

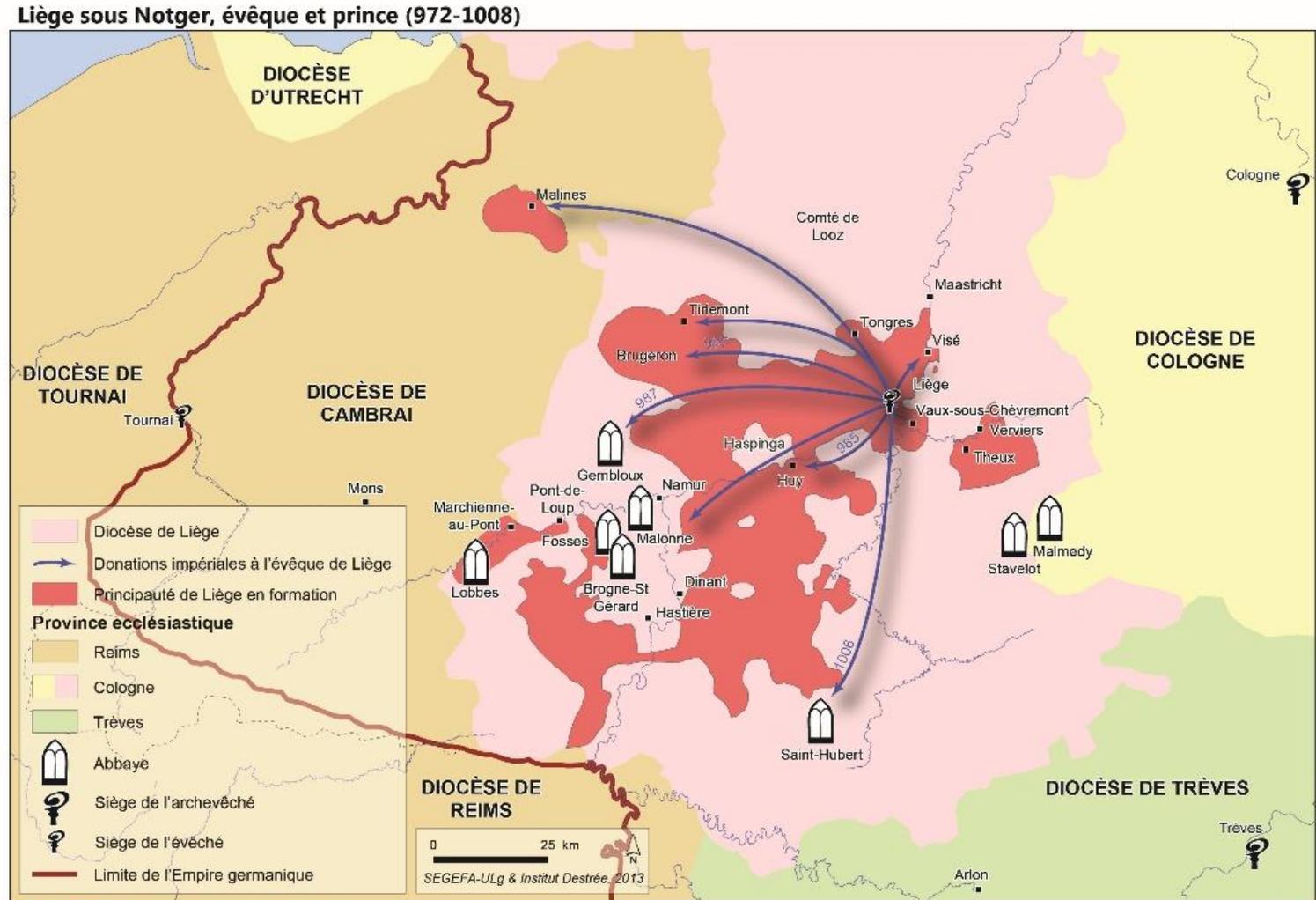


THE IMPERIAL AND EPISCOPAL PRINCIPALITY OF LIÈGE IN THE 18TH CENTURY: PERSPECTIVES ON ITS CONSTITUTION AND FOREIGN RELATIONS

Antoine LECLÈRE
Research Fellow FRS-FNRS (ULiège – VUB)
Antoine.leclere@uliege.be
Antoine.leclere@vub.be

ORIGINS OF THE PRINCIPALITY OF LIÈGE: A CONSTITUTIONAL, INSTITUTIONAL, AND GEOGRAPHICAL OVERVIEW (1)

- Founded in the 10th Century.
- Autonomous Imperial and Ecclesiastical Principality within the Holy Roman Empire.
- Powerful territorial prince in a region that remained vulnerable to the Carolingians.
- Until the 12th century, territorial lords granted lands to Liège expanding its wealth.



Atlas de la Wallonie, de la préhistoire à nos jours

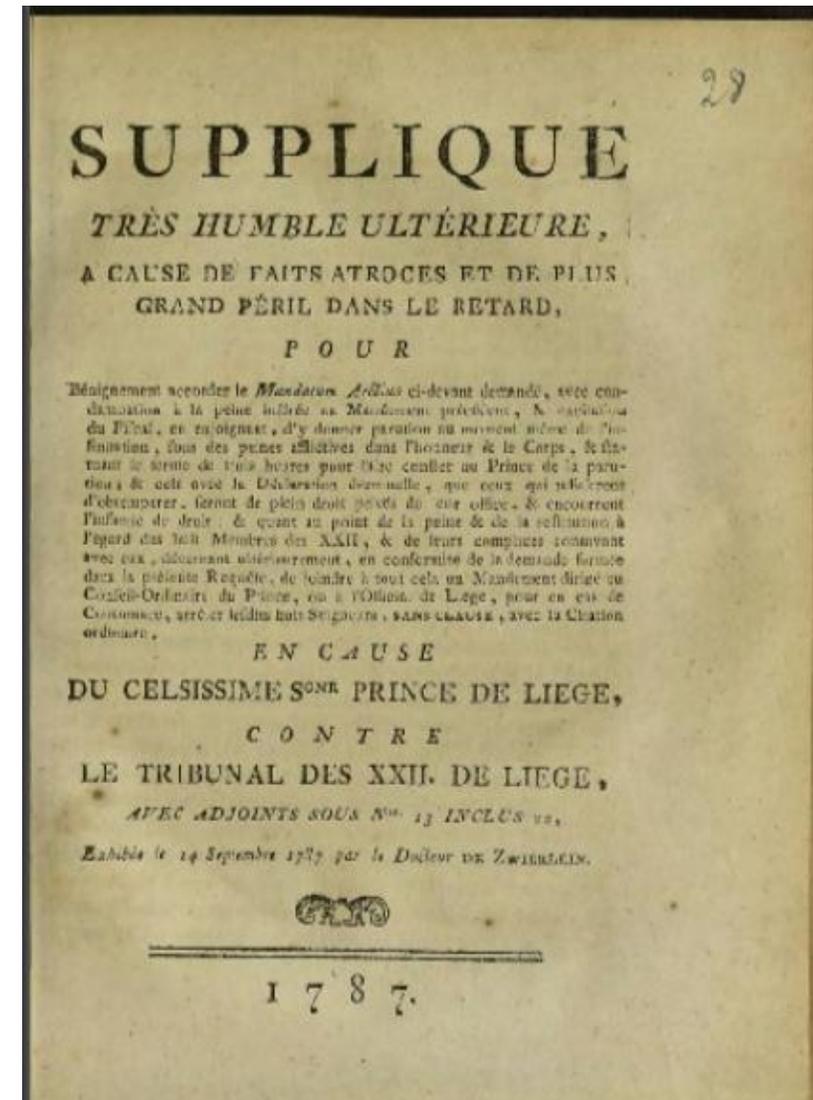
ORIGINS OF THE PRINCIPALITY OF LIÈGE: A CONSTITUTIONAL, INSTITUTIONAL, AND GEOGRAPHICAL OVERVIEW (2)

- The enlargement of both the diocesan and princely estates led to violent conflicts.
- From these conflicts emerged several legal texts:
 - ✓ Peace of Fexhe (1316)
 - Guaranteed liberties
 - Right to be tried before their ordinary and natural judge.
 - Prohibition of revising urban charters without the common consent of the affected city.
 - Creation of the Estates and the *Sens du pays*
 - customs and laws could not be altered without the common agreement of the prince-bishop and the three orders.
 - no international treaty could take effect without the ratification of the Estates.
 - The rejection of a proposal by even one of the three orders amounted to its total rejection.
- The Peace of Fexhe did not prevent the continuation of internal conflicts.



*ORIGINS OF THE PRINCIPALITY OF LIÈGE: A
CONSTITUTIONAL, INSTITUTIONAL, AND
GEOGRAPHICAL OVERVIEW (3)*

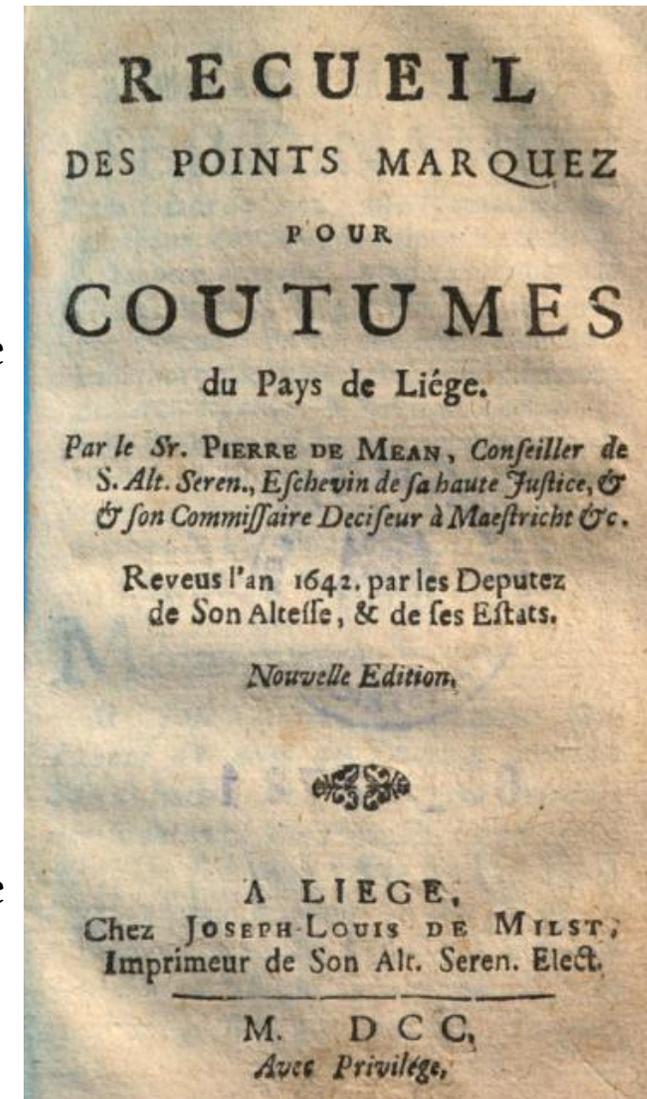
- Paix des XXII (1343-1420)
 - ✓ Clarified the judicial powers of the prince-bishop and reinforced the acquired rights of the population
 - Established a new tribunal (Tribunal des XXII).
 - Judged those responsible for violations of the Peace of Fexhe, excluding the prince-bishop.
 - Composed of twenty-two judges appointed by the Estates.
 - Center of power and politically motivated trial.



Supplique très humble ultérieure... en cause du Celssissime Sgrn Prince de Liege, contre le Tribunal des XXII de Liege, avec adjoints sous Nos 13 inclus 22, exhibée le 14 septembre 1787 par le Docteur de Zwierlein, ULiège, XXIII.034.081, 14 fol.

*ORIGINS OF THE PRINCIPALITY OF LIÈGE: A
CONSTITUTIONAL, INSTITUTIONAL, AND
GEOGRAPHICAL OVERVIEW (4)*

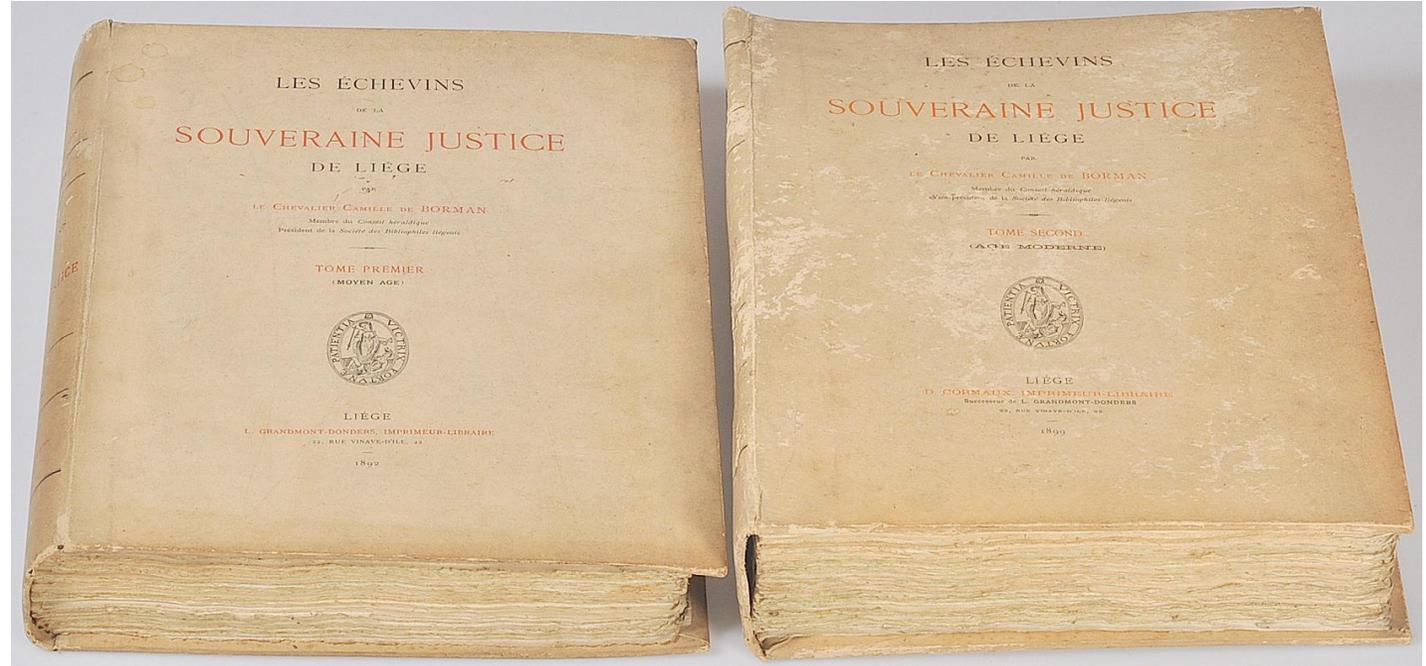
- Peaces were not the only source of Liège public law.
- Besides regulatory sources stemming from the authority of the prince and the princely capitulation, there was three customs:
 - ✓ Custom of Liège
 - ✓ Custom of Looz
 - ✓ Custom of Bouillon
- Custom of Liège as the most widely applied.
- the *Sens du Pays* never definitively validated the Custom of Liège.
- Pierre de Méan's *Recueil des points marquez* served as one of the most solid foundations of the custom of Liège.



*Recueil des points marquez
pour coutume..., Liège,
Milst, 1700.*

*ORIGINS OF THE PRINCIPALITY OF LIÈGE: A
CONSTITUTIONAL, INSTITUTIONAL, AND
GEOGRAPHICAL OVERVIEW (5)*

- A judicial institution known as the *Souveraine Justice des Échevins de Liège* or the Court of Aldermen preserved the Custom of Liège.
- Through the process of "record", it established the valid interpretation of the custom.
- Through the "rencharge", they reviewed the decisions made by lower courts.
- After the establishment of the Imperial Chamber Court (*Recihskammergericht*), the decisions made by the Aldermen could be appealed to the Empire.



BORMAN C., *Les échevins de la Souveraine Justice de Liège*, 2 vol., Liège, L. Grandmont-Donders, 1892-1899.

*ORIGINS OF THE PRINCIPALITY OF LIÈGE: A
CONSTITUTIONAL, INSTITUTIONAL, AND
GEOGRAPHICAL OVERVIEW (6)*

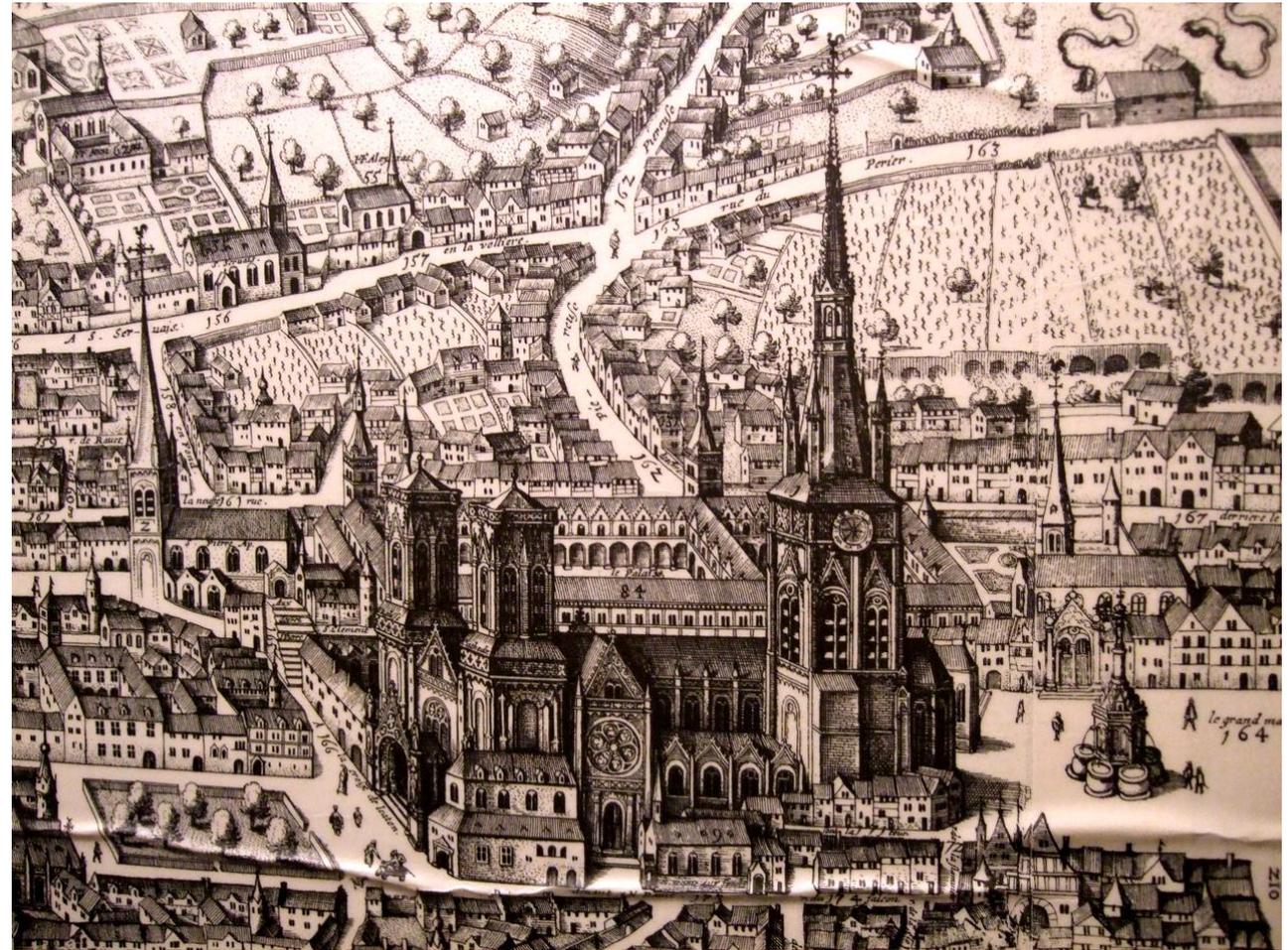
- In 1518, Erard de la Marck, prince-bishop of Liège, obtained from the emperor a *privilegium de non appellando* and founded a fourth superior court, the Ordinary Council.
- the Ordinary Council was able to review the sentences issued by the Aldemermen.
- This system remained in effect until the end of the 18th century.
- The judicial landscape of the principality was marked by its fragmentation.



Portrait of Erard de la Marck by Jan Cornelisz Vermeyen, c.a. 1528, Rijksmuseum.

*ORIGINS OF THE PRINCIPALITY OF LIÈGE: A
CONSTITUTIONAL, INSTITUTIONAL, AND
GEOGRAPHICAL OVERVIEW (7)*

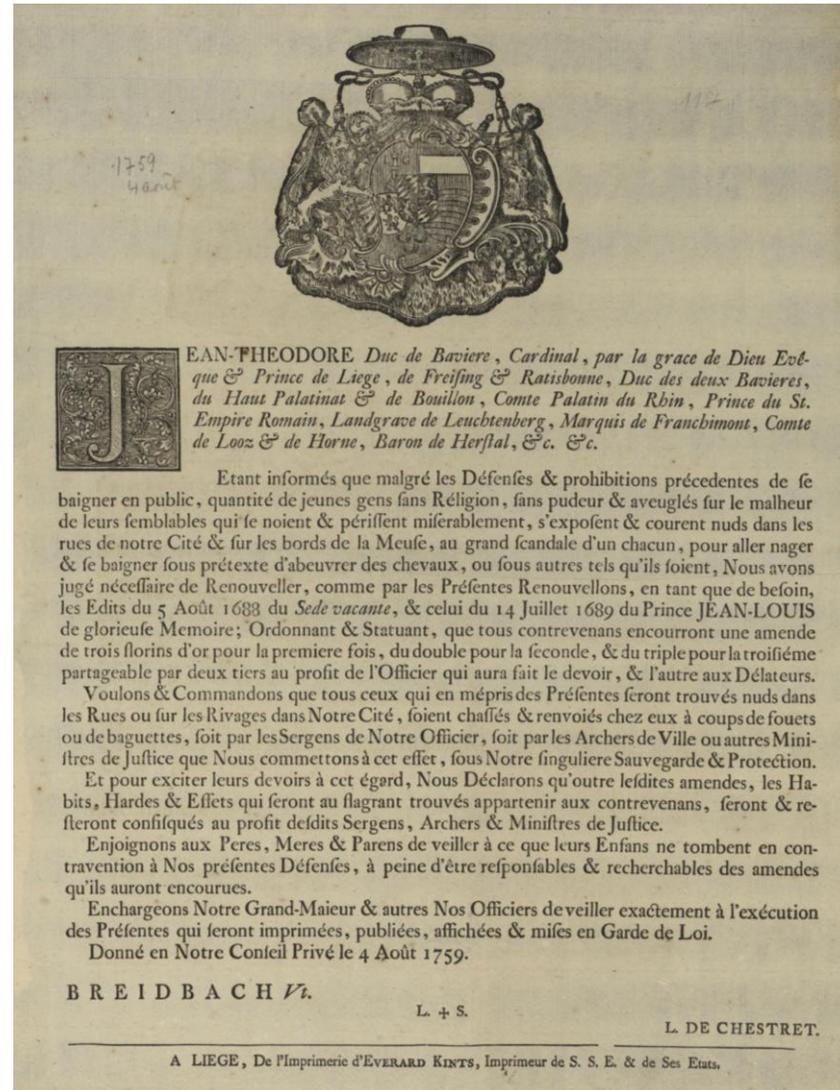
- We must also mention the existence of the Officiality or Spiritual Court, which has been attested since the end of the 13th century.
- This court exercised its authority over the extent of the diocese, while the secular jurisdictions were only competent within the principality itself.
- While initially only able to judge clerics, the Officiality, from the 14th century, began to hear criminal cases between laypeople and later dealt with civil cases.
- The Officiality's strength lay in the nature of the institution, which, being of ecclesiastical origin, was not subject to secular appeal procedures.



Engraving depicting Saint-Lambert Cathedral in Liège in the 16th century, Université de Leyde.

ORIGINS OF THE PRINCIPALITY OF LIÈGE: A CONSTITUTIONAL, INSTITUTIONAL, AND GEOGRAPHICAL OVERVIEW (8)

- The sources stemming from the authority of the prince-bishop were ordinances, edicts, mandates, or regulations. These terms were equivalent in Liège's legal vocabulary.
- In his capacity as prince, the Bishop of Liège held the power of general police, which was used for the daily administration of the territory and the maintenance of public order.
- The general police power was not subject to the complex procedure of the *Sens du pays*.
- These powers were exercised through a Privy Council, a kind of central government of the principality, mostly composed of canons from the cathedral.



Ordonnance renouvelant et amplifiant les édits antérieurs qui défendent de se baigner dans les lieux exposés à la vue du public, datée de Liège du 4 aout 1759, ULiège, R79A2F.

*ORIGINS OF THE PRINCIPALITY OF LIÈGE: A
CONSTITUTIONAL, INSTITUTIONAL, AND
GEOGRAPHICAL OVERVIEW (9)*

- The competencies of the Privy Council were never truly defined.
- The Privy Council could not exercise any contentious jurisdiction. However, it could intervene in the revision of sentences issued by the Ordinary Council or the Officiality in its civil jurisdiction.
- He also acted as an arbiter in jurisdictional conflicts and served as an administrative court.
- The Privy Council held significant legislative powers.
- The Privy Council was also tasked with drafting and promulgating executory mandates, necessary to validate decisions passed after the unanimous approval of the estates.



Palace of the Prince-Bishop of Liège, seat of the Privy Council.

*ORIGINS OF THE PRINCIPALITY OF LIÈGE: A
CONSTITUTIONAL, INSTITUTIONAL, AND
GEOGRAPHICAL OVERVIEW (10)*

- The princely capitulations, was the manifestation of the fragile balance of power between the prince-bishop and the chapter of Saint-Lambert Cathedral.
- The capitulation was a document, divided into a certain number of articles, sworn by the newly elected prince-bishop before the chapter of the cathedral.
- The prince-bishop promised to respect the peace agreements, especially the Peace of Fexhe, not to abuse his power, to maintain the integrity of the episcopal see, and to preserve the balance of the estates.
- The chapter of the cathedral claimed to exercise sovereignty alongside the prince-bishop whom they had elected.

Capitulation jurée par Charles Nicolas Alexandre, comte d'Oultremont, à son avènement à la principauté (1).

A Liège, 11 juin 1764.

IMPRIMIS REVERENDISSIMA CELSITUDO VESTRA jurare parata est, quod episcopatum Ecclesiae leodiensis, ac jus sibi in eodem competens nunquam resignabit, neque aliquem coadjutorem sibi assumet cum facultate succedendi in illo, nisi hoc faciat de scitu et consensu totius capituli, aut saltem duarum tertiarum capituli partium, absentibus canonicis qui in electione episcopi vocari consueverunt, legitime ad hoc vocatis. Item, quod in divisionem vel translationem Ecclesiae cathedralis leodiensis, aut in diminutionem seu extirpationem jurisdictionis, jurium aut privilegiorum ejusdem non consentiet, neque ad hoc consilium, auxilium, favorem vel consensum dabit, nisi rebus Ecclesiae et ditionis aliter exigentibus, ex communi consensu tam vestro quam capituli aliud videatur constituendum; quin imo si desuper aliqua illi proponerentur occulte vel palam, illa statim capitulo revelabit. Item, si a summo pontifice accideret ipsum ad cardinalatus dignitatem promoveri, quod eam dignitatem non acceptabit, ex articulo 3 juramenti anni 1724, nisi prius curaverit per sanctam sedem Ecclesiae leodiensis sufficienter provideri, quod, non obstante dicti cardinalatus dignitate, ac quacumque alia reservatione, aut affectione apostolica, libera electio apud Ecclesiam praetactam remanebit, neque ob id censebitur apostolica reservatione dicta electio, quovis modo affecta, etiam si ipsum apud sedem apostolicam decedere contingeret. Item, quod fidelis erit Ecclesiae et patriae, quodque de bonis episcopatus nihil alienabit, neque de novo sine consensu capituli infeudabit, et quod alienata seu deperdita pro viribus recuperabit, et hoc amore, prece vel pretio non dimittet, neque sustinebit pro viribus quod Ecclesia vel patria onerentur, vel aliqua pensione impostorum graventur, aut tributariae fiant; et quod capitulo assistet et adhærebit, si ipsum desuper appellare contigerit. Item, quod clerum et patriam ac jura sanctae Mariae sanctique Lamberti, contra omnes homines defendet, et quod clero diocesis leodiensis, si contingeret imperatorem aut Romanorum regem, ullo tempore decimam exigere adhærebit, et in defensione libertatis

(1) Cette capitulation reproduit en entier, avec quelques légères additions, celle du prince Jean Théodore

de Bavière. — V. la note placée au bas de la p. 4 de ce volume.

ORIGINS OF THE PRINCIPALITY OF LIÈGE: A CONSTITUTIONAL, INSTITUTIONAL, AND GEOGRAPHICAL OVERVIEW (11)

- This brief overview of the constitutional and geographical frameworks of the principality is far from exhaustive.
- We could also explore the municipal regulations of Maximilian-Henry of Bavaria (1684) which dismantled the corporatist electoral system of the City of Liège.
- one last important observation. As an Imperial principality, Liège was subject to imperial law, a foundation of the Liège constitutional system.
- As a prince of the Empire, the prince-bishop was invested with his Liège fief by the emperor and exercised his prerogatives as a vassal of the Holy Roman Empire.

La principauté de Liège, état indépendant du Saint-Empire germanique à la veille des révolutions de 1789



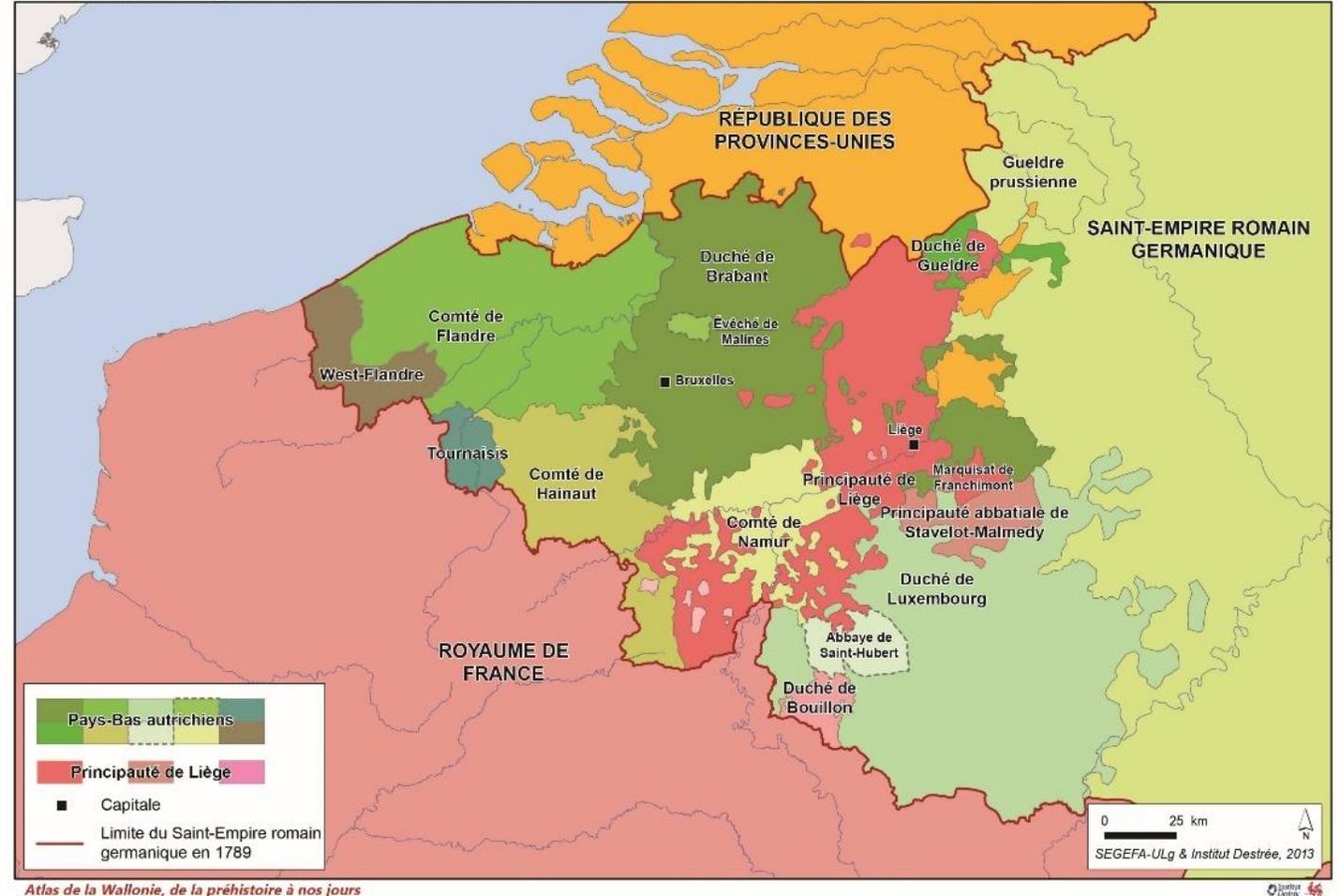
Atlas de la Wallonie, de la préhistoire à nos jours



LIÈGE IN THE 18TH CENTURY: A STRATEGIC AND COMPLEX PRINCIPALITY (1)

- In the 18th century, the territory of the Principality of Liège was fixed.
- Unlike most of the great European powers of the time, particularly France, the territory of Liège exhibited several inconsistencies.
- Three major powers surrounded the Principality of Liège: the Austrian Low Countries, the Dutch Republic, and France.
- The principality was a privileged corridor for trade between France, the Dutch Republic and the rest of the Empire.
- The principality was also renowned for its weapon and iron product factories, which competed with industries in France and Great Britain.

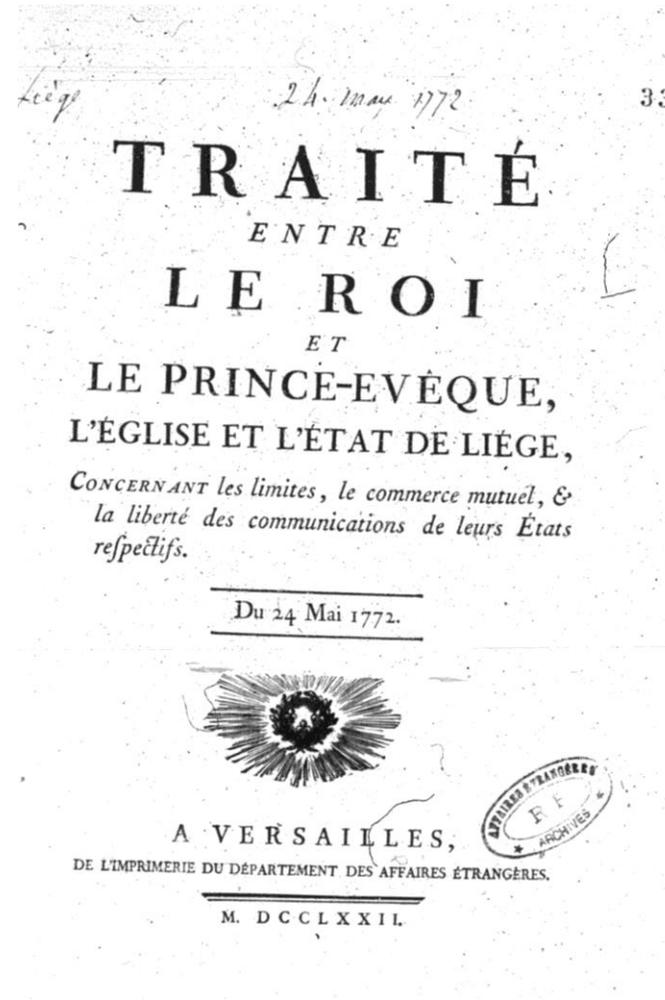
Principauté de Liège et Pays-Bas autrichiens à la veille des révolutions de 1789



Atlas de la Wallonie, de la préhistoire à nos jours

*LIÈGE IN THE 18TH CENTURY: A STRATEGIC
AND COMPLEX PRINCIPALITY (2)*

- Since the 15th century, Liège had been a neutral polity recognized as such by both the emperor of the Holy Roman Empire and the king of France.
- In the 18th century, France was the principal ally of the principality.
- France aimed, continuing its post-Westphalian diplomatic strategy, to maintain favorable allies throughout the Empire to prevent an alliance behind the Habsburgs.
- The election of François-Charles de Velbrück, a pro-French prince, in 1772, solidified French predominance in Liège.

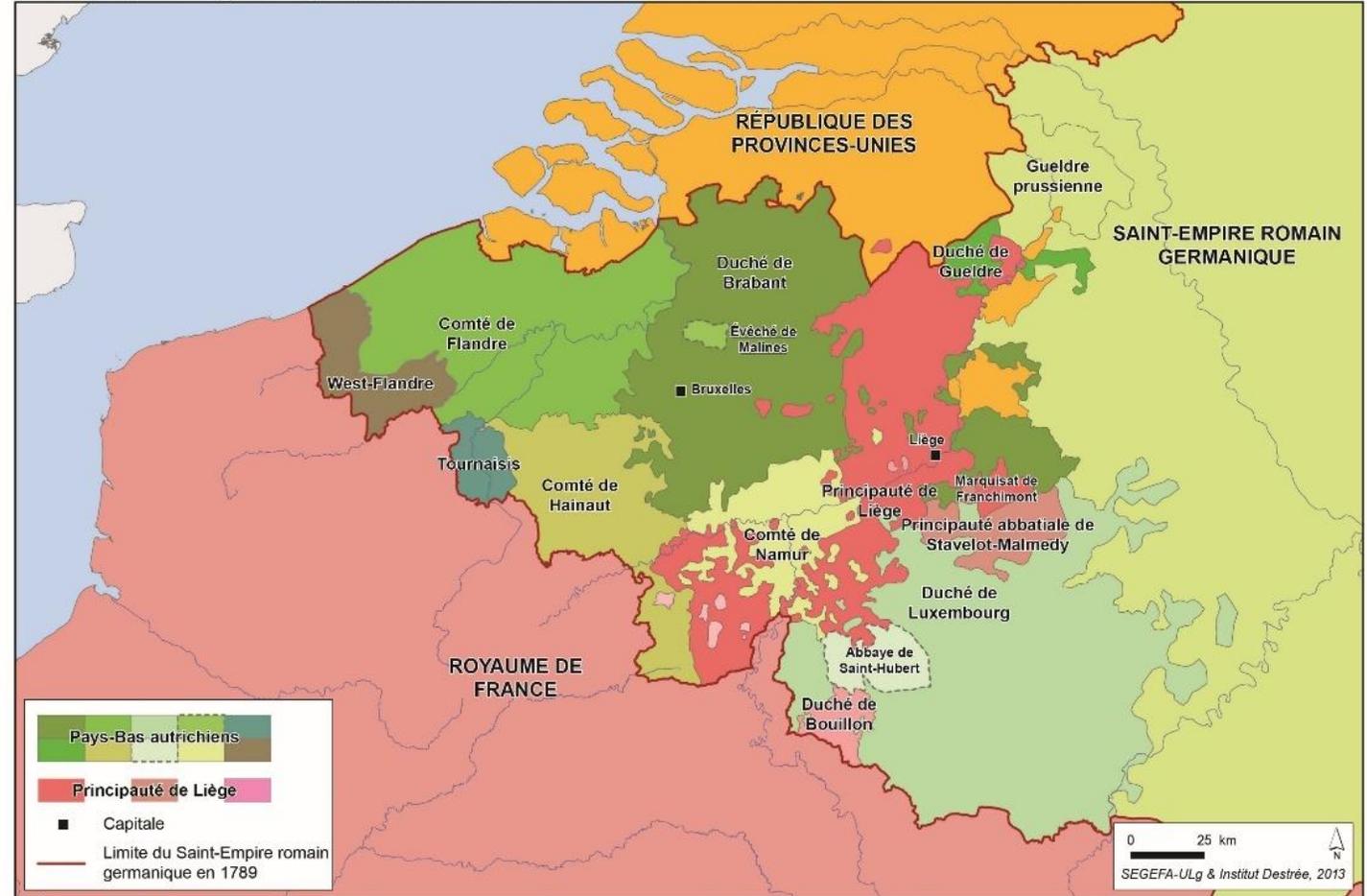


Traité entre le roi et le prince-évêque de Liège..., daté de Versailles du 24 mai 1772, AMAE, correspondance politique : Liège.

LIÈGE IN THE 18TH CENTURY: A STRATEGIC AND COMPLEX PRINCIPALITY (3)

- The second power to take a close interest in Liège's affairs was the Austrian Low Countries and, by extension, Austria.
- Maria Theresa negotiated a commercial and territorial agreement during the 1760s alongside the Franco-Liège discussions.
- But Maria Theresa demanded absolute control over the Meuse River through the retrocession of all the Liège banks, including those ceded by France in 1772. Versailles, strongly opposed to this central clause of the agreement.
- Unlike France, Austria did not have a diplomat in Liège until 1786.

Principauté de Liège et Pays-Bas autrichiens à la veille des révolutions de 1789



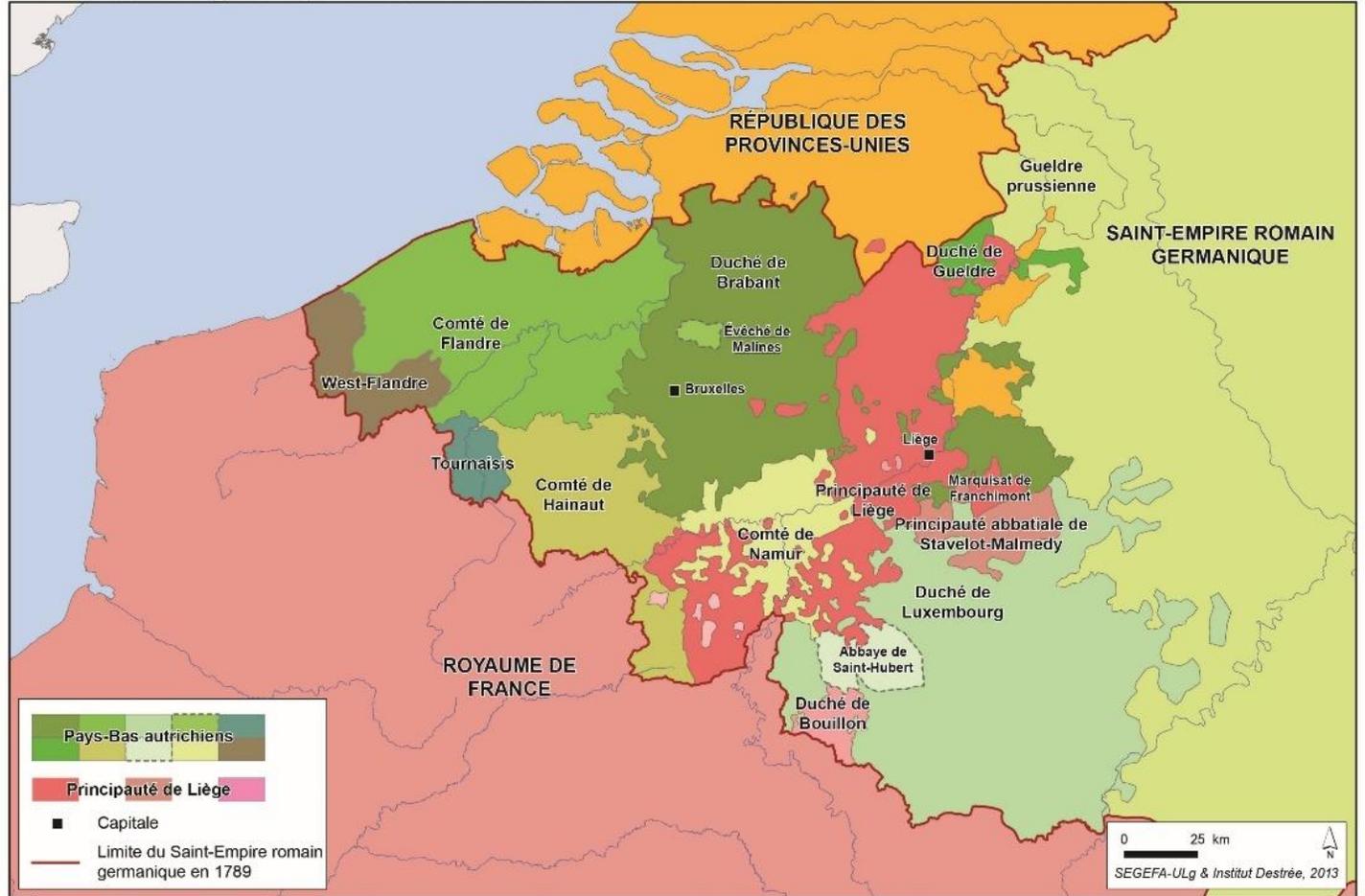
Atlas de la Wallonie, de la préhistoire à nos jours

SEGEFA-ULg & Institut Destrée, 2013

LIÈGE IN THE 18TH CENTURY: A STRATEGIC AND COMPLEX PRINCIPALITY (4)

- The Dutch Republic also appointed a plenipotentiary minister around 1780. Henri Van der Hoop exerted little influence on the Liège government.
- By 1787-1788, the diplomat had teamed up with the recently appointed Prussian plenipotentiary minister, Adam de Senfft de Pilsach.
- Finally, William A. Miles, agent of William Pitt at the Liège court, served as an unofficial representative of Great Britain.
- These multiple influences had an impact on the evolution of Liège's law, particularly public law.

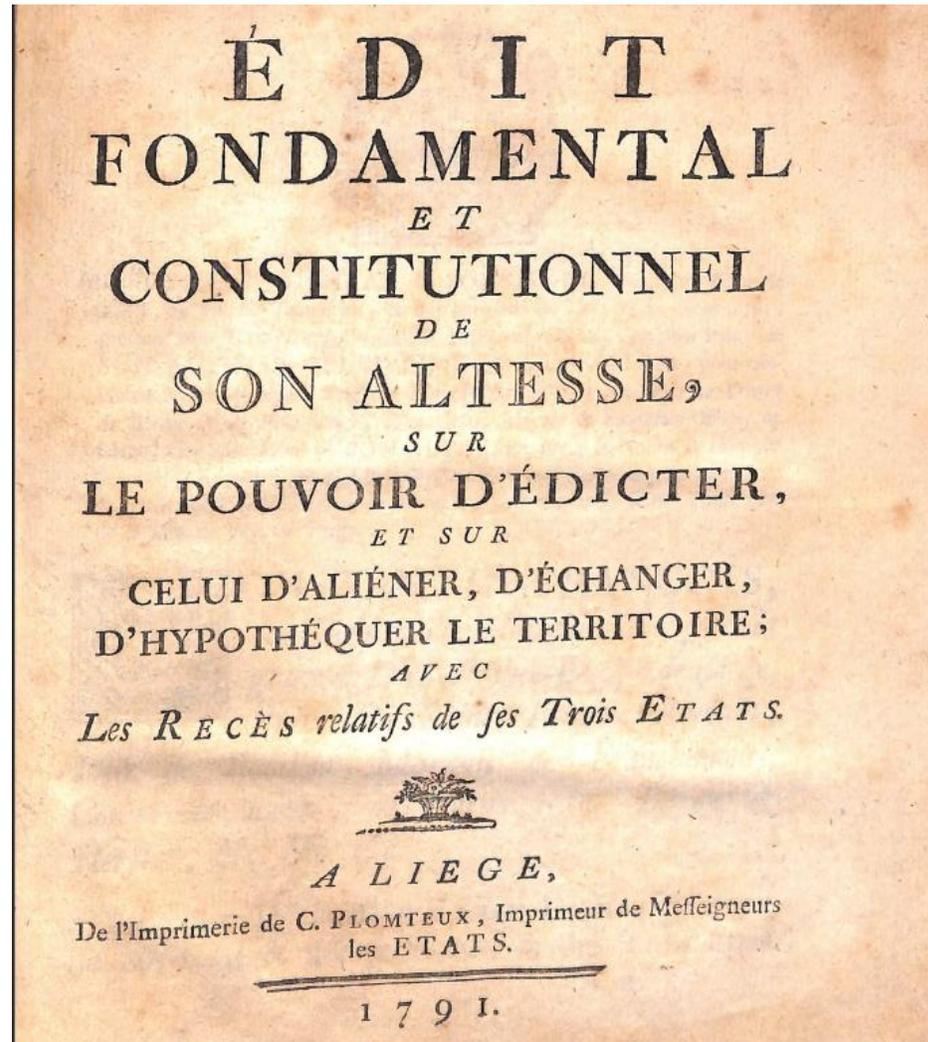
Principauté de Liège et Pays-Bas autrichiens à la veille des révolutions de 1789



Atlas de la Wallonie, de la préhistoire à nos jours

*LIÈGE IN THE 18TH CENTURY: A STRATEGIC
AND COMPLEX PRINCIPALITY (5)*

- The frameworks outlined earlier remained valid in the 18th century.
- No peace had been promulgated since 1487, and the princely capitulations were drafted according to a stable pattern after 1763.
- Only justice and its jurisdictional conflicts remained an apparently insoluble mess.
- These multiple influences had an impact on the evolution of Liège's law, particularly public law.
- A major questioning of the constitutional principles that had governed the Liège state since the Middle Ages took place at the end of the century.



*Edit fondamental et constitutionnel...,
Liège, Plompteux, 1791.*

LIÈGE IN THE 18TH CENTURY: A STRATEGIC AND COMPLEX PRINCIPALITY (6)

- European powers took part in the opposition.
- Galvanized by French diplomats, estates turned against the prince, becoming the main group challenging privileges of the cathedral and the bishop.
- The small Holland-Prussian party, emboldened by Austria's overreach in the Austro-Turkish War of 1788, positioned itself as a defender of free elections and the separation of powers.
- The Austro-Brussels party, concerned with preserving the Liège legal order and the vassalic link with the Empire, sought to curb the reformist ambitions.

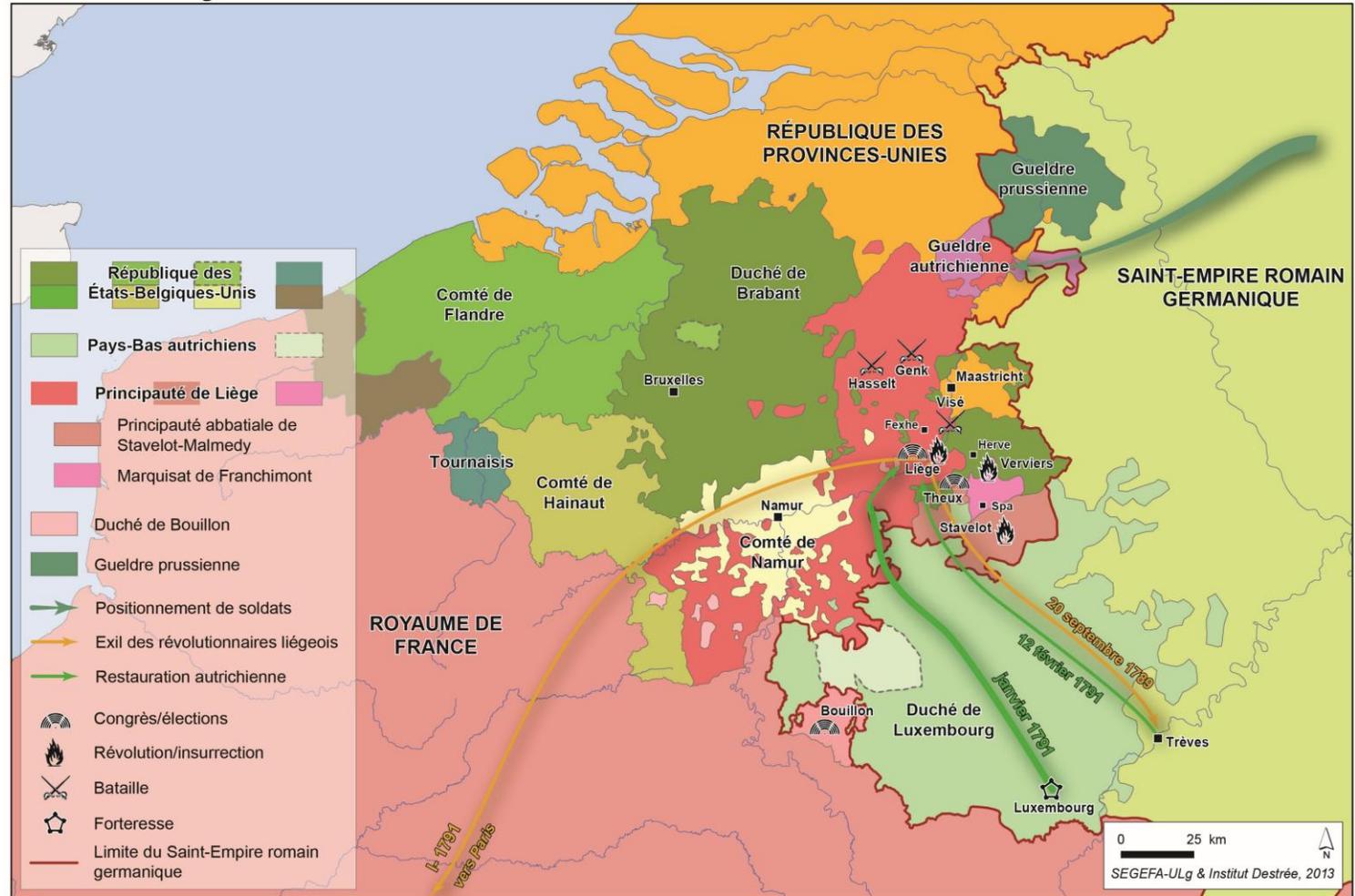
Partisans décidés de la France	Parti Liégeois ou indépendant	Récapitulation
<p>de Welbuck.</p> <p>de Ghistelle.</p> <p>Amis de M^{rs} de Welbuck et de Stoupi.</p> <p>Sluse laïne.</p> <p>Sluse Cadet.</p> <p>de Loo.</p> <p>Libert de Traipont.</p> <p>Partisans du P^{te} Clermont.</p> <p>Booz de Waldeck (candidat)</p> <p>Greifenklau.</p> <p>de Baime.</p> <p>Conn.</p> <p>Touo M^r.</p> <p>Rougrave. abbé de Cingy.</p> <p>Hyacinthe. Rougrave.</p> <p>Parti Autrichien.</p> <p>Booz de Waldeck. G. Doyen (candidat)</p> <p>de Nestelrod.</p> <p>de Vargenteau.</p> <p>de Nassau Corvi. (candidat)</p> <p>de Salm. (candidat)</p> <p>de Tintot.</p> <p>de Barberg. (candidat)</p> <p>de Cohengl.</p> <p>de Westervad.</p>	<p>Clerx. Grand Prévôt.</p> <p>Erapé.</p> <p>Blusia.</p> <p>Stockem laïne.</p> <p>Stockem Cadet.</p> <p>de Biézet.</p> <p>Basstebroek.</p> <p>de Geyer.</p> <p>Vandenstein.</p> <p>Cheratte.</p> <p>Alean.</p> <p>Barbe de hamal.</p> <p>Cartier.</p> <p>Barlez.</p> <p>de Gradi.</p> <p>boensbroek.</p> <p>Ghequier.</p> <p>Bozegrave. (candidat)</p> <p>Lieckkerke.</p> <p>Vandenstein. Prévôt.</p> <p>Libert de Flenal.</p> <p>Lautremange.</p> <p>Gelôis.</p> <p>Jacquet.</p> <p>Chier.</p> <p>Ghiselles.</p> <p>Bemerécourt. non ordonné</p> <p>Parti du G^r Prévôt et p^{re}-éte du Grand Doyen.</p> <p>Booz de Waldeck.</p> <p>Clerx.</p> <p>Erapé.</p> <p>Cheratte.</p> <p>Ghequier.</p> <p>Jacquet.</p> <p>de Tintot.</p> <p>Bonhomme.</p> <p>Libert de Traipont.</p> <p>Ghiselles.</p> <p>Tintot laïne. non ordonné</p>	<p>Partisans de la France..... 5</p> <p>amis de nos amis..... 4</p> <p>Clementins pris à séparément..... 4</p> <p>Touo M^r..... 2</p> <p>parti autrichien..... 9</p> <p>parti du G^r Prévôt..... 11</p> <p>parti indépendant..... 21</p> <p>parti Liégeois..... 27</p> <p>La totalité des suffrages</p> <p>sovoit de..... 59</p> <p>Sur ce nombre il y en a 7 qui ne peuvent être à tems de voter..... 7</p> <p>et non ordonnés..... 2</p> <p>Total..... 9</p> <p>Voix en activité..... 50</p> <p>dont il faut 26 pour former la pluralité.</p> <p>Suffrages à réunir</p> <p>Partisans de la France..... 5</p> <p>amis de nos amis..... 4</p> <p>des Clementins..... 3</p> <p>par lui même..... 2</p> <p>du parti du Grand Prévôt..... 7</p> <p>..... 21</p> <p>..... 5</p> <p>..... 26</p>

Tableau des factions au sein du chapitre de la cathédrale de Liège vers 1772, AMAE, correspondance politique : Liège.

LIÈGE IN THE 18TH CENTURY: A STRATEGIC AND COMPLEX PRINCIPALITY (7)

- The break occurred on August 18, 1789, when a group of commoners stormed the City Hall of Liège and brought the Prince-Bishop to Liège so that, before the crowd, he would repeal all the tyrannical laws.
- But on August 26, 1789, the prince-bishop fled in Trier, where he placed himself under the protection of the Empire.
- The imperial court demanded an imperial execution, by which its sentences would be enforced using force.
- However, Prussia, motivated by an extension of its influence in the Austrian Netherlands, came to the aid of the Revolution at the end of 1789

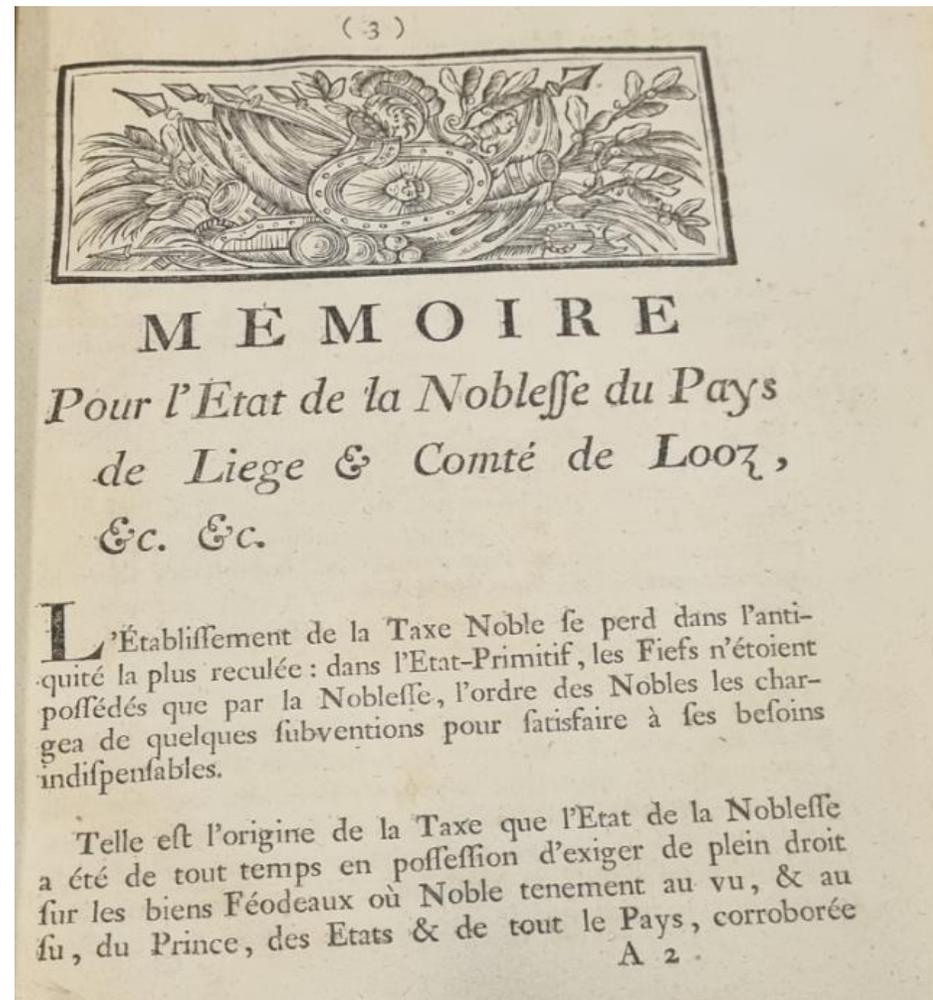
La Révolution liégeoise de 1789 et celle de Bouillon



Atlas de la Wallonie, de la préhistoire à nos jours

*THE BELGO-LIÈGE CONVENTION OF 1780: AN
ILLUSTRATION OF LIÈGE'S DYNAMICS (1)*

- The 26th of August, 1780, François-Charles de Velbrück and Maria-Theresa of Austria signed a commercial and territorial convention.
- This convention was meant to be the Austro-Brussels counterpart to the Franco-Liège Treaty signed on 24 May 1772.
- In parallel with the August 1780 ratification, the Prince-Bishop was in open conflict with the noble estate over the *Taxe noble*.
- The second estate criticized the unconstitutionality of the police powers, which broke from the framework for distribution established by the Peace of Fexhe.
- The noble estate hoped to force the prince to back down by conditioning its vote.



*Mémoire pour l'état de la
noblesse du pays de Liège et
comté de Looz, &c; &c., S.I,
s.n., 1780.*

THE BELGO-LIÈGE CONVENTION OF 1780: AN ILLUSTRATION OF LIÈGE'S DYNAMICS (2)

- Nobles were outraged by Article Seven which stipulated that the principality would cede all the banks of the Meuse to the Low Countries so that they could have exclusive control over river navigation.
- Neither Kaunitz nor Starhemberg were willing to remove this condition, as it was primarily aimed at undermining France's river trade.
- The second estate urged the Prince-Bishop, against the advice of the cathedral chapter and the third estate, to pressure Brussels.
- However, Velbrück, having declared his candidacy for the bishopric of Münster, was in competition with Maximilien of Austria.

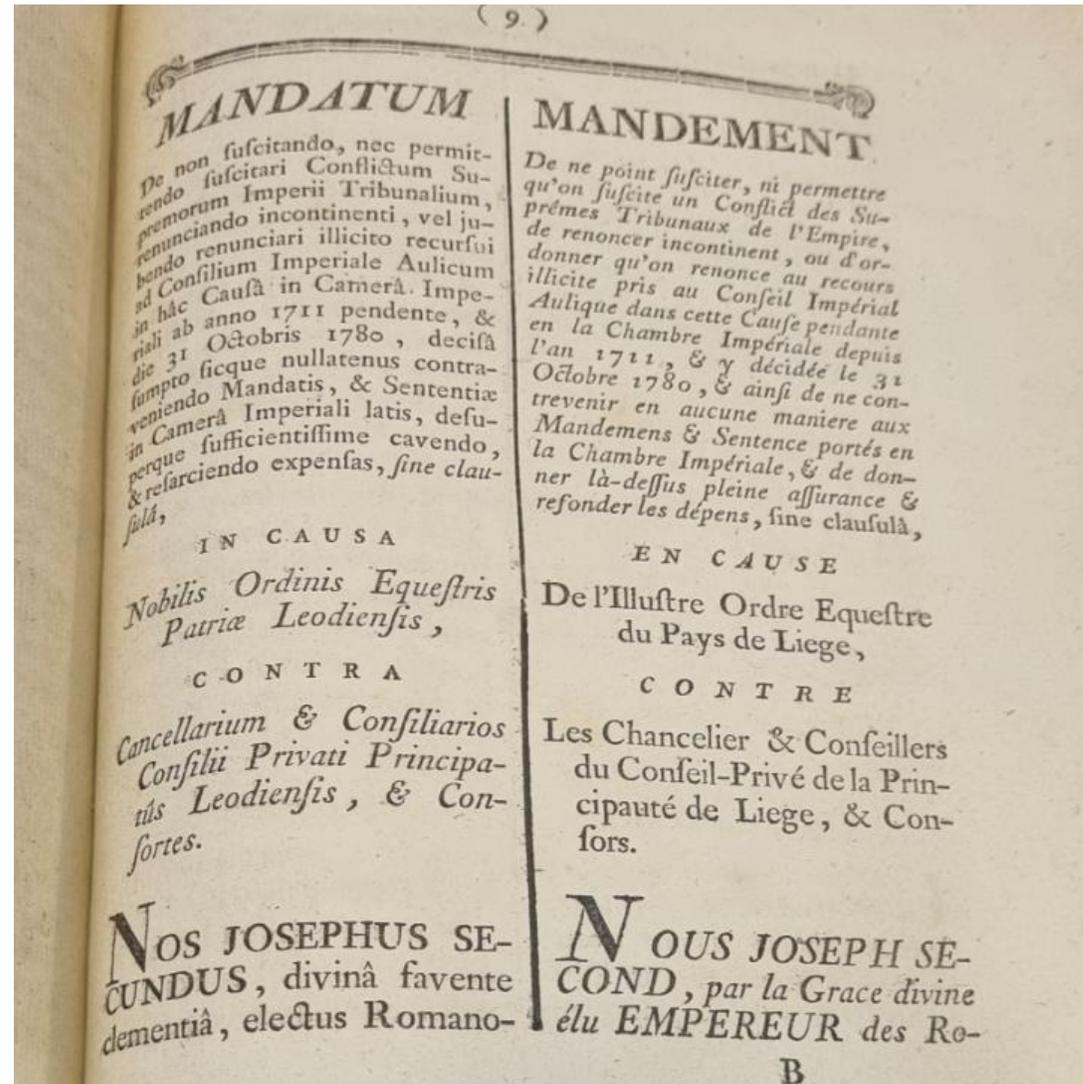
Münster

Liège

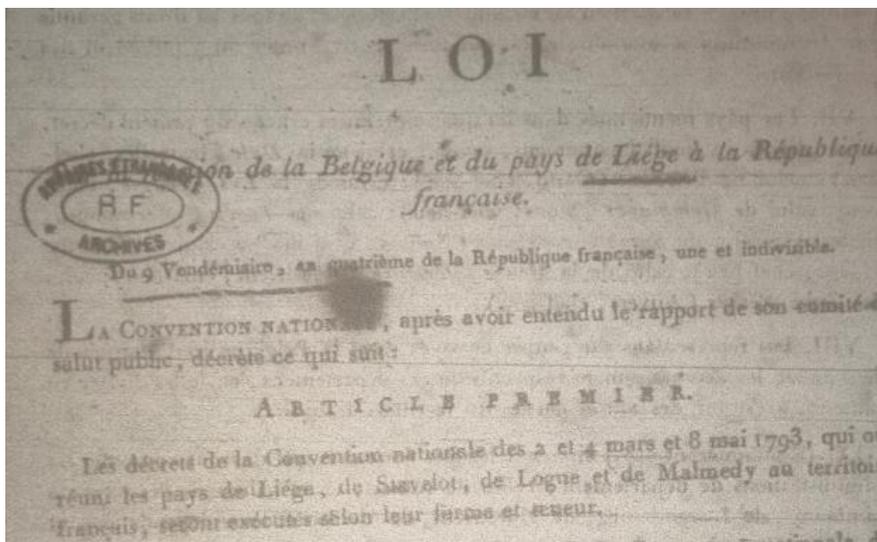


THE BELGO-LIÈGE CONVENTION OF 1780: AN ILLUSTRATION OF LIÈGE'S DYNAMICS (3)

- The noble estate's negative vote, which was repeated several times between 1780 and 1783, effectively amounted to the rejection of the entire convention.
- Kaunitz then suggested to the Prince-Bishop that he bypass the estates' opinions by relying solely on the cathedral chapter.
- The chancellor had amended the text of the convention so that it no longer passed between the Austrian Low Countries, the Prince-Bishop, and the estates of Liège, but instead only between the Low Countries and the Church of Liège.
- The rejection by nobles was the result of support from France.

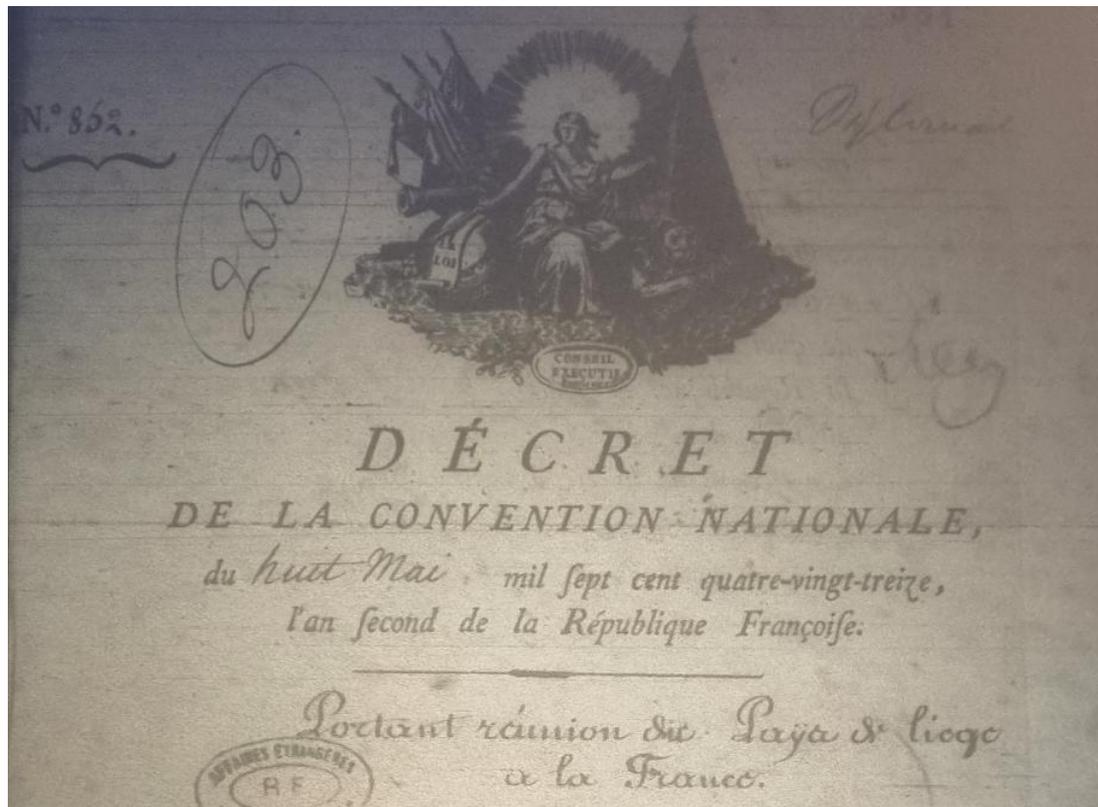


Mandatum... in causa Nobilis Ordinis Equestris Patriæ Leodiensis contra Cancellarium & Consiliarios Consilii Privati Principatûs Leodiensis, & Consortes., 1780.



CONCLUSIONS

- Liège has always attracted attention since its foundation.
- It was built on a constitutional framework shaped by internal conflicts, and by the end of the 18th century, it was still marked by medieval traditions and significant legal pluralism.
- The discontentment at the end of the century, sometimes supported and sometimes fought by major powers as they sought to extend their influence, led to the outbreak of a Revolution in the summer of 1789.
- In 1792, France took control of Liège to re-establish the Revolution, which had become even more radical than in 1789.
- On 9 Vendémiaire Year IV, the National Assembly voted for the annexation of Liège to the Republic. Although the former principality was dissolved, the Liège question remained unresolved until at least the rise of Napoleon.





THE IMPERIAL AND EPISCOPAL PRINCIPALITY OF LIÈGE IN THE 18TH CENTURY: PERSPECTIVES ON ITS CONSTITUTION AND FOREIGN RELATIONS

Antoine LECLÈRE
Research Fellow FRS-FNRS (ULiège – VUB)
Antoine.leclere@uliege.be
Antoine.leclere@vub.be