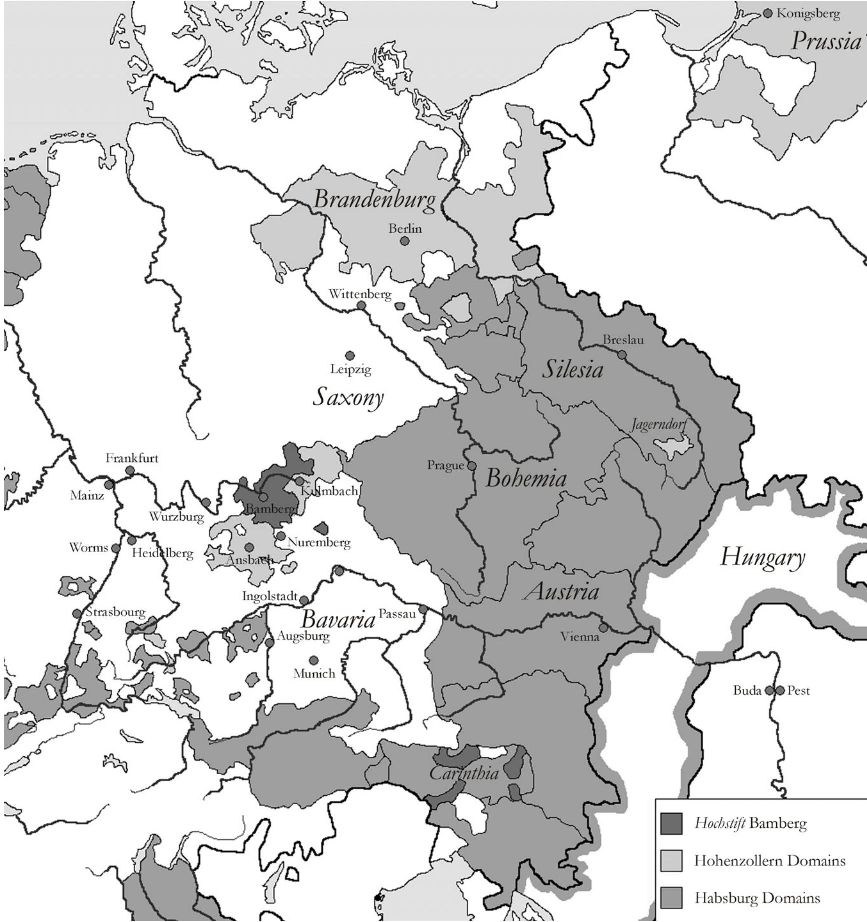
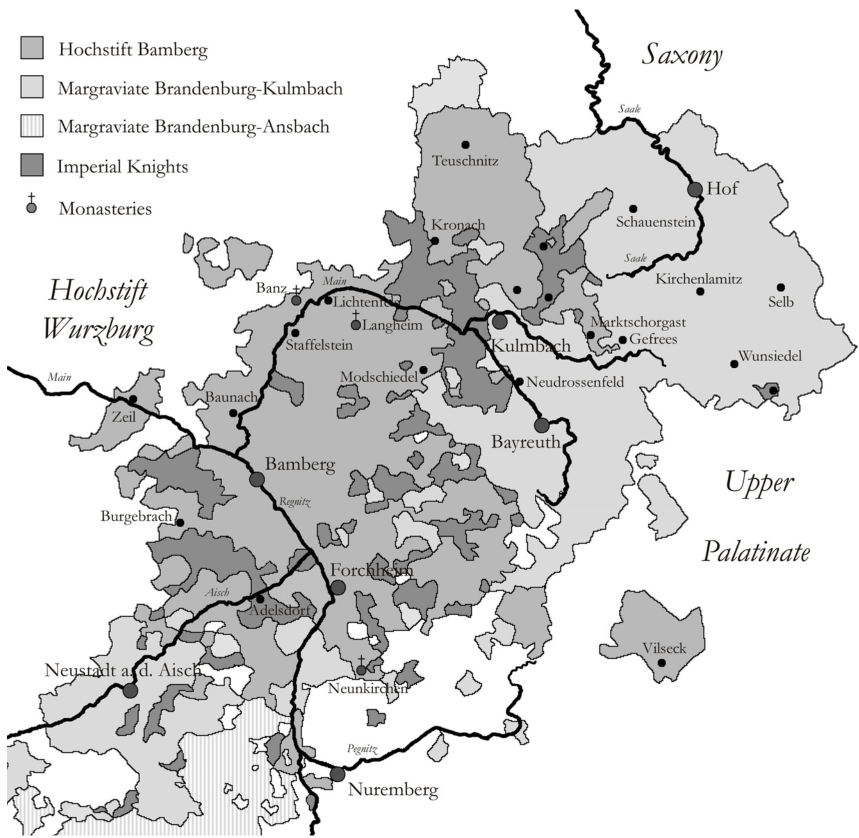
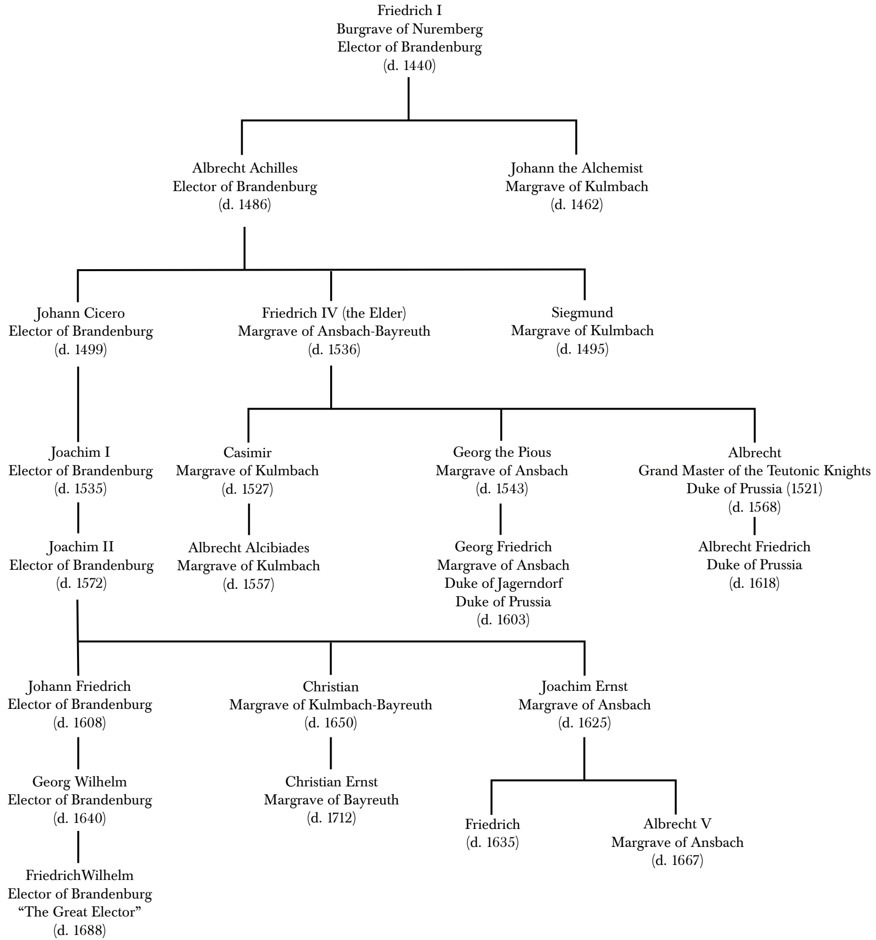


Map 1. The States of Upper Franconia and the Empire



Map 2. Upper Franconia

Table I.1. The Hohenzollern Dynasty



Introduction

Religious reform and the rise of the territorial state mark the two distinguishing characteristics of German history in the transition between the Middle Ages and the modern world. But just as 1517 no longer stands as the beginning of the Reformation, neither does 1555 mark the beginning of territorial state building.[1] The twin processes of religious reform and territorial formation have a much longer history, beginning in the later Middle Ages and continuing through the early modern period. The essential relationship between the rise of the territorial state and the reform movements of the fourteenth through the early seventeenth centuries provides the primary focus of this study. Our investigation centers on the diocese of Bamberg in upper Franconia. During the Reformation, the diocese was split in half: the parishes in the domains of the Franconian Hohenzollerns became Lutheran, while those under the secular jurisdiction of the bishops of Bamberg remained Catholic. The history of the region provides an excellent opportunity to compare the origins and course of Catholic and Protestant reform in the late Middle Ages and the early modern period. In particular, what this book seeks to understand is the role that religious reform played in the formation of the territorial state. Although much of recent scholarship has explored the impact of the sixteenth-century reformations on the development of the modern state, our concern here is rather with the ways in which those reform movements were themselves inseparable from the historical circumstances that gave rise to the territorial state. The history of upper Franconia suggests that the questions Whose realm? and Whose religion? proved to be far more complex than they would first appear to modern observers. Well before the Reformation, in the formation of the territorial states, the social and intellectual foundations were laid for the religious and political upheavals of the confessional era.

The relationship between reformation and state building has proved a rich topic for students of early modern Germany. Over the last quarter century, a host of scholars have addressed the theme with an eye to the confessionalization thesis developed by Heinz Schilling and Wolfgang Reinhard. Schilling and Reinhard sought to assign a meaningful place to religion in the transformation of European society. In that regard, their work should be considered part of a more general trend among scholars who have acknowledged the essential role of religious beliefs and practices in the social world of early modern Europe.[2] Recognizing the centrality of religion to the process of modernization, Schilling and Reinhard framed a general theoretical

model that would allow "the totality of society in the early modern epoch to be captured."[3] Confessionalization represents a synthesis of the concept of "social discipline," developed by Gerhard Oestreich, and the idea of confessional formation (*Konfessionsbildung*) presented by Ernst Walther Zeeden.[4] From a methodological standpoint, the thesis arose out of a conscious reengagement with the sociology of Max Weber and Ernst Troeltsch.[5] As defined by Schilling, confessionalization

> designates the fragmentation of the unitary Christendom (Christianitas latina) of the Middle Ages into at least three confessional churches—Lutheran, Calvinistic or "Reformed," and post-Tridentine Roman Catholic. Each formed a highly organized system, which tended to monopolize the world view with respect to the individual, the state, and society, and which laid down strictly formulated norms in politics and morals.[6]

Confessionalization involved the development of confessional churches and their doctrines, institutions, rites, and traditions. More important, it stands among the motive forces driving the transformation of the old European society of orders into modern industrial society.

The confessionalization thesis has had a significant effect on our view of the sixteenth and seventeenth centuries. That said, the thesis has not been without its critics.[7] Some have condemn the thesis on the charge of "*etatismus,*" arguing that Schilling and Reinhard overemphasized the role and effectiveness of the state.[8] Part of the problem derives from the definition of the "state." The modern state is "efficient" and "rational," and the institutional manifestation of both tendencies is that it is "bureaucratic."[9] The combination of modernization, rationalism, and bureaucratization is firmly rooted in Weber, but that begs the question of whether Weber's characterization of the modern state is valid. Some have argued that Weber "awarded bureaucracy two undeserved gifts, rationality and leadership," whereas his idealist conception of the state obscured the fact that bureaucracies are notoriously inefficient, often incapable of overcoming inertia or taking any sort of initiative.[10] This is not meant to deny a significant role to bureaucratic structures in modern governance. But since modern states are administered by professional bureaucracies, we tend to assume that political development necessarily led in that direction.[11] But there was a time when things were otherwise, and not all aspects of early modern governance point inexorably toward the establishment of highly centralized bureaucratic forms of administration. This is particularly true of Germany, where government always involved the interplay of many different levels—local, territorial, and imperial.[12] Although the development of the three Estates on both the imperial and territorial level was one of the main political dynamics in at least the early years of the Reformation, little attention has been paid to the estates and the role of representative institutions in standard works on confessional history. A notable

exception here has been recent studies of the Counter-Reformation in the Habsburg territories, where the connections between the political authority of the estates, their notion of status, and their confessional loyalties has been carefully analyzed.[13] We also need to be cautious about overemphasizing the modernity of early modern political culture. The creation of a unified, disciplined body of subjects–one of the presumed results of confessionalization–appears as a precondition for the development of modern industrial society, but arguably not until the nineteenth century can we really say that such a society existed. And although such terms as *state* and *sovereignty* certainly were current in the sixteenth century, they tended to be used primarily in the context of personal dominion rather than to refer to institutions or political abstractions.[14] The famous remark attributed to Louis XIV–*l'état, c'est moi*–would be nonsensical in modern parlance, but is a commonplace within sixteenth- and seventeenth-century political discourse.[15]

A second criticism of confessionalization, as well as other permutations of the modernization thesis, has to do with chronology. Here the complaints are twofold. The confessionalization thesis moved the discussion of the transformation of Europe from the late eighteenth and early nineteenth centuries back into the early modern era, presenting the decades around 1600 as decisive and seeing the Thirty Years' War as the end of the confessional era.[16] Against this notion, Marc Forster had argued that "the process of popular religious differentiation . . . accelerated after 1650." It was only in the eighteenth century that the process might be considered complete.[17] The principal danger here would seem to lie in judging religious life in the late seventeenth and eighteenth centuries on the basis of sixteenth-century categories. Of course the opposite is also true: insofar as it takes the religious situation of the eighteenth and early nineteenth centuries as its destination, the confessionalization thesis could be seen as projecting later developments–in particular the hardening of orthodoxy in the Lutheran context and the professionalization of the clergy in the post-Enlightenment *Beamtenstaat*–back into the Reformation era.[18] The date for the beginnings of confessionalization is likewise a point of controversy. Although few would "wax nostalgic about the time when Luther's hammer still announced the initiation of the Reformation," in studies of confessionalization, the early years of the Reformation are scarcely noted.[19] And although 1555 no longer stands as the dividing line between the Reformation and the confessional era, few would seek to explore the origins of confessional churches much before 1540.[20] Among those who do, the Revolution of 1525 remains as a firm boundary between the "communal Reformation" and the "magisterial" and "princely" Reformation that followed.[21] Nevertheless, strong continuities link the early and later phases of the Reformation. These threads, moreover, bring us back into the fifteenth century, emphasizing fundamental ties between the late medieval *reformatio* and the reformations of the sixteenth century.[22] And

although the broader definition of the "Age of Reform" seems fairly well accepted, scholars have been reluctant to extend their examinations of confessionalization back into the early sixteenth century, much less into the fifteenth and fourteenth centuries.

Thomas A. Brady, Jr., has seen such an approach as symptomatic of a general "flight from Reformation history," rooted in a refusal to confront directly the disputes over theology that define the era.[23] This is not to say that scholars have ignored the connections between religion and politics in pre- and early-Reformation Germany. A wealth of studies on the imperial cities followed in the wake of Bernd Moeller's seminal essay.[24] Peter Blickle's studies of the "communal Reformation" have offered vistas into the place of religion in the life of the autonomous peasant villages of southwestern Germany. Both Blickle and Moeller stress the association between particular theological perspectives, especially the teachings of Zwingli, and the ideals and forms of towns and villages in the later Middle Ages. Although some have questioned the applicability of the communalism thesis to northern Germany, there is no doubt that Blickle's work has forced scholars to reexamine long-held assumptions about religious life in rural Germany. More significant, the researches of Moeller, Blickle, and their varied interlocutors have directly engaged questions of theology, probing the direct connections between specific theological positions and social and political patterns.

Most works on confessionalization tend to downplay theological factors in order to accentuate the common aspects of Catholic, Lutheran, and Calvinist state formation. Reading much of the literature on confessionalization, we might wonder whether religion was important at all, except as a means of ensuring political authority. In the most extreme cases, religion is viewed primarily as an instrument for furthering the interests of a particular social group, denying religion any role in society *as religion*. The last tendency is perhaps the most problematic, insofar as the failure to examine religion as a system distinct from other political and social forces masks the extent to which religious values were in tension with more "concrete" social and political aims.[25] Indeed, the approach of many scholars betrays an ambivalence about religion generally, insofar as "religious behavior . . . has little place in the forward movement of modern man."[26] Such a perspective risks seriously misrepresenting the nature of early modern society and politics. The reformations of the fifteenth and sixteenth centuries may have had to do with the state, and may have had to do with society, but at their core they were about questions of doctrine; the social and political implications of the reforms were secondary to or derivations of their spiritual aims.

It seems clear that the ideas, institutions, and practices of the confessional churches were "anchored in a formal confession of faith [*Bekenntnis*]." On account of the differences between the formal doctrines of the three confessions, "church" ultimately had to mean something different in each context.

The "church," as it is known to most people, is the place where through rituals and ceremonies formal doctrines are expressed in visible form. In people's experience, the church is neither an abstraction nor simply an institution. It is above all a place and scene of action, and both the physical shape of the place and the kinds of actions that occur within it emphasized the distinctions between the rival confessions.[27] Here we must be careful not to separate ritual from ideas, or to emphasize the social-communal aspects of religious behavior apart from formal theological concepts. The public character of ritual does not negate the fact that for the individual believer, participation in the outward forms of religious life could have highly personal meaning. In this sense, Patrick Collinson's remarks about the sixteenth-century English view of the church would seem equally appropriate to the German perspective: "the Church was constituted, not by the Christians of whom was composed, nor by the sincerity of their profession, but by the purity of the doctrine publicly preached and upheld by authority."[28] These three aspects–doctrine, ritual, and authority–are largely inseparable, but ultimately the latter two derive their specific characteristics from and are hence dependent on the former. Religious practices have theological implications, whether clearly articulated or not. In this regard, the common distinction between "elite" and "popular" religion becomes rather less meaningful.[29]

Perhaps the most glaring omission in standard treatments of confessionalization is the larger political context. Rarely if ever do studies focusing on religion and the territorial state consider the impact of the Holy Roman Empire on territorial and local events. Although it is true that we can best see the development of modern political and social institutions in the territories, the role of the empire in shaping the territorial states should not be underestimated.[30] Arguably, it was only within the context of the empire that the territorial state could emerge. The empire was an "incubator" where smaller states could develop and retain their independence.[31] Throughout the confessional era, imperial institutions and policies continued to have an immediate impact on the internal politics of the states.[32] Compared with the national monarchies of England and France, in the empire we can see additional layers of political authority, complicating our understanding of the categories ruler and subject. The empire offers an opportunity to view the interaction between the center and the periphery in a more nuanced way. The multiplicity of states, each of which had to develop its own strategies with respect to internal policies, foreign affairs, and relations with the imperial regime, offer opportunities for comparative analysis.

Comparative history is a virtue more preached than practiced, in part because the results often take the appearance of what one historian has deemed a "historiographical Wimbeldon."[33] The work that follows may best be described as a braided narrative, tying together the events in the two territories and at the various levels of society. The chapters are arranged more

or less chronologically, but each has a thematic focus as well. The overall structure of the narrative is less an examination of a process than an account of an argument, used here in the familiar sense of debate, but also in the older sense of "plot" or "story."[34] The period under consideration derives its internal coherence–its plot, in other words–from the ongoing argument over religious reform and its impact on society and politics. The chronology is taken from the sources. The protocols of the vicar general's court in Bamberg (*Protokollenbücher der Vikariatsgericht*), assembled between 1540 and 1630, comprise a detailed history of nearly every parish in the diocese from the late thirteenth century onward.[35] In the 1620s, when Friedrich Förner, suffragan bishop of Bamberg, considered the history of religious reform, he saw distinct parallels between the origins of the Thirty Years' War and the outbreak of the Hussite war.[36] Förner's Lutheran contemporary Paul Reinel, in his ecclesiastical history of his hometown of Selb, sought to reconcile the devotional practices of his fifteenth-century ancestors with the standards of Lutheran orthodoxy.[37] Reading through the writings of Förner and Reinel, and the other texts and documents relating to religious reform in upper Franconia, we can see very clearly the long argument and the extent to which later generations understood their own reforms in light of the past. Close consideration of the sources, moreover, remind us that there was always something experimental about the territorial churches. They remained "works in progress" throughout the confessional era; in that regard, "confession" was not a static concept, but a social and cultural dynamic.

At this stage, certain terms require explanation. Upper Franconia (Oberfranken) constitutes the northeast corner of the present Free State of Bavaria. It comprises the upper Main valley and the surrounding hill country. To the north lay Thuringia and the Vogtland, to the east the Egerland and Bohemia. It is hilly country, with great forest tracts as well as some of the steepest railway grades in Germany. From the late Middle Ages onward, the area was more or less evenly divided between the bishops of Bamberg and the Hohenzollerns. Throughout the work I have chosen to refer to the episcopal domains by their German name, Hochstift, a term which may either mean "diocese" or "prince-bishopric." The term contains a certain ambiguity insofar as it was used to refer to both the secular and spiritual domains, even though the two were not coterminous. This is the term used by contemporaries, though later on the form "our see and principality" (unser Stift und Fürstentum) becomes more common. For our purposes here, Hochstift has a certain utility in that it captures, in a way that is largely untranslatable, the combination of and tension between the spritual authority of the bishops and their power as princes of the empire.

In the case of the Hohenzollern lands, there is a like confusion over nomenclature. From the twelfth century to 1415, the Franconian Hohenzollerns were styled "burgraves of Nuremberg." The Hohenzollern burgraviate was made up of a string of holdings forming an arc from the Swabian frontier to the Vogtland. In the middle stood the city of Nuremberg, hence the standard division between the lands above and below the *Berg*. To to the west lay the Unterland, centered on Neustadt an der Aisch. Further to the southwest was the Niederland, with the residence city of Ansbach. These two regions constituted the lands "below" Nuremberg. To the north and east was the *Land ober dem Gebirg,* or the Oberland, containing the towns of Kulmbach, Bayreuth, and Hof. Each of the three regions–the Oberland, the Unterland, and the Niederland–formed discrete territories until the end of the Old Reich. After Burgrave Friedrich VI acquired the mark of Brandenburg in 1415, all of his descendants held the title "margraves of Brandenburg." After 1440, the Franconian principalities were ruled by a cadet line of the electoral house, and more often than not, the lands were divided among various heirs. Given the potential for confusion over titles, throughout the work I generally use the term *Oberland* as a geographical descriptor rather than the adminstrative terms burgraviate and margraviate in their various permutations.

Of all the terms used in this book, the thorniest is that which appears in the title: *reformation*. "Reformation" is a word that appears in various contexts throughout the sources and literature of the period under question. It is used extensively in the period before 1517 and thereafter by both Protestants and Catholics to describe their own efforts. To this word must be added a lush undergrowth of related terms–reform, renewal, restoration–again employed in an often bewildering variety of ways. For the sake of convenience, I have chosen to stick to fairly standard historiographical conventions, using the Latin *Reformatio* to apply to the secular and spiritual reform movements of the fifteenth century, reserving "Reformation" for the emergence of Protestantism after 1517. In the Catholic case, I have tended to opt for "Counter-Reformation," not only because it remains the most common term, but also because it captures the essence of many of the reforms in late-sixteenth-century Bamberg, consciously directed against the Protestant heresy.[38]

Much of the difficulty in terminology derives from the concept of reform itself. Reform has a double edge; it is at once about restoration and about innovation.[39] At the same time, although often associated with one or another theological position (such as "reformed theology"), "reformed" is a relative concept. To be a reformer does not necessarily require subscribing to a specific set of doctrines. It is rather about a certain habit of mind, one deeply rooted in Christianity itself. It has been noted that messianic religion shows two fundamental characteristics. The spirit of messianic expectation is restorative in that it looks to bring the world back to a purity that existed in the past, however the past might be defined. It is also utopian in that the world to come would

not be simply a return to a past condition but rather its perfection. The two faces of the reformist temperament reflect two faces of messianic expectation. Hence "in a personal sense every Christian is, or should be, a reformer."[40]

The emphasis on the personal side brings us to what is, for this present work, a central concern. Reformation and state building are concepts that are most frequently applied to the development of institutions and the discussion of political and theological abstractions. We tend to place the most visible institutional forms at the center, viewing forms of religious and political life that do not conform to the model as "departures" and "adaptations" when we are feeling generous and as "errors" and "distortions" when we are not. It would be truer to reality "to think in terms of a different model, putting the individual religious experience in the centre, surrounded by various forms of religious life, of which each was not less important for those involved in them than the more highly organized communities were for their members."[41] None of this diminishes the importance of institutional change–indeed, much of what follows necessarily deals with institutions. Rather, in confronting the history of religious reform, we ought to remain mindful that we are dealing with a subject that was always about both elites and the common person, about high and low culture, about the the community and the individual.[42] The history of religion and politics is not about ideas or institutions in the abstract, but about the connections between ideas and institutions and human life.

Chapter 1

Territory and Community

The formation of the territorial state provides a central–if not the central–dynamic in the history of late-medieval Germany. The charters and other documents collected in the protocol books of the vicar general's court provide ample evidence for the growth of the territorial state from the mid-thirteenth century onward.[1] They indicate a demographic shift in the later Middle Ages, as new settlements were founded and some older ones were abandoned. They show the final dissolution of the manorial constitution and the emergence of free villages and towns. In the patterns of endowments and patronage, they chart the rise of the territorial nobility and the third estate.[2] The development of the territorial state is often taken as a sign of political chaos–the codification of anarchy–following the death of Frederick II.[3] In truth, the process of territorial state formation was well under way during the reigns of the later Hohenstaufen emperors. Far from serving as indicators of political collapse, the emergence of the territorial states revealed a growing sophistication of governance. Jan Dhondt's characterization of the rise of territorial principalities in post-Carolingian Neustria may well be used to describe the situation in post-Hohenstaufen upper Germany: the rise of territorial states marks an intensification of lordship on the local level.[4]

But there was more to the development of the state than politics. The charters preserved in the *Protokollenbücher* suggest that the line between secular and spiritual lordship was often difficult to discern. In this regard, the theoretical foundations of the territorial states were not all that different from those of the empire of which they were a part. The theory of empire in the fourteenth and fifteenth centuries retained many of the universalist-religious claims inherited from the Carolingians and Ottonians.[5] Lupold of Bebenburg, bishop of Bamberg from 1353 to 1363, described the emperor as "advocate and defender" of the church, linking his power to his responsibility for the preservation of orthodoxy.[6] The 1399 decree against Emperor Wenceslas IV cites the emperor's failure to resolve the Great Schism as the first cause for his deposition.[7] And the imperial concern for religion was not limited to the higher realms of politics. Charters from the fourteenth and fifteenth centuries reveal the imperial hand in endowments and the confirmation of ecclesiastical benefices.[8] At the heart

of the imperial conception of sovereignty, then, was not simply care for worldly concerns, but the care of souls.[9]

The territorial princes shared in this concern. Drawing on the imagery of Revelation 4:5, the Golden Bull of 1356 likens the electors to the branches of a candelabrum, sevenfold but unified, like the Holy Spirit of God, giving light to the whole of the empire through their office.[10] Although probably few princes conceived of their office in such elevated terms, territorial rulers were deeply involved in ecclesiastical matters through their patronage and protection of churches and monasteries. And as countless noble testaments from the fifteenth through the seventeenth centuries remind us, the foundation of princely virtue was piety and the fear of God.[11] This is not to say that the authorities of the princes and the emperor were identical. Rather, insofar as the princely state emerged in the context of the medieval empire, its political institutions and culture always carried the imprimatur of the Reich, and that influence invariably involved a link between secular power and religious duties. The formation of the territorial state, then, did not simply mark the emergence of a new kind of polity but involved the creation of a sacred society.

The foundations of the territorial states of upper Franconia were laid down in the twelfth and early thirteenth centuries during the ascendency of the Hohenstaufen emperors.[12] The territorial princes derived their authority in part from their role as imperial officeholders. Their claims to jurisdiction over the regions that would later make up the territorial state were legitimized by a series of imperial edicts. Eckbert of Meranien, bishop of Bamberg from 1203 to 1237 and the builder of the Bamberger Dom, was among those bishops named in the *confoederatio cum principibus ecclesiasticis* of 1220.[13] The Hohenzollerns had a particularly close relationship with the Hohenstaufens and were among the Swabian notables who had profited from their patronage. As imperial counts and provincial judges *(Landrichter)*, both the bishops of Bamberg and the Hohenzollern burgraves could call local nobles to their court and held the right to resolve property disputes and distribute fiefs.[14] In addition to offices and privileges, the Hohenstaufen emperors provided the princes with a model of rulership that was widely copied. Effective territorial rulers in their own right, the Hohenstaufens had constructed a unified and powerful state in Swabia in the eleventh and twelfth centuries. Through their use of various means–the systematic foundation of towns and cities, the assumption of advocacy rights *(Vogtei)* over monasteries, and the judicious appointments of ministeriales as castellans and administrators on familial estates–the Hohenstaufen were able to consolidate their landholdings and use them as a springboard for their ambitions within the empire

and beyond its borders.[15] Later territorial princes applied the same methods to the consolidation of their own territories in the later thirteenth and fourteenth centuries.

The territory of the prince-bishopric of Bamberg, the Hochstift, grew together out of the fragments of four older counties: the Radenzgau, Volkfeld, Grabfeld, and Rangau. These had been seized from the rebellious counts of Schweinfurt and given in perpetuity to the bishops of Bamberg in the early eleventh century. To the east lay the terra sclavorum, including portions of the Bavarian Nordgau, the Egerland, and the Thuringian Sorbenmark. The area under the bishops' control grew steadily over the next two centuries, largely on account of the extinction of most of the noble families in the Radenzgau. The most important of these families were the dukes of Andechs-Meranian, who established a large and cohesive domain in the upper Main valley. The death of the last member of the Andechs-Meranian dynasty in 1248 resulted in a long, bitter struggle among the bishops, the counts of Orlamünde, the lords of Truhendingen, and the Hohenzollern burgraves of Nuremberg, over the families' estates.[16]

The Hohenzollerns quickly emerged as the bishops' main competitors in the upper Main. In the 1190s Friedrich of Zollern was appointed burgrave of Nuremberg. Burgrave Friedrich III (1261–97) acquired Bayreuth and was enfeoffed with the imperial *Landgericht* of Nuremberg in 1273.[17] After the death of the last count of Orlamünde in 1340, the Hohenzollerns acquired Kulmbach along with the *Ämter* of Berneck, Gefrees, and Wirsberg.[18] The Orlamünde inheritance–nearly all allodial land–formed the core of what came to be known as the *Land Oberhalb des Gebirgs,* or more simply, the Oberland.[19] Emperor Charles IV raised the Hohenzollern burgraves to the princely estate in 1363.[20] Subsequently, with Charles's support, the burgraves were able to acquire a wide string of territories in the Fichtelgebirge, including the towns of Münchberg, Naila, Wunsiedel, Weissenstadt, Kirchenlamitz, and Hof.[21]

By the middle of the fourteenth century, the physical outlines of the Hochstift Bamberg and the Hohenzollern Oberland were fairly well established. Neither territory yet constituted a "state" in the modern sense, however. Rather, each might better be described as "a complex . . . of smaller legal units that might or might not evolve into a unified *Land*."[22] Like the empire it was a part of, the early territorial state was a cellular body, a coalition of noble lordships and townships bound to the prince in what Theodore Mayer called an "institutionalized personal association."[23] The multiple overlapping layers of lordship led the seventeenth-century jurist Anton Winter to the observation that "in Franconia there are territories within territories."[24]