CEC | Central European Cultures

Central European Cultures 5, no. 1 (2025): 196–213
doi.org/10.47075/CEC.2025-1.10

Proof of Nobility as a Personal and Generational Identity Crisis

An *Apologia* against Defamation by Professor Andreas Virginius of *Academia Dorpatensis*

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Received 14 December 2024 | Accepted 5 February 2025 | Published online 14 July 2025

Abstract. The article focuses on Andreas Virginius (1596–1664), a native of Pomerania who was invited to Livonia to become the first Vice Rector and Professor of theology at the university founded in Tartu in 1632. He was the only hereditary nobleman among the Tartu professors, but was soon accused of not being a real nobleman. In 1636, Virginius printed an *apologia* or treatise *Nothwendige Vertheidigung* against this accusation and slander, which has survived only as a manuscript transcription. The article presents the structure and content of this *apologia*, tracing the author's argumentation with references to legal works and rhetorical devices such as proverbs. An analysis of the text reveals the typical intention of early modern nobles to defend their honour. Although Andreas Virginius succeeded in refuting the slander, his Livonian relatives faced a similar crisis about half a century later, when they had to prove their nobility once again.

Keywords: nobility, literati, defamation, *apologia*, identity crisis, early modern Livonia, University of Tartu

External crises are usually defined as wars, famines, natural disasters, etc. that affect a large number of people and lead to crises in their personal lives. Other crises are internal crises, those that begin in the life of one person and affect, if at all, a much smaller number of people around the person in the crisis. However, personal crises can be as serious, or even more serious than the macro-level crises for an individual. The following is an example of a personal and generational identity crisis. This article focuses on Andreas Virginius, the First Professor of Theology at the University of Tartu, who was accused of granting himself a title of nobility and, as the result, experienced a major personal crisis. In early modern society, such an accusation was a great insult and an affront to honour. The notion of rank-specific honour played an important role in the

functioning of society.[1] The honour of nobility was part of the culture and identity of the nobility, and it defined a system of communicative rules or codes, expressed, for example, in gestures, dress, the order of participation in processions, occupations, etc., which distinguished nobles from other estates. In the early modern period, elaborate codes of honour were drawn up to make honour visible and to protect it. In the event of a violation of honour and the questioning of a person's nobility, the injured party could appeal to a court of honour, which consisted exclusively of noble judges. Attacking or undermining someone's honour was seen as a challenge that necessarily required a counter-challenge, and to defend one's honour, one often turned to lawyers to help draft letters of protest or *apologia* against libellous and defamatory writings.[2] In the history of Baltic literary culture, there exist some self-defensive writings by aristocrats composed with quite different motives and aims.[3] These include Andreas Virginius' *apologia* or treatise, reflecting on a specific case of how important nobility was for a scholar's career in Livonia in the 1630s. In this article, I will trace the arguments used by Virginius to defend his nobility and the authorities he invoked to overcome the identity crisis. In addition, this *apologia* provides an important insight into the values and mentality of the Livonian estates-society as a whole. But first I will summarise some of the most important facts about Virginius' life.

Andreas Virginius as a representative of *nobilitas duplicata*

Andreas Virginius was born on 9 November 1596 in Pomerania, Germany, probably in the small town of Schivelbein (Polish: Świdwin) in present-day Poland.[4] Both Andreas' mother Anna Hammermeisters and his father Jacob were of noble origin.[5]

1 Schreiner and Schwerhoff, "Verletzte Ehre," 9.

2 Asch, *Europäischer Adel in der Frühen Neuzeit*, 7–11.

3 The best-known example of the genre is the publication of the chief secretary and syndic of the city of Riga, David Hilchen (1561–1610), in 1604 *Clypevs innocentiae et veritatis*. It was both a self-defence pamphlet and a legal account of events, intended to defend Hilchen's reputation, see Siimets-Gross and Hoffmann, *"Ad rem et famam meam,"* 106; see also, for example, the *apologia* of the Landmarshal of the Livonian Order, Caspar von Münster (c. 1500–1577), in defence of his honour, which he claimed had been unjustly taken from him by accusations of treason, in 1556: *Warhafftiger, kurtzer und wolgegründter bericht*.

4 Wehrmann, "Zwei Gelegenheitsgedichte," 115. Schivelbein is also mentioned in university records, but Schwessin (Polish: Świeszyno) and Kolberg (Polish: Kołobrzeg) in Pomerania have also been suggested as the birthplace of Virginius: Backmeister, "Nachrichten von den ehemahligen Universitäten zu Dörpat und Pernau," 188; Recke and Napiersky, eds, "Virginius (Andreas I.)," 440; Paucker, *Ehstlands Geistlichkeit*, 10; Buchholtz, "Virginius, Andreas," 14; Ottow and Lenz, eds, *Die evangelischen Prediger Livlands*, 464; Vanselow, *Gelehrtes Pommern*, 118; Gadebusch, *Livländische Bibliothek*, 262; LVVA, 214.6.144a/12, 273r, Geschichte des v. Virginischen Geschlechts.

5 Oldekop, "Programma," 1521.

Jacob came from an old Pomeranian aristocratic family called Vergine or Vargine.[6] The name is etymologically linked to the Latin word *virgo* (virgin), which is also depicted on the family coat of arms.[7]

After completing his primary education close to home, Andreas Virginius matriculated at the University of Frankfurt an der Oder and studied at the *Paedagogium* of Stettin (Polish: Szczecin). At the University of Rostock, he obtained a master's degree and later a doctorate in Lutheran theology. He was also enrolled at the Universities of Greifswald and Königsberg, where he worked as an adjunct lecturer in the philosophy faculty. According to enrolment records, Virginius was involved in university studies in one way or another for 20 years. During his long period of study, Virginius supervised and defended many philosophical and theological disputations. In 1626, he became parish pastor of the town of Gartz in Western Pomerania and dean of the diocese there. Incidentally, in the same year Andreas' brother, Johann Virginius, was appointed mayor *(Bürgermeister)* of Gartz.[8]

In 1631, the King of Sweden, Gustavus Adolphus, who had taken military control of Pomerania, invited Virginius to Livonia, which was also under the Swedish crown but had been part of the German cultural area. Virginius was to become the First Professor of Theology at the new university in Tartu, as well as its first Vice Rector. Following the custom of German universities this post was often reserved for a nobleman in order to attract aristocrats to the academy.[9] Nobility of birth was rare among the professors of the *Academia Dorpatensis*, and in fact Virginius was the only member of the hereditary nobility. During his 32-year career at the university, Virginius served several times as Rector and Dean of the Faculty of Theology. As a university inspector, he kept an eye on the academy's land holdings in Ingria. For his services, Queen Christina granted him fiefs in the village of Globitz (Finnish: Klopits).[10] He also rose to important positions in the Lutheran church hierarchy being Assessor and Vice Superintendent of the Livonian Supreme Consistory. After the university moved to Tallinn in 1656 to escape the Russian invasion, Virginius settled there with his family and continued to teach. He was consecrated Bishop of Estonia in 1658 in

6 The aristocratic family is mentioned, for example, in the topographical work: Micraelius, *Sechstes und Letztes Buch*, 382.

7 A description of the coat of arms of the Virginius is in: LVVA, 214.6.144a/12, 319v, Nothwendige Vertheidigung. The coat of arms is depicted in: LVVA, 214.6.144a/12, 279v, Geschichte des v. Virginischen Geschlechts.

8 LVVA, 214.6.144a/12, 273r, 292r–293r, Geschichte des v. Virginischen Geschlechts; Vanselow, *Gelehrtes Pommern*, 263; Wehrmann, "Zwei Gelegenheitsgedichte," 115.

9 Füssel, "A Struggle for Nobility," 116.

10 SRA, Livonica II, SE/RA/2402 vol. 32, Copy of a fiefdom letter from Queen Christina, sent by Virginius to King Charles X of Sweden, together with one of his own letters of request. 23.09.1660.

Uppsala, Sweden.[11] However, the last years of Virginius' life were overshadowed by economic hardship, as evidenced by his repeated petitions to the Governor of Estonia and the King of Sweden.[12] Virginius died in Tallinn on 20 December 1664 and was buried in the Cathedral Church,[13] but his grave has not been preserved.

Virginius' work as a scholar proved to be very fruitful and successful: it is said that more than 180 dissertations and disputations were defended under his supervision.[14] A large number of them are biblical exegetical studies. In addition to his printed dissertations, 18 manuscript disputations and treatises by him are currently preserved in the Uppsala University library.[15]

According to the prevailing view in the early modern period, Virginius could be regarded as a double noble: a hereditary noble by birth *(nobilitas haereditaria)* and a noble by intellect or education as a professor *(nobilitas literaria)*.[16] Their combination in one person embodied the highest level of nobility.[17] However, in Estonia and Livonia in the seventeenth century it was very rare to be a graduate nobleman, so the status of Virginius was highly exceptional and supreme.

Although born into an old Pomeranian hereditary nobility, Virginius did not use the title of nobility from the beginning; it only appeared after his name in the university *matriculae* from 1621. Why this was the case is explained, among other things, in his treatise.

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11 Buchholtz, "Virginius, Andreas,"14.

12 In the letters, the bishop complains that he has lost all his possessions during his years in exile and that his salary has not been paid for a long period. RA, EAA.1.2.233, Letters of Bishop Andreas Virginius to Bengt Horn, Governor of Estonia, 1658–1660; SRA, Livonica II, SE/RA/2402 vol. 32, Letters from Andreas Virginius to King Charles XI of Sweden, 1662–1664.

13 TLA, 236.1.29, 508, St. Olai parish register.

14 A bibliography of his works (not complete): Recke and Napiersky, eds., "Virginius (Andreas I.)," 440–47.

15 These dogmatic texts, dating from the 1630s, are contained in the volume: UUB, Sv. Diss. Suecorum extra patriam 6. Dorpat V–W.

16 The emergence of the concept of intellectual nobility in the early modern period was facilitated by the fact that academics formed a distinct social group in society. As members of the university, they enjoyed a wide range of privileges that set them apart from their social environment and cultivated a genuine culture of distinction *(Standeskultur)*—a culture that drew heavily on the lifestyle of the nobility. Originating from the reception of Roman law, the early modern European academic community developed the concept of a *nobilitas literaria*. This comprised a claim for equality with and recognition by the "real" nobility, but this was never fully achieved, Füssel, "A Struggle for Nobility," 103.

17 The idea of the supremacy of the double nobility was propounded, for example, by the Livonian Nicolaus Specht, who delivered a disputation on the subject in Wittenberg in 1631, s. Specht, *Dissertatio ethico-politica de honoribus tvm in genere tvm in specie de nobilibus et academicis.*

Identity crisis: Virginius' struggle for his status as *nobilis haereditarius*

During the first years of his stay in Tartu, Virginius' successful career and reputation suffered a severe blow: he was accused of pretending to be a nobleman by birth without actually being one. Unfortunately, no other written record of this accusation is known besides Virginius' own *apologia*, which he published in Tartu in 1636. Only one manuscript transcription of this publication has survived.[18] This was made in the late eighteenth century by the Baltic-German historian Friedrich Konrad Gadebusch, and it is also based on a transcript from 1706. At present, Gadebusch's manuscript is kept in the Latvian National Archives in Riga.[19]

It is conceivable that the other traces of this scandal have been deliberately covered up. As far as defamation is concerned, this happened in the case law of the early modern period. If a false accusation or libel was disproved, the destruction of the defamatory writing could be demanded as a form of compensation in kind. After the condemned person had apologised and the libel had been withdrawn, the libellous writing had to be burnt in public.[20] A similar pattern can be seen in the case of Virginius in 1638, when for unknown reasons he came into conflict with the other professors of the *Academia Dorpatensis*. Virginius was expelled from the conciliar councils of the university and stripped of the title of First Professor of Theology. After the intervention of the Governor General of Livonia, Bengt Oxenstierna, and the restoration of Virginius' rights and status, the evidence of the dispute had to be destroyed in front of the parties and all relevant records deleted from the minutes.[21]

Virginius' *apologia* is a 26-page manuscript, the text has a rather long and informative title,[22] followed by a motto in Latin and German, together with the

18 The publication is mentioned in: Recke and Napiersky, eds., "Virginius (Andreas I.)," 442. The transcription of the publication was rediscovered a few years ago by Kai Tafenau: Tafenau, "Adrian Virginiuse eluloost," 848.

19 LVVA, 214.6.144a/12, 307v–320r, Nothwendige Vertheidigung. Virginius' apologia is located in a folder of transcripts of other documents concerning the Virginius family from Gadebusch: LVVA, 214.6.144a/12, 266r–354r, Geschichte des v. Virginischen Geschlechts aus öffentlichen Actis und Geschicht-büchern gesammlet. Von J. G. Steinbrück d. W. W. Doktor, Past. prim. der S. Petri und Paulikirche A. Stettin 1778.

20 Fuchs, *Um die Ehre*, 181. I thank Professor Peter Oestmann (Münster) for this commentary and the reference to the history of law.

21 Schirren, "Actenstücke," 615.

22 *Der Persohn Freund, der Sachen Feind. das ist. Nothwendige Vertheidigung D. Andreae Virginii, der heil. Schrift Professoris in der Königl: Universität zu Dorpat, so wohl auch des geistl. Ober=Consistorii in Liefland Assessoris wieder Falsche Beschuldigung eines Criminis Falsi, daß er sich für einen Pommerschen von Adel hätte ausgegeben, da ers doch nicht wäre. Nebst angehängter Protestation, daß er Niemande mit diser Schrift wolle injuriiren, sondern nur allein die wieder ihm ausgesprengte falsche Nachrede und Verläumdunge, als die seiner und seines*

publication date.[23] As the heading suggests, Virginius' writing is aimed at countering rumours that he has committed a crime of forgery *(crimen falsi)*. So Virginius was attacked with a very serious accusation. Undoubtedly, such an accusation needed to be reacted to and refuted, which Virginius did with the help of lawyers. But as well as a legal victory, he also needed to restore his damaged reputation. That is the purpose of his essay: to defend the honour of Virginius himself and his family. It was neither a legal indictment nor revenge against any individual, but it was written against injustice and defamation.

As far as the structure of the text is concerned, there are no clear subdivisions. The long, interwoven sentences of the essay give the impression that it was written in a single breath—one long, unbroken line—borne by the concern of the unjustly accused. However, it is not an emotionally charged text but rather an extraordinarily sober, factual and rational piece of writing. The use of German rather than Latin may be related to the audience for which it was intended for, i.e. not primarily for an audience within the Academy, but rather for an audience outside the Academy, e.g. the local nobility.

In terms of content, the text can be divided into three sections: an introductory statement of the facts, a main legal section with evidence-based arguments and a concluding commentary. The introductory part is the longest, at 12 pages. Here the author explains the reason and purpose of his writing. He presents the accurately dated circumstances surrounding his prosecution, starting with the King of Sweden's invitation to Livonia. Virginius writes that he never boasted of his status, but in fact identified himself with the title *Nobilis pomeranus haereditarius in Schweszien*[24]—a title that also appears under Virginius' name in several of his supervised disputations and dissertations, as well as in his poetry. Yet slander had been spread throughout the kingdom of Sweden, suggesting he had presented himself as something he was not. That is to say that he had been overambitious and arrogant—including in publishing this statement of defence. Virginius refutes this accusation: he has never broken the rules of rank. To deny his nobility would be to disregard royal and princely privileges.

Adelichen Geschlechts Ehren sehr schädl. und nachthl: öffentlich wiederlegen und demselben ins künfftige auch hiemit steuren und wehren ("The Person Friend, the Object Enemy, that is, Necessary Defence of *Dominus* Andreas Virginius, the Holy Scripture Professor in the Royal University of Dorpat, as well as Assessor of the Clerical Supreme Consistory in Livonia against the false accusation of a *Crimen Falsi* that he had pretended to be a Pomeranian of nobility, when he was not. Together with an attached protestation that he does not wish to injure anyone with this writing, but only to publicly refute the false slander and calumny spread against him, as being very damaging to his and his noble family's honour, and to steer and defend against it in the future.")

23 LVVA, 214.6.144a/12, 307v–308r, Nothwendige Vertheidigung.

24 LVVA, 214.6.144a/12, 309r, Nothwendige Vertheidigung.

As a hereditary noble, he always recognised the difference in status ordained by God, but he never despised any person of lower status. Virginius explains that, in order to silence the slander, he had eminent German lawyers draw up a comprehensive *consilium*.[25] It proves the origin of his aristocratic lineage from 1408 and calls for the punishment of slanderers. However, as Virginius is very merciful, he can accept a public apology, an apology to the Academic Senate and reimbursement of costs. Out of Christian love, Virginius did not want to punish the people who slandered him but forgave them this time, hoping for God's punishment.[26]

Regarding slanderers, Virginius is extremely delicate; he does not mention any names. Even this remains unclear whether there was one or more of them. Virginius mostly uses the plural, once the singular, when speaking of his enemies. There are a few hints in the text that the libel may have originated in the university circles. Virginius had presented proof of his noble origin to the Academic Senate, and the German *consilium* demanded that the accuser apologise to the Academic Senate.[27] Unfortunately, this cannot be verified from the university sources as the minutes of the Academic Senate from this period (February 1634–April 1637) have not survived.

However, it is known from earlier records and other sources that Virginius had several conflicts with professors prior to the publication of his defence writing.[28] It is also known that the German branch of the Virginius family was in litigation with another Pomeranian noble family, the Massows, over the fief rights in the village of Schwessin. The dispute even went as far as the supreme court in Speyer, *Reichskammergericht*.[29] The issue was acute in 1630, and a copy of a letter written to the Duke of Pomerania concerning this has survived.[30] So the slander could have come from that direction, too. In any case, Virginius could have lost his professorship if proven guilty. According to the statutes of the University of Tartu, which included sanctions for professors, a person who tended to dominate or exercise power over others—which could be interpreted as the arrogance Virginius was accused of—could be dismissed.[31]

25 In European jurisprudence since the end of the Middle Ages, the term *consilia* refers to the written opinions of jurists or juridical committees on disputed legal cases, based on the scholastic method. In the early modern period, *concilia* were usually drafted by councils made up of university law professors. These legally authoritative decisions could be ordered by private individuals as well as by courts, see Gehrke, "Konsilien, Konsiliensammlungen."

26 LVVA, 214.6.144a/12, 310v–312r, Nothwendige Vertheidigung.

27 LVVA, 214.6.144a/12, 316v, Nothwendige Vertheidigung.

28 Tering, *Tartu Ülikooli (Academia Gustaviana) senati protokollid*, 38–81; Piirimäe, ed., *Tartu Ülikooli ajalugu*, 63–64, 184; Freden, *Friedrich Menius*, 37–40.

29 On the functioning of the *Reichskammergericht*, see e.g.: Oestmann and Reininghaus, *Die Akten des Reichskammergerichts*.

30 LVVA, 214.6.144a/12, 298v–299v, Geschichte des v. Virginischen Geschlechts.

31 Lepajõe et al., *Tartu Akadeemia (Academia Gustaviana) põhikiri*, 49, 123–24.

In the middle part of the essay, Virginius presents three evidences of his noble origin. First, the author cites the Pomeranian nobility register, in which the name of their family is spelled slightly differently—Vergine or Vargine—but variations of a few vowels were common.[32] Second, and most importantly, Andreas proved that he was a full member of the family and a title holder. It was the questioning or denial of this that was probably at the heart of Virginius' *casus*. Namely, the noble line of one of the Virginius families was broken by Andreas' father Jacob, who had to become a merchant and thus accept citizen status. Jacob was orphaned at an early age and his fiefdom in Schwessin was *de facto* acquired by his cousins. Andreas' brother Johann began to deal with the restoration of the fief rights of the deceased Jacob and his descendants. In 1616, a Pomeranian princely commission determined their parents' fief in Schwessin, and Philip II, Duke of Pomerania, recognised Johann and his descendants as its heirs. Unfortunately, the fief letter given to Johann did not mention the name of his brother Andreas, who was abroad at the time due to his studies. However, the later ruler Bogislaw XIV, Duke of Pomerania, confirmed in 1622, when Andreas returned home, that he was as close to his ancestral fiefdom as his brother. Andreas had notarised copies of all these documents.[33] As a third piece of evidence, Andreas refers to the vocation letter of Johan Skytte, Governor-General of Swedish Livonia and the first chancellor of the University of Tartu. Skytte is said to have received a certificate of Andreas' noble title from Gartz before compiling it, and Andreas also presented it to the Academic Senate.[34] The demand for such a certificate may have been linked to Virginius' appointment as the university's first Vice Rector. At the end of the main part of the essay, Virginius admits that he could cite endless proofs of his title of nobility, which was not invented in Livonia but brought from Pomerania.[35]

In the final part of the writing, Virginius explains the inheritance of his noble title. He vindicates his father, who was unable to look after his noble fiefdom. Virginius points out the difference between hereditary nobility and service nobility. The first always remains inalienable to the descendants, i.e. it is inherited automatically. The other can be lost by the status holder and his children if he abandons the status. As Virginius came from hereditary nobility, his father's occupation and citizen status did not affect the nobility of his descendants, even if he did not have the Duke's

32 LVVA, 214.6.144a/12, 313r, Nothwendige Vertheidigung.

33 LVVA, 214.6.144a/12, 313v–316v, Nothwendige Vertheidigung. See the copies of the fief letters to the family of Virginius in: LVVA, 214.6.144a/12, 293r–307r, Geschichte des v. Virginischen Geschlechts

34 LVVA, 214.6.144a/12, 316v, Nothwendige Vertheidigung.

35 LVVA, 214.6.144a/12, 316v–317r, Nothwendige Vertheidigung.

confirmation of its restoration.[36] Virginius deems it necessary to repeat at the end that his writing is not a legal accusation of anyone, but is directed against the damage that slander could do to his family, now and in the future.[37] Virginius' reference to the possible need for the family to defend its title in the future proved prophetic.

Protecting the nobility with erudition and eloquence

Virginius' *apologia* contains a number of quotations, mostly in Latin, which support his arguments with various types of sources. These are partly illustrative and rhetorical additions, such as proverbs, and partly extracts from legal texts. The references appear in the introductory and commentary sections of the text but have apparently been omitted in the central evidence section for the sake of clarity and conciseness. Starting with legal sources, Virginius has used them on nine occasions. The title of the *apologia* itself starts with a proverb *Der Person Freund, der Sachen Feind* ("The person friend, the object enemy"). It expresses the idea that it is possible to argue with an opponent without personal hatred and enmity, and that an argument should not put an end to an existing friendship. This principle was applied in German law in general and also, in a narrower sense, to false accusations,[38] so it fitted in very well with the Virginius' libel-case.

On two occasions, the authority of Virginius is the cornerstone of early modern *ius commune*,[39] the Justinian's *Corpus iuris civilis* (CIC). First, Virginius is inspired by the maxim at the beginning of *Institutiones*,[40] which is rendered by Virginius in the form: *Qui enim suum cuique tribuit, nemini facit injuriam* ("For he who gives to each his own wrongs no one"). Before this phrase, Virginius claims that as a Christian he has respected superiors, divine and secular order, and acted according to his status.[41] The phrase had to confirm that Virginius has behaved justly and has

36 LVVA, 214.6.144a/12, 317r–317v, Nothwendige Vertheidigung.

37 LVVA, 214.6.144a/12, 318v, Nothwendige Vertheidigung.

38 On this see e.g.: Eisenhart, *Grundsätze der deutschen Rechte*, 479–80.

39 Conceptually, an *ius commune* or "common law", as opposed to a particular, special or "own" law (*ius proprium, ius particulare*), consists of a set of legal principles that apply to a large number of spatially circumscribed entities or precisely defined groups of persons. In German and European legal history, the term *ius commune* has its origins in Justinian's *Corpus iuris civilis*. There, the term *ius commune* primarily referred to the law common to all peoples, as opposed to the special Roman law, see Luig, "Gemeines Recht."

40 CIC. Inst. 1, 1, 3.

41 "[…] wie ich mich nun weder an Gott, noch der hohen Obrigkeit vergreiffe, daß ich mich meinem Ehren-Grad und Stande der Möglichkeit nach, gemäß verhalte, und dessen Verächtern gantz eiffrig wiedersetze, also kan ich mich auch dadurch an meinen Neben-Christen der göttlich und weltlichen Obrigkeit Ordnung als einen rechtschaffenen Christen und Unterthanen

not erred against the norms of society. Another reference is to Book 5 of the *Codex Iustinianus*,[42] which speaks of the right of noblewomen born in poverty to marry persons of higher rank. Virginius does not quote the ancient law here, but he adapts it to his own case and that of his father's. He draws from it a conclusion in Latin which can be summarised as the principle that neither poverty nor rank deprives anyone of the title of nobility.[43]

A Latin passage at the end of which Virginius refers to the works of French jurists also speaks of the renunciation of the title of nobility, its rehabilitation and inheritance. The first is the early seventeenth century *Codex Fabrianus definitionum forensium* by Antoine Favre.[44] Virginius is quoting freely from the chapter *De dignitate et nobilitate*.[45] This, in turn, builds on another work cited by Virginius, the mid-sixteenth century book, *De nobilitate et jure primigeniorum*[46] by the humanist Tiraquellus aka André Tiraqueau.[47] The idea is repeated here that once a father has stepped down, he can have it rehabilitated for himself and his sons, both living and dead. The father's decisions must not be detrimental to his sons.[48]

Virginius also refers to the early seventeenth century work *Disceptationes forensium judiciorum*[49] by the Roman and canon law lawyer Stephanus Gratianus.[50]

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geziehmet, und gebühret, ohne äußerlichen Schein rechtliebet, und derselben nicht muthwillig wiederstrebet, keinesweges versündigen […]."

42 CIC. Cod. 5, 5, 7 pr-1.

43 "[…] dabey solte ein jeder sich billig erinnern, aerumnae et mutationes Fatales nemini sint exprobrandae: necessitas enim a Fortuna proueniens, et quae Humano consilio mutari non potuit ex illicito licitum Facit, nemo etiam nobilis diuitiis, nec ignobilis paupertate redditur. Et pauper macula carens non habetur pro vili persona Dd. in l. humilem C. de incest. nupt."

44 Antoine Favre (1557–1624) was a Savoy nobleman and lawyer. In 1610, he became President of the Savoy Senate in Chambér.

45 Favre, *Codex Fabrianvs,* 1107.

46 Tiraqueau, *De Nobilitate,* 87, 219.

47 André Tiraqueau (1488–1558) was a magistrate in the Parisian parliament. His works cover a wide range of subjects, including Roman and canon law, as well as French customs and court decisions.

48 "Diese kan der Vater, wenn er aus seinem Stande ausschreitet, wiederum sowohl für ihm selber, als auch für seine Kinder verliehren, doch nicht simpliciter, sondern dergestalt, ut eandem per solam desistentiam a priori vitae genere Factam vel in vita vel in morte saltem recuperare posset; neque indiget rehabilitatione. Et si nobilitas a principe non soli patri sed etiam eius posteris sit data, nec tunc Factum patris Filiis nocere debet. Jene aber bleibet den Nachkömlingen, und also auch mir und meinem seeligen Bruder unverrückt und unverändert Consule Codic[e]. Fabr[ianii]. 1[iber]. 9 tit[ulus]. 29. de nobilit[ate]. Definit[io]. 1 et 25 item Tiraquell. de nobilit[ate]. c. 27, n. 5. c. 35. n. 4. 5. 6."

49 Gratianius, *Disceptationes*, 572.

50 Stephanus Gratianus (d. 1625) worked as a lawyer in Rome.

Here is a chapter on how difficult it is for a respectable man to fight against slanderers for whom slander is said to be very easy.[51] Once again, this is not an exact quotation. This is followed by the consolation that respectable people are not harmed by slander, and that the slander of vulgar people is to be regarded as praise instead.[52] A reference to a work by the sixteenth-century Spanish scholars Antonio Gómez[53] and Manuel Soares da Ribeira[54] is included. It is *Commentariorum, variarumque resolutionum iuris civilis communis et regii*.[55] The passage referred to speaks of a false accusation but has no direct connection with the Virginius' text. The author concludes this reflection by referring to German jurist Ernst Cothmann's[56] *Responsorum iuris et consultationum*.[57] Here is the admission, borrowed from Solomon in the apocryphal Book of Wisdom in the Old Testament, that slander nevertheless breaks the heart of the wise.[58]

To sum up, the theologian Virginius cemented his defence with a series of legal works, most of them by southern European Catholic jurists. In any case, this is a highly academic arsenal, demonstrating the great erudition of its user. However, the quotations are not very precise, and in some places, there seems to be no direct connection to the Virginius' *casus*.

As noted above, Virginius also included proverbs in Latin and German in his text. In some places, he signalled their use with keywords such as *Sprich-Wort*, *wahrhaftiges Dicterium* or *gemeiner Versiculus*. Most of these proverbs or sayings refer to the honour and good name of a man *(Ehre, fama, dignitas)*, which is to be valued above any other good. After the title of the Virginius' treatise, two poetic

51 "Vir enim honestae et inculpatae vitae bonam Famam, tanquam odorem bonae Fragrantiae vitae parem aestimat, licet sit impar cum maledicis certamen, quod illis et maledicere et male audire Facillimum sit Dicente J[uris]C[onsul]to Gratiano Discept[ationes] Forens[es] Tom[us]. 2, c[apitulum]. 400, n[ota]. 41."

52 "Betrachtung quod grave quidem sit honestos convitiis proscindere, sed tamen, teste Democrito, pro ingenti laude reputandum, ab hominibus perfersis [sic pro perversis] vituperari. Suaretz ad Gomezium l[iber]. 3. resolut.: c[aput]. 1, n[ota] 29. lit[tera]. F."

53 Antonio Gómez (1501–c. 1561) taught law at the University of Salamanca and was also archpriest of Toledo.

54 Manuel Soares da Ribeira (sixteenth century), a philologist of ancient languages, was born in Portugal and studied at the University of Salamanca.

55 Gómez, da Ribeira, *Commentariorvm*, 325.

56 Ernst Cothmann (1557–1624) worked as a professor of law in Rostock, became chancellor to Duke Karl in 1603 and to Duke Johann Albrecht II of Mecklenburg-Güstrow from 1611.

57 Cothmann, *Responsorvm*, 281.

58 Cp. Wisdom 1,11. "So heißet es dennoch, quod calumniatoris virulentae voces tam sint atroces, ut etiam cor sapientis Frangant, ut ex ore Salomonis loquitur D. Ernestus Cothman Vol[umen]. 2. Resp[onsum]. 90. N[ota] 8."

proverbs follow. The first is in Latin, and its use has already been recorded in German manuscripts from the fifteenth century: *Omnia si perdas, Famam Seruare memento, Qua semel amissa, postea nullus eris* ("If you lose everything, remember to preserve [your] reputation; once your reputation is lost, you will be nobody").[59] The other proverb is in German, with almost the same meaning: *Guht verlohren, nichts verlohren, Ehre verlohren, alles verlohren* ("Good lost, nothing lost, honour lost, everything lost").

Somewhat surprisingly for an author who is a theologian, the Bible is referred to only once – at the end of the text. Christ's words from the Sermon on the Mount are quoted as a moral guide. This is the so-called Golden Rule of Matthew and Luke: *Omnia enim, quae cuique volueritis ut Faciant vobis homines, sic et vos Facite illis similiter* ("So whatever you wish that others would do to you, do also to them.").[60]

Family history

Virginius' treatise on self-defence apparently had the desired effect and his title of nobility was left alone, at least he is not known to have been attacked for his status in later times. This is confirmed by the fact that after 1636, Virginius continued to mention his title of nobility with his name on the title pages of disputations and under occasional poetry, although not consistently.

Despite Andreas' success, the crisis of nobility for the Livonian branch of his family continued in the late seventeenth century. Adrian Verginius (1663–1706), a relative several generations younger than Andreas, whose grandfather had also emigrated from Pomerania to Livonia, had to prove the nobility of the family as well. Adrian Verginius worked as a pastor in the Estonian-speaking part of Livonia. Together with his father, he is recognised in Estonian cultural history primarily as the first translator and editor of the New Testament in the South Estonian dialect, first published in 1686.[61] Adrian's fight for the family title is captured in Gadebusch's transcriptions of relevant documents in the Riga archives. Adrian wrote to the Governor-General of Livonia in 1689 about his uncle Bernhard (1642–1689), captain of the Swedish King's regiment in Narva. Uncle Bernhard had died several months earlier, and his last wish was to be buried in the manner of a nobleman.[62]

59 Deutsche Inschriften (DI 54), Landkreis Mergentheim, Nr. 496 (Harald Drös), in: www.inschriften.net, urn:nbn:de:0238-di054h014k0049609 (accessed: 17. 09. 2024); Walther, ed., *Carmina medii aevi posterioris Latina*, No. 200634, 618.

60 Mt 7,12; Luc 6,31.

61 *Meije Issanda Jesusse Kristusse Wastne Testament.*

62 LVVA, 214.6.144a/12, 346v, Geschichte des v. Virginischen Geschlechts.

Bernhard had also asked to be enrolled in the Livonian Knighthood during his lifetime,[63] but the Governor-General refused to recognise his nobility. In the opinion of the *Landräte* (that is, provincial councillors), the evidence presented did not prove that Bernhard was descended from the same old Pomeranian Virginius family as Professor Andreas Virginius.[64] Adrian now cites the *apologia* of Professor Andreas Virginius as an important proof of his uncle's nobility. According to Adrian, all the Virginiuses are recognised as nobles, although his great-grandfather was also forced to work as a merchant, that is, as a bourgeois.[65] As a remarkable fact, Adrian writes that his eponymous grandfather Adrian Verginius (1615–47), who worked as an adjunct lecturer at the Faculty of Theology at the University of Tartu during the time of Professor Andreas Virginius and was his second-generation cousin, did not care about the nobility, partly because he was a pastor and partly because Professor Virginius was already busy proving the nobility of the family.[66] This is a significant detail. It can be concluded that the non-recognition or lack of nobility was not considered a crisis by all members of the family. At least Adrian Verginius did not present himself as a nobleman in the disputations, although the *apologia* of Professor Virginius had proved the nobility of all the Virginiuses of Pomerania. Clerical dignity was more important than birth, especially since the social status of pastors was comparable to that of nobles after the introduction of the Swedish priestly privilege in 1675.[67] Adrian Verginius' lukewarm attitude to the title may also be explained by the peculiarities of Estonia and Livonia in comparison with, for example, Courland. In the seventeenth century, Estonia and Livonia did not have an official nobility register, which would have made a strict distinction between members of the knighthood, i.e. the local hereditary nobility, and the immigrant and service nobility. The nobility interacted with each other but also with intellectuals, city magistrates and other urban elites who held high, often legal, positions and communicated with the Swedish high nobility. The families of the nobility and the burghers were often integrated through marriage, ennoblement, inheritance or the acquisition of property, so that the daily lives of the urban elite and the nobility could be quite similar.[68] The differences may have been more pronounced in some of the privileges reserved exclusively for the nobility, as Bernard Virginius' pre-death request for a noble burial shows.

63 LVVA, 214.6.144a/12, 344v, Geschichte des v. Virginischen Geschlechts.

64 LVVA, 214.6.144a/12, 347r, Geschichte des v. Virginischen Geschlechts.

65 LVVA, 214.6.144a/12, 345v, Geschichte des v. Virginischen Geschlechts.

66 LVVA, 214.6.144a/12, 346r, Geschichte des v. Virginischen Geschlechts.

67 Lenz, "Die Literaten," 141–43.

68 Klöker, "Baltischer Adel und städtische Eliten"; Lenz, *Der baltische Literatenstand*, 5–6; Neuschäffer, "Die Vasallen und die späteren Angehörigen der baltischen Ritterschaften," 123.

Conclusion

In conclusion, the attack on the noble title of Andreas Virginius and his defence of it was a significant case in early modern Livonia. The documentation of Andreas Virginius and his family provides a gratifying insight into a serious personal identity crisis. Virginius defended his nobility because he saw the estates society as theologically, legally and politically unassailable. To go against the estates society would, in his eyes, have been to break divine and social rules. For Virginius, true nobility was still embodied in the hereditary nobility, although in the early modern period the concept of the nobility of service and education existed alongside it. The higher prestige of the hereditary nobility in the academic sphere is further illustrated by the fact that Virginius began to make extensive use of the title of nobility after the restoration of fief rights. His nobility probably also played an important role in his appointment as first Professor of Theology and Vice Rector of University. The successful defence of his nobility ensured that Virginius continued to enjoy a special status among the professors of the *Academia Dorpatensis*. Failure to obtain the noble title would apparently have meant the loss of the privileges associated with that status. Virginius wrote an *apologia* in defence against calumny, in a style worthy of a scholar: the author's arguments are supported by historical and legal arguments, with references to authoritative legal treatises. The central concept of the writing is honour, the value of which is emphasised in several proverbs. The defamation of the author's honour was at the heart of his personal crisis.

Although there are no other sources for this case, it can be assumed that Andreas Virginius' scripture was addressed to his university colleagues or to local nobles who were concerned about their position. A noble by birth and a noble by intellect, i.e. a double nobleman, was a rarity in the seventeenth century Livonia, and, as such, could be seen as a competitor to the local elite, upsetting the hierarchy of status and thus provoking a social crisis. The later history of the family and the unsuccessful attempt of Bernhard Virginius to assert his noble status show that the Livonian knighthood did not agree to extend the privileges and rights of the local hereditary nobility to those from elsewhere. Thus, Andreas Virginius' victorious fight for his nobility was passed on to the next generations.

Acknowledgement

This article was supported by a grant from the Estonian Research Council (PRG1926). I thank Kristi Viiding for her help with the Latin translations and for her useful comments. Thanks also to the reviewers for their helpful questions and additions.

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