

## The State in Germany A Non-Prussian View

SHEILAGH OGILVIE

### 1. Introduction: *The Corporative State*

The European state grew, as the proliferating recent literature on it makes clear, in many different ways during the early modern period—perhaps as many ways as there were states.<sup>1</sup> The special character of state formation in each territorial unit forces us, in fact, to pause and ask ourselves what we mean by concepts we have largely taken for granted—‘the state’ itself, and what it means for that entity to ‘grow’. In pre-Napoleonic Germany, this question is of immediately striking relevance. Not only were there a large number of sovereign territorial units, widely heterogeneous on almost every conceivable axis of comparison, within the bounds of the Holy Roman Empire—almost 2,500 when one includes the sovereign estates of Imperial Knights, and 384 even when one excludes these.<sup>2</sup> The nature of that ‘composite state’ itself raises questions about state growth that are not easy to fit into the framework which historians have devised

I should like to thank participants at the conference on ‘Germany and England Compared’ at the German Historical Institute in London in Feb. 1991 and the session on ‘European Bureaucracies’ at the Anglo-American Conference of Historians in July 1991, at which I presented earlier versions of this essay, for their useful comments. I am especially grateful to André Carus for many stimulating discussions of these ideas, and for his immensely useful comments on various drafts. The manuscript was essentially completed in Dec. 1993. More recent books and articles are referred to only very selectively in the appropriate places.

<sup>1</sup> The differing chronologies of state growth, even among different German territories, are discussed in S. C. Ogilvie, ‘Germany and the Seventeenth-Century Crisis’, *Historical Journal*, 35 (1992), 417–41, at 429–36.

<sup>2</sup> See the excellent discussion of the territorial composition of the Empire in J. G. Gagliardo, *Germany under the Old Regime, 1600–1790* (London, 1991).

for France, England, or Spain.<sup>3</sup> These questions become all the more urgent as German historians find increasing evidence of the extensive intervention by the Empire in the internal affairs of German territorial states, based on even more extensive legal claims, long after the Peace of Westphalia.<sup>4</sup>

While it is true that earlier generations of German historians wrestled with some of these same questions, they tended to see the extension of *Territorialherrschaft* largely in terms of legislation and constitutional theory.<sup>5</sup> The recent moves toward more attention to events, enforcement, and implementation in particular cases are healthy and praiseworthy. But neither the effects of state-level interactions on local (village-level) processes, nor the roots of larger-scale events in local conditions, have yet received the attention in Germany they have elsewhere.<sup>6</sup> The result is that we still have

<sup>3</sup> Although the Holy Roman Empire of the German Nation was perhaps the most 'composite' state in early modern Europe, the term is also applicable to other, more apparently 'unitary' states; see H. G. Koenigsberger, 'The Crisis of the Seventeenth Century: A Farewell', in id., *Politicians and Virtuosi: Essays in Early Modern History* (London, 1986); also, building on Koenigsberger's concept, J. H. Elliott, 'A Europe of Composite Monarchies', *Past and Present*, 137 (1992), 48–71.

<sup>4</sup> See the examples discussed in V. Press, 'Das Römisch-Deutsche Reich: Ein politisches System in verfassungs- und sozialgeschichtlicher Fragestellung', in G. Klingenstein and H. Lutz (eds.), *Spezialforschung und Gesamtgeschichte* (Vienna, 1981), 221–42; V. Press, 'Die kaiserliche Stellung im Reich zwischen 1648 und 1740: Versuch einer Neubewertung', in G. Schmidt (ed.), *Stände und Gesellschaft im alten Reich* (Stuttgart, 1989), 51–80; V. Press, *Kriege und Krisen: Deutschland 1600–1715* (Munich, 1991); W. Schulze (ed.), *Aufstände, Revolten, Prozesse: Beiträge zu bäuerlichen Widerstandsbewegungen im frühneuzeitlichen Europa* (Stuttgart, 1983); W. Schulze, *Europäische Bauernrevolten der frühen Neuzeit* (Frankfurt, 1982); H. J. Jüngling, *Reichsstädtische Herrschaft und bäuerlicher Protest: Der Konflikt zwischen der Reichsstadt Schwäbisch Gmünd und ihrem Landgebiet (1775–1792)* (Schwäbisch Gmünd, 1989); A. Schindling and W. Ziegler (eds.), *Die Kaiser der Neuzeit 1519–1918* (Munich, 1980), esp. 169–277; J. A. Vann, *The Making of a State: Württemberg 1593–1793* (Ithaca, NY, 1984); P. H. Wilson, *War, State and Society in Württemberg, 1677–1793* (Cambridge, 1995), 98–105 and *passim*.

<sup>5</sup> K. Kroeschell, *Deutsche Rechtsgeschichte*, ii: 1250–1650, and iii: *Seit 1650* (8th edn.; Opladen, 1992); J. Brückner, *Staatswissenschaften, Kameralismus und Naturrecht: Ein Beitrag zur Geschichte der politischen Wissenschaft im Deutschland der späten 17. und frühen 18. Jahrhundert* (Munich, 1977); H. Denzer, *Moralphilosophie und Naturrecht bei Samuel Pufendorf: Eine geistes- und wissenschaftsgeschichtliche Untersuchung zur Geburt des Naturrechts aus der praktischen Philosophie* (Munich, 1972).

<sup>6</sup> However, there is a growing body of research into this question; see, for instance, the recent survey in P. Münch, 'The Growth of the Modern State', in S. C. Ogilvie (ed.), *Germany: A New Social and Economic History*, ii: 1630–1800 (London, 1996), 196–232, esp. 214–21. Moreover, although the links between the local

only the vaguest idea about the concrete effects of German state growth at the local level, and even about the mechanics of the local implementation of government measures.

Prussia may appear to be a partial exception to this vagueness, but appearances deceive. The older tradition of Prussian historiography, illustrated in the work of authors such as Schmoller and Hintze, was, it is true, fascinated with the development of the state *apparatus*, including its local component, and aware that the growth of state power depended on the success of that development.<sup>7</sup> None the less, we find very little in all the volumes of the *Acta Borussica* about the actual implementation of legislation, or about the day-to-day mechanics of local government, its social and economic context, and the informal constraints on its effectiveness. Later critics of that tradition, including Rosenberg and a number of historians of the former GDR, have changed some interpretations, but not improved much on the empirical basis for these views.<sup>8</sup> In so far as historians have done so, the gain has been information about the local level itself, mostly quantitative, and not about the *interaction* between the local level and the centre.<sup>9</sup> In sum, we do know more about Prussia than we know about most of Germany, but we do not have the kind of

community and the central state are still neglected, our knowledge of German local communities themselves is now improving substantially, with publications such as D. W. Sabean, *Property, Production and Family in Neckarhausen, 1700–1870* (Cambridge, 1990); R. Beck, *Unterfinning: Ländliche Welt vor Anbruch der Moderne* (Munich, 1993); H. Medick, *Weben und Überleben in Laichingen 1650–1900: Lokalgeschichte als Allgemeine Geschichte* (Göttingen, 1996); J. Schlumbohm, *Lebensläufe, Familien, Höfe: Die Bauern und Heuerleute des Osnabrückischen Kirchspiels Belm in proto-industrieller Zeit, 1650–1860* (Göttingen, 1994); S. C. Ogilvie, *State Corporatism and Proto-industry: The Württemberg Black Forest, 1580–1797* (Cambridge, 1997).

<sup>7</sup> G. von Schmoller, *Umriss und Untersuchungen zur Verfassungs-, Verwaltungs- und Wirtschaftsgeschichte, besonders des preußischen Staates im 17. und 18. Jahrhundert* (Leipzig, 1898; Hildesheim, 1974); O. Hintze, *Beamtenum und Bürokratie* (repr. Göttingen, 1981).

<sup>8</sup> H. Rosenberg, *Bureaucracy, Aristocracy and Autocracy: The Prussian Experience 1660–1815* (Cambridge, Mass., 1958).

<sup>9</sup> For instance, H. Schultz, 'Bäuerlicher Klassenkampf und "zweite Leibeigenschaft": Einige Probleme des Kampfes in der Zeit zwischen frühbürgerlicher Revolution und Dreißigjährigem Krieg', in G. Heitz et al. (eds.), *Bauer im Klassenkampf: Studien zur Geschichte des deutschen Bauernkrieges und der bäuerlichen Klassenkämpfe im Spätfeudalismus* (Berlin, 1975), 401–4; and W. W. Hagen, 'Seventeenth-Century Crisis in Brandenburg: The Thirty Years War, the Destabilization of Serfdom, and the Rise of Absolutism', *American Historical Review* (1989), 302–35.

concrete and detailed view of the workings of state growth which the works of Elton, Morrill, or Wrightson and Levine, for example, have given us for England,<sup>10</sup> or which Goubert, Le Roy Ladurie, Bercé, Pillorget, or Bonney have given us for France.<sup>11</sup>

Germany is thus a good context for reflection on what we might mean by the 'growth of the state', because it undermines so many of the ideas we have come to take for granted about what states are, and how they function, and because it is essentially a blank slate in terms of what we know, concretely, about whatever we may decide to call 'the growth of the state' there. The evidence we have, in other words, conflicts with our existing ideas about state growth—but we cannot proceed to study the growth of the German state until we decide what we mean by that phrase.

I will not do that here, nor even simplify the question. Instead, I will complicate it. Premature simplicity will only hinder a solution; we are still at the stage where the full extent of the problem has to be laid in front of us, before there can be any hope of real progress. In pursuit of this goal, I will introduce a mode of state formation that has little in common either with the 'western' model we know from France and Spain or with the more feudal and military one we are often told to associate with Prussia and Austria. I will call it the 'corporative' model of state formation. To be provocative, I will claim that it is more typical of Germany (that is, more widely represented among the hundreds of territorial units within the Empire) than anything we have been told about Prussia or Austria. I would almost go so far as to claim that Prussia and Austria themselves were closer to

<sup>10</sup> G. R. Elton, *The Tudor Revolution in Government* (Cambridge, 1953), J. S. Morrill, *The Revolt of the Provinces: Conservatives and Radicals in the English Civil War, 1630–1650* (London, 1980), and K. Wrightson and D. Levine, *Poverty and Piety in an English Village: Terling, 1525–1700* (London, 1979).

<sup>11</sup> P. Goubert, *Beauvais et le Beauvaisis de 1600 à 1730: Contribution à l'histoire sociale de la France du XVII<sup>e</sup> siècle* (Paris, 1960); E. Le Roy Ladurie, *Les Paysans de Languedoc* (Paris, 1966); Y.-M. Bercé, *Révoltes et révolutions dans l'Europe moderne* (Paris, 1980); R. Pillorget, *Les Mouvements insurrectionnels de Provence entre 1596 et 1715* (Paris, 1975); R. Bonney, *Society and Government in France under Richelieu and Mazarin, 1624–61* (Basingstoke, 1988).

the corporative model than to the development undergone by the western states.

My particular example of this corporative mode of state growth will be the Duchy of Württemberg, a middle-sized state in south-western Germany of about half a million inhabitants (450,000 in 1600, rising to 620,000 by 1790)—what has been called a 'German territory of the second rank'.<sup>12</sup> Many of my details are, of course, specific to Württemberg. Indeed, there were two ways in which the corporative system as observed in Württemberg was quite distinctive. First, the indigenous nobility had declared itself *Reichsunmittelbar* (subject directly to the emperor) in 1519, so throughout the remainder of the early modern period the prince and Church were the only landlords in Württemberg. The resulting absence of corporate privileges for landlords meant that in Württemberg the corporate privileges of local communities and guilds gained greater significance than in most other territories. But this simply meant that the local élite which dominated the communities and the guilds, the so-called *Ehrbarkeit* or 'notability', adopted the role within the Württemberg 'ruling orders' which in other territories was occupied by the landlords.<sup>13</sup> That is, although corporate privileges were distributed among social groups differently in different territories, the corporative system itself was, I shall argue, common to them all. The second feature of Württemberg which is often regarded as distinctive is the comparative strength of its parliamentary Estates; traditionally, Württemberg and Mecklenburg are supposed to have

<sup>12</sup> Vann, *Making of a State*, 36; Wilson, *War, State and Society*, 42–6; more detailed information on population figures for Württemberg in G. Mehring, 'Wirtschaftliche Schäden durch den Dreißigjährigen Krieg im Herzogtum Württemberg', *Württembergische Vierteljahrshefte für Landesgeschichte*, 30 (1921), 58–89; G. Mehring, 'Schädigungen durch den Dreißigjährigen Krieg in Altwürttemberg', *Württembergische Vierteljahrschrift für Landesgeschichte*, 19 (1910), 447–52; G. Mehring, 'Württembergische Volkszählungen im 17. Jahrhundert', *Württembergische Jahrbücher für Statistik und Landeskunde* 1919/20 (Stuttgart, 1922), 313–18; W. von Hippel, 'Bevölkerung und Wirtschaft im Zeitalter des Dreißigjährigen Krieges: Das Beispiel Württemberg', *Zeitschrift für historische Forschung*, 5 (1978), 413–48.

<sup>13</sup> The way in which the Württemberg *Ehrbarkeit* acted as part of the 'ruling orders' rather than as representatives of the 'common man' is well enunciated, for instance, in Wilson, *War, State and Society*, 52–3, 57–9, 281.

been the only German territories which retained functional Estates in the eighteenth century.<sup>14</sup> However, recent research suggests that in most German territories the Estates retained important functions until the end of the *ancien régime*, and indeed that co-operation with the Estates was essential for most German princes wishing to extend the fiscal, military, and regulatory powers of their 'absolutist' states.<sup>15</sup> Although, therefore, Württemberg had its own peculiarities, these merely highlight the features it shared with most other 'German territories of the second rank'. The heavy reliance by the state on shifting coalitions of local groups with corporate privileges (whether landlords, communities, or guilds) was a widespread phenomenon, I shall argue, which can be observed in most German territories—even, to some degree, in Prussia and Austria.

That this corporative mode of organization should have escaped the attention of those interested in the growth of the German state is easily explained. It is not as evident in legislation and constitutional theory as it is when you actually look at real local institutions in action. Nor is it very noticeable even when you look at actual concrete episodes of Imperial intervention in territorial politics, as some more recent historians have done, or when you make quantitative studies of local economic conditions. The importance of local corporatism for German state formation is only evident when we look simultaneously both at the locality and at the centre.

That is not what I will attempt in the limited space at my disposal here. I will give some examples to convey a flavour of local developments in Württemberg which are hard to describe (I think it will be agreed) as anything but an increase in state power. Yet it is impossible, as I will also try to show, to explain these developments either by invoking western European models of state formation or even by adding the complication of Imperial intervention, the

<sup>14</sup> See, for instance, M. S. Anderson, *Europe in the Eighteenth Century, 1713–1783* (3rd edn.; London, 1987), 283–4.

<sup>15</sup> See R. G. Asch, 'Estates and Princes after 1648: The Consequences of the Thirty Years War', *German History*, 6 (1988), 113–32; see also Wilson, *War, State and Society*, 54–5, 253–4, and esp. the excellent survey of 'ruler–estate relations in the Reich' on 68–73, which explicitly challenges the view that Württemberg was unique in this respect.

embeddedness of Württemberg in a 'composite state'. I do not here attempt to construct a positive explanation to account for the local phenomena I adduce;<sup>16</sup> my concern here is simply to describe and present a kind of local situation which is different from what we know from France and England, and which needs to be explained.

## 2. *The View from the Centre*

When viewed from the centre, through evidence on legislation rather than implementation, the 'corporative' character of the Württemberg state is largely—but not wholly—obscured. According to the detailed account by James Vann, the pace and intensity of the growth of the Württemberg state was determined by the changing balance of power among three central bodies: the court of the prince, the Estates, and a professionalized bureaucracy which began to emerge toward the end of the sixteenth century, centred around the *Geheimer Rat* or Privy Council.<sup>17</sup> On the face of it, this is consistent with our traditional view of the growth of the state, both in Germany and in western Europe more generally. There are differences, of course, between how the pattern worked itself out in Württemberg, and how it worked in Prussia, Austria, France, or England. But these are differences of degree rather than kind, and the components of the pattern are the same. The story goes more or less as follows. The early modern state grew throughout Europe as a result of absolutist initiatives taken (whenever feasible) by the prince and his court advisers. The extent of the prince's success depended on his ability to gain the alliance of (or to circumvent) the national élite. The success of absolutism further depended on the extent to which the prince enjoyed the support of a professionally trained bureaucracy whose

<sup>16</sup> But see, for instance, Ogilvie, *State Corporatism and Proto-industry*, in which I do attempt to do this; a brief summary of the arguments can be found in S. C. Ogilvie, 'Institutions and Economic Development in Early Modern Central Europe: Proto-industrialization in Württemberg, 1580–1797', *Transactions of the Royal Historical Society*, 6th ser. 5 (1995), 221–50.

<sup>17</sup> This is the analysis put forward by Vann, *Making of a State*, ch. 2; this is an excellent view of the centre, but (lacking detailed studies of local government) somewhat general on the subject of the localities.

allegiance he could divorce from the social groups from which it was recruited. The balance of power among prince, parliament, and officials (the ability of the prince to subjugate the other two, above all) thus determined the growth of the state.

In Vann's account, Württemberg's resemblance to other western European states resides both in the aspirations of its princes, who explicitly took France, Austria, and Prussia as models, and in the development of its bureaucracy and administration.<sup>18</sup> Yet Vann himself expresses anxieties about subsuming Württemberg too readily to what he calls the 'Prussian' model. Württemberg did not see the linear development of a strong bureaucratized state.<sup>19</sup> Rather, the Württemberg state evolved very unevenly. Neither prince, nor bureaucracy, nor parliament was able to achieve enduring dominance. Phases during which a professional bureaucratic government was in the ascendancy alternated with phases during which the prince returned to cabinet government and was able to dispense with both bureaucracy and parliament. The period 1538–64, for instance, which saw the emergence of a professional bureaucracy and of an early form of privy council, was followed by a return to cabinet government during the reign of Frederick, from 1593 to 1607. However, the Thirty Years War saw a swing back to professional bureaucratic government, with the formal establishment of the Privy Council and the exclusion of the prince's officials from the Estates in 1628, followed by a long period during which the prince was forced by financial dependency to share power with the Privy Council and the Estates.<sup>20</sup> This in turn was followed by a new phase of expanding 'absolutism' under Eberhard Ludwig, who, assisted by the Privy Council, succeeded in dissolving parliament in

<sup>18</sup> On how the Württemberg dukes explicitly modelled themselves on other European princes, see Vann, *Making of a State*, 173; on administrative similarities, see *ibid.* 85 with n. 82, 224, 233, 277.

<sup>19</sup> As argued throughout by Vann, *Making of a State*, and by Wilson, *War, State and Society*, 252.

<sup>20</sup> Vann, *Making of a State*, 94–100; F. Benzing, 'Die Vertretung von "Stadt und Amt" im altwürttembergischen Landtag unter besonderer Berücksichtigung des Amtes Nürtingen', Ph.D. dissertation (Tübingen, 1924), 33–9; F. Winterlin, 'Beamtenum und Verfassung im Herzogtum Württemberg', *Württembergische Vierteljahrshefte für Landesgeschichte*, NS 32 (1925/6); W. Grube, *Der Stuttgarter Landtag, 1457–1957* (Stuttgart, 1957), 299f.

1699, refused to summon the complete diet again in his lifetime, and with his successor Karl Alexander set in place institutional and administrative innovations, directed at increasing the power of the prince over the other two organs of government.<sup>21</sup> Yet in 1737, the balance of power swung back toward the bureaucracy and parliament, with the regency over the 9-year-old Karl Eugen. A phase of princely initiative followed in the 1750s and 1760s, but the *Erbvergleich* negotiated between Estates, prince, and Privy Council in 1770 forced Karl Eugen to return to power-sharing with the Estates and the bureaucracy, a state of affairs which endured to the end of the *ancien régime*.<sup>22</sup>

Even if we restrict our view to the interactions among the three major political bodies at the centre, therefore, the Württemberg state does not fit the western model of state growth. But there is more to it than this. The problem is not so much one of different institutions, as it is a question of where the initiative lay. In France and Spain, the state was the aggressor, imposing its power and influence on the localities. In Württemberg (as in much of Germany), the actors at the centre—prince, parliament, and bureaucracy—were the pawns of greater powers outside Stuttgart. They depended much more than their western colleagues on the support they received through their relations with the wider world, both inside and outside Württemberg. When we examine these relations (first outside Württemberg, in the next section, then inside the duchy, in Section 4), the real differences between Württemberg and its western counterparts will become strikingly evident.

### 3. *The Imperial Framework*

The first and most important of these external relations was that with the Holy Roman Empire of the German Nation. Recent research has emphasized how important the Imperial

<sup>21</sup> Vann, *Making of a State*, 165–72.

<sup>22</sup> A. E. Adam, 'Herzog Karl und die Landschaft', in Württembergische Geschichtes- und Altertums-Verein (ed.), *Herzog Karl Eugen von Württemberg und seine Zeit*, 2 vols. (Esslingen, 1907), here esp. in vol. i; E. Marquardt, *Geschichte Württembergs* (Stuttgart, 1962); K. Storz, *Karl Eugen: Der Fürst und das 'alte gute Recht'* (Stuttgart, 1981); Vann, *Making of a State*, 215, 223, 243, 273–4.

constitution continued to be, long after 1648, to the internal politics of most German territorial states (with the partial exception of Prussia and Austria). Volker Press, for instance, has shown how the Empire continued to shape early modern German territories' relationships with one another.<sup>23</sup> John Gagliardo and Heinz Duchhardt have emphasized the way in which individual territories used Imperial institutions such as the *Kreise* and the *Associationen* to protect themselves against arbitrary intervention by more powerful territories—or the emperor himself.<sup>24</sup> As such research makes clear, the Imperial framework did not simply preserve the liberties of the territorial princes; it also upheld the privileges of corporate interests *within* these princes' territories.<sup>25</sup> Most studies of popular unrest and internal opposition in early modern German territories emphasize the way in which all parties involved increasingly appealed to Imperial institutions, especially the *Reichshofrat* (Imperial Aulic Council): dissatisfied subjects for redress of grievances against their prince, dissatisfied rulers for Imperial backing against unreasonable opposition.<sup>26</sup> Rulers of medium-sized German states such as Württemberg could not afford to offend local privileges too much, for fear of providing an excuse for other states of the Empire (or the Habsburgs themselves) to use Imperial institutions, such as the *Kreis*, the *Reichstag*, or an Imperial commission of inquiry, to interfere in their domestic affairs with every appearance of legal propriety.<sup>27</sup>

<sup>23</sup> Press, *Kriege und Krisen*; Press, 'Das Römisch-Deutsch Reich'; Press, 'Die kaiserliche Stellung'.

<sup>24</sup> J. G. Gagliardo, *Reich and Nation: The Holy Roman Empire as Idea and Reality, 1763–1806* (Bloomington, Ind., 1980), chs. 1–3; H. Duchardt, *Deutsche Verfassungsgeschichte 1495–1806* (Stuttgart, 1991), 143–259.

<sup>25</sup> See Wilson, *War, State and Society*, 19–20.

<sup>26</sup> Schulze, *Aufstände, Revolten, Prozesse*; W. Schulze, *Bäuerlicher Widerstand und feudale Herrschaft in der frühen Neuzeit* (Stuttgart 1980); V. Press, 'Von den Bauernrevolten des 16. zur konstitutionellen Verfassung des 19. Jahrhunderts: Die Unterkonflikte in Hohenzollern-Hechingen und ihre Lösungen', in H. Weber (ed.), *Politische Ordnungen und soziale Kräfte im alten Reich* (Wiesbaden, 1980), 85–112; G. L. Soliday, *A Community in Conflict: Frankfurt Society in the Seventeenth and Early Eighteenth Centuries* (Hanover, NH, 1974); P. Wick, *Versuch zur Errichtung des Absolutismus im Mecklenburg in der ersten Hälfte des 18. Jahrhunderts: Ein Beitrag zur Geschichte des deutschen Territorialabsolutismus* (Berlin, 1964).

<sup>27</sup> Habsburg interests in intervening in Württemberg are discussed in detail in the excellent recent book by Wilson, *War, State and Society*, and are well documented

In Württemberg, throughout the seventeenth and eighteenth centuries, all three central bodies in the state—the prince, the Estates, and the Privy Council—routinely appealed to institutions of the Empire for support, and Imperial intervention (or even just the threat of such intervention) played a crucial role in almost every critical juncture in the evolution of the Württemberg state. For one thing, the Imperial structure was more than indirectly responsible for the long period of stagnation in princely power in Württemberg in the seventeenth century. The Thirty Years War itself, of course, was partly caused by a struggle for control of the Imperial framework.<sup>28</sup> Württemberg's disastrous alliance with the Swedes shortly before the Battle of Nördlingen—leading to defeat, occupation of the duchy, and exile for the prince—strengthened the Estates and the bureaucracy relative to the prince.<sup>29</sup> Between 1634 and 1638, Württemberg was governed by the victor of Nördlingen, the future Emperor Ferdinand III, who used Imperial law (in the form of the new Edict of Restitution) to alienate almost one-half of the land area of the duchy, mainly by restoring the fourteen former abbey possessions to Catholic religious orders, which then declared their new territories *Reichsunmittelbar* (subject immediately to the Emperor), a state of affairs not revoked until 1650.<sup>30</sup> The 'civil war' within the Empire also greatly increased the fiscal dependence of the Württemberg central state on the Estates (and through them, as we will see presently, on the local corporate districts) for many decades.<sup>31</sup> This is only a particular example of a more general pattern: the Thirty Years War not only laid the basis for German absolutism, as is so often argued;<sup>32</sup> it also created a resilient system of constraints on

in older histories such as C. von Stälin, *Württembergische Geschichte* (Stuttgart, 1873), esp. vol. iv; and C. Sattler, *Geschichte des Herzogtums Württemberg unter der Regierung der Herzogen* (Ulm, 1774), esp. vol. vii.

<sup>28</sup> See the arguments in Ogilvie, 'Germany and the Seventeenth-Century Crisis'.

<sup>29</sup> T. Schott, 'Württemberg und Gustav Adolf 1631 und 1632', *Württembergische Vierteljahrsheft für Landesgeschichte*, 4 (1895), 343–402.

<sup>30</sup> H. Günter, *Das Restitutionsedikt von 1629 und die katholische Restauration Altwürtembergs* (Stuttgart, 1901).

<sup>31</sup> Vann, *Making of a State*, 92, 94–5.

<sup>32</sup> Notably, but not uniquely, by F. L. Carsten, *Princes and Parliaments in Germany* (Oxford, 1959).

that absolutism, by forcing many German rulers to grant favours to corporate groups within their own societies in order to be able to tax, conscript, and regulate their territories to the degree necessary to survive the war.<sup>33</sup>

But the Empire was important to the Württemberg state even more directly, because it provided institutional mechanisms through which elements within the territory, faced with a political crisis, could appeal to a legitimate alternative authority. In 1677, for instance, a struggle within the royal family for control of the regency was only resolved by the intervention of Emperor Leopold, who determined that the Privy Council should be joint regent; this was the crucial factor prolonging bureaucratic and parliamentary ascendancy to the end of the century. Throughout the regency, appeals to the Emperor by all parties became almost a matter of routine, on at least three occasions determining the future direction in which the Württemberg state would evolve. In 1683, the Privy Council threatened to appeal to the Emperor to prevent the regent's allying with France; the threat of Imperial intervention forced the regent to back down, and to relinquish almost all matters of domestic government into the council's complete control for the remainder of the reign.<sup>34</sup> In 1689, the regent in turn launched formal charges before the Emperor against the Privy Council and the Estates, on the grounds that they had been obstructing finance and conscription for his military measures on behalf of the Empire against France; the Privy Council and the Estates also sent delegations to Vienna. This time, urgently requiring Württemberg's military support against France, the Emperor supported the regent. But when in 1693 the regent was captured by the French and reverted in captivity to his earlier support for France, the Emperor sent an Imperial commissioner to Württemberg, who deposed the regent and declared the majority of the 16-year-old Eberhard Ludwig, an intervention in the duchy's internal affairs undertaken

<sup>33</sup> For German territories in general, I have argued this at greater length elsewhere, in Ogilvie, 'Germany and the Seventeenth-Century Crisis'; for Württemberg in particular, it is also the conclusion reached more recently by Wilson, *War, State and Society*, e.g. 4-5, 101.

<sup>34</sup> Vann, *Making of a State*, 149.

more or less autonomously by the Imperial commissioner and the Vienna government.<sup>35</sup>

Imperial intervention did not end with the regency. Even the 'absolutist' Eberhard Ludwig was perpetually compelled to keep an eye out for Imperial intervention. On the eve of his forty-year dissolution of the diet in 1699, the Estates were preparing to appeal to the Emperor. They were only prevented from doing so by district officials sent out by the prince to intimidate the leaders of the local corporate communities into withdrawing support for their representatives in the Estates.<sup>36</sup> This is precisely the sort of measure which, sustained over a longer period, led to the growth of the western European absolutist states. Why did the princes of German territories of the second rank, such as Württemberg, not sustain the effort?

An important part of the answer lies in the Imperial framework within which they were operating. Temporarily, the Imperial framework might support the absolutist ambitions of German princes. Thus, in the decade that followed 1699, Eberhard Ludwig was able to finance his government without summoning a diet because the Emperor was willing to pay for a Württemberg standing army during the War of the Spanish Succession.<sup>37</sup> However, even in this period, Imperial intervention in Württemberg was not invariably exercised in support of the prince: in 1708, the Privy Council and the Estates successfully compelled Eberhard Ludwig to abandon his morganatic (and bigamous) marriage plans, by threatening to ask the Margrave of Baden-Durlach to appeal to the Empire on their behalf.<sup>38</sup> Similarly, Eberhard Ludwig's practice of continuing to consult the select committee of the Estates about taxation, even while refusing to summon the

<sup>35</sup> *Ibid.* 156-62.

<sup>36</sup> *Ibid.* 168ff.

<sup>37</sup> K. Pfaff, *Geschichte des Militärwesens in Württemberg von der ältesten bis auf unsere Zeit und der Verhandlungen darüber zwischen der Regierung und den Landständen* (Stuttgart, 1842), 41-52; J. A. Vann, *The Swabian Kreis: Institutional Growth in the Holy Roman Empire, 1648-1715* (Brussels, 1975), 280-3.

<sup>38</sup> Grube, *Stuttgarter Landtag*, 380-2; L. von Spittler, 'Herzog Eberhard Ludwig und Wilhelmine von Grävenitz', in K. Wächter (ed.), *Sämtliche Werke L. von Spittler* (Stuttgart, 1837), xii. 318-50; E. Schneider, *Württembergische Geschichte* (Stuttgart, 1896), 332-7.

entire diet, arose at least partly from his fear that, if he offended against Württemberg constitutional privileges which placed the right of taxation firmly in the hands of the Estates, the Emperor would intervene.<sup>39</sup> Indeed, the Privy Council explicitly pointed out to Eberhard Ludwig in 1714 that emergency fiscal measures which violated Württemberg privileges would not be countenanced by Imperial law.<sup>40</sup>

But it was after 1733 that Imperial intervention played its most important role in the evolution of the Württemberg state—particularly during the reigns of the Catholic princes Karl Alexander (1733–7) and Karl Eugen (1744–93). As soon as a Catholic prince came to the throne, the privy council, led by Georg Bernhard Bilfinger (a leading member of the Württemberg *Ehrbarkeit*, the local ‘notability’ whose key role in the duchy’s government will be discussed in the next section), began to make systematic use of Imperial institutions to secure the established Lutheran Church in Württemberg and the control of the bureaucracy over it. In 1735 Bilfinger prevailed on the *corpus evangelicorum* (Protestant delegation) of the Imperial diet to confirm these privileges.<sup>41</sup> Seven years later, in 1742, he managed to secure two further external confirmations of Württemberg’s internal constitution: first, a guarantee of the duchy’s religious settlement, from Prussia, England, and Denmark (which became known as the ‘guarantor states’); and second, official recognition by the Emperor of all Württemberg’s laws, going back to the *Tübinger Vertrag* (the Württemberg ‘constitution’ of 1514).<sup>42</sup> These Imperial and international guarantees of their right to share in government strengthened the Estates and the bureaucracy in opposing Karl Eugen’s attempts to limit their powers after he attained his majority in 1744.<sup>43</sup> Although for the duration of the Seven Years War (1756–63) the Emperor, requiring Karl Eugen’s military support,

<sup>39</sup> Vann, *Making of a State*, 186–7.

<sup>40</sup> *Ibid.* 205.

<sup>41</sup> *Urkunden, die Religion in dem Herzogthum Württemberg betreffend* (Stuttgart, 1738).

<sup>42</sup> H. Lehmann, *Pietismus und weltliche Ordnung in Württemberg vom 17. bis zum 20. Jahrhundert* (Stuttgart, 1969), 88–9; R. Rürup, *Johann Jakob Moser: Pietismus und Reform* (Wiesbaden, 1965), 130–1; M. Walker, *Johann Jakob Moser and the Holy Roman Empire of the German Nation* (Chapel Hill, NC, 1981), 122–5.

<sup>43</sup> Vann, *Making of a State*, 254–5.

refused to intervene against his ‘unconstitutional’ tax-raising and local conscription,<sup>44</sup> as soon as the Treaty of Hubertusburg was signed in 1763, the Emperor and Frederick the Great of Prussia encouraged the Württemberg Estates to file a formal complaint against their prince before the *Reichshofrat* (Imperial Aulic Council).<sup>45</sup> Prussia supported the case of the Württemberg Estates before the council, and as one of the ‘guarantor states’ for the religious settlement also sent a commission of inquiry into Württemberg itself.<sup>46</sup> In 1770 the Imperial Aulic Council decided in favour of the Württemberg Estates, and negotiated a final settlement, the *Erbvergleich*, which represented a confirmation of Württemberg constitutional privileges and a setback—if not an unequivocal defeat—for princely absolutism.<sup>47</sup>

There was thus hardly an important juncture in the struggles at the centre of the Württemberg state which was not influenced by the availability, to all domestic parties, of Imperial institutions to which to appeal, and the Empire’s very real powers of intervention in domestic affairs. Although the Habsburgs *tried* to make use of the Imperial structure to intervene in German territorial states in order to maximize their own power and interests, the constitutional complexity and institutional inertia of this structure was such that it could also be used against them, as in this case by a Protestant coalition of Prussia (and others) with the Württemberg Estates, against a Catholic prince. This may have been another reason why even Catholic German princes were unable to sustain the efforts necessary to establish absolutism on the western European model—if not the Emperor, then the Imperial institutions more widely, would intervene to prevent them.

Even when our picture of the growth of the Württemberg state takes into account the Imperial framework, however, it remains incomplete. The prince, bureaucracy, and Estates,

<sup>44</sup> *Ibid.* 274–6.

<sup>45</sup> Adam, ‘Herzog Karl und die Landschaft’; Grube, *Stuttgarter Landtag*.

<sup>46</sup> R. von Mohl, *Beiträge zur Geschichte Württembergs*, 2 vols. (Tübingen, 1828), vol. i.

<sup>47</sup> The *Erbvergleich* is reprinted in A. H. L. Reyscher, *Vollständige, historisch und kritisch bearbeitete Sammlung der württembergischen Gesetze*, 19 vols. (Stuttgart, 1828–51), ii. 550–609.

even when strengthened by Imperial intervention, merely formed a superstructure; their power was dependent on the operation of the dense network of corporate groups on the local level which actually governed the country. The struggles for control at the centre, even when amplified by the Imperial framework, were not what determined the 'strength' of the early modern state; they simply decided who would enjoy the spoils. The gradually intensifying extraction of these spoils—the 'growth' of the early modern state—was not greatly affected by the competition at the centre, for it was carried out through local mechanisms that were stable and highly resistant to interference.<sup>48</sup>

#### 4. *The Corporate Organization of Local Society*

Without mechanisms by which new taxes and regulations could be enforced on the local population, the conflicts among policy-makers at the centre had little impact on the size of the public sector, the efficiency with which an early modern society was governed, or the nature and range of activities which the state could regulate. What gave each early modern European state its particular shape and 'strengths' were the social arrangements by which it extended government to the local economy and society, for it was here that taxes were gathered, soldiers were recruited, and—even more importantly—where regulation and redistribution took place. It was the nature of these arrangements which gave the Württemberg state and many similar German states their special character.

The political organization of the Duchy of Württemberg, like that of many other early modern German states, was much less 'top-down' than that of western European states. Despite his own concentration on the central government, Vann acknowledges that in Württemberg 'the central government stopped at the gates of the towns'.<sup>49</sup> The duchy was divided into approximately sixty *Ämter* (administrative

<sup>48</sup> See the analysis of these mechanisms in Ogilvie, *State Corporatism and Proto-industry*, esp. ch. 3; and Sabean, *Property*, esp. 27–8, 48, 66–75, 187, 197, 431.

<sup>49</sup> Vann, *Making of a State*, 295.

districts), legally constituted as *Körperschaften* or 'corporate groups', which could enter into binding undertakings, like any other corporate group. In turn, each corporate district was made up of a number of corporate communities: villages (ranging in number from zero to more than seventy), centred around the *Amtstadt*, a small town which acted as the administrative centre of the district.<sup>50</sup>

These small district towns (seldom larger than 5,000 inhabitants, on average less than 2,000) operated from very early on as the undisputed centres of local government. They were governed by an upper council of twelve men, the *Gericht*, which also judged civil cases and constituted the first court of appeal for the villages of the district; and a lower council of six, the *Rat*, which assisted in administration.<sup>51</sup> In addition, there was a plethora of community officials, mainly inspectors over various economic activities—so many that in 1717 in one small district town, Wildberg, with only about 1,300 inhabitants, more than one-fifth of male household heads held community office.<sup>52</sup> Members of both councils and holders of other offices were elected by existing office-holders; the prince's district officials, even if present at the election, had no vote.<sup>53</sup>

In the villages, the prince's officials had even less say over community affairs. The *Schultheiß* (village bailiff or chief administrative officer) had by the late sixteenth century ceased to be appointed by the prince's officials, and was instead elected by the village council.<sup>54</sup> Most civil and administrative cases were dealt with by the self-electing *Dorfgericht* (village

<sup>50</sup> W. Grube, *Geschichtliche Grundlagen: Vogteien, Ämter, Landkreise in Baden-Württemberg* (Stuttgart, 1975), 10–21; E. Blessing, 'Einteilung Württembergs in Ämter um 1525', in *Historischer Atlas von Baden-Württemberg* (Stuttgart, 1972), map vi, 10, 1–4.

<sup>51</sup> R. Seigel, *Gericht und Rat in Tübingen* (Stuttgart, 1960), 11–26, 117–21; H. Specker, 'Die Verfassung und Verwaltung der württembergischen Amtsstädte', in E. Maschke and J. Sydow (eds.), *Verwaltung und Gesellschaft in der südwestdeutschen Stadt des 17. und 18. Jahrhunderts* (Stuttgart, 1969), 1–22.

<sup>52</sup> S. C. Ogilvie, 'Coming of Age in a Corporate Society: Capitalism, Pietism and Family Authority in Rural Württemberg, 1590–1740', *Continuity and Change*, 1 (1986), 279–331, at 283.

<sup>53</sup> Grube, *Vogteien*, 19–20.

<sup>54</sup> F. Wintterlin, *Geschichte der Behördenorganisation in Württemberg*, 2 vols. (Stuttgart, 1902), i. 3–10;

court). The first (and in the vast majority of cases final) court of appeal was the *Gericht* (court or council) in the district town.<sup>55</sup> In so far as the village was subject to outside control, it was through the district town, whose own officials regulated an increasing number of activities, especially the apportioning of taxation and the operation of markets in agricultural and industrial products, both crucial for the functioning of the Württemberg economy.<sup>56</sup>

The families that held community office in the small towns had, by the sixteenth century, used their considerable autonomy in the towns, and their role in helping to administer the villages, to turn themselves into a powerful and self-perpetuating élite. This was the famous *Ehrbarkeit*, the 'notability', which has been shown by Decker-Hauff and subsequent historians to have dominated both local and central government in Württemberg.<sup>57</sup> During the sixteenth century, this group consolidated its dominance over the *Amtsversammlung*, the local assembly of representatives of all communities in the district, which elected the delegates from the *Amt* to the territorial diet.<sup>58</sup> Although the Thirty Years War brought greater participation of the villages in district affairs, and greater influence of the *Amtsversammlung*

<sup>55</sup> C. Grabinger, *Bernhausen* (Bernhausen, 1974), 47–8; W. Grube, 'Aus der Geschichte von Stadt und Amt Güglingen', *Zeitschrift des Zabergäuvereins* (1958), 49–59; W. Grube, 'Dorfgemeinde und Amtsversammlung in Altwürttemberg', *Zeitschrift für württembergische Landesgeschichte*, 13 (1954), 194–219; K. Bader, *Dorfgenossenschaft und Dorfgemeinde* (Vienna, 1974), 266–384.

<sup>56</sup> Ogilvie, *State Corporatism and Proto-industry*, ch. 3; Sabeian, *Property*, here esp. 69ff; V. Ernst, 'Die direkten Staatssteuern in der Grafschaft Wirtemberg', *Württembergische Jahrbücher* (1904), i. 55–90, ii. 78–119; N. von Batzner, 'Die Amtskörperschaftsverbände in Württemberg, ihre Entstehung und Ausbildung: Ihre Aufgaben und Leistungen und die auf die Erreichung ihrer Zwecke verwendeten Mittel', *Amtblatt des königlichen württembergischen Ministeriums des Innern*, 8 (1878); Bader, *Dorfgenossenschaft und Dorfgemeinde*, 322–34; Grube, *Vogtei* I. 21–2.

<sup>57</sup> H. Decker-Hauff, 'Die Entstehung der altwürttembergischen Ehrbarkeit, 1250–1534', Ph.D. dissertation (Erlangen, 1946); H. M. Decker-Hauff, 'Die geistige Führungsschicht Württembergs', in G. Franz (ed.), *Beamtenum und Pfarrerstand 1400–1800: Büdinger Vorträge 1967* (Limburg, 1972), 51–80; K. Marcus, 'A Question of Privilege: Elites and Central Government in Württemberg, 1495–1593', Ph.D. dissertation (Cambridge, 1991).

<sup>58</sup> F. Benzing, 'Die Vertretung von "Stadt und Amt" im altwürttembergischen Landtag', Ph.D. dissertation (Tübingen, 1924); H. Fink, 'Zusammenstellung über das Landtagswahlrecht der altwürttembergischen Städte und Ämter' (manuscript, Staatsarchiv Ludwigsburg, 1957).

over the election of delegates to the diet, only citizens of the district town could actually be elected as delegates.<sup>59</sup> In the eighteenth century, although the prince encouraged them to participate more in politics in the hope that this would circumvent the power of the urban 'notability', villagers were slow to do so.<sup>60</sup> The new community ordinance promulgated in 1702 enhanced village representation in the general assemblies of the districts, and under Karl Alexander the prince's agents engaged in considerable lobbying and intimidation of village representatives in order to undermine the *Ehrbarkeit*-dominated estates. However, voting practices continued to be determined by local custom, and this gave dominance to the urban *Ehrbarkeit* until well into the nineteenth century.<sup>61</sup> In 1799, despite the fact that three-quarters of Württemberg's population lived in villages, only ten of the eighty-six votes in the diet were cast by delegates from villages, and this was only because these ten districts did not contain any town.<sup>62</sup> Thus the control exercised by the municipal corporation of notables over the district *locally* turned them into the main counterweight to the prince's power *nationally*.<sup>63</sup>

As a consequence of this pronounced degree of local self-government, the Württemberg central administration found it difficult to monitor and regulate the districts. This problem was first brought to light in the streamlining of central government in the sixteenth century, with the professionalization of the bureaucracy and the establishment of the Privy Council. However, it became far more

<sup>59</sup> Grube, 'Dorfgemeinde und Amtsversammlung in Altwürttemberg', 198ff; H. Lehmann, 'Die württembergischen Landstände im 17. und 18. Jahrhundert', in D. Gerhard (ed.), *Ständische Vertretungen in Europa im 17. und 18. Jahrhundert* (Göttingen, 1969), 187; Benzing, 'Vertretung', 102–10; Vann, *Making of a State*, 105–6.

<sup>60</sup> Vann, *Making of a State*, 105–9, 238 with n. 58; however, this did occasionally prove politically decisive, as shown by Wilson, *War, State and Society*, 64, 185–7, 189.

<sup>61</sup> Benzing, 'Vertretung'; A. Rieger, 'Die Entwicklung des württembergischen Kreisverbands', Ph.D. dissertation (Tübingen, 1952); W. Grube, 'Dorfgemeinde und Amtsversammlung in Altwürttemberg', *Zeitschrift für württembergischen Landesgeschichte*, 13 (1954).

<sup>62</sup> The figures are from Vann, *Making of a State*, 101 n. 43, and from W. Grube, 'Dorfgemeinde und Amtsversammlung in Altwürttemberg', 196.

<sup>63</sup> Vann, *Making of a State*, 38–9.

acute during the Thirty Years War, when for long periods during the 1630s and 1640s the Crown was literally unable to recruit or pay qualified bureaucrats to many administrative positions, which therefore remained vacant.<sup>64</sup> Even Vann's relatively cursory examination of government in the districts of Nürtingen, Urach, Schorndorf, Bietigheim, and Vaihingen suggested that in this period the district, rather than the centre, increasingly became the level at which many aspects of government were carried out: justice, market regulation, education, public health, charity, religion, and military quartering. While the external pressures of this period brought the central government 'almost to a standstill', they permitted local government to develop rather more swiftly than before. It was not until the second half of the seventeenth century that the central government began to try to catch up on its own account, let alone to monitor and control the districts.<sup>65</sup>

An attempt to bring the districts under control had already begun in the sixteenth century, when the prince installed his own paid agents on the local level. Each district was assigned an *Amtmann* (district governor) and a *Stadtschreiber* (town secretary), who were appointed through the Privy Council.<sup>66</sup> Pastors, deacons, and schoolmasters were also appointed centrally by the *Kirchenrat* (Church Council) in Stuttgart, which reported to the Privy Council. The district governor presided over the dense network of local courts, the town secretary kept the records, and between them they inspected local accounts, and formed the conduit through which central edicts passed to the localities and local petitions passed to the centre. The pastor and the district governor also presided over the *Kirchenkonvente* (church courts) which were established in 1645, although the corporative element

<sup>64</sup> L. von Spittler, *Geschichte des württembergischen Geheimen-Raths-Collegiums*, in Wächter (ed.), *Sämtliche Werke L. von Spittler* xiii. 342–63.

<sup>65</sup> Vann, *Making of a State*, 104, quotation from 117. One instance of this diminished regulation of local society in the few decades after the Thirty Years War is the reduced bureaucratic monitoring of the 'regional' (rural-urban) proto-industrial worsted-weavers' guild of the district of Wildberg in the Black Forest; see the discussion in Ogilvie, *State Corporatism and Proto-industry*, ch. 5.

<sup>66</sup> K. Zimmermann, *Der Vogt in Altwürttemberg: Ein Beitrag zur Geschichte des württembergischen Staats- und Verwaltungsrechtes* (Marbach, 1935).

in all law-giving in Württemberg is illustrated by the fact that the remaining membership of this court (as of all other local and district law-courts) consisted of members of the town or village council.

These appointees of the central state in the districts were to some extent insulated from local interests and pressures. Although it is often claimed that the prince's officials at the local level were selected from local families, it is not clear that this was the case. We have no systematic study of the social backgrounds of the prince's district officials, but Vann's investigation of three Württemberg districts in the seventeenth and eighteenth centuries revealed that although most district officials were members of the 'notability', they seldom governed in their districts of origin.<sup>67</sup> Where the district governor was not a member of the 'notability' of another district, he was often a member of a family of Free Imperial Knights or the nobility of neighbouring small non-Württemberg territories, which are known to have been recruited into the Württemberg bureaucracy in large numbers. That is, the district governors tended to be recruited from precisely the sources which supplied the central bureaucracy.<sup>68</sup> The town secretary, the pastor, and the deacon were appointed centrally, and thus, although often members of 'notable' families, also generally originated in a different district from the one they were serving in, and throughout their lifetimes were moved around by the exigencies of promotion within the temporal or ecclesiastical hierarchy. That is, unlike almost all other Württembergers, these officials' *Bürgerrecht* (citizenship) was seldom in the local community, they were extremely mobile, and although they formed local ties their careers depended on central approval. From the sixteenth century on, therefore, the Württemberg state had a potentially powerful tool in the form of a paid local bureaucracy which was highly informed about local life but owed its

<sup>67</sup> Vann, *Making of a State*, 99 and n. 34 on his investigations of the districts of Nürtingen, Urach, and Vaihingen; this does not prevent Vann from citing the orthodox view that 'the ducal commissioner was usually selected from one of the most important town families' (p. 42). My own research on the district of Wildberg from c.1580 to c.1800 does not confirm this.

<sup>68</sup> On this stratum in the central bureaucracy, see Vann, *Making of a State*, 56 and ch. 2.

livelihood to the centre, although its social allegiance lay more with the Privy Council than with the court or the prince.

However, the mere existence of a paid local bureaucracy was not enough for the state to impose its will on local institutions. These officials were not numerous, and the local pressures on them were considerable. They would not have been able to achieve the considerable success they did in implementing central regulations (or at least a subset of such regulations) if they had not formed alliances with important local interests—which made them into agents of the localities at the centre, at least to the same degree as they were agents of the state in the localities. In Württemberg, these local interests with which they contended were expressed through two main corporate institutions, guilds and local communities.

Guilds are often seen as losing power during the early modern period under the combined assault of the state and the market. In many parts of Germany, however, this was not the case. Instead, guilds (and other guild-like organizations such as merchant 'companies') continued to be extremely influential not just in traditional crafts (oriented to local and regional markets) but also in 'proto-industries' (the rapidly expanding rural domestic industries producing for export markets).<sup>69</sup> In Württemberg, moreover, as in many other German territories, guilds flourished in the countryside as well as the towns. In fact, the only parts of German-speaking Central Europe in which rural or 'regional' (rural-urban) guilds were rare were inner Switzerland, the lower Rhine, and Catholic Westphalia; elsewhere, they appear to have been very widespread.<sup>70</sup> Thus Württemberg, with its ubiquitous 'regional' guilds, was characteristic of a very common—if not predominant—German pattern. As late as 1828, a revised guild ordinance for

<sup>69</sup> See S. C. Ogilvie, 'Proto-industrialization in Germany', in S. C. Ogilvie and M. Cerman (eds.), *European Proto-industrialization* (Cambridge, 1996), 118–136, here 132–3; S. C. Ogilvie, 'The Beginnings of Industrialization', in Ogilvie (ed.), *Germany: A New Social and Economic History*, ii, 263–308, at 286–90.

<sup>70</sup> W. Reininghaus, *Gewerbe in der frühen Neuzeit* (Munich, 1990), 72; H. Schultz, 'Handwerkerrecht und Zünfte auf dem Land im Spätfeudalismus', *Jahrbuch für die Geschichte der Feudalismus*, 7 (1983), 326–50.

Württemberg which sought to rationalize and moderate guild privileges in fact abolished only a few, peripheral guilds, while confirming not only the guilded status of more than forty mainstream occupations, but also the continued control of guilds in these occupations over both town and countryside.<sup>71</sup>

Not only did guilds have power over rural as well as urban producers but, as already mentioned, they formed around activities other than traditional crafts—among 'proto-industrial' rural linen- and worsted-weavers, 'capitalist' merchants and industrial entrepreneurs, small retailers, and even members of agricultural and other primary-sector occupations such as shepherds, winegrowers, and fishermen.<sup>72</sup> From 1601 onward, no one could keep a shop or trade as a merchant in Württemberg without guild membership or dispensation from the prince—the merchants and shopkeepers were one of the more than forty occupations which retained their guilds after 1828.<sup>73</sup> Indeed, the word 'Zunft' (guild) was rarely used in Württemberg outside formal ordinances: the guild was simply called 'das Handwerk' (the craft), an illustration of the virtual conceptual identity of the economic activity and the corporate group to license access to it.<sup>74</sup>

<sup>71</sup> Reyscher, *Sammlung*, xv/2, 593 ff.: 'Allgemeine Gewerbe-Ordnung' (22 Apr. 1828); *ibid.* xv/2, 1231 ff.: 'Revidirte allgemeine Gewerbe-Ordnung' (5 Aug. 1836).

<sup>72</sup> See the discussion in Ogilvie, *State Corporatism and Proto-industry*, ch. 3. For the Württemberg ordinances establishing and sustaining guild regulation of winegrowers, see Reyscher, *Sammlung*, xiii, 39 ff.: 'Weingärtner-Ordnung' (30 Aug. 1644). For shepherds, see *ibid.* xiii, 103 ff.: 'Schäferordnung' (21 Aug. 1651); *ibid.* xiii, 1078 ff.: 'General-Reskript, die Vereinigung der Zünfte der Fischer und Schiffer betr.' (22 Aug. 1717); *ibid.* xiii, 1156 f.: 'Schiffer- und Fischerordnung' (6 July 1719); *ibid.* xiii, 1240 ff.: 'General-Reskript, die Organisation der Schäferzunft betr.' (7 July 1723); *ibid.* xiii, 1289 ff.: 'Rescript, betr. die Auflegung eines Concessionsgeldes für diejenigen Schafhalter, welche keine gelernte Schäfer sind' (4 July 1726). The guild organization of merchants and shopkeepers was established *ibid.* xii, 547 ff.: 'Erste Handlungs-Ordnung' (20 July 1601); and confirmed in a series of further ordinances, including *ibid.* xiv, 20 ff.: 'Fünfte Handels-Ordnung' (11 Nov. 1728). The guilded nature of most crafts (and the occupations of merchants and shopkeepers) was reaffirmed *ibid.* xv/2, 593 f.: 'Allgemeine Gewerbe-Ordnung' (22 Apr. 1828); *ibid.* xv/2, 594 f.: 'Zusatz-Gesetz zu der allgemeinen Gewerbe-Ordnung' (22 Apr. 1828); and *ibid.* xv/2, 1231 f.: 'Revidirte allgemeine Gewerbe-Ordnung' (5 Aug. 1836), esp. Beilage to article 10.

<sup>73</sup> Reyscher, *Sammlung*, xv/2, 593 ff.: 'Allgemeine Gewerbe-Ordnung' (22 Apr. 1828); *ibid.* xv/2, 1231: 'Revidirte allgemeine Gewerbe-Ordnung' (5 Aug. 1836).

<sup>74</sup> This pattern, which holds true in the local-level documents for the Württemberg Black Forest throughout the period 1580–1780 (as discussed in

When people found a new way of making a living—for example the proto-industrial worsted-weaving of the Württemberg Black Forest in the 1580s, or the proto-industrial linen-weaving of the Urach countryside somewhat later—the practitioners formed a new corporate group to regulate it.<sup>75</sup> These new guilds initially formed through a process of grass-roots organization—the Wildberg proto-industrial worsted-weavers' guild, which I have studied in detail, collected money from door to door in the villages and district town in the first year of its existence to pay off the expenses incurred in lobbying the princely administration in Stuttgart for a state charter over the preceding six years.<sup>76</sup> But although new guilds formed spontaneously among the producers in a new sector, they survived because their corporate privileges were enforced by the central policy-makers, the local bureaucrats, and the corporate communities.

Beginning in the early seventeenth century, the Württemberg state began to regulate, but also to support, local guilds, to a much greater extent than previously. Guilds began to be obliged to keep proper accounts, which were written up for

Ogilvie, *State Corporatism and Proto-industry*), is confirmed as general usage (at least for the 16th century) by G. Raiser, *Die Zünfte in Württemberg: Entstehung und Definition, interne Organisation und deren Entwicklung, dargestellt anhand der Zunftartikel und der übrigen Normativbestimmungen seit dem Jahre 1489* (Tübingen, 1978), 5–6: 'in Württemberg, after the gradual disappearance of the concept of the fraternity, or even still alongside it, at first only *Handwerke* (crafts) and *Handwerksleute* (craftsmen) were spoken of, and *Zünfte* (guilds) only some time after the promulgation of the individual craft ordinances. Even the second National Law Code of 10 April 1515 contains the concept *Handwerk* in the sense of *Zunft*.'

<sup>75</sup> Ogilvie, *State Corporatism and Proto-industry*, ch. 4 and *passim*; H. Medick, 'Freihandel für die Zunft': Ein Kapitel aus der Geschichte der Preiskämpfe im württembergischen Leinengewerbe des 18. Jahrhunderts', in R. Vierhaus (Festschrift), *Mentalitäten und Lebensverhältnisse: Beispiele aus der Sozialgeschichte der Neuzeit* (Göttingen, 1983); H. Medick, 'Privilegiertes Handelskapital und "kleine Industrie": Produktion und Produktionsverhältnisse im Leinengewerbe des altwürttembergischen Oberamts Urach im 18. Jahrhundert', *Archiv für Sozialgeschichte*, 23 (1983), 267–310; W. Troeltsch, *Die Calwer Zeughandlungskompagnie und ihre Arbeiter: Studien zur Gewerbe- und Sozialgeschichte Altwürtembergs* (Jena, 1897); R. Flik, *Die Textilindustrie in Calw und in Heidenheim 1705–1870: Eine regional vergleichende Untersuchung zur Geschichte der Frühindustrialisierung und Industriepolitik in Württemberg* (Stuttgart, 1990).

<sup>76</sup> Hauptstaatsarchiv Stuttgart (henceforth HSAS) A573 Bü 777 (Feb. 1598–Dec. 1599) fo. 2': 'Von 81 Maister des Engelsait weber handwercks, haben wir zu löbung der Newen Ordnung Jeden 4 bz empfang. thut 21 f. 9 baz.'

them by the town secretary and inspected each year by the prince's district official and the council of the district town; this practice continued into the late eighteenth century.<sup>77</sup> The account books recorded incoming and outgoing apprentices, incoming masters, fines collected for offences against the ordinance, expenses incurred in lobbying the Stuttgart bureaucracy and the Estates, and lists of practising masters and widows paying their annual guild dues. These records reveal that the guilds were becoming more, not less, powerful and efficient at market regulation in the course of the seventeenth and eighteenth centuries. Their high degree of internal cohesiveness and external exclusiveness were only possible because the guilds enjoyed extensive support from both their communities and the prince's officials in the localities.<sup>78</sup>

<sup>77</sup> Official yearly account books began to be kept for guilds in the district of Wildberg between 1598 and 1612, although all guilds (except that of the new proto-industrial worsted-weavers, who only obtained their ordinance and guild organization in 1597) had already been in existence for a long time. The annual account books of the worsted-weavers' guild in the district of Wildberg survive from the guild's establishment in 1598 until 1647; and again from 1666 until 1760 (after which the account books do not survive because they were not archived, although copious additional local documentation shows that the guild continued to be very active); these account books are held in HSAS A573 Bü 777–911, *Rechnungen des Engelsaitweber-(Zeugmacher-) Handwerks, 1598–1647 und 1666–1760*. The accounts of the guild of the *Tuchmacher* (woollen-weavers) in the district of Wildberg survive from 1612 only to 1644, even though the extensive system of rents and interest-drawing loans revealed in the first surviving account book point to a long-standing financial history, and the guild survived until 1862: HSAS A573 Bü 912–948 1612–44 (*Kerzen- und Walken-Rechnungen des Tucherhandwerks*). Similarly, the account books of the bakers' guild survive from 1607 to 1777, even though the guild had existed in Wildberg at least since the 1560s (as is shown by the fact that it paid rents into the *Heiligenrechnungen* (accounts of the local ecclesiastical administration) from the beginning of their survival in that decade: HSAS A573 Bü 2828ff.), began having its accounts checked by the ducal bureaucrats a year earlier, in 1606, and continued to exist until 1862: HSAS A573 Bü 949–1018 (*Rechnungen des Bäckerhandwerks*), 1607–1777. There is also one account book for the butchers' guild, which survives for 1665–6, although clearly this guild existed for more than one year: HSAS A573 Bü 1019 (*Rechnung des Metzgerzunfts*), 1665–6. The beginning of surviving account books for the worsted-weavers, the woollen-weavers, and the bakers in the district archive in Wildberg between 1598 and 1608 may reflect the well-known intensification of state efforts, under Duke Frederick, to establish a state industrial policy in the grand style and bring more sectors of the economy under state control, as discussed, for instance, in Troeltsch, *Zeughandlungskompagnie*, 15–17.

<sup>78</sup> See the detailed discussion of these findings in Ogilvie, *State Corporatism and Proto-industry*, esp. chs. 5–7, 9–10.

Local court records reveal that infringements by outsiders against the guild monopoly were often pursued by community officials and the prince's district-level bureaucrats, as well as by the guild officers and ordinary guild members. Bureaucratic and community assistance gave the Wildberg proto-industrial worsted-weavers' guild, for example, the power it exercised to confiscate unsealed cloths or illicitly spun yarn, even in relatively distant villages, with the whole weight of the local judicial machinery behind it.<sup>79</sup> Offences against guild regulations were frequently punished twice: a small fine was levied by the guild itself (recorded in the account books), and a much higher fine was levied by the prince's district official in the district town court, supplemented by brief gaoling for more serious offences. This mutual support between local bureaucracy on the one hand, and community and guild corporatism on the other, is not surprising, since local records reveal that guild members dominated the local community councils.<sup>80</sup>

These local guilds also had an impressive capacity to influence decisions taken in Stuttgart, at both the Chancellery and the Estates. This influence resulted from their ability to extract resources from their members, not just through mastership and apprenticeship fees and fines, but also through regular guild dues. For instance, beginning in the 1660s the Wildberg proto-industrial worsted-weavers' guild began to collect annually the equivalent of a day's earnings from each master and practising widow in the town and the villages. These funds, which amounted to more than the value of a modest house every year, were used to lobby the bureaucracy and the Estates in Stuttgart to pass industrial legislation favourable to the guild, and to counter similar initiatives on the part of a rival corporate group, the *Calwer Zeughandlungskompagnie*, a guild-like company of merchant-

<sup>79</sup> Ogilvie, *State Corporatism and Proto-industry*, ch. 9.

<sup>80</sup> Vann, *Making of a State*, describes this well-known characteristic of the small district towns (*Amtsstädte*); that it could also be true in villages is shown by the example of the village of Sulz in the district of Wildberg, where in 1711 six members of the twelve-man village *Gericht* (council) were members of the guild of the *Zeugmacher* (proto-industrial worsted-weavers), even though only just over one-quarter of the village's households were headed by *Zeugmacher*; see HSAS A573 Bū 863 (Apr. 1710–Apr. 1711).

dyers to which the prince had granted a monopoly in 1650. The worsted-weavers' guilds of the districts of Wildberg, Calw, Nagold, and Herrenberg also frequently mobilized the support of their district town councils and district governors to write to Stuttgart on the weavers' behalf.<sup>81</sup> With both state and community institutions behind them, guilds in Württemberg disposed of impressive ability to influence economic policy at the centre.

In this, they were assisted by the second fundamental unit of local society, the village or small-town community. In Württemberg, as in many other German territories, villages and towns exercised considerable power both internally, over their members, and externally, toward the outside world. As we have seen, the delegates to the Württemberg parliament were selected by a gathering of village and town representatives from among the 'notability', the community office-holders in the district town, all of whom were members of guilds, usually of the most important occupations in the community. Thus at the centre of the Württemberg state the parliament gave expression to community (specifically small-town) corporatism.

But communal corporatism was even more important for the internal administration of all aspects of social and economic life in the localities. Until well into the nineteenth century, Württemberg communities stringently enforced their citizenship barriers against outsiders, possessed a multitude of corporate customs, closely regulated common resources, and rigidly demarcated themselves from neighbouring communities.<sup>82</sup> State citizenship in Württemberg was dependent, for all but a few exceptional categories of individual, on community membership: on admission to a village or town in the territory as *Bürger* (citizen) or *Beisitzer* (lit. 'by-settler' or associate). In addition, every aspect of life—residence, marriage, economic activity, use of communal resources, and poor relief—depended on possessing one of these two rights. This was laid down in the *Landesordnung*

<sup>81</sup> For an analysis of the purposes and success of the lobbying campaigns of the worsted-weavers' guild of the district of Wildberg, and the resources such political activity consumed, see Ogilvie, *State Corporatism and Proto-industry*, ch. 10.

<sup>82</sup> See *ibid.* ch. 3.

(National Law Code) of 1621, and was repeated in every subsequent ordinance concerning the local communities:<sup>83</sup> no one was permitted to live in any town or village of the duchy unless he had been formally admitted as citizen or *Beisitzer*. As late as 1833, the Württemberg commune ordinance began with the statement:

The communities are the foundation of the state. Every citizen of the state must... belong to a community as citizen or *Beisitzer*... No citizen of the state... can marry, take on public office, practice any occupation on his own account or with his own household, or even keep an independent dwelling, before he possesses citizenship or *Beisitzrecht* in a community.<sup>84</sup>

The local communities controlled not just marriage and settlement, but most other aspects of economic and social life. Each village (even those in a single district) had a different set of customs, weights and measures, rights, privileges, and freedoms, enshrined in its *Dorfbuch* (village book or charter). That is, a slightly different law prevailed in each community. For instance, in the seventeenth century each village in the district of Wildberg possessed different customs and rights concerning payment of the *Umgeld* (excise tax) on wine. Before the prince could change the law, he had to write out to his bureaucrats in the districts to discover what privileges he would be injuring, and which groups he would be alienating, in each local community.<sup>85</sup> The community also controlled its members' disposition of private property.

<sup>83</sup> 'Landesordnung 1621', in Reyscher, *Sammlung*, xii. 729–30, here tit. ii, para 6; 'Commun-Ordnung: Ordnung für die Communen, auch deren Vorstehere und Bediente in dem Herzogthum Württemberg' (1 June 1758), *ibid.* xiv. 537 ff. (here ch. 2, abs. 12, 581 ff.); 'Generalrescript, den Aufenthalt nicht verbürgerter Personen in Städten und Dörfern betr.' (25 Aug. 1804), *ibid.* xiv. 1243 ff.; 'Revidirtes Gesetz über das Gemeinde- Bürger- und Beisitzrecht' (4 Dec. 1833), *ibid.* xv/2. 1064 ff.

<sup>84</sup> 'Revidirtes Gesetz über das Gemeinde- Bürger- und Beisitzrecht' (4 Dec. 1833), in Reyscher, *Sammlung*, xv/2. 1064 ff.: 'Die Gemeinden sind die Grundlage des Staats-Vereins. Jeder Staatsbürger muß, sofern nicht für ihn das gegenwärtige Gesetz (Art. 4) eine Ausnahme begründet, einer Gemeinde also Bürger oder Beisitzer angehören. ... Jeder Staatsbürger, der nicht unter den im Art. 4, Nro. 1, 2, 3 und 5 bezeichneten Ausnahmen begriffen ist, kann sich, ehe er ein Gemeinde-Bürger- oder Beisitzrecht besitzt, weder verhehlichen, noch ein öffentliches Amt übernehmen, noch ein Gewerbe auf eigen Rechnung oder mit eigenem Haushalte treiben, noch überhaupt einen selbstständigen Wohnsitz nehmen.'

<sup>85</sup> This case is recorded in HSAS A573 Bü 1147 fos. 42<sup>v</sup>-44<sup>r</sup>. M. Walker, *German Home Towns* (Ithaca, NY, 1971), argues that local insistence by towns and even

Land or houses could not be sold to outsiders to the community without first being approved by the village or town council. Property offered for sale by either a townsman or a villager must be offered to members of the community before it might be sold to an outsider. Sometimes even so the village or town *Gericht* (council) would simply refuse 'Fertigung' (official ratification of the transaction) and the sale could not go forward.<sup>86</sup> Agriculture, too, was regulated in many ways by community officials: the crop rotation, the *corvée*, and the use of the extensive common lands. Community officials ensured that the local customs associated with the *Dreifelderwirtschaft* (the three-field system of crop rotation) were observed, that each man did his *corvée* of wolf-hunt and deer-watch, and that common lands were not built upon or over-grazed.<sup>87</sup>

Communities also limited and controlled demands on communal resources such as common land and water, building space, and welfare provision. Local customs regarding use of common lands and other common property were defended fiercely, and communities retained considerable autonomy. Every year—sometimes more frequently—a *Rüggericht* (regulatory court) was held, attended by the entire male citizenry; every three years, this was turned into a *Vogt-Rüg-Gericht* (governors' and regulatory court), at which the district governor also presided. At these gatherings, each citizen was asked in turn if he had anything to report; the kind of offences reported included over-use of commons

villages on their own traditional weights and measures was used as a way of evading central regulation and enforcement.

<sup>86</sup> Records of sales in the *Protocollum Commune der Stadtschreiberei* (general minutes of the district-town secretariat), in HSAS A573 Bü 122–9, contain either a marginal note 'gefertigt' (ratified), or are crossed through with the comment 'nit gefertigt' (not ratified), sometimes (but not invariably) accompanied with a note of the reason the town or village council had disapproved the sale. Similar community regulation of land sales in the village of Neckarhausen is discussed in Sabean, *Property*, 425.

<sup>87</sup> The lists of levies for the *Hirschhut* (deer-guard) and of names of those exempted for various reasons (age, office) from the *Wolfjagen* (wolf-hunt) survive into the 18th century for the district of Wildberg, the former in HSAS A573 Bü 84–94 and the latter in HSAS A573 Bü 6684. In addition there was a special book of minutes of the 'Feldrügtags- oder Schützenrügungsprotokolle' (minutes of the court for offences related to fields and the guarding of crops), HSAS A573 Bü 113. Such community regulation is discussed in greater detail in Ogilvie, *State Corporatism and Proto-industry*, ch. 3, and in Sabean, *Property*, esp. 56–62, 151–6.

and woods, non-citizens living in the community, breaking of guild monopolies, and insufficient regulation of markets.<sup>88</sup> As late as 1812, a law which attempted to assert greater state authority over communities' control of citizenship and *Beisitz* was obliged to concede that the share of each member of a community in the communal property, communal uses, and other common income was to continue 'to take place according to the local constitution of each community'.<sup>89</sup> The state commissioned a detailed inquiry into the size and use of the commons in all the communities of the kingdom in 1821, but in the end concluded that no change in the communal laws and practices relating to them would be undertaken.<sup>90</sup> Even the liberalized citizenship law of 1833 continued to give communities considerable powers over communal property: participation of *Beisitzer* in the use of common pastures was 'in future to remain the same in each community as the ancient customary situation';<sup>91</sup> similar autonomy was granted with regard to the taxes payable by *Beisitzer* compared to citizens.<sup>92</sup>

These regulations did not merely exist on paper, but (as I have shown elsewhere) played an important and essential role in the lives and decisions of individuals.<sup>93</sup> No one would take any action that might endanger his citizenship. The important role played by citizenship in the lives of individ-

<sup>88</sup> The minutes of these gatherings in the district town of Wildberg survive in HSAS A573 Bü 81-96, Vogt-Rüg-Gerichtsprotokolle, 1554-1784. See the discussion in Ogilvie, *State Corporatism and Proto-industry*, ch. 3.

<sup>89</sup> 'Königl. Rescript, an das Königl. Staats-Ministerium, die bürgerlichen Verhältnisse der Einwohner in Absicht auf Gemeinde-Verfassung, und Gemeinheits-Rechte betr.' (6 July 1812), in Reyscher, *Sammlung*, xv/1: 616f., here article VII: the share of the member of a community in the communal property, communal usufruct rights, and other *Gemeinheits-Einnahmen* 'richtet sich nach der Lokal-Verfaßung eines jeden Orts'.

<sup>90</sup> 'Erlaß des Ministeriums des Innern an die vier Kreis-Regierungen, die Vertheilung und Benützung der Allmanden betreffend' (18 Oct. 1821), *ibid.* xv/2: 45ff.

<sup>91</sup> 'Revidirtes Gesetz über das Gemeinde- Bürger- und Beisitzrecht' (4 Dec. 1833), *ibid.* 1064ff., here article 53: 'hat es bei dem in jeder Gemeinde hergebrachten Zustand auch in Zukunft sein Verbleiben.'

<sup>92</sup> *Ibid.*, article 63.

<sup>93</sup> Ogilvie, *State Corporatism and Proto-industry*, ch. 3; for the specific effects on children and adolescents, see Ogilvie, 'Coming of Age in a Corporate Society'; for the effects on women, see S. C. Ogilvie, 'Women and Proto-industrialisation in a Corporate Society: Württemberg Woollen Weaving, 1590-1760', in P. Hudson and

uals is illustrated by a case in 1725, when a son of a citizen of the small district town of Wildberg was asked by his church court whether he would marry a woman from a village in the district of Tübingen whom he had made pregnant. He replied, 'if she can attain to citizenship here, he will keep her; but otherwise not, because he will not give away his citizenship on her account'.<sup>94</sup> As copious evidence from local documents bears out, the community regulation which gave rise to such individual responses was typical for Württemberg to the end of the eighteenth century and beyond.<sup>95</sup>

There was thus a dense network of arrangements in place for communal self-regulation, which strongly influenced the decisions of every individual in Württemberg society. These community arrangements were supported by powerful allies in the Estates and the bureaucracy, both of whom were recruited from the same local 'notability' as the community officials in the district towns. The Estates in particular, selected by the citizenry of these corporate small-town and village communities from among the office-holders of the towns, confirmed this high degree of local autonomy and self-government in legislation well into the nineteenth century. Without taking account of this local autonomy, it was impossible to tax, regulate, or govern the Duchy of Württemberg. The development of the Württemberg state was strongly influenced by the extent to which it was able to co-operate with this high degree of local corporate self-government.

For instance, a major cause of the stagnation in central state government in Württemberg for most of the seventeenth century was resistance from the more highly developed district-level government, which was administered very

W. R. Lee (eds.), *Women's Work and the Family Economy in Historical Perspective* (Manchester, 1990), 76-104.

<sup>94</sup> Pfarrarchiv Wildberg, Kirchenkonventsprotokolle, vol. iv, 7 Sept. 1725, fo. 401r: 'wann Sie könne Allhir Zum burgerrecht gelangen, wolle Er dieselbe behalten; sonstn aber nicht, weil Er um ihretweg. sein burgerrecht nicht vergeb. werde.'

<sup>95</sup> See the evidence discussed in Ogilvie, *State Corporatism and Proto-industry*, esp. ch. 3; and Sabeian, *Property*, 19-22, 26-9, 42-8, 58-62, 68-9, 106-9, 111-12, 114, 119-20, 150, 160-1, 166, 168, 177, 187, 209, 214-18, 221, 322-4, 329-30, 353-6, 428-31.

much in the interests of local corporate groups—both guilds and communities. Thus, for example, when Duke Eberhard tried to improve stagnating royal revenues in the 1650s and 1660s by means of state industries and resettlement of lands, financed by taxes and protected by royal monopolies and government subsidies, these cameralist ventures were strongly and successfully opposed by the Estates. The attempt to establish a royal brewing industry was resisted on the grounds that it threatened the livelihoods of the many corporate villages that depended on winegrowing for a livelihood, as well as the perquisites of the urban magistracies who regulated these markets.<sup>96</sup> As early as 1651–2, the diet compelled the prince to abandon a number of these plans as a condition of receiving grants of funds.<sup>97</sup>

In the first half of the eighteenth century as well, one of the factors prompting the Estates' successful blocking of any attempt to revise the tax schedule was the fear of the *Ehrbarkeit* 'that change might jeopardize their own guild and trade interests', by shifting some of the burden off the villages and onto the towns.<sup>98</sup> During the short reign of Karl Alexander from 1733 to 1737, the bureaucracy and the Estates also resisted fiercely and largely successfully the attempts of the prince, with his court factor 'Jud Süß', to grant *state* monopolies to outside entrepreneurs, which threatened the *local* monopolies enjoyed by communities and guilds.<sup>99</sup> When the prince's government sought to set up

<sup>96</sup> K. Weidner, *Die Anfänge einer staatlichen Wirtschaftspolitik in Württemberg* (Stuttgart, 1931), 112–21; P. Wiedenmann, 'Zur Geschichte der gewerblichen Bierbrauerei in Altwürttemberg', *Württembergische Jahrbuch* (1934/5), 47–58; Vann, *Making of a State*, 108–9.

<sup>97</sup> Grube, *Stuttgarter Landtag*, 323–4.

<sup>98</sup> Vann, *Making of a State*, 181.

<sup>99</sup> W. Söll, 'Die staatliche Wirtschaftspolitik in Württemberg im 17. und 18. Jahrhundert', Ph.D. dissertation (Tübingen, 1934), 97–100; H. Liebel-Weckowicz, 'The Politics of Poverty and Reform: Modernization and Reform in Eighteenth-Century Württemberg', in *The Consortium on Revolutionary Europe Proceedings* (Athens, Ga., 1981); S. Stern, *Jud Süß: Ein Beitrag zur deutschen und zur jüdischen Geschichte* (Berlin, 1929); O. Linckh, 'Das Tabakmonopol in Württemberg', *Württembergische Jahrbuch* (1893); A. Schott, 'Merkantilpolitisches aus Württembergs Herzogszeit', *Württembergische Jahrbuch* (1900); W. Boelcke, 'Ein Herzoglich-Württembergischer Regiebetrieb des ausgehenden 18. Jahrhunderts', *Jahrbücher für Nationalökonomie und Statistik*, 175 (1963); K.-G. Krauter, 'Die Manufakturen im Herzogtum Württemberg und ihre Förderung durch die württembergische Regierung in der zweiten Hälfte des 18. Jahrhunderts', Ph.D. dissertation (Tübingen, 1951).

guild *Hauptladen*, organizations which would have enjoyed judicial authority over a large group of district-level guilds in certain occupations, this was strongly resisted. The guilds in question insisted on keeping their local orientation, and refused to send representatives to meetings of the *Hauptladen* despite repeated orders to do so. They complained via the councils of their district towns and their delegates to the Estates, and appealed for support to the famous guild law of 1731 issued by the Emperor (despite the fact that this law had initially been promulgated to abolish guild abuses!). This combination of internal corporate pressures exerted via guilds and communities with the appeal to Imperial law succeeded in forcing the central government in 1764 to abandon the *Hauptladen*, as it was to abandon many more initiatives against both guilds and communities, well into the nineteenth century.<sup>100</sup>

In fact, there is considerable evidence that both central state and local corporations opted for co-operation to a far greater extent than for confrontation. As Vann remarks, 'there were occasions of friction to be sure, but at no time during the seventeenth and eighteenth centuries did the *Ämter* assert themselves as political rivals to the prince's authority, no doubt in large part because no one of them singly could defy the might of the state'.<sup>101</sup> On the other hand, neither was the prince able to take authority over local affairs out of the hands of the *Ämter*, until well into the post-Napoleonic period. The power of each depended on the other, and the power of both over many aspects of ordinary people's lives grew, symbiotically.<sup>102</sup>

##### 5. Conclusion: An Alternative Model of State Growth

Württemberg, therefore, offers a model of German state development with a number of important characteristics dis-

<sup>100</sup> L. Hoffmann, *Das württembergische Zunftwesen und die Politik der herzoglichen Regierung gegenüber den Zünften im 18. Jahrhundert* (Tübingen, 1905), 38–43.

<sup>101</sup> Vann, *Making of a State*, 41.

<sup>102</sup> Wilson, *War, State and Society*, 7, advances a very similar argument for non-Prussian German states in general. For a discussion of the growing volume of state regulation of everyday life in Württemberg see *ibid.* 248–51, and Sabean, *Property*, 42–3, 46, 48, 69, 114, 166, 187, 428–31.

tinguishing it both from the 'western' model we know from France and Spain and from the more feudal and military one we are told to associate with Prussia and Austria. At the centre, there was a considerable measure of political stalemate, arising from Württemberg's embeddedness within Imperial institutions. In the localities, corporate groups—guilds, town and village communities, and the *Amt* itself—formed the fundamental building-blocks of society and administration. The interaction between these special features of central and local government shaped the growth of the state in territories such as Württemberg. In other 'German territories of the second rank', where (unlike in Württemberg) the seigneurial system consisted of landlords other than the prince and the Church, the powers of local landlords to regulate many aspects of ordinary life—marriage, settlement, inheritance, land sales, markets—added another element to the mosaic of local corporate privileges, but did not essentially alter the corporate system. The combination of Imperial entanglement at the centre and corporatism in the localities forced the local bureaucracy of the prince to seek co-operation with local communities, guilds, and landlords, rather than suppressing them. In return for corporate co-operation with (and enforcement of) state regulations, the prince's bureaucrats agreed to enforce corporate privileges. In states such as Württemberg, therefore, bureaucratic government and corporate privilege strengthened one another, rather than competing, and in turn this symbiosis gave rise to a peculiar density and thoroughness of local economic and social regulation.

What wider implications for the growth of the German state can be drawn from the Württemberg example? In two important respects, the growth of the state in Württemberg, and perhaps also in other German territories of the second rank, differed from that in Prussia and Austria, as well as from nation-states such as England and France.

First, German territories were embedded in a larger set of political institutions, those of the Empire, which had extensive rights of intervention within German states. Although Prussia made itself increasingly independent of Imperial pressures, it still often made use of Imperial institutions to its

own advantage.<sup>103</sup> There is even evidence that Prussian subjects themselves appealed to Imperial courts and commissions.<sup>104</sup> For almost all other German territories, appeals to the emperor by both prince and subjects (as well as by neighbouring princes) were significant and frequent occurrences which often resolved internal conflicts and prevented unilateral actions by states, even within their own territories.

The second distinctive characteristic of Württemberg and similar states resided in the *internal* constraints on the growth of government. Traditional historiography, in Germany at least, has concentrated almost exclusively on parliaments as the sole constraint on the growth of the state.<sup>105</sup> Württemberg itself has been the best-known example of this, perhaps mainly because of Charles James Fox's famous remark, that there were only two constitutions in Europe, that of Britain and that of Württemberg.<sup>106</sup> But there were other powerful institutions and social groups in early modern societies, in addition to parliaments, which the state had to include in its calculations, through either coercion or co-operation. Indeed, often the strength of parliaments derived, wholly or partly, from the strength of these less visible, often local, institutions. In Württemberg and many of the other secondary German territories, the state had to pay close attention to the powers of local groups and institutions, and placate them with a large share of power and spoils from the expansion of government. It is not possible to understand the German state without taking into account its symbiosis with this corporative system of local interest groups.

The attempt to assimilate German history to that either of 'western' nation-states such as France and England or of 'feudal' and 'military' states such as Austria and Prussia has led us to neglect what I have called the 'corporative' strand in German social development. This strand is more clearly manifested in German territories of the second rank,

<sup>103</sup> See, for instance, the example discussed in Walker, *German Home Towns*, 91.

<sup>104</sup> Hagen, 'Seventeenth-Century Crisis in Brandenburg'.

<sup>105</sup> Carsten, *Princes and Parliaments*; P. Blicke, *Landschaften im alten Reich* (Munich, 1973).

<sup>106</sup> Anon., 'The States of Wirtemberg', *Edinburgh Review*, 29 (1818), 337–63, at 340.

although there is evidence suggesting that it also endured behind the façade of centralized Prussian absolutism. This neglect of corporatism is the more surprising when one considers the attention drawn, in international comparisons, to the distinctively corporative nature of German industrialization and politics in the nineteenth and twentieth centuries. The pattern of state formation which we see in early modern Württemberg, based on the co-operation between local corporate groups and the bureaucracy, and sustained by support from Imperial institutions, may thus also provide a fruitful point of departure in explaining Germany's subsequent development.

## 8

## Government and Administration

Everyday Politics in the  
Holy Roman Empire

CHRISTOF DIPPER

Scholars generally agree that of all the administrative systems found in the *ancien régime*, the German was the most efficient. Britain is regarded as a state that managed without a modern administrative apparatus at all far into the nineteenth century. The French Revolution is seen as France's 'punishment' for its deficiencies on this front, and Italy developed a functioning state apparatus only in its Habsburg possessions. The German territories, by contrast, are considered to have been extremely well governed. This, it is often argued, saved them from falling under foreign rule, and allowed them to avoid corruption, dangerous unrest, and other unpleasant experiences.

In order to reveal these views for what they are, namely a mixture of truth and prejudice, we would need to consider the circumstances under which they arose. But as that is not the subject of this essay, I shall limit myself to a few brief remarks. What really distinguished Germany from the other cases mentioned above was, first, the social composition of the bureaucracy;<sup>1</sup> secondly, the contemporary debate about the state and administration;<sup>2</sup> and thirdly, the sheer volume

Translated by Angela Davies, German Historical Institute London.

<sup>1</sup> For Prussia, see the excellent study by Eckhart Hellmuth, *Naturrechtsphilosophie und bürokratischer Werthorizont: Studien zur preußischen Geistes- und Sozialgeschichte des 18. Jahrhunderts* (Göttingen, 1985).

<sup>2</sup> Zwi Batscha and Jörn Garber (eds.), *Von der ständischen zur bürgerlichen Gesellschaft: Politisch-soziale Theorien in Deutschland in der 2. Hälfte des 18. Jahrhunderts* (Frankfurt, 1981) contains extracts from sources. It does not include social theory in today's sense, for reasons which will be discussed in Section V of this essay.