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Panel 6.7. Social Movements and Popular Political Participation in Rural Societies
Part I: 14th to 19th century

**Social Conflicts and Rural State-Building:
Popular Political Participation in Pre-Constitutional South-West Germany***

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Abstract

Research on processes of domination in the late Ancien Régime has been significantly stimulated by the deconstruction of the absolutism model and by perspectives centred on actors and actions. With these paradigm changes, especially in discussions in the German-speaking world, the focus of classical social history on patterns of inequality and structural divergences of interest has been thrust into the background in favour of individualist and corporatist approaches.

This paper, by contrast, explores the explanatory power of analysing fields of collective tension in rural society within the framework of a communicative concept of state-building. As an example one major area of social conflict and different political interests in local life in the north of Baden (lower Neckar region) during the eighteenth century is illuminated: the management of communal resources and fees, which divided the village inhabitants along the lines of landholding categories. Particular attention is paid to the demand for order by village groups towards official agencies and to the type and acceptance of administrative interventions in the communal sphere.

Generally, the failure of internal mechanisms of settlement proved to be a crucial motive in the densified communication between local society and higher authorities – through the multiplication of group petitions, commissional investigations and local voting procedures, the main instruments of popular political articulation at that time. In exploiting the inherent chances for administrative expansion, notably the novel alliance between progressive government representatives and land-poor citizens worked as an engine of enhanced state control. The combination of lower class participation and interference by central authorities not only helped to surmount the resistance to agrarian reforms at the hands of peasants and district officials. By the same token, it contributed to the informational, regulative and legitimacy penetration of local polities.

* This paper largely draws on source material and interpretations previously published in the following article: Niels Grüne, 'Local Demand for Order and Government Intervention: Social Group Conflicts as Statebuilding Factors in Villages of the Rhine Palatinate, c.1760-1810', in Wim Blockmans, André Holenstein, Jon Mathieu (eds.), *Empowering Interactions: Political Cultures and the Emergence of the State in Europe 1300-1900* (Farnham, 2009), pp. 173-86.

1. Introduction

The early modern state has enjoyed a remarkable research boom for several years, owing, above all, to a dual conceptual and methodical reorientation. First, the progressive attrition of the 'absolutism' model has highlighted the regional and local periphery of governance as against the central sphere. What is more, long prevailing standards of legal and constitutional history have increasingly been supplemented and challenged by praxeological approaches inspired by action theory.¹ In this connection, especially for the medium-sized German territories in the seventeenth and eighteenth centuries, interpretations have been supported that emphasize the role of local office-holders as semi-autonomous brokers between 'state' and 'society',² the effects of institutional densification ensuing from the multiplied communicative contacts of state representatives and subjects,³ and the relevance of corporative organizations to the popular bargaining power vis-à-vis princely authorities.⁴

Scholars in this field, however, have generally paid little attention to the question of how far the scope and legitimation of state capacities were shaped by the internal fabric of and, more precisely, by structural cleavages within the localities. Observations from social and criminal history, for instance, which illuminate the interdependencies of rural class relations, communal or group-specific demand for order and opportunities for government intervention,⁵ have often only marginally been included. Instead, allowing for the day-to-day business of administration and jurisdiction, recent studies have tended to attribute the growing acceptance of official power among the populace to the welcome settlement of petty quarrels rather than to the involvement in collective struggles. According to André Holenstein, for one, it was primarily the 'individualization [...] of interests in the communities' and the

¹ Cf. the research surveys in Markus Meumann, Ralf Pröve, 'Die Faszination des Staates und die historische Praxis: Zur Beschreibung von Herrschaftsbeziehungen jenseits teleologischer und dualistischer Begriffsbildungen', in Markus Meumann, Ralf Pröve (eds.), *Herrschaft in der Frühen Neuzeit: Umriss eines dynamisch-kommunikativen Prozesses* (Münster, 2004), pp. 11-49; Dagmar Freist, 'Einleitung: Staatsbildung, lokale Herrschaftsprozesse und kultureller Wandel in der Frühen Neuzeit', in Dagmar Freist, Ronald G. Asch (eds.), *Staatsbildung als kultureller Prozess: Strukturwandel und Legitimation von Herrschaft in der Frühen Neuzeit* (Köln, Weimar, Wien, 2005), pp. 1-47; Stefan Brakensiek, 'Herrschaftsvermittlung im alten Europa: Praktiken lokaler Justiz, Politik und Verwaltung im internationalen Vergleich', in Stefan Brakensiek, Heide Wunder (eds.), *Ergebnisse Diener ihrer Herren? Herrschaftsvermittlung im alten Europa* (Köln, Weimar, Wien, 2005), pp. 1-21.

² Cf. particularly for the landgraviate and principality electorate of Hesse-Kassel Stefan Brakensiek, 'Lokale Amtsträger in deutschen Territorien der Frühen Neuzeit: Institutionelle Grundlagen, akzeptanzorientierte Herrschaftspraxis und obrigkeitliche Identität', in Asch, Freist (eds.), *Staatsbildung*, pp. 49-67.

³ Cf. for the margravate of Baden(-Durlach) André Holenstein, 'Klagen, anzeigen und supplizieren: Kommunikative Praktiken und Konfliktlösungsverfahren in der Markgrafschaft Baden im 18. Jahrhundert', in Magnus Eriksson, Barbara Krug-Richter (eds.), *Streitkulturen: Gewalt, Konflikt und Kommunikation in der ländlichen Gesellschaft (16.-19. Jahrhundert)* (Köln, Weimar, Wien, 2003), pp. 335-69.

⁴ Cf., based on the example of the duchy of Württemberg, the considerations in Sheilagh Ogilvie, 'The state in Germany: a Non-Prussian View', in John Brewer, Eckhart Hellmuth (eds.), *Rethinking Leviathan: the Eighteenth-Century State in Britain and Germany* (Oxford, New York, 1999), pp. 167-202.

⁵ Cf. for example Robert von Friedeburg, *Ländliche Gesellschaft und Obrigkeit: Gemeindeprotest und politische Mobilisierung im 18. und 19. Jahrhundert* (Göttingen, 1997); Michael Frank, *Dörfliche Gesellschaft und Kriminalität: Das Fallbeispiel Lippe 1650-1800* (Paderborn, München, Wien, Zürich, 1995).

resultant ‘need for conflict solution, order and regulation’ that placed the authorities in the ‘position of mediators’.⁶

To be sure, this perspective goes a long way towards understanding the capillary nature of state formation at the grassroots level.⁷ Yet, the relative neglect of major social disputes might encourage too harmonious a view of this process seeing that, particularly in the course of the eighteenth century, disagreement over fundamental principles of communal and economic policy deepened considerably among government officials⁸ as well as within the citizenries.⁹ Consequently, the traditionally rigid top-down chain of bureaucratic interaction descending from the centre over the district authorities and chief inhabitants to the lower strata loosened to some extent, because in times of accelerated change high-ranking officials and various village groups alike would seek more direct channels of information and articulation in handling a situation of uncertainty. By the same token, also new room for government influence, often based on declared partisanship in controversial local affairs, could open up. The following investigation will, therefore, combine the communication approach to early modern statebuilding with the conflict dimension of political mobilization in socially and confessionally differentiated villages. The main analytical objective is to explore the ways in which group-specific requirements on external institutions emerged in the midst of communal dissension and how regulative power was attached or denied to state agents in this context.

Empirically, the study focuses on northern south-west Germany and draws on case material from rural communities of the Palatinate Electorate on the right bank of the Rhine in the vicinity of Mannheim (‘Oberamt Heidelberg’) in the second half of the eighteenth century.¹⁰ As measured by other territories in the wider region, the regular interface between the authorities and the rural inhabitants may appear underdeveloped in this principality. Neither could the village citizens build on a communally based parliament as in the duchy of Württemberg,¹¹ nor did they have access to a forum of periodical exchange with government representatives analogous to the ‘Frevelgerichte’ in the margravate of Baden.¹² A closer look at administrative practice, however, reveals a vivid dialogue between the populace and the

⁶ Holenstein, ‘Kommunikative Praktiken’, pp. 364, 368. Quite similarly, Brakensiek, ‘Lokale Amtsträger’, pp. 62f., stresses the ‘arbitral function of the territorial office-holders’ and the administration of ‘impartial justice’ as prerequisites for successful local government.

⁷ Cf. as a magisterial exemplar of this research branch André Holenstein, *‘Gute Policy’ und lokale Gesellschaft im Staat des Ancien Régime: Das Fallbeispiel der Markgrafschaft Baden(-Durlach)* (Epfendorf, 2003).

⁸ Cf. for example for the disruptive frictions between ‘fiscalists’ and ‘reformers’ in the state bureaucracy Clemens Zimmermann, ‘Grenzen des Veränderbaren im Absolutismus: Staat und Dorfgemeinde in der Markgrafschaft Baden’, *Aufklärung* 9 (1996), pp. 25-45, esp. 27.

⁹ Cf. the outline in Niels Grüne, Frank Konersmann, ‘Gruppenbildung – Konfliktlagen – Interessenformierung: Marktdynamik und Vergesellschaftungsprozesse im ländlichen Strukturwandel deutscher Regionen (1730-1914)’, *Archiv für Sozialgeschichte* 46 (2006), pp. 565-91.

¹⁰ Cf. for the wider research context Niels Grüne, *Dorfgesellschaft – Konflikterfahrung – Partizipationskultur: Sozialer Wandel und politische Kommunikation in Landgemeinden der badischen Rheinpfalz (1720-1850)* (Stuttgart, 2011). More specifically with regard to agrarian reforms Niels Grüne, ‘Transformation of the Commons in Rural South-West Germany (18th-19th Centuries)’, *Historia Agraria* 55 (2011), pp. 47-74.

¹¹ Cf. Ogilvie, ‘State’, pp. 173-5; Walter Grube, ‘Dorfgemeinde und Amtsversammlung in Altwürttemberg’, *Zeitschrift für württembergische Landesgeschichte* 11 (1954), pp. 194-219.

state bureaucracy, which predominantly rested upon local petitions and investigations by princely commissioners and noticeably expanded during the eighteenth century. In the following pages struggles over the management of common land, sometimes associated with rearguard fights over the repartition of dues, will be examined as examples of an endemic type of conflict that boosted communication in a particularly telling manner.

Of course, alongside these rather novel lines of internal division, older fields of confrontation such as forestry and feudal services, which ordinarily united the majority of villagers against the outside, did not lie entirely fallow. In fact, they were to grow in importance again in the first decades of the nineteenth century when local society recovered stability thanks to intensive farming and, not least, exactly to those agrarian reforms that had upset the previous generation.¹³ Yet, in the period under consideration they were evidently dwarfed by home-made strife. And the range between refusal and cooperation of government responses to many people's audible desire for official interference may indicate what could be won and lost for the 'state' in listening to this popular cue.

2. The Conflictual Setting: Reform Policy and Village Society

In the 1760s, the government of the Palatinate Electorate, like many principalities, adopted a programme for raising agricultural productivity that included the conversion of common pasture into arable land.¹⁴ The scheme was encouraged by the promising experiences with limited experiments of this kind, which some villages had conducted of their own accord.¹⁵ In addition, it was attractive to the state for fiscal reasons since the commons would be subject to tax and tithe after cultivation. To coordinate agrarian policy, among other things, the 'General-Landes-Polizei-Ministerial-Oberdirektionskonferenz' – henceforth in short 'Polizeikonferenz' (police conference) – was established in 1765 and vested with comprehensive authority to cast the reform ideas into effective ordinances.¹⁶ As a pilot project, four communities in the district of Heidelberg were directed in 1770 that 'in future the common pastures, if ever possible by their location, should be distributed piecemeal among the singles, cultivated and planted with fodder and other crops, while the cattle should be kept at home in a

¹² Cf. Holenstein, 'Gute Policey', pp. 403-825.

¹³ Cf. Niels Grüne, 'Commerce and Community in the Countryside: the Social Ambiguity of Market-Oriented Farming in Pre-Industrial Northern South-West Germany (c.1770-1860)', *Rural History* 18 (2007), pp. 71-93; Niels Grüne, *Dorfgesellschaft*, pp. 149-70, 273-95.

¹⁴ Cf. Stefan Mörz, *Aufgeklärter Absolutismus in der Kurpfalz während der Mannheimer Regierungszeit des Kurfürsten Karl Theodor (1742-1777)* (Stuttgart, 1991), pp. 282-4; Meinrad Schaab, *Geschichte der Kurpfalz, vol. 2: Neuzeit* (Stuttgart, Berlin, Köln, 1992), pp. 227f.

¹⁵ Cf. Friedrich Kasimir Medicus, 'Von den wahren Mitteln der Fruchtbarkeit', *Bemerkungen der kurpfälzischen physikalisch-ökonomischen Gesellschaft vom Jahre 1772* (Mannheim, 1773), pp. 112-284, here 224-84; on the basis of communal reports, Medicus studied the management of the commons and the spread of stall-feeding precisely in that moment, when the territorial legislation claimed a general regulatory competence for this area.

¹⁶ On the 'Polizeikonferenz', which consisted of conference ministers, secret state councillors and occasionally summoned experts from various agencies, cf. Mörz, *Aufgeklärter Absolutismus*, pp. 238-40; Stefan Mörz, 'Verwaltungsstruktur der Kurpfalz zum Zeitpunkt des bayerischen Erbfalls', *Mitteilungen des Historischen Vereins der Pfalz* 84 (1986), pp. 403-65, here 450.

stall.¹⁷ Since this measure and the tested method – the egalitarian allotment among all citizens in the form of lifelong right of usufruct¹⁸ – proved expedient, the model was eventually declared a territory-wide norm in 1771. Not only the beginnings, but also the outcomes of this process seem to point to a success story of reform policy from above. Around 1800 the conversion was largely completed in nearly all communities and what remained to be done in the nineteenth century for the legislator in the grand-duchy of Baden, which acquired most of the Palatinate Electorate on the right bank of the Rhine, was basically to confirm the multitude of slightly varying local arrangements in a general law.¹⁹

A closer look, however, reveals that the development owed its dynamics not so much to efforts at implementation by the state administration, which, in fact, displayed a growing negligence from the mid-1770s on.²⁰ Rather, the transformation was boosted by the specific configuration of interests and conflicts in the localities. Here, primarily the lower class villagers pushed for the division of the commons and urged the bureaucracy to let the lyric of ordinances be followed by the prose of real reforms. This group of citizens who were globally termed ‘Tagelöhner’ (day labourers), ‘Unbespannte’ (non-horsed) or ‘Handfröner’ (performers of feudal hand services) in the sources, actually consisted of a broader social range from ‘Kuhwirte’ (cow crofters) with a few acres of arable to entirely landless households. At any rate, they wrestled to secure their precarious livelihood through intensive cash-cropping, notably tobacco-growing, and sought to supplement their small arable areas with plots from the pasture. By the pattern characteristic of south-west Germany,²¹ this intent was usually

¹⁷ ‘Verordnung die bessere Benutzung deren Viehe- und Hut-Wayden betreffend, from 8 November 1770’, Generallandesarchiv Karlsruhe [GLA Ka] Bestand 77 Nr. 6685; cited after a memorandum by the president of the commerce commission Maubuisson from 13 July 1771, *ibid.*, fol. 68r. The four communities were Feudenheim, Neckarhausen, Seckenheim and Weinheim.

¹⁸ The ordinance of the ‘Polizeikonferenz’ from 8 November 1770 had originally provided that the distribution among the village citizens should be carried out ‘in proportion to the cattle they are allowed to keep’; but, as a rule, the allotment was egalitarian in the communities of the investigation area. Moreover, the new common arable was tilled individually, but remained in collective property so that, by contrast with full privatization, a subsequent engrossment by wealthier peasants was prevented. This model also held sway in some other German territories, notably in the south-west; cf. Reiner Prass, *Reformprogramm und bäuerliche Interessen: Die Auflösung der traditionellen Gemeindeökonomie im südlichen Niedersachsen, 1750-1883* (Göttingen, 1997), pp. 103-5, 128-33, 137-40; Paul Warde, ‘Common Rights and Common Lands in South-west Germany, 1500-1800’, in Paul Warde, Martina de Moor, Leigh Shaw-Taylor (eds.), *The Management of Common Land in North-west Europe, c.1500-1850* (Turnhout, 2002), pp. 195-224, here 215.

¹⁹ The Baden communal constitution of 1831 only acknowledged the diverse local status quo and established uniform rules for future modifications; cf. Bernhard Ellering, *Die Allmenden im Großherzogtum Baden: Eine historische, statistische und wirtschaftliche Studie* (Tübingen, Leipzig, 1902), pp. 46-8. For a comparative structural analysis cf. Niels Grüne, ‘Individualisation, Privatisation, Mobilisation: the Impact of Common Property Reforms on Land Markets and Agricultural Growth in Germany. A Comparative View of Westphalia and Baden (1750-1900)’, in Gérard Béaur et al. (eds.), *Property Rights, Land Markets and Economic Growth in the European Countryside (13th-20th Centuries)* (Turnhout, 2013).

²⁰ Cf. Wolfgang von Hippel, ‘Die Kurpfalz zur Zeit Karl Theodors (1742-1799) – wirtschaftliche Lage und wirtschaftspolitische Bemühungen’, *Zeitschrift für die Geschichte des Oberrheins* 148 (2000), pp. 177-243, according to whom the ‘initiatives from the beginning of the 1770s obviously were not continued’; *ibid.*, p. 234. In any case, the vivid issuing of ordinances between 1765 and 1773 was followed by a standstill in this area; cf. Dorothee Mußnug, ‘Kurpfalz’, in Lothar Schilling, Gerhard Schuck (eds.), *Repertorium der Policyordnungen der frühen Neuzeit, vol. 3: Wittelsbachische Territorien* (Frankfurt a. M., 1999), pp. 1-594, esp. 436-594.

²¹ Cf. Clemens Zimmermann, ‘Entwicklungshemmnisse im bäuerlichen Milieu: Die Individualisierung der Allmenden und Gemeinheiten um 1780’, in Toni Pierenkemper (ed.), *Landwirtschaft und industrielle Entwicklung.*

opposed by the full peasants – ‘Bauern’ (peasants), ‘Bespannte’ (horsed) or ‘Fuhrfröner’ (performers of feudal horse team services) in contemporary language – who, with regard to their bigger livestock, did not believe that they could dispense with the common pasture and the traditional privileges they enjoyed in such a system.²² This antagonism was also realized by the director of the physical-economic society of the Palatinate, Friedrich Kasimir Medicus, when he visited Feudenheim, one of the pilot communities in the district of Heidelberg, in May 1771: ‘It is not to describe’, he wrote, ‘how much the poor have been helped up by this impartial allotment of the pasture. Most resident rich of the place have drawn forth all to thwart it; but it is part of the glorious government of our serenest sovereign that finally all these prejudices have been overcome and that the Palatinate Electorate has established an example, which will certainly be emulated by its neighbours.’²³

Yet, Medicus’s reform euphoria was premature since he underestimated the blockade power of the full peasant ‘village despotism’.²⁴ The peasants may not have been able to resist the acute pressure of the central authorities and the lower classes. But backed by the plutocratic village council and in collaboration with the chief district official in nearby Heidelberg the more prosperous sections of rural society often succeeded in exploiting the loopholes of the ordinances and the lack of government control. As a result, in many places the individualization of the commons was restricted to the cow pasture, whereas large stretches of ox and horse pasture and land allegedly unsuited for the plough were spared.

These tactics of delaying and diluting reform, in particular the maintenance of exactly those substantial portions of pasture which quite naturally profited the peasants as the prevailing owners of oxen and horses, provided the background for sharp and not seldom protracted conflicts from the 1770s to the early nineteenth century. Be it in Edingen (1754), Wallstadt (1762/63), Sandhofen (1762-1776, 1791-1794), Heddesheim (1773-1805), Käfertal (1782/83) or Neckarau (1784/86),²⁵ to name but the major instances: almost everywhere it took the initiative of the local lower classes, who could not sufficiently make themselves heard in the communal bodies and thus turned to state agencies, especially to the central authorities in Mannheim, to revive the stagnating modernization of the economy of the commons. In the course of the disputes, the district administration, the ‘Polizeikonferenz’ and the government or the prince himself were addressed, at times flooded, with petitions by the two rival factions. Frequently, an investigating commission of government or court councillors was set up to examine the case on the spot and, if possible, to settle it. As a rule, in these struggles the district officers sided with the wealthier peasants, those principal inhabitants on whose local power the provincial administration relied. Conversely, the centre

Zur ökonomischen Bedeutung von Bauernbefreiung, Agrarreform und Agrarrevolution (Stuttgart, 1989), pp. 99-112, here 105-9.

²² For more details on property structure and use interests cf. Grüne, *Dorfgesellschaft*, pp. 94-117.

²³ Cf. Friedrich Kasimir Medicus, ‘Stadt- und Landwirthschaftliche Beobachtungen, bey einer kleinen Reise gesammelt’, *Bemerkungen der kurpfälzischen physikalisch-ökonomischen Gesellschaft vom Jahr 1771* (Kaiserslautern, 1772), pp. 174-337, here 301f.

²⁴ *Ibid.*, p. 303.

²⁵ Cf. Grüne, *Dorfgesellschaft*, pp. 206-58.

favoured solutions that, being geared to the original reform impulse, were more in line with the claims of the lower classes.

3. A Case in Point: the Example of Feudenheim

With a view to the connection between local demand for order, external intervention and statebuilding, essential elements of this general pattern are highlighted by the example of Feudenheim. Although the village belonged to the four Heidelberg pilot communities, extensive districts of pasture had been preserved in 1771. Until 1812 hardly a year passed by without the question of individualizing these land reserves being put on the communal agenda and, due to contrary opinions, involving state officials.²⁶ Step by step, the non-horsed village groups wrenched from the full peasants those uncultivated areas on which the latter virtually exclusively sent their oxen and horses to graze. In the 1790s two particular pasture grounds of some 75 acres, the 'Eggelwasser' and the 'Neckarplatte', were the object of contention. By then, the officials had already become acquainted with local dissension over this question as a chronic problem. In December 1790 the Supreme Court councillor von Wrede, who was charged with a local investigation, knowingly remarked that the citizenry, 'as customarily happens in such cases, is not unanimous because of different interests.'²⁷ Under the impression of opposing petitions by the non-horsed and horsed and not quite resolved themselves, the authorities temporarily made do with varying interim solutions for some years.

The affair only came to a close when the non-horsed once again and now dramatically appealed to the government in March and April 1801. Referring to the 'political economic principle of stall-feeding' and threatening that the perpetuation of present conditions would 'entail the ruin of the citizens' they required the irreversible division of the pasture districts concerned. 'Every citizen without regard to differences in wealth [shall] be eligible to his share of usufruct by all principles.'²⁸ In June, this demand was met by the 'Generallandeskommission',²⁹ which ordered the definite and egalitarian allotment.³⁰ After repeated protests from the horsed and their references to village customs and to a number of older, pro-peasant government decrees had failed,³¹ they strove to have the decision repealed by suing their local adversaries at the Supreme Court ('Hofgericht'). During the trial in July, which was still accompanied by petitions from the rival groups, not only the government was

²⁶ The whole complex is documented in GLA Ka 229/28175, 28206, 28298, 28326-28333; 240/698-700.

²⁷ Undated report by the Supreme Court councillor and district official 'Adjunkt' von Wrede [December 1790], GLA Ka 229/28206 I. Von Wrede had visited Feudenheim several times between 23 November and 8 December 1790 in order to inquire into the dispute and to arrange a settlement.

²⁸ Petitions by the non-horsed ('Unbespannte') from 25 March and 23 April 1801, GLA Ka 28206 I. The first supplication was signed by the common deputy ('Gemeiner Vorsteher') Joseph Reibelt and authorised by 166 non-horsed ('unbespannte') citizens.

²⁹ The 'kur-' or 'rheinpfälzische(s) Generallandeskommission/-kommissariat' in Mannheim had been created in 1799 by the new Prince Elector Max Josef for the direction of the Palatinate government; cf. Caroline Gigl, *Die Zentralbehörden Kurfürst Karl Theodors in München 1778-1799* (München, 1999), pp. 29-31.

³⁰ Decree by the 'Generallandeskommission' from 5 June 1801, GLA Ka 245/700.

given the opportunity to explain its position,³² but also the two parties, who in the person of four authorised deputies and a lawyer, respectively, were interrogated by the investigating Supreme Court councillor von Weiler in Mannheim and Feudenheim.³³ On 18 July, the peasants' action was dismissed as unsubstantiated;³⁴ the recourse to the Court of Appeal ('Oberappellationsgericht') that the horsed raised thereupon was rejected three weeks later.³⁵ All juridical obstacles being removed, the allotment of the pasture could now take place; this occurred, after some further delay, in April 1802.³⁶

4. From Division to Penetration: Class Struggle and Statebuilding

In four respects, these disputes and the patterns of behaviour and argumentation established and reproduced in their course systematically related to the problem of statebuilding in the late Old Regime. In the first place, the petitions³⁷ of the rival parties, which in the hot phases of the conflict came in almost on a weekly basis, and the investigation commissions generated an upsurge in communicative density and informational penetration of local society by state agents. Especially the central authorities would not likely have learned about the deficiencies of the reforms if they had not been alarmed by villagers. Relevant in this respect was not only the frequency of written and verbal communication as such, but particularly the immediate contact between the rural lower classes and high government officials – an administrative shortcut that does not seem to have existed to this extent until the middle of the eighteenth century.

Second, the government's enhanced capacity for control not only applied to the village's chief inhabitants, but also to its own provincial functionaries. As demonstrated by the Heidelberg district official's leniency, if not aid, with regard to peasant opposition to agrarian reform, the obstacles to policy enforcement partly resided in the state administration itself. In 1784, for instance, the government councillor von Weiler noted disparagingly with a view to the case of Feudenheim that 'the Oberamt Heidelberg denies the principle of abolishing the common pasture and of distributing it among the communal members, which is supported by approved farming experts and has been adopted even in this country.'³⁸ Hence, petitions

³¹ Cf. petitions by the horsed ('Bespannte') and by the bailiff and jurors ('Schultheiß und Gericht') respectively from 18, 20 and 22 June 1801.

³² Cf. statement by the 'Generallandeskommissariat' from 7 July 1801, GLA Ka 229/28206 I and 245/700.

³³ Cf. GLA Ka 245/699 ('Protocollum Commissionale') and 700 ('Adjuncta Protocolli Commissionalis'). The investigation was carried out on 9, 14 and 15 July 1801 in Mannheim and on 16 July 1801 in Feudenheim.

³⁴ Judgement by the Supreme Court ('Hofgericht') from 18 July 1801, GLA Ka 245/698.

³⁵ Decision by the Court of Appeal from 8 August 1801, *ibid.*

³⁶ Cf. report by the district official Wrede to the 'Generallandeskommissariat' from 8 April 1802, GLA Ka 229/28206 I.

³⁷ Cf. more generally on the communicative function of supplications Holenstein, 'Gute Policey', pp. 282-305; André Holenstein, 'Kommunikatives Handeln im Umgang mit Policeyordnungen: Die Markgrafschaft Baden im 18. Jahrhundert', in Asch, Freist (eds.), *Staatsbildung*, pp. 191-208, esp. 197-200; Andreas Würigler, 'Bitten und Begehren: Suppliken und Gravamina in der deutschsprachigen Frühneuzeitforschung', in Andreas Würigler, Cecilia Nubola (eds.), *Bittschriften und Gravamina. Politik, Verwaltung und Justiz in Europa (14.-18. Jahrhundert)* (Berlin, 2005), pp. 17-52, esp. 46-52.

³⁸ Report to the government from 24 May 1784, GLA Ka 229/28206 I.

and investigating commissions provided the centre with a means of staff discipline of the lower levels of bureaucracy.

Third, the new conditions of political communication considerably extended room for manoeuvre for the middle and lower village strata. For them, the image of the legendary 'good' prince now materialized, to a certain degree, in the shape of benevolent government councillors who not always promptly, but in the long run rather reliably promoted their objectives. Of course, the harmony of government reform initiatives and sub-peasant subsistence interests in the management of the commons cannot automatically be transferred to other policy fields. One should not, however, underestimate the social capital of trust accruing to the state through this way of bureaucratic participation.

Finally, the conflicts over the commons actualized a structural problem of the early modern state: the dualism between state legislation and territorial statutory law, on the one hand, and local by-laws and vested rights, on the other. When the peasants of Feudenheim resorted to the Supreme Court to defend their traditional privileges in July 1801, they also understood this move as a political statement in this respect. Since 'it is not allowed to voice one's thoughts and opinion about high government decrees', they declared, '[we] have to leave the substantiated answer to the Supreme Court.'³⁹ This challenge was harshly rejected by the government, which insisted that 'by virtue of our highest police authority we had full power to decide on the use of this common pasture and to restore those who had been excluded only for police considerations to their natural right of common use.'⁴⁰ Thus, the affair evidently touched on sensitive constitutional matters.⁴¹ To be sure, it may be doubted whether the lower classes fully grasped this dimension. But it is obvious how important the experience of the benefits of princely supremacy could be to the social anchoring of the state's police authority. All the more so if the latter served to reduce the estate ranks within the village citizenry according to the often-cited principles of 'equity' ('Billigkeit') and 'justice' ('Gerechtigkeit'). By the same token, the lower class struggle against peasant privileges assisted the central authorities in creating subjects equal before the law.

To sum up, the failure of communal self-regulation and the call for state authorities was not only crucial to the success of agrarian reform and, as will be seen in the next paragraph, to the settlement of ensuing dues conflicts. The new structures of communication and information also had consequences for the state's claim to police intervention.⁴² Having long been established in theory and ordinances, it was now exercised and perceived in a way material to the practice of rule and its legitimation, as state interference came to be more closely related to broad popular interests and gained a degree of social authority it had often lacked before.

³⁹ GLA Ka 229/699.

⁴⁰ GLA Ka 229/700.

⁴¹ The claim for state competence in the management of the commons was a much disputed constitutional question in other territories too; for Lower Saxony, for instance, cf. Prass, *Reformprogramm*, pp. 46f.

⁴² This broader political horizon has also been recognized by Warde, 'Common rights', pp. 205-8, 217-9.

5. Occasional Peasant Backlash: the Repartition of Dues

In some places, such as Neckarau (1787-1792) and Seckenheim (1774/75),⁴³ the social confrontation of the commons conflicts was paralleled by ensuing disputes over the levying of dues that were loosely associated with the use of collective resources. This sort of struggle was typical of south-west Germany, too,⁴⁴ and in Seckenheim, for instance, the peasants' attempt, immediately after the disliked division of the pasture, to repartition evenly among the citizenry the 'Beeth- und Treiberschützen-Korn' and 'Beeth- and Atz-Geld', which had so far been collected according to tax capital, is easily interpreted as an act of revenge on the village poor. Again, the day-labourers and cow crofters successfully defied the joint pressure of their local superiors and the district official by appealing to the government and to the 'Polizeikonferenz'. After several petitions, first by the lower class, then by both parties, the Treasury councillor von Babo was commissioned to investigate the matter and, from August 1774 to Mai 1775, tried to negotiate a solution by mutual consent. None of the proposals he submitted, however, was endorsed by both 'Fuhrbürger' and 'Handbürger'⁴⁵ so that the case eventually had to be settled through a decree of the 'Polizeikonferenz' on 18 July 1775. The new repartition method was a compromise between the old system and the equal burden sharing propagated by the peasants. But, what is more, an internal village issue had now turned into an object of state direction due to unbridgeable differences within local society.

6. Conclusion

In an attempt to generalize the findings with regard to the role of popular political participation and social conflicts in early modern statebuilding, three major conclusions can be drawn. First, as to the use of collective resources, a goal conflict emerged within the bureaucracy between reform concerns and traditional elite policy. In many respects, these different outlooks were institutionally embedded in the dualism of in part newly established and largely reform-minded central executive bodies, on the one hand, and the regular provincial administration that maintained close relations to the village chief inhabitants on the other. To break the resultant deadlock, a vigorous impulse from local society was required, which, as a rule, only occurred when internal mediation had been wrecked by full-peasant intransigence. In the face of social polarization and the failure of communal self-regulation, then, the convergence of government reform programmes and lower class subsistence needs created a powerful alliance that, by eroding property-related estate privileges, paved the way for a legally egalitarian communal citizenry. By the same token, the special agencies of reform absolutism in the Palatinate Electorate (for example 'Polizeikonferenz') broadened the articulation capacity of the poorer citizens to a great extent, since they provided alternative channels of communication and appeal alongside the usually pro-peasant middle ranks of the civil service in the countryside. Hence, lower class participation and state intervention appear as two sides of the same coin.

⁴³ Cf. Grüne, *Dorfgesellschaft*, pp. 258-72.

⁴⁴ Cf. Zimmermann, 'Entwicklungshemmnisse', pp. 108f.

⁴⁵ Analogous to the terms 'Fuhrfröner' and 'Handfröner' cited above.

Second, in this context the petitions, which set in motion most cases under consideration, and the commissional investigations in their further course played a key role. The general significance of supplications and grievances, in particular, has emphatically been recognized in the literature on early modern political interaction in recent years.⁴⁶ These means of communication proved all the more crucial to the bulk of the population in a territory like the Palatinate Electorate, where there were no periodic occasions for bringing home matters of claim or complaint to non-villagers. The majority of rural society often depended on applying directly to the central authorities and, thereby, on bypassing their local superiors and the provincial officials as the sole way of effectively putting their objectives on the communal agenda. For government councillors, meanwhile, the lower class recourse to the pen (or to a lawyer), though bothersome at times, generated valuable sources of information and problem orientation, notably in socially sensitive spheres in which the ordinary reports and statements by 'Schultheißen' and 'Amtmännern' deserved a good deal of suspicion because of these functionaries' notorious collusion with the village oligarchy.

Third, from a conceptual perspective, the currently leading interpretations outlined in the introduction should be supplemented by a view that includes into the explanatory framework the evolution of rural class society as early as the eighteenth century, even in regions of partible inheritance. The 'individualization' approach, on the one hand, tends to under-rate the extent to which the development of distinct social groups and the ensuing collective conflicts influenced the relationship between villages and territorial authorities. The 'corporative model of state formation' (S. Ogilvie), on the other, is appropriate insofar as it accentuates the need of a relatively weak administration to forge alliances with various intermediary forces. Institutional growth and empowerment, then, become comprehensible as a corollary of socio-bureaucratic interaction. Terminologically, however, this notion overemphasizes the 'corporative' basis of political participation. In the examples analysed above, the organizational backing of the commune as a public body only marginally contributed to the micro-dynamics and success of popular initiatives and, by implication, to the extension of government control. Far more important was the communicative and rhetorical capacity of social pressure-groups within the villages to address even the central government directly and to involve remote state agents in the solution of vital local problems. To be sure, the 'commune' still served as a pivotal point of reference in all these struggles. Yet, precisely in that period the language of 'communalism' was also becoming to be heavily exploited as a mode of couching particularist claims by the sub-peasant strata.⁴⁷

It is true that no type and level of aggregation – individual, group or corporation – should be privileged a priori in accounting for the societal dimension of statebuilding processes. Given the present focus of German research, however, studies on the foundations of the

⁴⁶ Cf. footnote 37.

⁴⁷ Cf. in general Werner Troßbach, Clemens Zimmermann, *Die Geschichte des Dorfes von den Anfängen im Frankenreich bis zur bundesdeutschen Gegenwart* (Stuttgart, 2006), pp. 167f. For a case study on lower class 'communalism' in common property conflicts cf. Niels Grüne, 'Kommunalistische Rhetorik zwischen sozialer Differenzierung und obrigkeitlichem Zugriff: Dörfliche Politik in einer kurpfälzischen Gemeinde an der Wende zum 19. Jahrhundert', *Zeitschrift für die Geschichte des Oberrheins* 157 (2009), pp. 357-85.

state in the countryside would certainly profit from rehabilitating the perhaps too readily discarded concept of rural class society. This suggestion is not designed, of course, to revive any obsolete teleological theories. On the contrary, it can be shown that in the investigation area internal dissension gradually waned during the first decades of the nineteenth century, while frictions between village communities and state authorities multiplied, culminating in the revolution of 1848/49. That the officials found it increasingly difficult to penetrate the local sphere was partly due to the alienating effects of the more rigorous and formalistic style of administration adopted by the bureaucracy of the grand-duchy of Baden from the late 1820s on.⁴⁸ But at the same time, the demand for intervention from outside declined, too, in a rural society, which was gradually relieved of its severest structural tensions thanks to agrarian reforms and intensive farming. This discontinuity or unsustainability of behavioural patterns indicates that, somewhat counter to intuition, the dubiously modernistic notion of class conflict might well be instrumental in pinpointing the specific prerequisites and trajectories of state consolidation in the late early modern period.

⁴⁸ Cf. Joachim Eibach, *Der Staat vor Ort: Amtmänner und Bürger im 19. Jahrhundert am Beispiel Badens* (Frankfurt a. M., New York, 1994), pp. 81-111; Brakensiek, 'Herrschaftsvermittlung', pp. 66f.