Chapter 9
Communication between Authorities and Subjects in Bohemia, Hungary and the Holy German Empire, 1650–1800: A Comparison of Three Case Studies
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Every kind of authority has to rely on the cooperation of at least some of its subjects. This universal law applies as well to monarchies, principalities and noble estates of the early modern period. To rule meant to organize interchanges between the holders of prerogatives, rights and liberties and those affected by them on a regular basis. Moreover, in the Western tradition, princes and lords sought to define themselves as acting not like tyrants, but rather like Christian authorities endowed by God with the office of maintaining the public peace, administering justice and promoting the common good. To this end, specific arrangements were instituted that included policies dedicated to these purposes, administrative bodies (or other kinds of organization) that could implement the policies and channels of communication to articulate consensus or conflict. The actual type of rule that resulted in specific cases thus rested on prevailing ruling concepts, as well as on bureaucratic developments and no less on customary habits of communication.1

I deliberately avoid the term state-formation in this context, since recent research has failed to reveal any kind of demurage that could have directed any such process in a coherent way. Instead, we can observe a tacit process of trial and error that involved not only the governors, but also their public servants and many of their subjects at every step. This process affected the whole arrangement of a given ruler’s policies, public offices and channels of communication. In a European context, more or less contingent constellations determined which specific authorities made themselves available for empowering interactions of the kind that simultaneously intensified lordship and fostered obedience.

This chapter will examine three diversely structured territories in order to demonstrate how actual institutional arrangements shaped the scope for action available to the various estates involved, and to reveal what strategies were

1 Recent research has been preliminarily interested in the institutionalized forms of communication, for example denunciation, testimony, oath, supplication and record-keeping, as essential parts of trials and administrative proceedings.
deployed in order to profit from this scope of action, and to enlarge it. The three areas in question are the aristocratic domain of Jindřichův Hradec (or Neuhaus, as it was called in German) in southern Bohemia, the Comitatus of Szatmár in eastern Hungary and the landgraviate of Hesse-Kassel, a medium-sized principality in the Holy Roman Empire. The research presented here draws on work done by a group of colleagues from Germany, the Czech Republic and Hungary. To answer the question of how intensifying communication could foster the acceptance of lordship, we concentrated in particular on the local dimension of dominion. That is, we wanted to know how close different authorities seemed to be from the subjects’ point of view, and to what extent access to authority was easily available and affordable for heads of households, corporations or cities. In this context, the spatial dimension of the territorial units involved is obviously of great importance.

All three of these territories, we should note, belong to parts of Europe that have a rather bad reputation where political openness is concerned. Neither Hungary, Bohemia nor Hesse-Kassel is well known for the opportunities for participation it offered to town-dwellers or rural people—a justly deserved reputation, as none of the diets or parliaments in any of these territories included representatives of the peasants. Nevertheless, our research reveals that even here, subjects participated in the political process either through conflict with their lordships or in the form of consensual proceedings.

Bohemia

The domain of Jindřichův Hradec or Neuhaus consisted of a huge assemblage of manors in the south of Bohemia that had belonged to the Slavata family since 1604, and was acquired by the Tschemin family in 1691. The Slavata and Tschemin families belonged to the aristocratic lineages that prevailed in Bohemia after the defeat of the Protestant estates in 1620. Families like these took up the commission of the Habsburg dynasty to push the kingdom of Bohemia back into the arms of Counter-Reformation Roman Catholicism. The ruling aristocrats themselves stayed at the imperial court at Vienna most of the time, so that, although domains like Neuhaus provided the source of their immense wealth and symbolized their high position in society, they were used only rarely as places of residence and never as the centre of a country lifestyle.²

² I am deeply grateful to the members of the Volkswagen project, namely Peter Dominkovits (Sopron), Judit Pál (Cluj Napoca) and András Vári (Budapest), Vaclav Bůžek, Josef Hrdlička and Vaclav Pražák (České Budějovice), Beate Fujiwara (Bielefeld), Karin Gottschalk and Heide Wunder (Kassel). For further details see www.lokalenherrschaft.de. In the present chapter I have to restrict the references given to the recent literature.

³ Josef Hrdlička, ‘Herrschaftliche Amtsträger als Klienten und Patrone im frühneuzeitlichen Böhmen? Kommunikation im Dominium der Herren von Neuhaus,
During the seventeenth century, the Habsburg rulers (as kings of Bohemia) confined themselves to laying down only general requirements for the governance by means of which aristocrats wielded their power over the subjects. Among these prescriptions were a statute of 1627, called the Verneuerte Landesordnung, and the so-called berni rula, a register of peasant holdings and their tax burdens. As the crown had scarcely any servants of its own in Bohemia, moreover, the Habsburg rulers put the courts of their royal towns in charge of all criminal cases and of appeals in civil cases. Nevertheless, the lords' agents determined the day-to-day management of local affairs, especially since the crown had virtually no royal demesne at its disposal. Between 1620 and 1740, a kind of bureaucracy emerged which was frequent in the Holy Roman Empire, yet it was developed not by the prince but by aristocratic landlords. At Neuhaus, the lord's office was the most important local centre of power, which together with that of the other domains of the family, was subordinated to the central office of the Tschernin family in Prague.4

The rural communities had their own community courts chaired by the village headman (German: Scholz or Richter, Czech: rychtár) and manned by half a dozen village officers, variously termed elders (German: Älteste) or justices (German: Schöffen, Czech: přísežni) taken from the ranks of the peasantry and approved by the landlord.5 These village officials possessed the competence to regulate matters within the village, and were responsible for enforcing ordinances of the crown or of the aristocratic estate owner. Their dominal counterpart in all economic matters


was the steward of the nearest manor. All other matters belonged to the landlord’s office at the castle, which usually was at some distance from most of the villages. Bohemia, therefore, lacked the close integration into domanial communication that the densely-knit net of administrative districts (A mter) of the territories of the Holy Roman Empire provided.

The rural population of Bohemia had scarcely any chance to contact the king or his bureaucracy. Inspections by royal commissions usually took place only after local unrest. The massive number of petitions that enserfed peasants, dispatched in the years 1679 and 1680, amply demonstrate a quite widespread need to communicate. Because the imperial court had moved to Prague owing to an outbreak of plague at Vienna, the king was more easily accessible than usual. Still more important was the perception that the king, by issuing the so-called Robotpatent, which regulated the amount of the peasants’ services, had made it plainly recognizable that he cared for his Bohemian subjects.6

Usually the population was left in the custody of their aristocratic lordships. It was the local lords who directed the maintenance of public order through their domanial instructions.7 Owing to insufficient research, it is not known whether these instructions, which were addressed to the stewards, village judges and town magistrates, were published in the same high numbers, and whether they contained the same great detail, as the policy ordinances of the German territories, the imperial cities, or the regional organization of the Empire, the Reichskreise.

At the castle of Neuhaus in the century between 1620 and 1720, communication between government and subjects was channelled through the aristocratic domanial administration. The aristocrats who resided at Vienna or Prague left this task to their captains, scribes and auditors at the castle, and confined themselves to occasional conventional oversight of their servants. It is therefore little wonder that the subjects predominantly appealed to the captain to mediate conflicts between villages or to complain about the steward when he collected not only the regular services and taxes due to the lordship, but sought to make a private profit in addition. At first glance, findings like these fit very well into the contemporary picture of ‘Bohemian slavery’ or into the historian’s notion of a ‘second serfdom’. But one has to be careful. Recent research by Pavel Himl and Dana Štefanová has produced evidence that the rural population possessed a broad range of possibilities for action with regard to daily economic activities or the transmission of dwellings and land. Although rural inhabitants were obliged to announce each property transaction to their lordship, and had to pay the corresponding dues, they also used the scribes of the domanial office as public notaries in their own interest.


Indeed, this recent research makes it obvious that the aristocratic lordships and officials of Bohemia had no more interest in gaining complete control over the daily business of their villages through their own servants than did their colleagues in the imperial territories. Instead, one can discern a form of governance that combined a small number of professionalized officials with many more local notables through hierarchically ordered cooperation. This was a kind of rule that was quite inexpensive, and that the rulers viewed as efficient enough.

Starting in the second third of the eighteenth century, a fundamental change became visible in Bohemia that affected general policy, the administrative machinery and the style of communication. This change provides a true case of statebuilding from above. An increased effort by the crown regarding the everyday business of administration in the Bohemian and Austrian territories led to a change from the traditional dualism of lordship and populace to a triangular relationship. At the end of the seventeenth century and the beginning of the eighteenth century, this change was still confined to the normative level. Startled by some severe upheavals, the court in Vienna strove to limit the burden of feudal dues and services on the rural population through a series of ordinances, the Robotpatente of 1680, 1717 and 1738, so that the subjects would be able to pay rising central taxes. However, it
took defeat by Prussia in the two Silesian Wars of 1740–42 and 1744–45 before the normative intention came to be supported by administrative reinforcement. By introducing the regional district office (Kreisamt) in 1749, Maria Theresa created a new crown bureaucracy, which acted as an authority of appeal above the still existing manorial districts, where the noble and church authorities still exercised their dominion. This led to a strengthening of central power.9

Concerning the issue of dominal communication, the establishment of regional courts and administrative offices meant a considerable change. Now, quite different constellations became possible at the regional and local levels. This does not imply that the material conditions of the rural population improved, however. In fact, the opposite was true, because of the rapidly rising tax burden. The owners of the great domains and their officials reacted effectively to the new situation, especially in order to damp down the consequences of the Robotpatente for their own financial fortunes. By acceding to a partial adoption of the targets of reform, they stayed on speaking terms with central government and its administrative representatives within the region, where they tried to influence the performance of the regional district offices through constant bargaining.

Nevertheless, new opportunities did open up for individual subjects or villages to pursue their interests more effectively than before by taking legal action or by invoking the bureaucracy through charges, petitions, reports, complaints and denunciations. Even before, the captain and the stewards had often employed diverging strategies, so that the subjects had some room to manoeuvre. After the middle of the eighteenth century, the overall situation became much more flexible for the rural population. This was due to availability of alternative channels of communication via the royal bureaucracy.10 Furthermore, because of the concurrent expansion in the set of legitimate discourses, during which a language of economic utility supplemented the older languages of estates or religion, it became much easier for various interlocutors to play a strategy game with different options. The question whether the new constellation ultimately increased the chance that any of the authorities involved would gain acceptance cannot yet be answered, however, because the relevant research has just begun.

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10 The establishment of regional district offices in 1749 was preceded by setting up a commission concerning the complaints and privileges of the subject in 1738, see Eduard Maur, 'Staat und (lokale) Gutsherrschaft in Böhmen 1650–1750', in Markus Cerman and Robert Luft (eds), Untertanen, Herrschaft und Staat in Böhmen und im ‘Alten Reich’. Sozialgeschichtliche Studien zur Frühen Neuzeit (München, 2005), pp. 31–50, here p. 45.
Hungary

Our second case study involved the Comitatus (county) of Szatmár, situated in the easternmost part of Hungary on the border with Transylvania. During the seventeenth century, this region was one of the main battlefields of the Habsburg monarchy and the Ottoman Empire, and it also became one of the centres of the rebellion of the Kuruc.\(^{11}\) When the peace treaty of Szatmár in 1711 put a stop to decades of disaster, the country lay in ruins. Roads, bridges and canals were completely devastated. Most of the towns and villages, many of which had been founded during the Middle Ages, no longer existed, and the countryside was nearly depopulated. The county of Szatmár had to be rebuilt virtually from nothing through explicit efforts to enlist various ethnic and denominational groups of new settlers.\(^{12}\) The result was a society characterized by the unusual feature of segmentally organized estates: Hungarians of the Calvinist or Catholic creeds lived alongside Catholic Swabians who spoke German, Wallachians of the Greek-orthodox church who spoke Romanian, Ruthenians of the Uniate church, and smaller groups of Greeks, Gipsies, Jews and Armenians. This profoundly affected communication between the authorities and their different subjects, because each of the populations acted as a corporate and privileged group, rather than individually or as village communities, which might have formed larger unified associations of protest.\(^{13}\)

Comitatus was the contemporary term for the self-governing bodies of gentry that were absolutely central to the administration, jurisdiction and politics of the Hungarian kingdom. The assemblies of these counties elected representatives of the diet of the kingdom, which met at Pressburg (current-day Bratislava). Because of the long distances between each county and government departments at Vienna or Pressburg, because of the denominationally, ethnically and socially segmented character of Hungarian society, and because of the large numbers of the gentry

\(^{11}\) The Kuruc uprisings were independence movements of the Hungarian estates against the Habsburg rule.


in Hungary, the *comitatus* became the essential unit in the indirect rule of the Habsburg monarchs.\textsuperscript{14}

The county of Szatmár possessed a first-rate aristocratic house of great political importance, the counts of Károlyi,\textsuperscript{15} who ruled their domains in the same unrestricted fashion as the owners of Neuhaus, even though the *Comitatus* covered an area which was several times greater than that of Neuhaus. Although the manors of the counts of Károlyi were real *latifundia*, and continued to grow during the eighteenth century, they made up only a part of the county. During the eighteenth century, the Catholic counts of Károlyi occupied the office of Lord-Lieutenant (*Obergespan*) of the *Comitatus*, that is they were the regional representatives of the crown. They dominated the political business of the county because of their financial and political weight. Against their will, no one could make a move without feeling the consequences. Nevertheless, the Károlyi had to reach some kind of accommodation with the less powerful members of the county gentry, since the latter could mobilize the political backing of the *Comitatus*.

During the seventeenth and eighteenth centuries, the *Comitatus* and its institutions were nearly all-powerful at the regional level. Its responsibilities included the administration of welfare in general, the collection of taxes, conscription, important branches of the legal administration, and even parts of the legislative office. The *Comitatus* could remonstrate against supposedly illegal ordinances of the central royal administration, so that their enforcement, even if it was not prevented, could be delayed. The regional officeholders were elected by the assembly of the *Comitatus*, which regularly designated individuals from the ranks of the so-called *bene possessionati*, that is the wealthier gentry of the county, which included Calvinists as well as Catholics.\textsuperscript{16} The *Comitatus* possessed


\textsuperscript{15} Ágnes Kovács, Károlyi Sándor (Budapest, 1988).

the competence to make its own by-laws, which were very important to the social and economic life of the region's inhabitants. Many by-laws passed by the various counties became national law by resolution of the Hungarian Diet. Only after the middle of the eighteenth century did the Comitatus lose their legislative position, and give way to the orders and statutes of the central government in Vienna.

The court of justice of the Comitatus heard cases of first instance for gentlemen, and of second instance for town-dwellers and rural communities. Even serfs could go to this court to appeal against a sentence of the manorial court in civil cases, at least after the middle of the eighteenth century. The courts of the Comitatus thus extended their competence during the eighteenth century, to the detriment of the manorial courts. It became more and more usual that a deputy of the Comitatus with the right to vote was present when a manorial court was in session. It is significant that even Joseph II could not think of anything better than to replace the manorial courts with the court of the Comitatus, or at least to let the manorial courts be supervised by the latter, when he implemented his policy of peasant protection (Bauernschutzpolitik).17

Local rights and usages in Szatmár therefore remained terra incognita for the higher administrative and judicial bureaucracies. This had severe consequences for the final judgements in the hearing of cases. If we look at the papers of the county administration, moreover, we frequently find topics that no longer appeared on court agendas in the nineteenth century, because such matters were unmistakeably fixed and registered. But in the late eighteenth century, the boundaries of local administrative districts or private property, the establishment of legitimate birth and thus the social dignity of individuals, and various declarations of intent could not simply be looked up in the records. Instead, such information still had to be gathered from the testimony of witnesses; this in turn opened up a wide field for empowering interactions in the county. The outcome of a hearing was often determined by which participant best established his local knowledge.18

Starting from quite poor conditions economically and culturally, eastern Hungary later caught up through a rapid drive to match the standards of Western Europe. This affected administrative and judicial authorities equally. The process of development started with the 'private' administration of the noble manors,19 but from there it extended to the public sphere as the great noble families of the magnate


class introduced their own professionalized servants into the administration of the Comitatus in order to direct business in their districts. Such moves provoked a reaction from the lesser gentry, so that some knowledge of the law soon became a requirement for the assumption of office.

The expansion of work to be done, the multiplication of correspondence and the growing demands of the central royal government required the institutions of the Comitatus to work continuously and on a professional basis. Moreover, the reform programme of Joseph II had a considerable impact, although it failed at first glance because of noble resistance. Nevertheless, the expectations concerning the performance of servants of the noble houses and that of the officeholders of the Comitatus did change. The nobility of Hungary adopted elements of what it perceived to be the civilized behaviour of their European contemporaries. The nobleman came to see himself as the vanguard in a process of cultivation of the Hungarian nation. If this became the inner perspective of an elite, what was its significance concerning the empowering interactions between rulers and subjects?

At the beginning of the eighteenth century, the majority of the enserfed rural population was subordinated to noble domains where, for the moment, local stewards, who depended on their lords, still had a free hand without being bound to written guidelines. Because of the extension and emptiness of the countryside, however, the first settlers could quite easily evade many of the demands put on them, and the frequency of interaction remained relatively low. The segmented units of rural society raised the agreed tributes and paid them to the nobility, but apart from that, they sustained church and village life on their own. This pattern changed rapidly in the course of the eighteenth century, however, as the period of peace after 1711 witnessed a sharp growth in population accompanied by a corresponding increase in the zones of contact or conflict. The interests of the nobility lay in tighter control over jurisdiction and over the bookkeeping of their administrators. This could be achieved by creating new pathways of communication that bypassed local officials, so that more information went directly from the subjects to their lordships. The measures taken were obvious and well known: petition, visitation, inspection and appeal. In less than half a century, the whole apparatus became available to administrators and to subjects. What is more, the relation between the lord of the manor and the communities was mediated by the Comitatus. Because of the denominationally mixed composition of their administrative bodies, subjects could expect to encounter relatively impartial judges. The king, however, remained completely unapproachable for enserfed peasants.

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Hesse-Kassel

Finally, we can make some observations about the landgraviate of Hesse-Kassel, where the local dimension of jurisdiction and administration was altogether different compared to the Habsburg monarchy. As in most of the German principalities in the West, the local district administration of the Amt in Hesse guaranteed a small scale of dominion and people. This kind of local administration employing officials (Amtsleute) and auditors (Rentmeister) had already emerged with its basic features during the sixteenth century. These authorities were responsible for the remarkable strength of princely government on the spot. The Amt exercised princely rights at the local level. Most villages in Hesse were subordinated to them in the first instance, while the manorial courts of the nobility supervised only a few communities. Jurisdiction and administration was in the hands of legally trained officials, who were appointed by the prince and controlled by central government bodies. The Amtmann, likewise, had a legally trained scribe at his side to support him, who was responsible for keeping the records. The Amtmann presided over the town courts of his district and was the judge of first instance for all villagers, including those in non-contentious jurisdictions.

The financial department of the Amt was called the Renterei, and was responsible for the collection of duties and taxes, the organization of feudal services of the subjects, and the supervision of the princely domain, which was rented out. The director of this department was a Rentmeister who, like the Amtmann, was generally of middle-class origin, at least since the middle of the seventeenth century. A Rentmeister had usually either received training as a scribe and auditor in the departments of central government, or had been an army officer who handled the financial business of a regiment. He was supported by a scribe, the Rentschreiber, who kept the records of the Renterei.

If one takes into account that only between 7,000 and 18,000 people lived in each of the local districts of Hesse, than it becomes clear that with four officials — that is Amtmann, Schreiber, Rentmeister and Rentschreiber — in every district we find a really substantial and professional staff of administrators in this principality when compared to the territories of the Habsburg monarchy, or even of Brandenburg-Prussia. The small scale of administrative districts in Hesse made it possible for

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the subjects to contact the local officials of their prince at any time. The same holds true in a reverse direction. The individual subject could be integrated much more deeply into domainal communication, which enhanced the ability of the petty princes and their bureaucratic machine to penetrate the country to a high degree, exceeding the possibilities of the greater European monarchies.  

A great variety of means enabled and shaped communication between the staff of the domainal bureaucracies, the local notables of the towns and villages, the privileged corporations and individual subjects. Many of the features which have been analysed by Renate Blickle in the case of Bavaria and André Holenstein for the principality of Baden-Durlach can be equally discovered in Hesse-Kassel: visitation by commission, routine and regular reports by community and domainal officeholders, written petitions, ‘running to court’ (Laufen gen Hof), accusations and censure by the subjects. All these means contributed to a lively process of communication between government and population. The estates of the Hessian diet also contributed to the lawmaking procedure with important kinds of information in the form of complaints and ideas from the estate owners and town magistrates. Therefore, many statutes promulgated by the landgrave had been influenced substantially by the persons affected.

In the seventeenth and eighteenth centuries most of the princes of the Holy Roman Empire eagerly adopted the whole range of communication forms discussed here, because of their position within the Empire, because of the competition of different denominations, and surely also because of the small size of their territories. This style of government became such a formative influence


upon the political culture of the Old Empire that I think the term ‘acceptance-oriented dominion’ would be appropriate.26

It is well known that conditions in the various regions and territories of the Holy Roman Empire varied in detail, and cannot be lumped together. So it has to be taken into account that the military state of Hesse was predominately interested in recruiting soldiers.27 Policy measures consequently took great care to distinguish between the male heir of the household, who was spared from becoming a soldier, and his brothers, who as mercenaries had to risk their necks on the battlefields of Europe and North America in order to benefit the purse of their prince. Thomas Fox and Peter Taylor have demonstrated how the new register of acreage (Hufenordnung) brought conflict into the families.28 Extensive recruitment and the governmental command to observe primogeniture ensured that the traditional quarrels about inheritance within families now produced definite winners and losers with regard to social status. The growing rural lower classes were viewed as a clear object for domainal discipline, and not as possible partners in a bargaining process. Consequently, the landgrave’s offer to participate was first and foremost addressed to the better-off and married heads of households.

Conclusion

Thus, there is some evidence that rural subjects in subordinate positions took part in governing even in the aristocratic nation of Hungary, the badly reputed Bohemia, and the not less disreputable Hesse-Kassel. Everywhere in Europe, dominion rested on some kind of selective cooperation between government and individual people or certain segments of the subjects, and always on regular cooperation with the various unpaid chairmen of the communities. The type of relations that stemmed from this situation can surely not be described adequately by terms such as ‘serfdom’ or ‘subordination’, since they permitted considerable opportunities for participation. But even those subjects in these domains who were involved in permanent exchanges of communication or cooperation could scarcely claim to hold fixed and documented rights to participate: they had to rely on pragmatic


habits of participation, which were a by-product of the everyday business of the practice of dominion.

Inquiry into questions about how certain princely or monarchical governments addressed themselves to their subjects, to what extent dominal authorities used such forms of cooperation, and how far the sphere of individual persons or different groups who were regularly integrated into dominal communication in this way extended, allows the historian to make judgements about the quality of dominion in each single territory, region or whole realms, to identify typical styles of dominion, and to compare diverse countries on that basis. Looking at the three regions presented here, marked peculiarities as well as trans-European convergences become visible. The development that came to light concerning eastern Hungary, which in the eighteenth century longed to join the Western mainstream and caught up astonishingly rapidly with it, is impressive. Equally impressive is the specific form of princely dominion found in the territories of the Holy Roman Empire, which in a very extensive way relied on the cooperation of its subjects and therefore gained a comparatively high level of acceptance.

All three case studies suggest that in the seventeenth and eighteenth centuries, the princely and aristocratic dominion of medium size was neatly adaptable to a changing world. Neither the emergence of the great European powers and the ‘military revolution’, nor commercialization with its growing demands for monetary income, weakened them in a lasting way. Rather, their administrative activities were part and parcel of the general process of institutional change, which increased dominal profits, perfected the means for obtaining information from regional and local spheres, and improved the chances of getting obedience to princely commands. It thus has to be stressed that the commonplace of the emergence of modern bureaucracies does not tell the whole truth. The differentiation of bureaucratic and juridical proceedings, the growing significance of written norms and the documentation of procedures in writing, and the emergence of competing authorities created an institutional framework that enhanced empowering interactions. The proceedings of the authorities provided channels of communication that widened the scope of action for subjects as well, and, to some extent, opened the gates for their participation.

Translated by Axel Flügel