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Viglius van Aytta als humanist en diplomaat 1507-1549.

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Document Version

Publisher's PDF, also known as Version of record

Publication date:

2008

[Link to publication in University of Groningen/UMCG research database](#)

Citation for published version (APA):

Postma, F. (2008). *Viglius van Aytta als humanist en diplomaat 1507-1549*. s.n.

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SUMMARY*

This is a study on the life of Viglius Zuichemus ab Aytta (Wigle van Aytta van Swichum, 1507-1577), the famous Frisian jurist and statesman, from his birth to his appointment to the presidency of the Secret Council on New Year's day 1549. This period of Viglius' life can be divided into two parts: until April 1542, when he exchanged his professorship in Civil Law at the University of Ingolstadt for the position of councillor in the Secret Council, his career had been one of scholarship; after 1542 he became a diplomat. In this book this division is marked by the transition between chapters II and III.

The stimulating force behind Viglius' scholarly development was his uncle Bernard Bucho van Aytta, who as chancellor of the Court of Frisia and as dean of the *Hofkapel* in The Hague played an important part in the incorporation of Frisia into the Burgundian State. He had Viglius solidly schooled, and in 1522 sent him to the University of Louvain.

At Louvain Viglius studied in the famous humanist *Collegium Trilingue*, where his teachers Conradus Goclenius and Rutger Rescius imbued him with a lasting love for classical letters. In 1524 he entered the Faculty of Law. Two years later he went to the University of Dole in Franche-Comté. Viglius never looked back on this period of his life with much pride. Universities in northern Europe in the early part of the sixteenth century still taught law according to the *mos italicus*, the juridical variant of scholasticism, which emphasized the study of commentaries and, as such, held little fascination for a student steeped in humanist letters.

Nevertheless, at Louvain and Dole Viglius learned to understand the value of the *mos italicus* for instruction with a practical goal. This insight helped him in developing a fruitful relationship with the second man who influenced him profoundly: the well-known humanist jurist Andreas Alciatus, under whom he studied at Bourges from 1529 to 1531.

With Alciatus, Viglius attempted to find a middle way between the *mos italicus* and the nascent philological methodology with regard to Roman Law of the *mos gallicus*. This is clear from his defence, in the same period, of the Freiburg jurist Ulrich Zasius in the latter's conflict with Petrus Stella of Orleans on the title *De conditione indebiti* (D. 44. 12. 6).

One of Viglius' most striking qualities was his didactic ability. Already at Dole, younger fellow-students were glad to listen to his clear expositions on their first course-material, the *Institutes*. This ability led him become the tutor of a group of Augsburg students including three nephews of the banker Anton Fugger. This was Viglius' first contact with southern Germany, the region

which, with the Netherlands, was to become one of the two central geographical areas in his life.

In the Autumn of 1531, Viglius and his students travelled to Padua through Switzerland and southern Germany. During this trip he visited the man whom he admired above all his contemporaries, Erasmus. His visit made the ties, which he had already forged in his correspondence with the old humanist, unbreakable. Still, Viglius never became an Erasmian 'pur sang'; his humanism is more profane in character and it is closely associated with the secular import of the later Italian Renaissance.

At Padua, Viglius decisively enlarged his scholarly prestige. His two most important publications date from this time: an edition of the Greek Paraphrase of the *Institutes* by the sixth-century Byzantine jurist Theophilus, the Ἰνστιτουτὰ Θεοφίλου, and his *Commentaria in decem titulos Institutionum* (Inst. X to XIX). The first work, dedicated to Charles V, is especially important for the *Praefatio*, which gives a summary history of Roman jurisprudence down to the sixteenth century. The *Commentaria* influenced the modernisation of instruction on the *Institutes*. Besides these scholarly activities, Viglius in his Paduan years corresponded with the Basel jurist Bonifacius Amerbach on the possibility of remodeling Roman jurisprudence into a truly scientific system.

As a promising young scholar, Viglius could easily have embarked on an academic career in Padua, but that was not what he had in mind. Like so many talented young men in the sixteenth century, he wanted a worldly career. For this the support was necessary of an influential patron, who could help him to find a suitable position. Viglius expected to find such a man in the Imperial vice-chancellor Matthias Held, who had promised him his support in order to obtain a seat in the *Reichskammergericht*, the highest Court in the Empire, at Spire. With this happy prospect before him, Viglius left Padua in September 1533 to visit his parents in Frisia.

Viglius' trust in the speedy fulfillment of Held's promise proved to be unwarranted. His first doubts arose towards the end of 1533, when he was correcting the proofs of his books in the office of Frobenius in Basel and still had not heard anything with regard to his appointment. Yet he had the strength to refuse Erasmus' request to stay with him, even though Erasmus offered to include him in his will.

Jobless and in low spirits, Viglius was an easy prey for the representatives of the bishop of Munster, Franz von Waldeck, whom he met at Cologne in the last days of January 1534. It took little time to persuade him to accept their offer to become episcopal official in their bishopric. His new function involved Viglius in the second great religious collision of the sixteenth century, the siege of Anabaptist Munster. Thanks to the many diplomatic tasks which Waldeck assigned to him, Viglius did not get involved in any kind of active warfare; still

the situation had a depressing effect on him. The end of his tribulations came in the Summer of 1535, when at last he was appointed to the *Reichskammergericht*.

However, his new environment turned out not at all to be what he had expected. The payment of his salary left much to be desired and the place of the Catholic *Reichskammergericht* in Reformation Germany was precarious. When, moreover, Matthias Held, whose influence in the Imperial Council was declining, asked him to become his son-in-law, Viglius decided to look for another job. In December 1537, he accepted the chair of Civil Law in the University of Ingolstadt in Bavaria.

Viglius' professorship at Ingolstadt was a great success. His attempt to synthesize the best elements of the *mos italicus* with the new insights of the *mos gallicus* gained a great popularity and also led to an increase of the number of students. The significance of his lectures is shown by the publication, after his death, of some of them at Cologne in 1585. At Ingolstadt, too, Viglius developed his organizational talents. During Winterterm 1538-39 he was Rector of the University and during the second half of Winterterm 1539-40, when the plague forced the academic community to remove to neighbouring Rain, he held the same position again.

Notwithstanding his successful Ingolstadt career, Viglius did not intend to remain long in that city. He wanted to return to the Netherlands and there become a councillor in the Great Council, the Supreme Court at Malines. The background to this desire was his fear for a catastrophe in the religiously divided German Empire, which was also being threatened by the Turks. To achieve his goal, Viglius planned to make for himself so great a scholarly name that no one in the Netherlands would be able to ignore him; thus he would be appointed to the position which he desired in the Great Council.

His pains proved unnecessary. In April 1541, during the *Reichstag* at Regensburg, he met Nicholas and Antoine Granvelle, who had taken over Held's position in the council of Charles V after his fall from grace. Viglius found them prepared to recommend him to the Governess of the Netherlands, Mary of Hungary. Around New Year 1542, she invited him to become a member of the Secret Council, whereupon Viglius went to Brussels and accepted the appointment on the condition that the Governess reserve for him the first vacancy in the Great Council.

The outbreak of war with France and Cleves in the Summer of 1542 prevented Viglius from performing the normal duties in internal affairs common to members of the Secret Council. Mary of Hungary, recalling his familiarity with German affairs, sent him to the *Reichstag* of Nuremberg to expose the Duke of Cleves as an aggressor. Due to his late arrival, this mission proved unsuccessful. In a second attempt however, in the Winter of 1542-43, Viglius defended the Netherlandish case so brilliantly that his career henceforth could

be none other than diplomatic. Indeed, on his return to the Netherlands, Mary of Hungary appointed him to a vacancy in the Great Council; but pressed by Nicholas Granvelle and the emperor, Viglius let himself be reappointed to the Secret Council.

Granvelle then organized his marriage to Jacqueline, the daughter of Pierre Damant, Charles V's *garde des joyaux*. Shortly afterwards Viglius attended the *Reichstag* of 1544 at Spire. He helped draft the peace-treaty with Denmark and he also closed the Frentzen case, an interminable inheritance lawsuit in which the Brabant jurisdiction in Maastricht was at stake.

In 1545 and 1546, Viglius played an important part in the diplomatic preparations for the Schmalkaldic War. During the war he was one of Charles V's trusted diplomatic servants, who executed his will against his enemies. In this capacity he presided over the abdication of Hermann von Wied as Archbishop of Cologne in January 1547. This put an end to the danger of Cologne becoming a protestant stronghold in northwestern Germany. Towards the end of the war he unsuccessfully directed the attempts to capture the seignories of Esens and Lingen in East Frisia and Westphalia.

Viglius' diplomatic masterpiece was the conclusion of the Transaction of Augsburg at the *Reichstag* of 1547-48. This treaty united the Netherlands into a single Imperial circle and linked them in an eternal alliance with the Empire. The origin of this agreement was the desire of the government of the Netherlands to enlist Imperial aid against France and to be delivered from the interference of Imperial authorities which has been a result of the formation of the Burgundian Circle in 1512. This policy was for the first time formulated during the crisis of 1542, when the *Reichstag* assessed the lands of the Burgundian Circle and the newly acquired territories in the Northeast for an exorbitantly high amount of *Türkenhilfe*, the Imperial wartax against the Turks.

After the peace with France in 1544, the government reversed its policy. In accordance with the old myth about the allodial origins of Brabant as the patrimony of Charlemagne, it now wanted to free the Netherlands from their bonds with the Empire. Viglius, who had to execute this new policy, was shocked. He knew that the Netherlands, with the exception of Artois, Crown-Flanders and Tournai, were fiefs of the Empire and he sharply protested his instruction. Impressed by the force of his protest, Mary of Hungary ordered him and Lodewijk van Schore, President of the Council of State and the Secret Council, to examine the factual feudal laws, which appertained. In the course of this investigation, Viglius produced so many proofs of fealty that the government decided to return to its former policy. The chance however, to restructure the relationship between the Netherlands and the Empire did not come until the opening of the *Reichstag* of Augsburg in September 1547.

During the first months of the *Reichstag* Viglius had to wait. Charles V wanted to strengthen his grip upon the Empire by the creation of a *Reichsbund*,

a well disciplined league of the Imperial princes under a strong executive, which would also include the Netherlands. Mary of Hungary and most of her councillors also favoured the idea of a *Reichsbund*. They thought that an association of the Netherlands with the *Bund* would guarantee them aid against France, while at the same time it would liberate them from other aspects of the Imperial organization. In February 1548 however, the project foundered on the resistance of the princes and Viglius now had the opportunity to put forward the plan for an alliance between the Netherlands and the Empire.

In the course of these negotiations, Viglius showed his diplomatic talents to the full. Shrewdly putting forth his arguments, he drove the Estates of the Empire into a corner from which there was no escape. On June 26, 1548 Charles V and the representatives of the Estates signed a treaty that was in complete accordance with his wishes. For a modest contribution, the Netherlands were put under the protection of the Empire and at the same time given complete internal autonomy; besides, the treaty gave them the right to membership in commissions of the *Reichstag* and a seat in the *Reichskammergericht*, thus affording them influence on Imperial policy and an efficient protection of their interests.

Until recently historians have looked upon the Transaction of Augsburg primarily from a juridical point of view thereby severely restricting discussions of it. In this study we have attempted to correct this partiality by explicitly examining the circumstances which led to this agreement.

Viglius' other achievements at Augsburg all, in one way or another, mirror the position of power he held as a representative of the Habsburgs; most important were a) the settlement of the long-standing border disputes between Luxemburg and Treves, and b) the this time successful incorporation of Esens into the Netherlands. Also, he drew up a decree which made the government at Brussels the de facto curator of East Frisia. At the end of the *Reichstag*, Charles V gave Viglius a task which no doubt afforded him the greatest of satisfactions: he was allowed to point out the candidates for the vacant seats of the *Reichskammergericht*.

A few months after his return to the Netherlands in September, Viglius entered the next phase of his life. On the sudden death of Lodewijk van Schore on December 25, 1548, Charles V appointed him to the presidency of the Secret Council. In view of Viglius' achievements of the previous six and a half years, this promotion was fully justified.

* I wish to thank Doctor A. J. Vanderjagt for his translation of this summary.