

The Holy Roman Empire of the German Nation as a Monstrosity: Samuel Pufendorf, *The Constitution of the German Empire* (1667)

Abstract

The political order and constitution of the Holy Roman Empire of the German Nation was already discussed and criticized by its contemporaries. In his treatise “De statu Imperii Germanici” [*On the Constitution of the German Empire*] legal scholar Samuel Pufendorf (1632–1694) concluded that the empire was a monstrosity, for he considered it neither a monarchy with an emperor as sovereign at the top nor an aristocracy with an assembly of imperial estates.

Source

[...] When examining the Empire’s actual form of government we must be particularly careful, because most German writers spread the worst untruths about it due to their ignorance of political science. [...] With regard to the individual parts or estates in the Empire there is little difficulty. For all secular and religious principalities (the former are hereditary, the latter are distributed by election) as well as the counties are monarchies, only with the difference that in the first case the sovereign’s rule is absolute while in the second it is limited by treaties with the so-called estates of the country [*Landstände*]. [...] Yet which form of government one should ascribe to the Empire as a whole is a question on which German writers cannot agree. [...] Thus, there is nothing left for us to do but to call the German Empire [*Reich*], if classified according to the rules of political science, an irregular body resembling a monster. Through the negligent indulgence of the emperors, the ambitions of the princes, and the machinations of the clergy, it has developed over the course of time from a regular monarchy into such a disharmonious form of government that it is no longer merely a limited monarchy, though outward appearances would seem to indicate that; nor is it yet a federation of several states, but rather a cross between the two. This condition is the constant source of the fatal disease and the internal upheavals of the Empire, since the emperor, on the one hand, strives for the restoration of monarchical rule, and the estates, on the other, strive for complete liberty. [...]

Source of original Latin text: Severinus de Monzambano Veronensis, *De statu imperii Germanici ad Laelium fratrem, dominum Trezolani. Liber unus*. Geneva, 1667.

Source of German translation: Samuel Pufendorf, *Die Verfassung des deutschen Reiches*. First edition 1667. Translation, notes, and afterword by Horst Denzer. Stuttgart: P. Reclam, 1976, p. 96f, 106f.

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